MASSACHUSETTS THEOCRACY
IN THEORY AND IN PRACTICE: 1630-1684

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by

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PREFACE

A knowledge of Puritan society is particularly important to an understanding of seventeenth century literature. Probably in no other period of American literature does so much of the writing concern basic social or political or economic problems of the day. The Puritan writers were leading political or church figures. Their characters and ideas helped shape the young colonies of the new world but these men were also in turn highly influenced by the environment surrounding them. What that environment was is basic to any understanding of Puritan literature.

Reading in the sources of that period has convinced me that our present-day knowledge of Puritan society is far from complete. Life in early Massachusetts as revealed in the writings of John Winthrop, John Cotton, Nathaniel Ward and others does not seem to coincide with modern secondary accounts. And even secondary accounts do not always agree. Sometimes within a single work gross inconsistencies appear. The only logical conclusion to be drawn is that more needs to be known of the period. We need to dig deeper into the roots of Puritan society and examine more thoroughly what we find.

My aim in the following study is to dig a bit deeper --

as deep as local materials permit -- into Puritan Massachusetts society. What was the basic social and political structure of the Bay colony? What was the relationship between the church and the state? The writings of the Puritan leaders provide many clues and those clues can be substantiated by examining the existing laws, town records, deeds, wills and other documents of that day. Through such accounts, it is quite possible to piece together a sketch of colonial Massachusetts in the early days and as a result to iron out many of the inconsistencies found in secondary works. It is unfortunate that only printed sources are available here, but even with these a rough picture of the basic structure of the society can be outlined.

I wish to thank Dr. Claude Newlin for his kind help in the preparation and writing of this thesis and I also would like to thank Dr. Anders Orbeck for his advice and for his generosity with his time.

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CHAPTER I

INTERPRETATIONS OF THE PURITAN PERIOD

One of the difficulties confronting the student of Puritan literature today is the varied interpretations of the period found in secondary works. Not only do authorities differ among themselves but also they are often inconsistent on some fundamental points within their own work. It is important, therefore, to consider these varied views.

The usual story of the development of the Bay colony in current literature stresses the consistent rule of the many by the few. Massachusetts, we are told, was not a democratic society from its beginning in 1629 until the arbitrary governor Andros took over in 1686. The colony was divided into political classes -- the minority who could vote and the majority who could not. Rigid social class distinctions also are said to have existed, and these classes, according to some writers, had a decided economic flavor. The wealthy gentlemen who were freemen and elders of the church kept their station and were distinct from the many inhabitants and servants in the colony. And the church and state worked closely together to keep these political and social lines intact. The official Puritan church leaders were the interpreters of the law, and as such, we are told, had very great influence and power.

A few examples will show what this accepted interpretation has been.

V. L. Parrington's view of early Massachusetts, expressed in his widely-used Main Currents of American Thought, might well be taken as typical. The "stewards of theocracy" wielded vast power and the great majority had no voice in the government except for "trivial matters" of a local nature. "It was an oligarchy of Christian grace," Parrington declared. "The minister was the trained and consecrated interpreter of the divine law, and the magistrate was its trained and consecrated administrator; and both were chosen by free election of the Saints. If unfortunately the Saints were few and the sinners many, was not that ā special reason for safeguarding the Ark of the Covenant from the touch of profane hands? Hence all legislative experiments by annually elected deputies, no matter how exactly those experiments might fall in with the wishes of the majority, were sternly frowned upon or skillfully nullified . . . . Unregenerate and sinful men must have no share in God's work. The Saints must not have their hands tied by majority votes. This explains, quite as much as mere love of power, the persistent hostility of the leaders to every democratic tendency." Even the town meeting, continued Parrington, "was safeguarded by limiting the right of voting to freemen [i.e. church members], except in a few trivial matters; and the more popular deputies, who inclined to become self-willed,

were forced to accept the principle of magisterial veto on their actions."[1]

Other popular textbooks paint a similar picture of the Bay colony as a highly undemocratic state. John D. Hicks writes that in early Massachusetts Bay "Church and state worked together, each to uphold the other, the state sustaining the decisions of the church, and the church proclaiming through its ministers the supremacy of the state. Early Massachusetts was not a democracy; it was an aristocratic theocracy."[2] T. J. Wertenbaker describes it as "an oligarchy, since from its inception it was the government of the many by the few, a government by the comparatively small body of Church members."[3] And in his monumental history on the colonial period, C. M. Andrews claimed that by 1634, "the success of the freemen was complete and from this time on a limited number of men -- at best a few hundreds in a total of twenty thousand inhabitants -- controlled the government. A privileged class was in command, whose deputies in no way represented the colony as a whole."[4]

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[1]V. L. Parrington, Main Currents in American Thought, I, 21

[2]John D. Hicks, The Federal Union, I, 29.

[3]Thomas Jefferson Wertenbaker, The Puritan Oligarchy, p. viii.

[4]Charles M. Andrews, The Colonial Period of American History, I, 443.

The cornerstone of the seventeenth-century theocracy, according to most modern authorities, was the religious restriction placed on the franchise. In 1631, the general court passed a law declaring "that for time to come noe man shalbe admitted to the freedome of this body pollitícke, but such as are members of some of the churches within the lymitts of the same."[5] G. H. Haynes, the father of many of the current theories on Massachusetts theocracy, writing in 1894, described the results of the 1631 restriction in this way: "But from this time on citizenship was made an incident of church membership. A small minority here decreed that for time to come the government should continue in the hands of a small minority." The aim, he continued, was moral -- "to establish a genuine aristocracy, a rule of the best."[6] In later years most writers have agreed essentially with Haynes. As T. J. Wertenbaker phrased it, the law placed a "drastic restriction on the franchise."[7]

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[5]Records of the Governor and Company of the Massachusetts Bay in New England, I, 87. Hereafter this work will be cited as Mass. Records.

[6]G. H. Haynes, History of Representation and Suffrage in Massachusetts, 1620-1691, p. 16. For other secondary views of similar nature on the 1631 restriction see V. L. Parrington, Main Currents, I, 24; J. T. Adams, The Founding of New England, p. 253; Curtis P. Nettels, The Roots of American Civilization, p. 169; Paul Erasmus Lauer, Church and State in New England, p. 57.

[7]T. J. Wertenbaker, The Puritan Oligarchy, p. 65.

A somewhat different attitude is taken by the co-authors Morison and Commager. They comment that the "franchise was restricted to church members, which prevented non-Puritan participation in the government; but this did not matter in the long run." What did matter, they emphasize, was the early Massachusetts organization for independence from Great Britain.[8] And still another authority pointed out that, strange as it may seem, even when the deputies enacted "their constitutional revolution" in 1634, at which time the general court wrote down many laws, defined powers, and established the representative system, they did not change this religious restriction. So, he concluded, "at the outset the magistrates more than halved the problem of domestic rule, and transformed the republican government of the charter into a sort of religious soviet."[9]

Even the change in the law in 1664, making possible freemanship through property qualifications, did not alter essentially the aristocratic control of the colony, according to these writers. In practice, they say, religious restrictions continued in force until the end of Puritan rule.[10] And J. T. Adams pointed out that the property

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[8]Samuel Eliot Morison and Henry Steele Commager, The Growth of the American Republic, I, 55.

[9]Perry Miller, Orthodoxy in Massachusetts 1630-1650, pp. 243-244.

[10]Thomas Hutchinson, The History of the Colony of Massachusetts-Bay . . ., p.26; T. J. Wertenbaker, The Puritan Oligarchy, p. 305; Paul E. Lauer, Church and State in New England, pp. 57-65; G. H. Haynes, Representation and Suffrage, p. 57.

restriction alone would have excluded most men from freemanship -- "not one man in a hundred was said to have the property qualification" required.[11]

Various estimates are given on the percentage of freemen in the total Massachusetts population, but most writers agree they were a small minority. J. T. Adams states that "three quarters of the population" persistently refused to join the church, and, of course, joining the church was a prerequisite to becoming a freeman.[12] Haynes asserted that Massachusetts leaders "did not hesitate to adopt a course which must inevitably exclude three-fourths of their fellow-colonists from all share in the government . . . ."[13] Another authority phrased his estimate in terms of "adult males." From the enactment of the church restriction law onward to the close of the rigid Puritan rule, "the male citizens deprived of the full right of citizenship were increasing in the majority outnumbering those who enjoyed it. Probably the estimate was correct which gave the proportions between them as five to one."[14] It should be emphasized that one writer states that three-fourths of the "population" were excluded from the "church,"

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[11] J. T. Adams, The Founding of New England, p. 331.

[12] Ibid., p. 144.

[13] G. H. Haynes, Representation and Suffrage, p. 16; see also William Sweet, The Story of Religion in America, p.48.

[14] George Ellis, The Puritan Age and Rule in the Colony of the Massachusetts Bay, 1629-1685, p. 203.

another says three-fourths of the "fellow-colonists" were excluded from the "government," and the third one states that ~~one out of five~~ four-fifths males were excluded from the franchise, but all are discussing the same problem. The population of course included minors and women, and three-fourths of the total population would add up to quite a different sum than one out of five adult males.

One writer who takes issue with J. T. Adams and his statement that four out of five were not Puritans in New England is S. E. Morison. Morison cites figures to show that the percentage of church members and voters was much higher than Adams indicated in the early part of the century. In Roxbury in 1638-40, he claims, there were 69 men listed as householders, 58 of whom were church members and voters.[15] Such vast differences in the opinions of modern authorities are difficult to reconcile.

Existing political divisions were merely a part of the general rigid class structure found in Puritan Massachusetts, according to most current authorities. "The capable leaders who created the early institutions of Massachusetts Bay colony," wrote V. L. Parrington, "were Jacobean Englishmen of middle station, half-way between the aristocrat and the burgess, with certain salient characteristics of both. Fashioned by a caste society,

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[15]Samuel Eliot Morison, Builders of the Bay Colony, Appendix, pp. 340-341.

they transported to the little commonwealth an abundant heritage of class prejudice. They aspired to be reckoned gentlemen and to live in the new world as they had lived in the old, in a half feudal state, surrounded by many servants and with numerous dependents. They honored rank, were sticklers for precedence, respected class distinctions, demanded the hereditary rights of the gentry. They had been bred up in a static order where gentlemen ruled and the people obeyed, and they could not think in terms of the Plymouth plantation covenant, subscribed by all heads of families."[16] G. H. Haynes, apparently in agreement with Parrington, believed that class lines in early Massachusetts were "much more sharply drawn" than in Plymouth. In the Bay colony the "gentry" were definitely distinguished from the "generality" and it was for the gentry that the assistants' positions were reserved.[17]

Some writers prefer to add a touch of economic flavor to these class divisions. Parrington wrote that Massachusetts leaders "cautiously undermined any potential disaffection by admitting the wealthiest and most influential to the rights of freemen, thus allying the ambitious and

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[16] V. L. Parrington, Main Currents, I, 18.

[17] G. H. Haynes, Representation and Suffrage, p. 23; see also Harvey Wish, Society and Thought in Early America, p. 35.

capable members of society with the ruling group, and laying the foundations of a provincial aristocracy . . . ."[18] A local historian of Ipswich, Thomas Franklin Waters, was very outspoken on this point. "Probably there is no nation of the Old World where the lines of division between the rich and the poor, the learned and the unlearned, the master and the servant were drawn more sharply. The aristocracy of old Ipswich was as definite and as haughty a body, it may be, as the aristocracy of London."[19] Another writer, somewhat less extreme, pointed out that "genuine power resided in the hands of an orthodox minority whose leaders acquired extensive land grants for themselves."[20] So according to some authorities, Puritan Massachusetts had not only a religious aristocracy but an economic one as well.

While it is true that current historians agree in general that seventeenth-century Massachusetts was an aristocratic theocracy, some historians, writing shortly before the turn of the twentieth century, did not consider it a society where the sinners were many and the saints few. Mellen Chamberlain gave a graphic description of the results of his research on the subject: "My idea of a seventeenth-century Massachusetts town is, that it was almost exclusively an agricultural community, having little or nothing to do

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[18] V. L. Parrington, Main Currents, I, 22.

[19] Thomas Franklin Waters, Ipswich in the Massachusetts Bay Colony, I, 106.

[20] Harvey Wish, Society and Thought in Early America, p. 34.

with manufactures except of the simplest kind, or trade, or with anything in which 'stock' could be taken. Beyond assurance of their own lands, and of their interest in common lands, the just levy and economical expenditure of communal taxes, the education of their children and the care of their souls, their interests, wants, and desires were few and of the simplest kind, and will not bear being raised by the imagination;

". . . . . .

"That the whole body of people within a town consisted, first, of those who had been admitted freemen of the colony; secondly, of those who by original voluntary association or by subsequent vote expressed or implied, had become permanent residents; thirdly, of that miscellaneous class of people who, as servants and laborers, were mainly adjuncts to families and had little stake in society; and lastly, all other persons, as women and children, not usually reckoned as members of the body politic of a town;

"That in the early years of towns, as their records indicate, the first three classes above mentioned, without strict regard to their several rights, assembled 'in general meeting of the inhabitants,' and there, without much formality in their proceedings, disposed of their few and simple communal affairs; but as these became more complicated or of greater magnitude, the legal rights of these several classes were more sharply defined and strictly enforced. The freemen, legally inhabitants of the town,

were the sole electors of all colonial officers, deputies to the General Court, and voters on questions of a public nature as distinct from those merely communal; and though there seems to have been no uniform rule or practice in all towns, that which appears to have been most common was for all adult inhabitants, whether freemen or landholders or otherwise, to vote on all questions of communal affairs; and this was made law in 1641."[21] Chamberlain obviously does not consider an early Bay colony town a highly undemocratic class-ridden community. And his contemporary, C. F. Adams, also writing in 1892, believed that in practice there were probably few attempts to exclude all but legal voters from town meetings and elections. He cited among other evidence the language used in the town records and the fact that even some of the selectmen were not listed on the freemen's lists.[22] And from this he concluded that, law or no law, there was a good deal of democracy practiced in early Massachusetts.

Much emphasis in current writings has been placed on the highly influential role of the church in Puritan politics,[23] but on this point too a number of writers in

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[21]Mellen Chamberlain, "Remarks . . ." in Mass. Hist. Society Proceedings, 2nd series, VII, 241-242. Jan.1892.

[22]Charles F. Adams, "Gensis of the Massachusetts Town" in Mass. Hist. Society Proceedings, 2nd series, VII, 207-210.

[23]See for example V. L. Parrington, Main Currents, I, 124-125 and Part I and II, passim; J. D. Hicks, The Federal Union, I, 29.

the late 19th century hold quite a different view. They stress the fact that the Massachusetts church and state were in reality quite separate. Ellis claimed that in Massachusetts "The enterprise and scheme of colonization were inspired by laymen, and their ministers were called in to be their advisers and helpers. From first to last this was the relation here between those two classes of men."[24] C. F. Adams, writing a few years later, declared the church and state were far from being practically one, were actually kept "remarkably distinct."[25] And Mellen Chamberlain, commenting on Adams' ideas quite agreed. "However influential the clergy [in Puritan Massachusetts] may have been, -- and their influence can hardly be over-estimated, -- they had neither place in government, nor summons to the General Court, nor voice there unless asked, and no more political power in the affairs of State, town, or church than other freemen. Nor was their loss of comparative influence in later days by reason of their elimination from the Constitution: they were never in it."[26] The role between the Puritan church and state, it seems, needs some additional investigation.

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[24]George Ellis, The Puritan Age, p. 190.

[25]Charles F. Adams, "Genesis of the Massachusetts Town" in Mass. Hist. Society Proceedings, 2nd series, VII, 210.

[26]Mellen Chamberlain, "Remarks . . ." in Mass. Hist. Society Proceedings, 2nd series, VII, 228. Jan. 1892.

Differences of opinion on some vital issues also occur among current writers. While most authorities in recent times seem to agree that the freeman were only a small percentage of the total population and therefore provincial government was definitely aristocratic, they are not in agreement about the local franchise. "The town meeting," wrote Parrington, "which was extra-legal under the charter, was safeguarded by limiting the right of voting to freemen, except in a few trivial matters. . . ."[27] But C. M. Andrews did not entirely agree. He stressed that although until 1648 the commonwealth was controlled by a small body of freemen, after that time every man who had taken the oath of fidelity and was twenty-four years old could vote in town meetings and could move or petition for anything. So by 1652 all Massachusetts men possessed some share in local and general government.[28] J. D. Hicks, one of the most popular and influential current historians, and one who previously characterized Massachusetts as an "aristocratic theocracy," goes even further than Andrews. Apparently town government in his view was democratic even before 1648. "In the government of the Town, these same ideas of democracy prevailed. All matters of importance related to local government were at first brought before the town meeting, to which usually all the church members,

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[27] V. L. Parrington, Main Currents, I, 21; see also J. T. Adams, The Founding of New England, p. 152.

[28] C. M. Andrews, The Colonial Period, I, 459-460.

or perhaps even all the citizens, were entitled to come . . . . The town itself was also the unit from which members were chosen to the lower house of the colonial legislature, and for this purpose ordinarily once each year the voters convened."[29] And finally Morison and Commager expressed the view that "everyone took part" in the town meeting which settled local affairs.[30]

Although recent authorities in general label early Massachusetts an aristocratic theocracy, there are so many important inconsistencies found within their own stories that one cannot help but suspect their entire interpretations. Part of this confusion results from a frequent lack of differentiation between local and provincial ~~provincial~~ political matters. The assumption is often made that since only the freemen -- supposedly a minority -- could vote in provincial elections, that is sufficient evidence to say Massachusetts in general was an oligarchy, and local politics are ignored in the total outline. Inconsistencies in minor details can readily be forgiven and overlooked, but when they are found in matters of fundamental importance, they should be treated as an indication that something is wrong.

The fallacies in V. L. Parrington's general interpreta-

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[29]J. D. Hicks, The Federal Union, I, 57.

[30]S. E. Morison and H. S. Commager, The Growth of the American Republic, I, 56.

tion will become most apparent when compared with the views found in the sources, a problem to be taken up at a later point. It is sufficient to point out here one type of error he made in handling his evidence. He succeeded in thoroughly confusing the struggle between the deputies, who were freemen, and the magistrates, who were also freemen, with the supposed struggle of the unenfranchised to gain some power.[31] It is obvious that the two controversies cannot be mixed -- the one concerned a struggle within the "oligarchy" and the other between the oligarchy and an outside force. And as a result of his confusing the two disputes he sometimes called the deputies, who were freemen of course and therefore full-fledged members of the oligarchy, "representatives of the people."[32]

J. T. Adams made a similar logical blunder. He also confused the struggle between the deputies and magistrates with the demands for enlarged franchise. "It was clear that real grievances and the democratic influences at work in the town meeting were likely to develop into attacks upon the arbitrary power of the very limited body of freemen. The form that the struggle assumed was that of a contest, lasting twenty years, between the deputies and the magistrates, with the influence of the clergy constantly on the side of the latter." And later in the same work,

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[31] V. L. Parrington, Main Currents, I, 16-50 especially.

[32] Ibid., p. 21.

in discussing the argument over the adoption of the Cambridge Platform by the general court, he pointed out that the Assistants adopted the Platform unanimously "but the deputies, representing public opinion rather than the oligarchy, repeated their opposition of several years earlier."[33] He ignored his major premise that the deputies were not only part of the oligarchy but leaders of it.

Adams presented another basic contradiction within his book which should make any student of the period stop and think. After stressing the fact that one of the two major elements in the political history of Massachusetts under the old charter was "the struggle of a part of the colonists themselves, for toleration and liberty, against the governing class,"[34] and that owing to the church-membership restriction test for franchise, "the unenfranchised class was so large, and the disadvantage under which it labored was so palpably unjust, that the demand for reform was growing steadily louder,"[35] he startles the reader by concluding that after all, the ordinary man in early Massachusetts probably cared no more about government than the ordinary man elsewhere. "In fact," he wrote, "at a little later period, the more accurate election returns would seem to indicate that he then cared even less. The small minority

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[33] J. T. Adams, The Founding of New England, pp.154-155, 257.

[34] Ibid., pp. 155-156.

[35] Ibid., p. 253.

that ran the government and the churches was naturally active and vocal. But the fact that four-fifths of the people were reasonably content to join no church, and to have no voice in the government, certainly does not argue, in that time and place, any very high degree of political, religious, or intellectual interest as compared with the rest of America."[36] Such logical somersaults are a bit alarming when they concern a fundamental issue.

One other writer, whose opinion must be considered by any student of the period, also presents fundamental inconsistencies. In discussing how broad was the religious base of the Massachusetts government, C. M. Andrews wrote: "White, in The Planter's Plea, written in 1630, says that at that time 'at least three parts of foure of the men there planted, are able to justify themselves to have lived in a constant course of conformity' unto the government and orders of the Church of England, but the swing toward nonconformity and separation was undoubtedly rapid as the years passed and the population increased." In time, he continued, four classes in the population appeared -- the freemen "always a minority in every town and in the colony as a whole," the church members who never offered to become freemen, the inhabitants who were neither freemen nor church members "but who had taken the oath of fidelity and therefore were in accord with the general purpose and

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[36] Ibid., p. 443.

aims of the colony," and finally those who were neither freemen nor church members and so were "in the colony but not of it." "It is impossible," he went on, "to conjecture, even roughly, what were the relative sizes of these four groups." But he promptly does the impossible--he guesses that the third group was the largest, the second the smallest, "and the fourth the only one, the loyalty of which to Puritan principles can be seriously questioned."[37] So, according to Andrews, Puritan Massachusetts contained four major groups, the size of which are impossible to estimate -- "even roughly." But he then proceeded to do the impossible, made estimates of the relative size of the groups, and came out with the decision that at least three of the four groups were in sympathy with Puritan aims. But after all this, a few pages later he characterized Massachusetts from 1634 on as undemocratic, as a society in which "a privileged class was in command, whose deputies in no way represented the colony as a whole."[38] It is difficult to understand why an authority such as Andrews would make these flagrant errors in logic, and go so far as to build a whole interpretation on such a shaky premise.

Errors such as those found in Parrington, Adams, Andrews and others should serve as a warning signal that

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[37] C. M. Andrews, The Colonial Period, I, 437-438.

[38] Ibid., p. 443.

the current views on the Puritans may need more investigation. Only one event happens or one condition exists at any given time and an accurate description of the situation written in 1890 would still be accurate in 1950. Why then should seventeenth-century Massachusetts be described by one writer as a simple agrarian community with much democracy and by another as a society with sharp class distinctions both in politics and social groups?

There is only one real way to solve problems of this nature and that is to investigate as many of the sources as possible and to base any conclusion on the evidence found there.

CHAPTER II

ARISTOCRACY -- PURITAN BRAND

Before investigating contemporary works, a few key terms should be discussed. Unfortunately words sometimes have a subtle way of changing their meaning without changing their outer dress. This fact keeps a reader constantly on his guard, and can cause the historian much trouble. Two words which have done just that are aristocracy and democracy. Their radical shift in meaning from the days of John Cotton to the present has apparently been unrecognized, but an understanding of this change is necessary before one can grasp the full meaning of the political ideas expressed by Cotton and Winthrop.

Today we think of the terms aristocracy and democracy as contrasting types of states. In an aristocracy, the state is governed and the laws made by a small privileged class which is not elected by the people and which retains power either by custom, force or heredity. On the other hand, democracy is a government in which the supreme power is retained by the people and exercised generally indirectly by their representatives. As Webster defined it: "Specifically, and commonly in modern use, a democracy is a representative government where there is equality of rights without hereditary or arbitrary differences in rank or privilege, and is distinguished from aristocracy. In

modern representative democracies, as the United States and France, the governing power, that is, the electorate, is a minority of the total population, but the principle on which the government is based is popular sovereignty."[1] It is important to remember that today we call it democracy when we delegate authority to elected officials to make laws and to govern. The Puritans, I find, had another name for it.

What we call democracy John Cotton would have called aristocracy. If the people choose representatives to make their laws and to govern them, that is aristocracy. In a democracy, said Cotton, the people are the governors. He clearly explained his understanding of these two political terms in a letter to Lord Say and Seale written in 1636, concerning the form of government in Massachusetts. "Nor neede your Lordship feare (which yet I speake with submission to your Lordships better judgment) that this corse will lay such a foundation, as nothing but mere democracy can be built upon it. Bodine confesseth, that though it be status popularis, where a people choose their owne governors; yet the government is not a democracy, if it be administred, not by the people, but by the governors, whether one (for then it is a monarchy, though elective) or by many, for then (as you know) it is aristocracy. In

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[1]Webster's New International Dictionary of the English Language, 2nd ed., unabridged, p. 696.

which respect it is, that church government is iustly denyed (even by Mr. Robinson) to be democratical, though the people choose their owne officers and rulers."[2] In Cotton's view then, the government is defined by who and how many do the ruling and not by how they came to power. Our government today by his definition would be quite aristocratic. And it is worth noting that Cotton did not consider the church government of his day democratic.

John Winthrop apparently agreed with Cotton's general interpretation and political philosophy. In Winthrop's objection to the type of petition sent to the general court by some Roxbury freemen, he does not question the right of the people to choose their leaders but he does resent their resistance to laws not repugnant to the law of God. Winthrop's own words best describe the philosophy of Puritan aristocracy: "for when the people have chosen men to be their rulers, and to make their laws, and bound themselves by oath to submit thereto, now to combine together (a lesser part of them) in a public petition to have any order repealed, which is not repugnant to the law of God, savors of resisting an ordinance of God; for the people, having deputed others, have no power to make or alter laws, but are to be subject; and if any such order seem unlawful or inconvenient, they were better prefer

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[2]Thomas Hutchinson, The History of the Colony of Massachusets-Bay . . ., 2nd ed., Appendix, p. 500.

some reasons, etc., to the court, with manifestation of their desire to move them to a review, than peremptorily to petition to have it repealed, which amounts to a plain reproof of those whom God hath set over them, and putting dishonor upon them, against the tenor of the fifth commandment."[3] On another occasion, Winthrop stated similar beliefs. In his famous "liberty speech" made after being acquitted in the Hingham affair, he wrote: "The great questions that have troubled the country, are about the authority of the magistrates and the liberty of the people. It is yourselves who have called us to this office, and being called by you, we have our authority from God, in way of an ordinance, such as hath the image of God eminently stamped upon it. . . ." He continued by explaining that a good servant was one who did not break his covenant. "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."[4] It is obvious that Winthrop does not question the people's right to elect their rulers, but once elected, those rulers should be obeyed. Such an opinion could hardly be expressed by an aristocrat of modern definition, but this view is most logical coming from an aristocrat of the Puritan brand.

Another writer of the same period also seemed to agree

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[3]John Winthrop, Winthrop's Journal 1630-1649, I, 303.

[4]Winthrop, Journal, II, 238.

with Cotton. In a letter to a friend dated Boston, October 13, 1640, Thomas Lechford discussed the Massachusetts government and mentioned the election of magistrates and ministers "in their owne way of popular or Aristocraticall government."[5] Apparently Lechford had no sympathy with Puritan "aristocracy" and feared their popular elections, for he wrote to a friend: "Here is a good land, and yeilding many good commodities, especially fish, and furs corne and other richer things, if well followed, and if that popular elections destroy us not."[6] Popular elections, he believed, "indanger people with war and a multitude of other inconveniences."[7] There is no hint in Lechford's writings that Massachusetts was an aristocracy in the modern sense of the word.

In one aspect John Winthrop did give a slightly different twist to the definition of aristocracy and democracy. He apparently would have agreed with Cotton that in a democracy the power and administration is in the people but he seemed to feel that elected officials who represented a local area were to be considered a democratic element. Although Winthrop called the Massachusetts government a "mixt Aristocratie," he added:

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[5]Thomas Lechford, Plain Dealing: or Nevves from New England (1642), in Mass. Hist. Society Collections, 3 series, III, 123. Hereafter cited as Lechford, Plain Dealing.

[6]Thomas Lechford, Note-book, 1638-1641, pp. 287-288.

[7]Lechford, Note-book, pp. 274-275.

"Where the chief Ordinary power & administration thereof is in the people, there is a Democratie . . . the Deputies are the Democraticall p'te of o'r Governmn't."[8]

Winthrop did not feel that Massachusetts was either a pure aristocracy or a pure democracy. That he did not believe it a "mere" aristocracy is evident when he related the efforts of Lord Say to divert men from Massachusetts to West Indies in 1640: "and, finding that godly men were unwilling to come under other governors than such as they should make choice of themselves, etc., they [i.e. Lord Say etc.] condescended to articles somewhat suitable to our form of government, although they had formerly declared themselves much against it, and for a mere aristocracy, and an hereditary magistracy to be settled upon some great persons, etc."[9] And in 1643 when he was discussing the quarrel between the magistrates and deputies over the magistrates' negative vote, Winthrop wrote: "The deputies generally were very earnest to have it taken away; whereupon one of the magistrates wrote a small treatise wherein he laid down the original of it from the patent, and the establishing of it by order of the general court in 1634, showing thereby how it was fundamental to our government, which, if it were taken away, would be a mere democracy."[10]

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[8]John Winthrop, Life and Letters of John Winthrop, II, 430, quoted in Parrington, Main Currents, I, 47.

[9]Winthrop, Journal, I, 334.

[10]Winthrop, Journal, II, 120.

Winthrop believed that Massachusetts was a mixture of aristocracy and democracy -- the magistrates and governor were the aristocratic elements and the deputies the democratic part.

There is evidence that Winthrop's definition of Massachusetts government was a widely accepted view of that day. In 1644, the Massachusetts elders helped to explain the Puritan meaning of aristocracy by declaring that the Massachusetts general court was not a pure aristocracy but a mixture of aristocracy and democracy. And they continued: "Accordingly, o^{r} patent, notwthstanding it hath made o^{r} gov^{r}nm^{t} mixed in respect of y^{e} Gen^{r}all Co^{r}t, yet it seemes to have instituted subordinate administrations of iustice, to be aristocratically dispensed by y^{e} Co^{r}t of Assistants; yet even in these Co^{r}ts there is some place for a democraticall dispensation in respect of y^{e} iurors."[11] At this time, the Massachusetts court of assistants acted as judges but the jurors were elected from among and by the freemen.[12]

Edward Johnson, too, agreed with Winthrop's definition and its application to the Bay colony government. Writing about 1652, he described the general court as part aristocracy and part democracy. "The chiefe Court or supreame power of this little Commonwealth, consists of

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[11] Mass. Records, II, 95.

[12] Mass. Records, I, 118.

a mixt company, part Aristocracy, and part Democracy of Magistrates, that are yearly chosen by the major Vote of the whole body of the Free-men throughout the Country . . . ."[13] But, unlike Winthrop, Johnson did occasionally refer to the colony's government as "our Democracy" thereby emphasizing the democratic element over the aristocratic.[14]

Apparently, then, like current writers, the Puritan fathers believed they had an aristocracy, in part at least, but their definition of aristocracy differed decidedly from that of today. In physical makeup, their version of aristocracy closely resembles our modern idea of democracy. Officials were elected by the people and given authority to rule. They also believed, as we do today, that laws once made should be obeyed. However, their verbal definition of the two systems as well as their underlying philosophy differed. In defining a government, they focused attention on how many ruled, while today we focus attention on how those rulers came to power. And they believed the rulers, once chosen, were the spokesmen of God, while we believe the rulers, once chosen, are still the servants of the people. However, there is little doubt in my mind that in practice the Puritan leaders were also very much the servants of the people for when they did not serve

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[13]Edward Johnson, The Wonder-Working Providence of Sions Saviour in New England(1628-1651), pp. 140-141.

[14]Johnson, Wonder-Working Providence, pp. 142-143.

the people well, out they went.[15]

In two other aspects -- that of wealth and heredity -- the Puritan "mixed aristocracy" is nearer to our understanding of democracy than to our present-day meaning of aristocracy. In the modern connotation of the word aristocracy, the small ruling class controls more than their share of the community wealth and often comes to power through heredity. Neither wealth nor heredity were included in the Puritan concept of aristocracy, but a sense of moral obligation on the part of the rulers was included, a factor which has generally been pushed aside in the modern definition. This element was incorporated into the government structure very early in Massachusetts by admitting no one to the franchise who was not a member of some church within the commonwealth, so that the body of the commons "may be p'serued of honest & good men."[16] Whether this law was actually made to preserve the moral standard in government, as the Puritans said, or whether it was a weapon of a few leaders to gain control -- the common interpretation today -- remains to be seen later. The important point to be noted here is that the Massachusetts Puritans did include a high moral tone in their connotation of aristocracy and they did not include riches and hereditary rank.

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[15]For example, see Winthrop, Journal, I, 143-144. Dec. 11, 1634.

[16]Mass. Records, I, 87.

With the Puritan definition of aristocracy in mind, I found it easy to reconcile two of John Cotton's opinions which formerly had seemed a real contradiction. In the following often-quoted statement, Cotton seemed antagonistic toward democracy to say the least. "Democracy, I do not conceyve that ever God did ordeyne as fitt government eyther for church or commonwealth. If the people be governors, who shall be governed? As for monarchy, and aristocracy, they are both of them clearly approoved, and directed in scripture, yet so as referreth the soveraigntie to himself, and setteth up Theocracy in both, as the best forms of government in the commonwealth, as well as in the church."[17] But if John Winthrop had his story straight, Cotton advocated a good deal of what we call democracy today. Winthrop wrote that in a 1634 sermon outlining the powers of various sections of government, Cotton concluded "the ultimate resolution, etc., ought to be in the whole body of the people, etc., with answer to all objections, and a declaration of the people's duty and right to maintain their true liberties against any unjust violence, etc., which gave great satisfaction to the company."[18] These two statements appear quite contradictory on the surface, but after realizing that Cotton thought of democracy only in the pure and theoretical

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[17] "Letter from Mr. Cotton to Lord Say and Seal in 1636," in Hutchinson, History, Appendix, pp. 497-498.

[18] Winthrop, Journal, I, 133-134.

sense and that he expected the people to elect their governors in an aristocracy, these opinions are not contradictory or hypocritical but very consistent.

The need for understanding the Puritan concept of aristocracy is obvious. Without it we cannot grasp the true meaning of the political ideas expressed by Winthrop, Cotton, Ward and other Puritan leaders. But a grasp of the general concept is only part of the story. What did these Puritan theories amount to in practice? Was the democratic element of Massachusetts government an Athenian democracy? Would not the Bay colony still be an aristocracy in the modern sense if freemanship was limited to the few, if the electorate was a definite minority of the adult males? What type of government actually did exist in early Massachusetts can only be solved by finding out who were the freemen and relatively how many of them there were.

CHAPTER III

LEGAL QUALIFICATIONS FOR FREEMANSHIP

The early laws of Massachusetts shed some light on the problem of freemanship. These laws, of course, show only the legal side of the picture and that, we know, frequently differs from the practice. But the legal view of the franchise will help, in part at least, to determine the voting customs in the colony.

One thing to be kept in mind while attempting to solve this issue is that even in our democracies today the voting population is always a minority of the total population. In the Puritan colony, just as in the United States until very recently, all women and minors were excluded from political activities. We still exclude minors, considering even 18-year-olds too young to vote. So when we discuss the voting population in a "mixt Aristocratie" or in a modern democracy, we are including only a minority of the total population. Consequently any figures or statements concerning population should be specific for the sake of accuracy.

One more factor which must be kept in mind constantly in discussing any phase of Puritan society is that early Massachusetts was a real frontier. This fact played an important part in the political thinking and planning of that day but is easily forgotten in modern times. It is

difficult for us in this day of air travel and television to transplant ourselves figuratively into a small group of God-fearing people who had gained a toe-hold on a big and unknown continent some three thousand miles and a dangerous two months' journey from home. A trip from Cambridge to Boston was a day's journey, not a fifteen minute ride in the subway. And the constant fear of hostile natives on land as well as enemy pirates on the sea had its influence on Puritan customs and laws.

Furthermore, the religious atmosphere of early Massachusetts is difficult for modern readers to comprehend. Today we readily accept the fact that the neighbor on our left goes to the Lutheran church and the one on our right to the Catholic and that our friends across the street attend no church at all. But in early Massachusetts as well as in most of the western world of that day, such religious diversity would have been inconceivable. An official church, sanctioned by the state, was an accepted idea, not a radical one. Any person who challenged this idea provided community scandal if not official action. We differ today too in another point in religious psychology: God was much closer to the Puritans than he is to us today. A great fire today would bring forth a battery of inspectors who might trace it back to the carelessness of a cigarette smoker, but in seventeenth century Massachusetts a great fire would have been the punishment of an angry God, and possibly a day of fasting

would result. If we translate these attitudes into political terms, the result is that whereas a law created today is often looked upon as the result of compromise between pressure groups, in the Puritan view, a law, because it came into being, was sanctioned by the hand of God. This type of thinking is difficult for us to understand but if we are to comprehend Puritan society, we must keep in mind their religious climate as well as their physical frontier conditions.

In the Massachusetts franchise laws three words are of special significance. To the Puritans inhabitant, church member and freeman had connotations not found today. The term inhabitant in early Massachusetts had both a general usage as well as a very definite meaning which, unlike today, carried with it certain specific rights and privileges.. In its general usage, inhabitant included all persons -- men, women and children -- either born and reared in the town or allowed by the town selectmen or by the town meeting itself to reside there.[1] If a child left town and later wanted to return, he had to be sanctioned

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[1] Boston Town Records, II, 97; Town Records of Salem, Massachusetts, III, 100; Dorchester Town Records in Report of the Record Commissioners of the City of Boston, IV, 130-131. Hereafter the Salem records will be cited as Salem Town Records and those of Dorchester as Dorchester Town Records.

by the town.[2] Apparently if a woman married, she automatically became a legal inhabitant of the town where her husband resided and the sanction of the town in such cases was not required.[3] In more technical usage (the usage which is most commonly found in the records), an inhabitant was a male who had or hoped to have a house in the town,[4] had certain rights of commonage, had the town's protection for himself (and for his family of course too), and in practice at least, had some voice in town affairs.[5] Servants, such as local sons, or others joined in covenant with some neighbor, would of course be inhabitants. In some towns servants from other places might be inhabitants,[6] or, as in Boston, a servant might be allowed an inhabitant after serving his time.[7] Before 1650, the towns were not too strict about allowing outsiders to become inhabitants, but in the last half of the century, they were concerned

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[2] Dorchester Town Records, pp. 163, 166, 224.

[3] Dorchester Town Records, p. 185.

[4] Boston Town Records, II, 51, 59, 63; Salem Town Records, II, 21.

[5] Massachusetts Records I, 111, 310; Boston Town Records, II, 88, 135; Dorchester Town Records, p. 3; Salem Town Records, II, 243; Thomas Lechford, Note-book, pp. 242-243; The Body of Liberties of 1641 in The Colonial Laws of Massachusetts. Reprinted from the Edition of 1660, with the Supplements to 1672, pp. 35, 45. Hereafter the 1641 Body of Liberties will be cited as Body of Liberties and the laws of 1660 as Mass. Laws of 1660.

[6] Dorchester Town Records, pp. 113-114, 131, 185.

[7] Boston Town Records, II, 42.

about admitting newcomers and frequently required some trustworthy inhabitant to be responsible for the new townsman.[8]

Church member also had special meaning for the Puritans and needs some explanation for the modern reader. In the early Bay colony church and congregation were often used synonymously as well as in their strict sense.[9] All inhabitants were required in most towns to attend regular church meetings and as such were considered members of the congregation.[10] Some of those congregation members took full communion and were then technically members of the church, that is, they were eligible to receive the Sacrament of the Lord's Supper. However, the term church member was frequently applied to either group. In the 1641 Body of Liberties, for example, every "church" was guaranteed free liberty of admission, recommendation, dismission or deposal of officers and members, and we know in practice this was

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[8]Dorchester Town Records, p. 145; Boston Town Records, VII, 64; II, 15, 103; Salem Town Records, III, 100.

[9]Samuel Sewall, The History of Woburn, Middlesex County, Mass., Appendix No. IV, p.535 note.

[10]Mass. Records, I, 216-217, 140, 221; II, 177-178; Mass. Laws of 1660, p. 26; Major John Childe, "New-Englands Jonas Cast up at London . . ." in Peter Force, Tracts and Other Papers Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America . . ., 4 vols., No. 3 in IV, p. 13. Hereafter this work will be cited Childe, New-Englands Jonas.

generally (but not always) done by the congregation as a whole.[11] On the other hand, John Winthrop wrote of a magistrate's fourteen-year-old son "being received into the congregation, upon good proof of his understanding in the things of God" -- a process necessary when being received into full communion.[12] And later, in 1669, Rev. Eliot's church records state very definitely that persons were admitted "members of this church tho' not to full Cōmunion."[13]

There is evidence, however, to indicate that in the 1631 law requiring church membership for the franchise the idea was to limit the franchise to those in full communion. This is revealed in the Massachusetts general court's answer to the British king's letter of 1662 concerning the colony's admission of freemen. The court related its repeal of the former church restriction and described its new order giving the franchise to those "in full comunion wth some church amongst vs," or to those who fulfilled

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[11] Body of Liberties, p. 57; Winthrop, Journal, I, 53; Lechford, Plain Dealing, p. 71; John Eliot, The Rev. John Eliot's Record of Church Members, Roxbury, Mass. in vol. VI of Report of the Record Commissioners of the City of Boston, p. 100. Hereafter the latter work will be cited Eliot's Roxbury Church Records.

[12] Winthrop, Journal, I, 120-121.

[13] Eliot's Roxbury Church Records, pp. 89-90; see also William Hubbard, General History of New England(1680) in Mass. Hist. Soc. Collections, 2 series, vols V and VI, p. 588.

certain other requirements.[14] Furthermore, a check of the list of church members in Roxbury with the official freeman's list indicates that in Roxbury at least even after 1650 the custom of taking the full communion before taking the freeman's oath generally prevailed.[15] So it would seem, then, that although in common usage a church member might be either just a member of the general congregation or a member in full communion, in legal theory and practice, church member most often meant a member in full communion.

The third and final term which needs clarification is freeman. Today we seldom use the word freeman except in dealing with the past, but for a Massachusetts Puritan the word was very much alive and had real meaning. Until the middle 1640's in the Bay colony freeman was used in two ways. The 1631 law defined a freeman as a member of some church who had taken the oath of freedom.[16] But it was also used in this period to mean "a man not in bondage," that is, not an indented servant or slave. A close look at the records reveals this latter usage to be so widespread during the beginning years in the colony that we should probably consider it the main usage. In a 1629 letter to the Governor and Council in Massachusetts from the company

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[14] Mass. Records, IV, Pt.II, 117-118; see also Lechford, Plain Dealing, pp. 71-72.

[15] Boston Town Records, XXIX, 145-151; VI, 80-90.

[16] Mass. Records, I, 87.

headquarters in London, the company expressed the desire that all men should live in some honest calling and "that noe man whatsoever, freeman, or servant to any, may haue iust cause of complaint herein."[17] This is an indication that contemporaries recognized primarily two classes -- freemen and servants. The early Watertown records grouped the men into freemen and foreigners. In 1636 it was agreed "at a general Town Meeting" that all country and town charges "shalbe levied both of Freemen & Forrainers."[18] Edward Johnson also used the word in a very inclusive sense. He wrote that in 1633 "the number of Freemen added, or Souldiers listed was 46," and of course at that period, all males above 16 were required to attend militia training.[19]

But perhaps the most conclusive evidence that this usage was the common one prior to 1648 is found in the contrast of wording between the Body of Liberties of 1641 and the next edition of laws in 1648. The Body of Liberties provided a fairly good outline of the classes of society at the time for it grouped the laws under the following headings: "Liberties more peculiarlie concerning the free men," "Liberties of Woemen," "Liberties of Children," "Liberties of Servants," "Liberties of Forreiners and Strangers." There is no mention of nonfreemen; only

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[17] Mass. Records, I, 405.

[18] Watertown Records, I, 3.

[19] Johnson, Wonder-Working Providence, p. 85.

"free men," servants and strangers are named.[20] But by 1648 (and after the Childe's episode in 1646), the laws show a definite political division between those who had taken an oath of freedom and those who had not, although of course there is no indication of the size of the non-freeman group.[21]

Furthermore, in the town records before the 1650's, freeman and inhabitant were often used interchangeably indicating that freeman was used in the literal sense. When "not freeman" was used in these town records, it is difficult to tell whether it referred to legal inhabitants who were servants or hired men (also called servants) or in the restricted sense, to inhabitants who had not taken the oath of freedom.[22] Only after 1650 is there any consistent division in town meeting records between freemen and inhabitants. In 1653 there appeared a notice in the Dorchester records "to warne all the freemen to meete for the choyse of new Maiestrates and the planters inhabtance for other businesses."[23] But it was 1659 before Boston

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[20]Body of Liberties, pp. 32-61.

[21]The Laws and Liberties of Massachusetts, Reprinted from the Copy of the 1648 Edition in the Henry E. Huntington Library, p. A2. Hereafter this work will be cited Mass. Laws of 1648.

[22]Dorchester Town Records, pp. 34, 289-291; Mass.Records, II, 48; I, 116, 192; Winthrop, Journal, I, 122.

[23]Dorchester Town Records, p. 315.

decided "that the Freemen should meete distinctly as to what concerns them."[24] So the evidence seems to indicate that although the 1631 law defined a freeman as a church member who had taken the oath of freedom, this restricted usage did not prevail in general until after 1648 and before that time freeman was most often used in the literal sense of one not a servant or slave. Keeping in mind this change in the use of freeman as well as the Puritan meanings of church member and inhabitant will be helpful in understanding the laws and practices of the day.

The chronological story of Massachusetts legal political development started with the departure from England of the Massachusetts settlers. After a successful and rather uneventful nine-weeks trip, Governor Winthrop and his company arrived in the wilderness of Massachusetts late in June, 1630. And in spite of the many problems that must have confronted them in locating a suitable place to settle, building houses, organizing protection, etc., Winthrop and the assistants "kept a court" on August 23, 1630, two months after their arrival.[25] As one might expect, their first business was to provide for a minister. After an interval of less than two months, during which the seat of government was changed from Charlestown to Boston, the first general court was held on October 19th of the same

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[24] Boston Town Records, II, 149.

[25] Winthrop, Journal, I, 51.

year. That the leaders of the colony were able to hold a general court at such an early date after arrival is remarkable in view of the tremendous task they faced in establishing homes in a strange land.

The circumstances surrounding this first Massachusetts general court in October 1630 and the second one in May 1631 are of primary importance in solving the problem of who was responsible for the church restriction on the franchise. Did the leaders put this law through before admitting the freemen to the company in order to keep the few in control, as has been suggested by some modern writers,[26] or were the freemen admitted before passage of the famous law and did it pass therefore only with their consent? In other words, did the law have public support or was it put over on the people?

Although the evidence on this problem is not too complete, there is reason to believe that the Massachusetts leaders did consult the wishes of the people and very likely the law was passed with their consent. Winthrop's description of the search in December, 1630, for the best place to settle permanently shows that the governor and assistants did consult others in such important decisions. He recorded that on December 6, 1630 the governor and "most of the assistants, and others" met at Roxbury and

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[26]See Miller, Orthodoxy in Massachusetts, pp. 243-244; C. P. Nettels, Roots of American Civilization, p. 169. C. M. Andrews, Colonial Period, I, 434-435 gives a different version.

"there agreed to build a town fortified upon the neck between that and Boston, and a committee was appointed to consider of all things requisite, etc."[27]

Furthermore, the wording of the official records of the first two general court actions show that others besides the assistants were consulted. At the first court in October 1630, "for the establishinge of the gou'm^{t}. It was ppounded if it were not the best course that the ffreemen should haue the power of chuseing Assistants when there are to be chosen, & the Assistants from amongst themselues to chuse a Gou'n^{r} & Deputy Gou'n^{r} . . . . This was fully assented vnto by the gen'all vote of the people, & erec$\tilde{c}$on of hands."[28] This meeting sounds much more like a mass meeting of all the "people" than a "patriarchal undertaking," as described by Parrington.[29] And at the second general court, May 18, 1631, the above law was explained in terms that can hardly be called dictatorial. "For explana$\tilde{c}$on of an order made the last Gen'all Court, holden the 19th of Octob^{r} last, it was ordered nowe, with full consent of all the comons then p'sent, that once in eu'y yeare, att least, a Gen'all Court shalbe holden, att which Court it shalbe lawfull for the Comons to ppounde

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[27]Winthrop, Journal, I, 54.

[28]Mass. Records, I, 79.

[29]Parrington, Main Currents, I, 20.

any pson or psons whome they shall desire to be chosen Assistants, & if it be doubtfull whith^{r} it be the great^{r} pte of the comons or not, it shalbe putt to the poll. The like course to be holden when they, the said comons, shall see cause for any defect or misbehav^{r} to remoue any one or more of y^{e} Assist^{ts} . . . ."[30] And the record concluded with the famous church restriction clause. Just exactly who were the "comons" is revealed when Winthrop noted in his diary on May 17, 1631 that at the general court in Boston "all the freemen of the commons were sworn to this government."[31] The evidence seems to indicate, then, that the 1630 court was a mass meeting of the people or "commons" and that by 1631 they decided to give legal status to those of the commons who desired it.

Edward Johnson, one of those made free in the first group, stated clearly that the freemen were sworn to the government before the law was made. He related that "at this Court [that is, the one of October 1630 which he called the second court] many of the first Planters came, and were made free, yet afterward none were admitted to this fellowship, or freedome, but such as were first joyned in fellowship with some one of the Churches of Christ, their chiefest aime being bent to promote his

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[30] Mass. Records, I, 87.

[31] Winthrop, Journal, I, 63.

worke altogether."[32] Since most of the names on the 1630 list of those desiring freedom were duplicated on the 1631 list of freemen, it is possible that for all intents and purposes those of the 1630 list acted as freemen at the first meeting but were not formally sworn until the following meeting. At any rate it is most significant that Johnson stated clearly that the freemen were sworn before the church restriction was passed. Since he was present at the meetings and wrote his history only twenty years later, his word might well be accurate. And to my knowledge, there is no evidence to indicate that the Massachusetts leaders were confronted with an "ominous petition" to admit men to freedom.

Between 1631 and about 1647 most political rights were restricted to "freemen." In 1632 it was "gen'ally agreed vpon, by erecc̃on of hands," that the governor, deputy governor and assistants should be chosen by the whole court -- the governor, deputy governor, assistants and freemen.[33] Two years later, at the 1634 court, many more rights were defined. As Winthrop noted, "Many good orders were made at this court."[34] Four general courts were ordered to be kept each year, and the representative system was established. The freemen were to

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[32]Johnson, Wonder-Working Providence, p. 66.

[33]Mass. Records, I, 95.

[34]Winthrop, Journal, I, 125.

elect two or three representatives from their town or plantation to carry out all the necessary business in their behalf such as making and establishing laws and granting lands. These deputies only were to meet at three of the courts but all the freemen were to attend the court of election where "eu'y freeman is to gyve his owne voyce."[35] And in 1635 it was ordered that none but freemen "shall have any vote in any towne, in any accon of auctoritie, or necessity," such as in receiving inhabitants and laying out of lots,etc. This law remained in force until 1647. Between 1635 and 1647, as might be expected in a new government, severall minor changes were made in election procedure as the need arose but in each case the freemen made the decision and sanctioned the change.[36]

The one exception to control of all town and province affairs by the freemen during this early period was in choice of military officers. At the general court in March 1637, it was ordered that "all persons of any trayned band, both freemen & others, who have taken the oath of residents, or shall take the same, & being no covenant servant in household w^th^ any other" shall have their vote in nomination of those persons who were to be appointed military officers, provided "they nominate none

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[35] Mass. Records, I, 118-119, 125.

[36] Mass. Records, I, 333, 340; II, 21, 87-88.

but such as shalbe freemen; for it is the intent & order of the Court that no person shall hencefourth bee chosen to any office in the cōmonwealth but such as is a freeman."[37] In other words, all males 16 years and older, if not servants in some household, could vote for military officers after taking the oath of residence.

Due to the restriction of almost all franchise rights to freemen during the period 1631-1647, the exact usage of the term in the early laws is most significant. As will be seen later, the practice furing this period did not restrict the franchise to freemen in the technical sense of the word and only by interpreting freemen in the literal sense do most of the laws conform with the practice.

The Body of Liberties of 1641, the first of a series of compilations of the laws, indicated also that in practice there may have been much wider participation in government affairs than is intimated by the 1631 franchise law. All men, including servants, could attend any town meeting or court. "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, whereof that meeting hath

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[37] Mass. Records, I, 188.

proper cognizance, so it be done in convenient time, due order, and respective manner." And furthermore, any "Inhabitant of the Country" (which would include all women and minors) had liberty to search any rules or records of any office and obtain a transcript if they wish, except the office of the "Councell."[38] If these laws were actually practiced, the town meeting must have had much more of the color of a frontier gathering in the rural community hall than of a meeting in a class-divided community controlled by the few against the wishes of the many.

The wording of the legal oaths required also imply that freemanship was more inclusive in this early period than is generally believed. The wording of the 1631 oath entitled "The Oath of a Freeman, or of a man to be made ffree" is very similar to the oath ordered for residents in April, 1634. The court which met in April, 1634, and which was probably of assistants only, ordered "that eu'y man of or above the age of twenty yeares, whoe hath bene or shall hereafter be resident within this jurisdiccon by the space of sixe monethes, as an householder or soiorner, and not infranchised, shall take the oath herevnder written . . . ." And if he refused he was to be banished. This oath was titled just "Oath" and

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[38] Body of Liberties, pp. 35, 45.

started out "I . . ., being nowe an inhabitant" and seemed to be merely an oath of residence.[39] However, a few weeks later, on May 14, 1634, the next general court, which was attended by all the freemen, agreed and ordered "that the former oath of ffreemen shalbe revoked, soe farr as it is dissonant from the oath of freemen herevnder written, & that those that receaved the former oath shall stand bound noe further thereby, to any intent or purpose, then this newe oath tyes those that nowe takes y^{e} same." And the oath which immediately follows is entitled "The Oath of a Freeman" and starts "I, . . . being . . . an inhabitant & ffreeman." Unlike the April 1634 oath, this one mentions the responsibility of giving "my vote & suffrage."[40] From 1634 this was the official freeman's oath.

Two additional oaths ordered by the court the following year lowered the age limit for oath taking to 16 years and included all the males who were residents above that age. In March 1635, the court ordered an oath of residence to be taken by all men "of or above the age of sixteene yeares" who have been or shall be residents for six months "(as well servants as others,) & not infranchized."[41] At the same meeting, however, "It is ordered, that the ffreemens oath shalbe gyven to eu'y man of or above the

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[39] Mass. Records, I, 115-116.

[40] Mass. Records, I, 117.

[41] Mass. Records, I, 137.

age of 16 yeares, the clause for elecc̃on of magistrates onely excepted."[42] To my knowledge this last order was never repealed. Apparently the oath of residence was to be taken by servants and unsettled males 16 years and older and the freeman's oath by all other free male inhabitants over 16 years. Certainly if all free males over 16 were to take the freeman's oath, freemanship can hardly be called restricted.

In the middle 1640's, public sentiment began to develop for a change in the franchise law. It seems reasonable to assume that, as the years went by, there would be an increase in number of unsettled men and families in the fast-growing Bay colony, men who lived in the community but who did not want to join the church and accept political responsibilities until they felt more secure. That this was true is shown by an increase in sentiment for enlarging the rights of non-freemen in the colony. This feeling did not appear to originate entirely with the pro-Church of England men who signed the famous Childe's petition in 1646. As Winthrop related it, it seemed more probable that fear of the Indians and Dutch and Swedes had a big influence.[43] After writing of the alarming news about hostile Dutch activities, Winthrop noted that at the next court a proposition was

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[42] Mass. Records, I, 139.

[43] Winthrop, Journal, II, 160-161.

made "for all the English within the united colonies to enter into a civil agreement for the maintenance of religion and our civil liberties, and for yielding some more of the freeman's privileges to such as were no church members that should join in this government." Nothing however was concluded, but the problem was referred to the next court "and in the mean time, that letters should be written to the other colonies to advise with them about it. Nothing was effected for want of opportunity of meeting, etc."[44] Since this proposal was made in 1644, two years before the Childe's petition and at the time of the united action by the colonies for defense against the Indians and Dutch, it seems safe to assume that defense was a primary motive for the proposal.

The 1644 proposal to enlarge the political rights of non-freemen was just the beginning of a movement that was to result in the 1647 law giving non-freemen equal power with freemen in all town affairs. In the general court in 1646 another "law was drawn up, and ready to pass," allowing non-freemen of such estate, "their votes for magistrate." Near the end of this court, Dr. Childe presented his petition and since the matter was so weighty, action on the petition as well as on the law were referred to the next session. The petition itself aimed primarily at obtaining "civil liberty and freedome" for "all truly

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[44]Winthrop, Journal, II, 163-164.

English, equall to the rest of their Country-men" without imposing any oaths on them, and wanted "liberty to the Members of the Churches of England not scandalous in their lives and conversations (as Members of those Churches) to be taken into your Congregations, and to enjoy with you all those liberties and ordinances Christ hath purchased for them and into whose Name they are baptized . . . ."[45]

Given the already increasing sentiment in the colony for enlarging the franchise, Dr. Child's petition might not have occasioned so much disturbance if it had not contained a definite threat to apply over the heads of Massachusetts leaders to Parliament if the general court refused their requests.[46] This was a direct challenge to the entire position of the Puritan colony and was met with physical as well as verbal force. Just before some of Childe's friends were to leave for England, the court searched their papers and confiscated a petition "from some non-freemen, (pretending to be in the name, and upon the sighs and tears, of many thousands)." This petition was signed by twenty-five names who, according to Winthrop, were mostly fishermen from Marblehead some of whom had come from Newfoundland the previous year, or young men servants who had little religion in them.[47] However, it is erroneous

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[45]Childe, New-Englands Jonas, pp. 11-13.

[46]Childe, New-Englands Jonas, pp. 11-12.

[47]Winthrop, Journal, II, 307.

to infer from this that the movement for enlarging the franchise came from the "lower classes" for the original petition to the court was signed not only by Dr. Robert Childe, but by Thomas Fowle of Boston, as well as by "Mr. Clerk" and Samuel Maverick, two of the leading freemen of the colony.[48] Furthermore, according to Winthrop, Mr. William Vassall, a gentleman of Plymouth, was the initiator of the agitation that led to this particular petition.[49]

The next court of elections, May 26, 1647, revealed that not only did the freemen favor giving more political rights to the non-freemen but they also approved of the court's action against Childe and his followers. According to Winthrop, there was "great laboring" by the friends of the petitioners to have a governor and some magistrates chosen who favored their cause, "but the mind of the country appeared clearly, for the old governor was chosen again, with two or three hundred votes more than any other, and no one new magistrate was chosen but only captain Robert Bridges."[50]

The law of 1647 gave the non-freemen a wide measure of political rights. Any non-freeman 24 years of age and under no conviction of the commonwealth or church for

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[48]Winthrop, Journal, II, 316; Peter Force, Tracts, IV, No.3, p.11.

[49]Winthrop, Journal, II, 271.

[50]Winthrop, Journal, II, 323.

"evill carriage" could vote in all town affairs and be elected one of the selectmen. Once a non-freeman had taken the oath of fidelity (which of course was required of all permanent male residents), he could be elected to the jury. The only restriction to complete democracy in town affairs here seemed to be that the major part of the body of selectmen still must be freemen. The freemen, of course, still retained the right to elect deputies and magistrates, however,[51]

The Massachusetts Laws of 1648 seemed to loosen the restriction on non-freemen even more. The age limit for non-freemen voting was reduced from 24 to 21 years, and the law defined town voters as freemen "with such other Inhabitãts as have taken the Oath of fidelitie."[52] Since any chief military officer in any company could administer the oath of fidelity,[53] it would appear that almost any adult male in the towns could vote in town affairs if he pleased.

The 1648 laws also point out one other factor which cannot be ignored as an influence in the widening of the franchise. Under the heading of "Freemen, Non-Freemen"

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[51] Mass. Records, II, 197.

[52] Mass. Laws of 1648, pp. 50, 51.

[53] Mass. Records, II, 117.

the law reads "Wheras there are within this Jurisdiction many members of Churches who to exempt themselves from all publick service in the Common-wealth will not come in, to be made Freemen, it is therfore ordered" that these people will not be exempt from such public service, and "if he refuse to serve when chosen, he must pay the same fine as freemen are lyable to in such cases."[54] Apparently some of the freemen had long felt that some men deliberately avoided becoming freemen because of the responsibilities involved for as early as 1643 the general court "ordered, concerning members that refuse to take their freedom, the churches should bee writ unto, to deale wth them."[55]

It appears, then, that three factors must be considered responsible for the loosening of franchise restrictions in 1647 -- the fear of the Dutch and Indians which resulted in a desire to join as many English to the government as possible, the demand of the Church-of-England men for more consideration, and the desire on the part of the freemen themselves to have more help in shouldering government responsibilities.

No change in the franchise law took place for the next decade, but in 1658 two changes were made. The age limit was changed again and a property qualification added. It was ordered "That all Englishmen, that are settled

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[54] Mass. Laws of 1648, p. 23.

[55] Mass. Records, II, 38.

Inhabitants and house-holders in any town, of the age of twenty four yeares, and of honest & good Conversations, being Rated at twenty pound estate in a single Country Rate, and that have taken the Oath of Fidelity" and no other except freemen could be elected to town offices and vote in town affairs.[56] This is the first time a property qualification for voting had been required but it is doubtful that it provided much of a real restriction. At this time a horse was rated at 10£, so anyone with two horses could vote and every householder would be more than eligible.

In the 1660's, the final major change was made in the province franchise. Opposition to the Puritan regime by the Church-of-England men began to crystallize in 1662. Insistent pressure on the King in England resulted in the King's demanding greater ecclesiastical freedom and privileges as well as civil liberties for Church-of-England men in Massachusetts. The King wrote a letter to the colony requesting "that all persons of good & honest liues & conuersations be admitted to the sacrement of the Lords supper, according to the Booke of Comon Prajer, & their children to baptisme." Furthermore, he wrote, all laws now in practice in the colony which are contrary to royal authority must be annulled, and civil officers chosen for integrity and not for their "opinions & outward professions."[57]

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[56] Mass. Laws of 1660, p. 76

[57] Mass. Records, IV, Pt.2, pp. 165, 166.

Although there was much discussion throughout the colony about the King's demands and the Salem freemen instructed their deputies the following year to advocate enlarging the franchise to some non-church members, nothing was actually done by the colony to meet the mother-country's proposal except to appoint a committee to study the problem.[58]

In 1664 the issue came to a head. Royal commissioners had been sent to the colonies to investigate a number of colonial problems among which were the conditions in the Massachusetts government. There was great concern in the colony that their patent would be taken away and persons were appointed by each house of the court "to keep safe and secret the sajd patent & duplicate, in two distinct places . . . ."[59] The colony was especially distressed to have a commission with wide powers put over them "whereby, instead of being gouerned by rulers of our oune choosing, (which is the fundamentall priuiledge of our patent,) & by lawes of our oune, wee are like to be subjected to

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[58]John Hull, The Diaries of John Hull; Mint-Master and Treasurer of the Colony of Massachusetts Bay, in Transactions and Collections of the American Antiquarian Society, (Vol. III, pp. 141-250), p. 207; Salem Town Records, II, 37; Mass. Records, IV, Pt.2, p.74.

[59]Mass. Records, IV, Pt. 2, p.102.

the arbitrary power of strangers, proceeding not by any established lawe, but by their oune discretions!"[60] They complained that there had been "high representations of great diuissions & discontents amongst vs, & of a necessity of sending comissioners to releive the agreived, &c.; whereas it plainly appeares that the body of this people are vnanimously sattisfied in the present gouernment & abhorrent from change, and that what is now offered will, instead of releiving, raise vp such greivances as are intollerable. . . . yet, thro the favour of God, there are but few amongst vs that are malcontent, & fewer that haue cause to be so." And, they added ominously, their liberties were far dearer to them than their lives.[61] The colony's assertion that the "body of people" were satisfied was probably true, for in the October 1664 general court many towns sent in petitions upholding the present form of government in church and commonwealth.[62]

On August 3, 1664, the general court finally complied with the King's demand. It repealed the former law restricting freemen to church members and adopted a new franchise requirement. It ordered that from henceforth "all Englishmen presenting a cirtifficat, vnder the hands of the ministers or minister of the place where they dwell,

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[60] Mass. Records, IV, Pt.2, p.130.

[61] Mass. Records, IV, Pt.2, pp.132, 133.

[62] John Hull, Diary, p. 213; Mass. Records, IV, Pt.2, pp. 136-137.

that they are orthodox in religion, & not vitious in their liues, & also a certifficat, vnder the hands of the select-men of the place, or of the major part of them, that they are freeholders, & are for their oune propper estate (wthout heads of psons) rateable to the country in a single country rate, after the vsuall manner of valluation, in the place where they liue, to the full value of tenne shillings, or that they are in full comunion wth some church amongst vs, it shallbe in the liberty of all & euery such person or persons, being twenty fower yeares of age, householders and setled inhabitants" to ask for freedom which was to be given by a vote of the general court.[63]

This law apparently conformed to the wishes of the general voters and resulted in no great change in the complexion of the voting population. A comparison of records before and after the change showed no unusual turnover in office holders.[64]

The new law did not satisfy the King's commissioners, however. In a letter to the general court on May 18, 1665, the commissioners wrote: "You haue so tentered the kings quallifications as in making him only who pajeth ten shillings to a single rate to be of competent estate, that

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[63] Mass. Records, IV, Pt.2, pp. 117-118.

[64] Mass. Records, IV, Pt.2, pp. 1, 116-117, 141-143, 294.

when the king shall be enformd, as the trueth is, that not one church member in an hundred payes so much, & y^{t} in a toune of an hundred inhabitants, scarce three such men are to be found, wee feare the king will rather finde himself deluded then satisfied by your late act."[65] The court retorted that the qualifications for freemanship in the new law "are not exclusive" and declared that some ecclesiastical discipline is required in any Christian society and "is no other then what is required of his majestjes subjects in England; & as for the manner of the exercise of ecclesiasticall discipline, although the godly orthodox are variously minded therein, yet this is no barr to any in the enjoyment of any civil priuiledge heere."[66] However, war between the English and Dutch prevented the royal commissioners from carrying on the debate, and the law continued in force until the charter was revoked in 1686.

In view of current interpretations on the franchise, the new property qualification for the franchise put in in 1664 deserves some special attention. The commissioners' statement that only "him who pajeth ten shillings to a single rate" can vote and that in a town of 100 inhabitants hardly three men are to be found who pay that much has been

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[65] Mass. Records, IV, Pt.2, p.205.

[66] Mass. Records, IV, Pt.2, p.222.

used by historians since that time as evidence that the property restriction alone was sufficient to keep most people from voting. One modern writer described the qualification as "high" and J. T. Adams distorted the commissioners' statement even more by claiming that "not one man in a hundred was said to have the property qualification required."[67] What Adams and others like him have failed to recognize was that the commissioners' analysis of the law was in error and that the court's reply that the law was not exclusive is in fact correct.

The actual wording of the law along with a check on the tax customs of the day provides the answer to the problem. The law said those freeholders are qualified to vote who are rated in a single country rate to the value of ten shillings, not those who paid ten shillings. This makes quite a difference. A tax rating is the assessed valuation of a man's taxable property. The commissioners were quite correct in saying few men in a town paid ten shillings tax, but a check on the valuations for taxing of that day reveals that it would be rare indeed if a man did not own enough property to be rated at 10 shillings. Ten shillings was of course only half a pound and in 1653 all single persons in Watertown "that liue at their owne

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[67] Haynes, Representation and Suffrage, p. 57; J. T. Adams, The Founding of New England, p. 331.

hands and haue not 15£ visable estate shall be rated to minestry and Town charges at 15£ estate."[68] After the early 1650's the amount paid in the country (that is, the province) tax was one penny for every twenty shillings rateable estate.[69] And a law in 1657 showed clearly how estates were to be valued. Because there had been injustices and inequalities in assessments, it was ordered "that howses & lands of all sorts shall be rated at an equall and indifferent value, according to theire worth in the tounes and places where they lye" and the law continued with a list of exact values for the rating of livestock. Every three-year-old horse was to be rated at 10£, those between two and three years at 7£, those between one and two years at 5£. Cows were rated at 3£; sheep at 25s., swine at 20s., every ass of one year at 40 s. and so on.[70] And except for a revision of the rating value for horses from 10£ to 5£ in 1668, this law provided the rule for rating for the rest of the Puritan period. In other words, anyone who owned 1/2 of a swine or 1/6 of a cow would be rated enough to qualify for the franchise, and in Watertown, at least, even young men with no visible estates were rated many times the needed amount.

Not only is the valuation law itself evidence that

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[68] Watertown Records, I, 33.

[69] Boston Town Records, X, 48.

[70] Mass. Records, IV, Pt.1, pp.288-289.

few would be excluded from the vote by a ten-shilling property qualification, but a check of the valuation records for Boston in 1676 shows that 95 per cent of the men listed on the Boston tax list had ample property to qualify for the franchise. A very few houses were valued as low as 5£, and none lower. Most of them were rated 10£ or over and a few as high as 300£, and of course most of the inhabitants owned their own houses. But even if they couldn't qualify with real estate, such items as horses, cows, swine, sheep, mills and other estates(money at interest, or trades) were also rated.[71] And since all males over 16 years were listed for poll tax on the tax records, it is quite possible that some of the disqualified five per cent would be younger sons and servants under the voting age.

The error on the part of the commissioners becomes more understandable after checking over early Massachusetts tax lists and other valuation records. Sometimes the lists contained only the tax paid, and at other times they contained only total valuations, valuations which were used as a basis for determining the tax. Since these lists often appear very similar except in range of total amounts listed, the commissioners, just like present-day researchers, could be easily confused.

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[71] Boston Town Records, I, 60-67.

The legal story of freemanship has indicated that possibly the restrictions placed on the franchise by the 1631 church restriction law and later by property qualifications were not as formidable a barrier to the average Massachusetts man as they look to us some three hundred years later. There is evidence that before 1648 the term freeman was most often used in its literal sense and only after that time was there real evidence of segregation of freemen and non-freemen on a wide scale. The laws also show that during the early period, 1631-1647, the freemen controlled both town and province affairs but in the 1640's pressure was developing in the colony for enlarging political rights of the non-freemen. And the evidence indicates that the pressure was from local as well as from English sources. From a legal view there was almost complete democracy in town affairs from 1647 and in 1664 the franchise was enlarged to include certain non-freemen in province voting.

Although the laws give a rough sketch of freemanship, the picture is far from complete. The laws hint that much more democracy, in the modern sense, prevailed in the Puritan regime than is usually conceded by modern writers, but other sources must be investigated to determine how much the customs conformed with the laws, and how large was the group of non-freemen who were excluded from the franchise.

CHAPTER IV

FREEMANSHIP IN PRACTICE

The legal aspect of freemanship is only part of the picture. Whether Massachusetts was an aristocracy in the modern sense or much nearer a representative democracy can best be determined by finding out what franchise customs were actually practiced, not just what the laws said. Who participated in the town meetings? Who were the freemen? And, what percentage of the adult males were disqualified from the franchise?

Contrary to C. M. Andrews' assertion that it is impossible to conjecture, even roughly, the number of freemen in the colony, statistics on the problem can be found and a rough estimate at least can be determined. Along with statistics we can find many statements by contemporaries as well as the evidence of language used in town records, diaries, and other similar sources. After sifting over materials of this type, a fairly reliable estimate of the number of voters in the colony can be arrived at -- an estimate far more accurate than one based on mere guesswork.

Underlying the problem of how many were freemen is the question of the extent of church membership. And in this chapter I shall use this term in its restricted legal sense -- as a member in full communion. The statistics on Puritan church membership are limited but what few there

are, along with other available evidence, will give some picture of the extent of religious uniformity in the colony.

From the beginning, the Massachusetts Bay company aimed at uniformity in religion in the colony. As early as April 17, 1629, the governor of the company in England wrote that among those hired for the company's service, he hoped they would find "many religious, discreete, & well ordered psons, w^{ch} yo^{w} must sett over the rest devyding them into famylies," placing some under ministers and others under honest men. "And wheras amongst such a nomber (notwthstanding o^{r} care to purge them) there may still remaine some libertines, wee desire you to be carefull that such (if any bee) may bee forced" to conform by inflicting on them such punishment as they deserve -- both planters and servants. And if any be incorrigible they were to be sent home to England. The company urged that "the cheife in the familie (at least some of them) bee grounded in religion; wherby morning and evening famylie dutyes may bee duely pformed." At least one in each family was to be appointed to hold a watchful eye over the others and consequently "ill weeds nipt before they take too great a head."[1]

That the colonists took this advice seriously is shown by the care they took about admitting newcomers into

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[1] Mass. Records, I, 393, 397.

the colony and into the towns. On September 7, 1630, the Massachusetts court of assistants ordered "that noe pson shall plant in any place within the lymitts of this pattent," without the sanction of the governor and assistants or the major part of them.[2] Boston provides a good example of the care taken by towns in this matter. In 1635, the Boston town meeting agreed "that noe further allotments shalbe graunted unto any new comers, but such as may be likely to be received members of the Congregation."[3] The following year it was ordered that strangers were not to be entertained by townsmen in Boston over fourteen days without sanction of the town.[4] Later a fine was levied on any inhabitant who failed to report any newcomer who intended to reside in the town.[5] And while fear of newcomers becoming town charges no doubt provided much of the motive for the town's concern, especially at a later period, the desire for religious conformity was also a major factor.

Some statistics on Watertown reveal that even in the later period very few families in that town did not conform to the accepted religious beliefs of the day. On January 29, 1661, the Watertown selectmen reported on a "Suruey of

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[2] Mass. Records, I, 76.

[3] Boston Town Records, II, 5

[4] Boston Town Records, II, 10.

[5] Boston Town Records, II, 90.

the Inhabitants of the towne w^th^ refference to the answering of y^t^ law w^ch^ requires the knowledg of God & excerising reading to the advancing of Catachising, & in there returne among other defects, they find diuers pore Families, y^t^ must be in the first place releeued, and afterwards care to be taken y^t^ such Families (be, y^e^ & there children) improued y^t^ negligence or want of prouidence, be noe ocasion of such pouertie." A list of the "diuers" families followed and it included only four names with the number of children in each family.[6] Ten years earlier, Johnson had listed 160 families and 250 church members in Watertown.[7] If only four out of about 160 families neglected their religion, it is quite safe to conclude that most of the people of the town were in sympathy with the established Puritan way, if not full-fledged members of the church.

One other bit of statistical evidence available indicated also that Massachusetts was predominately congregational. In Magnalia Christi Americana, Cotton Mather listed all the churches in Massachusetts. While this list is for the year 1696, it does show the state of religion only ten years after the theocracy was active in the colony, and it would be safe to assume that the congregational church was stronger before this date than

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[6]Watertown Records, I, 71.

[7]Johnson, Wonder-Working Providence, p. 74.

after. According to the list, only in Boston were there any organized churches other than congregational. Boston had three congregational churches with settled ministers, plus "a small congregation that worship God with the ceremonies of the Church of England; served generally by a change of persons, occasionally visiting these parts of the world," "another small congregation of Antipedo-Baptists, wherein Mr. Emblin is the settled minister," and a French congregation of "Protestant Refugees."[8] So in all of Massachusetts as late as 1696, Boston alone had a mixed religious population and even there the congregationalists predominated.

In addition to the actual figures on church membership, many general estimates by contemporary observers show either extensive church membership or sympathy with the Puritan way. John Cotton observed that in the Bay colony "for the heads of families those that are admitted are far more in number than the other . . . ."[9] And Edward Johnson, writing about 1652 noted that in Braintree "the people are purged by their industry from the sowre leven of those sinful opinions that began to spread, and if any remain among them it is very covert . . . ."[10] There

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[8]Cotton Mather, Magnalia Christi Americana; or, The Ecclesiastical History of New-England, I, 86-87.

[9]John Cotton, "The Way of the Congregational Churches Cleared," p.70, quoted in Wertenbaker, Puritan Oligarchy, p. 67.

[10]Johnson, Wonder-Working Providence, p. 197.

is no reason to assume Braintree was unique in this respect. John Winthrop apparently felt that the Boston community was fairly uniform too. In 1646, he complained that some men of Boston were taking offense at a court order for a synod and desired more liberty of conscience. But, he explained, the principal objectors were men lately from England plus some few from the Boston churches "but not above thirty or forty in all."[11] Forty objectors in Boston congregations would not have been many.

Other contemporaries also described Massachusetts as quite uniform in religious beliefs. In 1678, William Stoughton and Peter Bulkeley reported to government authorities in London on conditions in Massachusetts and stated that "the number of those who are not church members is inconsiderable."[12] A few days later they elaborated on this statement: "In religion there is a full agreement with the Articles of the Church of England, but the practice is congregational: some few Presbyterians, some Anabaptists and Quakers there are, but not in considerable number."[13] Their analysis agreed in general with the figures given a few years later by Cotton Mather. Furthermore, a foreign traveller confirmed this opinion.

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[11]Winthrop, Journal, II, 279.

[12]Calendar of State Papers, Colonial Series, America and West Indies, 1677-1680, p. 261. Hereafter this work will be cited Calendar of State Papers.

[13]Calendar of State Papers, p. 269.

After a visit to Boston in July 1680, Jasper Danckaerts noted in his journal: "They are all Independents in matters of religion, if it can be called religion; many of them perhaps more for the purposes of enjoying the benefit of its privileges than for any regard to truth and godliness."[14]

Thomas Lechford, a Church-of-England man who resided in Boston for a few years, described the religious situation there in somewhat different terms. In his famous letter to a friend dated Boston, October 13, 1640, Lechford pointed out that in Massachusetts "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 short time most of the people will remaine unbaptized, if this course hold . . . ."[15] And two years later he complained that in twenty years the major part will be unbaptised if the present course is continued.[16] It is very important to note that Lechford used church in the strict sense, and that he meant by "the people" the whole population, not just the adult males. With this in mind, his estimate of church membership in 1640 does not contradict the statements of

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[14]Jasper Danckaerts, Journal of Jasper Danckaerts, 1679-1680, p. 274.

[15]Lechford, Plain Dealing, pp. 122-123.

[16]Lechford, Plain Dealing, p. 60.

other contemporaries, for at least one-half of the population would be minors who seldom were full church members, and it was the custom of the day for male heads of families to indulge in more church activities and attend more meetings than for the women,[17] so it is entirely plausible that more men than women were members in full communion.

That Lechford's fear about the majority of the people remaining unbaptised in twenty years was unwarranted is evident from a report by another Church-of-England man in 1678 to authorities in London. One Captain Breedon observed that "one-fourth of the children there are not christened for they neither baptise nor give the sacrament to other than those of their congregation in fellowship. The most come to Church for fear of the 5s. per Sunday. They must enter covenant."[18]

It seems reasonably safe to conclude that throughout the seventeenth century the vast majority of people in Massachusetts were either in sympathy with or full-fledged members of the congregational church. However, of these how many were freemen?

Contemporary opinion about the extent of freemanship in Massachusetts in the 1640's varies. Lechford declared that "most of the persons at New-England are not admitted

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[17]Winthrop, Journal, I, 286.

[18]"Papers about Captain Breedon" in Calendar of State Papers, pp. 284-285.

of their Church, and therefore are not Freemen."[19] And a few years later, Dr. Childe and others in petitioning the General Court complained that "there are many thousands in these Plantations" who are debarred from all civil employment.[20] On the other hand, John Winthrop described a "contention" in Hampton in 1644 which had grown to such a height that the whole town was divided into two factions -- one with Mr. Batchellor, their late pastor, and the other with Mr. Dalton, their teacher. "Mr. Dalton's party being the most of the church, and so freemen, had great advantage of the other, though a considerable party, and some of them of the church also." From Winthrop's statement it would appear that the majority at least of the adult males in the town were of the church and so freemen.[21] And in 1647, Edward Winslow, Massachusetts agent, wrote that "however there are many that are not free amongst us, yet if understanding men and able to be helpful it's more their own faults than otherwise oft-times who will not take up their freedom lest they should be sent on these services . . . ."[22] The colony laws, as we have seen, back up Winslow's statement that many were not freemen

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[19]Lechford, Plain Dealing, p. 81.

[20]Childe, New Englands Jonas, p. 11.

[21]Winthrop, Journal, II, 179.

[22]"New England's Salamander Discovered," Mass. Hist. Society Collections, 2 series, III, 137.

by choice.

According to the report of Captain Breedon, who was summoned to appear before the Council for Foreign Plantations in London, March 11, 1660, almost all adult males were freemen. He related that very many in Massachusetts looked upon themselves as a free state and many were against any dependence on England. "Many of the soldiers would be glad to have officers by the King's commission, two-thirds being now freemen, and a Governor sent from the King; others fear it, and say they will die before they lose their liberties, by which it may appear how difficult it is to reconcile monarchy and independency."[23] If two-thirds of the soldiers, which included all men over 16 years,[24] were freemen in 1660, then almost all adult males in 1660 would have been freemen, for approximately 34 per cent of all settled males over 16 years were minors or servants.[25] This, it should be remembered, was four years before the 1664 law enlarging freemanship.

Another contemporary who contributed to the view that the majority at least had the franchise was Nathaniel Ward. In 1639 Ward wrote to John Winthrop, that among other things, he had earnestly requested "That you would

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[23]Calendar of State Papers, p. 297.

[24]Mass. Laws of 1660, p. 57(177).

[25]Boston Town Records, I, 46-48.

please to advise thoroughly with the counsell, whether it will not be of ill consequence to send the Court business to the common consideration of the freemen. I feare it will too much exauctorate the power of that Court to prostrate matters in that manner. I suspect both Commonwealth & Churches haue discended to lowe already; I see the spirits of the people runne high & what they get they hould. They may not be denyed their proper & lawfull liberties, but I question whether it be of God to interest the inferiour sort in that which should be reserved" for the better element of society.[26] It is of interest that Ward objected to the power of the freemen. He did not seem concerned about those who were disfranchised and wanted freedom. In fact, his interchangeable usage of "freemen" and "people" inferred extensive freemanship.

The general lack of concern by contemporaries for sharp segregation of freemen and non-freemen is another indication that the disfranchised group was not large. Edward Johnson, in his statistical analysis of the towns about 1650, did not mention any sharp division in political affairs, although he did give population statistics and church member estimates for each town. If there had been a large disfranchised group who were fighting for power, surely he would have mentioned it. He was one of the

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[26]"Letter of Rev. Nathaniel Ward" in Thomas Franklin Waters, Ipswich In the Massachusetts Bay Colony, Appendix C.

"aristocracy" and was very active politically and would have been personally concerned if such a struggle did exist. Furthermore, Samuel Sewall, who lived during the end of the theocracy and was active in affairs during the beginning of the new charter government, gave no indication in his diary that there was a large disfranchised group under the theocracy. Nor does he mention any change when the new charter came in in 1691. According to his figures of the number of votes cast in Boston and province elections in 1686 (the last year of the theocracy) and 1692 (the year after the new charter came into being), there was no significant change in the number of those who actually voted. In fact the actual number of votes cast on March 14 and May 4, 1692, was less than on March 8 and April 13, 1686.[27]

One other estimate on the extent of freemanship in Boston supported Captain Breedon's report in general. In 1665 Boston declared that "In as much as the number of Free men in this Towne of Boston (consisting of two distinct churches) is very lardg," the town wanted another representative.[28] "Very lardg" is far from exact evidence but this statement does indicate that possibly the modern

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[27]Samuel Sewall, Samuel Sewall's Diary, I, 125, 132, 358, 360.

[28]Boston Town Records, VII, 26.

estimate that only one out of four men were freemen is subject to revision.

Available statistics for Boston at a later date show that at least the majority of adult men in the town were freemen. In 1679, Boston was still objecting that their town was under-represented. "By our Lawes," the town meeting declared, "euery Deputie in Generall Court represents but 10 Freemen because euery Towne that haue aboue 10 Freemen may send a Deputie and euery towne y^{t} haue 20 may send 2 Deputies (& noe Towne more then two) soe y^{t} all the Freemen in each Towne more then 20 haue noe vote in y^{e} Generall Court, neither by themselues or any representatiue. And shall 20 Freemen haue equall priuiledge with our greate Towne, y^{t} consists of neere twentie times twentie freemen & beares theire full proportion of all publique charges."[29] So Boston had twenty times twenty or about 400 freemen in 1679. Figures found in Boston tax records for 1674 show that 66-68% of the total rateable males (that is, over 16 years old) were masters of families.[30] In 1678 and 1679, a total of 991 males over 16 years took the oath of allegiance in Boston. If 66 per cent of the males over 16 years were masters of families, there would be 654 masters of families or householders in Boston in 1678-79. If 400 of the 654

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[29]Boston Town Records, VII, 134.

[30]Boston Town Records, I, 38-39, 49-53, 46-48.

were freemen, at least 61 per cent of all adult men in Boston would have been freemen in 1679. And it should be remembered that Boston was the only town with any organized churches other than congregational and therefore would probably have had the lowest percentage of freemen among the adult male residents of any town in the colony. But even 61 per cent freemen is quite different from one out of four or five men, as most modern authorities assume.

One other approach to the problem of who could vote is to determine, if possible, who participated in town meetings. The laws have given us the legal side of the picture, but in practice how did the voting customs work?

A check of town records with the official freemen's lists indicate that many others besides the few freemen on the list participated in town meetings before 1647 when, theoretically at least, only freemen had any vote. Watertown provided a good example. On November 30, 1635, it was "Agreed by the Consent of the Freemen that these 11 freemen shall order all the Civill Affaires for the Towne for the yeare following, & to divide the Lands." And then the names of the 11 men are listed.[31] A check with the official freemen's list showed that four of those eleven men were not legally freemen at this time. Two of the four were made free six months later on May 25, 1636, and the names of the remaining two never were

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[31] Watertown Records, I, 2.

recorded on the list.[32] In other words, the town apparently used the word freemen in the literal sense and disregarded the law that only church members who had taken the oath of freedom were to vote in town affairs.

Watertown was not alone in the practice. On May 25, 1636, the general court fined "the freemen of Neweberry" for choosing and sending a deputy to the court who "was noe ffreeman," and on March 12, 1638, it fined "the ffreemen of Concord, & those that were not free, w^{ch} had hand in the vndewe election of M^{r} Flint." Just why the election of Mr. Flint was "vndewe" is not revealed.[33] In Boston, too, there is evidence that there was not strict regard for the law about freemanship. In 1639 Mr. William Tynge was chosen a deputy to the general court from Boston and he was very active in town affairs after 1640 but his name does not appear on the freemen's list.[34] And in 1645 two of the selectmen elected, "Tho. Fowle" and "William Frankling" were not listed as freemen.[35] The Wenham Town Records reveal that their two officers were both freemen.[36] But to have all officers freemen seemed to be more the exception than the rule in this early period.

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[32] Boston Town Records, XXIX, 133, 134, 136, 137.

[33] Mass. Records, I, 174, 221.

[34] Boston Town Records II, 46; Mass. Records, List of Freemen, vols. I and II.

[35] Boston Town Records, II, 86; Mass. Records, List of Freemen, vols. I and II.

[36] Wenham Town Records, I, 6; Mass. Records, II, 291.

The town of Marblehead deserves some special attention. In 1644 the general court ordered that "In regard of the defect of freemen at Marblehead" the Salem inhabitants should appoint some honest and able man to be constable there "though hee be not a freeman."[37] This bit of evidence has been used by some later historians to show the dearth of freemen in Massachusetts towns. These writers however ignore the fact that Marblehead was not yet a town in 1644, that it was merely a rural village without even a church of its own.[38]

Other evidence shows discrepancies between the official lists and the voters in province records. In the upheaval occasioned by Mrs. Hutchinson in 1637, many of her sympathizers were disfranchised. Of those, two were never enfranchised, if being listed among the freemen is any evidence.[39] Another bit of evidence is to be found in checking on the colony's leaders. There is no doubt that Mr. Richard Bellingham, Mr. John Winthrop, Sr., Mr. John Humfry, Mr. Thomas Dudley, Mr. William Coddington, Increase Nowell, and Simon Bradstreet played important roles in the Bay colony politics before 1636 but they were never made free, according to the records, until May 25, 1636.[40] John Cotton, in a letter to Lord Say

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[37] Mass. Records, II, 57.

[38] Lechford, Plain Dealing, p. 75; Felt, Annals of Salem, I, 207. Salem was made a town in 1649.

[39] Mass. Records, I, 207 and list of freemen.

[40] Mass. Records, I, 372.

and Seale, explained that "Mr. Humfrey was chosen for an assistant (as I heare) before the colony came over hither: and, though he be not as yet joyned into church fellowship (by reason of the unsetledness of the congregation where he liveth) yet the commonwealth doe still continue his magistracy to him, as knowing he waitheth for the oppertunity of enioying church fellowship shortly."[41] It does seem strange that these leaders would not have become freemen long before 1636 if there was as strict an interpretation of freemanship in practice as modern historians believe.

Not only do statistcs and other evidence reveal that much more democracy was practiced in Massachusetts than is generally believed, but also that the terminology in the town records showed wide participation in political affairs. Dorchester records provide a picture of how local laws were framed in the earliest days. It should be remembered this was after the law of 1631 restricting voting and office holding to church members only. The records read: "An agreement made by the whole consent and vote of the Plantation made Mooneday 8th of October 1633." It was ordered "that for the generall good and well ordering of the affayres of the Plantation their shall be every Mooneday before the Court by eight of the Clocke in the morning, and p^r^sently upon the beating of

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[41]Letter of John Cotton to Lord Say and Seal, 1636, in Hutchinson, History, Appendix, p. 498.

the drum, a generall meeting of the inhabitants of the Plantation att the meeteing house, there to settle (and sett downe) such orders as may tend to the generall good as aforesayd; and every man to be bound thereby without gaynesaying or resistance. It is also agreed that there shall be twelve men selected out of the Company that may or the greatest p't of them meete as aforesayd to determine as aforesayd, yet so as it is desired that most of the Plantation will keepe the meeteing constantly . . . ."[42] There is no hint here of restricted franchise or even of restricted office holding.

Later evidence showed clearly that "inhabitants" were expected to attend Dorchester town meetings and even to be elected to town offices before 1647. In 1638, four of the ten selectmen and one of the raters chosen were not on the list of freemen.[43] A further check on two important selectmen in Dorchester in 1644, Robert Howard and Tho: Wisewall, men who were very active in town affairs, revealed that they were not made free until February 25, 1653.[44] On January 27, 1646, the town recorded a new order about town meetings which was

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[42] Dorchester Town Records, p.3.

[43] Dorchester Town Records, p. 35; Mass. Records, I, 366, 374.

[44] Dorchester Town Records, pp. 46, 52, 57, 308, 313; Mass. Records, IV, Pt.1, p. 460.

occasioned by "the intemperate Clashings in our Towne meettinges as also the vnorderlie dep'tings of sundry before other bretheren and Neyghbours." It was ordered that whenever the seven selectmen needed to call a meeting "of the Towne or fremen" it was adequate notice "if it be one a lecture day that soe many as are p^{r}sent shall take it for notice or if it be by sendinge a speciall Messenger from house to house that if notice be left at the house with wife of Child aboue the age of twelue yeares the husband or father not beinge within or not at home," such notice is adequate. If the man should not attend nor give adequate excuse to the selectmen, he was to be fined 6 pence for the first offence.[45] And that "Towne or fremen" meant all inhabitants is shown by the wording of records of other meetings. One typical notice read: "Upon a general and lawfull warning of all the Inhabitants."[46]

Early records for Boston also indicate that political activities involved most of the people. On May 13, 1639, the records read: "Att a General Meeting upon particular or private Generall notice giveing from house to house." And at this meeting deputies to the general court were chosen as well as new selectmen for the town. It is of interest that the meeting was called by notice "from house

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[45] Dorchester Town Records, p. 292.

[46] Dorchester Town Records, pp. 54, 55.

to house." Church membership or freemanship was not mentioned as a factor.[47] Of greater significance is the fact during the 1646 disturbance about the petition by Dr. Childe and others, a nonfreeman attended the town meeting and was apparently very vocal. During a discussion of the general court's answer to the petition, "Mr. [Thomas] Burton, one of the petitioners, being in the town meeting at Boston, when the Court's declaration about the petition was there read, was much moved, and spake in high language . . . ."[48] Mr. Burton was not on the list of freemen, but obviously he made himself heard in town meeting.

Woburn records show very clearly that even before 1647 inhabitants as well as freemen participated in town meetings. In 1643, the town ordered "That if any man shall absent himselfe from a publike meeting without a lawfull excuse, hee shall pay 18d. to the use of the Towne."[49] And in 1644, it was voted "with the general consent of all the freemen and other inhabitants then present" that a choice be made annually from among the "freemen of the town," of seven men to act as selectmen.[50]

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[47] Boston Town Records, II, 41.

[48] William Hubbard, General History of New England, p. 516.

[49] Quoted in Sewall, History of Woburn, p. 46.

[50] Sewall, History of Woburn, p. 24.

In this election, all of the names of the selectmen could be found on the official freemen's list. However, one Ralph Hill, who was elected surveyor of highways, was not made free until 1647, three years later, and the name of another surveyor, Michael Bacon, never did appear on the list.[51] It would seem that in the town of Woburn inhabitants as well as freemen participated in the meetings and even were elected to minor offices, but the selectmen were chosen from the freemen.

In Salem, too, apparently the custom was to disregard the law that only freemen (in the strict usage of the term) vote in town affairs before 1647. In the Annals of Salem, a quotation from the town records showed that it was "Ordered and agreed, 1646, that all the towne's men and freemen shall meet euerie second day for four weeks together . . . to consider of the public good of the towne."[52] So widespread was this custom of including all male inhabitants in town meetings before 1647 that it can safely be assumed the legal church membership restriction was generally disregarded by the people of that day.

After 1647 and the widening of the franchise in town affairs, there was not much change in the wording

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[51] Mass. Records, I, 366, 369, 374; II, 294; Sewall, History of Woburn, p. 25.

[52] Felt, Annals of Salem, I, 350.

of the records to indicate increased attendance. The Quakers of course were disfranchised as were any others who "refused to attend upon the Publick Worship of God here Established" -- whether freemen or not.[53] About 1660 some of the larger towns began to have separate meetings for province and town elections. Boston started this practice, as mentioned before, in 1658 and continued separate meetings from that time on. However, it is significant, I believe, that the wording in the records showed that the warnings for both the meetings of freemen and those of inhabitants were given "from house to house." And since town business was sometimes transacted at freemen's meetings, it is possible that there was little difference in the two groups.[54] Salem, too, started holding separate meetings for freemen and inhabitants in 1660.[55] While this custom did not develop in all the smaller towns, in the larger towns of Salem and Boston the practice of holding separate meetings prevailed after 1660.[56]

It would seem, then, that freemanship was not nearly as restricted as believed by many modern writers. Before 1647 almost all adult males participated in town meetings.

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[53] Mass. Laws of 1660, p. 224.

[54] Boston Town Records, VII, 24, 29.

[55] Salem Town Records, II, 4, 8, 9.

[56] Topsfield Town Records, I, 48-49; Braintree Town Records, p. 13; Wenham Town Records, I, 23.

Some towns, like Woburn, apparently elected only freemen as selectmen, but far more widespread was the practice of ignoring the church restriction law. After the 1640's there was more segregation of freemen and non-freemen in some of the town meetings but, even then, there is evidence that freemen constituted the majority at least of the adult males. In fact the evidence just does not show a tightly controlled Puritan aristocracy as so many writers today describe. There was remarkable uniformity in religious feeling and the current generalization that only one out of four or five adult males were freemen during the theocracy must be revised to a much higher figure.

CHAPTER V

FLEXIBILITY IN PURITAN SOCIETY

Although much more democracy was practiced in early Massachusetts politics than is generally believed by modern writers, what of the social structure of the society? Was early Massachusetts a rigid class society? Were the freemen predominantly of the upper classes, of the wealthy? Did they actually prefer the half-feudal state? Were the "gentry" definitely distinguished from the "generality?" Determining who were Puritan gentlemen and who were servants and how rigid was the line between the two will give some valid indication of social structure in the society in general.

The concept of "gentlemen" which was brought with the first settlers to Puritan New-England was fairly wide in scope and became wider under the pioneer conditions of Massachusetts. One English writer observed: "'As for gentlemen, they be made goodcheap in England; for whosoever studieth the laws of the realm, who studieth in the universities, who professeth liberal sciences, and to be short, who can live idly and without manual labor, and will bear the port, charge and countenance of a gentleman, he shall be called Master, for that is the title which men give to Esquires and other gentlemen.'"[1] In the colony of

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[1] Smith's Commonwealth of England, quoted in Joseph Felt, Annals of Salem, I, 165-166.

Massachusetts, according to historian Joseph Felt, the title of Mr. or Master was applied to captains and sometimes to mates of vessels, to military captains, to eminent merchants, to schoolmasters, doctors, magistrates and clergymen, to those who received a second degree at college and to those who had been made freemen.[2] If Felt's statement is correct, the term could be applied in early Massachusetts to a considerable number of men.

There is evidence in the early records that some concept of "gentlemen" as a class apart from the "generality" did exist in the public mind. Winthrop noted that at a court "one Josias Plaistowe and two of his servants were censured for stealing corn . . . , the master to restore two fold, and to be degraded from the title of a gentleman, and fined five pounds, and his men to be whipped." And the court sentence read that hereafter Josias Plaistowe was "to be called by the name of Josias and not Mr. as formerly he used to be."[3] The Body of Liberties also included evidence that separate punishment was reserved for true gentlemen or any man equal to a gentleman. "No man shall be beaten with above 40 stripes," the law read, "nor shall any true gentleman, nor any man equall to a gentleman be punished with whipping, unles his crime be

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[2]Felt, Annals of Salem, I, 165-166.

[3]Winthrop, Journal, I, 68.

very shamefull, and his course of life vitious and profligate."[4] It is significant that by 1641 the law recognized not only "true gentlemen" but also those who were equal to true gentlemen. Obviously the true gentleman was having to share his exalted position with many newcomers.

That the position of a gentleman in early Massachusetts had undergone a change from old world views was certainly understood by the Englishman Thomas Lechford. Lechford came to Massachusetts in 1638 and refused to agree with or to join the congregational church. For this, he complained, he had suffered much: "I am kept from the Sacrament, and all places of preferment in the Commonwealth, and forced to get my living by writing petty things, which scarce finds me bread; and therefore sometimes I took to planting of corne, but have not yet here an house of my owne to put my head in or any stock going . . . ."[5] Lechford wanted to return to the old world immediately but his wife persuaded him to stay a bit longer. However, he did eventually return and the colony lost one more gentleman.

There are also indications that in Puritan Massachusetts the concept of "gentleman" was not rigid. The laws and court records are not consistent in the use of "Mr." Many times the names of masters of servants and

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[4] Mass. Laws of 1660, p. 43.

[5] Lechford, Note-book, pp. 287-288.

even magistrates names are recorded without the title.[6] And that an increasing number of people in the colony were ignoring the title is shown by the law of 1651 prohibiting extravagant apparel being worn by people "of mean condition, to the dishonour of God . . . and altogether unsuitable to our poverty." Although the legislators recognized the difficulty of ruling out such things, they felt it necessary "to declare our utter detestation & dislike, that men or women of mean condition, should take vpon them the garb of Gentlemen by wearing gold or silvar lace, or buttons, or points at their knees, or to walk in great boots, or women of the same ranke, to wear silk or tyffany hoods or scarfes, which though allowable to persons of greater estates, or more liberal education, yet wee cannot but judg it intollerable in persons of such like condition." It was therefore ordered that no person within the colony whose real and personal estate did not exceed two hundred pounds in true value should wear such laces and other gaudy apparel. And this should also be true for dependents of those people. However, the law was not to extend to "the restraint of any Magistrate or publicke Officer of the Jurisdiction, their wvies and children, who are left to their discretion in wearing apparrel, or any settled Millitary Officer or Souldier in the time of Millitary Service, or any other

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[6]See for example Mass. Records, I, 144, 153.

whose education or imployment have been above the ordinary degree, or whose estate have been considerable, though now decayed."[7] It would seem that a great variety of persons were among the exceptions and that a sizeable number were beginning to wear the trappings of the titled group.

At the opposite end of the social scale from the gentleman was the servant. Some analysis of the social standing of the servant will show how wide was the gap between the two groups.

Modern historians have fostered the idea of the "servant" as an individual whose low state of finances, and frequently of intelligence too, placed him in the unenviable position of signing a contract to serve a "master" for several years for his subsistence and occasionally for a small amount of money, or for training in a trade. Louis Hacker estimated that about one-fourth of the immigrants came to America as indentured servants who "were not paid, receiving only food, clothing and shelter" during their service. At the end of their bondage they received "freedom dues" -- a small tract of land and a few agricultural implements -- and with these they set up themselves as farmers. "By and large," Hacker wrote, "they became absorbed into the numerous lower middle classes

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[7] Mass. Laws of 1660, p. 3(123).

of the period."[8] C. P. Nettels gave a more concise and accurate account of colonial servants but concluded: "What treatment the servants received depended upon the disposition of their masters, although it is safe to assume that most of them endured a pretty hard lot."[9] And finally, C. M. Andrews suggested that the servant group in general was hostile to the Puritans and freemen.[10]

The sources, however, reveal that this general interpretation and impression is not accurate and furthermore they show that over the years the meaning of the word servant has changed, which might account for some of our present day misconceptions about colonial servants.

Servant was a very common word in the 1600's and did not carry the derogatory connotation that it has today. To end a letter with "I remain, Your servant" was the polite and accepted form in the seventeenth century. The original draft of the oath of freedom adopted by the colony bears two titles: "The Oath of a man free or to be made free," and also "The Oath of a Servt."[11] For a man to be a servant to the king or some great lord was still a mark of honor and in the religious atmosphere of the seventeenth

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[8]Louis M. Hacker, The Shaping of the American Tradition, pp. 17-18.

[9]Nettels, Roots of American Civilization, pp. 319-322.

[10]Andrews, The Colonial Period, I, 437.

[11]Charles Evans, American Bibliography, I, 2.

century being a "servant of the Lord" was a much-used phrase.[12] About 1800, Americans began to resent being called servant. As one observer noted in 1784: "Those ignorant backwoodsmen [in Kentucky] . . . would conceive it an indelible disgrace and infamy to be styled servants, even to his Majesty."[13] Most historians seem to have ignored this change in the connotation of the word and perhaps in so doing have missed the full meaning of the social implications of being a servant in early Massachusetts.

The words servant and apprentice were used interchangeably in Puritan Massachusetts from the earliest days. Lechford recorded in his notebook in 1640: "Robert Braddish of Cambridge places Hannah his daughter apprentice unto Thomas Hawkins for 4 yeares . . . or to Hannah his wife meat drinke & cloathes & double apparell in the end."[14] Here is a simple indenture using the term apprentice instead of servant. In another instance, Lechford used the terms together: " . . . the said Edward as the Apprentice or servant of Anthony Stanyon . . . ." Later in the 1670's the Watertown records generally used

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[12]For example see Roger Clap, Memoirs of Roger Clap, p. 17.

[13]Sir William A. Craigie and James R. Hulbert, A Dictionary of American English on Historical Principles, IV, 2072.

[14]Lechford, Note-book, pp. 363, 428.

apprentice instead of servant when discussing indenturing a child to a master.[15] If there was a difference in connotation between the two words, the difference was not marked and it is certain that the words were frequently if not always used interchangeably.

The Puritan servant from the earliest days was looked upon as a member of the family, and in no sense was the modern derogatory connotation applicable to him. In 1629 the Company's court in London wrote to Mr. Endicott in New England: "Wee haue devyded the servants, belonging to the company, into seuerall famylies, as wee desire and intend they should liue togeather . . . ." The court explained that they wanted the chief in each family to be grounded in religion and to hold morning and evening family services.[16] The Massachusetts towns were originally granted "vast bounds," the general court explained in 1645, "that (when the towns should be increased by their children and servants, &c.,) they might have place to erect villages . . . ."[17] In other words, the servants and children -- on an equal basis -- were expected to be granted community lands and to become active citizens.

The 1648 laws, which used servant and apprentice interchangeably, also definitely placed the children and

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[15] Watertown Records, I, 129 especially.

[16] Quoted in Felt, Annals of Salem, I, 86-87.

[17] Hubbard, General History, p. 417.

servants as equals under family rule. "For asmuch as the good education of children is singular . . . benefit to any Common-wealth;" the law read, "and wher as many parents & masters are too indulgent and negligent of their duty in that kinde," the selectmen of each town are ordered to see that there is no barbarism in any family as not to endeavor to teach "their children & apprentices" to speak english and to know the capital laws, that "all masters of families doe once a week(at the least) catechize their children and servants" in religion, "that then at the least they procure such children or apprentices to learn some short orthodox catechism without book." And furthermore, the law continued, all parents and masters should bring up their "children & apprentices" in some honest calling, and if any masters of families be negligent in these duties "wherby children and servants become rude, stubborn & unruly" the selectmen with the magistrates' help should take "such children or apprentices" and place them with some master who would be more strict.[18]

This legal concern over the family government, including both children and servants, continued in the later years of the Puritan regime. In 1668 the court sent letters to the constables of each town ordering them to see that "all children & youth, vnder family government, be taught to reade perfectly the English tongue . . . ." And because

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[18]Mass. Laws of 1648, p. 11.

the court records showed much sin among the children and servants, "you are also required to take a list of the names of those young persons wthin the bounds of your toune, & all adjacent farmes, throughout of all toune bounds, who doe liue from vnder family government, viz, doe not serve their parents or masters as children, apprentices, hired servants, or journeymen ought to doe, & vsually did in our native country, being subject to their comands and discipline . . . ."[19] That the towns took this command seriously is revealed in the town records.[20]

Other evidence also shows that servants were looked upon as having an equal part in the family life in Puritan Massachusetts. Hubbard in his General History discussed the product of the 1657 consultations on baptism as printed in "A Disputation concerning Church Members . . .(1659)." One question proposed was "Whether adopted children and bondservants be covenant seed?" It was answered that, according to the judgment of many godly learned, the scriptures "extend to them the same covenant privileges with their natural seed." But, it was added, at present it was best to leave this question open to further discussion.[21] So apparently to most Puritan leaders, but

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[19]Mass. Records, IV, Pt.2, pp. 395-396.

[20]Watertown Records, I, 92; Dorchester Town Records, pp. 176, 177, 182; Boston Town Records, VII, 67.

[21]Hubbard, General History, p. 565.

not all, servants were equal with children even in the matter of baptism. There is also evidence that servants were sent to the public schools just as other children in the family. In Dorchester, in 1659, at a meeting of the selectmen, "ther was a warent giuen William Trescot for to gather of those parents and Maisters that sent ther children ore seruants to the free scole those summs that are in his list."[22]

It seems quite clear, then, that the servant was accepted as equal in the Puritan family. He had the same rights and restrictions as other members of the family group, he generally was baptised with the children, and he was sent to the same school.

Furthermore, there is much evidence to show that the servant in the seventeenth century Massachusetts had as respected a place in community affairs as any other minor or any worker. His place would be comparable today to that of a young man training to be an architect or an electrician, or working for any employer in industry or as a hired man on the farm. In the seventeenth century even more than today, the period of training -- of servitude -- was merely a means-to-an-end. The Massachusetts laws and town records are full of records of servants receiving

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[22]Dorchester Town Records, p. 96.

grants of land after serving out their time.[23] In fact, sometimes servants received land before finishing their service. In Boston in 1640, a great Lott" at the Mount was granted to "John Moore, the Governors servant, for 3 heads."[24] That servants were sometimes settled housekeepers is shown by the law of 1631 "that noe man within the limits of this jurisdiccon shall hire any pson for a serv^{t} for lesse time then a yeare, vnles hee be a setled housekeep . . . ."[25] Furthermore, church records show that many servants joined the church,[26] and in the earliest years a few of them at least became freemen before finishing their time of service. At a Quarter Court in Boston on March 7, 1637, "James Hayden was admited to be free, because of his m^{r} his former pmise, before the act of the Courte made against it." Hayden's name appeared on the freemen's list of March 9, 1637. No doubt the law referred to was the one of December 13, 1636, ordering that no servant should be set free or have any land granted him until he had served out his covenanted time.[27]

The wages of servants in the early Bay colony varied

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[23] Mass. Records, I, 127, 186, 206; Boston Town Records, II, 22, 31, 42, 43, 49.

[24] Boston Town Records, II, 49.

[25] Mass. Records, I, 88.

[26] Eliot's Roxbury Church Records, pp. 75, 77 for example.

[27] Mass. Records, I, 186, 193, 373.

greatly. As we have seen, some servants were put to a master for no wages, only their keep and training. Many however received regular pay. One Henry Hobson, for example, received four pounds a year and was to have 2s. 8d. at the end of his time. On the other hand, "Elizabeth Hasnet is put to William Wilson, for 50s. wages, for the yeare."[28] Hubbard wrote of a young fellow, servant to one Williams of Dorchester, being out of service in 1643, "fell to work for himself, and by his excessive wages, working only for ready money, in a little more than a year he had scraped together £25 in money."[29] When one considers that land in Salem that same year was selling for 5s. an acre in the principal part of town and in 1645, unimproved land on the outskirts of the town sold for 1s. an acre, it is obvious that even 50s. a year would enable a servant to save enough to start out in business for himself after serving his time.

Servants were also put on an equal basis with others in the matter of taxation. It was ordered in 1646 that every male in the colony, "servant or oth^{r}," of the age of 16 or above, should pay yearly the sum of 20d. poll tax.[30] And the 1648 laws clarify this somewhat by

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[28]Mass. Court of Assistants Records, II, 122, 129; see also Lechford, Note-book, pp. 251-252.

[29]Hubbard, General History, p. 423.

[30]Mass. Records, II, 173-174.

explaining that "for such servants & children as take not wages, their parents and masters shall pay for them, but such as take wages shal pay for themselves."[31]

Perhaps one of the primary reasons why the seventeenth century servant held a respected place in community affairs was that servants came from all social classes. In recent times the idea of the poor indentured servant being sold into bondage three thousand miles from home has been stressed so much that it has overshadowed the fact that probably the majority of servants were local sons and daughters put to service and training under a friend or neighbor. In 1659, John Hull noted in his diary, "I received into my house Jeremie Dummer and Samuel Paddy, to serve me as apprentices eight years. The Lord make me faithful in discharge of this new trust committed to me, and let his blessing be to me and them!"[32] Samuel Paddy was the son of Deacon William Paddy of Boston and Jeremie Dummer was mentioned later as "Mr. Jeremiah Dummer." Furthermore, a traveller recorded that when he was in Boston in 1680 "four ministers' sons were learning the silversmith's trade."[33] And in 1634 John Winthrop described a 14-year-old son of one of the magistrates and told how the boy became a member of the church. He added, "he went on

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[31] Mass. Laws of 1648, p. 10.

[32] John Hull, Diary, p. 150.

[33] Danckaerts, Journal, p. 275.

cheerfully in a Christian course, falling daily to labor, as a servant, ..."[34]

Even gentlemen were sometimes servants. At a Boston town meeting in 1638, lots were granted to a number of men and among the list was one granted "to M^r. John Mansfield, having served his brother M^r. Robte Keayne, to have a housplott."[35] Also, in a letter copied in Lechford's notebook appeared the following sentence: "W^th all I beseech you to peruse this inclosed to M^r. Coventry servant to my Lord Brooke . . . ."[36] This use of servant reveals the feudal flavor the word carried at that time and explains, in part at least, why it was not yet considered a term of derogation.

Not only did gentlemen have servants in Puritan days but also artisans and tenants had servants of their own. In the list of early Salem settlers one finds a maltster, a weaver, and a tailor, each of whom had a servant apiece.[37] And in 1640 a copy of an agreement between Boston merchant Richard Parker and one John Parker for lease of the merchant's farm and cattle in Dedham included the item that the "said John Parker shall & will keepe & imploy on the

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[34]Winthrop, Journal, I, 120-121.

[35]Boston Town Records, II, 33.

[36]Lechford, Note-book, p. 380.

[37]Felt, Annals of Salem, I, Appendix, p. 516.

premises two men servants & one mayd servant" in addition to his own labor.[38]

A check of a few of the individuals who were servants in the early period in Massachusetts illustrates the rapid progress financially and socially of the ordinary servant of that day. In 1632 the general court ordered "that Alex: Miller and John Wipple shall giue . . . to their maister, Israell Stoughton" so much money a piece for their wasteful use of powder and shot.[39] Since Israell Stoughton was a Dorchester resident, the Dorchester town records furnish additional material on his two servants. On September 1, 1634, "Alexander Miller servant to M^{r} Stoughton" was granted three acres. In 1635 he was granted three more acres and four years later he was listed among the inhabitants in the division of town lands and received a total of 8 acres and 40 rods. On May 2, 1638, he was made a freeman, and about six months later was granted another six acres. In other words, it took a little more than two years for wayward servant Miller to become a freeholder and four more years to become a freeman.[40] The record of servant John Wipple is very similar although he

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[38]Lechford, Note-book, p. 245.

[39]Mass. Records, I, 100.

[40]Dorchester Town Records, pp. 7, 10, 30, 37; Mass. Records, I, 374.

was not a freeman until 1640.[41] It is obvious that the gap between servitude and freemanship was not great in early Massachusetts.

In fact there is a great deal of evidence indicating that freemanship was not limited to any one social or economic class. Such a man as John Cotton had to take the oath on an equal level with all others.[42] As some of the more eminent men in Massachusetts explained it: "For, excepting the old planters . . ., none are admitted freemen of this commonwealth but such as are first admitted members of some church or other in this country, and of such, none are excluded from the liberty of freemen."[43] As we have just seen, being a servant did not deter freemanship very long. The records are full of the names of men -- ship-carpenters, tailors and other artisans -- who after serving their time, became inhabitants and freemen.[44]

Perhaps the most conclusive evidence that freemanship was not limited to gentlemen or to any one social class is the description of a freeman found in the records. On May 26, 1647, one Mighill Smith was made a freeman according

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[41] Dorchester Town Records, pp. 27, 76, 140, 295, 376.

[42] Mass. Records, I, 368; Hutchinson, History, Appendix, p. 493.

[43] Ibid.

[44] See for example Mass. Records, I, 206, 255, 374, 331, 336; II, 4 and 294, 32 and 294; Boston Town Records, II, 22, 43, 45, 51; Mass. Records, I, 376, 378, 379.

to the official list. And on that date appeared the following: "It is ordered, y^{t} y^{e} fine of Mighill Smith, for his puting in of three beanes at once for one mans election, it being done in simplicity, & he being pore & of an harmles disposition, it is ord^{r}ed his fine is suspended till furth^{r} ord^{r} from y^{e} Gen^{r}all Co^{r}te."[45]

It would seem, then, that Puritan Massachusetts did not have a rigid class society. Although the laws show some distinction between the gentlemen and the generality in the earliest days, the jump from one group to the other was not difficult and the distinction was not sharp enough to exclude servants from being freeholders and becoming freemen in a short time. In fact, our modern derogatory concept of servitude must be cast aside when we think of the Puritan social structure. The custom of servitude was a respected part of the social, educational, and disciplinary structure of the society. It was not a thing reserved for the lower elements; it was much more of a means-to-an-end than it is even today. As a result, Massachusetts society in the seventeenth century apparently had a great deal of flexibility, at least as much as we have today if not more.

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[45] Mass. Records, II, 189.

CHAPTER VI

STATE SUPERSEDES CHURCH IN REAL POWER

One additional problem in the Massachusetts theocracy is the relative power of the church and state. The general impression given by many current writers is that the clergy and church were dominant political powers. V. L. Parrington for example states that "Rulership in the new church-state [Mass.], while nominally the function of lay officers, in reality was quite as much ecclesiastical as political."[1] The very term "theocracy," which is usually applied by modern writers to the Puritan regime in Massachusetts, implies that the church had the greatest power in the colony. How great and how real was that power?

From the beginning the church and state in Puritan Massachusetts were separate but aimed at mutual support. Edward Johnson related that the church and civil power were separate but both worked to keep religion unspotted. He claimed the aim of the planters in coming to New England was "to injoy the liberties of the Gospell of Christ" and so they chose men in civil government who would endeavor to keep these "truths of Christ pure and unspotted." The errorists tried to persuade men "it is not for civill Government to meddle with matters of Religion; and also

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[1]Parrington, Main Currents, I, 38; see also Nettels, Roots of American Civilization, p. 169.

to helpe out with their damnable Doctrines, they report it in all places, where they come, that New England Government doth persecute the people and Churches of Christ; which to speake truth they have hitherto beene so far from that they have indeavoured to expell all such beasts of pray,(who will not be reclaimed) that here might be none left to hurt or destroy in all Gods holy Mountain." Johnson went on to say that the civil leaders did not aim to bring all under their obedience to a uniformity in every point in religion, but to keep them in a unity of spirit and a bond of peace. Furthermore they have never mixed their civil powers with the authority peculiarly given by Christ to his churches and church officers, but only commune with them. As John Hull later expressed it in his public diary, the "churches and civil state thus mutually embracing and succoring each other," God had blessed the colony with great prosperity and success.[2] In other words, church and state have separate powers but uphold each other through mutual support.

The preface to the 1648 laws stated very clearly that the aim from the beginning was for the civil and religious states, though separate, to support each other. The laws described the civil and religious states in Massachusetts as "two tvvinnes" and stated that the civil polity and

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[2]Johnson, Wonder-Working Providence, p. 140; John Hull, Diary, p. 168.

laws were framed "according to the rules of his most holy word whereby each do help and strengthen the other (the Churches the civil Authoritie, and the civil Authoritie the Churches)" and so both prosper without the contention for priviledge and priority so common in some other places.

Although the general overall aim of the church and state was mutual support, their duties were segregated, and they each had their proper functions. In the Hutchinson affair, for example, Johnson emphasized that "the Synod, Civil Government, and the Churches of Christ, kept their proper place, each moving in their own sphear, and acting by their own light, or rather by the revelation of Jesus Christ, witnessed by his Word and Spirit, yet not refusing the help of each other (as some would willing have it)."[3]

On less basic issues too, their functions were segregated. In 1639, the general court declared that it was the duty of the church, not the court, to prohibit excess in apparel -- a development of much concern to the founding fathers.[4] In 1644 another issue brought out the fact that contemporaries, at least, believed the church and state had separate spheres. John Winthrop was somewhat perturbed at the actions of some of the church fathers in the dispute over the power of the magistrates. He complained that

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[3]Johnson, Wonder-Working Providence, p. 175.

[4]Mass. Records, I, 274.

"some of the elders had done no good offices in this matter, through their misapprehensions both of the intentions of the magistrates, and also of the matters themselves, being affairs of state, which did not belong to their calling."[5]

Not only did the church and state have recognized separate spheres but they did not always agree on some issues of mutual concern. When a magistrate accused merchant Robert Keayne, a church member and a freeman, of overcharging him for some merchandise, the matter was brought up both in church and in the general court. In his will of 1653, Keayne related how the magistrate "obtained his desire againest me in the Court, though not so fully as he would have had it," but he was disappointed of his expectation in the church, "they not looking upon the complaints & witnesses as the Court had . . . ."[6]

Aiming at mutual support and having separate special functions does not imply, however, that the church and state were equal in power. They may have been "tvvinnes" but in this case they were not identical. Throughout the entire period, the state was always the ultimate ruler for church as well as civil disputes, and the church was the advisor only in civil affairs.

From the beginning the civil authorities had much to say about organization and maintenance of the Puritan

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[5]Winthrop, Journal, II, 190.

[6]Boston Town Records, X, 32.

churches. The first act of the court of assistants on August 23, 1630, was to provide for their minister.[7] Two years later the court ruled against an unauthorized minister preaching in the colony. On October 3, 1632, the court at Boston prohibited one Mr. Batcheler "exerciseing his guifts as a past^{r} or teacher publiquely, in o^{r} pattent."[8] And even after the magistrates entreated the elders in 1635, to advise them "howe farr the magistrates are bound to interpose for the preservacon of that vniformity & peace of the churches," the magistrates continued to require their approval before any churches could be started in the colony.[9] The court also ordered fasts and in the earliest days of the church even set lecture times.[10] The town meetings felt it their duty to deal with some of the more mundane aspects of church affairs, such as repairing the meeting houses, punishing the young people for idling on the Sabbath during church, and for keeping "a vigilent eie to see that mens Cheldren and such as are within their Charge be Catechized in som Orthodox Catechisme in familes."[11]

The civil power also usually had the final say in any

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[7] Mass. Records, I, 73.

[8] Mass. Records, I, 100, 103.

[9] Mass. Records, I, 143-144, 168; II, 67-68.

[10] Mass. Records, I, 109-110; Winthrop, Journal, I, 135.

[11] Boston Town Records, VII, 28; II, 131; Dorchester Town Records, p. 73; also see Salem Town Records, II, 195.

serious church disputes. According to historian Hubbard, the churches usually settled their differences by calling in the help of neighboring churches for advice. If the decision of the advisors was unanimous, all parties concerned were always ready to acquiesce. But when the advisors differed, or "in case of any contumacy in any of the offending parties, the civil magistrates' help being implored by them that are aggrieved, that useth always to put a final end to all matters of controversy amongst any of their churches."[12] And Hubbard illustrated his point by citing several towns where differences had recently occurred.

An incident in 1646 revealed how great was the power of the civil authority over church affairs. When the general court called a synod in 1646, there was some objection that the civil authority was overstepping its bounds in church affairs. Winthrop recalled that some deputies objected to passing a bill for a synod because 1) "civil authority did require the churches to send their messengers to it, and divers among them were not satisfied of any such power given by Christ to the civil magistrate over the churches in such cases;secondly, whereas the main end of the synod was propounded to be, an agreement upon one uniform practice in all churches, the same to be

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[12]Hubbard, General History, pp. 608-609.

commended to the general court, etc., this seemed to giue power either to the synod or the court to compel the churches to practice what should so be established." To these objections it was answered that the civil power does have power upon just occasions to require the churches to send messengers to advise on such ecclesiastical matters, "either of doctrine or discipline," for the magistrate was bound by God to maintain the churches in purity and truth. To this the objecting deputies agreed. And it was further declared in answer "that the end of the synod was not to proceed by way of power, but only of counsel from the word of God, and the Court was at liberty either to establish or disannul such agreement of the synod, as they see cause, which could put no more power into the court's hand than it had by the word of God and our own Laws and Liberties."[13] There seemed to be little doubt among these contemporaries that the general court was the ultimate interpreter of God's word and most of the leading ministers sanctioned this attitude. Mr. Norton, teacher of the church of Ipswich, spoke to the Boston lecture the Sunday following the agitation and showed "the power of the civil magistrate in calling such assemblies, and the duty of the churches in yielding to the same."[14]

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[13]Winthrop, Journal, II, 274; see also Mass. Records, II, 154-156; Hubbard, General History, p. 533.

[14]Winthrop, Journal, II, 281; also Nathaniel Ward, The Simple Cobbler of Aggawam, p. 12.

Other incidents showed the concern and ultimate power of civil authorities in matters of doctrine as well as discipline. In 1631 the governor and deputy went to Watertown to confer with the pastor and one of the elders there about an opinion which they had published "that the churches of Rome were true churches."[15] A little later the upheaval in the colony over the Anne Hutchinson affair and the final ousting of Roger Williams indicated how deeply concerned the civil authorities were over church doctrine and how powerful they were in dealing with such situations. Also, in 1635, one John Smyth was given six weeks to get out of the colony "for dyvers dangerous opinions, w^{ch} hee holdeth, & hath dyvulged."[16] And on March 13, 1639, "Mr Ambros Marten, for calling the church covenant a stinking carryon & a humane invention, & saying hee wondered at Gods patience, feared it would end in the sharpe, & said the ministers did dethrone Christ, & set vp themselues; hee was fined 10£, & counselled to go to Mr Mather to be instructed by him."[17] In other words, the civil authorities not only demanded uniformity in doctrine, but had much influence in the final analysis of what the doctrine was to be. They could accept or reject even a synod's decision on baptism as well as physically oust

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[15]Winthrop, Journal, I, 66, 71-72.

[16]Mass. Records, I, 159.

[17]Mass. Records, I, 252; see also p. 312 for another case.

members of their society for disagreeing with the doctrine.

Although the civil authorities had much power in church affairs, the role of the clergy in civil matters was purely advisory. And furthermore, they usually did not give advice unless asked. In 1635, for example, the ministers were called together by the governor and assistants to consider, among other things, what should be done if a general governor was sent from England. The ministers all agreed that if a general governor was sent, "we ought not to accept him, but defend our lawful possessions, (if we were able) otherwise to avoid or protract."[18] This of course was just what the civil authorities wanted to hear. Woburn also gave us a good example of clerical advice. Among the instructions given by the town to their first elected selectmen was the following: "When any scruples should arise in their minds, in the transaction of the affairs of the town, they should repair to the elder or elders of the church in the said town for advice."[19]

Although many such examples exist of civil authorities calling in the church ministers or elders for advice,[20] there are also instances in such disputes when one party

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[18]Winthrop, Journal, I, 145.

[19]Sewall, History of Woburn, p.25, quoted from Woburn Records, I, 5-6.

[20]See Winthrop, Journal, I, 145, 170-171; II, 121, 211-218; Boston Town Records, II, 5; Hubbard, General History, pp. 385-389; Mass. Records, II, 90-96.

involved refused to call in the elders. In the dispute over the rights of the governor and magistrates, the deputies refused to call in the elders to arbitrate because they felt they would be prejudiced in favor of the magistrates.[21] And in 1680, Increase Mather complained that even in "solemn & difficult Cases" before the general court, the court would not or did not desire advice from the elders as had been the custom in such cases.[22]

Furthermore, in cases where the decisions of church advisors and civil authorities differed, civil leaders had the final say. For example, in the case of Harvard's schoolmaster mistreating scholars in 1639, the elders recommended letting the schoolmaster return to his employment after confessing his sins, but the court, consulting after the elders left, decided to censure him and put him from his employment. He was fined and ordered never to teach in Massachusetts again.[23] And in 1644 when the elders were called in to arbitrate the long standing dispute between magistrates and deputies, most of their advice was accepted, but a minor portion of it was refused.[24]

There seemed to be little doubt in the minds of contemporaries that the state was the final power in

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[21]Winthrop, Journal, II, 235.

[22]"Diary of Increase Mather," Mass. Hist. Society Proceedings 1899,1900, 2 series, XIII, 408.

[23]Winthrop, Journal, I, 313.

[24]Winthrop, Journal, II, 217.

Massachusetts. The Body of Liberties, as well as later laws, recognized this by stating that no church censure can degrade or depose any man from a civil office or authority.[25] Thomas Lechford, much discouraged over religious regulations in Massachusetts, complained that no church or officers have power over one another but by way of counsel or advice, voluntarily given or besought, "saving that the general Court, now and then, over-rule some Church matter." He was disturbed over the fact that in Massachusetts "an elected Magistrate excommunicate may hold his place," and that a magistrate "though excommunicate, is to be obeyed still in civill things."[26]

John Cotton was perhaps the most explicit of all about the state having greater power than the church. In a letter to Lord Say and Seale in 1636, he wrote: "When your Lordship doubteth, that this corse will draw all things under the determination of the church . . . (seeing the church is to determine who shall be members, and none but a member may have to doe in the government of a commonwealth) be pleased (I pray you) to conceyve, that magistrates are neyther chosen to office in the church, nor doe governe by directions from the church, but by civill lawes, and those enacted in generall corts, and executed in corts of iustice, by the governors and assistants. In all which,

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[25]Mass. Laws of 1660, pp. 47, 25.

[26]Lechford, Plain Dealing, pp. 73, 74.

the church (as the church) hath nothing to doe: onely, it prepareth fitt instruments both to rule, and to choose rulers, which is no ambition in the church, nor dishonor to the commonwealth . . . ." And later Cotton added, "For, the church submitteth itself to all the lawes and ordinances of men, in what commonwealth soever they come to dwell."[27] In 1644, in his famous Keyes to the Kingdom of Heaven, Cotton discussed the relative power of church and state and pointed out the realm of each. He wrote "we willingly acknowledge a power in the Civill Magistrate, to establish and reform Religion, according to the Word of God: yet we would not be so understood, as if we judged it to belong to the civill power, to compel all men to come and sit down at the Lords Table, or to enter into the communion of the Church, before they be in some measure prepared of God for such fellowship."[28] So, in Cotton's view, the church only prepares the people for political activities but has no power otherwise over the state while, on the other hand, the state may establish and reform religion but the church reserves the right to say who is prepared to enter full communion.

It seems quite evident, then, that although there was mutual support between church and state from the beginning of the colony, in the final analysis the state

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[27]Hutchinson, History, Appendix, pp. 498-499, 500.

[28]John Cotton, Keyes to the Kingdom of Heaven, p.97.

was the most powerful by far. Parrington's statement that the minister was the trained and consecrated interpreter of the divine law, and the magistrate was its trained and consecrated administrator is in need of some revision. It would probably be more nearly correct to say the magistrate was not only the administrator of divine law but also its interpreter, and the minister was merely his helper.

CHAPTER VII

CONCLUSION

Puritan society, as revealed in the sources, had a surprising amount of democracy. Applying the modern terms aristocracy or theocracy to the early Bay colony gives an erroneous view of the entire situation. As the Puritan leaders described it, the Massachusetts "mixt Aristocratie" closely resembled our modern representative democracy. All adult males had the right to attend town meetings and apparently the custom was for most of them to do so -- or be fined for not attending. Freemen, in the strict sense, had some privileges in office-holding and voting in province affairs, but as the group of non-freemen became larger the laws changed to accommodate their growth and give them more political privileges.. There is plenty of evidence that the 1631 law was very loosely applied, especially in town affairs, and there is also no doubt that the property qualifications of the 1664 law excluded few, if any, from the franchise. Figures show that at least 61 per cent of the adult men in Boston were freemen as late as 1679 and other evidence indicates that this figure would have to be revised upward if anything.

On the religious side of the picture, sources reveal a large amount of uniformity in feeling. The colony was predominantly congregational and those who violently disagreed with this way found a haven in neighboring colonies,

or, as Thomas Lechford did, returned to the mother country. The evidence certainly does not show that the "Saints were few and the sinners many." That is a well-turned phrase but certainly should not be applied to Puritan Massachusetts.

Furthermore, the sources do not show a class-ridden society from the social standpoint. In fact they show quite the opposite. Notions of class structures brought from the old world faded fast in the pioneer Bay state. The jump from servant to freeman was a short one and landowning was the common thing. Servants were not social outcasts. Servitude was an accepted respectable part of the educational and economic side of Puritan society. Gentlemen there were, but servants could fast become gentlemen, and titles were frequently ignored by contemporary scribes. If, at this period, gentlemen could be "made goodcheap" in England, they were even more plentiful in Massachusetts.

And, as for the relationship between the church and state, the evidence shows clearly that the state, not the church, was the most powerful. While Massachusetts was predominantly congregational and the political leaders almost uniformly Puritan, the term theocracy does not really apply to the early Bay colony. Although in theory the Puritan leaders believed their government was under the immediate direction of God -- and in that sense it

could be called a theocracy -- the lay leaders, not the ministers, ruled the state. The clergy never held more than an advisory capacity in political affairs.

Much more work remains to be done to understand early Massachusetts completely. But one thing seems certain: Massachusetts was not an aristocracy with a class-ridden society, as it is so frequently described today. In fact, except for the dominant religious tone, it bore a close resemblance to our modern representative democracy.

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