WILLIAM VASSALL AND DISSENT IN EARLY MASSACHUSETTS

By Dorothy Carpenter

Another Look at the Founding of Massachusetts

With special emphasis on a forgotten dissenter,

AUTHOR'S NOTE

This book is designed not only to show how the tolerance of South Scituate came into being, but also to attempt to answer questions such as the one brought up by Charles M. Andrews in his first volume of *The Colonial Period of American History*, entitled "The Settlement, Volume I." On page 490, he states: "The general court, not unnaturally but probably not rightly, linked together the Hobart, Vassall, and Child complaints, as parts of a common movement, and believing the peril to be more imminent than it actually was, proceeded with the utmost caution and watchfulness."

After studying for my book it became apparent to me that these protests were linked, and that Vassall, in his desire to establish religious tolerance, was the major link.

The only way to come upon this theory was to begin with the dissent to the Puritan autocracy at Massachusetts Bay, and this demanded an understanding of the religious trends of the time. For that reason it was necessary to write more about the Pilgrims and the Puritans than I had first intended in the story of William Vassall and the South Scituate Church. But, I think this is necessary for the understanding of the place that church took in the controversies that were to come.

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"The citizen you lost for conscience sake, he was your noblest..."

Schiller's *Don Carlos*
Act III, Scene X

INTRODUCTION

In the ideological confusion of the present day, especially as regards human rights, it is well to pause now and then to study and evaluate the gains that have already been made. In the United States one of these gains is freedom of religion. There are those who will argue that much religious prejudice does exist. However, the fact is that the demands of all religions are equal before the law; there is no favored, no "state," religion. Our typical towns and cities contain churches of many faiths, and a political candidate can run and be successful regardless of religious affiliation.

At the time of the settlement of the thirteen colonies this was not the case. In almost every colony one particular religion was held to be the true one. Those who held other religious views were considered to be dissenters. In Massachusetts, especially, those not of the chosen faith were at great disadvantage, if not actually persecuted.

One hundred and fifty-five years passed from the establishment of the Plymouth Colony to the time of the Revolution, and during those years there were many bitter religious controversies in the colonies. Only the compromise based on toleration could have resulted in our Constitution and the Bill of Rights, most notably the First Amendment. Well understood during the seventeenth and eighteenth centuries was the fact that individual freedom depended in great part upon religious tolerance, of which there was little throughout the continent of Europe and the British Isles. Religious persecution was the rule, and this, in combination with the authoritative power of national leaders, posed the greatest threat to the liberty and the pursuit of happiness of most of mankind. It is not surprising that forward-looking men visualized the new continent as a

the cruel combination of church and state followed them to the New World.

That religious toleration finally triumphed in the United States was due in good part to an ideology that can be traced like a thread back to the settlement at Plymouth on the coast of New England. One of the difficulties that have accompanied the following of this thread is the constant confusion by many writers of the colonists at Plymouth — the Pilgrims — with the Puritans who established the Massachusetts Bay Colony. The latter were enemies to the idea of toleration. Even historians who appear to differentiate between the colonies go on to write about them as if they had the same objectives, and the same methods of achieving them. This is far from the truth.

The leaders of the two settlements were motivated in very different ways, and it is from the study of these men that we can gain insight into the influence both colonies had on the heritage of the nation. This is especially true of those colonists who were dissenters from mainstream colonial life.

Such a one was William Vassall whose contribution was to point the way to religious harmony in both Massachusetts Bay and Plymouth. But, as visionaries often do when they are far ahead of their time, he seemed to achieve only turmoil. The important thing to us was that he sowed seeds that would someday ripen and help to create the kind of nation that he had in mind — a nation that would welcome "all men that would preserve the civil peace, and submit unto Government," and there would be "no limitation or exception against Turk, Jew, Papist, Arian, Socinian, Nicholaytan, Familist, or any other..."[1]

Because of his belief in religious toleration, William Vassall was considered a dangerous radical by the Boston Puritans, and had to leave

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[1] Quote from petition Vassall brought before the Plymouth court in 1643. This petition

Massachusetts Bay where he had been one of the original officials. He went to live in the Plymouth Colony, without doubt because his ideas were similar to those of John Robinson's Pilgrims in the early years of their settlement. The Reverend John Robinson was one of the leaders, perhaps the chief leader, of the toleration movement that swept England and Holland in the early part of the seventeenth century. Many, although not all, of his followers shared his tolerant views.

It is interesting to note that the Pilgrims did not find intolerance on these shores when they arrived. There were few dwellers in the area except for the transient fishermen and native Indians, and early accounts of the meetings between these inhabitants and the Pilgrims show remarkably friendly relations with them all. From early records we learn of their friend, Squanto[2]; Samoset; the personable young chief, Iyanough; the powerful and helpful Massasoit, who would not break his peace treaty with the colonists; and the Indian women of Massachusetts Bay who were happy to trade their beaver coats and cover themselves with branches. Much has been made of the infamous Wessagusset affair, but this tragedy came about when a nervous Captain Miles Standish took matters into his own hands, despite the policy of the colony which placed military authority in subordination to civilian power. This unfriendly act against the Indians brought an anguished letter of disapproval from Pastor Robinson, who, by nefarious design, had been unable to join the colony and was still in Holland. The community was chastened and the unpleasantness was not repeated during the decade.

In 1630 the Puritans arrived in Massachusetts Bay and the scene changed. Between that time and the time which marks the end of this book, sixteen years went by — a period which brought about a decided

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[2] Plymouth's governor William Bradford wrote: "Squanto continued with them and was their interpreter and was a special instrument sent of God for their good beyond their expectation. He directed them how to set their corn, where to take fish, and to procure

shift in the relations with the Indians and the condition of the colonists of New England. Serenity disappeared; cruelty became rampant. One of the reasons for this change was quite obviously the intolerant attitude of the leaders of the Massachusetts Bay Colony. William Vassall, who had been one of the early leaders and involved in procuring the Charter, saw the intolerance spreading along these shores, and sought to stem the tide. He did not succeed and was driven from the land; but he left behind colonists on the South Shore of Massachusetts who remembered his ideas and labored to keep them alive.

The descendants of these colonists, with articulate men of similar motivation in other colonies, finally brought about the triumph of tolerance that we see in our First Amendment.

I believe that toleration at the time of John Robinson did not mean exactly what it does today, or did even in the eighteenth century. Now it may imply indifference or condescension to the views of others; then it meant a positive moderation of the mind. It was as if groups or individuals possessed scales or gauges which warned them when they were going too far in bias, or lack of consideration for other opinions. Advocates of toleration recognized and understood each other; their enemies (who were legion) labored to deny them the advantage of publicity. It is not easy to learn the facts about their leaders, though their effects were far-reaching. The best source I know are the volumes by Wilbur K. Jordan, *Development of Religious Toleration in England, 1603-1640*, and *Development of Religious Toleration in England, 1640-1660*.

Chapter I

PILGRIMS AND PURITANS

The wonder of America is not only its geographical good fortune, but also the uniqueness of its founding — the fact that so many of its inhabitants are bound by a search for freedom, either their own or that of their not too distant ancestors. Robert Frost wrote:

> If the day ever comes when they know who
> They are, they may know better where they are
> But who they are is too much to believe —
> Either for them or the onlooking world.
> They are too sudden to be credible.[1]

The Pilgrims knew who they were. William Bradford wrote, "But they knew they were pilgrims."[2] It is apparent that these early settlers of America who built their thatched cottages near the shore at Plymouth — later annexed by the Massachusetts colony — were quite aware of their part in the destiny of man, whether from the point of view of the Scriptures, which they used as their guide, or the dialectical view of the liberty of man that their age had begun to glimpse — a view that accepted human freedom as a valid thesis for mankind.

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[1] Robert Frost, *In the Clearing*, New York, 1962. From the poem, "A Cabin in the

Bradford went on in his account, *Of Plimouth Plantation*, "Thus out of small beginnings greater things have been produced by His hand that made all things of nothing, and gives being to all things that are: and as one small candle may light a thousand, so the light here kindled hath shone unto many, yes in some sort to our whole nation: let the glorious name of Jehovah have all the praise." [3]

And again, "Yea, though they should lose their lives in this action, yet they might have comforte in the same" and "great and honourable actions are accompanied with great difficulties, and must be both enterprised and overcome with answerable courages" [4]

The Pilgrims sensed the beginning of a new era much as some people do today after witnessing man's first step on the surface of the moon, or the creation of the atomic bomb.

It can also be argued that the Pilgrims knew precisely where they were. By the time they set sail the Atlantic Coast had been well mapped by Captain John Smith, and the Pilgrim leaders were careful to obtain all available information concerning the new land. Certainly, Captain Christopher Jones, an able and experienced seaman, was familiar with Smith's map of 1616 and its well-marked outline of the Massachusetts coastline. Moreover, in *Of Plimouth Plantation*, Bradford tells of a letter that Thomas Dermer wrote to Captain Smith some five months before the Pilgrims' departure. This letter described the decimation by plague of the native population near Cape Cod, and suggested that the area would be a good place of settlement for about fifty families.[5]

The Pilgrims' patent was for Northern Virginia which was bounded on the north by the 45th parallel — about where Bangor, Maine, is today. It is not likely that they wanted to settle near Southern Virginia where the Church of England was already established at Jamestown. On

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[3]Bradford, *Of Plymouth Plantation.* p. 236; see also George Bancroft, *History of the United States of America*, from the Discovery of the Continent, Boston, 1879, Vol. I. p.

the other hand, the northern Atlantic coast with its familiar landmarks — Pemaquid, Seguin, Monhegan, the Isles of Shoals — was liable to the claims of Sir Fernando Gorges, the French, and others. Nor was it reputed to be a comfortable climate — the winters were long, the growing season short, the Indians hostile, and the memory of the unsuccessful colony at Popham still fresh.

Along the Hudson the Dutch were already planning settlements, and officials in Holland had pressed the Pilgrims to begin the infant colony there under Dutch auspices. But the English expatriates were especially anxious to escape identification as colonists of Holland, and so they declined the offer.[6] After all, a prime motivation for emigration was the desire to return to the protection of the British sovereign once more. The Pilgrims saw their children intermarrying with the Dutch people, and adopting the life styles of Holland, and the language as well. They feared their English origins would soon be forgotten, and time showed that is exactly what did happen to those that were left behind.[7] Historians have never doubted the loyalty of the Separatists to their native land — it was the church from which they separated.

Thus it seems that the Pilgrims settled just about where they intended to. Except for one thing; they probably soon regretted their failure to land somewhat farther to the north, in the great bay of the Massachusetts. After arrival their leaders wasted little time before exploring that area, and they sent back enthusiastic descriptions of its advantages. It was not long before the Pilgrims were building a fishing stage at Cape Ann.

The Pilgrims knew who they were; they knew where they were; and they knew who they were not. To all official purposes they were not a part of any nation, and so — while this left them without a dependable sponsor — it meant that they were free to make their own laws and follow

their own course. They were also not a part of any of the organized religious groups that were struggling for power in most of the nations of Europe. This curious situation was due to the fact that they were "Brownists" — that is, they followed certain of the principles laid down in a pamphlet by Robert Browne called *Reformation without tarrying for Anie*.[8] The significance of this pamphlet stemmed from the opportunity it presented to individuals in the western world to unite together in a church state based on early Biblical principles, and to satisfy their need for church reform without being obliged to enter the political arena in order to influence people in power. In the various nations of Europe, where one religion was supreme in each nation, achieving church reform was often a process more political than theological, and consequently was accompanied by intrigue and violence. The Pilgrims came from the age of the Inquisition and the Star Chamber. They saw the persecuted become the persecutors — a chain reaction which seemingly might afflict mankind forever.

Yet the Renaissance had brought with it a renewal of the concept of the freedom of man — the right of each individual to exercise his creative mind, the right of his body to be free from oppression, the right to find a way to a share of some of the good things of the earth. How was man to enjoy this freedom under the old medieval systems of feudal lord and all powerful Church?

As the seventeenth century dawned, the common man of Western Europe was no longer a member of the unlettered masses of the feudal period. His lot might be the same, or worse, but his attitude of mind had changed. The fifteenth and sixteenth centuries had seen the discoveries of Galileo and Copernicus, the rise of nations, the Reformation, the printing press, and in England, especially, the placing of the Bible in the hands of

all who could read. Discussions on all sorts of subjects became commonplace. This movement was called the "new learning."

In the Middle Ages, intellectual pursuits were carried on mainly under the auspices of church and court. Generally, they followed the prescribed pattern of learning. Now that many men had access to the knowledge of books, strange new ideas about man's environment and purpose of existence began to emerge. To the authorities of church and state this natural curiosity of the individual was sinful and blameworthy. They called it "heresy" and made man feel guilty for using that which was his mark of distinction from other animals — his reasoning power. He began to rebel.

Meantime, the adventurers of this period brought back news of a marvelous and great new continent, sparsely inhabited. To ordinary men, locked into place by demands of a still feudal society — whose only hope of change for the better was in the world to come, and that, they were often told, was most unlikely for them — to these men gradually there came the vision of somewhere else to go. As the idea of settlement in the New World took shape, millions of men, women and children began to carry in their minds the concept of America as a refuge from intolerable conditions. From now on there was another choice. Today we call it "The American Dream."

Among the first to put this idea of America as refuge into action were the Pilgrims. We do well to honor them as we do, for their dramatic story is all that a nation like ours could ask for on which to base its beginnings. It seems nothing short of a miracle that such a group was ready and willing to settle just as the continent of North America was opening for colonization — a group without compelling ties to any nation or any church. Moreover, these good people, besides advocating the principle of Separation which was learned from Browne, believed in the idea of tolerance which they had encountered in Holland and which John

softening the strict tenets of the Brownists and articulating the ideas which were the basis of the toleration movement of the seventeenth century. Robinson was a man of immense vision and one of the great leaders of America, although he never reached its shores. Without his influence our nation might never have become the refuge for all creeds that it is today.

One very important facet of the Brownist churches was the method of choosing the officers of each church. "It was the right of every congregation so organized to select its pastor and other officers in a democratic manner, with all adult male communicants having a vote."[9] This idea of having a voice in the affairs of the church, which in the case of the Brownists was also the community, was appealing in the extreme to many individuals in the seventeenth century who were longing for more involvement in matters pertaining to both church and state. Another popular idea was the autonomy of each congregation, which Browne advocated, as did John Robinson and his follower, Henry Jacob, who established in London in 1616 what is considered the first Independent church in England. [10] Later, in 1624, Jacob went to Virginia and thus the Independent idea was spread to that area. His two propositions, revolutionary for the times, were that "the church government ought to be always with the people's free consent." and that "a true Church under the Gospel containeth no more ordinary congregations but one."[11] Jacob's successor at London was John Lothrop, subsequently minister in the Scituate colony, and later at Barnstable on Cape Cod. From Jacob's group at Southwark some individuals separated to form the Baptists.

There had been independent churches before this time, such as those of the Dutch Mennonites and the Anabaptists, but they were few and far between — and constantly persecuted by the official state churches of

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[9] Robert Browne, *A Treatise of Reformation without Tarying for Anie*, Middelburg, 1582, p. 4. In many New England churches, women participated also.

[10] George Willison, *The Pilgrim Reader*, New York, 1953, p. 7.

the various nations. They were routed out with even more assiduousness, if possible, than were the more powerful challengers to the favored religions, such as the French Reformed Church. Still, the struggle of the latter to win influence was a horror story covering several centuries. Freedom of religion simply did not exist in Europe in the Middle Ages, and dissenters from the established faiths could expect persecution at any time — if there were tolerant periods they were due to disinterest, or to particularly compassionate rulers in state or church.

But the seventeenth century (as well as the fifteenth and sixteenth to some extent) was a time of rebellion from the pressure of medieval institutions, a time of new desire for freedom for the individual. In the idea of independent churches men and women saw a chance for fulfillment.

Robert Browne, the founder of the Brownists, was more of a non-conformist than a Separatist in spirit, and he slipped back into the folds of the Church of England, spending his last years peacefully as rector of Achurch cum Thorpe, Northamptonshire.[12] Pastor Robinson, also, in his anxiety for tolerance in his later years, advocated communion with the Church of England, his persecutor.[13] Yet the basic ideas of these two men fell on fertile ground, took root and grew — in Holland, in England, and especially in the New World, where the Independent church societies became the towns, and from church government came interest in the town government, thus profoundly influencing the development of the democratic system in America. At the time of the landing of the Pilgrims, men were ready for Browne's principles of the individual voice in church government, and the autonomy of each church — and for Robinson's belief in the toleration of all religions.

Surprisingly enough, the little colony at Plymouth survived. The first year was very difficult, chiefly because of sickness brought on by the

deprivation of the voyage, and because of the late arrival which prevented proper preparation for the severe winter. Food was scarce, also. But the natives presented no serious problem; they were helpful and friendly. The climate was reasonable, and land fertile, the water was plentiful. In many ways the prospect was idyllic — a mild and healthy climate, with arable land extending in all directions to an extent unknown and unimaginable. And with good luck, the Pilgrims could expect no interference with their colony — either from royal officer or prelate of the church.

The main difficulty that hung over the settlement and clouded its future was its relationship with England, its source of supply. Even in 1620 a colony could not be completely self-sufficient — many provisions were needed, both of raw materials and manufactured articles. Also, it was important to have a market for produce in order to trade for the needed items. The questionable status of the colonists from Holland with the government of England made them more dependent than normal upon the Merchant Adventurers whose company had headquarters in London and was responsible for supplying the Plymouth Colony and marketing the produce. The first few years of the Pilgrim records are filled with misunderstandings, and difficulties of communication with the members of the London company. If it had not been for these troubles the progress of the new community would have been almost unimpeded, and would have appeared remarkable to those back home.

As it was the success of the colony did not go unnoted — several gifted members sang its praises in books and pamphlets such as *Mourt's Relation*[14] and Winslow's *Good Newes from New England*.[15] A successful settlement was bound to inspire imitators — especially after the commencement of the reign of Charles I in 1625, and the disasters that accompanied his coming to the throne — war, plague, depression, and persecution in the name of religion.

Chief among the imitators of the Plymouth Colony was the Massachusetts Bay Colony which obtained its patent from the King in 1628/29,[16] and settled cheek by jowl beside the Pilgrims in the beautiful bay of the Massachusetts, which Edward Winslow of Plymouth had described with wistful enthusiasm:

"Within this bay the savages say there are two rivers, the one whereof we saw, having fair entrance, but we had no time to discover it. Better harbors for shipping cannot be than here are. At the entrance of the bay are many rocks, and in all likelihood good fishing-ground. Many, yes, most of the islands have been inhabited, some being cleared from end to end, but the people are all dead, or removed." [17]

The glowing accounts of the New World with its promise of abundance fell on the ears of men who were severely tried by the tyranny of the King, the severity of prelates, and the miseries of economic depression. However, wealthy merchants were not ready to believe that a new colony was the answer unless they had assurances that it would succeed better than the previous ones at Popham or Jamestown, where investment had been heavy. Already fortunes had been lost on unrewarding expeditions and colonizations. Several agencies made forays into the Massachusetts Bay area after 1620, but it was not until the accession of Charles that the difficulties of the times brought together desperate men and calculating men, with the grim determination to succeed at all costs.

Plymouth Colony gave them the clue. It was the independence of the little band of Pilgrims that appealed to men who were oppressed by the persecutions of the archbishop, if they were religious non-conformists; or by the unreasonable taxes demanded by the King, if they were merchants. Some men fell into both categories. Still others were disturbed by the

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[16] Nathaniel Shurtleff, ed., *Records of the Governor and Company of the Massachusetts*

arbitrary rule of Charles and his close associates. Together they began to look longingly at the group of men and women who had the courage to separate themselves from their native land, from King, from persecuting church.

The Plymouth Colony made two mistakes that the new colony hoped to avoid. First, the Pilgrims did not have a valid patent from the King, a lack that made their position precarious in the face of other colonial claims. In the second place, there was too much dependence on the Merchant Adventurers still in England. The new colonists conceived the plan of carrying the patent and the Charter with them, as well as a sufficient number of members of the sponsoring company and their families to assure themselves that they would never have to depend upon a corporation overseas for their official transactions. The corporation, and the government, of the Massachusetts Bay Company was to be in the New World.

When this idea crystallized sufficiently to bring about concerted action is hard to say. It came to fruition among the members of the New England Company, predecessor of the Massachusetts Bay Company,[18] and the Massachusetts Bay Charter and Patent passed the seals on March 4, 1628/29. This in itself is curious because Sir Fernando Gorges, leader of the Council for New England and responsible for such grants, was away on war duty at that time. Making the action even harder to trace is the fact that all records of the council for the years 1627 are absent, according to Charles Andrews.[19]

Andrews, who has delved deeply and carefully into the origins of the Massachusetts Bay Colony, goes on to say that the great seal was then at London and in the possession of the Earl of Warwick, whose name appears at a later date as the champion of the free colonies founded by

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[18] Andrews, *Col. Am. Hist.*, Vol. 1, p. 373.

Roger Williams and Samuel Gorton. Indeed, on page 53 of the first volume of the Massachusetts Records is the order to the secretary to "wryte out a copy of the form(er) grant to the Erle of Warwick & others, which was by them resigned to this Company, to bee p(re)sented to his L(ordshi)p, as he having desired the same."

Thus this dedicated man must have been behind the scenes when the Massachusetts Bay Colony obtained its Charter. It is not surprising, then, that this Charter was intended to be, and is, a document for free men. It was designed to give the individual colonist the kind of freedom that many men in England in the seventeenth century believed to be their birthright; and some men believed to be the birthright of all men. The Anglo-Saxon dedication to human freedom under the law, apparent from the earliest times, had already resulted in the Magna Carta. At the time of the colonization of New England there were new debates on human rights among lawyers and members of the government. Sir Edward Coke, another great man engaged in the protection of these rights under law, formulated the motto, "*Non sub homine, sub lege et Domine*," words found today carved over the portals of the Harvard Law School.

If the Earl of Warwick was the chief instrument for the passage of the Charter through the seals, Matthew Cradock is given credit by Andrews for the idea of taking the government of the colony to the New World. In July 1629, Cradock, the Governor of the Massachusetts Bay Company, "read in full court 'certain propositions conceived by himselfe,'" among which was, "to transfer the government of the plantation to those that shall inhabite there, and not to continue the same in subordination to the company heer, as now is."[20]

Andrew is careful to point out that "In making this suggestion Cradock had no idea of recommending the transfer of the Charter and company to New England, for the words will not bear any such interpretation."

Even so, on the 26th of August, 1629, at Cambridge, twelve men signed an agreement, now called the "Cambridge Agreement," which bound the signers to be "ready in our persons and with such of our several familyes as are to go with us and such provision as we are able conveniently to furnish ourselves withall, to embark for the said plantacion by the first of march next, at such port or ports of this land as shall be agreed upon by the Company, to the end to passe the Seas (under God's protection) to inhabit and continue in new England. Provided, always that before the last of September next the whole government together with the Patent for the said plantacion bee first by an order of the Court legally transferred and established to remayne with us and others which shall inhabit upon the said plantacion."[21]

According to Andrews the possibility of transferring the patent legally was doubtful. Nevertheless, on the 28th of August, 1629, there was a "Generall Court, holden at Mr. Deputyes House." (Mr. Thomas Goffe was deputy and his house was at the corner of Philpot Lane.) "The espetiall cause of their meeting was to give answere to divers gent(lmen) intending to goe into New England, whether or noe the chiefe government of the plantation, together with the pattent should be settled in New England, or heere." Two sides were chosen, and the decision was made to debate the issue the following night. On August 29th, 1629 at precisely seven o'clock the doors of the meeting place were shut, and the debate began. When the momentous question was put to a vote of hands "it appeared by generall consent of the Company that the government and pattent should be setled in New England & accordingly an order to be drawne up."

It is perhaps irrelevant here to say that only twenty-seven of the one hundred and twenty-five members of the company were in the hall when

the doors were shut.[22] Yet this fact may have some bearing on later events. There was no indication in the Charter of a meeting place for the company, contrary to the custom of such charters which usually provided that the members of the trading company would remain in England and carry on the business of the colony from that point. Was this omission a fortunate accident or had some of the members of the company already conceived the idea of taking the corporation with them several months before Cradock's presentation in July? Andrews says, "Our knowledge fails at critical points, and we can but wonder whether any of the processes were intentionally concealed."[23]

One of the members of the "Cambridge Twelve," as the signers of the agreement of August 26th, 1629 have been called, was the man who is the subject of this book — William Vassall. The names of William and his older brother, Samuel, appeared on the rosters of several of the colonizing companies of the early seventeenth century, as had the name of their father, John, before them.[24] John's father, also John, was a native of France who had sent to England his son as a boy of fourteen to escape the religious wars then raging in Normandy. "He was the descendent of an ancient French family traced back, it is claimed, to the eleventh century of the house of DuVassall, Barons de Guerdon, in Querci, Perigord."[25] The second John was "an alderman of London who in 1588 fitted out and commanded two ships of war, with which he joined the royal navy to oppose the Spanish Armada."[26] Fortunately we also have another picture

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[22] *Ibid*., p. 391. See also *Mass. Records*, Vol.1 for records of the meetings. Also Frances Rose-Troup, F.R. Hist. Soc., *The Massachusets Bay Company And Its Predecessors*, NY, 1930, pp. 131-161.

[23] *Ibid*., p. 366.

[24] Sidney Lee, ed., *Dictionary of National Biography*, New York, 1899, Vol. LVIII, pp. 155-156.

[25] Edward Doubleday Harris, *The Vassalls of New England and Their Immediate Descendants*. A Genealogical and Biographical Sketch compiled from Church and Town

of him, because the tolerant minister of Eastwood, Essex, Samuel Purchas, mentions him in his *Pilgrimes* as "a friend and neighbour of mine."[27] John was a member of the Virginia Company of London and his name is inserted in its second charter of 23, May 1609 as "John Vassall, Gentleman."[28] He died of the plague at Stepney in 1625, and was buried in the parish church on September 13.[29]

The second man mentioned in the Records of the Governor and Company of the Massachusetts Bay Colony is a Mr. Vassall.[30] His name appears above a list of items "to provide to send for New Englande," which included, beside apparel for one hundred men, "ministers, Pattent under seale, a seale, etc.[31] While no indication is given as to which Mr. Vassall was intended, the likelihood is that it was William, because Samuel, the older brother, was imprisoned in 1628 for refusal to pay "tunnage and poundage" on currants.[32] "He pleaded his own case, and the barons of exchequer refused to hear his counsel."[33] The historian, John Palfrey, calls Samuel a man "whose name shares with those of Hampden and Lord Say and Sele the renown of the refusal to pay ship-money, and courting the suit which might ruin them or emancipate England."[34] William and Samuel were busy London merchants, and Samuel was listed as "clothworker" with a place of business at St. Marydocks.[35] In the absence of the outspoken Samuel, the responsibility for supporting the new colony fell upon his younger brother, William, and it was William who signed to go with the Migration.

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[27] Samuel Purchase, ed., *Purchas his Pilgrimes*, London, 1617, P. 709.
[28] *Dict. Nat. Biogr.*, pp. 155-156.
[29] *Ibid.*
[30] *Mass. Recs.,* Vol. 1, p. 24.
[31] *Ibid.*
[32] Annual Register of Year 1766, London, 1772.
[33] *Dict. of Nat. Biogr.* p. 157

The coming voyage in itself probably did not worry either of the Vassalls who were true descendants of John, a master mariner and recognized authority on questions of navigation. Of John it is written: "We find him recommended to be examined by the judge of the admiralty as to the "skill of the pilot' in a suit respecting the wreck of a vessell on the Goodwin sands in 1577."[36]

The name of William Vassall appears many times on the lists of members present at the meetings of the Massachusetts Bay Company, and whenever money was required to further the venture, the Vassalls contributed. William not only backed the company financially, but spent time and energy procuring supplies at a time when provisions were scarce because of the war in France.[37] Also, as we have seen, he had pledged to go to the New World, and to take his family if possible. According to Thomas Dudley, he did.[38] This was an important act of faith for a man who was, throughout his life, careful and considerate of the welfare of his wife, Anna, and her son and daughters. While not a fact to be found in history books, it is evident from many minor bits of information that the establishment of a healthful and happy home for his family was a primary concern of William Vassall. It is perhaps a tribute to his thoughtfulness and concern that all of his children who made the dangerous trip to America lived long lives. Several of his daughters helped found families that have figured prominently in the history of the nation — Adamses, Whites, Wares, and Hobarts (Hubbards).

William Vassall was a practical man. He was neither a Cavalier, nor a Round-head; he sided neither with the extreme Puritans, nor with the party of the King, when that King was intolerant. He was deeply, but quietly, interested in the issues of the day — not only those that were tearing England apart, but in the other more positive issues that were exciting thoughtful men in Europe and in England at that time. These men

were concerned with exploration, both scientific and geographical; discoveries in mathematics, medicine, biology, and husbandry, as well as advances in judicial and parliamentary procedures. It is not surprising that they were also aware of the changing attitude toward religion and philosophy, and toward politics and economics. Such a man was William Vassall. Perhaps some of his curiosity about the world had been aroused by the Reverend Purchas, who had edited Richard Hakluyt's *Voyages*, and undoubtedly discussed them around the family table of John Vassall, his friend and neighbor at Eastwood. It is easy to imagine the excitement such tales would create in the mind of a thoughtful boy. In these accounts, moreover, the inhabitants of distant lands, and their customs, are treated with sympathy and tolerance. This, too, may have influenced the young Vassall.

Had William Vassall been born earlier he might have been called a Renaissance man; had he lived in the next century he would have been part of the Enlightenment. There were others like him in the seventeenth century — notably the poet, John Milton; such men were leaders of the tolerance movement and William Vassall became an advocate of that movement. He was probably its chief representative in the early years of the Massachusetts Bay Colony. Certainly he was the most active champion of tolerance at Plymouth and Boston, and the seeds he planted grew, although they did not bear fruit until a later period of our nation's history.

However, at the time of the formation of the Massachusetts Bay Company Vassall had other things to consider besides religious toleration. According to Andrews, all of the Cambridge Twelve, and apparently a good many of the company, were basically in agreement on the subject of religion — all wanted certain reforms in the church, and were unhappy in the face of the persecutions of the Star Chamber; but no one advocated Separatism, at least openly. "They were not all Puritans, but whether

religious character."[39] This was true of William Vassall, and yet during the years 1628 and 1629 the problems that occupied him most were the practical ones of the colony — provisions, patent, and government, which were trouble enough.

Not until the late summer of 1629 did the religious question begin to present difficulties that threatened the unified purpose of the company. It came about in this way. In order to make the venture more secure, a group of the company had been sent ahead under John Endicott as "chief-in-command" of the colony. These men, some of them servants to others that would come later, were to prepare the ground, grow crops, and build houses to be in readiness for the Great Migration. Endicott arrived in Salem (then Naumkeag) on September 6, 1628, where a group of men called the "Old Planters" were living under the direction of Roger Conant.[40] In the April following, a number of colonists went out to Salem to join Endicott, carrying with them two ministers, Samuel Skelton and Francis Higginson. These men were non-conformists, but were not known to be Separatists. In fact, Reverend Higginson is quoted by Cotton Mather as saying on departure from England, "We do not go to New England as Separatists from the Church of England; though we cannot but separate from the Corruptions in it: But we go to practice the positive Part of Church Reformation, and propagate the Gospel in America."[41]

However, when these ministers arrived at Salem they found that Endicott perhaps influenced by Dr. Samuel Fuller, who had helped the colony at a time of sickness was interested in the Separatist ideas of a covenanted church. In fact, Fuller, writing to Governor Bradford in June, 1630 says, "Captain Endicott, my dear friend and a friend to us all, is a second Barrow."[42] He referred to Henry Barrow, one of the martyrs of the

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[39] Andrews, *Col. Amer. Hist.*, Vol. I, p. 360

early Independent church at Southwark. Had Endicott, then, been a Separatist in England?

John Palfrey says, "How much of the church system thus introduced (that is a covenanted church after the pattern of the one at Plymouth) had already been resolved upon before the colonists of the Massachusetts Company left England, and how long a time, if any, previous to their emigration such arrangements were made, are questions which we have probably now insufficient means to determine. This much is certain; that, when Skelton and Higginson reached Salem, they found Endicott, who was not only their Governor, but one of the six considerable men who had made the first movement for a patent, fully prepared for the ecclesiastical organization which was presently instituted."[43]

This situation might have passed without commotion in the headquarters of Massachusetts Bay Company in London because of the intensity of preparations for the coming Migration; but that was not to be the case because, not only did the Old Planters under Conant object to the new church establishment, but two new freemen of the colony disapproved. They were John and Samuel Browne, eminent members of the Massachusetts Bay Company, one a well-known lawyer who had been enticed to join the Migration. The Brownes took issue with the new church way, and lost no time in protesting to John Endicott, who was by now the official governor of the Salem colony. They told him that the ministers (Skelton and Higginson) were "Separatists and would be Anabaptists."[44] The Brownes wanted to be able to set up a worship service that would be conducted according to the Church of England. But the ministers replied, they "came away from the Common Prayer and ceremonies," and had "suffered much for non-conformity" in their native land, and therefore, being in a place where they might have their liberty, they neither could nor would use them, because they judged the imposition

of these things to be "a sinful violation of the worship of God."[45] Liberty for them was not to be liberty for others.

Endicott sided with the ministers and ordered the Brownes back to England, an act which brought the religious issue squarely before the members of the company who were in the midst of preparations to embark. The dissenters were given a chance to choose three or four of the company to uphold their side of the question. They chose — besides Mr. Symon Whetcombe and Mr. William Pynchon — the brothers Samuel and William Vassall. "For the Companie" were chosen "Mr. John Whyte, Mr. John Davenport, Mr. Isaac Johnson, and Mr. John Whynthropp." These men "with the Governor or Deputies" were to "determine and end the business the first Tewsday in the next tearme."[46]

Thus William Vassall found himself speaking on behalf of religious toleration, to which many years of his later life would be dedicated. Moreover, it was his first confrontation with John Winthrop to whom he would be a "thorn in the flesh" in the two decades to come.[47] The line between the liberal and conservative, tolerant colonist and intolerant Puritan had been drawn.

The Brownes lost their case, an indication of the general trend the religious ideas of the company were taking. Yet the question was decided by very few of the members, and it was deemed necessary by Matthew Cradock and the council of the company to send a letter to Endicott warning him "not to do anything that would injure the reputation of the company at home, or to act in any similar case without instruction from them."[48] Even so, at a meeting of the company on the 29th of September in 1629, letters from Mr. John and Mr. Samuel Browne sent "to divers of their private friends heere in England," were discussed. The issue was "whether the same should be delivered or detained, & whether they should

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[45] Bancroft, *Hist. Of the U.S.*, Vol. 1 p. 273.

bee opened & read, or not; and for that it was to bee doubted by probable circumstances, that they had defamed the county of New England, & the Gouvernor & Gouvernment there, it was thought fitt that some of the said letters should bee opened & publiquely read, which was done accordingly; and the rest to remaine at Mr. Deputyes house, & the partys to whom they are directed to have notice, and Mr. Gouvernor, Mr. Deputie, Mr. Treasurer, & Mr. Wright, or any two of them, are intreated to bee at the opening & reading thereof, to the end that the Company may have notice, if ought bee incerted therein which may bee prejudiciall to their gouvernment, or plantations in New England.

"And it is also thought fitt that none of the letters from Mr. Sam: Browne shal be delivered but kept to bee made use of against him as occasion shal be offred."[49]

William Vassall was absent on this occasion, or some protest might have been registered. Cradock, governor of the company, resigned his position after this meeting, quite probably because of it, and so did Goffe, thus making way for the choosing of John Winthrop whose first appearance as a member of the company was September 19th meeting just previous, and the debate following (Winthrop was elected in October, as was John Humphrey, deputy). [50] Andrews says, "The very election of Winthrop was irregular, because the charter required annual elections to be held on the last Wednesday in Easter term, whereas Winthrop was elected in October after only seven months of the first year had passed." [51]

All this went on before the sailing of the *Arbella* on April 7, 1630, at which time Winthrop gave his well-known speech, vowing his love for the established religion — a farewell message called "The Humble Request of his Majesty's Loyal Subjects, the Governor and the Company late gone for New England, to the Rest of their Brethren in and out of the Church of England — We desire you would be pleased to take notice that

the principals and body of our company esteem it our honour to call the Church of England, from whence we rise, our deare mother — and while we have breath we shall syncerely indeavor the continuance and abundance of her welfare."[52]

Meanwhile at Southampton, the Reverend John Cotton, who had traveled from Boston in Lincolnshire for the purpose, delivered a farewell sermon which seemed to strike a different note concerning the religious establishment of the colony. Of this speech, Dr. Samuel Fuller wrote later to Governor Bradford: "Here is a gentleman, one Mr. Cottington, a Boston man, who told me that Mr. Cotton's charge at Hampton was that they should take advice of them at Plymouth, and should do nothing to offend them." [53]

It cannot be doubted that there was consternation in the minds of many of the thoughtful leaders of the Migration because of the two factions that were developing within the company, formerly so united. This may have been the reason behind the last minute decision of the Deputy, John Humphrey, not to take the voyage. Such a decision was not to be taken lightly as it involved getting a replacement or paying a financial forfeit. [54]

We know that Humphrey was disturbed about the religious controversy that was developing for he wrote to Winthrop, December 30, 1630, "hoping that some new and better satisfaction would 'bee given to the good people here (in London) that wee go not away for Separatism, the apprehensions whereof (against the best assurance and protestation I can make) takes deepe impression in them. I trust', he adds, 'we shall againe redintegrate both ourselves and the undertaking in the former good opinion which hath been conceaved of us and it."[55]

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[52] Bancroft, *Hist. of U.S.*, Vol. I, p. 278.
[53] Mass. Hist. *Colls.*, III, p. 74.
[54] Frances Rose Troup suggests one of the reasons for his staying behind was the

The man chosen to take Humphrey's place as Deputy-Governor was Thomas Dudley who was elected on March 23, 1630, at a small Court of Assistants on board the *Arbella* — hardly the kind of legal procedure that had characterized previous conduct of the company.[56] Dudley was steward for the estate of the Earl of Lincoln, brother of the Lady Arbella, for whom the ship was named.

At this meeting William Vassall was present as assistant, for he had been reelected on the 20th of October, 1629, when Winthrop was first chosen governor. The meeting on board the *Arbella* was the last Court of Assistants held in England; the next time the court met was on August 23, at Charlestown in Massachusetts Bay.[57] In the interim much had happened to the company — the group of men who had so carefully laid plans for a free colony. By the time the *Arbella* reached New England those who advocated an open society were out of power, and a handful of men whose purpose was the creation of one of the most closed societies the Western world has ever known, was firmly in charge of the Great Migration.

The basis of this distortion of the purpose of the Charter was a religious one. There is no doubt that most of the leaders concerned with the establishment of the colony were aware that the church in Salem tended to Separatism, as can be witnessed by the debate that was held over the banishment of the Browne brothers. The address by Winthrop in praise of the Church of England could easily be attributed to a respect for the origins of the departing colonists. Such a speech would serve to calm worried backers of the project, as well as the "generality" of the passengers who had no inkling of the religious nature of the voyage. Even so, many of the most dedicated planners of the colony were unprepared for the kind of Separatism that was now emerging in the minds of a few men on board the *Arbella*. The Separatism that Winthrop and Dudley proposed had much in common with the early Separatism of Robert Browne who maintained that "the kingdom of God was 'not to be begun by whole

parishes but rather by the worthies (in them) were they ever so few.'"[58] Browne goes on, "In every parish these should withdraw from the Church — secede, separate, as they had warrent to do by Scripture [Paul, in 2 Corinthians 6:18: 'Come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing.'] — and organize themselves under a mutual covenant." For Browne this covenant meant "to foresake & denie all ungodliness and wicked fellowship, and to refuse all ungodlie communion with Wicked Persons."[59]

To Browne's immediate followers "Wicked Persons" meant any who were dissenters from their own rigid discipline. By 1630, however, the year of the Puritan Migration, many Englishmen had come under the influence of John Robinson and his more tolerant attitude. Robinson had died in 1625, but his beliefs were being widely circulated through his own pamphlets, as well as those of his followers, such as Henry Jacob. John Palfrey writes: "To this amendment of Brownism [tolerance] the mature reflections and studies of the excellent Robinson of Leyden conducted him; and with reference to it he and his followers were sometimes called 'Semi-Separatists.'[60] Such a deference to reason and to charity gave a new position and attractiveness to the sect, and appears to have been considered as entitling Robinson to the character of 'father of the Independents.'" Neal, in his History of the Puritans states: "Mr. Robinson...first struck out the Congregational or Independent form of church government...there is no difference between them/the Brownists/and the Independents, except in the

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[58] G. Willison, *Saints and Strangers*, P. 31. (Also, Robert Browne, A *Treatise of Reformation without Tarying for Anie, and of the wickednesse of those preachers, which will not reforme till the magistrate commande or compell them*. Middleburgh, 1582.)
[59] *Ibid.* p. 31-32
[60] John Gorham Palfrey, *A Compendious History of New England*, Boston, 1684, Volume II, p. 82. Palfrey lists three stages of Separatism: Separatism (Robert Browne); Semi-Separatism (John Robinson); Massachusetts Congregational Separatism (John Cotton).

rigid exclusiveness of the former."[61] In later life Robinson upheld communion with the Church of England, his persecutor.

This moderate kind of Separatism was not objectionable to many tolerant Englishmen of the early seventeenth century, and there were certainly a good proportion of these among the members of the Massachusetts Bay Company — even on the council. Thus it appeared that the two major factions were composed, not of those favoring or not favoring Separatism, but rather of those who — with an eye on Robert Browne, thought of Separatism as an excuse for exclusiveness, versus those that saw in John Robinson's Separatism a reflection of their own belief in religious liberty.

Even this division must be refined, because very soon after the establishment of the church at Massachusetts Bay — according to the intolerant principles of Browne — it became obvious that the churches here differed from Browne's concept in two very serious ways. In a short time the autonomy of each church ceased to be respected, as well as the right of the individual church to choose its own pastor. And the intolerance increased until these churches bore little resemblance to that of Pastor Robinson.

The church that was established at Massachusetts Bay in imitation of the one at Plymouth reminds one of a copy of a great painting — the form was there, but the spirit imparted by the master was missing. It was this difference of spirit between the two colonies that distinguished them from the beginning. The Pilgrims were devout followers of their chosen pastor, John Robinson, in true Separatist fashion. But because it was apparent that there were "strangers" on the voyage, the whole group gathered together and prepared a document which gave representation to all the male members of the colony (except the indentured, and they would soon be free).[62] As Robinson had urged, they planned a "civil body politic" which included various faiths in contrast to the "Holy

Commonwealth" at Boston which was rigidly exclusive — that is, one that excluded politically on the basis of religious belief. By May 18, 1631, it had been decided at Massachusetts Bay that "noe man shal be admitted to the freedom of the body polliticke, but such as are members of some of the churches within the limitts of the same."[63] And "the churches" soon mean those approved by the Boston magistrates.

This provision could not have been brought forth without some previous planning — no doubt on the way across the Atlantic. Thus the conclusions reached by the colonists on the *Arbella* were obviously far different from those reached by the men on the *Mayflower*. Moreover, at Plymouth all the colonists were aware of the purpose and goals of the community, and their places in it. Contrast this with the Puritan group in which only a handful knew the kind of church and government that was being planned for Massachusetts Bay. Added to this, the fact that individual immigrants were not listed becomes significant. Only those that joined the church could have the franchise; only these were recorded for posterity. The others fall into obscurity.

The disfavor with which the early Puritan church at Boston has come to be regarded obscures the tremendous contribution to the development of the democratic system in America that was made by the Congregational or Independent churches patterned after Robinson's church in Leyden. The congregation of the Boston church tried to adhere to the original pattern but was subverted by the leaders of church and state.

By the time the Great Migration reached the New World, the moderate leaders of the Massachusetts Bay Company had been ousted from power. A few members of the original council were in command and they were committed to a new plan of church establishment — the rigid idea that would become the "Holy Commonwealth," an Erastian scheme in which the church was more or less a branch of the government. Only by following the opinions, actions, and careers of the various leaders of the

company in later years can we ascertain who seized power on the voyage across the Atlantic, and who toed the line, went home, or remained in New England, many to the detriment of their fortunes. Making the task more difficult is the fact that most of the records left to us were written by the very men who took control of church and state simultaneously. John Winthrop and Thomas Dudley, the men who held the chief roles in the Commonwealth, were also its leading historians; they had the most to win or lose in the eyes of posterity.

Was it a reverence for established forefathers that led may of the nation's later historians to excuse those who came to power at the expense of those who were discriminated against throughout the seventeenth century? This partiality has had a curiously distorting effect on history, and clouds the study of developing American ideals in the earlier years. How did the belief in individual liberty flower in the very religion dominated by the repressive Puritans? We must look to lives of lesser men for answers.

William Vassall may well have been the most moderate of all the assistants of the Massachusetts Bay Company. Henry Crapo, writing of his ancestor, believes that he was on board the *Arbella*[64] and that he represented Matthew Cradock. If so, it is hard to imagine a more disappointing experience for Vassall than to witness the plans that were formulating. Winthrop never mentions him at this time — silence appears to have been one of the weapons that the early Puritan leaders used against their enemies. It was especially effective when employed by the only historians of the Migration, Winthrop and Dudley. Later, when Winthrop does notice Vassall, he is uncomplimentary, and we take heart from the words of Samuel Deane, beloved preacher and historian of South Scituate, who wrote in 1831: "It is worthy of remark, that most of the principles held by such men as Cudworth, Vassall, Hatherly, and Roger Williams, for

which they suffered the persecutions of the early Colonial Governments, were such principles of civil and religious liberty as are now recognized to be the truest and best. The writers who gave an account of such men, were interested, and therefore not to be implicitly regarded, when they draw portraits of the men whom they wished to render odious. The way to test the true character of those persecuted men, and the false coloring of their interested historians, is to compare their principles with those principles which constitute that civil and religious liberty which we now hold so dear."[65]

Winthrop and Dudley were certainly "interested," and William Vassall was a formidable rival. Moreover, if we are to believe Dudley's account, he had his family with him — an important requirement of the Cambridge Agreement. Most of Winthrop's family had stayed at home, with the exception of two young sons and the ill-fated Henry who was tragically drowned in Salem Harbor on the arrival. It would not do for historians to dwell on the large Vassall entourage that came to the New World.

Later writers, for the most part, follow Winthrop's example and mention critics of his regime only to belittle them and misinterpret their motives. Thus we find George Bancroft writing as follows about Vassall and the others who left, discouraged by the form the new colony was taking:

"A hundred or more, some of them of the board of assistants, men who had been trusted as the inseparable companions of the common misery or the common success, disheartened by the scenes of woe, and dreading famine and death, deserted Massachusetts and sailed for England."[66]

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[65] Samuel Deane, *History of Scituate, Massachusetts,* from its First Settlement to 1831, Boston, 1831, p. 370.

[66] G. Bancroft, *History of the United States*, Vol. I, p. 284. Bancroft continues: "while

To be sure, it was a terrible blow to those assistants and members of the company who had sent provisions and servants to build houses and plant crops — to find that their servants were in dire need themselves and had not been able in the preceding months to do any of the things commissioned. But these leaders were as well prepared for trials in the new land as were Winthrop, Dudley and Endicott. Vassall, in particular, was a man of the world and aware of conditions the colonists would have to face. The question persists: why had Endicott failed to carry out the planned preparations for the Migration, or to report to London that they were not being carried out? There were many months available to this task — and provisions also, yet of the many letters written to the company none seem to stress a serious shortage of supplies. If some of the assistants were discouraged, was there an intention to discourage them?

Winthrop himself appeared dismayed at the miserable condition of the Salem colony and "giving less than a week to repose and investigations at Salem, /he/ proceeded with a party in quest of some more attractive place of settlement."[67] However — according to Andrews — Endicott, with the help of Thomas Graves, an engineer, had already built a great house at Mishewan, or Charlestown.[68] It was at Charlestown that Governor Winthrop, and his Deputy, Thomas Dudley, chose to remain and establish the covenanted church that was to become the basis of the Massachusetts Bay Colony, the "Holy Commonwealth," as it has been called.

Let us turn to the account by Bancroft for his description of this event:

> The enjoyment of the gospel as the dearest covenant that can be made between God and man was the chief object of the emigrants. On Friday the thirtieth of July (1630), a fast was held at Charlestown; and after prayers and preaching, Winthrop, Dudley, Isaac Johnson, and Wilson united themselves by Covenant into one

> "congregation", as a part of the visible church militant...On the next Lord's Day others were received; and the members of this body could alone partake of the Lord's Supper, or present their children for baptism...They were all brothers and equals. Later the men of 'the congregation' kept a fast, and after their own free choice of John Wilson for their pastor, they themselves set him apart to his office by the imposition of hands, yet without his renouncing his ministry in England.[69]

One hundred and eight persons were admitted to the church and of these most became freemen.[70] But this was only a fraction of the seven hundred who embarked with Winthrop, the one hundred and forty with Ludlow, and the "Old Planters" who had come earlier.[71] Many of those left out had come seeking freedom of one sort or another in the New World; yet they found that they were denied even as much as they had had in England. To be a freeman one must be accepted into the church; to be accepted into the church, one must renounce previous affiliations.

The lawyer, Thomas Lechford, put it this way.[72] "They hold their Covenant constitutes their church, and that implyes, we that come to joyne with them, were not members of any true Church whence we came, and that I dare not professe." Many devout Englishmen who had left home and friends to colonize the New World must have felt this way also. Had they known before they left what the new church and government would be like, as the Pilgrims had, they would have been more prepared for the situation in which they found themselves. Lechford goes on, "Againe, here is required such confessions and professions both in private and publique, both by men and women, before they be admitted, that three parts of the people of the Country remaine out of the Church, so that in a short time most of the people will remaine unbaptized, if this course hold,

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[69] Bancroft, Vol. I, p. 282.
[70] *Ibid*., p. 283.

and is (we feare) of dangerous consequence." Yet, further on, Lechford admits some "well-affected or affectionate people joyne it in necessity to maintaine their election of magistrates and ministers in the popular way."

Of the original four members of the new church, Isaac Johnson died of the hardships of the first year, bequeathing considerable fortune to the new government;[73] John Wilson became Pastor; Thomas Dudley became Deputy-Governor of the colony; and John Winthrop remained Governor. Thus began a very closed society. John Endicott, too, must be taken into account as being closely connected with the early plans of this group, and Increase Nowell, the indefatigable secretary.

The assistants who had come with the company were for the most part in disarray. Some went along with Winthrop and Dudley, perhaps hoping to curb the approaching tyranny, and among these were Simon Bradstreet and Richard Bellingham, who were often noted for dissent in the early days. Bellingham, at first, was a moderate voice on many occasions — and suffered accordingly.[74] The kindly Sir Richard Saltonstall soon went back to England, never to return, although his son was to be active in the new community. Later Sir Richard wrote to the elders at Boston from his home in England: "These rigid wayes have layed you very lowe in the hearts of the saynts. I doe assure you I have heard them pray in the public assemblies that the Lord would give you meeke and humble spirit, not to stryve soe much for uniformity as to keepe unity of the spirit in the bond of peace."[75]

William Vassall went back to England in July after a short time in the New World. The historian, Savage, says of him, "Not being able to agree with his colleagues he returned to England after a stay of only a few

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[73] Isaac Johnson's Will, 3 Mass. Hist. Coll. VIII, 244. (See also, *Winthrop Papers*, Mass. Hist. Soc. 4th series, Vol. 6. John Bradinge's Letter to Winthrop on Johnson's will.)

months,"[76] while Hubbard writes that he "came over in 1630, when he was chosen Assistant, but not complying with the rest of his party, nor yet able to make a party amongst them, returned to England soon after."[77] These men were wrong in some details, but seem close to the truth about Vassall's reason for returning to England. The moderate party no longer had any power.

Dudley wrote that there returned to England in the *Lion* "Mr. Revell, one of the five undertakers here for the joint stock of the Company, and Mr. Vassall, one of the Assistants, and his family, and also Mr. Bright, a minister sent hither the year before." [78]

Winthrop and Dudley probably believed, and undoubtedly hoped, that they had seen the last of William Vassall. But they may well have had

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[76] James Savage, *Genealogical Dictionary of the First Settlers of New England*, Four Volumes. Savage also says, "Though a public spirited man, his usefulness was much restricted by his inability to agree with those around him." Also, "He became one of the richest settlers in Plymouth Colony." William and Samuel were wealthy merchant investors and adventurers who never received anywhere near the compensation in money or land that they were entitled to. I believe that the peaceful years at Scituate and dream of the nation to come was compensation for William Vassall.

[77] William Aspinwall, *William Vassall, No Factionist*, Mass. Hist. Soc. *Proceedings*, March, 1863.

[78] *Winthrop Papers*, Vol. II, p. 265n.

him to thank for the speedy return of the *Lion* in February 1631, with provisions that saved the colony.[79]

[79] *Ibid*. Also, Rose-Troup, *Massachusetts Bay Company,* Appendix IV, p. 465. Here the author quotes John White's denunciation of Winthrop's taking credit for money and goods sent to Massachusetts Bay for the relief of the poor.

Chapter II

THE MASSACHUSETTS BAY COLONY 1630-1637

William Vassall returned to New England on the *Blessing* in 1635. The years between the time he left Massachusetts Bay in 1630 and the time he returned were years of trial and persecution for the Puritan and non-conformist in the mother country. It was a period when the Star Chamber of Charles the First and Archbishop Laud was at the height of its activity. The Catholic Queen interceded for those of her faith so that the full frenzy fell on the Puritans, who now numbered, according to estimate, more than half of England. The public squares witnessed scenes of torture day after day, as noses were slit, tongues bored, ears severed. [1] Many were hanged or otherwise put to death — just how many no one knows as the records of the Court of High Commission have "entirely disappeared and were probably deliberately destroyed by order of the Long Parliament shortly before 1645, the date of Laud's trial."[2] Thousands of people fled to the Massachusetts Bay Colony for refuge — Bancroft says it is estimated that twenty-one thousand, two hundred people came to New England before the assembling of the Long Parliament in 1641,[3] and many of these settled in or around Boston.

To the dismay of most of these immigrants, they found that the same persecutions were being carried out in the New World — in the name of Puritanism.[4] By 1635, many New England colonists had learned that the greatest difficulties encountered during settlement did not come from Indians, from scarcities, or from the ferocity of nature, but from the rigid demands of their own authorities.

What had happened to the colony that had been so carefully planned to give its inhabitants some control over their destinies? Many years had gone into preparation for the Charter that, according to Charles Andrews, "created something that had not existed before, the right of these men as a corporate body to rule and administer the territory under their authority and to exercise complete sway over any colonies or plantations that might be set up on its soil. Their corporate name was the Governor and Company of the Massachusetts Bay in Newe-England and they composed 'one body politique and corporate in Deede, Fact and Name.'"[5]

How had this unique power been used? If the new freedom had been extended to all of the company as they became members of the colony, the purpose of this book would not exist — few men would have opposed such an enlightened venture, and those that did would rightfully have been forgotten. But, in truth, the handful of men who took control of the company and its Charter did not grant to all of the settlers the freedoms the Charter undoubtedly intended them to have. Not only did they ignore the words clearly written down in that important document, but they kept the Charter hidden from all but a small number of the leaders so that their power could not be challenged.

If the freemen had viewed the Charter on their arrival in Massachusetts Bay they would have read the following:

"AND FURTHER, our will and pleasure is, And wee doe hereby, for us, our heires and successors, ordeyne, declare, and graunte to the saide Governor and Company, and their successors, That all and every the

subject (s) of us, our heires or successors, which shall goe to and inhabite within the saide landes and premisses hereby mentioned to be graunted, and every 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(s) within any of the domynions of us, our heires or successors, to all intent(s), constructions, and purposes whatsoever, as yf they and everie of them were borne within the realme of England."[6] Moreover, these lands were "to be houlden of our saide most deare and royall father, his heires, and successors, as of his mannor of East-greenewich, in the County of Kent, in free and common Soccage, and not in Capite nor by Knight's service."

These very words would be an inspiration to the seeker of liberty in the seventeenth century because the County of Kent was from earliest times noted not only for the "freedom of spirit" of its inhabitants, but also because the Kentish "custumal"..."claims, as a custom common to all Kentishmen, that their bodies be free, as well as the other free bodies of England; which was formerly, whilst many of the subjects of this kingdom remained under a state of hereditary bondage, a most glorious and valuable birth-right."[7]

The leaders of the Massachusetts Bay Colony did not allow the Charter to be viewed until the Fifth General Court in May, 1634, when it could no longer be avoided.[8] However, by that time the rule had been established that in order to become a freeman one must be a member of the church, and that meant renouncing one's former church, as we have said before.

Palfrey writes: "By a short clause in an order passed at the first annual meeting of freemen on this continent (May 18, 1631) they had vested permanently the administration of the corporate property — in other

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[6] *Massachusetts Records*, Volume I, page 16.

words the ultimate powers of government in Massachusetts — in the hands regarded by them as suitable to carry out this policy. No Romanist or Episcopalian was to possess a franchise enabling him to meddle with their affairs or balk their aims; nor even any other unsympathizing religionist, who might make common cause with prelatical malcontents on the ground of a common hostility to the dominant ecclesiastical system, or whose admission to citizenship would expose them at court to the charge of making offensive distinctions between different classes of dissentients."[9]

Winthrop and Dudley had no idea of creating a society of free colonists, although this was certainly in the minds of several of the early planners of the Massachusetts Bay Colony. Small as the number of immigrants accepted as freemen seems to us today, it must have been frightening to the Magistrates, and henceforth there was a continual struggle on their part to keep the control of the colony from falling on one side to the hands of the freemen, and on the other to the government in England. The Puritan leaders were not interested in creating a democracy, but they were concerned from the outset with maintaining their independence from the mother country, and they did not hesitate to employ Old World cruelties to bolster their government. As early as 1631, Henry Lyn was whipped for writing to England against the Bay Colony's execution of justice,[10] and later Thomas Knower was set in the "bilbows" for threatening to appeal to the homeland.[11] Philip Ratcliffe, servant to Matthew Cradock, lost his ears for speaking out against the government.

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[9] Palfrey (1899), Vol. I, p. 498. (See also *Ibid*., p. 349 for other departures from election procedures specified by charter. Also, Andrews, Vol. I. p. 432 for arbitrary use of charter.)

[10] See note 4 above.

[11] See note 4 above. "bilbows" were iron leg shackles, often used at sea. Shakespeare's

As the number of colonists grew so did the number that were left out of church and franchise. They were not a part of the new government, nor could they look for redress to the old. Moreover, they were constantly being taxed or fined, and even those that did not belong to the church were forced to attend it and to support it with provisions and money.[12] Thomas Lechford wrote that there was ordinarily no "giving account" by the authorities. At Salem, church members gave publicly — others were rated at home — and this may have been the general pattern for all churches. There was little freedom for any but a favored few, whose estates flourished.

It was unfortunate that the Massachusetts Bay Company chose as governor for the new colony a man who had recently joined the group, and had not been part of the long struggle to create a colony of free men overseas — a struggle that can be discerned by study of earlier patents, such as those of the Virginia Company, guided by Sir Edwin Sandys.[13] It was also too bad that with all the men of independent means that they might have selected, the members ended up with a man whose fortunes were precarious,[14] and yet one who believed that, as governor in the New World, he needed to maintain an establishment of comparative pomp and splendor. (This was in complete contrast to the Plymouth Colony where the simple living of the colonists was shared by all almost equally — and all not bound as servants could be freemen with a voice in public affairs). It is fairly evident that too large a percent of the financial resources that were sent to maintain the Bay colony went into maintaining the two leading Puritans, Winthrop and Dudley. Probably adding to the expense was the fact that these men did not get along and at one point felt the need to establish two official centers, one at Boston and one at Newtowne (Cambridge). Endicott, too, at the original Salem colony set up to welcome the Migration, undoubtedly claimed some wherewithal to back

up his authority there. There was no treasurer and no accounts in the early years of the colony. When the freemen finally demanded that records be kept, Winthrop's son was appointed accountant.[15]

Palfrey reports: "For years after the establishment of the colony in Massachusetts, it continued to be benefited by the bounty of its English patrons.[16] And as this must have been principally bestowed by the friends of the Assistants and other leading men, it must have operated as a means of sustaining their influence in the internal administration."[17] Moreover, the magistrates at Boston, as the arsenal for defense, carried on a thriving business in arms and "powder and shott", which we will discuss later on. The magistrates paid no taxes, except those that went towards the maintenance of the ministries.[18]

It is significant that when the company left England and became a colony, leaving its business affairs in doubt, a group subordinate to the colony was formed — half in England and half in Massachusetts Bay — to take care of the joint-stock and trading interests. By 1634, the only members of this group still in New England were Winthrop and Dudley, so to all intents and purposes they could claim complete charge of the financial affairs of the company in Boston.[19] Thus we see how the domination of the colony on all important matters came more and more into the hands of these two men, and one or two close associates.

When the freemen finally viewed the Charter in 1634, they became aware of several departures that had been made in the governing of the colony. It was too late to remedy some changes — such as the requiring of a religious qualification for the franchise, the "Holy Commonwealth" was

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[15] *Massachusetts Records*, Vol. I, p. 305. See Palfrey (1899), Vol. I, pp. 349, 350 for difference between Winthrop and Dudley. Also Winthrop's *Journal* (Savage), Vol. I, pp. 86-88, 98.

[16] Winthrop II, p. 342. (Savage)

[17] Palfrey (1899), Vol. I, p. 310.

already too well-established for reversal of that rule. However, they were able to correct several matters that were curtailing their freedom. They discovered that they had the right to make laws, decide on taxation, and participate in elections. Until that time the assistants had claimed the right to choose the governor and deputy-governor from among themselves. The magistrates then tried to compromise by giving the freemen the simple right to veto those officers selected by the assistants; but the freemen would have none of it.

Another discrepancy that the freemen discovered was the reduction of the number of assistants allowed by the Charter. Although they were supposed to choose eighteen of these magistrates, they were allowed only a fraction of this number (usually seven), ostensibly to reserve places for important men who might emigrate. However, this also tended to keep power in the hands of a few. Palfrey writes, "Sooner than keep up the legal number of Assistants by an election of inferior men, they did not scruple to disregard the restrictions of their fundamental and constituent law."[20]

The political history of the Massachusetts Bay Colony throughout the seventeenth century is the struggle of the freemen — with the backing of the other inhabitants — to wrest government control from a few Puritan leaders who were constantly trying to insure the permanence of their rule. One of the devices that the magistrates created was a Standing Council composed of former officials, elected for life, who joined the other magistrates at meetings between court sessions. Palfrey says, this "was not pressed; it acquired no favor with the people, and came to nothing" — only Winthrop, Dudley, and Endicott being chosen for it.[21] (Henry Vane was, too, but he left the country soon after). However, it does not seem to have been disbanded, and there are many later references to its actions. In the Massachusetts Records we find that Richard Saltonstall (the son of the original assistant, Sir Richard) was required to turn over to the authorities

the book that he had written criticizing this council, and in June 1642, "It was voted by the Court to vindicate the office of the standing counsell, as it is now ordered, & the persons in whom it is now vested, from all dishonor & reproach cast upon it or them in Mr. Saltonstall's booke."[22] The Standing Council appears to have been an instrument by which Winthrop, Dudley and Endicott remained permanent officers of the community whether elected to the position or not. This council was given continually increasing liberty to act between courts; moreover, only two or three officers were needed to decide on admission of new colonists, or even to wage war. Thus, although more inhabitants were allowed to vote on more matters, the value of the freemen's vote was diminished because of the decisions that were made by the magistrates between sessions. Because members of the Standing Council were always magistrates, any agreement between Winthrop, Dudley and Endicott was binding on the colony. Many of the troubles and dissentions that plagued the Massachusetts Bay Colony in the middle of the seventeenth century were due to the irritation the freemen felt over actions taken by the Standing Council on behalf of the colony, instead of proper action by the whole court.

Thus we see that the economic and political management of the Massachusetts Bay Colony gradually fell into the hands of two or three individuals. But what of the even more important aspect of the colony, the religious management? This was significant, for the Bay Colony was indeed, in spite of arguments to the contrary, a Separatist colony with an established religion of its own, based on the covenanted church made famous by Robinson's church at Plymouth.

We know that the Salem church was started with the guidance of Samuel Fuller of Plymouth, and we have seen how the first church at Massachusetts Bay began with a covenant between Winthrop, Dudley, Isaac Johnson (soon deceased) and the Reverend John Wilson. The

Reverend Wilson became the pastor of the church, which not long after moved to the area now called Boston, a beautiful neck of land with three hills (trimountain, origin of Tremont).

According to the pattern of the colonial Separatist church, the basis of the colony was spiritual — the people followed their minister; he had been chosen by them. But, with due respect to the Reverend Wilson, it appears that he had not been chosen by any significant proportion of the group, nor was he an outstanding ecclesiastical voice of the time. The fact was, in an age of great and inspired religious leaders, there was none at Winthrop's settlement. Undoubtedly, the congregation thought longingly of the Reverend John Cotton who had given the farewell sermon to them at Southampton on their departure from England. In 1633, hounded out of England by the Archbishop Laud, he came to be the teacher of the church at Boston, now named in his honor.[23]

In the three years that had passed since the Great Migration, changes had come about in the minds of both those that had come to New England, and those that had stayed behind. The Reverend Cotton had been exposed to elements that were leading toward religious toleration, while the magistrates at the Bay were tending in the other direction. However, many of the members of the Boston church were also aware of the toleration movement, having come in contact with friends from England, and also with the profusion of the pamphlets that were being published constantly. Palfrey says of the next few years, "He (Cotton) was not the only Massachusetts man who corresponded freely with the religious Englishmen. Numbers of men of note...passed back and forth between their new abode and the circles of their earlier association."[24] There is no reason to believe that there was any shade of religious or political opinion in England at that time that was not represented in the New World, and that included the belief in religious toleration.

The magistrates who held the power in Massachusetts Bay were not tolerant; they despised tolerance and fought it bitterly. There were others who agreed with them. Nathanial Ward, "The Simple Cobbler of Agawam", wrote:

"My heart has naturally detested four things: the standing of the Apocrypha in the Bible; foreigners dwelling in my country to crowd out native subjects into the corners of the earth; alchemized coins; toleration of divers religions, or of one religion in segregant shapes. He that willingly assents to the last, if he examines his heart by daylight, his conscience will tell him he is either an atheist or a heretic or a hypocrite, or at best a captive to some lust. Poly-piety is the greatest impiety in the world. True religion is "ignis probationis" (Fire of proof) which doth "congregare homogenea & segregare heterognea" (unite the homogeneous and separate the heterogeneous) — That state is wise that will improve all pains and patience rather to compose than tolerate differences in religion."[25]

However, in order to compose differences the state needed a powerful church led by an influential minister. No one was more aware of the necessity of a strong religious leader for the Bay Colony than was John Winthrop, but it was not until 1637 that it was apparent who that man would be. When John Cotton came to the New World in 1633, he was welcomed by the congregation and yet there was some uncertainty as to how he would fit in with the ecclesiastical establishment that had been instituted. He was well known as a non-conformist, but not a Separatist. Baylie, in his *Dissuasive* said of him later, "Cotton, so long as he abode in England...in all his opposition to the episcopal corruption, went not beyond Cartwright and the Presbytarians. With the way of the Separatists he was then well acquainted, but declared himself against it in print...So soon as he did taste of the New English air, he fell into so passionate an affection with the religion he found there, that, incontinent, he began to

perswade it with a great deal more zeal and success than before he had opposed it. His convert, Master Goodwin [Thomas], a most fine and dainty spirit, with very little ado was brought by his letters from New England to follow him unto this step also of his progress."[26] Thus we see that while some ministers changed when they came to New England, they in turn influenced the minds of those back home.

But that was later on. In 1633, the year John Cotton came to New England, the theocracy at Massachusetts Bay was still in its formative stage. The legislative process had fallen into the hands of a very few men, as we have seen, and these men had also taken over the economic affairs of the community. But the religious question was yet to be resolved — a serious situation in a colony in which the central position belonged to the church, and franchise depended upon being a member of that church. Even the economic situation of an individual colonist depended upon membership. Thomas Lechford, the lawyer, wrote, "I have endeavored, laying all respects aside, to joyne with the Church here, but cannot yet be satisfied in divers particulars, whereby I am kept from all place of employment or preferment, as I have had overtures made unto me of, if I would or could yield — "[27]

In 1634, after the freemen viewed the Charter and discovered their right to elect officers, make laws, and determine taxes, they also began to question the exclusiveness of the church.

During the years 1635-37, the religious controversies occurred that resulted in "The Antinomian Crisis" and brought about the trials of Ann Hutchinson and her brother, the Reverend John Wheelwright. One of the significant events associated with this period was the election of 1637 — to all intents and purposes the climax of the controversy. When the election was over, the religious character of the Massachusetts Bay Colony had been decided. The religious control of the colony was in the hands of those who managed its government and its economy. A fact that added to

the heat of the debate was the second migration from England in 1635, bringing such young and energetic spirits as Sir Henry Vane, the Reverend Hugh Peter, even the young John Winthrop, Jr., who was a very different person from his father in many ways. The year before, Ann Hutchinson and her family had arrived in the Bay Colony, and with her many friends who — like the Hutchinsons — had been led by devotion to their pastor, John Cotton, to follow him to the New World.

Soon Mrs. Hutchinson was giving lectures in her home to discuss the Reverend Cotton's Thursday lectures and "a hundred or more"[28] women came each week to hear her interpretations. There seemed to be, at first, great harmony between Cotton and the members of the Boston church, including Ann Hutchinson. But soon differences began to develop in the community, and a sharp division grew up between Mrs. Hutchinson and her teachings, which became known as the "Covenant of Grace," and the teachings of the magistrates, propounded by Reverend Wilson, called by Ann Hutchinson the "Covenant of Works." Thousands of words were written and preached on both sides of the subject but today, as Charles F. Adams once said, it is "a discussion carried on in a jargon which has become unintelligible," and he quoted the historian C. Hallam, as saying of such controversies, "they belong no more to man, but to the worm, the moth, and the spider."[29]

Fortunately for us we are concerned with religious toleration — not that which is tolerated. Winthrop dubbed Ann Hutchinson and her group "Antinomians" — meaning, "above the law", but they broke no provision of the Mosaic Law or the English Common Law. It was her misfortune that at that time there were no written laws in Massachusetts Bay — the magistrates were the judges, and the laws were supposedly those of the Scriptures, interpreted by themselves. They felt no need of written laws,

nor of stated offenses. Many a colonist was brought into court without knowing why.[30]

The import of the Antinomian Controversy went beyond the tragedy of Mrs. Hutchinson. It was the first real test of the tolerance of the Massachusetts Bay Colony, and upon the outcome rested the answer to the question that was in the minds of many — would this part of America become the refuge for the persecuted that some envisioned even in 1635? In accusing the magistrates of proceeding under a "Covenant of Works" Ann Hutchinson struck at the practice of choosing the "elect" from "visible sanctification." After all, such signs might be the result of privileges and benefits bestowed by the very magistrates that did the selecting. Surely many others were worthy of inclusion — those who might have "inner Grace", which was to her eyes the desirable attribute. Thus in serious religious terms the magistrates' selection of the "elect" was questioned. To question is to bring doubt — in this case, upon the whole theocracy. The Puritan magistrates knew this — the battle lines were sharply drawn. The tolerant freemen of the Boston Church sided with Mrs. Hutchinson, for the most part, as did Henry Vane, who in 1636 had been elected governor. In 1634 the freemen had been so frightened by the idea of perpetual magistracy (brought up by those in power) that they had not re-elected Winthrop since that time. First they chose Dudley, then John Haynes; and in 1636 they selected Henry Vane who was energetic and promising, although only twenty-four years old.[31] Meanwhile, the Reverend Cotton had endeared himself to the Magistrates by approving the election of officers for life, pronouncing, "the right of an honest magistrate to his place was like that of a proprietor to his freehold."[32]

The "Antinomian Controversy" was not only the first great test of religious toleration in the Bay Colony, it was also a test of the strength of the Puritan theocracy which depended upon the uniformity of the "elect".

It was to be a complete defeat for the Antinomians, a triumph for the Puritan magistrates; it was also a defeat for democratic hopes in this part of the world for some time to come. The Puritan Administration knew that its success and power depended upon spiritual domination of all who lived within its boundaries. In an earlier century this might have been possible, but it was already too late for the Puritans. England and the Continent were filled with many diverse and provocative ideas about religion, held by brilliant and dedicated people. Persecuted, they sought the New World wherever they could find refuge. Trade, too, was opening up, and enlightened merchants settled lands both for free enterprise and free religion. The wave of the future was democracy. The dogma of the Puritan was stifling, old-fashioned, superstitious, provincial. The Massachusetts Bay Colony had started as a Separatist colony, believing in the idea of separating from the Church of England (although they did not publicize it),[33] and establishing an autonomous church. But they could not accept the true Separatist idea of separating church and state, and so they marked time, went backward, as religion in England moved on to Independency, and toleration of all religions Puritan, Catholic, Presbyterian, and all who would "preserve the civil peace, and submit unto government." Everywhere there were people who stressed religious liberty, the end of persecution, and end of cruelty. Edmund S. Morgan in "The Puritan Dilemma," speaking of the Independent churches of England, says, "Perhaps the greater part of them adhered to the kind of congregationalism that was practiced in New England, but more and more they espoused a doctrine which New England could not abide: toleration.

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[33] One of the ways by which the Separatist character of the Massachusetts Bay Colony can be judged is from its customs. The following note on a marriage at Boston shows the Separatist pattern: "There was a great marriage to be solemnized at Boston. The bridegroom, being of Hingham, Mr. Hubbard's church, he was procured to preach, and came to Boston to that end. But the magistrates, hearing of it, sent to him to forbear. We were not willing to bring in the English custom of ministers' performing the solemnity of

This was, in fact the only policy in which they could join against the Presbyterians...Instead of admiring the New Englanders for achieving uniformity, the English Congregationalists proceeded to scold them for being intolerant, and to convert them if they went back to the mother country. Hugh Peter, sent by Massachusetts to help guide the English Reformation, was himself transformed."[34]

The freemen of the church at Boston were aware of the trend toward toleration, and they approved of it. They were profoundly distressed by the severity of the Puritan Magistrates who were dominating their own colony, and soon would dominate all New England. The freemen flocked to Cotton's sermons, and their wives, as we have said, crowded into Ann Hutchinson's meetings. In 1636, Ann's brother-in-law, the Reverend John Wheelwright, came to the colony with his family and he joined her side, upholding the "Covenant of Grace." But the Reverend Wilson, the pastor and original member of the covenanted church was staunchly on the side of the magistrates — basically still controlled by Winthrop, Dudley, and Endicott. When the Reverend Wheelwright was proposed as an assistant at the Boston church, he was refused and went to the church at Wollaston (Mt. Wollaston, a former dwelling place of Thomas Morton, another opposer of the Puritan regime).

However, in January 1637, Wheelwright was invited to give the Fast Day sermon at Boston. In this sermon he roundly denounced the "Covenant of Works" under which the Boston magistrates were, in his eyes, governing. This speech promptly brought about an accusation of sedition by the authorities and Wheelwright was scheduled to be secretly tried at court with an advisory council of the ministers. To the Boston freemen the proceedings took on the atmosphere of the hated Star Chamber. Forty of the most prominent members of the Boston church signed a petition asking that the Judicial Court confine its attention to the secular matters, or at least throw the trial open to the public. But the trial

was commenced in secret, and only at the insistence of the freemen was it opened up. When the magistrates and deputies (representatives of the freemen from surrounding towns) stood before the people many of them took Wheelwright's part but, according to William Coddington (one of the Petitioners), "the priests got two of the Magistrates on their side and so got the major of them."[35]

Reverend Wheelwright was convicted, but feeling ran so high among the freemen of Boston that his sentence was deferred.

There were other evidences of intoleration at Boston at this time. Only the year before Roger Williams had been banished from Massachusetts Bay. Now another heretic, Samuel Gorton, appeared on the scene and was irritating the magistrates. A cruel and vindictive war was being waged that would wipe out the Pequod Indians, and many colonists did not approve of this action or the way it was initiated. Refugees from England brought tales of the persecutions there of such men as William Prynne, John Bastwick and Henry Burton.[36] These martyrs were followed to the public square by people throwing flowers at their feet. The populace was in a frenzy of fear and disillusionment on both sides of the Atlantic. Englishmen of the noble class, as well as wealthy merchants and ministers with their followers, were drawn together by the belief that tolerance toward all men was the greatest of virtues. Tolerance led to the concept of non-violence, and presaged George Fox and the Quakers. Many men hoped to find in the New World a clean slate upon which humanity could write anew.

This belief was behind the migration to New England between 1635 and 1641. Many leaders merely touched at Massachusetts Bay and went on to found new colonies in other parts of the area. The Reverend Hooker came and went to Connecticut, while a former assistant of the Massachusetts Bay Company, William Pyncheon (who wrote a book that

was publicly burned by the magistrates) [37] founded the colony of Springfield on the Connecticut River. In the charters of the day colonists asked for the right to have a voice in their own affairs, and the right to "liberty of Conscience". Some of the new colonies were dedicated to religious tolerance; the old motto of Rhode Island was "Amor Vincit Omnia" — but the small size of the state attests to the lack of generosity of the leaders of the surrounding colonies. Nor did the young have to follow in the footsteps of the fathers — John Winthrop, Jr. was able to found Saybrooke, Connecticut, a new colony more to his liking and that of his contemporaries.

The mood of the magistrates at Boston was not one of welcome for newcomers. By 1637 a law against "aliens" had been passed and no one could settle in the colony without the express permission of at least two of the men in power who could be, as we have said, permanent members of the Standing Council.[38]

This was just one of the disturbing elements that were growing intolerable in 1637; the climax came on the 14th of May at the General Election, a meeting which was taken with the utmost seriousness in the colony, as well it might be. The right to have a voice in their own affairs had brought many men to take the arduous journey across the ocean with their families and all they possessed. They were not going to take their votes lightly. One contender for domination of the Massachusetts Bay Colony was the incumbent governor, the young Henry Vane, backed by the supporters of Mrs. Hutchinson and the Reverend Wheelwright, among whom were the petitioners of the Boston church. Support for this side also came from those inhabitants who were not allowed to be freemen, as well as from the recently arrived refugees from the persecutions in England, advocates of tolerance and separation of church and state, which the trial of Wheelwright flagrantly violated.

On the other side were old guard Puritans — chiefly John Winthrop, Thomas Dudley, and Reverend John Wilson, the self-same three who had made their covenant together on the shore of Charlestown in 1630. John Endicott of the Salem church supported them, as did many of the ministers from the other churches in the colony for it was to their interest to support the union of magistrates and elders. Contrary to the Separatist idea of the autonomy of each congregation, there was great influence brought to bear on neighboring churches, of which there were twenty-three before 1645. [39]

The first triumph for the old guard was the moving of the election from Boston to Newtowne (now Cambridge), and there on the Common a most riotous event took place — an event which was to cast its shadow over the next half century of Massachusetts history. This shadow was not to be lifted until the freemen took matters into their own hands after the Salem Witch Trials of the seventeen-nineties when "the minds of the juries became enlightened before those of the judges,"[40] and, armed with a new patent, the people created a government separated from the clergy.

But in 1637 the theocracy was just beginning — the Boston freemen, though they foresaw the evil, were powerless to stop it. Had they commanded the support of more people in outlying towns, history might have been different. The men living outside of Boston were not less desirous of freedom, but they were generally less informed and more provincial in their outlook. If they read much, their books were apt to be those allowed by the Bay authorities — they had less opportunity to obtain the pamphlets smuggled in from England. If they did not read, they relied on the opinions of the ministers who were, for the most part, of one mind. There were a few outstanding exceptions like the Reverend George Phillips of Watertown.

The magistrates knew what they were doing when they moved the election of 1637 from Boston. However, the relocation did not prevent the

Boston men from coming to Newtowne with their petition designed to free the Reverend Wheelwright. Sympathetic Governor Vane moved to deal with this document at once to get it out of the way before the voting. But the deputy governor, John Winthrop, wise in the ways of provincial deputies, moved to have the election before considering the petition. Vane objected, "whereupon the Deputy told him that if he would not go to election, he [Winthrop] and the rest of that side would proceed." and so Deputy-Governor Winthrop took charge of the proceedings-by-passing Vane, the proper governor, and his party. In the resulting action the members of the old guard were put back into power — Winthrop became governor again; Dudley, deputy-governor; and Endicott, as we have already mentioned, was chosen magistrate for life. All of those who had supported Mrs. Hutchinson were left out of the list of assistants — notably Vane and Coddington.

Never again would the Boston freemen allow the election to be moved, but it was too late this time. "There was great danger of a tumult that day, for those of that side grew into fierce speeches, and some laid hands on others; but seeing themselves too weak, they grew quiet." [41]

What about the Reverend Wilson, the third member of the original, covenanted church? In the excitement, the Reverend climbed a tree to address the crowd that milled about the Common. The members of his church had been vanquished, yet he was on the side of Winthrop and Dudley. He must have hoped to calm the members of his congregation in this way. But he only emphasized his weakness.

In the local election at Boston on the next day, the freemen elected Coddington and Vane and Hough (a former assistant) as their deputies. Again there was a commotion and the Court refused them their seats on a "trifling formality." Again the same deputies were elected, and this time the Court was forced to admit them.

On returning to Boston from the election at Newtowne, the newly elected Governor Winthrop was received without fanfare. There was no escort to go with him as was customary, because the four Boston sergeants, who usually accompanied the governor, "laid down their halberds and went home," unwilling to serve him.[42] Yet the citizens of the outlying towns offered to send men into Boston to carry the halberds instead. Whereupon Boston agreed to send other men in place of the sergeants, but the Governor "chose rather to make use of two of his own servants."

Thus ended an attempt to create a more tolerant, more democratic society in early Massachusetts Bay. Many of the people were unable to see how their liberties, granted to them by the Charter, were being nipped in the bud by the cruel theocracy that was evolving. But the venerable Sir Richard Saltonstall, who had come to the colony in the Great Migration of 1630 and returned to England the same year, saw the dangers from abroad and wrote these anguished words to Cotton and Wilson:

"It doth not a little grieve my spirit to heare what sadd things are reported dayly of your tyranny and persecutions in New-England, as that you fyne, whip and imprison men for their consciences. First, you compell such to come into your assemblyes as you know will not joyne with you in your worship, and when they shew their dislike thereof or witness against it, then you styrre up your magistrates to punish them for such (as you concyve) their publicke affronts. Truly, friends, this your practice of compelling any in matters of worship to doe that whereof they are not fully persuaded, is to make them sin, for soe the apostle (Rom. 14 and 23) tells us, and many are made hypocrites thereby, conforming in their outward man for feare of punishment. We pray for you and wish you prosperitie every way, hoped the Lord would have given you so much light and love there, that you might have been eyes to God's people here, and not to

practice those courses in a wilderness, which you went so farre to prevent..."[43]

Those individuals in New England who realized what was happening found it harder and harder to make their objections heard. They had nowhere to turn — for as we have said before, an appeal to England for redress of wrongs was sedition. At Massachusetts Bay, court and church and civil government were one. There was no hope of mercy for those that did not conform. Thus an unusual opportunity for a colony of free men had been lost.

Henry Vane returned to England in August, and sad were his friends at his departure. They knew that their day was over in the Bay Colony, as well it was. When Vane left for England his friends gave him "divers volleys of shot," but Governor Winthrop did not come to say good-bye.[44]

Roger Williams had been sent away, Samuel Gorton would go soon; many people had gone to Connecticut, following the Reverend Hooker and others. Yet the question of the Reverend Wheelwright had not been settled for his sentence had been deferred. Various writings appeared — the magistrates in defense of their decision, Wheelwright's friends replying. Reverend John Cotton answered the official position against him in such a tactful way that "few could see where the difference was," according to Mr. Shepard, pastor of the Newtowne church.[45]

The ministers then called a synod — "with the consent of the Magistrates"[46] — which met in Mr. Shepard's church, and all the teaching Elders throughout the country came — even some from England

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[43] *Hutchinson Papers*, pp. 401, 402.

[44] Palfrey, *Hist. of N.E.*, 1899, Vol. I. p. 483. (Palfrey writes earlier: "The son and heir of the Earl of Marlborough, a boy in his teens [Lord Leigh], having come to Boston 'to see the country,' the Governor, whose guest he had declined to be during his stay, invited Vane with others to meet him at dinner. Vane, 'not only refused to come, alleging by letter that his conscience withheld him, but also at the same hour he went over to Nottle's

(including John Davenport who had not yet been called to a church). Hooker from Hartford, and Bulkeley from Concord were moderators. But the Boston freemen, sensitive to the differences that were arising in England between Independents and Presbyterians, were unhappy about the idea of a "synod."[47] Eighty-two opinions, many of those belonging to the Reverend Wheelwright and Mrs. Hutchinson, were pronounced errors, and oddly enough her friend, Reverend John Cotton, had gone over to the other side. Perhaps the undignified aspect of the Reverend Wilson lecturing from a tree had something to do with it, but whatever the cause, from that time forward the Reverend John Cotton had the final say in religious matters (and sometimes state matters) in the Massachusetts Bay Colony.

Well-known to all is the trial of Ann Hutchinson that came after that, with the Reverend Cotton supervising the questioning of his former pupil. She was banished, as was John Wheelwright — and all members of the Boston church who signed the petition were disenfranchised and disarmed one by one as the long months went by. The leaders of the opposition — such as William Coddington and John Coggeshall — were hounded from the colony and settled elsewhere. These two men helped to found the beautiful town known as Newport, Rhode Island.

After 1641, few people came to Massachusetts Bay. Some men stayed home because they saw the promise of new freedoms in the convening of the Long Parliament. But thousands from England went to islands in the Caribbean, especially Barbados. It seems significant that this island at that time was noted for its religious tolerance. Meanwhile, settlers were pulling up stakes and leaving Massachusetts — many going back to England even if it meant abandoning claims to colonial lands.[48]

The story of the election of 1637 is the record of the loss of freedom of a colony that was planned to give opportunity for liberty to all

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[47] Winthrop's *Journal*, Vol. II, p. 269. Nine years later they were even more opposed to the idea of a synod.

who joined it. The election reestablished the same old Puritan leaders in their positions of power — Winthrop, Dudley, and Endicott. All this we can read in the *Massachusetts Records*. Not written down, but soon apparent, was the fact that the Reverend John Cotton was now the religious arbiter of the Massachusetts Bay Colony.

The colony lost much by this election. Not only did some of the most able men leave Massachusetts Bay, by choice or by banishment, but word of the intolerant character of the colony reached England with the returning colonists, of whom many — like Henry Vane — became important voices in the mother country. But, in some ways, the worst effect was on the actual character of the administration itself, rigidly dominated by Governor Winthrop. It is hard to read the words that he wrote in *A Short Story of the Rise of the Antinomians*;[49] the only explanation for them seems to be that they were meant to frighten, to keep in line those that tended to heresy — especially women. Winthrop must have been deeply affected by the fact that it was a woman who almost upset his plans for the commonwealth.

From this pamphlet we learn that the two leading women to match wits with the Puritan magistrates and elders at this time — Ann Hutchinson and Mary Dyer — had unfortunate birth experiences. Winthrop seized the opportunity to use these misfortunes to his own advantage, and he described them with graphic details (quoted below). Indeed, if we are to credit accounts in his Journal,[50] the Governor believed that a personal examination of the victim or suspect went along with all of his other duties whenever there was a question of unusual female attributes that might indicate witchcraft. Another curious fact is that the individuals whose private difficulties were likely to be reported in Winthrop's writing were almost always those who were opposed to the current Puritan regime — either from an economic, political, or religious standpoint. Matthew

Cradock's servants were often in trouble; Bellingham's marriage was questioned; Humphrey's children were victims of terrible crimes, described in detail by Winthrop without much sympathy, even though Mrs. Humphrey was the Lady Arbella's sister, Susan. And here we might mention that another sister, Lady Deborah Moody, was hounded from Salem because of her religion.[51] The fate of the three intelligent sisters of the Earl of Lincoln should be of interest to anyone studying the treatment of women by the Puritan founders.

There never seemed to be any difficulty in the Winthrop, Dudley, or Endicott households. With such evident bias, it is wrong to accept the histories of Winthrop and Dudley — and their later editors, Savage and Hubbard, as the most faithful accounts of the early Massachusetts Bay Colony. During the eighteenth and nineteenth centuries there was an attempt to present other points of view equally, and we learned much more about the tribulations of Roger Williams and Mrs. Hutchinson, but lately with the emphasis on economic history and its implications, the one-sided Puritan accounts have slipped back into favor. Many opposing contemporary viewpoints lie buried in local history books and obscure pamphlets. This is disastrous at a time when the roots of our unique history cry out to be rediscovered and reaffirmed. William James, in "The Meaning of Truth: says, "Owing to the fact all experience is a process, no point of view can ever be the last one."[52] Sometimes, looking back is like shifting the light on relief sculpture — prominent areas recede, while others stand out where there were only shadows before.

The chief Puritan leaders came from the provincial sections of England at a time when the lingering flames of medieval witchcraft were flaring up. Andrews says of the area around East Anglia, which contains Suffolk, the home of John Winthrop, and southern Lincolnshire, where

Dudley lived:[53] "Within this region, for reasons not readily understood, Puritan sympathies found expression more strongly than anywhere else, a fact which has given to these counties the name of the Cradle of Puritanism...It is a significant fact that the worst of all witch-worryings was limited to the counties where Puritanism was supreme..."

The most significant difference between the Pilgrims and the Massachusetts Bay Puritans may well be traced to the vast gulf that lay between their backgrounds on just such a question as this one. The Pilgrim's sojourn in the tolerant city of Leyden, exposed to the religious arguments of the University and Academy where John Robinson "disputed daily against Episcopius"[54] had created an entirely different mental attitude.

Winthrop and Dudley were country squires and men of business, not especially intellectual or learned, and they had taken up the Puritan cause with great energy — making it the cause of the whole colony. Unfortunately, the distortion they created would grow rather than diminish, and with more and more capable and reasonable men leaving the community, there would be fewer and fewer to oppose the tyranny. That Winthrop's thought had direct influence on the witchcraft outbreak at the end of the century is illustrated by the fact that much of the evidence in Cotton Mather's "Wonders of the Invisible World" comes from he pages of Winthrop's Journal.[55] The first Massachusetts leaders were unusually successful in imprinting their rigid way of thinking upon several of their progeny — an accomplishment that kept the original regime viable for several decades.

Winthrop believed that he was justified in creating fear among the women who listened to Ann Hutchinson. In the preface to his pamphlet, *The Rise of the Antinomians*, Thomas Welde wrote of her friends

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[53] Andrews, *Col. Amer. Hist.*, Vol. I, pp. 383, 384n

[54] Wilbur K. Jordan, *The Development of Religious Toleration in England 1603-1640.*

(supposedly including Familists and Anabaptists), "They commonly laboured to work first upon the women, the weaker to resist, the more flexible, tender, and ready to yeeld — they hoped by them, as by an Eve, to catch (the husbands) also, which indeed often proved too true amongst us there."[56] Such weakness demanded a stout remedy; was that the reason why Winthrop wrote the following?

"Then God himself was pleased to step in with his casting voice and bring in his own suffrage from heaven by testifying his displeasure against their opinions and practices, as clearly as if hee had pointed with his finger, in causing the two fomenting women in the time of the height of the opinions to produce out of their wombs, as before they had out of the brains, such monstrous births as no Chronicle (I think hardly ever recorded the like). Mistris Dier brought forth her birth of a woman childe, a fish, a beast, and a fowle, all woven together in one, and without an head, as page 44 describes, to which I refer the reader. Mistris Hutchinson being big with childe, and growing towards the time of her labour, as other women do, shee brought forth not one (as Mistris Dier did) but (which was more strange to amazement) thirty monstrous births or whereabouts at once, some of them bigger, some lesser, some one shape, some of another; few of any perfect shape, none at all of them (as farre as I could ever learn) of human shape.[57]

"These things are so strange, that I am almost loath to bee the reporter of them, lest I should seem to feign a new story, and not to relate an old one, but I have learned otherwise (blessed be his name) than to delude the world with untruths."

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[56] Thomas Welde, Preface to the *Short Story of the Rise, Reign, and Ruin of the Antinomians, etc.*, London, 1644.

[57] G. Willison, *Saints and Strangers*, Notes, p. 472. This kind of monstrous tale was to be found in Europe, too. "On a visit to Leyden in 1641 the English diarist, John Evelyn, was

"And these things are so well known in New England, that they have been made use of in publike, by the reverend Teacher of Boston, and testified by so many letters to Friends here, that the things are past question." [58]

On page 44 of the same pamphlet we read that William Dyar and wife, father and mother of the above monster "were of the highest formes of our refined Familists, very active in maintaining their party & in reproaching some of the Elders & others who did oppose those errors." The midwife was Hawkins, wife of St. Ives "notorious for familiarity with the Devill", now a "prime familist."

"Discovery was on (the) day that Mistress Hutchinson was cast out of Church for monstrous errors."

By this portion of the writings of John Winthrop we are reminded of some of the more unsavory characters in Old England at the time, notably one Matthew Hopkins, who laid down the rules for the discovery of witches and published them in 1646. The tests are the same ones that were used from that time on in Massachusetts Bay. Hopkins, a famous "witch-seeker", was responsible for the deaths of some two hundred suspected witches before his death in 1647. Any lonely, ill-favored woman of advanced years was liable to be suspected. A "female searcher" accompanied him and their methods were horrible and cruel. Hopkins' job was a remunerative one — each town that hired him paid twenty shillings for the service, and then twenty more for each convicted witch. He also recounted in detail stories of deformed births which were laid to witchcraft.[59]

It appears that men like this had more influence on the mind of John Winthrop and other leading Puritans in Massachusetts in the seventeenth century than did more enlightened Englishmen like John Milton and Sir Edward Coke, whose ideas were also prevalent then. Here

were two decidedly different points of view, and there were many other attitudes of mind as well among the English-speaking people in the sixteen hundreds. Milton was also a Puritan, but he obviously was not the type of man that Winthrop looked to for inspiration. It was a misfortune that some of the most narrow-minded and superstitious men of the age came to power in Massachusetts Bay, where there was unusual opportunity to enforce one particular form of belief. By the same token, there was also opportunity for unusual human freedom; some men recognized this, only to be severely defeated by their entrenched and powerful opponents.

Was Winthrop speaking the truth about these horrible births — with some exaggeration for effect? He could have been. Today we know how many times pre-natal influences affect the fetus. In early pregnancy Ann Hutchinson had been closely confined for many weeks in the home of Joseph Welde in Roxbury, and subjected to hours of grueling questioning on religious matters. There was an epidemic in the area that caused cows to abort; perhaps she had inadvertently eaten contaminated food. Or maybe Ann, who had great knowledge of drugs, was experimenting with something similar to thalidomide in order to ease the constant suffering of pioneer women in their yearly child-bearing. Certainly she and her devoted follower, Mary Dyer, would be the first to try any promising substance. A new look at the accounts of those days would reveal much about the confrontation between Mrs. Hutchinson and Governor Winthrop that would be pertinent to our times. In those days, too, there were women who sought liberation from the stifling circumstances of their lives. Education for women was in the minds of many, and in Europe the Moravian bishop, Jan Amos Comenius, was famous for his ideas of co-education. Ann, herself, was instrumental in teaching the women of Boston at weekly classes in her home. In his house across the street, Governor Winthrop may have felt threatened. Even his wife Margaret stepped across to attend. He knew the potential power of women in the

The violent reaction of Winthrop to Ann's misfortunes and to those of her friend, Mary Dyer, suggests that he greatly feared the strength of women in the new establishment, especially in the church. By invoking the accusation of witchcraft he had found a way to punish and to ruin them, and he did not hesitate to use it. In the process he introduced ideas and set in motion practices that would curtail the freedom of all women in Massachusetts who departed from accepted tradition. This had a chilling effect that continued after his death. In 1648 the first "watch of witches" was begun in the Bay Colony.[60] Husbands were to be confined and watched also, but it was women who were the real target of suspicion. This was part of Winthrop's legacy to Boston in his *Short Story of the Rise of the Antinomians*. [61]

Ann Hutchinson, banished by the civil authorities, excommunicated by her church, pregnant and holding her small daughter by the hand, traveled on foot to Rhode Island, and there with her husband established a successful colony. But she had to move on, for Winthrop never ceased to pursue her.

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[60] *Mass. Recs.*, p. 11, 242.

[61] John Fiske, *The Beginnings of New England or the Puritan Theocracy in Its Relations to Civil and Religious Liberty*, Boston, 1898 pp. 195-200, 214, 215. John Winthrop died

THEIS under written names are to be transported to New England, imbarqued in the *Blessing*, JO. LECESTER, Mr. The pties having brought cert. from the Minister and Justices of their conformitie, being no subsidy men, took the oaths of allegeance and supremacie.

	Years.		Years.
WILLIAM COPE	26	ROBERT TURNER	24
RICHARD COPE	24	ELIZA HOLLY	20
THOMAS KING	21	ANN VASSALL	6
JO. STOCKBRIDGE	27	MARGARET VASSALL	2
ROBERT SAIEWELL	30	MARY VASSALL	1
WM. BROOKES	20	ELIZABETH ROBINSON	32
GILBERT BROOKS	14	SARRA ROBINSON	1½
NATHANIELL BYHAM	14	NICo. ROBERTSON	30
JO. WASSELL	10	JO. MORY	19
WM. VASSELL	42	CHARLES STUCBRIDGE	1
RICHD. MORE	20	JAMES SAIDWELL	1½
JO. ROBINSON	5	SARA TYNKLER	15
ANN STOCBRIDGE	21	FRA. VASSALL	12
SUSAN SAIEWELL	25	THOMAZIN MANSON	14
ANN VASSALL	42	KAT. ROBINSON	12
SUZAN KING	30	MARY ROBINSON	7
JUDITH VASSALL	16	ROBT. ONYON	26

20 *June*, 1635.

The record of William Vassal's second journey to New England, on a page from John Camden Hotten's, *The Original Lists of Persons of Quality*

Chapter III

WILLIAM VASSALL — NEW FRIEND OF THE OLD COLONY

Into this atmosphere William Vassall had come in 1635, discouraged and disgusted by the hatefulness in England. He hoped to find a wholesome place where he and his wife, Anna (King), could raise their six children, five of whom were daughters.

He went directly to Roxbury where lived his friend, the Reverend John Eliot, Apostle to the Indians. Vassall must have chosen the location of his home soon after, for in 1635 he "had lands granted to him on the North River for the purpose of a home and a plantation."[1] He had found a spot in the Old Colony on a point of land "by which runneth a faire River, navigable for boats ten miles, and hay grounds on both sides;"[2] it was in the area called Scituate, part way between Boston and Plymouth.

During the two years of the Antinomian Controversy at Boston, Vassall was building his home and developing his acres, which he called "West Newland" and the house itself, "Belle House." The location was beautiful, indeed. Beyond the fields and marshes the river wound a long route to an opening in the sandy cliffs, and to the sea. From the same opening one could turn in the opposite direction and travel to Marshfield, or Rexhame. There near the South River, at his estate called "Careswell",

lived Edward Winslow, an original member of the Plymouth Colony. The lives of these two men became curiously entwined in the years to come.

William Vassall had carefully chosen land outside the jurisdiction of the domineering Puritans at Massachusetts Bay. It is understandable that he did not want to risk running into the difficulties that other former assistants of the company were having in their dealings with Winthrop and Dudley. His friends, William Pyncheon, John Humphrey, and Matthew Cradock, had already had trouble with the Puritan magistrates and would have much more later on. Andrews says of Cradock, "He, of all men, hardly deserved the treatment he received at Winthrop's hands."[3]

Vassall must have been aware of the Antinomian Controversy because it was at Roxbury that Ann Hutchinson was confined — in the home of Joseph Welde. Yet in the years between 1635 and 1637 he was busy with the establishment of his home in the Old Colony, and may not have maintained much contact with affairs at the Bay.

Vassall became interested in the emerging society of Plymouth, and there he became a friend of Edward Winslow, his neighbor and fellow civic leader. But these men would become bitter enemies in the years ahead, alienated by different views of the character the new country should assume. Joined in family ties by the marriage of their children in 1643, they must have had many conversations by the fire, in springtime gardens, and on woodland roads, in the early years of Vassall's settlement.

The historian, Thomas Hutchinson, wrote of Vassall: "Mr. William Vassall, as well as his brother Samuel Vassall, were gentlemen of good circumstances in England, but do not seem to have been fully of the same sentiment in matters of religion with the planters in general: and altho William came over with the first company (to Boston), yet he soon went back to England. He returned, a few years after to New England and

settled at Scituate in Plimouth Colony, but not because they were reputed more rigid than the Massachusetts people..."[4]

This is an understatement, without a doubt. William Vassall, as events were to prove, was deeply distressed by the intolerance of the Massachusetts Bay Colony, and deliberately sought the more welcoming atmosphere of the land of the Pilgrims, which still had a reputation for sheltering the moderate dissenter.

Soon after Vassall arrived in Scituate, however, his claim to the land was challenged, and he was not long to have the peace that he desired. It is hard to separate the boundary disputes of the early colonial times from disagreements that stemmed from religious or political differences, and, to tell the truth, these matters were so intertwined that sometimes they cannot be separated. There is the example of the people from Dorchester, part of the flock of Reverend Thomas Hooker, who went to a site on the banks of the Connecticut River where they found Jonathan Brewster, son of Elder William Brewster, already settled on land claimed by the Old Colony. The Dorchester people took possession of the area, nullifying the Plymouth claims with the declaration that God had sent them to this place, and therefore it belonged to them as chosen people.[5] There was no court of appeal at that time that would have listened to Brewster's side. One can almost hear the Massachusetts Puritans saying, "My God is bigger than your God", and yet there were men in those days who believed in the idea of a universal God — much as did Pastor John Robinson.

The dispute over lands at Scituate did not have such a dramatic basis. The difficulty there evidently stemmed from the fact that Vassall had been given lands by the Plymouth Court before the boundaries of the Conihasset Grant were settled. The Conihasset Grant was the territory

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[4] Thomas Hutchinson, *The History of the Colony and Province of Massachusetts Bay*, Boston, 1936 (Pratt, p. 30).

given to the four men (Timothy Hatherley, John Beauchamp, James Sherley and Richard Andrews) who had purchased the remaining interest in colonial lands from the Merchant Adventurers, the original backers of the Plymouth Colony. [6] Timothy Hatherly finally assumed all responsibility for this land, and took in partnership many settlers, who bought shares in the Grant. These Conihasset Partners, or Proprietors, owned the major part of the Scituate Colony.

Besides the Partners there were the "Men of Kent" who had been the earliest settlers of the coast. They came originally to found a colony for the purpose of fishing, an occupation especially approved by King James and King Charles. These early settlers had romantic names — such as Hercules Hills and Anthony Annable — or sturdy ones like Humphrey Turner and William Hatch.

The men that had emigrated from Kent remembered the customs and laws of their native land. We have already spoken of the unusual individual freedom that was characteristic of that county in England. The people there had developed a system of gavelkind, the equal division of land among heirs, which modified by the Common Law of Kent, had led to the creation of a large number of well-managed farms. The yeomen had become prosperous, and as the principle farmers and landholders, were in a situation similar to the landed gentry. There was good will about the ownership of the land.[7]

"From the freedom of its tenures and customs, the lands throughout the county are shared by almost every housekeeper in it: by which means the Great are restrained from possessing such a vast extent of domains, as might prompt them to exercise tyranny over their inferiors: and everyone's possessions being intermixed, there arises an unavoidable chain of interests between them, which entitles both one and the other to mutual obligations and civilities."[8]

It is understandable that men whose ideal community consisted of small farms would resent the granting of two hundred acres to William Vassall, especially when so much marshland with its precious salt hay was included. On the other hand, two hundred acres of unclaimed wilderness must have seemed a reasonable grant to Vassall, used as he was to the landed estates of England. Moreover, he and his brother had invested countless sums in colonial enterprises and, according to Savage,[9] "acquired by purchase, as original proprietors, two-twentieths of all Massachusetts." Of course, what one purchased in England, and what one actually had on arrival in the colonies were very different things, especially in Massachusetts Bay; no one knew this any better than William Vassall, and he was happy indeed with the land granted to him by the court at Plymouth. Everything that he did in the next few years idicated that he and his family had found peace and serenity in this lovely part of the New World.

Vassall not only built his home at "West Newland," but he also erected and maintained a ferry for the town which carried men and beasts across the North River for a small sum established by the court. Without doubt, Vassall had begun to feel the love of the land that must have come to the earlier colonists, one by one. "Nature," said Perry Miller, "is the American TEMPLE."[10] The love of the land was a bond of unity. Samuel Eliot Morison says, "Many young men went to sea merely to lay by a little money to get married on, or buy a farm."[11] Once he had money enough he put his sea-faring days behind him and settled down contentedly to plow the furrows of his fields instead of those of the sea.

How could a religion such as that of the strict and persecuting Massachusetts Puritans get a footing in such glorious and unspoiled

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[9] Savage, *Genealogical, Dict. of The First Settlers.*

[10] Perry Miller, Paper entitled "The Location of American Religious Freedom" given at a

surroundings? Due in part to Vassall...in the beautiful area around the North River in the Old Colony it never did.

The church at Scituate was fortunate in having as Pastor, the Reverend John Lothrop, follower of Henry Jacob, who had been in Holland with John Robinson. According to George Willison,[12] Lothrop "had accepted all, even Anabaptists, who professed faith in God and promised to keep the Ten Commandments." He had at one time been Pastor in Egerton, Kent, and may have known others in the area when he came with his followers to Scituate in 1634. His was a very sad story indeed, because he came from two years of imprisonment for his non-conformist views. And, while he was in prison his wife died and his nine children were left to beg on the streets. Tradition has it that the Bishop of Lambeth, upon the request of one of the children, interceded with Charles on behalf of her father, and he was freed on condition that he leave the country. It is also legend that the Bishop arranged for his passage to the New World. At any rate, it was with joy that he was received at Scituate, since the presence of a minister harmonious in views with the community, was the chief desire of the early New England settlement.[13] This was especially true at Scituate where the two leading colonists, Vassall and Hatherly, were of tolerant bent, as were many "Men of Kent" also.

Hasted says about Kentishmen, "From their continual intercourse with foreigners of all nations, the inhabitants are more open and liberal-minded than others, who seldom, if ever, find an opportunity of conversing beyond their neighbouring district, or with any but their own countrymen. This produces a well-bred hospitality and civility of manners among them, which extends itself to all degrees, and is so particularly taken notice of by

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[12] G. Willison, *Saints and Strangers*, p.380.

[13] Walter I. Goehring, *The West Parish Church of Barnstable, An Historical Sketch*, West Barnstable, Mass., 1959. Being an Account of the Gathering of the Church Body in

all strangers." He goes on to say that Kentishmen were known from pre-Christian times for "gentleness of manners."[14]

Most of the inhabitants of this part of the Old Colony were not strict Puritans, as William Vassall was not, and there must have been gay and happy times at "Belle House" when it was completed, and the Vassall family came to live in it. One imagines that many people came and went there — to the house, and over the ferry to Marshfield. Edward Winslow and his family probably took this way often on their travels to the landing at Hingham, and it is easy to imagine that the young ladies from London soon made friends with the young people in surrounding houses. In 1640, Vassall's eldest daughter, Judith, was married to Resolved White, stepson of Edward Winslow, and brother of Peregrine White, first child born in the Plymouth Colony.[15]

These were busy years for Vassall in the role that he seemed to enjoy — country gentlemen in the New World, developing the acres that he loved. He became a member of Lothrop's church, and took part in the business of the colony, being called upon to "sett" bounds between disputing landowners as he was a competent surveyor and possessed one of the few 'instruments' in the colony."[16]

Harmony was not to reign for long, however, It is hard to understand why squabbles over land became so important to the first settlers when so much land abounded. The difficulties at Scituate were several — first, there was the poor quality of the coastal land where the "Men of Kent" had settled. Then there was the indefinite character of the Conihasset Grant. The boundaries of this area were vague, and although

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[14] Hasted, *History of Kent*, Vol. IV, p. 464. See also, *Collections of the Old Colony Historical Society*, No. 3, Taunton, Mass "History of Scituate 1815," p. 243n, "The Men of Kent, it seems, have been royally complimented for their politeness in former ages, in the annals of England." (They mention here the fact that the Turners, for, several generations the leading dancing teachers of Boston, were descendents of Humphrey from

they chose their land after Vassall had been given his, the Partners believed that they possessed most of the acreage at Scituate through the Merchant Adventurers, and "they did not recognize the right of the colony court to dispose of it to others." As late as 1652, after two court orders, the Partners of this Grant refused to bring" 'their bounds to be recorded' nor permitted the court to judge of the equality or equity of their own division."[17]

Moreover, there was another dispute — this time with the Massachusetts Bay Colony whose boundary with the Plymouth Colony had never been settled. Hingham, lying next to Scituate, was still in the jurisdiction of the Bay. Between the two towns lay great marshes with their quantity of salt hay. The Governor and Company of Massachusetts felt sure that their charter gave the marshes to Hingham, while Timothy Hatherly believed he had his grant to the same marshes directly from James the First because of the patent given to Plymouth.[18] It would be hard to imagine two more unbending and totally determined contestants. We can read from Governor Winthrop's Papers that he lost no love on Hatherly for he wrote in 1638: "I told Mr. Winslow and wished there might be some friendly course for setlinge the same, so as might neither strengthen Scituate nor Hingham. He answered, that what our patent gave us we must have and it was all one to them whether Scituate fell to them or to us, etc. and advised us to sett out our bounds, etc. For Mr. Hatherly's company, we thought it better for us both if they were further off."[19]

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[17] *Ibid*., p. 19, p. 51.

[18] *Ibid*., p.20. Here Pratt calls Hatherly "not less than Bradford, Winslow and Carver, a seperatist of the most pronounced character, entertaining determined views upon the subject of religious freedom."

[19] *Winthrop Papers*, Vol. IV, p. 24. April 1638. There are other indications that Governor Winthrop looked with suspicion on the settlers who had taken up residence beyond the southern boundary of the Massachusetts Bay Colony. Pratt tells the story (p.297) of Governor Winthrop's return trip to Boston after a visit to Plymouth in 1632

There was not much doubt as to who would win, and we can read from the Massachusetts Records[20] that Hingham was given liberty to mow on Conihasset meadow by the court at Boston with the words — "which lands are undoubtedly within the limits of the grant" — and they meant the Massachusetts Bay Company's grant. Even so, the Puritan leaders did not believe that they were doing an injustice. For, Winthrop had written, [21] "We desired only so much of the marshes there as might accomodate Hingham, which being denied, we caused Charles River to be surveyed, and found it came so far southward as would fetch in Scituate and more."

The Boston court had spoken with its usual authority, but even before this settlement the Scituate farmers had begun to look elsewhere for marshland. They turned to William Vassall's land on the North River; and, with the backing of Hatherly, they questioned his right to it. "They addressed the government at Plymouth complaining that the place is too straite for them, the lands adjacent being stony, and not convenient to plant upon." They joined with Hatherly and Lothrop to incorporate themselves into the town of Scituate, and immediately set about to get more land, looking especially to the borders of the North River where Vassall had made his home. Harvey H. Pratt is certain that through an error in the

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two others and the governor's mare came along with them to the great swamp about ten miles. When they came to the great river, they were carried over by one Luddam their guide, (as they had been when they came, the stream being very strong, and up to the crotch) so the Governor called that passage Luddam's Ford. Thence they came to a place called Hue's Cross. The Governor being displeased at the name, in respect that such things might hereafter give the Papists occasion to say, that their religion was first planted in these parts, changed the name and called it Hue's Folly." Pratt says that "Winthrop's editor, Savage, calls this a 'slight usurpation' of jurisdiction for the reason that the Governor was in another colony" and, moreover, "was under the mistaken idea that the name had reference to the papal insignia. It did not. The place was called Hewes' Cross Brook from the crossing of the First Herring Brook and a small stream. John Hewes lived there. He was both a Welchman and a freeman, but never a papist." The Scituate people paid no attention to Winthrop, however, and Hue's Cross Brook was still called by the

records, which confused the North River and Satuit Brook, the Partners considered land between the two waterways reserved for them, while by 1635 the court had already given this land to other settlers, including Vassall.[22]

Samuel Deane writes, "The complaint of a want of room, at so early a period, seems singular to us, when now (1819), about one half of the original territory of Scituate supports a population of between three and four thousand. But we are to consider, that at that time a peculiar value was placed upon the marshes, where forage was readily prepared for their cattle, and upon lands near the river, the river being their highway."[23]

Upon the representations of the townspeople a court of assistants held on January 1637 gave them:

> … all that upland & necke of land lying between the North and South Rivers, and all along by the North River side, and to hold the breadth from the South River trey, or passage, by a straight line to the North River, so far up into the land as it shall be marked and set forth unto them. Always provided and upon condition that they make a towneship there & inhabit upon the said land, and that all differences betwixt them and Mr. Vassall or others of Scituate be composed & ended before the next Court, or if any doe then remayne, that they be referred to the consideration of the Governor & Assistants, that their removall from Scituate may be without offence. And also provided and upon condition that whereas a proportion of two or three hundred acres of the lands above said should have been granted to Mr. Vassall, upon condition he should have erected a ferry to transport men and cattell over the North River at these rates, vizt. for a man, a penny, for a horse four pence; and to make causes (causeways) or passages through the marshes on both sides the ferry both for man & beast to passe by, which he was willing to doe, and to answere all damages which might happen in default thereof; and the Court in their judgements did conceive it more expedient to prefer the necessities of a

number before one private person. That the said freemen of Scituate above named do so erect a ferry over the North River, to transport men and beasts at the rates above said, and make such passages on both sides through the marshes to the ferry, & provide a sufficient man to attend the same, that may answere all damages which may happen through his neglect thereof, or else the graunt abovesaid to be voyde.[24]

By this time Vassall had already built "Belle House" on the neck in the North River, and one can imagine that he was not anxious to forfeit his land. However, the freemen must have been negligent in keeping the ferry for on April 2, 1638, Vassall received an order from the court as follows:

Two hundred acres of upland and a competency of meadow lands to be layed to that, are granted to Mr. William Vassall to keepe a ferry over the north river where the old indian ferry was, and to transport men & beasts at these rates vizt, for a man, 12 & for a beast 4 d, a horse and his rider 4 d and to make the way passable for man and beast through the marshes on both sides the river at his owne charges, and to keepe them in repaire from tyme to tyme & Captain Standish & Mr. Alden are appoynted to set the land forth to him.[25]

But, Pratt says, "Even assuming that Standish & Alden attended to this duty the land was not immediately given him. The Scituate freemen were still fractious. They insisted that Vassall take the oath of 'fidelitie,'[26] which he did in the following February. This was supposed to settle the whole trouble. Bradford, Winslow and Browne were appointed to view the 'neck of land granted to Mr. William Vassall & to set the same forth to him except there be some such difficultie therein that will require the further consideration of the Court![27] Finally, on the third day of June 1639

[24] Pratt, *Early Planters*, pp. 28, 29.

he was granted a 'parcell of land to lye in forme of a long square'[28] containing, with the marsh, one hundred and fifty acres, which included his original Newlands."

The inhabitants of Scituate were appeased with the grant of a stretch of land called "The Two Miles" which ran along the North River between Scituate and Marshfield, becoming part of the latter town in 1788.[29]

The Scituate freemen certainly had rocky soil and needed the salt marshes which required no clearing and produced an abundant supply of salt hay. But they did not question the Conihasset Tract which was much more extensive than Vassall's property — in fact the Scituate township, mostly made up of Conihasset property, later became the major portion of five towns, beside Scituate proper.[30] It is hard to understand the attitude of Hatherly because he was a tolerant and generous man on many occasions. Perhaps, as the one backer of the Pilgrims who remained sympathetic to them on religious matters, he suspected this former assistant of the Massachusetts Bay Colony; perhaps he was opposed to his establishment of an estate so much like the country homes of the landed gentry of England. To Vassall it must have seemed reasonable to establish a homestead of this size — which in the end amounted to less than one hundred and fifty acres[31] — considering the extent of wilderness in the area in 1635, a time when the Partners had not yet made up their minds where to settle. Also he was willing to build and maintain a ferry in return.

After the court's decision of 1639, Vassall settled back to enjoy his home on the river. That very year he asked the court for permission to lay

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[28] *Ibid*., p. 124.
[29] Pratt, *Early Planters*, p. 32n.
[30] *Ibid*., p. 33. "The towns of Pembroke, Hanover, Abington, Rockland and Norwell have

out an oyster bed close to his house.[32] These must have been happy days for him and for his family. He took part in other activities of the community, as well as running the ferry. In 1642 he was chosen one of a council of war, "aggressions having been threatened by the Narragansetts," and in 1643 his name appears on the militia roll.[33] In all respects, Vassall seemed to be settling down to the role of a country squire. And he might have remained so had Reverend Lothrop not left Scituate to settle at the village of Barnstable on Cape Cod.

The first controversy at Scituate was about land — the second one was about religion. Even after the arrival at Scituate, John Lothrop's flock was not in harmony about the question of baptism. In England there had been two disturbances during his pastorate at Southwark. "One group of extremists withdrew from the church because they doubted the validity of baptism in the Church of England which the Southwark church recognized. Early in 1632 'friendly dismissal' was given to adults. In the dismissal of this group the church became the somewhat reluctant mother of the First Baptist Church in England. The Southwark church continued to walk the middle ground in which Henry Jacob had led them, recognizing the validity of the sacraments of the Church of England and trying to maintain a friendly relation with more extreme non-conformists."[34]

Lothrop's group in Scituate was again divided by contention, this time caused, according to Walter R. Goehring,[35] by friction between "the people of the Southwark church and other settlers who came from Plymouth to join them." Pratt says they quarreled "largely over the question of Baptism."[36] This problem plus the concern over the distribution of land caused Lothrop to write to Governor Prence for a grant in another area. Although given land at Skippekaum (Rochester) he and

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[32] *Ibid*.
[33] *Ibid*. See also Pratt, p. 160.

his group went on to Barnstable "ostensibly for the haymarshes there,"[37] and this was undoubtedly a good part of the truth for they were and are very extensive in Barnstable Harbor. The man chosen to take Lothrop's place at Scituate, over the opposition of Vassall and several others, was the "larned Mr. Chauncey."

In order to understand the nature of the resultant controversy it is necessary to learn something of the position of the minister in those days in relation to his congregation. When groups of dissenters left the Old World during the seventeenth century it was generally in the company of a non-conformist minister. The beliefs of this minister were of vital concern to his followers who had left their homes and friends to come to the new land. Many seventeenth century pamphlets contain accounts of this relationship.

In *An Answer of the Elders of the Several Churches in New England unto Nine Positions Sent over to them*, 1643,[38] John Davenport says: "Position VII, "That a minister is so a minister to a particular congregation that if they dislike him unjustly, or leave him, he ceaseth to be a minister," and "his office extends no further than his call."

When a group gathered to select the minister it was important that all present be in harmony over the choice. We know from Vassall's letters that he had stated his opposition to Chauncy before the latter was called to the church at Scituate. Charles Chauncy was a well-known figure in England at the time of the persecutions of Laud, and William Vassall was in a position to know of his career. It is revealing to read the accounts of Chauncy as Allan French relates them in *Charles I and the Puritan Upheaval*.[39] Twice Reverend Chauncy was brought before the High Commission, and twice after being closeted with the Archbishop Laud, who was his "ordinary,"[40] he recanted in such a way that he remained for

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[37] *Ibid.* , p. 66.

[38] John Davenport, *An Answer of the Elders of the Severall Churches in New England*

years in his benefice, or one as good. This was at the time when the persecution led by Laud was at its cruelest, when Bastwick and Burton lost their ears — Prynne even lost the poor stubs that had been left from the time before.[41] Vassall must have known this, and — being dedicated to tolerance throughout his later life — he cannot have been expected to acquiesce in the calling to be pastor of his church a man who appeared to condone these persecutions, as Chauncy had. Vassall did not come to the New World for such a circumstance; nor did those that came with him, protesting the excesses of King Charles and the Archbishop Laud.

That Chauncy was difficult to get along with was already known in the Old Colony because of the experience of the Plymouth church. He had been invited to the church of the Pilgrims "upon tryall to choose him Pastour of the Church...for the more comfortable performance of the minnestry with Mr. John Reyner, the Teacher of the Same...

"But there fell out some difference aboute baptizing, he (Chauncy) holding it ought to be by dipping and putting ye whole body under water, and that sprinkling was unlawfull.

"The Church yeelded that immersion or dipping, was lawfull — but in this cold countrie, not so conveniente.

"But they could not, no durst no, yeeld to him in this — that sprinkling (which all ye Churches of Christ doe, for ye most parte, use at this day) was unlawful & a human invention as ye same was prest.

"But they were willing to yeeld to him as far as they could, & to ye utmost, and were contented to suffer him to practice as he was perswaded.

"And when he came to minister that ordnance, he might so doe it to any that did desire it in that way, provided he could peaceably suffer Mr. Reyner and such as desired to have theirs otherwise baptized by him, by sprinkling or powering on of water upon them, so as there might be no disturbance in the Church thereaboute.

"But he was not satisfied."

"So ye church sent to many other churches to crave their help and advise in this matter and, with his will & consent, sent them his arguements written under his owne hand."

"They sent them to ye church at Boston in ye Bay of Massachusetts, to be communicated with other churches there. Also they sent the same to ye Churches of Conightecutt and New-Haven, with sundrie others, and received very able and sufficient answers, as they conceived, from them and their larned ministers, who all concluded against him."

"But himselfe was not satisfied therewith. Their answers are too large to relate."

"They conceived ye church had done what was meete in ye thing. So Mr. Chansey, having been ye most parte of 3 years here, removed himselfe to Scituate, where he (was) a minister to ye church there."[42]

When viewed after the passage of centuries the Reverend Chauncy appears to be a very stubborn man, indeed. Even so, such unbending convictions might seem somewhat admirable until one learns that years later, when Chauncy (having left the Scituate church because of poverty) was offered the presidency of Harvard if he would "forbeare to desseminate or publish any tenets concerning the necessity of immersion in baptism and celebration of the Lord's Supper at evening," he yielded "without reluctance."[43]

Desperate as they were for religious leaders,[44] the Pilgrims could not accept Chauncy as their spiritual guide. Willison writes in *The Pilgrim Reader* that, since John Robinson had been a "sprinkler, the Saints could not possibly admit that this practice was 'unlawful.'"[45] Could it be that

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[42] Willison, *Pilgrim Reader*, p. 435.
[43] Willison, *Saints and Strangers*, pp. 363, 364.

Chauncy was "wished off" on the people of Scituate?[46] At any rate, a few of them acquiesced — most significantly Timothy Hatherly. After all, Chauncy was a very "larned" man. Mr. Pratt says of him, "He had been graduated at Cambridge in 1613 at the age of twenty...was a scholar, a theologian and skilled in law and medicine as well. After his graduation at Cambridge he had been a professor of Hebrew. He was a master at apt expression, resourceful in argument, but impatient of opposition."[47] Allan French was not so kind: "Charles Chauncy was extreme in his theories, and hot tempered yet neither timorous or placable."[48]

Governor Winthrop wrote in his Journal, "Mr Chancey of Scituate persevered in his opinion of dipping in baptism and practised accordingly — first, upon two of his own, which being in very cold weather, one of them swooned away."[49]

Vassall was not ready to settle for such a controversial minister. Above all he was not an extremist. He had watched the persecution in England that had come about from too much zeal for one's own opinion; As a youth his father had been forced to flee from France becauser of religious intolerance toward Protestants.[50] In the years between 1630 and 1635, Vassall had been exposed to the fresh winds of reason that were blowing through England with the Independent movement, and he approved of them. When he returned to New England he was dedicated to the belief in religious toleration, and he was not a changeable man. From that time on all his actions reflected this belief.

William Vassall had left behind him a comfortable way of life in order to build a home for his family in an atmosphere of peace and religious liberty. In the interest of harmony he might have gone along with the choice of Chauncy, once it had been made, had the latter not taken

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[46] The elders at Plymouth sided with Chauncy later, in spite of the difficulties that they had experienced with him.

[47] Pratt, *Early Planters*, p. 66.

matters into his own hands. As soon as the Reverend Chauncy was called to the church left by Lothrop, he proceeded to renounce that church state, and to make a new covenant admitting only those who had approved of calling him. He then said to the rest of the former members that if he "saw cause" they might be included too, if they so desired.

It was a very bold thing, indeed, to renounce the church that had called him, for, as we have seen, a minister was not a minister, until called by a church; but Chauncy was determined to have his own way. However, this action provided a good opportunity for William Vassall and the others left out to form another church, which they believed to be the old one, since the Reverend Chauncy had made a new covenant with his supporters. As in many controversies of this time, the question of the location of the church was very important; at Scituate it was even more important because of the continuing struggle over boundaries. Many of the inhabitants, moreover, felt that the church had been established too far to the north, "for Mr. Hatherley's ease."[51] This was especially true of those that lived near Vassall on the North River. Even before Vassall's coming to the area, at the time of Giles Saxton,[52] there had been a controversy over the placement of the church. Now, in the sixteen forties, it was recognized at Plymouth, as well as at Massachusetts Bay, that churches should be close to the dwelling places because of the difficulty of travelling. As early as 1635, it was ordered at the General Court in Boston that "no dwelling house be built above half a mile from the meeting houses."[53] Vassall took the opportunity of Chauncy's bold action to found a church convenient to the homes in the south part of town, a reasonable action considering the size of the area to be served. With his friends, and the members of Lothrop's church who had been excluded from the new covenant with Chauncy, he formed the South Parish Church of Scituate,

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[51] Pratt, *Early Planters*, p. 71.

the "Church Up-river." Mrs. Arthur Powers has written, "The 'Second Church of Christ' in Scituate was formed in Vassall's home on February 2, 1642."[54] The boundary of the parish was the First Herring Brook which runs into what is now called Old Oaken Bucket Pond.[55] The fact that Vassall's friends lived near him, as Hatherly's supporters lived on his side of the town, made the controversy seem as much one of location as of belief — the dwellers around the North River versus the settlers along the seacoast and the partners of the Conihasset Grant. But it was usual for groups to locate according to their beliefs because people who emigrated on account of them generally clung together. An exception at Scituate would be the settlers on the sea for they quite frankly admitted that they had come to the New World for the fishing, not for religion.[56] If Vassall had chosen this area because of its reputation for tolerance, it is likely that the Kings and Stockbridges, who had come with him on the *Blessing*, agreed with him.[57]

Yet it is possible that Hatherly and Vassall might have come to some agreement if the rigid character of Chauncy had not appeared on the scene. For Vassall to accept such a minister, as we have said, was against his deepest principles. Chauncy's views were not only unusual but he insisted that everyone conform to them. Deane says, "We must also add that Mr. Vassall who was at the head of his [Chauncy's] opposers, entertained more liberal views of Church communion, and was willing to admit to that ordinance the members of the Church of England. The same may be said of his friend Thomas King, and Mr. Chauncy and his adherents were jealous that they "inclined to the bishops."[58]

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[54] Mary Power, "The Vassalls of Belle House Neck," chapter in *Old Scituate*, Scituate, 1921. (Published by D.A.R.) p. 32.
[55] Pratt, *Early Planters*, p. 78.
[56] Morison, *Maritime History of Massachusetts*, p. 13. This story is also told about

What was Vassall's religion? Deane says, "Some of the writers on the early history of Plymouth Colony, do not hesitate to pronounce him an Episcopalian, and think they find in this assumed fact, the reason why so eminent a man was not employed in some high office in the government. Whatever he may have been after he retired from this country, he seems while in Scituate to have been as well informed in, and as zealous in supporting, the principles of Congregationalism as any other man in the country."[59]

Only seven male members of the church had been left behind when Lothrop's group left for Barnstable. Of these, four approved of calling Chauncy to be minister. Thus only three, plus one other who was soon added, formed the new church which built its tiny edifice at "King's Landing" on the North River.[60] It is a wonder that a group so small could properly begin a church, but this was the established pattern of the times, especially in the settlement of New England where Robert Browne's idea of starting churches of the "worthiest among them, be they ever so few" was familiar to all Independents. John Cotton, preacher at Boston, was to set down the precise rules for the New England Congregational Churches in 1646. But before that time, there were no rules for establishment — merely those that applied to the forming of "primitive" churches. Palfrey says of the early New England church: "The planters at Plymouth had no new scheme of church order to devise. Theirs was the scheme of the English Independents, already put in practice and amended by themselves at Scrooby and Leyden. It was imitated in Massachusetts by Skelton and Higginson, was adopted by the immigrants of the following year, and was carried to Connecticut and New Haven by the founders of those Colonies. A church was a company of believers, associated together by a mutual covenant to maintain and share Christian worship and ordinances, and to watch over each other's spiritual condition. The 'covenants'...remarkably free, in the earlier times, from statement of doctrine...were what their name

imports: they were mutual engagements 'in the presence of God, to walk together in all his ways, according as He was pleased to reveal himself in his blessed word of truth."[61] Later in *Platform of Church Discipline* one reads, "A church, it was held, 'ought not to be of greater number than may ordinarily meet together conveniently in one place, nor ordinarily fewer than may conveniently carry on church work."[62] The place of gathering was called a "meeting house" — Palfrey says there was no such "trope" as church, the term "church" was never applied to the building.[63]

There are several early pamphlets on the subject of church founding. In a work entitled *An Answer to W.R., his narration of the church courses of New England* by Thomas Welde, London, 1644, there is a defense of a church made up of only seven, eight or nine people. This pamphlet also has a very interesting discussion of the change in the framing of a church in New England after Massachusetts passed the law of uniformity in 1636. "There was time in New England (for some few years space) before such a law was made, and then churches did use to gather, without any notice given to magistrates or other churches."

"But after the opinions grew on, and experience discovered the danger, there was a law made that none must constitute any church but first give notice thereof to magistrates and churches, and since that time this course is duly observed..."[64]

William Vassall wished to form his church in the accepted manner. On February 2nd, 1642 he announced the Renewal of Covenant by the Church of Christ in Scituate, "distinct from that of which Mr. Chauncy is Pastor."

> Whereas in former tyme, whilst Mr. Lothrop was at Scituate Mr. William Vassall, Thomas King, Thomas Lapham, Judith Vassall, Suza King, Anna Stockbridge, together with many more, were

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[61] Palfrey (1899), Vol. II, p. 36.
[62] *Ibid*., pp. 36, 37n. *Platform of Church Discipline*, Chap. III, 4.

together in Covenant in one Church, and that many of them, with Mr. Lothrop our Pastor, departed and went to live at Barnstable, and did leave one part of the Church at Scituate, who by consent of all the Church, became a Church, remaining at Scituate, and admitted into their fellow-ship John Twisden and many more, and so continued in one Church some tyme till part of this Church called Mr. Chauncy to be their Pastor, which William Vassall, Thomas King, John Twisden, Thomas Lapham, Suza King, Judith White and Anna Stockbridge refused to do: and that since Mr. Chauncy and that parte of the Church wereon we stood a Church together, and will be a Church together by some other standing, and so refuse us to be parte of their Church, except we will enter into a new Covenant with them, which for diverse reasons we find we may not do, but remaining still together in a Church state, and knowing that being foresaken by them, we remain a Church, yet foreasmuch as some are not clearly satisfied that we are a Church — therefore

We do here now further Covenant, and renew that Covenant that we were formerly in together as a Church, that as a Church of Christ, we, by the gracious assistance of Christ, will walke in all the ways of God that are and shall be revealed to us out of his word, to be his ways so farre as God shall enable us. And to this end we will do our best to procure and maintaine all such officers as are needful, whereby we may enjoy all ordinances, for the good of the souls of us and ours: and we shall not refuse into our society such of God's people, whose hearts God shall incline to joyne themselves unto us, for the furtherance of the worship of God amongst us, and the good of their souls.

Vassall's troubles were just beginning. We find a declaration entered on the Church Records, 1643:

Whereas, since the Covenant above written was made, we have met with many oppositions from Mr. Chauncy and the rest of the Church with him, and that at the last meeting of the Elders in the

that their advice to us was, to renew our Covenant in a publicke manner, which we are contented to do in convenient time...and whereas there was great desire of the Elders manifested that we should divide the Town and become two Towns, as well as two Churches, some alleging that we must give way to let the other Church have the larger boundes, because they were the ancient Church. We answer — that neither in respect of inhabitants in the Town, nor yet in respect of Church state in this place, is there much difference, not above two or three men:

2. In regard that they cast us off wrongfully, they ought to be contented that they should be at least equal with them, in the division of lands and commons: although, indeed, the lands are mostly divided already.

3. Whereas some have thought fitting that their towne should come three miles from their Meeting-house toward us, we say, that such a division would take in all our houses into their town (nearly) or if they leave us that little necke of land that some of us dwell upon, that is but one hundred rods broad of planting land, and their towne would goe behind our houses and cut us off from fire wood and commons for cattle, for a mile and a half beyond our houses: and therefore the Governor's motion was most equal 'that we should set our Meeting-house three miles from theirs, and so the members of each Church would draw themselves to dwell as neare to each Meeting-house as they can, and the Town need not be divided.'

Lastly. If that it were needful to divide the town, it were most fitting for them to set their Meeting-house a mile further from us, towards their farms and hay grounds, and then they may use those lands that now they cannot conveniently doe, and so have convenient room to receive more inhabitants and members, and that is the only way to give maintenance to their officers and enlarge themselves.[65]

Vassall was speaking for the welfare of his church group and all those in his part of town, not only for himself and Thomas King, as some authors, notably Pratt, have suggested. There were quite a few individuals eligible to attend a meeting-house in that location — the inhabitants and their families, as well as the families of the members listed, plus the indentured servants and hired hands. When viewed in this way, the efforts of Vassall were only attempts to seek equitable division of lands for all in the area, especially the "commons," or undivided land, of which, as he said, there was little left. It appears that the Conihasset Partners shared in the town commons as well as their own, and this caused a sense of injustice among some who were not Partners.[66] Reverend Chauncy had become a Partner, and no doubt was generously treated by Hatherly in his enthusiasm to obtain a minister, which may have added fuel to the dissensions of the people. Chauncy also had been given land at Plymouth.[67]

The latter took great exception to the new church and wrote to the Elders at Roxbury, at the same time sending "two of our brethren to give satisfaction to yourselves and others as farre as may be, withal persuaded that you walk so far by rule as not to receive, any accusation against us, without sufficient witness and hearing of our just defence."

> Now because that other things have fallen out amongst us, that do serve to lay some blemish upon us, we have thought fit to acquaint you and other Churches with them."...Chauncy went on to call Vassall's church "a pretended church" and said that Vassall and his friends accounted a day of humiliation kept at Mr. Hatherly's house by the brethren "that purposed to stay at Scituate" to be the beginning of their Church yet "Vassall & Twisden were absent and Lapham and King denied any covenant by word of mouth." Chauncy went on, "but however, they say that they made an

[66] Pratt, *Early Planters*, p. 47.

implicit Covenant, which they judge sufficient to constitute a true Church, whilst we do not, and therefore could not hold communion with them upon any ground.

Besides, though they have of late renewed Covenant together, yet we judge that it was done surreptitiously, without any notice given to our Church beforehand, who had just exception against some of their members that renewed it.

And that it was done suddenly, in that extremity of the greate snow on the 26 of the 11 mo. when few could come at them without apparent danger.

Also (we heare) it was done irreligiously without fasting and or prayer needful for so greate a business.

Besides, we cannot excuse the meeting from being factious, there being already a Church gathered: and we have offered them several tymes, that in case we saw cause, they might joyne with us, which they still refused.

Lastly, They have since great multitudes added to them, (as we hear) nine or ten in a day, concerning diverse of whom we have just cause to doubt, that they are not lively stones for such a spiritual house.

And these things we desire you, as you have opportunity, to acquaint at least the elders of other neighbor Churches withal, that neither yourselves nor they may have communion defiled by any of them offering to communicate with you.

Now our Lord J.C. and God even our Father give you to hold fast your integrity and increase all heavenly graces in you.

In our Common Saviour
Your loving brother,

of the rest

We find the following answer from Vassall in the Church records addressed to Mr. Chauncy and dated March 1643:

> Sir. Since we must answer your letter of complaints against us, we will let pass your preamble, and rank your discourse of causes and complaints and much untruth under ten heads, for order and brevity's sake, as you will find them signed in the margin.
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> 1. It is well that you have found a beginning and foundation for our Church (though you intend to rase it, as you have done your own); for if you found us a Church, you were received a member and ordained a Pastor of that Church.
>
> 2.3. We count not the meeting at Mr. Hatherly's house, the beginning of our Church, and you did not well so peremptorily to affirm what you knew not: neither do we hold, much less say (as you subtly insinuate) that we have no express Covenant, much less slight it, but have our Church grounded on express Covenant.
>
> 4. We did not renew our Covenant surreptitiously: we secreted nothing by fraud from you: for you had before sent messengers to tell us that we were not of your Church: and if you have any just exceptions against some of our persons you have broken Christ's rule which requires 'If thou hast aught against thy brother, to tell him between thee and him, &c.' but thy brother intreats thee to shew him his offence and offers satisfaction, and yet you will cast evil reports abroad of him, who may not know the fault committed. Can you clear this your passage from slander?
>
> 5. You have untruly reported the suddennes of our meeting, the extremity of the greate snow, the month, the day of the month in which it was: and also the apparant danger of the meeting, and all

to be with us, and members of Roxbury and Barnstable, and both men and women were present, without any appearance of danger.

6. You would have it understood that our meeting was so irreligious as that we did not call upon God by prayer for his blessing upon us and others: you subtly insinuate when you say it was done without fasting and prayer: and having written fasting or prayer, lest that would be too greate to affirm you dashed out or and put in and so that you might have some color of excuse but if you had meant plainly, you would also have put out prayer from your exception: so that we cannot but observe that you would write what you could devise in the subtlest manner that you could against us:[68] and yet, for that we had not a fast, we had the precedent of our first division when Mr. Lothrop was here, before us.

7. Your charge of faction is (on the ground) that there were a Church here: and yet you were no more a Church without us than we were without you: and indeed you had cast us off and we were not of you. Nor doth the Township make a Church. And as for your offering us to joyne you, 'if you see cause', you might have mocked a Papist with such a delusion, for they may join with you 'if you see cause.' And what cause did we see more to take you to be our Pastor, than the Church of Plymouth of which you were a

[68] This kind of deception appears from time to time. It was a very serious matter when the Quakers were persecuted in the next decade. James Cudworth wrote: "You may remember a law once made called Thomas Hinckley's law, 'that if any neglect the worship of God in the place where he lives, and set up a worship contrary to God, and the allowance of this Government, to the publick profanation of God's holy Day, and ordinances, he shall pay 10 shillings.' This law would not reach what then was aimed at, because he must do all things therein express'd, or else break not the law. In March last a Court of Deputies was called and some acts touching Quakers were made, and then they contrived to make this law serviceable to them, by putting out the word (and) and putting in the word (or), which is a disjunctive, and makes every branch to become a law; yet they

member? And yet you would insinuate that we wilfully and without cause refuse communion with you.

9. For your greate care that you had to write to other Churches that they should be kept from defiling themselves by any of ours offering to communicate with any of them; it is a new doctrine to us, that if any of those that communicate together be in sin, and the church be ignorant of it, the Church's communion is defiled, and yet your words import no less. In the former parte of your letter, you seem as if you had often offered us holy communion with you, and seem to blame us for refusing thereof, and here you deem us so filthy, every one of us, that our holding communion with others would defile the communion of other Churches: a sudden change, too sudden to be well grounded.

Lastly. For your subscription 'in the name and with the consent of the rest' you might well leave out the word 'all', as you have done. For anything that we can yet learn, but few did ever hear your letter read: and we have no cause to believe that all your Church would ever have been willing that you should have scandalized us in their names: and therefore blame us not because we do not answer your letter with reference to 'all' the members of your Church, seeing we find such subtly in the subscription, that three fourths of your Church may be excused, if you please.

Blame us not for want of styles and compliments, seeing we are only to make our bare answer to an accusation.

On one point especially, Vassall was correct — Chauncy could not have been called to the church at Scituate if it had not been properly a church. We have read in Thomas Lechford's pamphlet that a minister was not a minister until he was called by a church. And in 1640 in Questions to the Elders of Boston (delivered the 9th of September) the answer to "Whether a people may gather themselves into a Church, without a minister sent of God?" is "affirmative: for though the people in this

would have it) with the presence and advise of sundry ministers; yet it were lawfull for them to gather into a Church without them. For if it be the privilege of every Church to choose their owne ministers, then there may be a Church, before they have ministers of their owne; for ministers of another Church have no power but in their owne Church."

According to Palfrey: "A church officer, of whatever degree, was an officer only in his own congregation. The primitive doctrine of New England was, that no man was a clergyman in any sense, either before his election by a particular church, or after his relinquishment of the special trust so conferred; and that, even while in office, he was a layman to all the world except his own congregation and had no right to exercise any clerical function elsewhere.[69] In the earliest times a minister was ordained, not by other ministers, but by officers of the church which had elected him, or, when it had no officers, then by some of its private members.[70] This absolute mutual independence of the churches was in principle equivalent to universal mutual toleration; and, if the original scheme of an ecclesiastical constitution had been carried out, there could have been no interference on the part of the whole community, as represented by its government, with the belief or practices of any single congregation. It has been seen how in Massachusetts the practical exigencies presented themselves, which induced great practical deviations from this theory. As soon as, for supposed reasons of public necessity, church-membership and political power were associated in the same persons, it became necessary for the public to look after the qualifications of church-members; and thus Church and State became insensibly united."[71]

Although William Vassall established the church according to the primitive way, he still took pains to follow the rules more recently set down. He wrote letters stating his case to the authorities at Plymouth and

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[69] Palfrey (1899), Vol. II, p. 39. *Cambridge Platform*, Chapter IX, 6, 7. Cotton, *Way*

at the Bay — the Reverends Wilson, Eliot and Cotton, especially Cotton. It is interesting to note that he was on good terms with the Elders at Boston, which seems to indicate that even though he had misgivings about the religious establishment when he left Massachusetts Bay in 1630 he had not made an issue of them. However, as we have said before, we have ample indication from opinions written at the time that the John Cotton to whom Vassall listened to in England was a different person in many ways from the John Cotton who figured so emphatically in the activities of the Massachusetts Bay Colony. We saw some of this change at the time of Ann Hutchinson's trial when he became the accuser of the disciple who had followed him from England. And after the questions and answers behind closed doors on the occasion of the Synod of 1637 he seemed to have become of the same mind as the other authorities of the Bay.[72] Before that time there are indications that he, too, had been interested in the movement toward religious toleration that was developing in England. This movement cut across the lines of religious denominations, as Professor Wilbur K. Jordan points out: "Anglicans, Presbyterians and Baptists joined the Independents in following it." Of such men as John Goodwin, Thomas Collier and Joshua Sprigg, Jordan says: "This strangely heterogeneous group demonstrated admirably the cohesion which the principles of toleration had given to English sectarianism...Sectarianism had been united not so much on the principle of toleration as in determined opposition to intolerance."[73]

Palfrey speaks of three stages of Separatism: Separatism (Robert Browne); Semi-Separatism (John Robinson); Massachusetts Congregational Separatism (John Cotton). Of these only the Semi-Separatists were tolerant, and it is from them and their associates that the

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[72] Andrews, Vol. I, p. 484. Concerning the Synod of 1637, Andrews states: "All that had really been accomplished was to wean Mr. Cotton, who must have been suffering the

tolerance movement started.[74] Cotton might have remained part of it had he stayed in England.

The Reverend Cotton listened to William Vassall with attentiveness and Vassall wrote him on March 9, 1643:

> Rev. and beloved in the Lord Jesus and his grace be multiplied on you and yours. After our thankfulness to you for your great love and pains manifested to clear up our differences between us and Mr. Chauncy, and your Christian charity in holding communion with myself, notwithstanding the rumours spread of us (tho' nothing proved); and I hear that Mr. Chauncy by his letter has blamed you therefor...[75]

Cotton must have been an old friend, as was Reverend Eliot. It is not surprising that William Vassall was treated with respect by the officials at Boston; he was one of the most eminent, if not the most eminent man in the area at the time. Not only was he wealthy,[76] but he was closely connected with leading citizens of London, having a brother in Parliament, and friends continually travelling to and from England. There is the possibility, too, that Governor Winthrop, who was not too fond of Hatherly, as we have seen, thought that the church which Vassall was establishing might be of some use in curbing the former in his colonizing of Scituate.

Vassall's letters to the Boston and Roxbury clergy on behalf of his little church "up River" at Scituate are earnest and poignant, far from the imperious writings one might expect from the "factious" and "opulent" landowner pictured by historians. At the end of the above letter to Cotton he says: "Sir, I entreat you to excuse me to your worthy pastor (Mr. Wilson) and Mr. Elliot, that I did not write in particular to them, for paper is so scanty, that this is all I have for the present."

He must have come into a new supply for he continued to write lengthy letters to explain his position in the face of all the accusations of Chauncy, who had now become heated, but would not state the reasons for his disapproval. Was it pique that such "multitudes" were being added to the new establishment — "lively stones" or not?[77]

Vassall, on the other hand, was distressed by Chauncy's reference to the kind of people coming to his church and wanted him to make a clear statement of his meaning. When the question of difference of practice in the church came up Vassall pointed out that Chauncy was different "from most of the Churches in this land, and most of the reformed Churches of the world." One of the charges against Chauncy in England, if we can quote the reprehensible court of Laud, was acting "out of a meere fond affectacon of singularity."[78] Vassall went on to say to Wilson, "yet we do not believe that we differ from most of the Churches, or yet from any here, for none of us ever inclined to any of those things that by the Churches here are called errors or schism, which have been or now are in question: and as for particular orders in churches, we know that their states have in all places and ages something differed and likely to differ, and yet without refusing holy communion; that sweet communion of souls, the love of brethren, so highly commended to us by the Holy Ghost is not broken but for great failings..."

In these lines there are echoes of John Robinson's tolerant thoughts. Vassall goes on:

> Mr. Chauncy needs not to tell others of our differences (which many Elders both in the Bay and with us, knew before him, and it may be, more fully than himself), and yet hold it to be no such matter to refuse to hold communion with us...In tenderness of conscience, (I) could not have enjoyed it with Mr. Chauncy, in respect of his judgment and practice in the governments, (and

> many other cases I could instance), for had not the Lord provided that we were in fellowship before, and we had wanted matter for a Church, I had been debarred Church fellowship, except I should have undone myself and family by removing, as some have done.[79] And as for that some may think that we incline toward the Scottish discipline, I conceive the difference in that, to be more in words than in substances, and not that we differ much in the main, and this is the great matter that causes reports to grow like snow-balls bigger and bigger by rolling. But those that know us fear not our inclining to the bishops, or to receiving profane persons to the sacraments: our only wish is that some more care were taken to instruct all in religion by catechising, that we might win more to God and fit them for ordinances: and whatever many may think, I cannot see how we are likely to practise contrary to the general practices of the Churches here: and moreover if at any tyme there be any other question that may breed suspicion of us, we are, and hope ever by God's grace shall be, not only willing but very desirous, to crave the help and counsel of the Churches of Christ, not presuming on our own conceivings: we desire to be open and free, and to come to the clearest light.

The Reverend Charles Chauncy[80] was a "larned" man, but so was William Vassall. The kind of learning which Chauncy represented was the kind of learning admired by the Puritan clergy of his day, especially in the New England colonies. Somehow with all the remarkable knowledge of Latin, Hebrew, the Bible, and church literature was blended a great deal of superstition. The words "to come to the clearest light" would not have held the same meaning for Chauncy. Some of the most educated divines of this period lived in a mental world of such darkness and deviousness that it is hard for the modern reader to comprehend it. As we have already said, Puritan minds of seventeenth century England were particularly

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[79] Both from the land squabbles and the church controversy, one gets the impression that

prone to this kind of thinking and usually did not improve on being brought to the New World. Moreover, somewhere in the whole melange was the principle of greed. The incredible, irresistible force of the middle-class English desire to make good materially in the seventeenth century should not be underestimated. All men were affected, even clergymen. If a man prospered it was a sign that God was with him. To these shores some of the most ambitious of these Englishmen came. On the other hand, for many human beings this was a time when their minds were opening to all the exciting vistas revealed during the Renaissance. In 1642 Sir Isaac Newton was born. From this period would come the infant experiments that would bring the scientific discoveries of the next three hundred years. It was a time of new ideas in philosophy, in law, in government. The innovators were middle-class men, too, for the most part, but to them freedom from tyranny meant more than mere economic freedom. These men came to the New World as well.

William Vassall wanted material comfort for himself and his family and friends too, but he was determined that the opportunities New England afforded would not be denied to any because of their religious beliefs; he wanted religious toleration for everyone.

It may well have been the new ideas in religion that gave to men the freedom of mind to investigate and question, a freedom that became to some the most desirable of all. In England the churches that followed the teachings of Robert Browne and John Robinson paved the way for man's new look at himself. Browne held that religion consisted "essentially in the establishment of a spiritual relationship between God and the individual soul." The Independent churches fostered this idea. There was no place for the authoritarian "state" religion. By the tolerant Independents in England all religions were respected. "An examination of the evidence makes it clear that Independency was a coalition of many

diverse elements united only by their common loyalty to the principle of religious toleration," says Jordan.[81]

Much embarrassment occurred between England and America during the sixteen-thirties and forties because the Puritans at Massachusetts Bay were also considered Independent, in fact, the most successful Independents. The truth was that they did not have the two main essentials of this new Independency — toleration and the belief in the autonomy of the individual congregation. However, they were very anxious for material success, and this depended on keeping the right relationship with the mother country. They must always maintain the idea in the English mind that they were truly a "Holy Commonwealth" and therefore deserving of the freedom to go their own way with a minimum of interference and taxation. The colony had been granted seven years of excuse from paying the usual tariffs on shipping, and as long as Parliament remained pleased with her this would be continued.[82, 83] This exemption was unquestionably a great source of revenue for the Bay authorities who profited by the handling and distribution of all kinds of goods. The Massachusetts Records state that no one could buy from the ships without a license from the government.[84] When Edward Winslow went to England in 1646 he found that Boston was suspected of doing a thriving business

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[81] Jordan, *Development of Religious Toleration in England*, Cambridge, 1932, p. 268.
[82] *Ibid*., p. 353.
[83] *Massachusetts Records*, Vol. I, p. 14. According to the Charter there were to be "no taxes, subsidies and customes" for seven years... "no taxes or impositions on goods for 21 years" either exports or imports or exports to dominions (except the five pounds percentum after seven years), and could go to "forraine parts" if shipped out "within thirtee, monthes after their first landing within any parte of the saide domynions." This was renewed again in 1640. Also they could transport any persons, "loving subjects" or

with the other colonies (especially in powder and shot) because of her duty-free imports.[85]

As England became more tolerant the danger increased that the intolerance of Massachusetts Bay would be reported and acted upon, as it had been in the thirties. As long as members of Parliament believed that the Bay Puritans were Independents after their own hearts, all would be well. This is one reason, probably, that the Elders at Boston did not cross William Vassall — because he could so easily report to his brother, Samuel, who was now in Parliament. Governor Winthrop must have been well aware of this.

The Plymouth authorities were much less helpful to Vassall's new church. The Elders of the Old Colony felt that Vassall's group could only become a church if it had the consent of Chauncy![86] Chauncy was more opposed than ever to the idea. Vassall said of him: "He was offended because we refused to call him into office"; and that he proceeded to bring the neighboring ministers to his side; he would not state his case but seemed to "have some personal offence."

Chauncy was not usually a man of so few words, as we have already seen, and as is evidenced in Bradford's *Of Plimouth Plantation* where he gives his opinion on "unnatural vice."[87] The same year that the controversy with Vassall began, a "terrible case of bestiallity" was discovered in Duxbury. The parents of the accused boy lived in Scituate. The Governor at the Bay (Bellingham) sent to Bradford certain questions to be answered by the ministers there on the punishment of the crime. There is a page missing in the report which was to include an enclosure:[88] indeed, it may have contained some explanation as to why such a tremendous fuss was made and so many words written about this poor, sad

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[85] The Civil War was going on, and in this way even enemies to Parliament were supposedly supplied as Winslow wrote to the magistrates later on from England. (Hutchinson Papers, p. 250)

incident. There had been some difficulty of this sort at the Bay in early years, and the boys were sent home without much publicity.[89] But the attention of the colonies was focussed on this occurrence in the Old Colony and many letters were written about it. The Reverend Chauncy's was the longest and most unflinchingly intolerant of them all.[90] It is a strange coincidence that this crime was called to public attention by Chauncy just when he was also trying to discredit the new church at Scituate and its members. Concerning the case, Chauncy went into detailed description, reminiscent of the vivid relations of monsters that Governor Winthrop felt impelled to pour forth when discrediting the Antinomians. There was little public entertainment at that time, and the colonists probably looked to the sermons in the church and announcements from the civil authorities for much of their excitement. By drawing their attention to dramatic or horrible happenings, some leaders may have hoped to keep their minds off controversial issues of the day. Then as now, the unusual and shocking events were noted, everyday happenings ignored and forgotten. History repeated contemporary reports and thus these notorious events were passed down to posterity. It was remarkably good news when a worthy and distinguished merchant of London like William Vassall chose the sparsely settled coast of southern Massachusetts to establish a home. It was good news and remarkable when he established a tolerant church that would accept all who wished to join it. But the good news slipped into oblivion, while the account of the horrible crime at Duxbury was written into history. The Massachusetts Bay Puritans were unusually successful in exploiting such occurrences to discredit their opposition, as we have already pointed out.

Was this the reason behind the curious connection between immorality and heresy everywhere in the days of the Puritans? In his *First Century Of Scandalous, Malignant Priests*, John White lists the faults for which these clergymen were condemned, and there are almost invariably

moral sins included with the heretical opinions.[91] In some countries (notably Bulgaria) buggery was attributed to heretics; in fact, sometimes the words became interchangeable.[92] It is not the concern of this book to pry so far into the minds of seventeenth century clergy; even so, we cannot ignore a significant aspect of this period of early colonial history in Massachusetts. It was noted by William Bradford, who was worried about his Pilgrims. Bradford is deeply disturbed, and moved to great philosophizing about the "case of bestiallity" at Duxbury, and he writes about the lowering standards and morality of the Plymouth Colony. he wonders "how it came to pass that so many wicked persons and profane people should so quickly come over into this land and mix themselves amongst them? Seeing it was religious men that began the work and they came for religion's sake...?"

He answered his own question with sadness. Peter Gay wrote of Bradford in *A Loss of Mastery*: "...in the twenty years it took him to write his history, his customary gravity deepened into melancholy."[93]

Bradford enumerated: "First, according to that in the gospel, it is ever to be remembered that where the Lord begins to sow good seed, there the envious man will endeavor to sow tares...And Two...Men being to come over into a wilderness, in which much labour and service was to be done about building and planting, etc...when they could not have such as they would, were glad to take such as they could...Three, Men...to make a trade...to transport passengers and their goods...cared not who the persons were. Four, Many...adhere to the People of God, as many followed Christ for the loaves' sake...So also there were sent by their friends, some under hope that they would be made better; others that they might be eased of such burthens, and they kept from shame at home...And thus, by one

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[91] John White, *The First Century Of Scandalous, Malignant Priests made and admitted into benefices by the prelates, in whose hands the ordination of ministers and government of the church hath been*, London, 1643.

means or other, in 20 years' time it is a question whether the greater part be not grown the worser"[94]

The Plymouth Colony had little help from those abroad. From their own accounts it can be estimated that they sent back to England goods worth many times over what it cost the Adventurers for the passage and equipment of the colonists, yet the bills which the Adventurers presented were ever larger. Moreover, they charged unrelated losses to the Pilgrims' account.[95]

There was even less help in the matter of ministers for the little settlement. One of the first signs of trouble was the fact that Reverend Robinson was deliberately kept from coming to Plymouth.[96] Instead of this strong and beloved leader, such replacements as the Reverend Lyford, who was not sympathetic to their cause, and the man dubbed "Crazy Rogers" were sent.[97] Who was responsible for these choices?

If, besides this, there was an attempt to direct the misfits to Plymouth ("sow tares"), Bradford had cause for melancholy. In such a case, might there not be "envious" men ready to point out the presence of such tares?

It was a strange time for the little colony — in 1645, according to Pratt, a law was passed prohibiting the use of "dominos" or masks which

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[94] Bradford, *Of Plymouth Plantation*, p. 322.

[95] Willison, Saints and Strangers, pp. 290-294.

[96] *Ibid*., pp. 244, 254. "They of all others are unwilling I should be transported ... as thinking if I come there, their market will be marred in many regards ... Whether any larned man will come unto you or not, I know not; if any doe, you must *consiliu capere in arena*." Robinson. And later, "Robinson and his people were not to come to Plymouth 'unless he and they will reconcile themselves to our church by a recantation under their own hands.'"

[97] Willison, *Saints and Strangers*, p. 346. "The new preacher, a 'Mr. Rogers,' proved to be a lamentable choice, for it was 'perceived, upon some triall, that he was crased in his braine.' As a consequence, the Pilgrims were at the expense not only of bringing him

evidently were worn by those going about doing no good.[98] This was the clouded atmosphere in which William Vassall was trying to "come to the clearest light."

The situation dragged on. Reverend John Eliot, Vassall's friend, recommended a member of the church at "Duckesbury", Mr. William Wetherell, to be Pastor at the new church. But now Duxbury would not dismiss him although he had no other position. More weeks passed. Mr. Wetherell was very anxious to accept the offer "having no means to live upon at Duxbury", but still the church would not dismiss him.

On August 28, 1644, Vassall wrote to John Rayner of the Plymouth Church concerning Chauncy, who was now very angry and emotional.[99] Vassall wrote: "Because we deny his authority over us, and justify ourselves in forming a Church after we were cast off, he breaks forth into a passion against me, and accuseth me that he is in fear of his life. We have offered them to confer in private, or to dispute it, Mr. Hubart,[100] on our part and any two that they will bring on their part, but nothing will be accepted...Passion and prejudice are no fit Governors...If they will appoint a man to dispute before you, I will lay all aside to attend the business, provided that their Pastor be absent, for it is not reasonable that I should meet where he is, seeing he is in fear of his life for me."[101]

A later letter dated April 9, 1645 was sent to the Reverend Ralphe Partridge, Duxbury:

> "Worthy Sir. My love and my wife's to you and yours. I read your letter dated 8th Apr. 1645, wherein you intimate that some advise us to forbear our work in hand, and that they say they have many weighty reasons for it. And do you think us such dupes that we cannot discern, thereby, that there is a plot of Mr. Chauncy in it, and of those that adhere to him? Shall we never be at rest, nor suffered to worship God according to our consciences? Is it a

[98] Pratt, *Early Planters*, p. 111.

small persecution to keep us in a state of heathen? And how is it that the persecuted have become the persecutors? The Lord judge between them and us. For my part, I hope I shall never give over all lawful means to enjoy God's ordinances: and if through persecution we be debarred in New England, we must wait till the Lord remedy it here, or we can return to the land of our nativity again. But I admire that you are so soon taken in this plot, as to advise us to forbear God's worship. What evil are we about, that we should be advised to forebear?...As for their weighty reasons, when we shall see them we shall desire the Lord to show us the weight of them, and if there be none, I desire that we may not be troubled with them. In the meantyme we must not mock God; seeing we have appointed a day for his worship we must perform it, and we conceive it is sinful to dissuade us from it. Thus commending you to the grace of Christ, I remain

Yours heartily in all good service,
William Vassall

Before finishing this letter I read the Elders letter wherein the plot of Mr. Chauncy is discovered. I have answered their letter to Mr. Bulkley, which you may see. [102]

To the Rev. Edward Bulkley, Marshfield. Scituate, April 9, 1645

Rev. and worthy Sir:

I have received your letter of April 8, 1645, and take notice that you would have us defer our meeting till the Elders in the Bay may come hither, and that our members (as I understand it) may give you satisfaction concerning their work of grace; and that myself may give you satisfaction concerning my judgement in Church matters. I answer, that we were not advised to any such thing by

the Elders at their meeting: — further, that the Elders in the Bay did not wish to be present at our renewing Covenant, and agree that we are in a Church state. The scruple at the meeting was not what we were nor what we held in judgment. At Mr. Hatherley's house, I gave them for myself as much satisfaction as they desired.

If I differ from you in judgement, I shall be thankful to any of you to show me the light; and if any of our members be accused by any as not fitting matter for a Church, we are ready to hear any complaint in a Church way according to godliness. But our work is to manifest our Church Covenant, and to renew our Covenant according to advice and counsel. The day is appointed, and I conceive the Church is not likely to alter it; if therefore any be pleased to take notice thereof, they may be satisfied that we are in a Church state: and then if any officers can reprove us of unsoundness, we shall be ready to hear them according to God's word. But sure I am that it cannot be an offense to any, that we seek God's favour by fasting and prayer and to declare and renew our covenant: and therefore I intreat you to rest satisfied in what we are about: and I intreat you to signify to Mr. Partridge and Mr. Rayner what my answer is, as soon as you can.

Thus commending you to the grace of Christ I remain.
Yours in all Christian service.
William Vassall [103]

The plot revealed, of course, is that they all must await the appearance and approval of the Massachusetts Bay authorities who, as we have seen by Vassall's earlier letters, had already given their sanction to the proceedings. But the passage of time had worked to Chauncy's advantage and he had evidently been able to encourage the Boston magistrates to be more strict in this matter, even though it was outside of their jurisdiction.

There was a wait of several months, and then, Vassall would brook no more delay. On August 19, 1645, he wrote:

> To the Churches of Christ in Duckesbury and Marshfield (Mr. Blinman from Wales, Pastor)
>
> Grace mercy and peace be multiplied, & c.
>
> Beloved Brethren,
>
> You may be pleased to understand, that by the gracious assistance of God, we purpose on this day fortnight, being Tuesday the 2d day of Sept. to hold a solemn fast: and then we purpose to call our beloved brother Mr. Wetherell to the office of Pastor of our Church. If it pleases you to send any of your brethren to us to be witnesses of our proceedings, and help us by their prayers in that work, their presence shall be acceptable to us.
>
> Our meeting is intended at the house of our brother William Hatch.
>
> William Vassall) in the name and by the appointment
> William Hatch) of the Church.[104]

Deane writes: "Early in 1645, it began to be foreseen that Mr. Wetherell had resolved to yield to the importunities of the Church at Scituate, and to a sense of his own duty, even in the face of the opposition of the Elders of Plymouth, and the resolution of the Church of Duxbury not to dismiss him. "The 'calling to office', that is, the ordination of Mr. Wetherell, took place September 2, 1645."[105] There were members of other churches present although Deane says it was probably "to remonstrate against than to assist." Even so, they were there, and one at least, "Josiah Winslow, Esq., afterward the Governor,...soon began to

attend on Mr. Wetherell's ministry, though living ten miles distant, and brought his children to be baptized by his hand."[106]

Thus began the little church at South Scituate, the church "Up river", and its tolerant spirit was to influence the people of the area for many generations to come. Mr. Wetherell continued as minister for thirty-nine years — until his death in 1684. He had administered six hundred and eight baptisms.[107]

Five days after his ordination, Reverend Wetherell baptized his first child, his own Sarah — on September 7. His family was in a good deal of distress because of the refusal of the Duxbury church to dismiss him although he had no means of support in that parish. Samuel Deane suggests that this refusal of the Duxbury Church was "one principal cause of that clause in the platform providing for such cases. The synod that formed the platform met the next year (1646), and the controversy here had agitated both colonies."[108]

Among the records of the South Scituate Church is a letter sent from Boston in 1646. It is a carefully reasoned document explaining the need for more flexibility in the matter of baptizing children of inhabitants that were not members of the churches. It was undoubtedly sent to Vassall with an idea of suggesting a more tolerant church way in the future. Deane has written on the margin that it appears to be a proposal for the platform to be drawn up at the Synod of that year.[109] But by this time Vassall was planning other ways to bring about religious tolerance. And it was just as well; the Cambridge Platform of 1646 did not turn out to be a step toward toleration. Rather it gave the Puritan authorities more rigid rules to follow. Already, according to Thomas Lechford, whenever controversies broke out in colonial churches the Elders would travel many miles (and it was not easy then) to make their desires known and enforced.

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[106] *Ibid.*, p. 83.

[107] Joseph Foster Merritt, *A Narrative history of South-Scituate-Norwell Massachusetts*,

Lechford writes of three such controversies (and there were many more): between Doughty and Hooke in Taunton, decided by Wilson, Mather and others; between Blindman and Thomas in Greenharbour (Plymouth Colony), settled by Wilson; Master "K" and Larkham in New Dover (Piscataqua), settled by Peters of Salem (sent by the Governor and Company of Massachusetts).[110] Weymouth, especially, was a colony that found it hard to keep a pastor suitable to the Bay authorities. In Winthrop's *History of New England*, edited by Savage, there is the account of the interference of the Elders of Boston in the differences between Reverend Thomas Jenner and his congregation at Weymouth.[111] Soon afterwards Jenner left for Saco. Savage says in a note, "Weymouth seems to have been peculiarly unfortunate in its ministers, the first five having been all transplanted."[112]

Lechford writes, "It may be, it will be said, they did these things by way of love, and friendly advice: Grant that; But were not the counselled bound to receive good council? If they would not receive it, was not the Magistrate ready to assist, and in a manner ready, according to duty, to enforce peace and obedience? did not the Magistrate assist? and was not Master K. sent away, or compounded with, to seek a new place at Long Island, master Doughty forced to the Island, Aquedney, and Master Blindman to Connecticut?"[113]

The inhabitants of the Plymouth Colony were not bound to listen to the authorities at Boston, but it was the general policy to do so, and after the formation of the United Colonies in 1643 there was even more cooperation between the magistrates of the two colonies. Vassall wanted

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[110] Thomas Lechford, *Plaine Dealing or News from New-England*.
[111] Savage, *History of New England by J. Winthrop*, Vol. 1, p. 301.,
p. 347 tells of treatment of others – Hull, Jenner, Lenthall, Newman, Thacher.
[112] Savage, *History of New England*, p. 301n.
[113] Lechford, *Plaine Dealing*; Deane, *History of Scituate*, p. 82n. "Mr. Blinman left Rexham after a few months, officiated a short time at Gloucester – then at New London –

to have the approval of all the Elders of Massachusetts Bay and Plymouth in the interest of harmony for his church. Part of the trouble he had in getting approval from Plymouth may have been due to a division over the Reverend Chauncy.

We find mention in the Winthrop Papers of an imaginative proposal by a civic-minded man named William Paddy to have the Reverend Chauncy settle on the Jones River and, along with his duties as teacher at the Plymouth church, have the opportunity to assist in the education of the young people of the area.[114] It was essentially the projection of a college for the Old Colony, and would have made use of Chauncy's real gift, which was for teaching the classics.

But Edward Winslow, among others, was fearful of this development because of Chauncy's well-known controversial nature.[115] Winslow wrote to Winthrop in 1640 as follows, concerning Chauncy:

"I manifested my dislike to the Governour who still pressed his gifts, but I told him they must still retaine his errors, etc. with his gifts, which were like to weaken if not destroy both the Congregacions of Plymouth and Duxburrow, being seated in the midst equally between them both, having already manifested his judgement to be more rigid than any

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[114] *Winthrop Papers*, Mass. Hist. Soc. Coll., Fourth Series, Vol. 6, p. 171

[115] William Bradford, *History of Plimouth Plantation* 1620-1647, publ. for the Mass. Hist. Soc. by Houghton, Mifflin Co., Boston, 1912, p. 306n. Letter from Thomas Hooker to Thomas Shepherd, Nov. 2, 1640 concerning Charles Chauncy: "I have of late had intelligence from Plymouth, Mr. Chancy and the Church are to part, he to provide for himself and they for themselves: At a day of fast, when a full conclusion of the business should have beene made, he openly professed he did as verily believe the truth of his opinions as that there was a God in heaven, and that he was setled in it, as the earth was upon the Center: If ever such confidence fynd good successe I misse of my mark.

"Since then he hath sent to Mr. Pryddon to come to them, being invited by some of the Brethren by private letters. I gave warning to Mr. Pryddon to bethink himself what he did; And I know he is sensible and watchful: I professe, how its possible to keepe peace with a man so adventurous and so pertinacious: who will vent what he list and

Separatist I ever read or knew; he holding it lawfull (nay a duty for ought I heare) to censure any that shall oppose the major part of the Church whether it be in eleccion of officers or receiving in or casting out of members if they will not be convicted & yield, by which meanes 10 or more may be cast out to receive in one...[116]

However, Winslow seems to have made no objection to Chauncy's settlement at Scituate; in fact, as we have seen, the Plymouth magistrates encouraged it over Vassall's objections. And we re reminded of Winslow's letter to Winthrop in which he mentioned the lack of sympathy with Timothy Hatherly that both men felt. Evidently, the weakening of the Scituate church was not a matter of concern to Winslow. Hatherly was impressed with Chauncy's "larning," but, according to Deane, "We have many proofs that Mr. Hatherly, though he adhered to Mr. Chauncy, admired his talents and was his principal supporter, was yet often grieved at his hasty and ardent temper."[117]

When the members of the South Scituate church tried to find out the reason for the quarrel with Chauncy, they had little success. Later, when Vassall had long since gone from the scene, the subject of the controversy again came up. Chauncy, as always, brought forth his accusation of schism, but this time the "venerable Mr. Hatherly" answered "his own pastor" thus: "It could be no schism, because we had promised them a dismission whenever they should require it, and sent it to them before they did demand it."[118] After all those years, Hatherly finally seemed to see Vassall's position.

Contrary to the beliefs of many, the controversy between the two sides did not cease when William Vassall left. The South Parish tried

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[116] *Winthrop Papers*, Mass. Hist. Soc. Coll., Fourth Series, Vol. 6., p. 171.
[117] Deane, *History of Scituate*, p. 84.
[118] *Ibid*., p. 84. "There was a mutual attempt to become reconciled without the interference of elders or magistrates in 1649. A conference was held December 25th, at

many times for reconciliation during the years that the Rev. Chauncy was pastor at Scituate. On July 8, 1653 another letter was sent from the South Scituate congregation in hopes that the churches would come together at least on occasions. In the margin Mr. Wetherell wrote: "This letter was read in Mr. Chauncy's Church July 16, 1653, and the Wednesday following we had lightening and thunder and storms and hail-stones hung on our innocent heads."[119]

Deane says: "In the autumn of 1654, Mr. Chauncy retired from Scituate and we find no further traces of these ecclesiastical troubles." There is on the record for 1674 a formal reconciliation which "happily terminated" the thirty-three year old controversy.[120]

When Charles Chauncy accepted the presidency of Harvard in spite of the provision that he refrain from pressing his views of baptism, we see the same flagrant compromise of principles that Allan French observed in Chauncy's relation with the Archbishop Laud.[121] Chauncy was president of Harvard during a most rigid period of Puritanism, and he was in sympathy with it; but there he could make use of his talent for education. He had used this talent also at Scituate, preparing, among others, six of his own sons for Harvard.[122] A great-grandson, also Charles Chauncy, became president of the college during the Great Awakening, and was a champion of liberalism.

To take Reverend Chauncy's place at Scituate came the gentle Henry Dunster, friend of the Indians, and later a friend of the Quakers. Dunster had been forced to resign his position as president of Harvard

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[119] *Ibid*., p. 87.

[120] *Ibid*., pp. 87, 88. Both First Parishes became Unitarian in the nineteenth century. Chauncy's church separated into two groups as many Congregational churches did, while Vassall's church remained intact with the exception of one dissenter. William Vinal writes: "In studying the history of the First Parish Church of Norwell, it will be found that it was always on the liberal side." William Gould Vinal, *Old Scituate Churches in a*

because of his "antipaedobaptiscal" views.[123] The sad story of Dunster's ouster from the college because of his dissenting views has been well told by Jeremiah Chaplin in *Life of Henry Dunster, First President of Harvard College*.[124] It is another tale of conflict with the Puritan authorities that has not been given much space in history books, but surely was of significance in the development of the nation. Dunster was condemned under the very law that William Vassall tried so hard to keep from passage in 1644. He was at Scituate when the Quakers were banished from Massachusetts Bay, and a friend and neighbor, James Cudworth, wrote of him, "Through mercy, we have yet among us the worthy Mr. Dunster, whom the Lord hath made boldly to bear testimony against the spirit of persecution."[125]

Thus we see that the history of Scituate was inextricably entwined with the intolerance of the Bay Colony. Those people who did not approve of the harsh ways of the authorities of Boston, or, increasingly, those of Plymouth, did not have to go as far away as Providence or Piscataqua; they would be welcomed close by, on the coast of Scituate and along the North River. That was Vassall's legacy to the Old Colony; but we are getting ahead of our story.

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[123] G. Willison, *Saints and Strangers*, p. 363.
[124] Jeremiah Chaplin, Rev., D.D., *Life of Henry Dunster, lst President of Harvard College*, Boston, 1872.
[125] Pratt, *Early Planters*, p. 73

Chapter IV

THE HOBART AFFAIR

It is plain that the change in the attitude of the elders at the Bay toward the new church "up river" at Scituate was not the fault of William Vassall alone. In 1637 the control of church and state in Massachusetts Bay fell into the hands of a small group of men, as we have seen. By the time Vassall's controversy was reaching a climax these men were interfering with the surrounding churches as well, even those outside their jurisdiction.

After the Antinomian Crisis of 1637, the rift between the freemen of Boston and the magistrates did not disappear but grew beneath the surface although it had lost the chief dissenting leaders, especially Henry Vane. Moreover, resentment deepened because from that time on every court session was the occasion of punishment for one or another of the signers of the Boston petition until all were mentioned. The methodical delay in meting out penalties was one of the cruel techniques of the court, and was also characteristic of the hated Star Chamber in England. Since it was ordered that no one could leave the colony without permission,[1] one could only await one's inevitable turn. In the Massachusetts Records we find that people were still being called to repent the signing in 1641.[2]

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[1] Palfrey, *History of New England* (1899), Vol. II, p. 351, also in *Massachusetts Records*,

Suffice to say that when the incredible horror had passed there were few left who dared breathe the idea of "liberty of conscience" in Boston.

Yet the idea was not dead, nor was the idea of freedom; these concepts were only latent. It was not yet a decade since the settlers had come from England, most of them in search of some kind of freedom — religious very often, but political and economic, as well. They were not willing to give up this dream. All through the early years of the settlement of Massachusetts Bay we can sense this desire in the struggle of the freemen, and those who were not free, against the growing tyranny of the magistrates and their partners, the elders. The people of Massachusetts, in many instances, were mirroring what their countrymen were attempting in England at that time; but here the magistrates, under the guise of Independency, were using all the old tactics of rigid church groups of the past. From this time on we can observe the steady push of the freemen for more liberty, and the gradual tightening on the bonds by the magistrates and elders — two distinct and related patterns, but incompatible.

From the outset of the colony the freemen had tried to have a body of laws drawn up. These were long years of frustration and procrastination by the magistrates. Palfrey likens it to the raising of the Sisyphean Stone.[3] "Those Magistrates and ministers who did not favor the scheme of a code of statue laws knew how to interpose embarrassments and delays; and several years passed before the plan was carried into effect, though it was never lost sight of, and was repeatedly urged by the freemen."

John Cotton had prepared a small volume of laws that was printed in England and called *An Abstract of the Laws of New England, as they are now established*, but "it was never approved by the General Court, nor obtained any authority."[4] However, it seems possible, from certain

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[3] Palfrey, *Compendious history of New England* (1884), p. 177. Also, Palfrey, (1899),

judgements made later on — notably concerning wayward children — that the magistrates did use this code.

Andrews mentions that there is some evidence that Endicott had prepared a code of laws, also.[5] But it was not until December 1641, that official action was taken and the General Court "established a code of fundamental laws, prepared by Nathaniel Ward, under the name of the 'Body of Liberties'."

The struggle for human freedom is an uneven one at best. For a few steps forward some backward steps are generally taken. The *Body of Liberties* does not seem to be particularly liberal to us. Nathanial Ward had been "minister in England and had studied and practised in the Common Law courts,"[6] but we know that he was not very tolerant. Palfrey quotes the first paragraph of his laws as "constituting a Bill of Rights"..."No man's person shall be arrested, restrained, banished, dismembered nor in any ways punished, etc., etc ...unless it be by virtue or equity of some express law of the country warranting the same, established by the General Court and sufficiently published, or, in case of the defect of the law in any particular case, by the word of God, and if capital cases, or in cases concerning dismemberment, or banishment, according to that word to be judged by the General Court."[7]

Palfrey goes on to say that "Ward's formula gave distinct utterance to the doctrine that English law had in Massachusetts no other than this restrictive force (that of the charter, that no laws were to be made repugnant to the laws of England) and that within the limit so prescribed she was competent to build up such a system of jurisprudence as her condition might seem to herself to require. As long as that principle was observed in practice, the King could touch no man within her territory. It was almost a Declaration of Independence."[8] It was also a declaration of

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[5] Andrews, Vol. I, p. 410n.

the sanction of the arbitrary government that had been carried on for eleven years in Boston. Independence from England was not at that time of such importance to the freemen of Boston as freedom from the petty tyranny that they had to face day after day in Massachusetts Bay. They knew from the wording of the first paragraph of the *Body of Liberties* that whoever was strongest in the General Court would control the policies of the colony. Thus the freemen fought for this strength, while the magistrates continued to try to consolidate their power with the help of the ministers. An element disturbing to the authorities was the liberty that was being won in England. By 1641, the Long Parliament was seriously considering the reforms that the Massachusetts men were longing for.

The magistrates of the General Court of Boston thought, as so many rulers have thought throughout the ages, that they were carrying out the will of God, but through their arbitrariness many an innocent man lost his freedom, if not his life. The freemen of Boston wanted a foundation for their liberty that was not so dependent on various individual interpretations. The capital laws in the new code, although reduced from the old Mosaic law, were still harsh, and there were few improvements in their dependence on the British Common Law. The old superstitions concerning witchcraft were still very much in evidence. However, there were some important advances. Liberty 91 stated "there shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us…" The tone is a tone of prohibition although it has loopholes that enable much actual slavery. Another was the provision that no man could be sent from the plantation for the purpose of waging offensive war unless such war was "enterprized by the Counsell and consent of a Court generall, or by authority derived from the same." But the liberty that was of especial interest to the freemen, to all the settlers in fact, was the right to petition that was granted to anyone in the

importance to our story as we follow William Vassall in his attempts to bring religious toleration to New England.

"Every man whether Inhabitant or fforreiner, free or not free shall have libertie to come to any publique Court, councel, or Towne meeting, and either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information", etc.[9]

We have spoken about the two patterns which were discernible in the establishment of the Massachusetts Bay Colony. Now these became more distinct. The magistrates began to lean heavily on the old laws of the *Body of Liberties* — Mosaic Laws, and the provincial English laws against heresy and witchcraft; the freemen seized on the new provisions, such as the right to petition. And both groups had their eyes on the first paragraph of the code, knowing that whoever controlled the General Court would decide the kind of government the colony would have.

Here again we should point out the relationship of the freemen to the church. Palfrey says: "In Massachusetts, a meeting of the whole body of freemen in a General Court was the same as a convention of members of all the churches. In the General Courts of Magistrates and Deputies, none but church-members could sit, or have a voice in choosing others to sit...in other words, the whole Church of the Colony was represented in the aggregate of that Board of Magistrates which church-members had elected; the lower house was a convocation of the several churches of the Colony, represented by the Deputies of the several towns."[10]

We can see from this situation how important was the need for religious toleration in Massachusetts Bay if a free society was ever to develop. It was the freemen of Boston who presented the petition for tolerance in the Antinomian Controversy. They realized that freedom and religious tolerance were very closely entwined, and it was difficult to have

one without the other. Many people in England were coming around to this idea, and during the Westminster Assembly in 1643, the realization dawned that with Presbyterianism in power there would be no more tolerance than with the Church of England dominating. Many were repeating the words of John Milton: "New *Presbyter* is but Old Priest writ large."[11] The answer in England was Independency, and this embraced so many different sects and creeds that tolerance was the logical result, tolerance of all religions.

The inhabitants of Boston in New England were in continuous touch with the ideas current in London, as we have said. It is not surprising that it was at Boston that the new beliefs gained a foothold. Winthrop writes thus of the protests to the projected Synod in 1646: "The principal men who raised these objections were some of Boston, who came lately from England, where such a vast liberty was allowed and sought for by all that went under the name of Independents, not only the Anabaptists, Antinomians, Familists, Seekers, &., but even the most godly and orthodox....who in the Assembly there had stood in opposition to the Presbytery."[12]

William Vassall must have been friendly with many of the Boston freemen. It may be that he had selected his home on the North River because it was outside the jurisdiction of the Bay, and yet close enough to keep in touch with his friends. He probably had a house in Boston; in 1652 his son, John, sold a house and lands to Mark Hands Naylor, and this may very well have been his father's house.[13] At any rate, it was but a short trip by water to Boston from the landing at Hingham or from Scituate, and one can believe that Vassall took it often. But he had not come from England in 1635 to be part of controversy, either at Scituate or Massachusetts Bay. Disgusted with persecution in the Old World, and

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[11] Eliot, ed. *The Complete Poemsof John Milton*, The Harvard Classics, Vol. 4, "On the New Forcers of Conscience Under the Long Parliament" (1646), New York, 1909 p. 82,

anxious to avoid tyranny at Boston, he sought the peacefulness of the Old Colony. Yet, although he was not as outspoken as his brother, Samuel, who refused to pay ship money to Charles I, he shared his brother's love of liberty and if necessary would speak out for it. The opportunity was not long in coming.

One of the reasons the elders at Boston had turned against Vassall in his controversy with Charles Chauncy may well have been his support of his neighbor, the Reverend Peter Hobart of Hingham. Hobart was another dissenting Englishman who had come to New England in 1635. On the flyleaf of his diary, copied by Nathaniel Shurcliff, and now at the Boston Public Library, is written: "His parents and family came before him to his great 'affliction.'"[14] Hobart was a minister who had been educated at Cambridge, and during the persecution of Laud he brought his wife and four children to join his relatives, already settled at Charlestown. Several towns called him but he "chose with his father's family and some other Christians to form a new Plantation which they called Hingham and there gathering a church he continued a faithful minister for about 43 years."[15]

We know that Hobart stood ready to help Vassall in his controversy with Chauncy, according to a letter to John Rayner of the Plymouth church on August 28, 1644.[16] It was in the autumn of that year that the disturbance took place at Hingham about which so much was written in the early annals of Massachusetts Bay history. And William Vassall had a large part in it.

The story of a man involved in controversies would not be a very interesting one generally, and we could dismiss Vassall the way Winthrop did in 1646, as "busy and factious";[17] but one fact stands out and commands attention. The controversies in which William Vassall began

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[14] Peter Hobart, *Diary*, copied by Nathaniel Shurcliffe, now at the Boston Public Library.
[15] *Ibid*.

to be involved in 1644 were highly significant events of the colonial period in Massachusetts, and they represented the last organized attempt to establish the Bay Colony, and with it the United Colonies of New England, on the tolerant grounds hoped for and planned for by John Robinson and his Pilgrims — and at least some of the settlers at Boston. Unfortunately, information about these controversies comes almost entirely from John Winthrop and Thomas Dudley, the men most likely to be biased in the telling.[18]

In the two patterns which can be perceived in the struggle for control of the government of the Massachusetts Bay Colony there were geographical factors, also. While the freemen of Boston were more tolerant than the magistrates, the colonists in the surrounding towns, as we saw at the election in 1637 at Newtowne, tended to be conservative and to cling to the original leaders. So also did those at Salem, who went even further toward intolerance under the direction of John Endicott, who was a harsh man.[19] On the other hand, immigrants who tended toward tolerance appeared to settle along the South Shore of Massachusetts Bay beginning with Roxbury — where the Reverend John Eliot lived — and curving from Mount Wollaston down through Braintree and Hingham to Scituate, Plymouth and Cape Cod. Ann Hutchinson had a farm at Braintree, and it was at Mt. Wollaston that the Reverend Wheelwright preached.

Some time after the Antinomian Crisis, Wheelwright's sentence was rescinded and he went to Exeter to live, but at about the same time —

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[18] Andrews, Vol. I, p. 490. The author has this to say, "The general court, not unnaturally but probably not rightly, linked together the Hobart, Vassall, and Child complaints." Had the opposing views been better publicized and recorded for history, the common purposes of these petitions would have been more easily perceived – as well as the fact that William Vassall and his belief in religious toleration was behind them all.

[19] Andrews, Vol. I, p. 362n. Endicott was responsible for cutting the cross out of the flag at Salem, for tearing down the Maypole of Thomas Morton at Merrymount, for striking goodman Dexter. (Also *Massachusetts Records*, Vol. I, pp. 146, 157.) Andrews says, "It

on November 13, 1644 — a law against Anabaptists was passed[20] and it was another significant sign of the increasing intolerance at Massachusetts Bay. "The next year (October 18, 1645) petitions were presented to the Court for a repeal of this law; but they had no effect."[21]

Before the passage of the law, an Anabaptist at Hingham named Painter, was ordered to be whipped, "not for his opinion but for his reproaching of the Lord's ordinance, and for his bold and evil behavior, both at home and in the Court..." Winthrop tells his story in his *Journal* for July 15, 1644.[22]

It is not certain how much influence this case had on the action of the court in passing the law against Anabaptists, or what part the Reverend Peter Hobart played in it. Winthrop says of Painter, "having a child born, he would not suffer his wife to bring it to the ordinance of baptism, for she was a member of the church, though himself were not. Being presented for this and enjoined to suffer the child to be baptized, he still refusing, and disturbing the church, he was again brought to the Court not only for his former contempt, but also for saying that our baptism was antichristian: and in open Court he affirmed the same ... He endured his punishment with much obstinacy, and when he was loosed, he said boastingly, that God had marvelously assisted him. Where-upon two or three honest men, his neighbors, affirmed before all the company, that he was of very loose behaviour at home, and given much to lying and idleness, etc. Nor had he any great occasion to gather God's assistance from his stillness under the

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[20] Palfrey (1899), Vol. II, p. 347. "…It is ordered and agreed, that if any person or persons within this jurisdiction shall either openly condemn or oppose the baptizing of infants, or go about secretly to seduce others from the approbation or use thereof, or shall purposely depart the congregation at the administration of the ordinance, or shall deny the ordinance of magistracy, or their lawful right or authority to make war, or to punish the outward breaches of the first table, and shall appear to the Court wilfully and obstinately to continue therein after due time and means of conviction, every such person or persons shall be sentenced to banishment." Mass. Rec., Vol. II, p. 85.

punishment, which was but moderate, for divers notorious malefactors had showed the like, at one and the same Court."[23]

We are limited in the study of these matters, as we have said before, because the only full accounts that we have are those written by Winthrop, the judge as well as the historian. Several factors strike us as curious, however. Winthrop talks of punishing Painter because he refused to bring his child to be baptized. At Boston the idea of baptizing a child of an Anabaptist would be surprising, even if the mother desired it. Nor does it seem likely that Peter Hobart would have insisted on baptism for anyone, according to accounts of him. However, he was known for "receiving into baptism all who were brought to him."[24] Was it the baptizing of the child of an Anabaptist that hastened the law against that sect the following November? Was it this act that brought authorities to interfere with the Hingham church? And was it this interference of the Massachusetts Bay in a local church matter that brought about the outspoken resentment of Hobart? After all, the authorities at Boston collected the taxes and supervised military matters, but they had not helped in the building of the Hingham Colony, and they did not contribute materially to the maintenance of the Hingham church, as they did the Boston church. Was it the right of the Boston magistrates to interfere in ecclesiastical affairs at Hingham? The Reverend Peter Hobart thought it was not, and so did his friend and neighbor, William Vassall. Whatever the circumstances, one thing is certain — the case of Thomas Painter and the treatment of Anabaptists made a deep impression upon Vassall.

Until this incident, Hingham had been a town noted for its harmony and prosperity, even at a time of depression in the Bay Colony. Winslow says in *New England's Salamander*, "The Inhabitants of Hingham were knowne to be a peaceable and industrious people, and so

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[23] *Ibid*.

continued for many years; the Lord supporting them in the midst of many straights in their first beginnings, crowning their indeavors with his blessing, and raising them up to a comfortable and prosperous outward condition of life, and such is their state through God's mercy and goodness this day, living very plentifully." [25]

But the fortunes of Hingham soon changed; not much later, the eye of the General Court of Massachusetts Bay again fell upon Hingham. This time it was about the choice of their Captain of the train-band. In order to understand the importance of this election one has only to know that the military officers were among the few elected officials of the town, and the choosing of them was a cherished freedom in the New World — moreover, the non-freemen were allowed to participate in this election, also.[26]

Even so, after the election the Captain had to be presented to the court at Boston for approval and for salary. The Captain was the one officer whose pay was supplied by the Boston authorities.[27]

That this case at Hingham had such large repercussions was due to the extreme tension at the time between the magistrates and freemen at Boston. A good part of this tension, as we have said, was over the decisions made by the Standing Council between sessions of the General Court. When the deputies tried to curtail the activities of this council and were rebuffed, their speaker, William Hawthorne said, "You will not be obeyed."[28]

The magistrates had another way of exercising extra control and that was through the separate negative — the right of veto. If the magistrates did not care for the results of a vote of the whole court, they had a separate chance to negate it. Such a procedure was very irksome to the deputies, and they fought for, and won, the chance to vote separately in

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[25] Edward Winslow, *New England's Salamander recently Discovered*, London, 1647. Library Wm. L. Clemens. Order No. 45.

1644.[29] This created a government similar to the two-part system of today. The magistrates still did not want to relinquish the separate negative, but they finally agreed to give it up if, in a dispute the elders could be called in to decide the issue. The freemen were not ready to accept this solution because they were aware that the elders and magistrates acted as a unit in the Bay Colony at that time.

Both of the extraordinary powers of the magistrates — the power of the Standing Council, and the calling of the elders to decide a dispute — were involved in the trouble at Hingham.

How did it start? So cloudy are the accounts of its beginning that one is tempted to believe Edward Winslow's suggestion in *New England's Salamander* that "Satan envying their happiness (the Lord permitting as it seemes) on a suddaine cast a bone of division amongst them, which took mightily, to the great griefe and admiration of their neighbors on every side; which controversie indeed arose about the choyce of their Captaine as related."[30]

The accepted accounts of the Hingham controversy have been carefully detailed by the nineteenth century historians, Bancroft and Palfrey, who based their stories on information supplied by Winthrop and Dudley.

Bancroft says, "There was probably a sufficient irregularity to warrant the interference of the Magistrates in the military affairs at Hingham."[31] Palfrey has much to say on the subject: "A dispute, local in its origin, and apparently of slight importance for a time, but finally engaging at once the military, the religious, and the civil authorities of the Colony, was bequeathed by Endicott to his successor. The Train-band of the town of Hingham, having chosen Anthony Eames to be their captain, 'presented him to the Standing Council for allowance. While the business was in this stage, the soldiers altered their minds, and in a second election

gave the place to Bozoun Allen. The Magistrates, thinking that an injustice and affront had been offered to Eames, determined that the former election should be held valid, 'until the Court should take further order.' The company would not obey their captain and mutinied. He was summoned before the church of his town, under a charge of having made misrepresentations to the Magistrates. He went to Boston and laid his case before them. They 'sent warrant to the constable to attach some of the principal offenders (Peter Hobart, minister of Hingham, being one) to appear before them at Boston, to find sureties for their appearance at the next Court.' Hobart came and remonstrated so intemperately, that 'some of the Magistrates told him, that, were it not for respect for his ministry, they would commit him.' Two of those arraigned with him refused to give bonds, and Winthrop sent them to Gaol."[32]

It is impossible to judge from this point the justice of the decision made by the magistrates. It is certain that Hobart and the members of the train-band believed that Eames had acted unfairly. But he was deputy to the Massachusetts Court at this time and had the opportunity to reach the authorities there to present his views; this may have accounted for some of the misunderstanding.

We have the official statement of Dudley concerning the quarrel,[33] and he believes that Eames' position was justifiable. However, we must remember that Dudley was closely involved in the decisions of the Standing Council, also. The mutiny of the train-band and the concern of the minister shed an atmosphere of doubt over the proceedings. And when the Deputy Governor (Winthrop) arrested the minister and the men brought with him by the constable to Boston, the whole town of Hingham was aroused. Eighty inhabitants, although not all were men qualified to

vote,[34] signed a petition for a hearing before the General Court upon the lawfulness of the committal of their minister and his companions "by some of the Magistrates, for words spoken concerning the power of the General Court, and their liberties, and the liberties of the Church."[35]

The petition of the Hingham inhabitants was presented May 14, 1645. We can read an account of the presentation in the pamphlet entitled *New England's Jonas Cast up at London*, by John Child.[36] This little book is of interest to us because, without a doubt, most of it was written by William Vassall. From this account we learn that Vassall came to the aid of his friend, Peter Hobart, minister of Hingham. And we can understand why. The issues which the town of Hingham was fighting for were the same issues which Samuel Vassall had been fighting for a decade before in England — the right to petition the government, and the right to speak out against unjust taxation and fines. Here they were fighting also, for the freedom of the local church from domination by a state church, as well as the right of the towns to carry on with their own elections of military officers without outside interference. Moreover, a greater battle, as we shall see, was being fought, too — over the rights of the freemen to share equally with the magistrates in affairs of the government.

The Petition of the Greater Part of the Inhabitants of Hingham

> Whereas there hath fallen out some agitations amongst us concerning the choice of our chief Military Officers, which by Order of the Court we have power to choose (as we conceive). So it is that we did elect and present to the Generall Court for their confirmation, *Mr. Bozoune Allin* for our Chieftain: but the Court not having time to finish that business at that time, some other things and overtures have happened since, whereby it hath so fallen

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[34] Robert Emmett Wall, Jr. "The Massachusetts Bay Colony Franchise in 1647," *The William and Mary Quarterly*, Jan., 1970, Vol. XXVI, 3rd Series, p. 138. 79 adult males in

> out that some of us have been compelled to appeare before some of the Magistrates, and to give Bonds for appearance at a Quarter-Court which is to be holden after this General Court; and some for not giving Bond to answer there, are committed to prison, and remain there at present: the matters of accusation (as we conceive) is for certain words spoken by some, concerning the liberty and power of the Generall Court, and our own liberty granted to us by the said Courts and to the Country in generall; and also it doth concern the Liberty of an English free-borne Member of that State, and further it hath occasioned such disturbance and schisme in our Church and trouble to some of our Members for witnessing against a Delinquent, whereby the power of the Ordinances of Jesus Christ in his Church is slighted, and the free passage thereof stopped, to the endangering of the liberty of the Churches amongst us if timely remedy be not by your wisdoms provided, now seeing the matters in hand doth concern the generall liberty of the whole Country, and the peace of the Churches, and glory of God, as we are ready upon the hearing of the Court to make it appeare; We humbly sue to this honoured Court to be pleased to grant us an honourable and free hearing, and that we may have liberty to plead our common Liberties in this Court, together with the liberties of the Churches of Christ maintained. *And we shall ever pray for your peace and prosperity long to continue*.[37]

The petition presented to the Boston freemen a good occasion to push on to further freedom. Palfrey says, "The Deputies, on their part, complied with the request, and sent a vote accordingly to the Magistrates, for their concurrence. The Magistrates 'returned answer, that they were willing the cause should be heard, so as the petitioners would name the Magistrates whom they intended, and the matters they would lay to their charge, &c. The petitioners agents, who were then Deputies of the Court...thereupon singled out the Deputy-Governor, and two of the petitioners undertook the prosecution.' The Magistrates were loath to sanction so irregular a proceeding; but Winthrop (the Deputy Governor)

desired to make his vindication, and the petitioners were permitted to have their way."[38] Winslow says of him, "This Gentlemen, as on all other occasions so in this particular much honored himselfe, by leaving his place upon the Bench and going to the Bar, and would not bee perswaded to cover his head or take his place till the case was heard and ended."[39] (In fairness to both sides we must not forget that Winslow was writing this pamphlet as a defense of Winthrop to be heard in England.)

There were probably several reasons why Winthrop was singled out. In the first place, he was not only a member of the Standing Council in question, but he was also, as Deputy Governor, the colonel in charge of the train-band at Hingham, and therefore responsible for this affair. It was something that occurred at a meeting of the council that gave Eames the idea that he was still the captain of the train-band at Hingham (he had been so up to this time) — perhaps he was even given his salary.

However, in the larger sense, it is difficult not to conclude that Winthrop was singled out because the freemen believed that he was responsible for the great pressure to curb their rights that was being exerted in ever increasing strength. With him in this course were Dudley and Endicott who were, however, not such imperturbable personalities, and did not have the popular backing that Winthrop had. He must have appeared to the freemen as the most dangerous threat to their liberty. History has shown over and over that the most popular leaders are often not the ones most interested in the freedom of the people. Giving support to the authoritative leaders at Boston were the elders, led by the powerful figure of John Cotton by this time Winthrop's friend. As we have seen, most of the original assistants had long since been eased out of the picture (except for Increase Nowell, the ubiquitous recorder).[40]

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[38] Palfrey, (1899), Vol. II, p. 255.
[39] Winslow, *New England's Salamander*.
[40] The sad experiences of Cradock, Humphrey, Richard Saltonstall the younger, and

Now the time was ripe for a showdown. As the magistrates became more strict, the desire of the freemen to retain and extend their liberties increased. There were other considerations, too, which had brought censure upon Winthrop. He was held responsible for unfavorable relations with the French because of helping Charles de La Tour in his struggle against Sieur d'Aulnay.[41] This commitment was said to have been made while Winthrop was picnicking with his family on his island in Boston Harbor.[42]

The state of the country was depressed, immigration had slowed to a trickle; but the main concern of the colonists was with the struggle for their freedom in government and church; it was this freedom that they hoped to further in the Hingham trial. The high-handed way the magistrates acted in this case heightened the tension between the two bodies of government on two major matters: the action of the magistrates in the period between sessions of the court; and the separate negative. John Gorham Palfrey described the outcome thus:

> In the full argument which followed, 'the Deputy (Winthrop) justified all the particulars laid to his charge; as that, upon credible information of such a mutinous practice, and often disturbance of the peace and slighting of authority, the offenders were sent for, the principal by warrant to the constable to bring them, and others by summons, and that some were bound over to the next Court of Assistants, and others, that refused to be bound, were committed; and all this according to the equity of laws here established, and the custom and laws of England, and our constant practice these fifteen years.'
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> At first, 'two of the Magistrates (no doubt, Bellingham and Saltonstall) and many of the Deputies, were of opinion that the

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[41] Donald Creighton, *Dominion of the North*, MacMillan Co. of Canada, Toronto, 1962, p. 44. Charles de la Tour and Charles de Menou, Sieur d'Aulney-Charnisay, fought for

Magistrates exercised too much power, and that the people's liberty was thereby in danger; and other of the Deputies (being about half), and all the rest of the Magistrates, were of a different judgment, and that authority was over-much slighted, which, if not timely remedied, would endanger the commonwealth, and bring us to a mere democracy.' The matter was under debate for more than seven weeks, with only one week's intermission. The Deputies 'not attaining to any issue, sent up to the Magistrates to have their thoughts about it.' The Magistrates replied, that their thoughts were, 1. 'That the petition was false and scandalous: 2. That those that were bound over, &c. and others that were parties to the disturbance at Hingham, were all offenders, though in different degrees; 3. That they and the petitioners were to be censured; 4. That the Deputy-Governor ought to be acquit and righted.'

The Deputies were ready to assent to all these propositions, except the third. But the Magistrates (Winthrop always retiring when these questions came up) ' were resolved for censure, and for the Deputy's full acquittal.' They proposed to advise with the Elders; but the malecontents knew that from the Elders they could hope for no favor, and they refused. At length the matter was adjusted by an agreement on all hands for a complete acquittal of the Deputy-Governor, the punishment of all the petitioners by fines, the largest of which was twenty pounds, and that of the minister two pounds.

According to this agreement, presently after the lecture the Magistrates and Deputies took their places in the meeting-house; and, the people being come together, and the Deputy-Governor placing himself within the bar, as at the time of the hearing, &c., the Governor read the sentence of the Court, without speaking any more; for the Deputies had (by importunity) obtained a promise of silence from the Magistrates. Then was the Deputy-Governor desired by the Court to go up and take his place again upon the bench, which he did accordingly, and the Court being about to arise, he desired leave for a little speech.'"

He spoke in terms befitting his magnanimous wisdom.[43]

His speech may be read in full in numerous places, notably Perry Miller's *The American Puritans*.[44] Palfrey tells us about it —

> while he 'blessed God that he saw an issue of this troublesome business' he said he had no desire to review it. He was 'well satisfied to have been publicly charged, and legally acquitted;' but, though this was 'sufficient for his justification before men', it would not dispense him from being humble before God. Proceeding to speak to 'the great questions that had troubled the country about the authority of the Magistrates and the liberty of the people 'he described the responsibility of those who are called to rule, the principles of a right and reasonable criticism of their conduct, and the nature of that liberty which is not ruinous license. 'It is yourselves', he said, 'who have called us to this office; and...the covenant between you and us is the oath you have taken of us, which is to this purpose, that we shall govern you and judge your causes by the rules of God's laws and our own, according to our best skill.' The liberty which he qualified as civil, federal or moral, 'is', he said, 'the proper end and object of authority, and cannot subsist without it; and it is a liberty to that only which is good, just, and honest. This liberty you are to stand for, with the hazard not only of your goods, but of your lives, if need be. Whatsoever crosseth this, is not authority, but a distemper thereof.' And he concluded: 'If you stand for your natural, corrupt liberties and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur, and oppose, and be always striving to shake off that yoke. But if you will be satisfied to enjoy such civil and lawful liberties, such as Christ allows you, then you will quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good. Wherein, if we fail at any time, we hope we shall be willing, by God's assistance, to hearken to good advice from any of you or in

any other way of God. So shall your liberties be preserved, in upholding the honor and power of authority amongst you.'[45]

Palfrey calls the trial "the crowning glory of a course of honor now nearly finished" and calls Winthrop's triumph complete."[46] Bancroft says "the Hingham disturbers were punished by heavy fines while Winthrop and his friends retained, what they deserved, the affectionate confidence of the colony."[47] Edward Winslow gives us the touching story of Winthrop sitting uncovered beneath the bar. But this sympathetic picture is drawn from words in Winthrop's own *Journal*. Speaking of himself in the third person, the "Deputy" created this image, and preserved it for all posterity.

Did these historians of the past not see that if this was a "triumph" for Winthrop, it was not a "crowning glory". The controversy was a serious one between those that held the "opinion that the magistrates exercised too much power, and that the people's liberty was thereby in danger;" and those that thought "that authority was over-slighted, which, if not timely remedied, would endanger the commonwealth, and bring us to a mere democracy," as Winthrop stated.[48] Thus was opinion polarized, resulting in high emotions, and Winthrop perceived this. He wrote: "By occasion of this difference, there was not so orderly carriage at the hearing, as was meet, each side striving unseasonably to enforce the evidence, and declaring their judgments thereupon, which should have been reserved to a more private debate (as after it was), so as the best part of two days was spent in this publick agitation and examination of witnesses, &c. This being ended, a committee was chosen of magistrates and deputies who stated the case, as it appeared upon the whole pleading and evidence, though it cost much time, and with great difficulty did the committee come to accord upon it."

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[45] Palfrey (1899), Vol. II, pp. 257, 258.

After the trial began, the resulting weeks of debate were due to the fact that the court was deadlocked; most of the magistrates were for upholding their own member (and for authority, the rule of the few); most of the deputies were for the Hingham petitioners (and "mere democracy," the rule of the people). The deputies would not consent to calling in the elders because they knew they would side with the magistrates. "They knew that many of the elders understood the cause, and were more careful to uphold the honour and power of the magistrates than themselves well liked of," according to Winthrop.[49]

Instead the deputies asked for arbiters, each to choose four out of six offered by the other side. But again the magistrates offered six elders, "for they were now assembled at Cambridge from all parts of the United Colonies."[50] Presumably it was all right to ask elders as long as they were from outside the colony. Winthrop was sure that most of the ecclesiastical establishment would back him, and so triumphantly reported the defeat of the deputies who, he said, now found themselves "at the wall."

As we have said, almost all of our information about this famous trial comes from the versions set forth by Winthrop in his *Journal* — or from Dudley, who was closely involved as the governor at the time. It would be interesting and helpful if Hobart's side could be told, but too few facts remain to present such a point of view in its entirety.[51] However, there are bits of information that throw light on the other side. Solomon Lincoln, in his *History of Hingham* states: "The dispassionate reader, while he will give to Winthrop all the credit to which his impartiality entitles him, cannot fail to discover some circumstances which tend to

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[49] *Ibid*., p. 278.
[50] *Ibid*.
[51] *Ibid*., p. 285. It is stated here that "Bozon Allen, one of the deputies of Hingham, and a delinquent in that common cause, should be publicly convict of divers false and

extenuate the criminality of the conduct of a large and respectable portion of the inhabitants of the town."[52]

Later he writes of Winthrop: "His conduct indicated anything but a charitable spirit towards those whose principle error (if any) consisted in their attachment to more liberal views of government than those generally entertained at that time...He appears to have been very sensitive on the subjects of innovations upon the authority of government, and strongly bent, not only upon punishing, but desirous of publicly disgracing the "profane" people of Hingham."[53]

It may be that some will say the historian of Hingham will be bound to have considerable bias, but it is fairly obvious that many historians of the Boston area have accepted and repeated the words of Winthrop and Dudley, with their one-sided point of view serving for both sides of the story. A little more sympathy for Hingham's version would help to balance our view of the whole affair.

In the beginning the "bone of contention" seemed to be, as generally conceded by all reporters, the presentation of Anthony Eames to the Standing Council for his salary as captain of the train-band of Hingham. Here, however, right away we have a questionable situation. For it was against the principles of the people of Massachusetts Bay to make use of the Standing Council for any official business. A transaction as important as the election of the highest military office would have been brought to the General Court for approval, and evidently this was the case in the disputed military election, according to the *Petition of the Greater Part of the Inhabitants at Hingham* which stated: "So it is that we did elect and present to the Generall Court for their confirmation, *Mr. Bozoune Allin* for our chieftain..."[54]

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[52] Solomon Lincoln, *History of Hingham*, 1827, partly published in the *History of the*

Winthrop claimed that Anthony Eames had been chosen first and presented to the Standing Council, but the entire community of Hingham, almost to a man, believed the election of Allen to be the correct one. If there had been an earlier election which was in fault for some reason and had to be rescheduled (as was mentioned by no one but Winthrop), it still would have been a matter for the local officials up until the time they announced the results at the General Court. The assumption that the Governor or Lieutenant Governor could interfere in the town elections — even though there were difficulties — when the town was thoroughly in agreement with the result, was dubious, indeed. Winthrop was probably anxious to show that Hingham, or Bear Cove as it was first called, was part of Massachusetts Bay, and not the liberal Old Colony.

There are other points for consideration, too. When Winthrop reports that the petitioners "singled out the Deputy-Governor" for accusation, he neglects to mention that the Deputy-Governor was also the official colonel of the Hingham train-band and therefore the man the dispute most concerned. They were not going out of their way to censure him. The Hingham records show that "In 1636 the delegates in the General Court had ordered 'that the military men in Hingham (with other towns) be formed into a regiment of which John Winthrop, Sr. Esqu. be Colonel, and Thomas Dudley, Lieutenant Colonel!'"[55] There was no record of change before the time of trial. Moreover, "among the interesting orders from the central authority about this time was one providing that captains be maintained from the treasury, and not from their companies; it was evidently passed for the purpose of giving greater independence to the officers, and was manifestly in the interest of strict discipline towards which all legislature constantly tended."[56] It may have been the "independence" of Eames that the Hingham people resented.

In earlier chapters we have pointed out the way in which the ecclesiastical, political, and economic affairs of the Massachusetts Bay

Colony fell into the hands of the two leading magistrates, Winthrop and Dudley. Now we see how the military matters had come under their authority, also. This was a very important factor in gaining control of all the settlements in the Bay Colony, as well as the United Colonies after 1643, because Boston established itself from the beginning as the military center of the area, the guardian and protector of all surrounding towns with arsenal and fortification to which all contributed.

Peter Hobart and the Hingham petitioners were brave indeed to challenge this mighty organization; but the right to elect their own officers was sacred to them. One soldier was reported as professing he would "die at the sword's point, if he might not have the choice of his own officers." The soldiers demanded of Eames an order to show that he should be the captain; "he told them of the magistrate's order about it." Someone suggested that "it was but 3 or 4 of the magistrates;" another asked, "what the magistrates had to do with them?" Bozoun Allen held back and refused to take his place until the soldiers voted again and "the vote passing for it...it was now past question..." But Lieutenant Eames still insisted on his right to be captain, and said something in the church which was construed as misrepresentation of the case. (The church at that time was also the meeting-place of the train-band which may had some significance.)[57] The minister (Hobart) took issue with the statement made by Eames and, according to Winthrop, "was very forward to have excommunicated the lieutenant presently, but upon some opposition, it was put off to the next day.

"Thereupon the lieutenant and some three or four more of the chief men of the town informed four of the next magistrates of these proceedings, who forthwith met at Boston about it, (viz. the deputy governour, the sergeant major general, the secretary, and Mr. Hibbins). These considering the case, sent warrant to the constable to attach some of the principal offenders (viz. three of the Hubbards and two more) to

appear before them at Boston, to find sureties for their appearance at the next court, &c. Upon the day they came to Boston, but their said brother the minister came before them, and fell to expostulate with the said magistrates about the said cause, complaining against the complainants, as talebearers, &c., taking it very disdainfully that his brethren should be sent for by a constable..."When his brethren and the rest were come in, the matters of the information were laid to their charge, which they denied for the most part. So they were bound over (each for other) to the next court of assistants. After this five others were sent for by summons (these were only for speaking untruths of the magistrates in the church). They came before the deputy governour, when he as alone, and demanded the cause of their sending for, and to know their accusers. The deputy told them so much of the cause as he could remember, and referred them to the secretary for a copy, and for their accusers he told them they knew both the men and the matter, neither was a judge bound to let a criminal offender know his accusers before the day of trial, but only in his own discretion, least the accuser might be taken off or perverted, etc. Being required to give bond for their appearance, &c., they refused. The deputy laboured to let them see their errour..."[58]

Today it is hard to see that these men were in error, and it was hard to see in 1827 when Mr. Lincoln was writing his history, as his words indicated.[59] We can see that certain liberties were in the minds of the people, and that the magistrates had set their minds against them. For the accused not to know the cause of the accusation seemed to return to medieval times.

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[58] J. Winthrop, *History of New England* (Savage ed.), Vol. II, p. 273, 274. The quote goes on "…, and gave them time to consider of it. About fourteen days after, seeing two of them in the court (which was kept by those four magistrates for smaller causes), the deputy required them again to enter bond for their appearance, etc., and upon their second refusal committed them in that open court."

[59] Lincoln says, "It is to be regretted that most of the writers of the time when these

Later on when the marshal went to Hingham to levy the fines there occurred a "rescue" or resistance to the fining. As a result Reverend Hobart was bound over to the next Court of Assistants. There he demanded to know what "wholesome law of the land not repugnant to the laws of England he had broken..."

"The Court told him that the matters he was charged with amounted to a seditious practice, and derogation, and contempt of authority. He still pressed to know what law, etc. He was told that the oath which he had taken was a law to him: and besides, *the law of God, which we were to judge by in case of a defect of an express law.*"[60]

Now we understand why the magistrates at Boston had been in no hurry to make a code of laws — "express law" would take away the advantage of never having to give a reason for imprisoning or fining men, never having to tell them who their accusers were, or what law they had broken. They finally assented to a code of laws, some of them quite liberal, but by placing in the first paragraph the few lines quoted above they managed to keep control in their own hands. Moreover, we can see that, because they were judging by the law of God, it was important to have the elders on their side. When this was accomplished, they could not be challenged. The tyranny was complete.

In the case of the outcome of the Hingham trial, we are only told that the magistrates were more "firm and self-possessed" and that the root of the trouble was "a presbyterial spirit."[61] It was another score for arbitrary government, as was the speech that Winthrop made afterward. If the freemen of Boston had adheredto his philosophy about submission to authority one hundred and fifty years later, the Revolution would never have taken place. The great enemy of democratic freedom is arbitrary government. Such government exists wherever the ruler or rulers are able to decide among themselves what is "good" for the people. Democracy

can only exist where the people themselves decide what constitutes their own good.

However, there was one interesting result of Winthrop's trial, according to Bancroft; "the power of the Magistrates over the militia was diminished by law."[62] Thus are liberties painfully won. Also, we can read in the Massachusetts Records for 1648, "Upon the petition of the souldiers of Hingham, it is ordered, that Bozoon Allen shall be leiftenant there and Joshua Hubbert, ensigne."[63] So the men finally had the officer they wanted.

But, after all, our interest is, as was William Vassall's, chiefly in freedom of religion. How was it that such an important case could have ended so abruptly with the charge of a "presbyterial spirit?" What was the meaning behind this accusation? Palfrey goes on to explain: "The reader looks for some explanation, more adequate than appears upon the surface, of an excitement so great growing out of so trifling an occasion. To Winthrop's mind the opposition to the Magistrates, which had now been manifested, appeared to have been prompted by that suspicion of their (the Magistrates') entertaining ambitious designs, which had caused the attempts to disarm them of the power of defeating by their negative the action of the other branch of the government; of the power of administration during a recess of the General Court; and of the power of dispensing justice without the restraint of a written rule. But there was yet another disturbing element, watched perhaps, by the Magistrates, or by some of them, from the first of the proceeding, but not manifest to the Deputies till a later stage of it.

"Mr. Hobart, being of a Presbyterial spirit, did manage all affairs without the Church's advice; and gave no heed to the counsel of the neighboring Elders when they went to Hingham to endeavor 'to mediate a reconciliation.'"[64] The expression "Presbyterial spirit" must have been

meant as criticism of Hobart's interference with the authority of the magistrates, an unheard of action from the minister of a provincial church. However, if the Boston church had been a correct Separatist church it would not have interfered with the local church at Hingham. But Boston did not adhere to the idea of the autonomy of each congregation, as most Independent churches did. Was it the charge of "presbyterial spirit" that induced the deputies to give up their determined struggle? I believe it was. And yet I believe it was not the real reason behind the punishment of Hingham by Massachusetts Bay: the chief reason was the town's belief in religious toleration, a belief that the magistrates feared most of all. However, if they gave publicity to this reason they would have hardened the deputies against them.

William Vassall, writing (as Winslow says) in *New England's Jonas* has this to say, "As for Mr. Hubard [Hobart], dared Mr. Winslow say that Mr. Hubard was not punished neither directly nor indirectly, for baptizing some children whose parents were not members of their Churches, and that sharp fines & disgraceful being bound to the good behaviour, had no influence from the baptism of those children?"[65]

And Winslow, in *Hypocrisie Unmasked*, the pamphlet he wrote in answer to Samuel Gorton, says: "Tis known also that *Mr. Hubbard*, the minister at Hengam hath declared himselfe for that (Presbytarian) way: nay which is more than ever I heard of the other two[66] hee refuseth to baptize no children that are tendred to him (although this liberty stands not upon a Presbytarian bottome) and yet the Civil state never molested him for it."[67]

But the civil state molested the Hingham inhabitants and Reverend Hobart because of the petition, and laid heavy fines on them all. The following is the account in *New England's Jonas*:

"For which Petition being fine 100L. and the Marshall sent to *Hingham* to levy the said Fine: *Mr. Hubbard* the Minister of that town being one of them that was fined, the Marshal coming to his house to levy part thereof, produced this effect as followeth taken out of their Records.

THE RELATION

The 18. of the first Moneth, 1645, the Marshall going to gather 100L. in Fines of divers Inhabitants of *Hingham*, as they were set by the General Court, in the 3. or 4. moneth past; came to *Mr. Peter Hubbard*, who desiring to see his warrant which the Marshall showing him, upon sight of it *Mr. Hubbard* said the warrant was insufficient, being not sent out in his Majesties name he being sworne to the Crown of England; and said that they had sent into *England* unto his Friends the busines and expected shortly an answer and advice from thence: And that our Government here was not more than a Corporation in England, and that we had not power to put men to death by vertue of the Patent, nor to do some other things we did; and that for himself, he had neither horn nor hoofe of his own, nor anything wherewith to buy his children cloaths, And he wished that the Magistrates would take some course that the Ministers might be better provided for, and he wondered by what order or rule the Ministers were deprived of their Tythes: but if he must pay it, he would pay it in Books, but that he knew not for what they were fined, unlesse it were for Petitioning: and if they were so waspish that they might not be Petitioned, then he could not tell what to do (about thirty or forty being present.) And further, that he had seriously considered what they had done, and he could not see anything they had done amisse, for which they could be Fined. Increase Nowel. Secret.[68]