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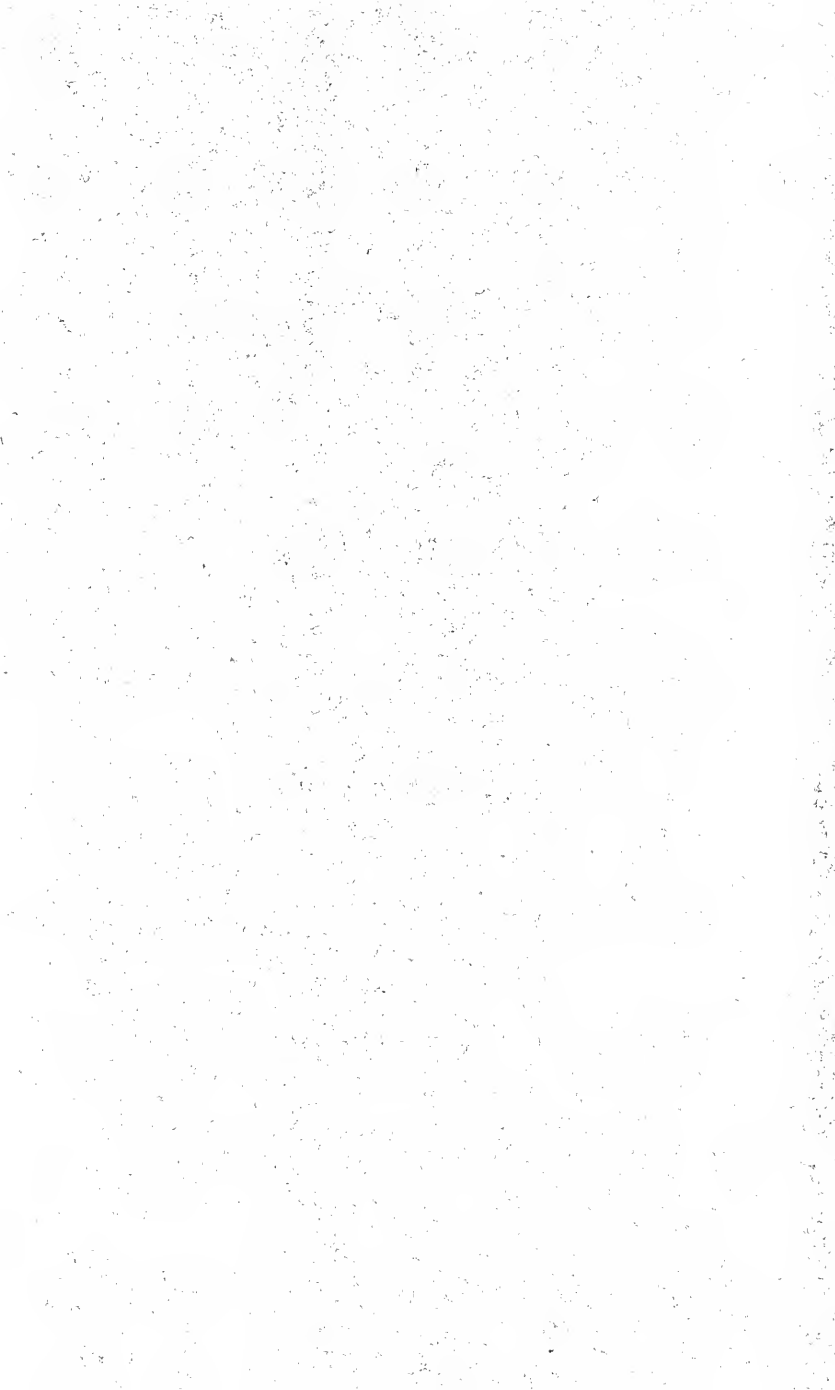
BOWDOIN COLLEGE STUDIES IN HISTORY

No. 1

Early Days of Church and State in Maine

By ROBERT HALE

BRUNSWICK, MAINE
PUBLISHED BY THE COLLEGE
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EARLY DAYS OF CHURCH AND STATE IN MAINE¹

I

INTRODUCTORY

IN his history of the United States, Mr. Channing makes the statement that that famous though somewhat indefinable commodity "the New England conscience" came over in the Mayflower; and Professor Münsterberg of Harvard, not many years ago, made the rather surprising announcement that even to-day the Puritan rules New England. However that may be, our early New England history, from the standpoint of its church, is unique; and Puritan characteristics have cropped out at intervals for nearly three hundred years.

The story of the New England theocracies of the seventeenth century is the most familiar in American ecclesiastical history. The voyagers on the Mayflower, and the Massachusetts Bay colonists, voting that the "Scriptures are a sufficient guide in all affairs of Life," have left traditions which are cherished by all true New Englanders. These men, however, did not sever their relation with the mother church of England to found a broad-minded and tolerant community on the new continent. Some are apt to forget that these emigrants to the New England

¹ By Maine is meant, throughout this paper, that territory now comprised within the limits of the present State of Maine.

shores were quite as intolerant as any of their torturers in the old country.

The history of the New England Church-State has been written only in a fragmentary way. It has been observed that "American Church History is virgin soil. Up to the present time the surface has only been scratched, mainly over the graves of the Puritan ancestors."¹ This statement is particularly true of that part of the Province of Massachusetts Bay which now lies in the State of Maine. The stories of the "Bible Commonwealths," of Roger Williams, and of Anne Hutchinson, of grim orthodoxy, and of fatal heresy are unfamiliar to no one. To a certain extent the story of the eighteenth century in Massachusetts (proper) has also been told. That vehement apostle of religious toleration, Isaac Backus, has given us a monumental work descriptive of the struggle of the Baptists of New England for religious liberty; and scattered volumes of town history and the like, give more of the story of the evolution of toleration.

In that part of the Province of Massachusetts Bay now known as the State of Maine, the theme has, however, been a well-nigh neglected one. And yet it has an importance for several reasons. It supplements and runs parallel to the story of the same period in Massachusetts proper, while it throws a new light on the colonization and settlement of new areas.

In the first place, it will be well to look somewhat into the progress of Puritan sentiment in this era. When the eighteenth century dawned in New England, it came upon minds still fresh from the Salem

¹ Larned's Literature of American History, p. 337.

persecutions for witchcraft; for hardly a decade had elapsed since these superstitious usages had been at their height. In many ways public sentiment was not greatly removed from the ideas that had been prevalent in the days of Governor Winthrop. Yet eighty-eight years later, in 1788, when the discussion of the new Federal Constitution was going on in the Massachusetts Convention, and the matter of a religious test for office-holding came up, the idea was frowned upon by the clergy. Rev. Philip Payson of Chelsea said: "Human tribunals for the consciences of men are impious encroachments upon the prerogatives of God. A religious test, as a qualification for office, would have been a great blemish." And Isaac Backus of Middleborough declared: "Religion is ever a matter between God and the individual; the imposing of religious tests hath been the greatest engine of tyranny in the world." ¹ Three years later was ratified the first amendment to the Federal Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Four years after this, in 1795, Governor James Sullivan wrote, in a passage which sounds singularly modern: "In the present day, the public mind seems steadily fixed to the principle of government, that no man is to be persecuted or punished for his religious opinions or sentiments, however wrong or absurd the same may be, provided he does not disturb others in their religion; but for those actions only which are open breaches of the laws, are men to be called in

¹ Fiske's *Critical Period of American History*, p. 322.

question before the civil authority. While we felicitate ourselves upon this progress in the art of government, we ought not rashly, or suddenly, to condemn the conduct of the rulers, who had the management of the infancy of the New England colonies.”¹ Were we to form a judgment here, we would say that at least as early as the year 1788, the boundaries between Church and State, which existed so dimly at the dawn of the eighteenth century, had become very clearly defined. This is the natural inference from a general consideration of the subject. How far it is borne out by more detailed examination, remains to be shown.

¹ History of the District of Maine, p. 231.

II

CHURCH AND STATE IN THE PEJEPSCOT PROPRIETY

A town fairly typical of Maine in this period is Brunswick. It offers exceptional advantages for study on account of the abundance of authoritative documents pertaining to its history. When the new owners of the Pejepscot tract (which included the territory of the present towns of Brunswick, Topsham, and Bowdoinham, and much of Harpswell and Phippsburg) first took possession of their land, they issued on February 18, 1714 (O. S.), certain "Proposalls to the Committee appointed by the Generall Court." It will be worth while to quote these and comment upon them.

"To the Honourable Committee appointed for receiving of Claims to Lands in the Late Province of Maine and Proposalls for regular Settlements there.

THE PROPOSALLS of us the Subscribers humbly shew

THAT whereas we have purchased a considerable Tract of Land in the aforesaid Province, RUNNING [etc. defines boundaries;] We are desirous to have same settled in such good and defensible manner as may make a Strong Fronteir to the Eastern Parts, which we humbly conceive our Selves able to accomplish, if the Generall Court will please to give the following encouragements :

1 : For Satisfaction of such as are willing to settle themselves on Said Lands, and that we may be the

better able to encourage Substantial Farmers to remove with their stocks from England to us; that the Gen^l Court would please to give their Confirmation to our Purchase and thereby to such grants as we shall make out of it.

2: To enable us to settle a fishing Town near Small Point, which lyes conveniently situate therefor, That the Generall Court would please to grant us, the unappropriated Land (which is not much) lying between Small point Harbour and Small Point to be laid out in Allotment for accomodating the Settlements there.

3: That when Twelve Persons or more offer for any new Settlement, That they may be covered with such a Force and for such a time as to the Generall Court shall seem needfull.

4: That such as shall settle in the Limits afores^d., may for the first Seven years have some Assistance from the Publick toward the Maintenance of the Ministry and be exempted from any Tax to the Province, by which time 'tis hoped they may be in a Capacity to ease the rest of the Country in Publick Charges by bearing their proportion with them.

If the Generall Court shall think fit to give the above mentioned Encouragements, we will on our parts enter into the following Engagements:

1. That we will lay out three, or, if the Land afford convenience for it, Four Plotts for Towns and have them surveyed and plotted out this Summer at our own cost and Charge.

2. That in Seven years time, if Peace continue with the Indians, we will settle each of Said Towns

with Fifty Families or more in a defensible manner, having already offers of very considerable Numbers both in this country and from England, and in order thereunto we will grant them in Fee such House Lots and accomodations of Lands as may induce them to settle there.

3. That in each Town we will take care to lay out a convenient Portion of Lands for the Subsistence of the First Minister, the Ministry and a School.

4. Being desirous that the people may not live like Heathen without the worship of God, as has been too frequent in new settlements; We engage that for the more speedy procuring of a Gospell Ministry and for the Ease of the Inhabitants at their first sitting down, as soon as there shall be to the Number of Twenty Householders in each of S^d Towns; The said Inhabitants providing a Frame for a Meeting House and raising of it; We will at our own Expence furnish for the meeting house in each Town, Glass, Lead, Nails, Iron work and other Materials and finish it for them, and likewise pay towards the Maintenance of an Orthodox Gospell Minister in each of Said Towns, Fourty Pounds per annum for the first Five Years, by which time it may be hoped, by the Blessing of God they will be able with some small Assistance from the Publick to maintain him comfortably themselves.”¹

In short, the four concessions from the General Court which the proprietors deemed necessary to the success of this wilderness manorial estate are: Confirmation of their title; land to make a fishing port;

¹ Pejepscot Papers, Vol. I, pp. 34-37.

military protection ; and assistance in maintaining the ministry.

In return for these concessions they are willing : to make provision for towns ; to assure the settlement of their lands ; to make provision for a ministry and a school ; and to contribute largely to the building of a meeting house.

The Committee petitioned was “humbly of Opinion that it will much conduce to the Publick Weal and Safety THAT THE AFORES^d PROPOSALL BE ACCEPTED and the Towns mentioned be allowed and Settled as soon as may be.” The General Court then proceeded to confirm the purchase.

The next step on the part of the proprietors was to issue the following advertisement :¹

“WHEREAS the Generall Court have lately Allowed Two Towns, viz. Brunswick and Topsham, lying within the Late Province of Maine to be forthwith laid out and Settled in a defensible manner ;—[defines position of towns]—And have been pleased to grant the following Encouragements for the speedy Peopling of Said Towns.

1st. That the Stone Fort near Pejepsco^t Falls in Brunswick Town be repaired and maintained with Fifteen men for the covering and assistance of said Towns.

2nd. That such as shall settle there shall be exempted from any Tax to the Province for five years time.

Over and above which the Proprietors of Said Lands will give these further and great encouragements.

¹ Pejepsco^t Papers, Vol. I, pp. 44, 45. Under date June 23, 1715.

1. That each Person, who shall build a Suitable Dwelling House in either of Said Towns (untill the Number of Fifty Families for each Town be completed) and by himself, or a good Tenant, occupy and inhabit the same for the Space of Three Years, shall have granted him Gratis in Fee, One hundred Acres of Land, Twenty whereof in Homestead, the other eighty at some convenient Distance, as the Land will allow a Proportion whereof to be Marish or Meadow Land.

2. That a Saw Mill shall be speedily erected for the facilitating the building of Houses there.

3. That the Said Proprietors will have a Vessell ready the Latter end of next Month, to go from Boston thither and transport such Persons as they shall agree with to go thither, with their effects, free of charge.

4. That a Proportion of Land shall be set out for the First Minister, the Ministry and a School.

5. That for the speedy procuring and Settling the Gospell Ministry and for the Ease of the Inhabitants, as soon as there shall be to the Number of Twenty Families in each Town, the Said Inhabitants preparing and raising the Frame for a Meeting House the Proprietors will provide Glass, Nails, and ——— and finish it at their own charge : And likewise pay towards the Subsistence of such Orthodox Gospell Minister as the Said Inhabitants shall procure to settle with them Fourty Pounds per Annum, for the First Five Years.

These are there fore to give Notice, that all Persons desirous to REMOVE thither may apply themselves to Mr. Adam Winthrop, Oliver Noyes, and Stephen

Minot at Boston, or John Wentworth Esq^r. at Portsmouth; with whom they may agree.”

Thus, thanks to the energy of the proprietors, the Town was duly settled. As early as 1715, they discussed the site of the meeting house; and the erection of this building was almost the first question that the town's inhabitants brought up in Town Meeting. “Att a Leaguel Town Meeting,” it was voted: “That the Timber for a Meeting House Be Prepared Raised & under pin^{ed} as soon as may bee, That whereas To methodize oversee and finish the work Capt. Gyles, Elder Cochron, John Cochron, James Starrat and Joseph Heath are chosen, This is Their Authority for their proceedings in the S^d work. And the Towns obligations to Discharge ye Debt Contracted by S^d Committee for ye Compleating ye above S^d work. Voted That whereas it may be an ease to Sum if they may Discharge part of their dues toward ye work by their own labor therein as accation may Serve, The master workman observing Each mans ability and Labour Shall state their wages in proportion there unto y^t So no injustice be Done.”

It was voted in 1721:² “That the former Projections of raising a meeting house be revived. That thirty pounds money be raised by rate to carry on ye S^d work with a proviso that each Inhabitant may be imploy^d in the work so far as his ability and proportion of ye S^d rate will allow Ye value of each mans Daily labour to be Stated by the master workman and return to ye Committee for over Seeing S^d Work.

¹ Pejepsco Papers, Vol. III, p. 8. Under date January 9, 1719.

² Quoted from Pejepsco Papers in Wheeler's History, p. 638.

Such part of the S^d rate only to be Collected in money as shall be soficient to pay the said master Workman his wages, and also the arrearages which Capt. Gyles and Heath Stand obliged to pay on ye Towns Account. The work formerly Done in preparing Timber for ye S^d House to be redivised out of the rate of those who Did it." A committee was appointed to "methodize ye work."

Here it is to be noted that the whole town, apparently without dissent, is giving money, or its equivalent in labor, to the support of the church. A minister, Rev. Mr. James Woodside, was at first procured to preach, the expense of his coming from Falmouth to Brunswick being met equally by the inhabitants, and a house in town being prepared for him. But when it came about that the townspeople were not "Well Satisfied with his Conversation" (*i. e.*, character) he was sent away. Later on, twelve pounds were assessed upon the inhabitants for the support of Rev. Isaac Taylor, who had agreed with the proprietors to preach for one year in Brunswick and Topsham alternately.

A letter of instructions from the Proprietors to their attorney, Benjamin Larrabee, runs as follows: "As fast as you can receive money for the Deeds you execute, we would have you apply it to discharge the Debts of the Propriety, viz.: Mr. Pearce, the Carpenter, and Mr. Wakefield, the Glazier, for Brunswick Meeting House." Thus the proprietors "in their paternal Care for the [our] Spiritual Good," were fulfilling their promise in good faith, and

¹ Pejepsot Papers, Vol. I, p. 122. This letter was written in 1737.

raising the money on their lands for the meeting house.

As their settlement began to thrive, the inhabitants of Brunswick desired to be incorporated as a town. On what basis do they make their appeal to the General Court and what reasons do they assign for desiring to be set apart as a town? Their petition reads as follows: "To his Excellency Jonathan Belcher, Esq^r. Captain General & Governour in Chief, The Honourable his Majesties Councill, and the Honourable House of Representatives of his Majesties Province of the Massachusetts Bay In New England In General Court Assembled May 1735.

"The Petition of us the Subscribers, Inhabitants of the Town of Brunswick in the County of York—

Humbly Sheweth

"That your Petitioners being arrived to a competent Number to transact Town affairs and in expectation of having others very soon added to us, having now a Commodious Meeting house chiefly erected at the charge of the Proprietors & having also obtained a pious and orthodox Minister to settle with us, we now find it necessary to be vested with power to lay a Tax Assessment in order to raise money for his Maintainance.

"Therefore your petitioners humbly pray your Excellency and Honours that you will please to erect us into a Township & vest us with the Powers and Authoritys belonging to other Towns, excepting only the Power of Granting and Disposing of Land which we acknowledge to be in the Proprietors who placed

us here — and your Petitioners as in Duty bound shall ever pray”¹ &c.

In 1739, this petition was granted and the Town of Brunswick was duly incorporated.

Here is a tremendously significant feature in early New England town history. Towns once having obtained a minister and a meeting house of their own are desirous to have the right to tax their inhabitants for the support of the gospel. A further examination shows that this motive animated a great many of the New England towns of this time.

The growing spirit of independence of the town must eventually clash with the proprietary interests. It is an old story, familiar in Roman history with its patricians and plebeians, and reënacted two thousand years later on the shores of the new world. The petition made some years after by the town of North Yarmouth to tax waste land voices this natural feeling of independence. These lands “Your Pet^{rs} humbly conceive ought in Reason & Equity to be taxed for the Support of the Town in proportion to the Proffit that our Improvements yeild to the Owners of them, *especially since our Lives and Estates are daily exposed in a remote defenceless Frontier to guard and enrich those wastes, that can only serve as a Covert for an Enemy to ambush us in time of war, while the Proprietors of most of them live securely in the heart of the Province making Estates by our Toils and Hazards without any Expense of their own.*”²

¹ Pejepsco Records, Vol. III, p. 57.

² Pejepsco Papers, Vol. VI, p. 334. Not italicised in the original.

From this it is easy to see how the interests of lord and tenant clashed, however beneficent might be the proprietor. The settlers were naturally jealous of their own rights, and no matter how much at one the interests of the two parties may have been, long co-operation was difficult. And this lack of harmony appears in ecclesiastical matters.

It would be hard to prove that the Pejepscot proprietors were tyrannical. In 1741, they voted the laying out of a ministry lot near the meeting house. Meantime the town was providing for order on the Sabbath by voting a fine of twelve-pence for anyone who suffered "his Dog to com to the meeten-hose on the Lord's Day." Civil legislation in such matters seems now the height of absurdity. In those days it was quite differently regarded; and no matter connected with church affairs seemed trivial to the town.

A few years after the town's incorporation, it was voted in the proprietors' meeting that "Whereas the Town of Brunswick is at present destitute of a minister, and is in quest of another minister," "Lott Number Eight" be granted to the first "Learned and Orthodox Minister who shall be Ordained and Settle there and shall continue in the Ministry there for the space of seven years." ¹ It was also voted at the same meeting: ² "That Lott Number Seven on the Southeasterly side of the Road be and hereby is granted to the Town of Brunswick for a ministry Lott, containing one hundred acres, to be and continue for said

¹ Quoted from Pejepscot Papers in Wheeler's History, p. 357. Dated September 20, 1742.

² Quoted in Wheeler's History, p. 357.

use forever. . . . Both the above granted Lotts lying near and commodious to the meeting house." Again, two years later, the proprietors took care to provide that "No particular inhabitant or inhabitants should pretend to claim the meeting house for their own use or try to exclude other inhabitants from the use of the house Provided Notwithstanding that the Pew on the Right Side of the Front Door be and remain for the use of the Proprietors their Heirs and Assigns and wholly at our disposal." ¹

The proprietors were indeed solicitous for the spiritual welfare of their tenants, and laid quite as much stress as the town upon the value of a settled minister.

Once incorporated as a town, the inhabitants of Brunswick managed their church affairs much to their own liking. It appears from the records that the town was somewhat aided in the support of its minister by voluntary contributions from its parishioners, for on December 22, 1746, it was voted in town meeting "To containoue a Contrabution every Sabbeth for to help to pay the Minister's Sallery." ² It is evident, however, that the money obtained from this source was wholly incidental. The regular taxes for the support of the minister continued with as much regularity as they would have one hundred years earlier. In a town meeting, three years later, it was "Voted to Raise four Hundred pounds old tenor this present year two Hundred pounds to pay the Rev. Mr. Robert Dunlap's Sallery one Hundred pounds to be paid towards

¹ Quoted in Wheeler's History, p. 358.

² Brunswick Town Records, Vol. I, p. 34.

his Setelment . . . ”¹ It is noticeable here that three-fourths of the entire sum raised by the town goes to the support of the minister. And if money was not always available, the minister's salary was often paid in some staple commodity, as happened in 1752 when he received his salary in lumber.

Not only did the town bear the charges of a minister and help build and repair the meeting house, but it also sustained even the minor expenses of the church, such as hiring a man “for sweeping the meeting house, locking doors, and taking care of the key.”²

In 1752, the selectmen were instructed to petition the General Court to have Topsham annexed to Brunswick in order to assist in maintaining the gospel “unless the inhabitants of Topsham will bind themselves to the satisfaction of our selectmen to pay the Reverend Mr. Dunlap eighty pounds old tenour, this year.” Such a course was justified by the Province Laws of the time which allowed the taxing of an adjacent community without a minister and whose people attended preaching in the taxing town.³

Evidently, however, there was still a dearth of money for the town's purposes. So the town took recourse to a method, which, as has been hinted, is common in our town history. In March, 1753, it was “Voted to Send a Petition to the Generall Court for Power to tax the non-resident Proprietors Lands in this town Except S^d Proprietors Speedily grants

¹ Brunswick Town Records, under year 1749.

² Wheeler's History, p. 117.

³ Wheeler's History, p. 359.

us some assistance (to the satisfaction of the Town) to finish our Meeting House and Settleing our Minister, and other Publick Charges.”¹

In the year 1760 came the first hint of dissension among the townspeople; and once again it is notable that incidents occurring here in this little frontier settlement are vastly suggestive of broader movements. For it was on this rock of dissension that the ship of Church-and-State was eventually to founder. Rev. Robert Dunlap had come to Brunswick in 1747 from Antrim, Ireland.² He was a Presbyterian; and for this reason there were some who were reluctant to pay the taxes for his support. This was natural enough; yet it destroyed the unanimity of the town. Evidently in reply to some complaints, Mr. Dunlap wrote to the town saying in part, “And Such as pretend aney Scruple of Conscience In Joineing with us: I Lord not over their Consciences they may use their Christian liberty: their monney Shall be at their own Disposal; I have always tho’t this was the Best way to pace; tho’t I would Rather quit my title to part of a town tax: or Rate than have a hand^d in Divisions; and uneasyness.”³

In this letter Mr. Dunlap shows himself to be marvelously in advance of his time. The doctrine of “Christian liberty” was not yet well known,—in Brunswick, at any rate; and the inhabitants of that town took the almost inevitable course in such a crisis. Mr. Dunlap was asked to leave. The whole thing is

¹ Town Records, Vol. I, p. 49.

² Pejepscot Papers, Vol. V, p. 273.

³ Wheeler’s History, p. 361. The letter is dated June 30, 1760.

only an episode, but very decidedly it is a suggestive one.

The difficulty, however, did not cease with the departure of Mr. Dunlap. The body of the church was still divided on the question of Congregationalist and Presbyterian forms of government. From 1762, when Rev. John Miller first came, to 1769, this difference existed. Mr. Miller finally declared himself a Congregationalist, and the former difficulties seemed to have subsided. For a while, however, in the first years of Mr. Miller's preaching, there was, apparently, some compromise between the two persuasions. Such a compromise may indeed have been possible between sects so nearly allied. It is easy to see that such a compromise was not possible between denominations so widely divergent as were the Congregationalists and the Baptists.

Meantime the proprietors seem to have been bending their energies to the less populous town of Topsham, which had not yet been incorporated. A letter from Belcher Noyes, one of the Pejepscot proprietors, to his agent in Falmouth, E. Freeman, says: "I was in hopes you would have called before you went out of Town, that I might have communicated some idea of the Original Settlement at Topsham & the Articles the Original Proprietors entred into with the General Court on their Confirmation of our purchase, it would be very tedious to do this by way of a letter. The Principall thing at present, is the building a Meeting-house it was agreed on the Inhabitants providing and raising a Frame, the Proprietors were to finish the other part at their own

charge ; in Conseq : of this, they have lately erected the Frame ; our Proprietors here are averse to doing anything towards that Charge except it can be done out of the Land ; Now there are Lotts taken up not paid for, more than sufficient to pay that Charge, but the Settlers refuse to pay for them. If you think you are fully acquainted with our Title, and what the Proprietors have done in conseq : of the Confirmation from the General Court, it would be of singular service to go to Topsham if it were only to assert our Rights, & Title, and to Converse w^h the Inhabitants, who are generally possessed in their minds against our Title, & do all they can in Opposition thereto ; the Ringleaders of this Faction are Capt. Adam Hunter and Capt. Thomas Willson, but, if you are not capable to answer every objection they have to offer I cannot advise you to undertake it. I am endeavouring to procure some People to purchase that will be on the Spott, & Dwell there, to be a Check on those pyrates that have gott their Living out of the proprietors by destroying the lumber.”¹

From the tone of this letter we get some idea of the difficulties under which the proprietors labored in thus working at long range. The whole spirit of Belcher Noyes' letters to Freeman is one of violent reproach. He says very freely in one place : “Your actions are neither those of a gentleman nor a Christian ;” and he is continually berating him in no mild terms. The proprietors were doing the best they could for the establishment of the church in Topsham, yet their labors were constantly set at naught by the

¹ Pejepscot Papers, Vol. V, pp. 1-4. Dated Boston, July 30, 1760.

obstinacy of those who refused to pay for their lands. Belcher Noyes writes thus to Freeman from Boston, the following year: "Herewith is enclosed a List of the Settlers in Topsham, have noted those not paid for No. 56 & 59 Wincholl and Merrill are to give the deeds, & the Money to be applyed towards their part of the Charge of the Meeting-house I take it that No Agreement can be made with those that have not yet paid for their Lotts, it will make a Difficulty to pretend to do it, because we have not always been able to execute Deeds when they offered to pay us, . . . I expect the meeting-house will be covered before winter, he (John Patten) wrote to me for 15M Shingle Nails which are sent to Stanwood I expect him in Boston next trip, shall advise & direct him what to do, Nothing further is intended at present than to secure the Frame."¹

In the records of the proprietary meetings at this time we find that meeting after meeting was adjourned with nothing accomplished. It was voted in the proprietors' meeting of September 16, 1761, "That Messrs. Belcher Noyes, Enoch Freeman, and John Patten, or any Two of them, be the Committee especially appointed to take care of and finish the Meeting House at Topsham, at the Charge of this Propriety; and all the accounts of Charge, arising on the same, be laid before the standing Committee already appointed buy the Proprietors, who are also impowered to discharge the same, according to the above power given to them."²

¹ Pejepsco Papers, Vol. V, pp. 5-8.

² Pejepsco Papers, Vol. I, p. 213.

Again about a month later, it was voted: "That Messrs. Enoch Freeman and Belcher Noyes be and are hereby empowered to dispose of the settling Lotts not yet disposed of in Topsham, and the money arising by the Sale of said Lotts to be applied towards the finishing the meetinghouse in said Topsham, and the said Belcher Noyes be, and is hereby empowered to execute the Deeds of the same, to the respective Setlers, and the said Committee to account with the Proprietors." ¹

By the next summer things had apparently come to a deadlock and the proprietors voted in their meeting of June 3, 1762, "That Belcher Noyes be desired and impowered to go down to the Eastern Settlements, Brunswick and Topsham this Summer if his business will allow and to Overlook the Affairs of the Propriety, in particular the Meeting House in said Topsham, and any Other Matter or Thing relating to the Interest the expence to be born by this Propriety." ²

About a year later, Belcher Noyes writes: "By repeated Complaints from the People, I do not find that John Patten takes any Care about the Meeting-House, that the window-frames have lain exposed to the Weather, the Shingle Nails wasted & I cant persuade him to act in this Service as I expected him. The men that undertook to shingle the Roof have not yet compleated it, I now write them & hope they will do it, but can place no Dependence on any One in

¹ Pejepsco Papers, Vol. I, p. 214.

² Pejepsco Papers, Vol. I, p. 216.

this Affair.”¹ The last words of this letter seem the despairing cry of a conscientious man.

Three years later, on the representation of a committee appointed by the proprietors for finishing the meeting-house in Topsham, that there was “a deficiency in the money expected to be raised out of the sale of land” and that the inhabitants had extended an invitation to a minister to settle among them, the sale of five more lots of land was authorized.² John Patten, who was empowered to make the sales, was rewarded for his services by a grant of land; and the proprietors in 1768 further encouraged the ministry in Topsham by laying out a ministry lot.³ Furthermore one hundred acres were granted to the “First Learned and Orthodox Minister” who should be ordained and settle there. Enough has been said to show that the proprietors of this Pejepscot tract regarded the church as of supreme importance in the settling of their new lands.

In 1764, the inhabitants of Topsham had also petitioned for incorporation as a town. It is interesting to note the similarity between this and the Brunswick petition. That of Topsham reads in part, “And there are at this time to the number of thirty-five families who are desirous of being incorporated that so they may be enabled to have the Gospell settle^d among them having already erected a frame for the Meeting house in said Place.”⁴ We are beginning to see the

¹ Pejepscot Papers, Vol. V, pp. 49, 50.

² Pejepscot Papers, Vol. I, p. 243.

³ Pejepscot Papers, Vol. II, pp. 18, 19.

⁴ Quoted in Wheeler's History, p. 181.

importance of the Church in the separation and incorporation of new communities.

The next settlement which received the attention of the Pejepscot proprietors was the Township of Royalsborough.¹ This was laid out as early as 1765 with the usual provision made for the ministry lot. On June 24, 1771, Belcher Noyes in Boston wrote to Freeman: "There are 21 deeds executed and ready to be delivered to the Settlers in Royalsborough on their giving Security for the payment, but what retards this at present is, there are 7 or 8 Quakers who are not Willing to have their Lotts Subject to be taxed for the Support of the Gospell, this makes a difficulty & we are at a loss, as they are otherwise good Setlers."²

This letter is perhaps one of the most significant passages in all of the Pejepscot papers, for here is the first mention of the Quakers. And here, in the refusal of the Quakers to be taxed for the support of the gospel, the Established Order meets with a dangerous obstacle. As Belcher Noyes very tersely expresses it "This makes a difficulty;" for, as he says, the men were otherwise good settlers.

If the seeds of dissent are manifest here, there is yet no real break-down of the power of the Established Order. All through the years of the American Revolution, historians tell us that the pulpit was a great power in the cause of freedom, and in State affairs generally. At the very beginning of the war, only one week after the famous "eighteenth of

¹ Now Durham.

² Pejepscot Papers, Vol. V, p. 96.

April, Seventy-Five," the constables of Brunswick are required to warn all the inhabitants of the town who are qualified to bear arms "To meet, at the West Meeting House in said Brunswick, on Thursday, the 27th inst. at ten o'clock in the forenoon, with their guns and what ammunition they have in order that it may be known the state of the Town for defense."¹ We observe here that the meeting house is not only a place for religious exercises and the headquarters of the town meeting, but the natural rallying place of a defending company, and that too, by no force of arms, but by the natural progress of events.

For twelve years the attention of the country was pretty much occupied by the war for freedom. After the Revolution the movement for separation of Church of and State goes on much more rapidly. By the last the eighties the church and its problems again figure in town records. At a meeting of the town of Harpswell in 1787, "it was voted that those persons who did not intend to pay the minister's tax should give in their names to the committee chosen for the purpose, and should give their reasons to this committee in writing. The committee were to report at a subsequent meeting, but no such report is in the records."² Here is a frank recognition of the fact of dissent. Two years earlier the unanimity of sentiment which had hitherto prevailed and which is necessary to the existence of church and state as an identity, had been disturbed by the foundation of a Baptist Church.³

¹ Wheeler's History, p. 677.

² Wheeler's History, p. 441.

³ Wheeler's History, p. 446.

This church was treated with obvious coolness on the part of the Established Order. It is not, perhaps, unjust to infer that the committee here mentioned wilfully refrained from making any report.

Meantime a similar state of affairs existed in the neighboring towns. In the Brunswick town meeting, in 1779, it was "Voted not to add anything to the Rev. Mr. Miller's Sallery but to leave it to the Generosity of the people and that Mr. Miller keep a exact account of what he Receives and from who and Lay S^d account before the town at their next meeting." ¹ This vote seems to imply that the practice of supporting the ministry by a general tax upon the townspeople had been discontinued; and yet we are not to infer that the town was giving up control of the church; town meetings were still held in the meeting house, and in 1784 the town voted to repair the meeting house. On May 12, 1783, too, it was "Voted to accept the report of a Committee that was chose to settle with the Rev^d Mr. Miller." The report was "That we find by Mr. Miller's Receipts that the town has paid him all up to the 3^d of Nov^r 1783 except 25-7-2 that Remains due from Several persons that did not pay up their tax for 1780 which we think ought to be added in their next Rate bill to those persons who have not paid their proportion for S^d year and also the year 1779 we think the town ought to pay agreeable to the Bill made for that purpose Mr. Miller to allow to every person the full value for anything that he Rec'd toward his Sallery for that year and we find that his Sallery is voted and assessed to

¹ Brunswick Town Records, Vol. I, p. 99.

Nov^r 3 1785 and that Mr. Miller allow the town for nine Sabbaths that he has been absent.”¹ This vote seems somewhat inconsistent with that of 1779 just quoted. It is probable, however, that the earlier vote was made necessary by the exigencies of the war. In the course of time many became dissatisfied with Mr. Miller. A council was called to hear the grievances of the dissatisfied parties, and the result was that Mr. Miller was dismissed.

About this time, the petition of one Samuel Woodward and others concerning paying ministerial taxes was presented to the town meeting but consideration was deferred until the following month; yet the warrant for this meeting makes no mention of any consideration of this petition, and in the records of the meeting we cannot find that the matter was brought up. It will be remembered that much the same thing occurred in the Harpswell meeting. Three months after this, however, in August, 1791, Samuel Woodward's petition was probably granted.²

It was voted during the next year, 1792, “That the Baptists in this town who can produce a certificate that they belong to a Baptist Society shall have a right to draw the money that was last assessed as a ministerial tax to be appropriated to pay their own preacher and that they be no longer taxed in the ministerial tax.”³ The first Baptist preaching in Brunswick had been in private houses and in barns in 1783. A Baptist church had been organized in

¹ Brunswick Town Records, Vol. I, p. 116.

² Pejepscot Papers, Vol. X, pp. 509-512.

³ Wheeler's History, p. 364. Under date of 1792.

1789 or 1790. As early as May, 1790, "Joseph Morse entered in the Town record his protest against ever paying anything to any Congregationalist or Presbyterian preacher."

At a meeting of the town of Topsham held on May 20, 1794, it was voted "Not to oppose the petition of John Merrill, Esquire, and others, praying the General Court for an Act of Incorporation as a Baptist Society, provided they would withdraw their suit at law, of Job Macomber *vs.* The Town of Topsham, in which case the town agrees that the execution against Abraham Cummings [probably for non-payment of minister's tax] should not be put in force, and that all future taxes for the minister's salary of members of the Baptist Society, might be drawn by them from the treasury or the constable, they producing certificate that they have paid an equal sum for the Baptist Society provided they obtain an act of incorporation within one year."¹ After this date, town and parish held their meetings separately; the downfall of the Church-State in the town of Topsham was impending.

In the records of the town of Bath there is this item for the year 1795: "Motion to exempt the disaffected from paying Mr. Wallis, if not repugnant to the Constitution not put by Moderator. Motion to exempt such as produce evidence that they attend public worship somewhere else, Moderator refused to put this."² Here again it is very apparent that the dissenters were hardly getting just consideration. The Established Order was naturally reluctant to see its

¹ Wheeler's History, p. 411.

² Pejepscot Papers, Vol. V, p. 439.

power thus taken from it. Five months afterwards, in October, the "Council advised a compromise that all opposed to Mr. Wallis should draw out of the Treasury what they pay for purpose of paying any preacher of good character and liberal *education* whom they shall employ during the term of his public service." And the October town meeting voted to ratify this compromise. In 1796, it was "Voted not to raise any salary for Mr. Wallis. . . . Voted to exempt those opposed to his settlement for taxes for his support. . . . Voted that those opposed to Mr. Wallis have the use of the Meeting House every other Sabbath beginning Sabbath after next."¹ When the break came, it is interesting to see how fast things went to their culmination.

In Brunswick, in 1798, the town voted "To Chose a Committee of three to Settle all Difficulties between the Congregational and Baptist Societies in this town."² In the year 1797, "Some difficulty appears to have arisen," says Wheeler, "in regard to the jurisdiction over and responsibility for the meeting house, as in March, the Town passed several rather contradictory votes in regard to the matter. In the first place it was voted that the Town had *no right* to repair the west meeting house, and that it ought to be repaired by the owners of pews (The Baptists had withdrawn). Then it was decided by vote that the *whole town* should have *all the privileges* in the meeting house that had been heretofore enjoyed. Third: That if there was any vacant space for pews, *the proprietors*

¹ Pejepscot Papers, Vol. V, p. 440.

² Brunswick Town Records, Vol. I, p. 160.

had a right to sell it and to use the proceeds for repairing the meeting house. Finally it was voted that the owners of the pews were not the *sole* owners of the meeting house.”¹

So with the end of the eighteenth century comes the end of the connection between church and state in the lands that originally comprised the Pejepscot tract. This independence of the Church from the State was not achieved, however, until some time after the ratification of the amendments to the Federal Constitution, and the publication of Governor James Sullivan's History of the District of Maine. Some years were to pass before the words uttered in that history were to become strictly true in the lands of which he wrote.

¹ Wheeler's History, p. 640.

III

CHURCH AND STATE IN OTHER MAINE TOWNS

The conditions which prevailed in the lands of the Pejepscot propriety have already been investigated with some little detail. It remains to be shown how typical this settlement was of the other towns in the territory which now makes up the State of Maine.

Religious difficulties had caused trouble early in the history of York county. At a County Court at York, July 6, 1675, among other "presentments" by the Grand Jury is the following: "We present William Scrivine for not frequenting the public meeting according to law on the Lord's Days." "This person presented is remitted because per evidence it appears that he usually attends Mr. Moody's meetings on the Lord's Days."¹

This Screven (as his name is elsewhere spelled) was a resident of Kittery. He had married Bridget Cutts, second daughter of Robert Cutts, member of an honorable and influential family. As a citizen, Screven was esteemed and honored with high offices. He was on the Grand Jury in 1678 and 1680, and deputy from Kittery to the General Assembly in 1681, and this in spite of his religious divergencies. On January 11th, 1682 (New Style) Screven, having received a license from Baptists in Boston to preach to a following in Kittery, went to Boston to be

¹ Early Records of the Province of Maine (Hon. J. P. Baxter's MS. copy), pp. 296, 315.

ordained. Under date of January 25, 1682 (New Style) we find however a letter from Mr. Humphrey Churchwood, one of Screven's flock, to friends in Boston. "I thought good to inform you" he writes, "that since our beloved brother Screven went from us, who I trust is, by God's mercy, now with you, by his long absence from us has given great advantage to our adversaries to triumph and endeavor to beat down that good beginning which God by his poor instrument hath begun amongst us; and our magistrate, Mr. Huckle, is almost every day summoning and threatening the people by fines and other penalties, if ever they come to our meeting any more, five shillings for every such offense."¹

On Screven's return he was forced to bear the brunt of the rising opposition. After a short time he was summoned to appear before the provincial authorities. After a hearing he was sent to jail. On April 12, 1682, he was sentenced by the Court at York to pay a fine of ten pounds for blasphemy. Screven paid no attention to this and was brought before a General Assembly of the Province held in York on June 28th of the same year. He was released again on promise of good behavior and departure from the Province "within a very short time." But two years passed and he was still there. After further threats, however, he was obliged to depart. He finally settled in South Carolina.

This is a significant episode of church history. It gives us the first foretaste of the trouble which the

¹ Quoted from original letter in Burrage's History of the Baptists in Maine, p. 16.

Baptists and other dissenters were to cause in Maine as they had caused in Massachusetts. And the treatment of the case is quite consistent with the opinion enunciated some ten years earlier by President Oakes of Harvard when he said: "I look upon unbounded toleration as the First-born of all abominations."¹

It is well to return now to the eighteenth century and see what was passing in towns near Brunswick. A committee for settling and laying out the town of North Yarmouth made provision first of all "that forty rods square of plain land be laid out for the accommodation of the meeting house, burial place, minister's house lot, market and school."² Here, as in Brunswick, the ministry lot and a lot for the first minister's house were duly provided for, and a good Orthodox minister was secured to reside in the town. The town of Biddeford, incorporated in 1718, voted in the very year of its incorporation to build a meeting house.

One of the interesting things about Sullivan's interesting history is that he always identifies a town by the name of its pastor, as infallibly as we identify Stratford-on-Avon with Shakespeare, or Rome with the Cæsars.

The local "History of Ancient Sheepscot and Newcastle"³ records the interesting vote passed nine months after the organization of the town of Georgetown in 1754, "That there be forty pounds raised for supporting the Gospel, and to pay the charge of

¹ Rise of Religious Liberty in America, by Sanford H. Cobb, p. 68.

² Sullivan's History, p. 183.

³ By David Quimby Cushman, 1882, p. 251.

the Rev. Presbytery in order to have the Gospel preached among us, and to lay in a proper stock of ammunition." This settlement was originally Presbyterian in sentiment but, before long, there were dissensions between the Presbyterians and the Congregationalists. Apparently, as elsewhere, the dissensions between these two sects had little definite result. They are always interesting as showing the beginnings of division. In Falmouth the Presbyterians were more than usually aggressive, and actually sent this petition to the General Court as early as 1740, with what result is not known :

“The humble Petition of William McLenechan Clerk in behalfe of himselfe & his hearers of the Denomⁿ of Presbyterians in the Town of Falmouth in the County of York —

Sheweth That your Pet^r being regularly initiated into the Ministry of the Gospile according to the Kirk of Scotland and haveing been Installed to preach to a Number of People of the denomⁿ of Presbiterians in s^d Town of Falmouth, Who have hitherto Endeav^d to Support your Pet^r in his said Ministry and who notwithstanding are obliged to pay Taxes towards the Support & Maintenance of the Congregational Ministers of s^d Town which your Pet^r & his hearers of the denomⁿ of Presbyterians apprehend to be a great hardship in their present infant Settlements —

“Your Pet^r further shews that by the Royall Charter granted to this Province Toleration is granted to all denom^{ns} of Christians Except Paptists and this Honble Court pursuant thereto has made sev^{ll} Acts for the relief of Sev^{ll} denom^s of Christians to Ease

them from paying towards the Support of any other clergy but Their own to Which your petr humbly Apprehends his hearers of the Denom^{ns} of Presbyterians are Equally Intitled —

“ May it therefore please your Excellency & Honors to take the Case into your Consideration & to make such Law for the Ease and reliefe of those of the Denomⁿ of Presbyterians inhabiting s^d Town as has been heretofore done for the reliefe of other denom^r of Christians or to appoint a day at the Next Meeting of this Great & Generall Court for your Petr & his hears of the Denomⁿ afores^d to be heard upon the Merritts of their Case — ”¹

In Falmouth, too, there was trouble caused by the presence of some Episcopalians. On March 27, 1765, Parson Smith records that it was voted to dismiss the “ article to see whether the parish will excuse the people who belong to the Church of England from paying towards the Settlement and Salary of the Rev. Mr. Deane.”² There was truly little excuse for dissent in a town where the pastor could faithfully say “ I sweat much a preaching,” and “ I almost killed myself in praying.”

The town of Machias well illustrates another point of which we have spoken — the feeling which animated the inhabitants of settlements desiring incorporation. The petition of the Machias people for town government runs as follows :

“ Your Petitioners would represent to the Honor-

¹ Baxter Manuscripts in Maine Historical Society's Documentary Series, Vol. XI, p. 210.

² Smith's Journal, p. 286.

able Court that they are about 74 in number, and are without the common privileges other people within this Province enjoy, having no Gospel Minister, Schoolmaster or any civic officers whatsoever, which is absolutely necessary for the Peace and good order of any people etc." The petition was granted, on condition that the petitioners "cause a plan of the township to be taken by a surveyor;" "obtain his majesty's approbation of the grant;" "settle the township with 80 good Protestant families;" build 80 houses of specified maximum dimensions: clear and cultivate five acres of land on each share fit for tillage or mowing; and "build a suitable meeting house for the Public worship of God, and settle a learned Protestant minister and make provisions for his comfortable and honorable support."¹

The towns of Wells and York early in the eighteenth century afford good examples of the importance in which the church was held in those towns. They make repeated petitions to the General Court for the remission of taxes on account of the difficulty of supporting the ministry.

The attitude of the town of Wells in 1700, is well shown by "The Petition of James Gouge on behalf of the Towne of Wells" which

"humbly Shewth

"That the s^d Towne hath suffered much in the late warr wth the Indians, having their meeting house and most of their dwelling houses burnt & demolished by the Indians, w^{ch} hath very much reduced them, that of themselves they cannot build another meeting

¹ Quoted in the History of Machias by George W. Drisko, p. 21.

house, nor give Sufficient Mentenance to a Minister to Reside among them.

“The premisses considered it is humbly pray’d That the Sume of Thirty pounds be allowed towards y^e compleating a Meeting house now erecting and the Sume of Twenty pounds for their Minister, who else will be forced to leave said Towne, not having a Competency ”¹ (dated July 25, 1700).

The General Court voted a portion of the sums asked for. During the next four years similar petitions were frequent from the towns of Wells and York. The petition of the town of Wells dated October 24, 1704, is particularly interesting :

“The Humble Petition of ye : Town of Wells in ye County of Yorke. . . . (Sets forth troubles from savages) Our straights are every way enlarged; What we did formerly allow to our Minister w^{ch} at best was but a slender maintainance, we are not able now to make good & if Country rates be exacted, we have reason to fear, that do what we can, our Minister will be constrained to leave us; he having already removed his family for want of a convenient dwelling place; his house being only raised and partly inclosed before y^e present warr began; which to finish, will be impossible for us, if that little w^{ch} (thanks be to God) is left us, should be taken from us; while we hold our lives in our hands, wth w^{ch} we should labour in improving our lands; which also, excepting what are near adjoining to our Garrisons, lye waste: in so much that what we do or can improve will come far short of finding us Bread corn; *More-*

¹ Maine Historical Society; Documentary Series, Vol. IX, p. 103.

over, instead of adding to that little w^{ch} y^e former warr had left us: we did, in y^e short time of peaceable intermission lay out what might be spared from our backs and mouths, in building a meeting House, and rebuilding old wast places and setting new ones, as also in erecting mills, w^{ch} are now before they could in any measure repay our disbursements, useless and unprofitable”¹

There could be no surer proof of the importance in which the meeting house and all that it stood for was held than there is in this petition, which tells us that the inhabitants of a frontier town gave it their first thought in the intermission of peace that followed the desolations of an Indian war.

The Maine Historical Society's collection of documents is full, also, of petitions for incorporation of different communities, and of petitions of certain communities to be set off along with certain other communities. There are also the inevitable petitions to be allowed to tax unimproved land for the benefit of the church. Good examples of such documents are the petitions of St. George, Damariscotta and Wiscasset for incorporation, that of Harpswell to be joined to Brunswick, and that of Falmouth to tax waste lands.

As has been seen, there were Baptists in Maine in 1681. They hardly became an important factor in Maine history, however, until 1767, when the Rev. Hezekiah Smith of Haverhill, preached in Berwick and other places. In 1768, a Baptist Church was

¹ Maine Historical Society Documentary Series, Vol. IX. pp. 202, 203.

organized in Gorham, Maine. The members of this new church immediately declined to pay the ministerial tax for the support of the town minister. Bitter opposition followed and coercive suits were undertaken. "The Massachusetts law at that time was that no Baptists were to be exempted from ministerial taxes in the places where they lived, but such whose names shall be contained in a list or lists to be taken and exhibited on or before the 20th of July annually, to the assessors of such town, district, precinct or parish, and signed by three principal members of the Anabaptist Church to which he or they belong, and the minister thereof, if any there be: who shall therein certify that the persons whose names are inserted in the list or lists are really belonging thereto, that they verily believe them to be conscientiously of their persuasion, and that they frequently and usually attend public worship in said church on the Lords days.' Joseph Moody a member of the Gorham Church, living in Scarborough, presented to the parish assessors in Gorham the certificate required by law. Says Backus: 'Yet distress was still made upon him for taxes for parish worship. For such a tax of about six dollars, a good riding beast was taken from him in 1771; he therefore presented proper vouchers for this tax to the Assembly at Boston, January 26, 1774, with a petition, that, like the Good Samaritan, they would again set him upon his own beast. A committee was sent out upon it, whose report was to dismiss the petition, which was done.'"¹

¹ History of the Baptists in Maine, by Henry S. Burrage, 1904, pp. 31, 32.

The Baptist faith spread rapidly, in spite of persecutions. In 1790, there were in Maine eleven Baptist churches with five hundred members. By 1799, the New Hampshire Association numbered fourteen hundred and twenty members, and in the same year the Bowdoinham Association numbered fifteen hundred and sixty-eight.¹

The growth was equally rapid elsewhere. Yet the attitude of the Established Order, as we have seen, remained unchanged. "In the records of a regular meeting of the legal voters of New Gloucester, held August 22, 1782, occurs the following: 'Motioned and brought to vote to see if the town would make good to Mr. John Woodman the damages he has sustained by having a cow taken from him for what he was assessed with the two years past in a tax made for the minister's salary. It passed in the negative.'² In New Gloucester, the following article was inserted in the warrant for a town meeting, February 10, 1786: "Art. 2. To see if they will pass a vote not to oppose those persons who call themselves Baptists, if they will petition the General Court to be exempt from taxation in any future tax that shall be made for the support of a minister in this town while they continue in that principle." But the meeting dropped this article. In the warrant for the meeting March 3, 1786, is this article: "'Art. 3. To see if the town will free the Baptists from paying taxes to Mr. Wilder,' the Congregational minister. The vote was 19 to 17, but at the next meeting, in April following

¹ Burrage's History, pp. 85, 105.

² Burrage's History of the Baptists in Maine, p. 99.

the vote was reconsidered and the Baptists were required to pay taxes as before.”¹ Here again, the Dissenters were not getting anything like fair consideration.

Such was the growth of the sect which more than any other brought about the ultimate downfall of the supremacy of the Established Order, and cut the final knots which bound the Church to the State.

¹ Facts taken from Burrage's History of the Baptists in Maine, pp. 99, 100.

IV

SUMMARY

Enough has been said of the events which occurred in Maine towns between the years 1681 and 1800. The same general tendencies have been seen at work in different communities. It is impossible not to mark the progress of dissent, and the wresting of ecclesiastical power from the hands of the temporal government which accompanied the downfall of religious unanimity. It only remains now to take a general view of the period by way of summary.

In the first place it is well to emphasize the full force of the term "meeting house." For it is by this term, and by no other that the church building was known throughout the century. In these words there is wrapped up a deal of New England history. The meeting house was all that its name implied. Not only was it the seat of town and parish meetings, but it was the center of the social life. In it, in many cases, were held the schools, and on the land which surrounded it were likely to be the town stocks and whipping post. In the early days the meeting house was a military post, and in some places ammunition was stored in the meeting house attic. In Brunswick, as has been seen, as late as the war of the Revolution, it was the recognized place for a military muster. In short, for two hundred years, the meeting house was the center of New England town life. Its appeal

to the people was on numberless sides. From it come many of our peculiar New England institutions, — much of New England democracy.

In speaking of the year 1702, Williamson says in his *History of Maine*:¹ “Common schools and an orthodox ministry, which had gone hand in hand since the first settlement of the country, were still high in popular estimation and legislative support. Time and change had rather increased than abated the ardor. Besides sharpening the penalties against towns, remiss and negligent, in support of schools as required by law, they were rendered liable to be indicted by the grand jury; and in such towns as failed to raise the monies requisite for the support of the ministry, the Courts of Quarter Sessions were empowered to appoint assessors for that purpose. In the zeal of the times for the purity of morals, — lotteries were denounced as pernicious to the public; and in 1712, a memorable act was passed, which forbade all singing and dancing at taverns or in the streets after dark; all walking abroad during public worship on the Sabbath; and all sporting in the evening of that day.”

Again, in speaking of the year 1727, Williamson says: “In laying the foundation of a rising community, the men of this age are entitled to the highest considerations for the interest at all times taken by them in the settlement of a pious ministry, and the support of common schools. These they placed in the same grade with liberty, safety and the supports of life Even the Province itself, contributed

¹ Vol. II, p. 73.

towards the salary of two or three ministers; and once the inhabitants of Kittery received from the public treasury four hundred pounds to assist them in rebuilding their meeting house: the former being laid in ashes by lightning."¹ The weight of Williamson's authority is here added to all that more detailed examinations have discovered. It seems certain, indeed, that the Puritan sentiment survived throughout the first quarter of the eighteenth century in Maine in almost unimpaired vitality.

In his "Rise of Religious Liberty in America" Mr. Cobb says: "In Massachusetts, the beautiful dream of a State which should be as a city of God—an ideal so ardently loved and tenaciously held by the Puritans—had vanished out of mind more than one hundred years before the struggle for independence, while the form of the church establishment remained, and civil law made provision for its support, all bars to dissenting worship were down, and all dissenters could direct their rates to the church of their choice." Whatever may be the truth of this statement as regards Massachusetts, and it appears questionable, it is most assuredly not true of Maine.

Mr. L. W. Bacon describes the case more justly when he speaks of the situation in these words: "Two rules had with these colonists the force of axioms: first, that it was the duty of every town, as a Christian community, to sustain the town church; secondly, that it was the duty of every citizen of the town to contribute to this end according to his ability.

¹ Williamson, Vol. II, p. 158.

² American Church History Series, Vol. 13, p. 128.

The breaking up of the town church by schisms and the shirking of individual duty on the ground of dissent were alike discountenanced, sometimes by severely intolerant measures."

Before the first quarter of the eighteenth century had elapsed, the General Court found itself obliged to face the fact of dissent. As early as 1728, a law was enacted providing that the polls of Anabaptists and Quakers be not taxed in support of ministers. The Quakers were to subscribe a declaration of fidelity and profess their belief in God, the Trinity, and the inspiration of the Bible. Lists of Anabaptists and Quakers were to be returned to the Court of General Sessions, and the Assessors were to omit these in making up the ministerial rate, but such people might not vote in ministerial affairs.¹

Acts like this, referring to Anabaptists and Quakers, are renewed every five years for the remainder of the century, and yet Mr. Bacon says truthfully of the year 1730, "So solid and vital, at the point of time which we have assumed, seemed the cohesion of the 'standing order' in New England that only two inconsiderable defections are visible to the historian." These two came from the Baptists and Episcopalians. The Quakers were generally of a less influential class. This is probably the reason that Mr. Bacon fails to mention them, and yet they should be reckoned with. As has been seen, laws had been made in behalf of the Anabaptists, but they were not at all satisfactory to the Baptist sect. The Baptists

¹ Acts and Resolves of Province of Massachusetts Bay, Vol. II, pp. 494, 496.

could not call themselves Anabaptists without sacrifice to conscience and faith; and many of them preferred to pay the ministerial tax rather than to allow themselves to be listed as "Anabaptists," which was a designation of reproach. Not until 1742, are those "usually and frequently attending the Church of England" exempted from taxation for the ministry.¹

In 1733, the Commonwealth of Massachusetts in its incorporation of the town of Lebanon established a precedent which has been noticed, requiring towns when incorporated to set apart three lots: one for the ministry, one for schools, and one for the first settled minister.

To judge from the Massachusetts laws, religious toleration was fairly established at the end of the first half of the eighteenth century. This was true only in the most theoretical sense. Such laws for toleration were systematically evaded, and the struggle of the dissenters comes into prominence only in the last fifty years of this century. The ultimate collision of the fundamental "orthodox" principles with the stubbornness of various forms of dissent was inevitable. "It came when the 'standing order' encountered the Baptist and Quaker conscience. It came again when the missionaries of the English established church, with singular unconsciousness of the humor of the situation, pleaded the sacred right of dissenting and the essential injustice of compelling dissenters to support the parish church."² There was scarcely a countryside that did not feel this shock of

¹ Acts and Resolves, Province of Massachusetts Bay, Vol. III, p. 25.

² History of American Christianity, p. 129.

conflict some time or other in the course of the eighteenth century. Weakening little by little, the village theocracies at length yielded to the pressure of dissent. Gradually, it came to be sufficient for a man to contribute to the congregation which his religious sympathy preferred. From that point, the way to complete religious liberty was open.

As the last years of the eighteenth century wore on, there was more and more religious dissatisfaction, more and more dogmatic disputation, more and more peremptory refusal to comply with what was deemed the tyranny of the Established Order. Maine, like all the New England states, except Rhode Island, compelled the payment of parish taxes. In the days of the Revolution, "When Samuel Adams was declaiming that taxation without representation was tyranny, Rev. Mr. Backus, chairman of the Baptist Committee on Grievances in Massachusetts, wrote to him with characteristic keenness, 'I fully concur with your grand maxim, and further, I am bold in it that taxes laid by the British Parliament upon America are not more contrary to civil freedom than these taxes are to the very nature of liberty of conscience.'" But the ultimate divorce of Church and State in Maine was not yet. Not until the Constitutional Convention of 1819 was it complete. Then it came with a struggle. Clauses were again and again suggested to provide for the enforcement of the public worship, and the observance of the Sabbath. But public opinion was against them, and they were defeated in the Convention.

Establishment thus came to an end. The Puritan

notion of a Church-State had fallen to the ground. The Scriptures had not proved a sufficient guide in the affairs of life ; for the reason that men would not agree upon what these Scriptures meant. The Church-State lived in comparative tranquillity one hundred and thirty years after the Mayflower dropped anchor in the sandy harbor of Provincetown. In the first fifty years of the eighteenth century, it met with opposition, but this opposition was trivial. In the remaining half of the century, dissent accomplished the practical downfall of the Church-State. In the nineteenth century, the victories of dissent were embodied in a new constitution, and Church and State in Maine were severed, never again to be joined.

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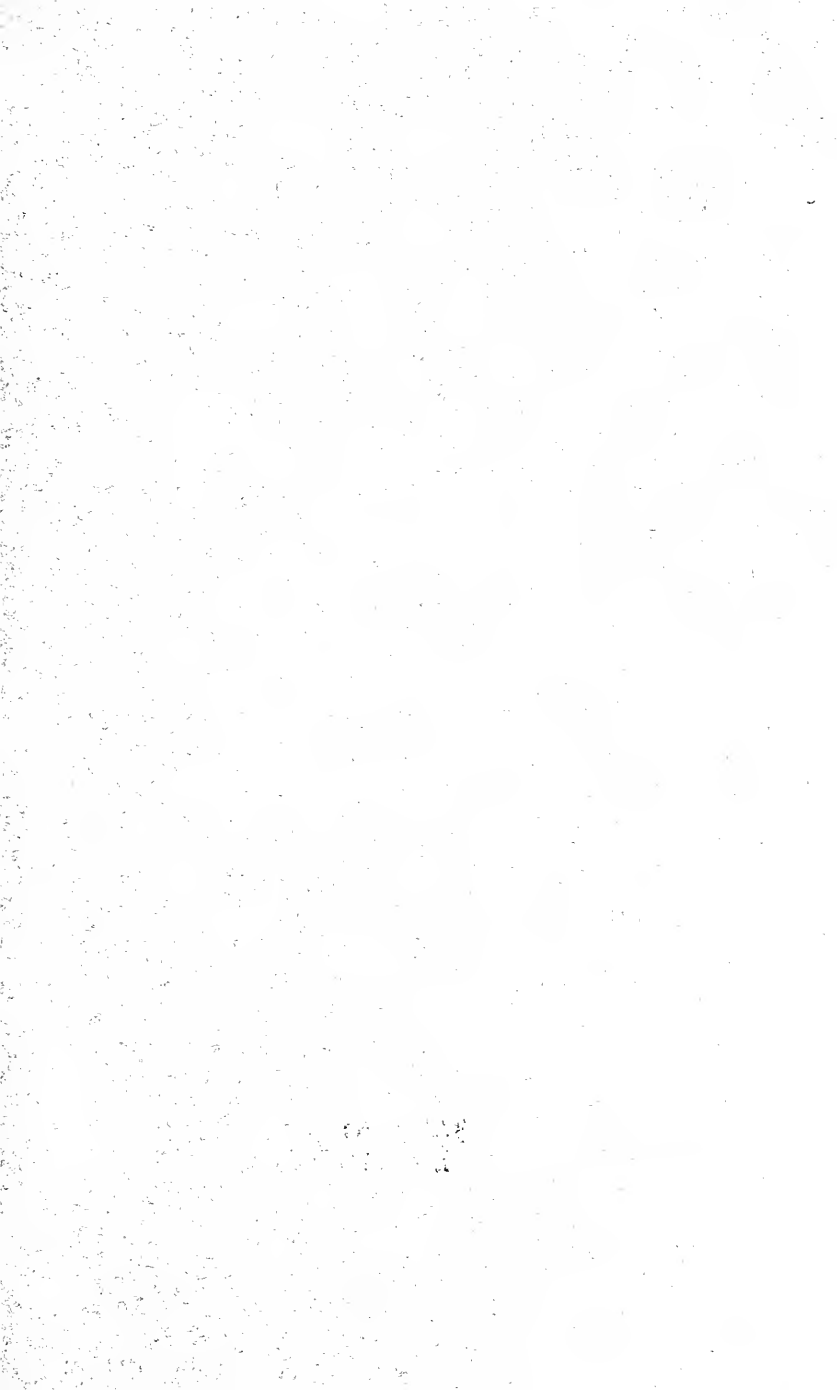
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