

While the Newport idea tended toward conservatism in public affairs, the Providence principle injected considerable vitality into political assemblies. If a "vigorous political life", as was once remarked, could save a colony from "mental atrophy", then Rhode Island's future was insured forever.

CHAPTER V.

SAMUEL GORTON AND THE FOUNDING OF WARWICK.

The third settlement instituted within the borders of the future Rhode Island was Warwick, founded by Samuel Gorton and his followers. Like the two preceding settlements, it was primarily formed through stress of circumstances—the disinclination of the Puritan magistrates to tolerate certain views far too advanced for their narrow minds. It was a community, moreover, whose earliest history centered closely about the person and fortune of a single man. This man, who, through his peculiar political and religious opinions and his pertinacity in stating them, has been assailed with much undeserved abuse, was Samuel Gorton.¹ The story of his life must be briefly told. Arriving at Boston in March, 1637, at the age of forty-four, he found that colony in the throes of the Antinomian controversy. He must have soon observed that this austere commonwealth was no place for liberal thinkers, for we find him two months later removed to Plymouth, where he "gave hopes of proving an useful instrument". But little by little, the narrative runs, "he discovered himself to be a proud and pestilential seducer, and deeply leavened with blasphemous and familistical opinions".² At last the Plymouth magistrates became

¹For the chief accounts of Gorton, see under *Biography* and *Warwick* in *Bibliography* at end of last volume. The most important original authorities are Winslow, *Hypocritie Unmasked*, 1646, and a MS. draft in Deane's *Gorton*; Gorton, *Simplicities Defence*, 1646 (reprinted by Staples as v. 2 of *R. I. H. S. Coll.*), and his *Letter to Morton*, 1669 (printed in Force's *Tracts*, iv, no. 7); and Winthrop, *Hist. of New England*. See also an enumeration of authorities by Justin Winsor in *Mem. Hist. of Boston*, i, 171.

²Morton, *N. E. Memorial*, p. 108. The accusations of familism made against Gorton by several early writers are, from all evidence now at hand, utterly without foundation. None of his writings show that he espoused the doctrines of the disciples of Nicholas. He was guilty of this charge only in so far as familism could be construed as a general term for heresy. (See A. C. Thomas, *Family of Love in Haverford College Studies*, no. 12.)

alarmed, and Gorton had to go the way of the Brownes, of Williams, of Wheelwright, and of Mrs. Hutchinson. An excuse to be rid of him was soon found. Gorton and his family, upon coming to Plymouth, had hired part of the house of one Ralph Smith. This man, alleging that Gorton had become "troublesome and insolent", had him brought before authority, where he was ordered "to provide other ways for himself". Gorton, however, affirmed that his accuser's enmity was due to the fact that Mistress Smith preferred his family services to those of her husband. But he was soon to answer to a more serious charge.

A servant in the Gorton family, named Ellin Aldridge, was accused of "offensive speeches and carriages", and was threatened with being sent out of the colony as a vagabond. Gorton, believing that her only offense was smiling in congregation, spoke in her behalf, and defied the governor's order that she must depart from the jurisdiction. For this contumacy and upon the implied charge that by hiding the servant he had "deluded the court", he was bound over to the next General Court which was to meet December 4, 1638. He obtained sureties and appeared at the appointed time. It was not in Gorton's character to be overawed by authority, especially when he perceived an absence of justice or legal formalities in any proceeding. Scarcely had the prosecutor stated the case, when Gorton stretched out his hand and loudly cried, "If Satan will accuse the brethren let him come down from Jehoshuah's right hand and stand here"; and then turned toward the people and said, "Ye see, good people, how ye are abused; stand for your liberty, and let them not be parties and judges." True Englishman that he was, he made a decided objection to the principle which allowed his accuser to be likewise his judge. In conformity with the rest of the proceedings, it was moved that he should not speak in his own behalf at all, and as there was no attorney at hand, this meant that he was practically cut off from all means of defense. The trial soon came to an end, and he was to pay the penalty for his rashness. The Court fined him £20 and sentenced him to depart from Plymouth within fourteen days.¹ The time of his departure, says Gorton, "fell to be in a mighty storm of snow as I have seen in the country, my wife being turned out of door in the said storm with a young child sucking at her breast". Thus, at the hazard of his life, he left Plymouth and went to Portsmouth, where the government of the Antinomian exiles had been in existence for nearly a year.

¹The authorities for the proceedings at Plymouth are in Winslow (and MS. draft in Deane's *Gorton*), Gorton's *Letter to Morton*, and *Plymouth Rec.*

As far as concerns this difference between Gorton and the Plymouth magistrates, "there was enough of wrong apparent on both sides to excuse in some measure the conduct of each, according as the sympathies of the writer might incline him to either party".¹ Although his heresies undoubtedly operated to his disfavor and increased the severity of his sentence, the plea of religious persecution should not bias us against the Plymouth Court. The chief cause of their action against him was his exasperating independence and his absolute contempt of their legal modes and forms, all of which combined to make his actions seem to them a breach of the civil peace.

Gorton arrived at Portsmouth in the winter of 1638-39.² In a previous chapter has been described the affairs in that infant settlement and the influence of Gorton in establishing a more democratic form of government, in which allegiance to the king was a controlling condition. As long as this government existed Gorton seems to have lived peacefully. But when a majority of the Portsmouth settlers joined with the Newport government, in March, 1640, he refused to enter into the agreement, thinking himself "as fit and able to govern himself and family as any that then was upon Rhode Island".³ Soon after this, probably toward the very last of the year 1640, he became involved in a legal controversy that was to give him a good opportunity to display his utter contempt for Newport law, authority and magistrates in general. A servant maid of Gorton's had been brought before the court charged with assault upon an old woman and had been bound over to the Court of Trials. When the appointed time came she did not appear, Gorton answering the summons in her behalf. He had his friend John Wickes brought to the stand, and both proceeded to deny the authority of the Court and its right to existence. After much controversy, Governor Coddington summed up the case to the jury and committed Gorton to prison. Upon his resistance, the governor said, "All you that own the King, take away Gorton and carry him to prison." Whereupon Gorton cried out, "All you that own the King, take away Coddington and carry him to prison." Soon after this affair he was indicted by the grand jury on

¹Arnold, 1, 166.

²Callender, Staples, and Arnold, relying solely upon the *R. I. Col. Rec.* 1, 91, infer that Gorton was admitted to Pocasset, June 20, 1638. But the *Plymouth Records*, 1, 105, the direct statement of Morton, the inherent evidence of Gorton's own statement (see Brayton, p. 41) and the absence of his name from early Portsmouth records, all go towards establishing the date accepted by his later biographers, that of December, 1638.

³*Letter to Morton*, p. 8.

fourteen separate counts, sentenced to be whipped, and banished from the island. If all these fourteen charges were true—and Gorton never denied them—he must have had something to say to nearly every one in the court-room. He termed the magistrates “just asses”, said that the deputy-governor was “an abettor of riot” and “unfit to make a warrant”, charged the judges with being corrupt and “wresting witnesses”, called a freeman “jack-an-apes”, and made sundry inapt remarks about one of the women witnesses.

But the real issue involved concerned the legal existence of any courts of government at all in the settlement. Gorton himself freely admits that this was the issue. In none of his writings does he go into the details of the trial, which, he says, “the actors may be ashamed of” and which he “has not forgotten”, but he clearly states his view of the general question. “I carried myself obedient to the government at Plymouth,” he says, “so far as it became me at the least . . . for I understood that they had Commission wherein authority was derived, which authority I revered; but Rhode Island at that time had none, therefore no authority legally derived to deal with me But such fellows as you [Morton] can bring men to the whipping-post at their pleasure, either in person or name, without fault committed or they invested with any authority. Some of the men are living on Rhode Island still; tell them in print what I say and belie me not; my ancestors have not been so used, as the records in the Heraldry of England can testify. And I would have you know that I would rather suffer among some people than be a ruler together with them, according to their principles and manner of management of their authority.”¹

The above is the sum and substance of Gorton’s whole argument against a government which he considered illegal and inoperative because not vested with royal authority. However acceptable the argument may be as an abstract principle, its establishment in practice would have proved a source of much confusion and disorder in some of our earliest New England colonies. These small settlements had necessarily to show some capacity for government and obtain obedience to their laws, before they could even think of applying for a royal patent. For the settlers of Aquedneck government was a necessity, and “the presence of that necessity was alike the authority and the limitation upon the authority, to establish and maintain a government”.² Gorton’s independent spirit and plainly-voiced contempt for

¹*Letter to Morton*, p. 8.

²*Sheffield’s Gorton*, p. 38.

those in power probably offended the Aquedneck settlers more than his political principles. But in spite of his vehemence of expression, it should be remembered that he was always sincere in his views. There was no power on earth that could compel him to forego a cherished principle, and it was precisely this fearless and persistent attitude displayed by him and others a few years later, that saved Rhode Island from the continued attacks of neighboring colonies.

Accompanied by a few inhabitants who had become sharers of his views, Gorton departed from Aquedneck and went to Providence, where he arrived probably in the winter of 1640-41.¹ At first he gained many proselytes, but by March 8, 1641, we find Roger Williams writing despairingly to Winthrop: "Mr. Gorton, having foully abused high and low at Aquedneck, is now bewitching and madding poor Providence . . . some few and myself do withstand his inhabitation and town privileges." On May 25, after the application of the Gorton company to be received as townsmen had been once denied, William Arnold wrote a letter in which he attempted to prove that the newcomers were "not fit persons to be made members of such a body in so weak a state as our town is in at present". The epistle is filled with abuse of Gorton, yet contains strong arguments as to the danger of admitting such active characters.²

The condition of affairs was now becoming alarmingly serious: We have seen in a previous chapter how weak and precarious the Providence government really was. It will be remembered that at this juncture, in November, 1641, an attempt to enforce a decision of the court upon one of the Gorton party had ended in the spilling of blood, and that as a result several of the inhabitants had petitioned Massachusetts to lend a helping hand. Shortly after this Gorton and his followers removed to Pawtuxet,³ where they built houses and labored to "raise up means to maintain their wives and little ones". But they were not destined to remain in peace very long. A dispute over land induced four of the Pawtuxet proprietors to submit themselves and

¹Arnold (i, 172), through mistaking the date of Williams's letter to Winthrop, places his arrival at Providence a year too early. The letter is in Winslow, p. 55, also in Deane's *Gorton*, p. 31, Arnold and elsewhere.

²The letter is in Winslow, p. 59; Deane's *Gorton*, p. 31.

³Deane (*S. Gorton*, p. 13) quotes that Gorton purchased land at Pawtuxet in January, 1641-42. The statement in Winslow (Deane's *Gorton*, p. 85) is that Robert Cole, "a faverrit" of Gorton's, and John Greene gave him land at Papaquinepaug, where he and his companions built houses. (See also Brayton's *Gorton*, p. 73.) Gorton's sundry remarks about Cole would not imply that he was a favorite.

their property to the jurisdiction of Massachusetts.¹ That colony accepted the submission and immediately sent out a warrant to the people of Providence, warning them that all cases against the Pawtuxet men must now be tried in Massachusetts courts.² Gorton and his friends, alarmed at this unjust assumption of power, quickly addressed a lengthy and indignant protest to the rulers of the Bay. This remonstrance, which denied the claim of the larger colony to extend her jurisdiction beyond her chartered limits, was couched in no very gentle terms and was interlarded with theological invective. In spite of its religious mysticism, the position taken was stated clearly enough, as the following extracts will show:

“Whereas you say Robert Cole, William Arnold, with others, have put themselves under the government and protection of your jurisdiction, we wish your words were verified, that they were not elsewhere to be found, being nothing but the shame of religion, disquiet and disturbance of the places where they are; for we know, neither the one nor the other, with all their associates and confederates, have power to enlarge the bounds, by King Charles limited unto you. . . . In that you invite us into your Courts, to fetch your equal balanced justice upon this ground, that you are become one with our adversaries . . . now if we have our opponent to prefer this action against us, and not so only, but to be our counsel, our jury and our judge (for so it must be, if you are one with them, as you affirm), we know, beforehand, how our cause will be ended, and see the scale of your equal justice turned already, before we have laid our cause therein. . . . We will not be dealt with as before; we speak in the name of our God, we will not, for, if any shall disturb us as above, secret hypocrites shall become open tyrants, and their laws appear to be nothing but mere lusts, in the eyes of the world.”³

Smarting under the rebuke which this letter contained, and incensed at the frequent Scriptural invective, the magistrates and ministers of the Bay took counsel together and “perusing the writings, framed out of them twenty-six particulars, or thereabouts, which they said were blasphemous; changing of phrases, altering of words and sense; not, in any one of them taking the true intent of our writings”.

¹Winslow says (Deane's *Gorton*, p. 35) that the dispute was brought about by the attempt of Gorton to buy “pawtuxet lands again over the heads of those men that had dwelt there three or four years before, who had bought the said lands of Socannanoco the true owner and sachim of pawtuxet lands”. But the facts seem to show a deeper motive in the submission. (See *ante* p. 35.)

²The warrant, dated Oct. 28, 1642, is in *Simp. Defence* (R. I. H. S. Coll. II, 53.)

³*Simp. Defence*. (R. I. H. S. Coll. II, 60-86.) The remonstrance is dated Nov. 20, 1642.

SIMPLICITIES DEFENCE

against

SEVEN-HEADED POLICY.

OR

A true complaint of a peaceable people, being part of the English in New England, made unto the State of Old England, against cruell persecutors

United in Church-Government
in those parts.

Wherein is made manifest the manifold out-rages cruelties, oppressions, and taxations, by cruell and close imprisonments, fire and sword, deprivation of goods, Lands, and livelihood, and such like barbarous inhumanities, exercised upon the people of Providence plantations in the Nantuxet Bay by those of the Massachusetts, with the rest of the united Colonies, breaching themselves beyond the bounds of all their own jurisdictions, perpetrated and acted in such an unreasonable and barbarous manner, as many thereof, have lost their lives.

As it hath been faithfully declared to the Honourable Committee of Lords and Commons for Forraign Plantations, whereupon they gave present Order for Redress.

The sight and consideration whereof hath moved a great Country of the Indians and Natives in those parts, Princes and people to submit unto the Crown of England, and earnestly to sue to the State thereof for safeguard and shelter from like cruelties.

Imprimatur, Aug. 3^o. 1646. Diligently perused, approved, and Licensed to the Presse, according to Order by publike Authority.

LONDON,

Printed by *John Mascock*, and are to be sold by *George Whittington* at the blue Anchor near the Royal Exchange in *Carndil. 1647.*

TITLE PAGE OF GORTON'S "SIMPLICITIES DEFENCE."

FROM THE ORIGINAL IN THE LIBRARY OF THE RHODE ISLAND HISTORICAL SOCIETY.

Gorton and his friends, in the meanwhile, thinking it prudent to retire further from Massachusetts, had removed late in November to the vicinity of Shawomet. Here they decided to make their homes, and on January 12, 1643, purchased of Miantonomi a tract of land extending from Gaspee Point to Warwick Neck, and running inland twenty miles. The consideration paid was 144 fathoms of wampum, and the deed was signed by Miantonomi, Pumham, and other natives.¹ But the peace they desired was again denied them. The objects sought by Massachusetts, in accepting the jurisdiction of Pawtuxet, had not yet been attained—the “outlet into Narragansett Bay” was still obstructed, and “the rest in those parts” had not been “drawn in”. Since the Gortonists, however, were now beyond their claimed territory, some new pretext for molestation was rendered necessary. A plan was soon devised which would give Massachusetts a semblance of control over the Shawomet lands, and would also be of great benefit to her henchmen at Pawtuxet. Early in 1643 Pumham and Sacanonoco, called by Winthrop “two sachems near Providence”, went to Boston, and through Benedict Arnold, their interpreter, asked to be taken under the jurisdiction of Massachusetts, alleging that one of them had been forced by Miantonomi to sign the deed of Shawomet.² In May the Boston magistrates appointed a committee to “treat with Pumham and Socononoco about their submission to us, and to conclude with them and to receive them under our jurisdiction, if they see cause, and to warn any to desist which shall disturb them”. Accordingly, in June, these two Indians, styling themselves sachems of Shawomet and Pawtuxet, went to Boston with one of the Arnolds, and submitted themselves and their lands to the jurisdiction of Massachusetts.³ The motive in all these proceedings is apparent. If Massachu-

¹*R. I. Col. Rec.* i, 130. The grantees in this deed were Randall Holden, John Greene, John Wickes, Frances Weston, Samuel Gorton, Richard Waterman, John Warner, Richard Carder, Samuel Shotten, Robert Potter, and William Wodell. Nicholas Power, although not named in the deed, was undoubtedly one of the original purchasers (see *R. I. H. S. Coll.* ii, 86). For a discussion as to the correctness of “Shawomet, 1642,” in the seal of the *R. I. Historical Society*, see *R. I. H. S. Proc.* 1887-88, p. 40; also *Book Notes*, v, 69.

²Winthrop, ii, 120.

³*Mass. Col. Rec.* ii, 38-40. The attitude of Massachusetts in this whole matter is painfully apparent. Winthrop enters quite fully into the negotiations which preceded the submission, and incidentally shows that the examination of Miantonomi, who came to Boston to answer Pumham's charge, was little more than a farce. The testimony of contemporary writers proves conclusively that both these sachems were inferior to Miantonomi. (See *R. I. H. S. Coll.* ii, 94; and Brayton's *Gorton*, p. 99.) Winthrop remarked that the submission was the “fruit of our prayers”, and that “the Lord was by this

setts could obtain some color of a claim to Shawomet country, she could then satisfy her territorial ambitions, and take revenge on Gorton for his reviling and "blasphemous" letter. The Arnolds, whose action in these proceedings does not place their character in altogether the best light, would reap a rich reward in having the titles to certain lands they had bought of Pumham effectually established.

Massachusetts was now in a position to take summary action. In September they sent a warrant to the settlers at Shawomet, desiring them to come to Boston to answer certain charges made by Pumham and Sacanonoco. The Gortonists orally replied that they were beyond the Bay jurisdiction and would not "acknowledge subjection unto any in the place where they were, but the government of Old England". They also wrote a letter, directed to the "great and honored Idol General, now set up in Massachusetts", in which they more fully and less gently stated their position. Pumham they condemned as a fawning, lying, thieving Indian, who was henceforth debarred from living on their lands. They asserted that the natives themselves had never complained of unjust dealings, and that they had "better employments than to trot to the Massachusetts upon the report of a lying Indian". They were resolved that Massachusetts must take the initiative: "If you put forth your hands to us as countrymen, ours are in readiness for you—if you exercise your pen, accordingly do we become a ready writer—if your sword be drawn, ours is girt upon our thigh." They conclude by asking the Boston magistrates to seek redress in Shawomet courts, where they might receive a "fairer hearing than ever we had amongst you, or can ever expect."¹

The General Court which met at Boston in September considered this letter and the oral reply, and appointed three commissioners to take a squad of forty men and "bring Samuel Gorton and his company, if they do not give them satisfaction". They also dispatched a letter to Gorton informing him of their action. The Shawomet men, alarmed at these warlike preparations, immediately wrote to intercept the commissioners, to the effect that if they came in a hostile way, they

means making a way to bring them to the knowledge of the gospel". Savage, in commenting on this passage, says, "It may be feared that there was too much human policy at work in obtaining their subjection, and we must acknowledge that a territorial usurpation beyond the limits of our charter was the result, if not the motive, of the negotiation."

¹The warrant, dated Sept. 12, 1643, and the oral reply are in *Simp. Defence* (*R. I. H. S. Coll.* ii, 96). The above letter, dated Sept. 15, and signed by Randall Holden is in *Idem*, p. 262. The examination of this letter and the previous one of Gorton's form the chief substance of Winslow's *Hypocrisy Unmasked*.

came at their peril.¹ To this the commissioners replied that if they could not persuade them to repent of their evil ways, they should "look upon them as men prepared for slaughter". The troops then began an advance upon the little settlement, where Gorton and his friends had fortified themselves in one of the houses. After much parleying, in which some men from Providence acted as mediators, it was finally agreed that hostilities should be suspended until a reply should be received from Massachusetts as to whether neutral arbitration were agreeable. During this truce Gorton says that the soldiers killed cattle, broke into the dwellings and assaulted some of the inhabitants.

Unbeknown to Gorton, some men of Providence had written to Massachusetts, urging arbitration and hoping that the fair propositions offered would prevent blood-spilling. Winthrop's harsh reply clearly reveals for the first time the true motive for Massachusetts's persecution: "Take notice, that besides the title of land, between the Indians and the English there, there are twelve of the English that have subscribed their names to horrible and detestable blasphemies against God, and all magistracy, who are rather to be judged as blasphemers." The letter of the commissioners was answered in the same tone, showing that the magistrates had resolved upon a course which no appeal to humanity or justice could change.²

All hope of arbitration was now at end. The soldiers cut short the truce, warned all neutrals to keep away, and threw up entrenchments. The Shawomet men hung out the Old English flag, which their assailants immediately riddled with shot. The siege lasted for several days, but such a firm show of resistance did the Gortonists make, that the commissioners were compelled to send to the Bay for reinforcements. The besieged had now to yield, or suffer a fearful slaughter; so, after a short parley, they agreed to accompany the troops to Boston. As soon as they had gained possession of their opponents' firearms, the soldiers pillaged their houses, seized upon their cattle, and carried them as prisoners to Boston, leaving their wives and children to subsist as best they could.

When they arrived at Boston the Gortonists were placed in the common jail to await trial. On the following Sabbath they went, under compulsion, to attend the morning service, at the end of which

¹The action of the Court is in *Mass. Col. Rec.* ii, 41-44; the letter to Shawomet, dated Sept. 19, their letter to the Commissioners dated Sept. 28, and the latter's reply are in *R. I. H. S. Coll.* ii, 95-102.

²For these three letters, see *R. I. H. S. Coll.* ii, 105-111, and Winthrop, ii, 189.

Cotton and Gorton indulged in a theological controversy over several rather misty points of doctrine. When the Court met on October 17, 1643, Gorton and his companions were brought forth for examination. To their objections that they were not within the Bay jurisdiction, it was answered: "1. That they were either within Plymouth or Mr. Fenwick, and they had yielded their power to us in this cause. 2. If they were under no jurisdiction, that had we none to complain unto for redress of our injuries".¹ This minor point having been disposed of, the Court proceeded to consider the real cause of the trial. The odious letters were brought forth and read, and it was demanded of the prisoners whether they would defend the expressions therein written. Upon their affirming that they would maintain them in the sense in which they wrote them, they were brought severally before the Court to be examined. Since they insisted upon their own interpretation of the questioned passages, which would puzzle the brain of even a past-master of doctrinal theology, Winthrop exclaimed that they excelled the Jesuits in the art of equivocation; yet, he admits, they "would seem sometimes to consent with us in the truth".

After this profitless examination the Court consulted about their sentence. The elders thought that if they maintained the opinions as expressed in their writings, "their offense deserved death by the law of God". It was finally decided that the charge against them should be as follows: "Upon much examination and serious consideration of your writings, with your answers about them, we do charge you to be a blasphemous enemy to the true religion of our Lord Jesus Christ and his holy ordinances, and also of all civil authority among the people of God, and particularly in this jurisdiction." This having been agreed upon, the Court adjourned and the prisoners were recommitted to await sentence.

The rest of this story of perversion of justice and tyrannical abuse of power is best told in the simple record of their persecutors:

"After divers means had been used in public and private to reclaim them, and all proving fruitless, the court proceeded to consider of their sentence, in which the court was much divided. All the magistrates, save three, were of opinion that Gorton ought to die, but the greatest number of deputies dissenting, that vote did not pass. In the end all agreed upon this sentence, for seven of them, viz., that they should be dispersed into seven several towns, and there kept to work for their

¹Winthrop, II, 143. It should be noticed that Plymouth had previously disclaimed jurisdiction beyond the Narragansett River, and that the Connecticut claim had never been dreamed of. As for the second answer, it can scarcely be considered as an argument.

living, and wear irons upon one leg, and not to depart the limits of the town, nor by word or writing maintain any of their blasphemous or wicked errors upon pain of death, only with exception for speech with any of the elders, or any other licensed by any magistrate to confer with them; this censure to continue during the pleasure of the court."¹

If only the pages of Winthrop remained, and the personal account of their sufferings had never been written, we could even then render a full measure of justice to the persecuted, and record in history one of the darkest blots on Massachusetts's escutcheon. To quote from the Massachusetts historian, Savage, "Silence might perhaps become the commentator on this lamentable delusion; for this narrative almost defies the power of comment to enhance or mitigate the injustice of our government."²

The terms of the sentence were carried out to the letter. By an order of November 3, 1643, Gorton and six others were confined in different towns around Boston, where they were subjected to servile labor throughout the whole winter. About a week after the sentence the magistrates sent men to Shawomet to get the remainder of the cattle, which were appraised and sold to defray the expenses of the seizure and trial. But this unjust condition of affairs could not last long. Gorton says that as the people came to be informed of the truth of the proceedings, they were much dissatisfied with what had been done. The magistrates found that the prisoners "did corrupt some of our people by their heresies", and wisely decided that public opinion was safer with the heretics out of the way. So the Court, at its session of March 7, 1644, set the prisoners at liberty, but decreed that if within fourteen days they should be found in the Massachusetts jurisdiction, they should suffer death. This jurisdiction they described as including the lands in or near Providence, as well as the lands of Pumham and Sacanonoco.³

The prisoners soon had their bolts filed off, and were at liberty. But whither could they go? There was no English settlement, in the region where their wives and children were scattered, where they could

¹Winthrop, ii, 146.

²Savage's ed. of Winthrop, ii, 177. The foregoing account of the trial has been wholly drawn from Winthrop ii, 142-147, and from the records of the Court in *Mass. Col. Rec.* ii, 51. Although it has not been necessary to use Gorton's account of the trial as given in his *Simplicities Defence*, it is noticeable that this account harmonizes perfectly with Winthrop.

³*Mass. Col. Rec.* ii, 57. Winthrop (ii, 156) says: "This censure was thought too light and favorable, but we knew not how in justice we could inflict any punishment upon them, the sentence of the court being already passed."

live in safety but the Island of Aquedneck. While Gorton and some of the others were waiting at Boston for their companions to join them, they received an order from Governor Winthrop to leave the town within two hours. They immediately departed for Aquedneck, stopping at Shawomet in their houses for the night. From here they wrote a letter to Massachusetts, inquiring whether their lands which they had purchased from the Indians were included within the Bay jurisdiction. Certain passages in this letter indicate that their spirit was still unconquered and that their sense of the injustice done them was only sharpened by their sufferings. "If you should so far forget yourself," they write, "as to intend thereby our land lawfully bought . . . we resolve upon your answer, with all expedition, to wage law with you, and try to the uttermost, what right or interest you can show to lay claim, either to our lands or our lives".¹

To this missive the governor replied that the Massachusetts jurisdiction did include the Shawomet lands and that they must leave there upon peril of their lives. Unable to cope with the superior force of the Bay, the Gortonists withdrew to Aquedneck, where they rejoined their families, hired houses, and set about their spring planting. It is a great credit to the people of Aquedneck that they could so far dispel any resentment of Gorton's previous conduct in their settlement as now to welcome and shelter him, and even, as Winslow declares, elect him to office. It was but natural, however, that the few who still leaned towards Massachusetts should object to his inhabitation. Gorton asserts that Winthrop wrote a private letter to a certain person on the Island, telling him, "that if he and others could work the people of the Island to deliver us up into their hands again (at least some of us) it would not only be acceptable unto the Court, then sitting, but unto most of the people in general". On August 5, 1644, we find Coddington writing to Winthrop: "Gorton, as he came to be of the Island before I knew of it, and is here against my mind, so shall he not be by me protected. . . . Here is a party which do adhere unto Gorton and his company in both the plantations, and judge them so much strength to the place, which be neither friends to you nor us".² Fortunately Coddington's prejudiced antipathy could not per-

¹R. I. H. S. Coll. II, 151.

²Letter in Mass MS. archives (see *Newport Hist. Mag.* III, 1; and also a copy in *Extracts from Mass. MSS.* I, 31, in R. I. Hist. Soc. Library). Coddington again writes, Nov. 11, 1646: "Gorton and his company, they are to me as ever they have been, their freedom of the Island is denied, and was when I accepted of the place I now bear." (Deane's *Gorton*, p. 41.)

suade the popular will to work further harm upon this much buffeted man.

The scene of the narrative was now to be changed to England. As Gorton had threatened at the time of his trial, an appeal to the king at least remained to him after other resources had failed. Before his departure he brought about an event which, besides greatly strengthening his cause at court, has done more to render his name revered in Rhode Island than any other one effort of his life. It seems that the Narragansett Indians, upon finding that the Gortonists had returned alive and unharmed, had imagined that the English at Boston released the "Gortonoges" through fear of a mightier power in Old England. They conceived that England was inhabited by two great races, the English and the Gortonoges, of whom the latter were the stronger. Taking advantage of this impression, Gorton with five or six others, visited Canonicus and on April 19, 1644, brought about a complete cession of all the Narragansett lands and people to the English king. This instrument, which is signed by all the chief sachems, declares that having "just cause of jealousy and suspicion of some of His Majesty's pretended subjects, our desire is to have our matters and causes heard and tried according to his just and equal laws. . . . Nor can we yield ourselves unto any, that are subjects themselves". It further deposes four of "our trusty and well-beloved friends"—Gorton, Wickes, Holden and Warner—to convey the submission to England.

This act, considered in the light of subsequent events, was of the most vital importance to Rhode Island. Had it not been accomplished, the vast Narragansett territory would have inevitably fallen into the hands of Massachusetts, and Rhode Island, limited to three small, isolated settlements scattered along the water front, could never have withstood the attacks of her aggressive neighbors. Deprived of the body and backbone, the extremities would surely have been split up and parceled out among the adjacent colonies. Whether Gorton realized the significance of what was done is doubtful. It is certain that, in order to make the submission appear as voluntary as possible, he was compelled to subordinate his own part in the transactions. But it is not too much to say that this cession, together with the obtaining of the Patent of 1644 and the Charter of 1663, was one of three events in our early history that insured Rhode Island's existence.

In the winter of 1644-45 Gorton, Holden and Greene, armed with the Act of Submission and resolved to win back their homes, set sail for England. The first year of his stay Gorton spent in writing his *Simplicities Defence*, which he finished in January, 1646. Then he

and his companions presented to the Committee on Foreign Plantations a memorial setting forth their grievances. The Commissioners, of whom Sir Henry Vane, ever a friend to Rhode Island colonists, was one, soon issued an order requiring Massachusetts to permit the petitioners to live without interruption at Shawomet until the matter could be settled with a full hearing. "We found," states the order, "that the petitioner's aim and desire was not so much a reparation for the past, as a settling their habitation for the future." In September, Holden and Greene returned with this order, which the Bay received with much ill grace, scarcely allowing the bearers to pass through their jurisdiction. They immediately commissioned Edward Winslow to go to England as their agent, and also sent a written answer to Gorton's petition. Upon Winslow's arrival the Commissioners returned an explanatory letter to Massachusetts and appointed a day for both claimants to appear before them. Winslow, in the meanwhile, had hurried into print his *Hypocrisie Unmasked*, in the dedication of which he made five requests—that the censure of Massachusetts might be strengthened, that Gorton might not be suffered to return to New England, that Shawomet might be included in the Plymouth Patent, that appeals from New England courts should be disregarded, and that he himself should be "patronized in his just defense". On May 25, 1647, the Commissioners made their final answer. They utterly ignored every one of Winslow's five requests and ordered that the Gortonists should be allowed a peaceable inhabitation of their Shawomet lands, until it should be proved that the tract in question was within any New England Patent.¹

Having accomplished the object of his visit, Gorton returned to America in 1648, being compelled to show a letter from the Earl of Warwick before he was allowed to pass through Massachusetts. He immediately rejoined his companions at Shawomet, which was renamed Warwick in honor of the chief of the Parliamentary Commission. Thither had the persecuted families, in spite of the notices, warrants and intimidations of the Bay Colony, returned soon after the receipt of the first order from England.² Although the express command of the English authorities that they should not be molested did not release

¹The documents for the English phase of the Gorton controversy are chiefly reproduced in Staples's ed. of *Simp. Defence*. Other sources to be consulted are Winslow's petitions, in his *Hypoc. Unmasked*, and the full text of Gorton's *Letter to Morton*, in *Force's Tracts*, iv. no. 7.

²It is not probable that they returned to the exact spot which they had been compelled to abandon a few years previous. Their new settlement was planted at the head of Warwick Cove.

them from all annoyances from the Bay, they could now feel free to unite with their sister settlements in a chartered government, and bear the common burden of overcoming aggression from without and disension from within.

In view of the somewhat unsettled existence of the first planters of Shawomet, it is difficult to determine exactly what kind of a political framework they would have erected had they been undisturbed. None of their records before 1647 are preserved, and possibly none were kept. The most that we can learn is from the pen of Gorton, who writes in 1643: "In the mean time [until the arrival of an English Charter] we lived peaceably together, desiring and endeavoring to do wrong to no man, neither English nor Indian, ending all our differences in a neighborly and loving way of arbitrators, mutually chosen amongst us." Although some of their letters to Massachusetts are signed by the "Secretary of the Government of Shawomet", it is probable that this tiny settlement of less than a dozen families required no definite political organization beyond the "peculiar fellowship" which one of their number alluded to as existing.¹ To this absence of necessity for government was added their dislike of magistracy until the same should be officially recognized from England. Some of their acts are recorded before the incorporation of Providence Plantations on May 19, 1649;² but it was not until this colony organization was accomplished that the Warwick men consented to institute a real town government. They then received their town charter, signed their fundamental agreement and elected town officers. The colony patent quieted their misgivings as to the lack of English allegiance, and thereafter no town showed a greater attachment to "law and order" than Warwick.

¹See *R. I. H. S. Coll.* II, 96, 151, 165, 269.

²Peter Greene was received an inhabitant of the Town of Warwick on May 1, 1467, (MS. Warwick Records).