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# DISCOURSE

DELIVERED BEFORE THE

HISTORICAL SOCIETY OF PENNSYLVANIA,

FEBRUARY 21, 1842,

ON THE

COLONIAL HISTORY

OF THE

EASTERN AND SOME OF THE SOUTHERN STATES.

BY JOB R. <sup>obert's</sup> TYSON,

ONE OF THE VICE-PRESIDENTS.

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PHILADELPHIA:

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## CORRESPONDENCE.

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Philadelphia, February 22, 1842.

SIR,

We have much pleasure in conveying to you the enclosed resolutions of the Historical Society of Pennsylvania, requesting the publication of your Discourse delivered last evening, and of adding the expression of our great gratification in listening to it.

With much regard,

Your obedient servants,

THO. SERGEANT,

T. M. PETTIT,

JAMES J. BARCLAY,

*Committee.*

*To Job R. Tyson, Esq.*

At a *special meeting* of the members of THE HISTORICAL SOCIETY OF PENNSYLVANIA, held in the Lecture Room of the Philadelphia Museum, on Monday evening, February 21, 1842, after the delivery of the Discourse by JOB R. TYSON, Esq.

On motion of Mr. Barclay, seconded by Judge Pettit, it was

*Resolved*, That the thanks of the Society be presented to Mr. Tyson for his impressive and eloquent Discourse, and that a copy be requested for publication.

*Resolved*, That a committee of three be appointed to communicate this resolution to Mr. Tyson.

The meeting appointed Vice-Presidents Sergeant and Pettit, and Mr. Barclay the committee.

On motion the meeting adjourned.

PETER S. DU PONCEAU,

*President.*

Attest,

WILLIAM DUANE, JR.

*Secretary pro tem.*



Philadelphia, February 24, 1842.

GENTLEMEN,

Your note of the 22d instant, with the resolutions of the Historical Society, requesting a copy of my Discourse for publication, has been received.

I cannot but feel very sensibly the approbation of my colleagues of the Society, and especially the kindness with which you, gentlemen, regard my feeble attempt to vindicate what I conceive to be, *the truth of history*. It is this only about which I have any solicitude. If I have committed an error in any one premise or deduction, or in any one material fact, and the mistake have an unjust bearing upon any part of the confederacy, I shall exceedingly regret it. All that it would become me to say, is, that I am unconscious of any, after a diligent examination and collation of all the authorities within my reach.

The difficulties of the subject are intrinsic, and arise as much from the multiplicity of its topics and details, as the extensive range which it embraces. It would have been an easier task to swell the matter into a volume, than compress it within the limits of a discourse. Many points are rather touched or suggested, as necessary branches of the subject, than treated with that fullness which their importance deserves. In a word, my object has been more to awaken attention and stimulate research than to satisfy curiosity.

With these remarks, I place the MS. at the disposal of the Society.

I am, with great regard,  
Your obedient servant,

J. R. TYSON.

*To the Hon. Thomas Sergeant,  
Hon. Thomas M. Pettit,  
and James J. Barclay, Esq.,  
Committee.*

DISCOURSE  
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COLONIAL HISTORY  
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**MR. PRESIDENT AND  
GENTLEMEN OF THE HISTORICAL SOCIETY.**

IN an Address which I had the honour to deliver before this Society, a few years ago, I ventured to suggest the want of a history of Pennsylvania, during and since the eventful era of the Revolution. Those lines of the picture were feebly and imperfectly traced, which it would be the duty of the historian to fill up and to animate. Permit me, on the present occasion, to cast a glance behind that period, and instead of surveying the great events of which it was the epoch, to investigate some of its remoter causes. The exploration of this field, leads us not merely beyond the confines of Pennsylvania, not merely to the stamp and impost acts, which were the immediate precursors of the struggle, but to eras and boundaries more remote and distant. I shall humbly submit to the Society, upon an inquiry into the historical doctrines which have been disseminated respecting

the origin of our independence, and of the spirit as well as form of our political system, whether the integrity of truth does not demand a new history of our colonial settlements.

This subject may be considered upon a casual view, as out of the legitimate pale of the researches and speculations of a state historical society. But I am invited to its discussion by its intimate connexion with the topics of my former Discourse, and by the relation it bears to the whole subject of our domestic history. If any apology is necessary for leaving the beaten track of Pennsylvania annals, it is to be found in the recent amendment to the Constitution of the Society, which widens the circle of our investigations so as to include the transactions of the sister states and foreign countries.

The colonies which had united against the parent country at the revolution, had no sooner accomplished the object of their union, than a spirit was discernible of willingness to magnify their comparative deserts. While the minds of men are heated in contemplating the glory of a great exploit, the splendour of an acknowledged victory, many candidates will appear to claim the distinction of prominent and meritorious actors. But the rivalry of even ambitious soldiers, has not ventured to arrogate for any one state or colony, the extravagant merit of having routed the enemy both at Saratoga and Trenton, at Monmouth and Yorktown. All may challenge a participation in the glory of the heroic deeds which were done, and of the great spirits who achieved them. No state or colony can monopolize this glory. Pennsylvania points, among many others, to the merits and sacrifices of her Dickinson and Morris, her Thomson and Franklin.

Massachusetts may justly claim to have struck the first blow in the quarrel, to have committed the first overt act of defiance to British authority. While to the East belong Hancock, Otis, Warren, Quincy, the Adamses, and a host of other illustrious names, Virginia bears aloft, even more proudly, an assemblage of chosen patriots, at whose head stands GEORGE WASHINGTON, *primus absque secundo*. She may boast, that without her Washington and Henry, the war had ended in the hapless consequences incident to an unsuccessful revolt,—in the reproach of rebels and insurgents to the actors,—in the fate of confirmed and hopeless subjection to the country. All—the East, the Middle States, and the South,—were animated by the same lofty determination to resist oppression; all vindicated by their conduct a right to a place in that temple, which the genius of freedom has consecrated to virtue and to valour.

But a higher pretension has been set up than the military conduct of battles. The historians of the New England states contend, that to them belongs the exclusive honour of having *originated* the free principles which followed our independence, as a political society, by sowing the seeds which gave them birth. They trace them to the great principles of liberty, which, as they assert, were *discovered*, fostered, and maintained by their Puritan ancestors. They challenge this high glory for those who landed on the Plymouth Rock in 1620, and for their immediate successors who founded Boston, and finally spread themselves over Massachusetts, Connecticut, and the other districts of the New England confederacy.

If these claims be justly founded, they may well appropriate, not the inferior honour of gaining the battles of the

revolution, but the moral triumphs of the whole proud enterprise. They are emphatically the founders of our liberty, if we are indebted to them for the discovery of its principles. If they struck out the bright and happy idea of the *elective franchise*, and endured those sacrifices and toils inseparable from the planting and rearing of infant freedom, they at once become the unrivalled benefactors of mankind.

These pretensions are made by eastern writers with seriousness, and contended for with ability and fervour. They are not confined to an insulated volume, memoir, tract, or sermon, but they pervade the historical and miscellaneous literature of New England. From regular histories and biographies, through the gradations of reviews, school books, and pamphlets, by means of centennial, Plymouth Rock, and Fourth of July orations, down to repertories and newspapers, this sentiment of having discovered and applied the seminal principles of the revolution, is conveyed in every form which fond reverence or local partiality can assume. Many of those documents and books which display the *alteram partem*,—the other side of the question,—remain inedited, or have become so rare as to be inaccessible, except to the curious and antiquarian eye.\* When it is remembered that the eastern writers have had almost the exclusive formation of the youthful mind, in this country, for upwards of half a century, it cannot be a matter of surprise, that a race of authors is kept up, who, with devoted enthusiasm for the perpetuity of this ancestral fame, are interweaving it into the body of contemporary literature in

\* Appendix A.

the thousand nameless forms of verse and prose, as if to secure its transmission to future times as an axiom of unquestioned and admitted history.

The justice of these assumptions may be examined and discussed in this meridian, if any where, without the imputation of partial prejudices, or selfish motives. The eastern and southern colonies, being arrayed, in the times of Charles the First and Cromwell, on opposite sides, it is not easy for the descendants of either, to view the conduct of the other, through a calm and dispassionate medium. But the founders of the Province of Pennsylvania, and their successors, did not mingle in those exciting controversies, which involved the fate of the Church and State of England. Surveying then the contest from a new and perhaps more elevated point, and sufficiently removed by the lapse of time, as well as by geographical position from the scene of strife, we may assume at least the merit of being more impartial and disinterested witnesses. Neither Puritans nor Royalists, neither Roundheads nor Cavaliers, but claiming descent from a different ancestry, and standing on neutral ground, we may consider the circumstances and events which the disquisition embraces, in a spirit of juster criticism and sounder philosophy.

The problem respecting the *origin* of those principles which lie at the base of our political edifice, is purely a proposition of history, requiring simply an historical deduction, and exclusively within the province of the historian. It is not a subject of empty and barren curiosity, but involves a question of historical truth, and historical justice. Nothing but the blindness resulting from superficial research, or the most devoted filial perversity, could induce a belief that the

idea of an elective republic was started or suggested by either of the colonies which settled this country. It is an historical fallacy almost too obvious for serious discussion. But the frequency of its repetition, and the respectability of those who maintain it, justify and demand a respectful and formal examination of this question, as a branch of the ulterior inquiry.

If we simply point to the Athenian and Lacedemonian republics; the Amphictyonic Council and Achaean League; the union of the German States, and the Dutch confederacy under the Stadtholder;—we find in all these, that the popular voice was recognised in nearly pure democracies. If we look to the native land of the colonists,—that land in which their love of freedom was imbibed—we find the people professedly represented in a lower house of Parliament. The ideas which these governments suggest, present to us, without any great exertion of original thought, all the materials of so simple a machinery. The former exhibit the recognition of popular sovereignty, and in England we see the representative system existing, with no slight infusion of popular rights.

But leaving the records of Pagan antiquity for the history of modern Europe, let us see whether the doctrine of the divine right of kings, and of an arbitrary, irresponsible prerogative, had been exclusively preached before the era of western colonization. It cannot escape attention that in the contests between King and Clergy, lights were struck out, at an early period, by which the people were directed in their efforts to dissipate the thick gloom which surrounded them, after the subversion of the Roman Empire. Pope Zachary taught the French nation, in the eighth

century, a lesson which was acted upon by the Italian cities in the tenth. St. Thomas of Aquinas, about this time, attacked the dogma of the divine right of kings, declaring that civil governments are not *jure divino*, but *jure humano*; that *princes should be selected on the score of personal virtue by the whole population*; and that *all citizens were eligible alike to political stations*.

What effect these sentiments may have produced in the beautiful plains of Italy, where they were uttered, may be conjectured from the remarkable events of which, soon after, it became the theatre. The Italian cities began to declare themselves independent communities, with all the power and attributes, in substance and form, of popular sovereignties. Milan led the way in the tenth century, and though she suffered for her temerity, the principle of popular ascendancy was asserted and maintained. Frederick Barbarossa, about half a century afterwards, demolished the walls of Milan, and sowed salt upon its foundations.

But the spirit of popular liberty, though assailed, could not be extinguished. The celebrated *League of Lombardy* was formed by the other free cities of Italy, to protect the confederates against external invasion, and to make common cause in *rebuilding the city of Milan*. These cities were able to withstand the power of Frederick, who, after various reverses, was willing to conclude a treaty at Constance, which acknowledged their independence as separate communities.

Here then, in that fertile and delicious valley, enclosed by the Alps, the Apennines, and the Gulf of Venice, we find the first establishment in Europe of popular freedom. It is here, in Italy, the land consecrated by poetry and the arts, that we are to seek the cradle of modern liberty. Nor can



the historian who would trace effects to their legitimate causes, fail to perceive, in powerful co-operation with these events, the agency of the representative assemblies and liberal policy of the Roman Catholic Church; nor the crowning results of Justin's Pandects, which were discovered and diffused in the eleventh century. Free institutions were established in the cities of France, Germany, and Flanders, about the year 1300. From the free towns of Switzerland sprang the celebrated league of the Forest Cantons, a community having for its model the confederated cities of Italy. This condition of things remained undisturbed by the convulsions which ensued, down to the epoch of the Lutheran reformation.

In England, free principles lay embedded in the Anglo-Saxon trunk, notwithstanding the startling paradox of Sir James Mackintosh, that the institutions of England, during the Saxon dynasty, were "democratic and popular" only with reference to the nobles. We find the usurping Henry I. and Stephen, promising at the beginning of their respective reigns, to restore the Saxon institutions, a pledge always acceptable to the people, and the most likely to conciliate their personal regard. It was to secure the restitution of these Saxon laws, after the Norman conquest, that blood and treasure, in many an outbreak, were unavailingly wasted. These Saxon laws, which breathe so much of the essence of enlightened freedom, form, together with Saxon customs and Saxon immunities, the groundwork of the English common law at the present day;—a system whose highly liberal genius and plastic power constitute its value and its glory. It was this leaven, which, steady and unseen, worked its way amidst the errors and vices of princes, the turbulence of nobles, and the ambition of pontiffs.

The effect of these struggles for liberty, was hardly perceptible until the reign of Henry the Seventh. Rights then began to be defined, and a more distinct idea of civil liberty to be entertained among the commons. It was then that the tender germs of popular rights were nourished and invigorated by an intimate commerce with Flanders, where the people were tintured, by means of their municipal privileges, with more enlarged and juster conceptions of popular government. Before the close of the reign of Henry the Third, the English Parliament assumed, in form, much the appearance it now wears; the right of representation being admitted among that portion of the community who resided in boroughs and cities. This right of representation was gradually extended and amplified by a greater incorporation of popular rights, until it grew at length to that imperfect image of the British constitution, which the late reforms have rendered in practice more consonant with the genius and theory of the common law.

This meagre reference to several prominent events in the history of modern Europe, will serve to illustrate the extent to which free institutions had been carried, before the settlement of the North American Provinces. It will show how little room there was for political *discovery* by any of the colonists, and that all which remained, was to adapt the eternal principles of civil freedom—that freedom which the page of history unfolded, or their own ancestors had transmitted to them—to the peculiar circumstances of their situation. It will show that the cause of popular sovereignty, the right of the majority to govern, the principle of legislative representation, all had their birth before the episcopal reformation was established in England under Edward the Sixth, and before Puritanism or Quakerism had an existence.

Let us now glance at the origin of Puritanism in England, and observe the features which characterized its first development there. We shall then be able to see with what integrity the Puritan colonists carried out the principles for which they were contending in the old world, or enlarged them upon a theatre in all respects suited to their display.

The early age of Puritanism, like the primeval age of all new doctrines and opinions, was marked by fervour and extravagance. It was the first-born offspring of the art of printing, and the revival of letters, under the nursing care of the early reformers. The austerity of life and doctrine; the rejection of human learning; and the grotesque and whimsical names which were given to children;—these exhibit a state of mental riot, a height of religious frenzy, having few parallels in the history of the human mind.

Bishop Burnet alleges that there was the strongest disposition, in the predominant church, to treat the moderate Puritans with indulgence and lenity. The concessions of Elizabeth were indignantly rejected by the stauncher Puritans, who replied, in the language of Moses to Pharaoh, "there shall not a hoof be left behind."\* These prosecuted their opposition to episcopacy with all the ardour of reformers, and all the enthusiasm of zealots. Having submitted, in a formal *admonition* to Parliament, their famous *Platform of a Church reformed*, they proceeded in a second address to that body, to declare their resolution to become "*their own carvers*" in a change. They strenuously inculcated the dogma, that theirs was the *only true church*, and as such was alone entitled to toleration. These sentiments were followed by acts, which, in their tendency and

\* Appendix B.

expressed design, were to precipitate a religious and political revolution.\* Then commenced, on the part of England, a system of severe and coercive legislation, which cannot be justified or palliated, however it may be defended, on the ground of a supposed *political* necessity.

To escape from laws which licensed power had imposed, or their own zeal and temerity had invited, some of the Puritans fled from their native land to seek peace and toleration among their brethren in Holland; a country on which the reformers had shed the brightest glory of the Reformation. In Holland they found an asylum from the intolerance of English legislation, and enjoyed their peculiar worship without molestation or restraint. But induced by an unhappy feud, or led by the pruriency of gain, or warmed by the prospect of founding a religious settlement in a new and unpeopled country, they removed in the year 1620 to New Plymouth, after enjoying the hospitalities, and partaking the blessings of the religious liberty of Holland, for a period of eleven years.†

In the mean time the struggle in England, between the Episcopal and Puritanical parties grew more intense, and exhibited a more political aspect.‡ The combatants were

\* See Grant's *English Church*, vol. i. p. 440; also Strype's *Life of Whitgift*, App. p. 139; also Strype's *Annals*, vol. i. p. 148.

† See Hutchinson's *History of Massachusetts*, vol. ii. p. 405; *New England Memorial*, pp. 17, 23-5; Belknap's *Biographies*, p. 162; Bozman's *History of Maryland*, p. 209; *Massachusetts Historical Collections*, first series, vol. iii. pp. 27, 76, and postscript 69.

‡ See a very able article in the *New York Review* for January, 1840, entitled "Politics of the Puritans," ascribed to the Rev. A. B. Chapin of New Haven; also, Reply in the *North American Review* for March, 1840; also, note in *North American Review* for July 1840, pp. 252-274.

glowing with anxiety to decide the great question, for which they had been so long contending. The issue involved the fate of the existing religion and with it the existing government. Both parties were disputing for the possession of the great and alluring prize, **THE RELIGION OF THE STATE**. It was the choice of this, not the separation of politics from religion—an idea suggested by no party,—which divided and inflamed the nation. The selection at that juncture lay between the *Episcopal*, which, as represented in the person of the monarch, was identified with the political state, and *Independency*, the religious profession of the Puritans. The question, so long of dubious issue, was at length terminated in the temporary overthrow of the Episcopal Church, by the decapitation of Charles the First, and the establishment of Puritanism in its place, by the elevation of Cromwell, as Protector.

The problem has long since been solved by the deliberate judgment of mankind, that the establishment of the Protectorate did little benefit to the cause of true freedom. Recent events in England have brought it into prominent notice, and the clamorous zeal of heated partisans, seems almost to have silenced the voice of authentic history. But the republicans and republicanism of that day, bear no affinity, and can claim no relationship with either in this country. It was, for the most part, a temporary outbreak of sectarian ambition or honest fanatical zeal. The embodied spirit of chaos and disorder seemed to be let loose upon mankind. Many of the actors were pious but visionary men, who were moved and inveigled by popular demagogues.\* The contest had been mainly a struggle for *religious ascendancy*,

\* Appendix C.

in which republicanism or royalty had little to do, except that the monarch was the object of attack, by happening to be the representative of the dominant church.\* Strenuous efforts were made for his conversion, by sermons of characteristic length. Cromwell, who, with many points of greatness, was an usurper and a tyrant, not satisfied with an untinselled Protectorship, sighed for the pomp and glitter of a regal sceptre. Charles, though a faithless friend and a bad king, possessed many virtues and various accomplishments. He was sacrificed to Cromwell's ambition and that of his armed confederates. Subsequent events prove, that the voice of the people was as effectually drowned by the din of arms, when Cromwell rose to the supreme power, as that of justice had been stopped, in the solemn mockery of the monarch's trial. When the army was disbanded, and the dread spirit which had controlled and overawed it, was no more, we witness the heartfelt acclamations with which the national voice hailed the advent of Charles the Second. The republicanism of the Protectorate, was a drama, which, for a moment, held the world in suspense by the transient interest of its scenic illusion. It passed away like a shadowy cloud, leaving but faint traces of its existence, upon the political horizon of the kingdom. Royalty was restored;—not by the force of arms, or the tricks of diplomacy, but by the hearty and unbought consent of the people.

But it was before the death of Charles and the establishment of the Protectorate, that the Pilgrims settled in New England. Suffering as those of the colonists did who came

\* See Bancroft's History of the United States, vol. i. pp. 493, 441.

from England, during the reigns of the first James and first Charles, no alternative was presented but conformity or exile.\* From Holland, where they had lived in tranquillity, free from compulsion or restraint, they came to this country, with the security of a written Charter, and followed by the ægis of the British Constitution. They carried with them some knowledge of the liberal maxims contained in the Roman pandects; of the lofty opinions disseminated by an enlightened and untrammelled press; of those immunities which had been conferred upon the boroughs and cities of Europe;—and in addition to all these, they had inhaled, from their earliest infancy the free atmosphere of the English common law,—that law, which, like an unfailing stream, had rippled down to them through a succession of opposing ages, from the clear and uncorrupted fountain of Anglo-Saxon liberty. They remembered the hardships to which they had been exposed in their native land, by the statutes against nonconformity; and they remembered the country of their exile, where the blessings of love and friendship were cherished, because the genius of freedom there, had checked and rebuked the genius of persecution.

The Charter of Massachusetts, granted in 1628, conferred upon the corporators extensive powers for trade, commerce and self-government.† It united the character of a trading community to that of a municipal corporation, with liberal privileges. The principles of the English common law, being guaranteed to the colonists, every *freeman* of the corporation was entitled to a vote, in the enactment of laws and the choice of governor and assist-

\* See Appendix, D.

† Vide Charter in Hazard's State Papers, vol. i. p. 239.

ants. The idea of universal suffrage, if not verbally expressed in the Charter, was plainly in the minds of its framers, and by a sound construction of the instrument, embraced within its spirit. There cannot be a doubt that the colonists might, if they chose, have planted upon such a foundation, that great pillar of republican freedom.\*

But the colonial idea of freedom was different from that which the expression conveys, at the present day. Tests were applied, which, as they connected religion with the political rights of the colonists, were alike in abridgement of the Charter and repugnant to liberty. In the year 1631, a year after the colonial government was removed to this country, it was promulgated that no man should be admitted a *freeman*, who was not a *church member*.† As none but Puritans could be admitted to church communion, it followed from this decree that all other sects were at once disfranchised. This law, which excluded from the right of citizenship, a great majority of those who were entitled to it under the Charter, continued in force until the dissolution of the government.‡

The principle of so proscriptive a policy, was asserted by a most arbitrary act, before it received a legislative sanction from the General Court. In the year 1628, one year after the first settlement of Massachusetts Bay, Endicott sent back to England, as *sedition persons*, two of the most respectable colonists, whose religious opinions did not permit them to renounce the liturgy of the English Episcopal Church.§ This act was subversive of the right of

\* See Appendix, E.

† See note upon the authority of Letchford, in Hutch. History of Massachusetts, vol. i., p. 30.

‡ Ibid., vol. i., p. 31.

§ Ibid., p. 19.



private opinion, and struck at the fundamental principles of freedom. Four years after the accession of Charles the Second, the colonists received from the throne an emphatic admonition, and were enjoined "to permit such as desire it to use the Book of Common Prayer, without incurring any penalty, reproach, or disadvantage; it being very scandalous,"—continues the admonition—"that any person should be debarred the exercise of their religion, according to the laws and customs of England, *by those who were indulged with the liberty of being of what profession or religion they pleased.*"\*

But this obnoxious feature of the colonial system of Massachusetts, was abolished in appearance only, after the Restoration. It continued in practice to exist,† and we are informed by an eminent writer, that in the year 1676, "five-sixths of the colonists were in fact disfranchised by the influence of the ecclesiastical power."‡ Its baleful influence was felt until the act of settlement, which vested the throne, at the revolution, in William and Mary, and their Protestant successors.

This exclusive system was interwoven with the vital elements of the colonial policy. President Quincy very properly concedes in his Centennial Address, that "Church and State were very curiously and efficiently interwoven with each other."§ We see the closeness of this connexion in the lasting consequences which it entailed. The colonial enactment requiring a general assessment for the support of public worship, was not abolished until so recently as the year 1834.

\* See Appendix, F. † See Appendix, G. ‡ See Story's Dis. p. 55.

§ Quincy's Centennial Address, p. 32; also Felt's Annals, p. 222; also Hutchinson's Collection of State Papers, pp. 359-361.

There can be no doubt that the eastern colonists were more intent on laying their church establishment upon deep and solid foundations, than of rearing a temple of civil and religious liberty. In England many a hard-fought battle had signalized their struggles for *ecclesiastical* victory. Failing to obtain the political ascendancy of the Genevan faith and worship, they sought the shores of North America, in order to carry out their long-cherished scheme of an ecclesiastical government. The restrictions, therefore, which the colonists imposed on the rights of citizenship, and the penalties with which nonconformity was punished, were in perfect consistency with their views at home, and the great purpose of their enterprise. Their leading object seems to have been less the establishment of civil liberty, than the enjoyment and perpetuity of their religious institutions. Absolute political freedom, that freedom which could form the germ of the American republic, would have frustrated their primary intention, and proved subversive of their design, in braving those untold hardships and privations which they fearlessly encountered across the Atlantic.

But it was not alone in the denial of civil rights to all who were not church members, that they failed to prove themselves the champions of liberty; but in the active persecution of those who were thus disfranchised. Every sect of religion, except that which was established as the state religion of Massachusetts, was the subject of prohibition and punishment.

“They re-enacted,” says Bancroft, “the worst statute in the English code, that of enforcing attendance on the

parish church.”\* A fine was imposed for non-attendance, and a general tax was assessed to support the ministry.† The sanctuary of home was violently invaded by the civil magistrate, to drag to church the lukewarm and disaffected.‡ A spy was set upon men’s words and actions, lest one should partake of heresy or the other of disaffection. It was thus that an ancient principle of the English law, that a man’s house is his asylum and castle, was trodden down and contemned. In view of the transactions of so unhappy a condition of society, the observation of Judge Story is as true, as it is descriptive and eloquent, that “the arm of the civil government was employed to support the church, and the terrors and violence of the Inquisition existed without its form.”§ Liberty of conscience was denied, and *toleration* of the colonial nonconformists preached against as a heresy and sin.|| Roger Williams was charged in 1634 with holding *divers exceptionable tenets*, one of which was “that to punish a man for any matter of his conscience is *persecution*.” He was banished the colony and settled in Rhode Island, the history of which is immortalized by the enlightened maxims of that illustrious exile. Their treatment of that gallant and generous spirit, Sir Henry

\* Bancroft’s History, vol. i. p. 401; also Savage’s Winthrop’s New England, vol. ii. p. 142, et seq.

† Hutch. Hist. Mass., vol. i. p. 376.

‡ Felt’s Annals, p. 257.

§ Story’s Discourse, p. 55.

|| See Biographia Britannica, article Brown (Robert), note F, for a piece written by Johnson, a leader of the Brownist sect, entitled “Anti-Christian Abominations yet reteyned in England.” Of the *abominations* enumerated, the 33d is TOLERATIONS. An old New England writer says, “To authorize an untruth *by the toleration of the State*, is to build a sconce against the walls of heaven, to batter God out of his Chair.”

Vane, on account of his favouring Mrs. Hutchinson, was in pursuance of a line of policy which seemed to be fundamental. Among the earliest laws of the Massachusetts Colony, were five concerning religion. These were so rigorous in their punishment of heretics, that the persecutions which the colonists had endured in England, as dissenters, are pronounced by the author of the *European Settlements in America*, "to be great lenity and indulgence in the comparison."\* In the year 1637 an Ecclesiastical Synod denounced fourscore opinions as heretical.† Nonconformity was synonymous with heresy, which presented such multiform and Protean shapes to the argus-eyed theologians of New England, that the enumeration and description of them are said to cover seven pages of *The Ancient Charters*. Nor did these legislative denunciations lie dead on the statute book. A bare mention of the multitude who submitted to the infliction of exile or death, or some more ignominious punishment, speak trumpet-tongued of the insulting triumphs achieved by the ecclesiastical power over the hunted, depressed, and degraded cause of social and religious freedom.‡

We contemplate with horror the fires of Smithfield, the dungeons and auto da fes of the Inquisition, the massacre of St. Bartholomew, and the penalties of the Star Chamber. But the un pitying and remorseless sentence of Endicott,§ the governor, who, on one occasion, told his prisoner, "re-

\* See "European Settlements in America," vol. ii. p. 144. Savage says in a note to Winthrop, (vol. ii. p. 149,) "there was no place left but *England* for the unhappy schismatics." † Story's Historical Discourse, p. 54.

‡ Hutch. Hist. Mass. vol. i. pp. 41, 57, 63, 116-17, 208.

§ Vide Sewell's History, Quakers, p. 243, et seq. and sparsim.

nounce your religion or die," and the sanguinary denunciations of the General Court, fill us with equal dismay. That they who had preached such purity of life and conduct to mankind; that they who had been exposed to the terrors of persecution and fled from it; that they, forgetful of their own precepts and the lessons of their own sad experience, should pursue to banishment and death, almost every species of nonconformity; \*—displays to us recesses in the human mind, which point to a dark and unexplored labyrinth in its devious and impenetrable depths. The extent to which this violation of the rights of mankind, was carried by the Puritan colonists, occasioned amazement and alarm among their brethren in England. † Letters were written expressive of their disapprobation and concern. ‡ Even the mild and gentle Isaac Pennington, the Quaker, was induced to admonish them in several well written and truly catholic treatises, of the hostility of their legislation to the cause of liberty, to the Christian religion, and to the well being of its various professors. §

A philosophic and able historian bespeaks the indulgence of posterity for such a harsh and sanguinary scheme of government, by observing that few in fact were exposed to the severity of these inflictions. I am far from wishing to magnify what humanity would delight to lessen, but it is

\* See Mass. Hist. Coll. 1st Ser., vol. iii. pp. 53–5; Savage's Winthrop, vol. i. pp. 56, 149; also, compare Holmes's Annals, vol. i. p. 272, and Knowles's Life of Roger Williams, pp. 184–9.

† See Mass. Hist. Coll. 2d Series, vol. viii. p. 49.

‡ Ibid. also 1st Series, vol. iii. p. 27–76, p. s. 69; also Bancroft's Hist. U. S., vol. i. p. 373 (note).

§ See Appendix, H.

certain that the victims were numerous, considering the sparse population of the colony, and the brief period of thirty or forty years, during which such laws could safely be put in execution.\* During the Protectorate, and the civil troubles which preceded it, these severities were unknown or connived at in England. Upon the restoration of monarchy, they were prohibited by royal interdict,† and after that period few, if any cases of death, for colonial nonconformity, in fact occurred.‡ But the doctrine of *intolerance towards error*, continued to be asserted and acted on in practice, till the close of the seventeenth century.§—The election sermons of the day breathe any thing but the freedom of the Gospel. The Rev. Mr. Higginson in 1663, the Rev. Mr. Sheppard in 1672, and President Oakes in the following year, all denounce the idea of *religious liberty*, as the offspring of delusion, or the specious plea of infidelity. A clergyman of Ipswich, Massachusetts, by the name of Ward, who wrote in 1645, and whose effusion is quoted in Belknap, observes, “It is said that men ought to have liberty of conscience, and that it is *persecution* to debar them of it. I can rather stand amazed than reply to this. It is an astonishment, that the brains of a man should be parboiled in such impious ignorance.”

\* See Appendix, I.

† See Mandamus to the Government of New England, issued by order of Charles II., dated 9th September, 1661, in Sewel's History, p. 272, (Lond. ed. fo. 1725); also Hutch. Hist. of Massachusetts, vol. i. p. 219.

‡ Judge Story says, “Persecution became less frequent because it was less safe.” See Story's Hist. Disc., p. 55.

§ See Appendix, K.

President Oakes tells us, in 1673, that he looks "upon toleration as the first-born of all abomination."\*

A further extenuation is attempted by the apologists of the New England Puritans, in attributing the rigour of their political policy to the age, as one of religious intolerance.† But the remark is not applicable to Holland, where religious liberty, in that age, was fully established, and where the Plymouth colonists themselves enjoyed perfect toleration, for a period of ten years. It is not true of Lord Baltimore, Roger Williams, and William Codrington, who had introduced into their respective settlements, the enlightened and catholic maxims of an enlarged social freedom. It is not true of William Penn, who, while the New England ecclesiastics were denouncing a sentiment favourable to toleration as a heresy, and its practice as a sin, was preaching to the crowned heads of Europe the impropriety of tests;—a doctrine, whose feasibility he afterwards beautifully illustrated, in making universal toleration the basis of his colonial system in Pennsylvania. Thus we do not find these sentiments maintained in the neighbouring colony of Rhode Island,‡ so early as 1634, nor among the Catholics of Maryland in 1632, nor among the Quakers of Pennsylvania, in 1682, nor among their predecessors, the Swedes and Dutch, either in that province, or in the colony of New York. The mistaken system of Elizabeth and James, was sustained upon the inadequate plea of *state necessity*;—but the liberal opinions of the

\* Vide Belknap's Hist. of New Hampshire, vol. i., pp. 71-5.

† See Hawes's Tribute, &c. p. 139, and many others.

‡ Vide, Hutch. Hist. of Massachusetts, vol. i. p. 453, (No. XI. Appendix.)

age in a portion of cultivated Europe, and especially its generous and Christian spirit on this side of the Atlantic, opposed themselves to the demons of intolerance and persecution.

In a disquisition of this nature, a reference is necessary to the punitive system of the colonists. A society which is touched with the spirit of genuine liberty, will treat the humblest and most degraded of its members, with all the lenity which is compatible with the existence and safety of the social state. We find in the colony of Massachusetts, a penal code remarkable for the multiplicity of its objects, and the ignominy and rigour of its inflictions. Not only those offences which are known to the jurist, by the name of *crimes*, were punished with great severity, but the lesser morals were watched, and the minor improprieties of life were aggravated, into offences of grievous turpitude. The mind of the General Court seemed to be filled with the idea, that the limb which was diseased, had better be amputated than cured, that the transgressor had better die than be reformed.

Further amplification on this head is needless; nor shall I drag into light the dark and tragical end of a noble race of men, whose valour and conduct in resisting the encroachments of the colonists, showed themselves worthy of a better fate. History weeps at the cruelty with which these infidel sons of the soil, these peeled and defrauded outcasts of humanity have been immolated, on the base shrines of lucre and ambition.

The Colony of Connecticut was settled in the year 1636, and not being within the jurisdiction of Massachusetts,



adopted a constitution of its own, very similar in its provisions to the Massachusetts Charter.\* This, as has been already observed, was upon the most liberal plan of an English Municipal Corporation. We find here the same identical spirit which was at work in the elder colony, the same contracted views of freedom, and the the same intolerant laws.†

The colonists, having acted without the authority of a Charter, presented their petition to the throne, on the accession of Charles the Second.‡ The prayer was complied with by a grant,§ very similar in its provisions to the charter of the "Corporation of Massachusetts Bay." The liberal principles of this Charter may be inferred from the fact, that it continued to exist as the fundamental law of Connecticut, through the changes which necessarily followed the American Revolution, down to the year 1817.

But, it is contended, that however the Puritan settlers may have erred, from the mistaken fervour of religious excitement, their civil institutions and the organic plan of their church establishment, were fundamentally popular. How far and with what limitations, this position may be admitted or contested, it is beside my purpose, except incidentally, to inquire. The Charters of the Eastern colo-

\* Vide *Commission* for the governing of Connecticut, March 3d, 1635, in Hazard's State Papers, vol. i. p. 321.

† See Appendix, L.

‡ Vide Trumbull's Hist. of Connecticut, vol. i., p. 511, (Appendix, No. 7.)

§ Vide Charter in "Letters, &c. by R. R. Hinman, Secretary of the State of Connecticut," (containing original documents,) p. 174.

nies, though emanating from the free grace of the English monarchs, though framed under the eye of the prerogative race of the Stuarts, comprehended in their design and spirit, the substantial elements of public and private freedom. To what extent these seminal principles were pushed, and whether in the whole tendency of the colonial scheme, the cause of social right and the republican theory were advanced, are questions which depend upon the policy adopted, and the prevailing sentiments of the people.

The great lines of the social domain have now been traced, and some of its prominent regions explored. It is evident from the survey, that in the civil disabilities imposed on all sects but one; in the union of Church with State; in the secular ascendancy of hierarchs; and in the unrelenting treatment of nonconformists;—the rights of mankind were better protected in England, than in the Puritan colonies.\* In all these, there was a virtual breach of the fundamental written law; a manifest abridgement of that freedom which was guaranteed to the world in the Royal Charter.† It remains that I should glance at the political views of the leading minds in the colonies, in order to observe how the theocratic principles of their government, inspired an abhorrence of monarchy, or a preference for democratic institutions.

The emigrants, who sailed in the *Arabella* from England, in the year 1630, left behind them a curious and pregnant document.‡ It is in form, an epistolary missive

\* See Appendix, M.

† Vide David Humphrey's "Historical Account of the Propagation Society," p. 38-9.

‡ See Hutch. Hist of Massachusetts, vol. i. pp. 431-2, (Appendix, No. 1.)

to their "reverend fathers and brethren of the Church of England." The adventurers earnestly deprecate, in this paper, any misconstruction of the objects of their enterprise. They call themselves, his "Majesty's loyal subjects,"\* and with many other kindly expressions, say, "we esteem it an honour to call the Church of England, from whence we rise, our dear mother, and cannot part from our native country where she specially resideth, without much sadness of heart, and many tears in our eyes."

Six years subsequent to this event, and eight before the royal tragedy which preceded the Protectorate, a proposition was made by certain gentlemen of the English nobility to remove to Massachusetts.† This overture was received and deliberately considered by the inhabitants. In the correspondence which ensued, it appears that the Rev. John Cotton, one of the most important and influential men of the New World, as well as the other "*leading men*,"‡ of the colony whom he consulted, were opposed on principle to a *republican* polity. As a "*church government*,"—such is Cotton's language,—"*was justly denied to be democratical*," the colonial freemen were willing to adopt any other political form which did not intrench upon this distinctive organization. In answer to the first of the inquiries or "*demands*," propounded by these noblemen, the colonists say,§ "*two distinct ranks we willingly acknowledge from the light of nature and Scripture* ;

\* See Appendix, N.

† Vide, Hutch. Hist. of Massachusetts, vol. i. p. 433, (Appendix No. 3.) et seq.

‡ Ibid. p. 439, (Appendix, No. 3.)

§ Ibid. p. 439, (Appendix, No. 5.)

the one of them called princes, or nobles, or elders, amongst whom gentlemen have their place; the other the people." In the eighth *demand*, these noblemen require that the governor "shall *ever* be chosen out of the rank of gentlemen." The answer is, "we never practise otherwise, &c., choosing them out of approved known gentlemen, as this year, (1636,) Mr. Vane." In Cotton's letter to Lord Say,\* after declaring that he should "never fear to betrust a greater commonwealth than theirs, under such a *perpetua dictatura* as his lordship should prescribe," he is thus explicit upon the subject of his political preferences. "It is better that the commonwealth be fashioned to the setting forth of God's House, which is his church, than to accommodate the church frame to the civil state. *Democracy I do not conceive that ever God did ordain, as a fit government, either for church or commonwealth.* If the people be governors, who shall be governed? As for monarchy and aristocracy, they are both clearly approved and directed in Scripture, yet so as referreth the sovereignty to himself, and setteth up theocracy in both, as the best form of government in the commonwealth, as well as in the church." These celebrated answers and letter yield all honour to hereditary dignity, if accompanied by personal virtue; they both express repugnance to a democracy; and are indifferent whether a monarchy or aristocracy be established, so only that the fundamental principle of *church membership* be recognised.†

\* Vide, Hutchinson's History of Massachusetts, p. 436, vol. i., et seq. (Appendix, No. 3.)

† See Appendix, O.

A quarter of a century after this memorable correspondence, as we have seen, the colonists of Connecticut, for the first time, approached the English throne in the form of a petition for a Royal Charter.\* True to the sentiments expressed by their brethren of Massachusetts, they delicately refer to "the calamities of the late sad times," and proclaim their unwavering loyalty, during the storms of the Protectorate, by intimating as their reason for not having petitioned before, their willingness "to receive power and privileges from *none other than their lawful prince and sovereign.*"†

What course of policy was adopted by the Massachusetts and Connecticut colonies, on the accession of the English Protector, cannot, from the absence of historical evidence, be now ascertained. In the colony of New Plymouth, Mr. Baylie informs us, that on the interruption of the royal sway, by the death of Charles, the oaths of office underwent a change. But the colonists did not prescribe by a formal act or resolution, the terms of a new oath, which, in the event of political reverses to the ascendant party in the English state, might read awkwardly against the colony.‡ Instead of this they simply blotted out of the record, the words of allegiance to King Charles and his successors, and interlined, "the government of England as it now stands." On the restoration of monarchy, in the person of a second Charles, no documentary notation was necessary to annul the former proceeding. This was more conveniently

\* Vide Petition in Trumbull's Hist. Conn. vol. i. p. 517 (Appendix.)

† See Appendix, P.

‡ Vide Declaration by Plymouth, of "*the undoubted right*" of Charles II. to the Crown, Hazard's State Papers, vol. ii. p. 590.

and summarily effected by having the interlineation effaced and restoring the original language.

The other colonies of New England were modelled upon the two most ancient and prominent, whose regulations and policy I have rapidly sketched. They had no hardships to complain of, arising from the illiberality or restricted privileges of their Charters. Each contained the grant of ample political powers, especially the Charter of Maine; and as in the case of Connecticut, the Royal Charter which was given to Rhode Island, not only survived the shock of revolutionary convulsions, but it has remained to the present day, through all the troubles which succeeded them, in the place of a Constitution, framed after the republican pattern.

History then does not support the positions of the New England historians. It shows that the principles of an enlarged social freedom, as these principles are recognised at the present day, in this country, do not owe their existence to the Puritan adventurers, but that they have triumphed in spite of the opposition of an organized and illiberal hostility.

But though the eastern colonies did not set a bright example of political and religious liberty, yet there are points of attraction in the Puritan character, which warm our hearts with gratitude, and inspire the strongest sentiments of admiration and applause. They were men whose virtues, invigorated by adversity, were remarkable for the integrity of heart with which they were sustained. The fruits of their theological tenets, though enjoining the observance of much austerity, were visible in the purity of their private manners, and the fidelity of their public acts. In their lives they were self-denying and ascetic; severe and exacting in their

requisitions of others; inflexibly honest and rigidly just upon themselves.

The Puritan character in New England, however we may deplore its excesses, was admirably suited by its firmness and energy for settling a new country. The policy adopted, was well calculated to excite amongst the *admitted freemen*, the liveliest ardour for institutions, which would not intrench upon their own rights and privileges; and to sow broad-cast the seeds of morality and knowledge. Whatever repugnance Cotton and the leading colonists may have felt to a democracy in form, the internal government had many of the attributes of popular freedom. The right of trial by jury, common representation in the General Court, and a system of civil jurisprudence, remarkable for its equity and wisdom, are all so many monuments to the heads which planned, and the hands which built the colonial structure.

It cannot be denied that the union of the New England colonies in 1643, was productive of the greatest consequences to their stability and strength. The apprehensions of the first colonists were divided between invasions from the Indians, and the encroachments of more insidious enemies. A confederacy was suggested, by the concurring circumstances of nearly contemporaneous settlements, a common ancestry, proximity of situation, uniformity of faith,\* and community of danger. This ancient union bound together citizens in political ties, who were already united in the closer bonds of religious fraternity. It made the hearts of the different colonies beat in unison, as if by a

\* See Appendix, Q.

common impulse, and in obedience to a common law. What one colony felt, was faithfully transmitted to the rest, as by the necessities of a common nature. This social and religious fellowship has engendered feelings of affinity between the sovereignties of New England, which continue to the present day, to an extent which does not exist in any other portion of the American Union. This early colonial union was, no doubt, the prototype of the thirteen confederated colonies, which, upwards of a century after, declared themselves independent of the mother state; and asserted, by the most determined and chivalrous valour, their ability to maintain that declaration;—a conception which, if it did not confer, at least largely contributed, by its influence and positive benefits, to the establishment of an early peace and a national existence.

But the greatest blessing which New England has conferred upon mankind, and for which, her sons, to the latest posterity, owe a debt of gratitude to their fathers, is the grand system of *Common Schools*. Connecticut claims to have led the van in this great enterprise, under the direction of Davenport and Eaton;—names which are associated with the formation of the New Haven colony, and whose memories must be cherished by their successors, with the proudest respect and the warmest filial love. The system was introduced almost contemporaneously into Massachusetts, whose example was soon imitated by the other Puritan colonies; so that now there exists no country in the world, where the faculties of the common mind have been so liberally cultivated, nor where education is so universally diffused, nor where it is placed on a more enlightened and permanent basis. It was this, the best preparation which



could be made for the reception of the principles of the American revolution, which, co-operating with the internal organization, made the people ready as one man to assert and sustain them.—It cannot be forgotten that the zeal for learning which marked the early Puritans, in this country, was an advance on the system of English Puritanism. If we may judge by the doctrines of the English Puritan pulpits and the witty reproof of South,\* the English Independents held human learning in low estimation, and its possessors in disrepute or contempt. But the New England clergy, the Puritan as well as the Episcopal, have been distinguished from the earliest period, for their untiring and matchless devotion to letters. Several of them received the highest honours of foreign universities, and many may safely be compared in erudition, with the most learned men of their age in Europe. Not to speak of the multitude of lesser lights, of the *dii gentium minores*, I might mention Jonathan Edwards, the celebrated author of "The Freedom of the Human Will," Dr. Samuel Johnson, Stiles, Hopkins, and many others, as men equally remarkable for their profound attainments and fervid piety. The learning of the Eastern colonies, though for a long time wasted in polemical disquisitions, or obscured by the literary follies of anagrams, puns, and conceits, rose to higher dignity after the age of Anne. The literary appetite began to loathe the grotesque and unnatural *Du Bartas*, once their choicest poetical disk, for sentiments and images more just and classical; and the fever of religious controversy, though long maintained at a high point, subsided gradually into a more tranquil, settled, and healthful temperature.†

\* See Appendix, R.

† See Appendix, S.

Having thus rapidly surveyed the Eastern colonies, and marked the free principles contained in their Charters; having observed the opportunities which these afforded for the engraftment of an enlarged and comprehensive freedom; and observed the nature of that which was introduced;—let us glance at some of the more southerly provinces, in order to estimate their probable influence in the conception and formation of our present form of government. I shall not here speak of New York and New Jersey, where the most generous aspirations were cherished, from the earliest times, in favour of rational liberty.\* Nor shall I speak of Virginia, Georgia, and the Carolinas, where the warmest love of freedom, mingled with a high and romantic chivalry, distinguished their early annals.† It will sufficiently meet the objects of this Discourse to select two colonies, the religious tenets of whose planters, were equally obnoxious with the Eastern colonists, to the penal enactments of England against nonconformity. In doing this, it will be seen how unfounded and gratuitous are the assumptions of those writers, who would monopolize for the eastern portion of the American Union, all the honest fame resulting from a steady, enlightened, and liberal preference for free institutions. With this view, I shall confine myself to the colonies of Maryland and Pennsylvania.

The Royal Charter of Maryland, granted in the year 1632, laid a broad foundation of civil and religious liberty.‡

\* See Ramsay's *History of the United States*, vol. i. pp. 175–182, et sparsim.

† *Ibid.*, pp. 26–33, 158, et sparsim.

‡ See Charter in the original Latin, in *Haz. Hist. Col. State Papers*, vol. i. p. 327; translated in *Bozman's Hist. of Maryland*, vol. ii. p. 9, et seq.

In one of its features, it has been censured as savouring of the Stuart love of prerogative, over laws made by the three estates of Parliament. But there is less in the exception than might appear, on a cursory perusal. The objectionable right, which it confers upon the governor of making ordinances, is expressly confined to the brief interval which must elapse, before the freemen could assemble; and the ordinances permitted, are so well defined and narrowly restricted, as to be stripped of any noxious attribute. As it stands, its franchises were copious enough to enable the emigrants, to rear a noble and beautiful framework of civil and ecclesiastical liberty.

The oath of the governor, prescribed by himself, promised that appointments to office should not be made on account of religion, and enjoined upon himself and successors, not only protection to all who professed a belief in the Saviour, but the punishment of those who should molest others in their religious observances.\* The assembly followed in the year 1649, in the spirit of this self-imposed obligation, by repeating and even extending its provisions.† The only restriction which narrowed the liberality of this enactment, was that which confined its benefits to the professors of the Christian faith,—a restriction which tintured subsequent statutes, and led the way to those legal disabilities under which the Jewish nation rested, in Maryland, until their removal about twenty years ago.

The reverence in which the early colonists of Maryland,

\* Vide Hazard's Hist. Coll. of State Papers, vol. i. p. 117, for a restrictive provision respecting the Church of Rome, in the Plymouth Patent, (granted in the 18th year of James I.)

† See Act in Bozman's Hist. of Maryland, (Appendix,) vol. ii. p. 661, et seq.

held the character and virtues of Lord Baltimore, was only exceeded by their jealous and watchful love of freedom. This was put to a severe test, when their venerated proprietary presented for their acceptance, a code of laws, prepared by himself with care and sagacity. He expected it to be ratified by the Legislature. They cherished the virtues of their leader, whom they admired for his wisdom, respected for his disinterested attachment to liberty, and loved for his benevolence. But the adoption of his code, implied a subserviency which was incompatible with true independence. What was his surprise, when he found the fruits of his enlightened and anxious labours, promptly rejected by the Colonial Assembly!

In the formation of this body, the pioneers of Maryland manifested their adherence to the maxim, "all power is inherent in, and springs from, the people." The whole population assembled, after the manner of the ancient republics, to enact laws for their future government. This democratical mode of enacting laws, was continued until the year 1639, when the augmented number of the colonists rendered it impracticable. Then it was that a legislature was formed, upon the representative plan,\* consisting of the proprietary and popular departments.—With such a scheme of social order, animated by religion and virtue, nothing could prevent the happiness of the people, but a change in the councils of the province. Rational liberty had been established. The popular voice was heard in every election. The inalienable rights of humanity had been consulted in

\* See Rams. Hist. U. S., vol. i. p. 117; also Bozman's Hist. Maryland, vol. ii. p. 109.

the principles of the punitive system. The Christian, of whatever denomination, could plead his cause with his Maker, without the dread of human restraint or coercion: and

" The poor Indian, whose untutored mind,  
Sees God in clouds, or hears him in the wind,"

was aided in his aspirations, and taught to bow the knee, at the shrine, not of an idol or a demon, but of a good and living Manitto. But alas, the halcyon which, in its tranquil flight, was dipping its pinions beneath the smooth surface of the social waters, was only the harbinger of an impending storm. The restless spirit of Puritanism, which, upon the supremacy of Cromwell, had bound England hand and foot,\* and which had shown itself in such unamiable phases in New England, penetrated even to the deliberative hall of Maryland, and was observable in the legislative acts of the Colony.†

In the year 1654, when the sun of Cromwellian power shone in the blaze of its zenith, various acts and orders were passed by the General Assembly, under "Commission from his highness, the Lord Protector." Among these is

\* Vide Walker's "Sufferings of the Clergy," part i. p. 200; also Robertson's *Hist. of America*, vol. ii. p. 259; also Harris's *Life of Cromwell*, p. 437; though a very partial work. See, among the migrations to Virginia to escape the danger of the Protectorate, John Washington, the ancestor of the Father of his Country. Rams. *Hist. U. S.* vol. i. p. 35.

† Maryland and Virginia experienced, in their full force, the restrictions imposed on commerce and navigation, during the whole period of the Protectorate, while in New England, Cromwell permitted these laws to be so relaxed as to be unfelt. See Ramsay's *Hist. U. S.*, vol. i. p. 34. See his peculiar kindness to the colonies of New England referred to, *ibid.* pp. 59-60; also Robertson's *Hist. of America*, vol. ii. pp. 230-260.

one entitled "An act concerning Religion."\* The language of the act was devised for the benefit of Puritans only; and though the Roman Catholics, who were the original settlers, seemed to be exclusively pointed at, yet it is manifest that the subtle arts of Cromwell's genius had been at work, to elbow out of the colony, by sly and indirect legislation, another class of religious professors.

The cruelty of this law is only equalled by its perfidy. It illustrates the point and moral of Esop's well known fable of the Snake and the Frog. The people whom the tolerant acts of the first adventurers, had invited into the settlement, turned upon their hosts, and forced upon them the alternative of either abandoning the colony, or being deprived of their civil and religious franchises. But let it not be forgotten that though Protestant intolerance was thus temporarily fostered in the colony;—a feature, certainly, the most repugnant of all others to our institutions at the present day;—yet in all else,—in the liberty established by the Roman Catholic settlers; in the deputed assemblies; in the trial by jury; and in the diffusive right of popular suffrage; the people cherished with watchful circumspection, all the out-works of a republican state.

If we consider the moral and political condition of provincial Pennsylvania, we shall perceive, where, in common with Maryland, and the more southern as well as the other middle colonies, the genius of freedom imbibed the milk, which warmed and nourished the life-blood of its infancy, in this hemisphere. The colonial fabric is not imposing,

\* Vide Bozman's *Hist. of Maryland*, vol. i. p. 195; *ibid.* vol. ii. p. 512.

but commends itself for the simplicity of the whole, and the consistency of its several parts. It is easy for rulers to make general professions in favour of liberty, while their practice may be characterized as tyrannical. Among those rulers who figure most prominently in the history of mankind, there are few beside Penn, who firmly carried out their principles into act, and made their doctrines the basis of their practice. Like Washington, who despised glory at the expense of his country and his honour, Penn was deaf to the voice of ambition when it called him from the path of duty. The friendship of a monarch,\* though it opened to him the door to title, opulence, and fame, was made subservient only to promoting the great principles of his life and the welfare of his colony. At the present day, the statistics of crime and the lights of experience, are slowly combining to impress the unchangeable truth, that free institutions without virtue, and mental cultivation without religious morality, cannot preserve our national existence. Above a century and a half ago, Penn taught, with a more than human sagacity, that lesson to his province. The following passages from his writings, may serve to elucidate his sentiments, and display the standard by which he may be judged. These sentiments pour a flood of living light on the present day. "Nothing," says he, "weakens kingdoms like vice; it does not only displease Heaven, but disables them. \* \* What then should be more concerned for the preservation of virtue than government? That, in its abstract and true sense, is not only founded upon virtue, but without the preservation of virtue

\* James II.

it is impossible to maintain the best constitution that can be made. \* \* In the many volumes of the history of all ages and kingdoms of the world, there is not one instance to be found, where the hand of God was against a righteous nation, or where the hand of God was not against an unrighteous nation, first or last ; nor where a just government perished, nor an unjust government long prospered. Kingdoms are rarely so short-lived as men ; yet they also have a time to die ; but as temperance giveth health to men, so virtue gives time to kingdoms ; and as vice brings men betimes to their graves, so nations to their ruin."

It was upon the foundation of such a theory, that he reared his colony. No sooner had the patriarch with his family of emigrants, arrived on the shores of the Delaware, than they immortalized the place of their landing, by the enactment of a code, which proclaims justice to the Indian, clemency to the offender, and toleration to every believer under Heaven. But these acts however vital in their relations to a rational scheme of liberty, it was well known would prove an empty and delusive boon, to an ignorant or a vicious population. It was therefore enacted, that schools should be provided, at the public expense, for the poor ; and industry and trades were enjoined, to keep them from idleness and preserve them from want. A provision of the Great Law, required that "the laws shall be one of the books taught in the schools" of the province. It is not necessary here to say more, respecting the treaty made with the Indians under the spreading elm of Shackamaxon, than that it is the only treaty, which the historical records of all time have preserved to us, which, according to the Abbé Raynal, was *never sworn to, and never broken*. One of the



articles of Penn's "Certain conditions and concessions," &c., agreed to by the intended emigrants in 1681, provides that a jury, to consist equally of Englishmen and Indians, were to decide all differences between them.\* This unusual concession of privilege to a savage tribe of men, could only have its origin in that deep and unalterable respect for human rights, which governed all the actions of the founder. In after times, the right of a foreigner to a jury, *de mediatate lingue*, was disputed in a court of law, but a judicial decision was pronounced, establishing its legality.† Not content with these provisions in favour of natural liberty, he destroyed the English rule of primogeniture, and established a more republican canon for the descent of estates.

The political opinions of Penn, may fairly be inferred from the civil regulations, which were adopted for the government of his province. His definition of liberty is at once enlightened and democratic. It manifests the liberal views which he cherished, and his clear conception of the true nature of that representative system, which he designed to introduce. "Any government," he observes, "is free to the people under it, whatever be the frame, *where the laws rule*, and the *people are parties to those laws*; and more than this is tyranny, oligarchy, and confusion."‡ In conformity with these ideas, he summoned all the inhabitants to attend personally, for the purpose of making laws. But an assembly so entirely popular, was waived by general

\* See Proud's History of Pennsylvania, (Appendix,) vol. ii., Part I. No. 1, Sec. 14, p. 4.

† *Respublica vs. Mesca*, vol. i.; Dall. Rep. p. 73.

‡ Vide Preface to the "Frame of the Government of the Province of Pennsylvania," in Proud's History of Pennsylvania, vol. ii. (Appendix, No. 2,) p. 7.

consent, it being found that it was more convenient to appoint delegates *to represent the people*, in the form of a legislature. The legislative body soon after its formation, had the power conferred upon it, of *originating* as well as *acting* on bills, and the *treble vote* of the governor was relinquished as slightly savouring of aristocracy. This framework of the province was formed in the year 1682. Notwithstanding the flood of one thousand emigrants which poured into the settlement, during the first year of its existence, and the many reverses which were brought about by the unsettled state of political affairs in England, this policy continued for many years without a material change. At the time when Cotton Mather and his associates were pursuing at Salem, and in other parts of Massachusetts, the imputed offence of witchcraft, with an unwise and cruel severity, a Pennsylvanian jury, under the eye of Penn, who presided at the trial, brought in a verdict, that the accused "was guilty of having the *common fame* of being a witch, but not guilty in manner and form as she stands indicted."\* The minds of the founder and the more intelligent of his colonists, were happily exempt from the absurd infatuation respecting witchcraft, which prevailed among all classes, in some of the sister provinces. The case referred to is the only one, which, as it may happen to be viewed, either stains or illustrates the judicial annals of the colony.

It was thus that he attempted to protect from internal enemies, as he feared no rupture from without, the elements of

\* The curious reader may see an account of this trial, in Hazard's Register of Pennsylvania, vol. i. p. 108; also in Colonial Records of Pennsylvania, vol. i. p. 40. This trial took place on the 27th December, 1683.

popular freedom. The toleration of all religious professors, and the immunity of none from the common burthens, was a maxim which formed the corner-stone of the social pile; while generous justice to the Indian, and merciful charity to the offender, naturally entered as constituent parts of the edifice. The whole structure was a simple and unadorned but majestic temple, which was consecrated to the one purpose of protecting the natural rights and inviolable liberties of mankind.

The principles which were thus asserted and maintained, did not die with the great man, who gave them here the sanctuary of a home. They continued in energetic operation, through the whole period of our colonial history. They yet live, dispensing to distant lands, the genius of that spirit to which we owe their introduction.

The long absence of the Founder in England, combined—with other causes of alienation—to excite a disposition among the colonists, unfavourable to his pecuniary rights and interests. They began to murmur at the quit-rents, which he had reserved, with their assent, in his conveyances of land; they withdrew the imposts which had been voluntarily granted to him, as a means of revenue; and in the fervour of temporary estrangement, they even refused to concur in those great schemes of social improvement, which lay nearest his heart. Such was the veneration in which all united in holding his character, that more well founded objections than these, would have been heard only in whispers, during his life. But on his demise, old complaints were revived, and new ones superadded, against his successors. The deputy governors, whose indiscretions had fanned the first spark of discontent, now by folly and

misgovernment, blew it into a flame. Two distinct parties were formed, with opposite views and variant pretensions. Those who espoused the cause of the governors, were called the proprietary party, and those who arrayed themselves in opposition, were distinguished as the popular side. These factions became heated against each other, into an irreconcilable feud. Bickerings and heart-burnings disturbed the tranquillity of private life, and wordy turbulence characterized these parties in the assembly. Dr. Franklin, whose *Historical Review* is now admitted to be only an emanation of partisan extravagance, enlisted all his sympathies in the popular cause. He followed the example of Loyd, the celebrated opponent of James Logan, and other champions of the people, who figured in the preceding age; and employing all the power of his acute and commanding intellect, in attacking, with the shafts of wit and argument, the old bugbears of proprietary right and proprietary prerogative, he soon made them sufficiently odious. The points to which these dissensions gave rise, were warmly disputed, down to that period when colonial contests were neutralized, in the absorbing question which then presented itself, of foreign subjection or national independence.

The vigilance and distrust of the colonists were no doubt at first awakened, by symptoms of political encroachment, on the part of the deputy governors, without the warrant of the founder. It cannot be denied that this, in combination perhaps with other trivial causes, was not without its influence. But it may not escape the attention of the philosopher, in reading this page of our colonial history, that these altercations owed their existence, in part, to the sentiments which Penn had himself inculcated in his colony. He had taught

the colonists to love and cherish constitutional liberty, in its most comprehensive sense. He had taught them that as men they were all equal; that every one, without distinction of class or sect, who believed in the existence of a Deity, and owned land at a penny an acre, was a *freeman*; and that the majority in every state were entitled to govern. He taught them that humanity had rights, of which even the most debasing criminality cannot divest it. He taught them that no one was so humble, not even the poor Indian, but was entitled to justice, and the offices of kindness and charity. Above all, he taught them that every man, whether Christian, Jew, or Mahometan, had the natural right to worship his Creator in his own way, without having his eyes, when turned upward in adoration, to rest upon the suspended sword of the civil magistrate, ready to descend upon his devoted head. These lessons had been imprinted upon their hearts; they were cherished as their best and amplest earthly boon; they were transmitted to their posterity as their richest inheritance.\* It is hardly necessary to say, that the party contests sharpened their vision for the perception of distant, perhaps imaginary danger; nor that in the pretensions, which, as partisans they were found to assume, they transcended the doctrines of their great preceptor. It is no unusual case in the history of the human mind, to find the teacher far behind the disciple, who was indebted to him for his original precept. But however extravagant may have been some of the political tenets of the *popular* party, among the colonists, those who held them in check, came from the strife too deeply imbued with the principles of

\* See Appendix, T.

natural justice and eternal liberty not to repel with indignant patriotism all attempts to invade them. True, the Royal Charter had expressly reserved to parliament the right of imposing taxes;\* true, the colonial prosperity and social happiness had not been sensibly diminished by the exercise of this power; true, as champions of the proprietary interest, they were united by the closest ties of sympathy and affection with the mother state; and true, the religious scruples of many of the colonists were opposed to war. These circumstances would make them deplore the occurrence of an open rupture, but could not render them insensible to those great principles of freedom which they came hither to support and establish. It was these principles which made a John Dickinson, whose "Farmers' Letters" sowed the seeds of the revolution, and whose addresses to the king were as instrumental in precipitating that event, as his letters of Fabius were to confirm the hearts of the people, when that momentous period was past. It was to these principles we are indebted for Charles Thompson, whose eulogy is written, in undying characters, in his unostentatious and patriotic acts. On the popular side stands, beside Dr. Franklin and many others, Dr. Benjamin Rush who was not more eminent for his literary and medical deserts, than he was decided in his patriotic councils. The popular party in truth were not only ready but courted the contest. Their swords were sharpened against the enemies of their country, by the very arguments with which their proprietary antagonists had been so often overwhelmed.

\* Vide 20 Sec. of Charter, in Proud's Hist. of Penns. vol. i. p. 185.

It cannot be that Pennsylvania, with these facts emblazoned on her early history, will relinquish to the Massachusetts and Connecticut colonies the unparticipated honour, of fostering those maxims of social liberty, which are justly regarded as fundamental, in our present system of government. Like them the external frame of colonial polity was popular and democratical; the representative plan was adopted; schools were established; useful industry was promoted; justice, equality and right were recognised in the internal administration. In these respects, all the colonies stand upon the same common ground. But the greatest and best, the vital and distinguishing features of our present political system, are, the freedom of the state from all the trammels of ecclesiastical restriction, and the equal eligibility of all *churches* to its highest honours and richest rewards. In the establishment of these, the sentiments of the people derived no support, from the doctrines or example of the Massachusetts and Connecticut colonies. It may be doubted, if all the colonies had been peopled by men of similar views and policy with those of New England, whether the angelic form of religious freedom, now our presiding and guardian genius, had ever descended to crown the happiness, or bless the social charities of the present United States.

The Puritan settlements permitted freedom to their *church members*, but refused it to all others under the severest pains and penalties. Their freedom was that of men who appropriated all human rights as belonging to themselves, while they perversely denied them to the rest of mankind.\*

\* See Hume's Hist. Engd. vol. vi. p. 164.

In justification of this policy, it is maintained by one class of writers, that the Puritan pilgrimage to New England, had in view only the enjoyment of the Puritan religion,\* and that in order to guard it from danger, defensive laws became necessary. Do these apologists forget, that if this were the original motive of the enterprise, it was never known or communicated to the Parent State; that the emigrants of 1630 ardently professed a different purpose; and that there was no warrant in the Charters for such an establishment?† But admit that this plea displays the real groundwork and essential principle of the colonial action; —is the motive assigned, of a character large and disinterested, or limited and selfish? Where is the boasted glory of a system, which requires in its defence the attribution of an aim so barren, of a design so humble? What becomes of the moral sublimity of that example, on which the New England historians delight to dwell?

The plea of *necessity* has been the plea of restrictive tyranny, from the beginning of time.‡ If the system of exclusion and severity be defended on this ground, what is it but the general plea of cruelty and despotism, the world over? The Christians were persecuted by the Jews and Pagans, because Hebraism and Paganism were in danger. The Protestants endured the persecutions of the Roman Catholics, because Catholicism was in danger. The Epis-

\* See *Hist. Disc.*, by Prof. Kingsley of New Haven., p. 46, and many others.

† See "Historical Account of the Propagation Society" by David Humphries, pp. 38-9; also *Robertson's Hist. America*, vol. ii. p. 248.

‡ See on this subject Harris's *Charles I.* pp. 232-3.



copalians, for the same identical reason, retaliated these persecutions upon dissenters. It is the refinement of sophistry to teach, that the object of either of these persecutions was the preservation or recognition of natural liberty. If it be, and if *fear* or *necessity* can excuse wrong or justify oppression, then we must snatch from undeserved reproach, from the sentence of unmerited obloquy, those tyrants and despots whose memories history has so long covered with disgrace.

The liberty for which the eastern colonists were clamorous, was the liberty of an aristocracy who monopolize every benefit to themselves. It was the liberty of the Barons of Runemed, who in their anxiety to restrict the authority of the King, and to amplify their own, wholly overlooked the privileges of the people. It was a liberty which seemed less to arise from philosophy than instinct. It was less an abstraction, as an inalienable attribute of human nature, than the offspring of mistaken religious zeal.

This slight and imperfect review of our colonial history, shows the errors into which those writers have fallen, who ascribe so important an agency to the maxims and policy of the Puritan fathers, in the establishment of this republic. It may be truly said, that the political vine and fig-tree which shot forth at the revolution, were not indigenous to this soil nor of spontaneous growth, but exotics which were planted by the first settlers of the respective colonies, in whose shade and beneath whose shelter, they had reposed in other lands. They struck deep, and flourished here, by means of a propitious climate and a judicious culture. The political agriculturist, when he surveys the vast arms which they

have thrown over the land, encircling the most distant tracts of our territory in their embrace, will trace their roots not only to the East, but he will find them mingling with the soil alike of every valley and every hill throughout the extensive regions of that Union whose banner waved in common triumph at the revolution.

## A P P E N D I X.

A.—p. 8.

AMONG the works referred to, may be mentioned the various replies to Neal's History of the Puritans, which are seldom to be met with in New England. Heylin may be thought to have erred as much on one side, as Neal on the other. Neal is found in almost every library in New England, but the answer to that very partial work by Bishop Maddox and Dr. Grey, almost nowhere. As further evidence of the feeling on this subject, a collection of the Blue Laws of the New Haven Colony, was not to be found in print, except among the curious, until the year 1838, the only edition known being that of London, printed in 1656. The edition of 1838, published among other curious matter, at Hartford "by an Antiquarian," does not, however, contain the laws previous to the time of Eaton. Those celebrated laws never having existed, except in MS.; are not now in existence, the records being lost or destroyed. All we know of them is, that portions were doubtless re-enacted in 1655;—the history by Peters being regarded, for the most part, as fabulous. Our Hartford Antiquarian observes in his preface, "The compiler is aware that some few of the illiberal in this community, may be dissatisfied with the publication of a part of these important antiquities, apprehending that the literary or moral character of the *Puritan Fathers* of New England, may be implicated by such publication.

\* \* \* \* \*

The suppressing, or rather neglecting, their publication for one hundred and eighty-two years, is far more reprehensible than any thing contained in the Blue Laws themselves." Vide "The Blue Laws of New Haven Colony, usually called," &c. &c., by an Antiquarian, pp. 6-7, (Hartford, 1838.)

## B.—p. 14.

Vide Short's History of the Church of England, vol. ii. p. 230 et seq. *ibid.* p. 259; also Fuller, who says in his Church History, lib. xi. page 7, "The Puritans of this age (that of Elizabeth,) were divided into *two ranks*, some mild and moderate, contented only to enjoy their own conscience; others fierce and fiery, to the disturbance of Church and State." *Ibid.*, p. 178, it is stated that Lord Burleigh desired the Puritans to frame a better liturgy than the one in use; thereupon a schism arose, and four distinct parties were formed.

"The *first classis* framed a new one, somewhat according to the *form of Geneva*.

"The *second*, disliking it, altered it in *six hundred* particulars.

"The *third* quarrelled at these alterations, and resolved on a *new model*.

"The *fourth classis* dissented from the former.

"Thus," continues Fuller, "because they could not agree among themselves, that wise statesman (Burleigh) put them off for the present, until they could present him a pattern *with a perfect consent*."

## C.—p. 16.

See "Some Considerations proposed to the citizens of London," &c., by Isaac Pennington, (Works fo. Lond. 1681,) p. 140, in which he says, "O ye great ones! The Lord did not throw down the greatness of the nobility, for *you* to rise up in their places," &c.

## D.—p. 18.

The author of "The European Settlements in America," &c., contends that the Roman Catholics were more harshly treated than the Puritans, in England, see vol. ii. p. 220. Hawes says,

a *slight* submission to mitred authority, would have made unnecessary their exposure to the privations and hardships of a residence in the New World. See Tribute, &c., p. 118-9.

E.—p. 19.

The principles of this Charter are readily seen. The grant, is in *the free and common socage*, and not *in capite*, nor by Knight's Service. (Hazard's State Papers, vol. i. p. 245.) The tenure of office is not *for life*, or an indefinite period, but is made dependent upon *conduct*, and determinable by the *majority*. The right of *election* to office, and the right of removing from office, are expressly recognised. (Ib. p. 248.) The *freemen* are to be chosen by "the governor, (or in his absence, the deputy governor of the said Company, for the time being,) and such of the assistants and freemen of the said Company as shall be present, or *the greater number of them so assembled*," p. 247.

Nothing is said in the Charter, respecting the *qualifications* to freemanship, except what is contained in the following passages: "*That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatsoever, to take, leade, carry, and transport, for and into their Voyages, and for and towards the said Plantacon in Newe England, all such and so many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as shall willinglie accompany them in the same Voyages and Plantacon.*" \* *Provided, that none of the saide Persons be such as shalbe hereafter by especial Name restrayned by Vs, our Heires, or Successors,*" p. 249. In p. 251, the Charter provides, "*That all and every the Subjects of Vs, our Heires or Successors, which shall goe to and inhabite the said Landes and Premisses hereby mencoed to be graunted, and everie of their Children which shall happen to be borne there, or on the Seas in goeing thither, or returning from thence, shall have and enjoy all liberties and Immunities of free and naturall Subjects within any of the Domynions of Vs, our Heires or Successors, to all Intents, Con-*

*strucons, and Purposes whatsoever, as yf they and everie of them were borne within the Realme of England."*

It is further provided, (p. 253,) that the Company shall "have full and absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subjects of Vs, our Heives and Successors, as shall from Tyme to Tyme adventure themselves in any Voyadge thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precints and Partes of Newe England aforesaid, according to the Orders, Lawes, Ordinances, Instrucons, and Direcons aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England, as aforesaid."

It is evident from these provisions that the colonists laboured under no restrictions, as to the amount of liberty which they might give to the inhabitants. The stipulation on the contrary was, that they should not be curtailed of any of the liberties and immunities which they were entitled to as *free and natural-born subjects of the Realm of England*. Whether the policy adopted disfranchising all who were not *church members*, no matter what their estates or personal respectability, was not an abridgement of the rights of British subjects, is a question too plain for discussion. The propositions made by the Commissioners of Charles II. to Connecticut in the year 1665, contain this requisition, "that all men of competent estates, and of civil conversation, (though of different judgment) *may be admitted to be freemen*, and have liberty to choose, or to be chosen officers, for the military and civil." Letters, &c., by R. R. Hinman, pp. 62-3.

The word, *freeman*, in the Charter, was intended at most to signify a *freeholder*, i. e., that every English natural born subject who had a *freehold*, should be entitled to the rank of a *freeman*. Britton, (c. 32,) whose definition is adopted by Blackstone, describes a *liberum tenementum* or *freehold*, to be "the possession of the soil by a *freeman*." 2 Bl. Com., p. 104. In the colony of Virginia, according to Beverly, the term was less restricted. "Every *freeman*," says he, "(by which denomination they call *all but indented or bought servants*,) from sixteen to sixty years of age, is listed in the militia." *Beverly's History of Virginia*, p. 233.

## F.—p. 20.

Hutch. Hist. vol. i. p. 219. But before this, see Sewell's Hist., p. 272 (Lond. ed. fo. 1772) for Mandamus from the king; also Propositions by his Majesty's Commissioners to the Governor and General Court of Connecticut, made April 20, 1665, in which are recommended that "all men of competent estates and of civil conversation, (*though of different judgment*) *may be admitted to BE FREEMEN*" and "that all persons of civil lives, may freely enjoy **THE LIBERTY** of their consciences, and the worship of God in that way which they think best," &c. (See Propositions and Answer in Hinman's Letters, &c. being original documents, pp. 62-3); also Mass. Hist. Coll. 2d Series, vol. viii. p. 76.

## G.—p. 20.

It was necessary for the *minister* to certify, that the candidates for freedom were of *orthodox principles*, as well as of good lives, &c. See note in Hutch. Hist. Mass., vol. i. p. 31.

## H.—p. 24.

Vide Isaac Penington's Works *sparsim*, (Lond. fo. ed. 1681) particularly "An examination of the grounds of causes," &c. part i. pp. 199, 208, 224, 225, 233, et seq.; also "Somewhat relating to Church Government," &c. &c. part ii. page 400, et seq.; also "Misrepresentations of one concerning Church Government cleared," part ii. p. 418, et seq. I lay the greater stress on this authority because his father, Sir Isaac Penington, was a member of the Parliament who condemned Charles I. and was much tinctured with admiration of Cromwell. The author here quoted, had been an Independent before he became a Quaker, and continued to feel through life a more than ordinary solicitude for his former party, in opposition to the Episcopalians and Roman Catholics. He writes rather in sorrow than in anger.

## I.—p. 25.

An ingenious and well informed writer, but of rather tart spirit, eloquently remarks, with reference to the causes which stayed the fury of religious persecutions in New England; "Charles was restored—Endicott died, and when the sun seemed to be turning into darkness and the moon into blood, the wheels of the car of destiny appeared suddenly to roll backward, and a glimmer of humanity began to dawn." Vide *The Churchman*, vol. v. p. 857, May 2, 1835.

## K.—p. 25.

John Checkley, in the first quarter of the 18th century, reprinted Leslie on Episcopacy. He was arraigned at Boston, heavily fined, and bound with two sureties to keep the peace. See also An Act of the Connecticut Colony against *Quakers, Ranters, &c.* passed in the year 1705, disallowed by Queen Anne in Council. See Proud's Hist. Penna., (note) vol. i. p. 465.

Bradford, in his History of Boston, pp. 49–50, denounces the *folly* of a toleration which may tend to misrule.

## L.—p. 28.

The voluntary compact adopted by the adventurers, in 1639, contained no explicit provision respecting religion. They only resolved to maintain the faith or discipline "*which we now profess*," which, as is well known, were those of Geneva. The penal system was modelled, both in Connecticut and New Haven Colony, upon the basis of the Levitical code, which punished many offences with death. It is not easy to say what was the precise nature of the criminal law, before the time of Eaton in 1655, as the early regulations of Connecticut were not preserved in print, and some of the manuscript records of New Haven are lost, mutilated or destroyed. Of that celebrated code which has been denominated "the blue laws," we know



only what can be gathered of its character from contemporary annalists, and from the laws of Eaton which succeeded, and in some instances preserved them. See *infra Appendix A.*

## M.—p. 29.

Vide on this subject “European Settlements,” &c., vol. ii. p. 220; also Felt’s Annals, pp. 175, 327; also Isaac Penington, who says, in addressing New England, “Look over your writings, consider the cause again in a more meek and upright spirit, and ye yourselves will easily see, how in your heat ye have mistaken, and *dealt more injuriously with others than ye yourselves were ever dealt with.*” (Works, Lond. ed. 1681, fo. p. 223.); also Sewell’s Hist. Quakers, p. 200; also Savage’s Winthrop, vol. ii. p. 109–149.

## N.—p. 30.

It will be observed in Norton’s New England Memorial, (which was written, it is said, on board the Mayflower,) among the reasons assigned for the colonists abandoning Holland, was, their *desire to live under their natural PRINCE.*

## O.—p. 31.

Vide Order in Massachusetts for proclaiming Charles II. king. Hazard’s Hist. Coll. of State Papers, vol. ii. p. 593. The address of Massachusetts to Charles II., bearing date August 7th, 1661, displays so ardent a loyalty, that I am tempted, in view of this and its other characteristics, to introduce it here, *in extenso* :

[Massachusetts Records, 7th August, 1661.]

*To the High and mighty Prince Charles the Second by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c.*

“Illustrious Sir,

“That Majesty and Benignity both sat upon the Throne whereunto your Outcasts made their former Address, Witnes the second

Eucharistical Approach unto the best of Kings, Who to other Titles of Royalty, common to him with other Gods amongst men, delighted herein more peculiarly to conform himself to the God of Gods in that he hath not despised nor abhorred the Affliction of the Afflicted, neither hath he hid his Face from him, but when he cried he heard. Our Petition was the Representation of an Exiles Necessities : This Script, gratulatory and Lowly, is the Reflection of the gracious Rays of Christian Majesty : There we sought your Favour by presenting to a compassionate Eye that Bottle full of Tears shed by us in this Jesimon ; Here also we acknowledge the Efficacy of Regal Influence to qualify these Salt Waters. The Mission of ours was accompanied with these Churches sitting in Sackcloth ; The Reception of yours was the holding forth the Sceptre of Life.

“ We are deeply sensible of your Majesty’s Intimation relating to Instruments of Satan acted by impulse Diabolical (not to say whence he came to us) went out from us because he was not of us. God preserve your Majesty from all Emissaries agitated by an infernal Spirit under what Appellations soever disguised. Luther sometimes wrote to the Senate of Mulhousen to beware of the Wolfe Munster.

“ Royal Sir,

“ Your just Title to the Crown enthronizeth you in our Consciences, your Graciousness in our affections ;—That inspireth us unto Duty, this naturalizeth unto Loyalty :—Thence we call you Lord, hence a Saviour. Mephibosheth, how prejudicially soever misrepresented, yet rejoiceth that the King is come in Peace to his own house ;—Now the Lord hath dealt well with our Lord the King : May New England under your Royal Protection be permitted, still to sing the Lords Song in this Strange Land : It shall be no grief of Heart for the Blessing of a People ready to perish, daily to come upon your majesty, the blessing of your poor People, who (not here to alledge the innocency of our cause, touching which, let us live no longer than we subject ourselves to an orderly Trial thereof) though in the particulars of Subscriptions and Conformity, supposed to be under the Hallucinations of weak Bretheren, yet craue leaue with all Humility



to say Whether the voluntary quitting of our Natiue and dear Country, be not sufficient to expiate so innocent a Mistake, (if a Mistake) let God Almighty, your Majesty, and all good Men judge.

“ Now, he in whose hands the Times and Trials of the Children of Men are, who hath made your Majesty remarkably parallel to the most eminent of Kings both for Space and kind of your Troubles, so as that vere Day cannot be expected, wherein they drove him from abiding in the Inheritance of the Lord, saying Go serve other Gods, make you also (which is the Crown of all) more and more like unto him in being a Man after Gods own Heart, to do whatsoeuer he will : Yea, as the Lord was with David, so let him be with your most Excellent Majesty, and make the Throne of King Charles the Second both greater and better than the Throne of King David, or than the Throne of any of your Royal Progenitors. So shall always pray,

“ Great Sir,

“ Your Majesty’s most humble and Loyal Subjects,

“ JOHN ENDICOTT, Governor.”

P.—p. 32.

See the honeyed expressions of allegiance to King Charles II., in an Act passed by Massachusetts against treason, in the year 1678, the year of the famous Popish Plot, so called. Death is denounced for imagining the destruction of the king’s person, or of the style, honour, or dignity of the kingly office. See also the definition of treason enlarged in 1696, Report by Messrs. Rantoul and others, on Capital Punishment (read in the House of Representatives of Massachusetts in 1836) p. 67.

Q.—p. 34.

See sixth article of *articles of confederation*, according to which two commissioners from each jurisdiction, are to be chosen, being ALL in church-fellowship with us, requires the article. “*Hinman’s Letters*” &c. (being a collection of original Documents relating to Connecticut,) p. 33.

the first of these is the fact that the system is not closed. The system is open to the environment, and this means that there is a constant exchange of matter and energy between the system and the environment. This exchange is essential for the system to maintain its structure and function.

The second of these is the fact that the system is not in equilibrium. The system is constantly changing, and this means that it is never in a state of equilibrium. This is because the system is constantly receiving energy from the environment, and this energy is used to maintain the system's structure and function.

The third of these is the fact that the system is not homogeneous. The system is composed of many different parts, and these parts are not all the same. This means that the system is not homogeneous, and this is why it is so complex and difficult to understand.

The fourth of these is the fact that the system is not linear. The system is composed of many different parts, and these parts are not all the same. This means that the system is not linear, and this is why it is so complex and difficult to understand.

The fifth of these is the fact that the system is not deterministic. The system is composed of many different parts, and these parts are not all the same. This means that the system is not deterministic, and this is why it is so complex and difficult to understand.

The sixth of these is the fact that the system is not predictable. The system is composed of many different parts, and these parts are not all the same. This means that the system is not predictable, and this is why it is so complex and difficult to understand.

The seventh of these is the fact that the system is not controllable. The system is composed of many different parts, and these parts are not all the same. This means that the system is not controllable, and this is why it is so complex and difficult to understand.