

Concordia Seminary - Saint Louis

## Scholarly Resources from Concordia Seminary

---

Bachelor of Divinity

Concordia Seminary Scholarship

---

5-1-1947

### The Struggle for Religious Liberty in New England

Richard Meyer

Concordia Seminary, St. Louis, rhmeyer02@att.net

Follow this and additional works at: <https://scholar.csl.edu/bdiv>



Part of the [History of Christianity Commons](#)

---

#### Recommended Citation

Meyer, Richard, "The Struggle for Religious Liberty in New England" (1947). *Bachelor of Divinity*. 315.  
<https://scholar.csl.edu/bdiv/315>

This Thesis is brought to you for free and open access by the Concordia Seminary Scholarship at Scholarly Resources from Concordia Seminary. It has been accepted for inclusion in Bachelor of Divinity by an authorized administrator of Scholarly Resources from Concordia Seminary. For more information, please contact [seitzw@csl.edu](mailto:seitzw@csl.edu).

THE STRUGGLE FOR RELIGIOUS LIBERTY  
IN NEW ENGLAND

---

A Thesis Presented to  
The Faculty of Concordia Seminary  
Department of Church History

---

In Partial Fulfillment  
of the Requirements for the Degree  
Bachelor of Divinity

---

by  
Richard Meyer  
May, 1947

Approved by:

W. G. Pollock  
J. M. Pitty

TABLE OF CONTENTS

Outline . . . . .	iii
I. The Establishments . . . . .	3
II. Forces Struggling for Liberty . . . . .	41
III. Disestablishment . . . . .	76
Bibliography . . . . .	84

## THE STRUGGLE FOR RELIGIOUS LIBERTY IN NEW ENGLAND

### (Outline)

**Controlling Purpose:** The purpose of this paper is to set forth the various forces at work in the struggle for religious liberty in New England and to show how that liberty was obtained.

- I. The Establishments which always were opposed to any freedom of religion.
  - A. The Establishment in the Plymouth Colony.
  - B. The Establishment in the Massachusetts Bay Colony.
    1. The Establishment in the laws of the Colony.
    2. The Establishment in practise during persecutions of individuals.
      - a. Roger Williams.
      - b. The Anti-nomians.
      - c. The Quakers
  - C. The Establishment in Connecticut.
  - D. The Establishments of New Hampshire, Vermont, and Maine.
  - E. The exceptional freedom in Rhode Island.
  
- II. The Forces struggling for liberty against the established religions.
  - A. The Quakers.
  - B. The Baptists.
  - C. The Church of England and political motives.
  - D. Irreligion as a force.
    1. Opposition to church-membership as a qualification for citizenship.
    2. The Half-Way Covenant.
    3. The Great Awakening.
  
- III. The Achievement of religious liberty - Disestablishment.
  - A. In Vermont.
  - B. In Connecticut.
  - C. In New Hampshire.
  - D. In Massachusetts.

## THE STRUGGLE FOR RELIGIOUS LIBERTY IN NEW ENGLAND

"The greatest blessing on earth, next to the Gospel pure and undefiled, is religious liberty, or the freedom of conscience and worship."<sup>1</sup> This blessing of religious freedom, just as the pure Gospel, must be guarded as a precious heritage against the many attacks which endanger it. It is the popular American view that entire religious liberty has been secured in this country because the first Amendment of our Constitution declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In reality, however, there is an almost constant agitation directed against this freedom. Attempts to adopt a religious amendment to the Constitution have ceased since the last unfruitful attempt in 1875 by James G. Blaine and President Grant.<sup>2</sup> Since then, however, there have been many attacks which, although less formal, were just as formidable.

These threats have varied greatly. In the twenties a wave of anti-evolution laws were passed by several states, and these laws are still in effect, to a greater or lesser degree.<sup>3</sup> A popular magazine recently

---

1. F. Bente, "State and Church in American Colonies," Theological Quarterly, VI, p. 148.

2. R. Kemp Morton, God in the Constitution, p. 76.

3. M. Searle Bates, Religious Liberty: An Inquiry, p. 94.

gave much publicity to the persecution of the Jehovah's Witnesses. On June 29, 1941, nine members of this sect were forced to drink eight ounces of castor oil each by an angry mob which resented that they distributed tracts in Richwood, West Virginia, and refused to salute the American flag. This is only one of many examples of acts of intolerance against this group. From 1941 to 1946, 4,200 cases against the Jehovah's Witnesses were tried in state and federal courts, thirty-five of them before the United States Supreme Court.<sup>4</sup>

Perhaps the most important issue of our time for religious liberty in the United States lies in the field of education. This was again brought before the people of the nation by the recent Supreme Court decision permitting public school funds raised by taxation to be used to pay for transportation of children to Catholic parochial schools.<sup>5</sup>

These are problems - problems which are not answered by the simple cry of "Mixture of Church and State!" In order to completely understand the problem and to attempt a better solution, it is necessary to understand the background of our present arrangement. For such an understanding of the struggle which produced our American religious liberty, we present this thesis. The discussion is limited to the struggle in the New England colonies. These colonies, however, demonstrate the conflict going on throughout the American colonies. The factors active in New England were also active in the other colonies.

---

4. Bill Davidson, "Jehovah's Traveling Salesmen," Collier's, (November 2, 1946), p. 12.

5. St. Louis Post Dispatch, February 10, 1947.

## I. The Establishments

The struggle for religious liberty is always a struggle of persecuted groups against the domination of the ruling groups, which are usually the majority groups. This was true in the American struggle. At the time of the settlement of the American colonies, intolerance was the order of the day. Unity of faith, secured by compulsion when necessary, was the accepted tradition and principle. The heretic was a rebel and a traitor, politically and socially as well as theologically and ecclesiastically.

This is to be expected when we consider the background of the colonists. Rome had taught for centuries before the Reformation that no Catholic could be saved who denied that heretics ought to be put to death.<sup>1</sup> There was no such thing as religious liberty in the Middle Ages. Even the Reformation did not bring religious freedom. While the Reformation did break the power of the papacy and severed some of the nations from the Roman Church, it did not introduce liberty. It made a way for liberty by stressing the dignity and rights of the individual soul, but the recognition of the principle of religious freedom was not realized for several centuries. The fact is that the rise of Protestantism was accompanied by an unprecedented outburst of intolerance and cruelty in which both Protestants and Catholics participated.

---

1. M. Searle Bates, op. cit., p. 161.

We do not, in any way, wish to underestimate the work of Luther toward freedom. Undoubtedly, Luther himself saw the true functions of the state and of the church and advocated their separation. In practice, however, he was forced by circumstances, and by the very newness of this doctrine, to call upon the princes to take the lead in the affairs of the church. Although Luther asked them as the principal members of the church, they functioned as government, and even before Luther's death, Germany's church was bound to the state. With the Peace of Augsburg, the principle of "cujus regio, eius religio" was established.<sup>2</sup>

---

2. For an excellent summary of this view, cf. Sanford H. Cobb, The Rise of Religious Liberty in America, p. 49: "This position (cujus regio, eius religio) of the Augsburg Peace is less liberal than that of the Augsburg Confession, and was reached as a compromise between Roman and Lutheran princes. The Confession, published twenty-five years before, in 1530, attempted to define the practical independence of Church and State. 'The administration of civil affairs has to deal with other matters than the Gospel deals with. ... The ecclesiastical and civil powers are not to be confounded. The ecclesiastical has its own command to preach the Gospel and to administer the sacraments. Let it not intrude into the office of another than itself.' The chief distinction is laid upon the impropriety of ecclesiastical interference in civil affairs, which was the special aspect of the question of that day. It fails to warn the state against interference with the Church, although it in no place recognizes that the civil power has a duty against heresy. In these respects the Augsburg Confession was far in advance of the later confessions of the Reformed churches.

"Written by Melancthon under the influence of Luther, it clearly expresses their mind. Luther undoubtedly held in theory the independence and self-government of the Church, but he 'considered the Germans too rough, turbulent, and unpractised to take ecclesiastical government into their hands at once.' The princes, as principal members of the Church, should take the lead and the people must follow. In the circumstances of the times that was an easy step by which this moral leadership passed into the requirement of conformity. Luther saw this and was embarrassed by it; but he saw no way of escape from the necessity of reliance to some extent upon the civil power. ... Long before Luther's death the princes had become the real governors of the church, which was organized and regulated entirely by their will. The Lutheran consistory, which governs the Church today, was organized in 1540, a body of jurists and theologians,

When compared to the other chief Reformers, Luther still stands out as a bright light in the struggle for religious liberty. Calvin explicitly demanded the coercive power of the state for suppressing heresy and vice.<sup>3</sup> The First Helvetic Confession of 1536 declares: "The chief office of the magistrate is to defend religion, and to take care that the Word of God be purely preached." The French Confession of 1559 states: "God hath put the sword into the hands of magistrates to suppress crimes against the first, as well as the second table of the law of God."<sup>4</sup>

Nor was John Knox averse to demanding that the civil power should support Christ's Kirk and Covenant, and suppress its opponents. After the abdication of Mary, a new coronation oath was framed, binding the new sovereign "to maintain the true religion and withstand the false," and to banish from the kingdom "all heretics and enemies to the true worship of God."<sup>5</sup> Bente states:

The Reformed and Calvinistic spirit has always been and is to this very day foreign and inimical to the complete separation of State and Church. The principles and doctrines of the Reformed churches call for establishment of state-churches, as well as civil suppression of heresy. Wherever and whenever an Episcopalian, a Congregationalist, or a Presbyterian has espoused the cause of religious liberty and equality, he is inconsistent,

---

appointed by, and responsible to, the crown, and exercising all the powers of church government and discipline. Luther did not like it, but he knew not how to mend it. 'Satan remains Satan,' he said. 'Under the pope he pushed the Church into the State; now he wishes to push the State into the Church.' "

3. Cf. M. Searle Bates, *op. cit.*, p. 157. Bates states: "If Calvin ever wrote anything in favor of religious liberty, it was a typographical error," and quotes Jordon in saying: "No more arrogant or intolerant philosophy has ever been conceived in the human mind (than Calvin's)."

4. Cobb, *op. cit.*, p. 51.

5. *Ibid.*, p. 56.

and proved ignorant of, or untrue and indifferent to his own teaching.<sup>6</sup>

Such was the heritage of the early colonists. The same tendency was everywhere visible, among the Lutherans in Germany, the Episcopalians in England, and the Presbyterians in Scotland and Geneva. The early religious immigrants to this country came with these ideas. The mutual recognition and support of the Church and State were supposed to be a necessity, and it is doubtful whether the English Government would have granted colonial charters on any other conditions.<sup>7</sup> In Virginia in 1607 by the very terms of their first charter of the London Company, and in Plymouth in 1620, and in Massachusetts Bay afterward, the church arose, if not before, at least coincidentally with the state. Nothing less than this could be expected when we consider their background. The contest was not to obtain equality before the law for all Christian sects, but for the strongest sect to become the favored child of the law because of its strength. Any minority that could become a majority was willing to, and did, become persecutor once it had the power with which to persecute.<sup>8</sup>

The settlers who came to the New England colonies were almost one hundred per cent Calvinistic. They came from a background of intolerance. This intolerance had been against them at home. Now they used the same method versus others. We can only expect, therefore, that the New England colonies would be intolerant, that there would be an integral

---

6. F. Bente, op. cit., p. 151.

7. Daniel Dorchester, Christianity in the United States, p. 82.

8. Morton, op. cit., p. 16.

mixing of church and state, that wherever possible there would be a theocratic government. In this chapter we will give evidence that this is what actually happened in every New England colony, with one exception. Thus we will set the stage for the struggle which produced religious freedom.

#### A. The Plymouth Colony

We must first make a distinction between the Pilgrims of Plymouth and the Puritans of the Massachusetts Bay Colony. The Pilgrims were Separatists whose consciences had already led them to withdraw from the national Church of England. The Puritans did not withdraw from the national church until after coming to America.<sup>9</sup> The Pilgrims had first fled to Holland from English persecution. From 1609 to 1617 they remained in quiet enjoyment of Dutch toleration, but fearing assimilation, they decided to immigrate to the new world. Their first desire was to settle in the new colony in Virginia, but they were not assured of religious toleration in that colony, and therefore looked elsewhere. They soon found financial support from a group of London merchants who formed what later became the "Plymouth Company."

On August 5, 1620, two small vessels set sail from Southampton, the "Speedwell" and the "Mayflower." After two starts the first and smaller of the ships was found entirely unseaworthy, and it was decided that the Mayflower was to go on alone with as many colonists as could be crowded in her.<sup>10</sup> The story of the founding of the famous Pilgrim settlement

9. Engelder, Arndt, et al., Popular Symbolics, p. 250.

10. Warren William Sweet, Religion in Colonial America, p. 77.

is well known.

Undoubtedly, the persecution which they had suffered in England and their stay in the tolerant surroundings of Holland had a wholesome effect on these Pilgrims. The Plymouth colony never reached the intolerance of the later Puritans at Boston. They never made church membership a condition of citizenship. They never went to the excesses of religious persecution which was to be found in the Massachusetts Bay colony. They granted a haven to many who were banished from Boston and Salem, including Roger Williams, Mrs. Hutchinson, and even the cursed Quakers. In fact, the liberality of Plymouth was so offensive to the rulers of Massachusetts, that at one time it threatened to break up the New England Confederacy.<sup>11</sup>

Perhaps a second reason for the tolerance of the Pilgrims is the large number of non-Separatists in the settlement. In fact, the majority of those on board the Mayflower were affiliated with the Church of England.<sup>12</sup> Nevertheless, the Pilgrim minority was a homogeneous group, and since they had instituted the whole enterprise, they naturally furnished political as well as religious leadership. And, although being tolerant, they used this leadership to establish their religious beliefs.

Since the primary purpose of the Pilgrim's coming to America was to preserve their peculiar type of church polity, which they believed was the only kind sanctioned by the Bible, they subordinated all their interests to that one concern. Among the non-Separatists in the group

---

11. Cobb, op. cit., pp. 138-9.

12. Sweet, op. cit., pp 77-8. This includes John Alden and Miles Standish.

discontent and near mutiny had already appeared on board the Mayflower. The Pilgrim leaders fully realized that if their religious integrity was to be preserved, they must keep control of the affairs of the colony, once it had been established.<sup>13</sup> Therefore, although the charter for the company did not mention any control of religion by the state, the Pilgrims immediately made provisions for the support of religion from the public treasury, passed laws punishing blasphemy, profaneness, Sabbath-breaking, and heresy as crimes, and in other ways clearly gave evidence that this was to be a church-state along the lines of their Calvinistic belief.<sup>14</sup>

The law of 1671 limited the franchise to "such as were orthodox in fundamentals." In 1646 the General Court resolved, "that something be done to mayntaine the libertys of the Churches." In 1651 a certain Arthur Howland was presented by the grand jury "for not frequenting the public assemblage on the Lord's Day."<sup>15</sup> In 1658, at the suggestion of the Commissioners for the United Colonies, laws were passed against the Quakers, although not as severe as those of the Bay colony,<sup>16</sup> and there are frequent references to action against this sect in the Plymouth Records.<sup>17</sup> Yet, these seem comparatively mild in the light of the persecution given the Quakers in Boston and elsewhere.

- 
13. Ibid.  
 14. Dorchester, op. cit., p. 99.  
 15. Cobb, op. cit., pp. 138-40.  
 16. Adams, James Truslow, The Founding of New England, p. 268.  
 17. For a complete account of action against the Quakers by the Plymouth colony see The Blue Laws of New Haven Colony, also called Quaker Laws of Plymouth and Massachusetts, (no name given), pp. 2-68.

The colony at Plymouth was soon to be dominated by the larger and more powerful Massachusetts Bay colony. In 1691 the king merged the colony with Massachusetts. In Plymouth we see a theocracy which is still gentle. In the Bay Colony we see a theocracy at its worst.

### B. The Massachusetts Bay Colony

It was said that "a puritane is such a one as loves God with all his soule but hates his neighbor with all his heart."<sup>18</sup> The Puritans in the Massachusetts Bay colony are the personification of intolerance. Although they had pleaded for toleration and liberty while victims of a minority position in England, yet, as true Calvinists, they always had the intention of establishing a new Geneva; and, when that could be accomplished, to repudiate immediately the principles both of toleration and voluntary organization.<sup>19</sup> In the new Massachusetts colony they had their opportunity to establish such a community - and did.

From the very beginning of the colony, the leaders had in mind a theocracy. Fiske says:

The aim of Winthrop and his friends in coming to Massachusetts was the construction of a theocratic state which should be to the Christians, under the New Testament dispensation, all that the theocracy of Moses and Joshua and Samuel had been to the Jews in Old Testament days. ... In such a scheme there was no room for religious liberty as we understand it. ... The state they were to found was to consist of a united body of believers; citizenship itself was to be co-extensive with church membership; and in such a state there was apparently no more room for heretics than there was in Rome or Madrid.<sup>20</sup>

---

18. Bates, op. cit., p. 171.

19. Ibid.

20. John Fiske, The Beginnings of New England, p. 146.

Although nothing was said in the charter concerning religion,<sup>21</sup> the leaders quickly seized this prerogative. Already in 1629, before the coming of the group under Winthrop, Endicott had forced two brothers to be returned to England. Their crime was that, although decidedly Puritans, they still regarded the English Church and liturgy with affection and were using the Book of Common Prayer.<sup>22</sup> Cotton Mather had said, "Toleration makes the world anti-Christian,"<sup>23</sup> and the founders of Massachusetts were determined that this new community was to be a Christian state.

To give a complete account of all religious legislation in the colony would be to subject the reader to a monotonous trail of laws. Myers, in his History of Bigotry in the United States, devotes a full chapter in discussing just the so-called "Blue Laws" (laws regulating church attendance, drunkenness, Christmas festivities, Sunday travel, etc.). He gives a complete picture of the many religious laws passed from 1634 to 1761.<sup>24</sup> Such an account, however, is not necessary for this thesis. It is sufficient to give several chief examples of legislation which tied the church and state in Massachusetts so closely together.

---

21. Fiske, op. cit., p. 96, suggests two reasons: "(a) The crown would not have granted it, and (b) It was not what the grantees wanted; such a provision would have been liable to hamper them seriously in carrying out their scheme. They preferred to keep in their own hands the question as to how much or how little religious liberty they should claim or allow."

22. Cobb, op. cit., p. 159.

23. Bates, op. cit., p. 182.

24. Myers, op. cit., pp. 12-26. Cf. also Thomas W. Coit, Puritanism, Letter XI, pp. 214 ff. for a similar discussion.

At the initial meeting of the Court of Assistants, the earliest legislative body in the Bay colony, the first question considered was the maintenance of the ministers. It was ordered that houses should be built for them and provisions given them "at the publicke expense," and a tax was levied for this purpose.<sup>25</sup> At the first meeting of the Massachusetts General Court on May 18, 1631, it was decided that: "Noe man shall be admitted to the freedom of this body polliticke, but such as are members of some of the churches within the limits of the same."<sup>26</sup> In 1638 a law was passed making all inhabitants liable to contribute "to all charges, both in church and commonwealth."<sup>27</sup> The same law required all inhabitants to attend preaching or pay a fine of five shillings or be imprisoned as punishment. In 1641 the General Court adopted the principle that "The civil authority...hath power and liberty to see the peace, ordinances, and rules of Christ observed in every church according to his word. ... It is the duty of the Christian magistrate to take care that the people be fed with wholesome and sound doctrine."<sup>28</sup> In 1644 a law was passed providing for the banishment of Baptists and all those who "openly condemn or oppose the baptizing of infants."<sup>29</sup> In 1648 the code of the Massachusetts Colony was compiled and published under the direction of a commission consisting of two magistrates, two laymen, and two ministers. This code broadened the

---

25. Cobb, op. cit., p. 169.

26. William Warren Sweet, Religion in Colonial America, p. 88.

27. Paul Erasmus Lauer, "Church and State in New England," John Hopkins University Studies in Historical and Political Science, Vol. X, p. 33.

28. Cobb, op. cit., p. 174.

29. Lauer, op. cit., p. 33.

principle of banishment to "any Christian within this jurisdiction who shall go about to subvert or destroy the Christian faith by broaching and maintaining any damnable heresies..."<sup>30</sup>

This was followed by severe laws against heretics, especially the Quakers. In October, 1656, the General Court passed a law which provided that any master of a ship bringing a known Quaker to Massachusetts should be fined 100 pounds, and be required to give bonds for taking such out of the colony again or else be imprisoned. The Quaker was to be committed to the "house of correction," to be severely whipped, "kept constantly to worke," and not permitted to speak with anyone. If any resident of the colony defended any Quaker opinion, he was to be fined or, on the third offense, banished; while any person who criticized a magistrate or minister was to be fined or whipped.<sup>31</sup> Two years later this was increased by adding the penalties of branding the letter H (for Heretic) on the hands of male Quakers, and boring the tongues of Quakeresses with a red-hot iron. Also the punishment of cutting off ears was added, and finally it was declared that if any Quaker, once banished, returned, the offender should be put to death.<sup>32</sup>

These examples of religious legislation by the Massachusetts colony are not, by any means, all the religious laws passed by that colony. As stated before, such a complete list would be an almost endless list of dates and laws regulating even the most trifling matters. Therefore, let these cases suffice, and now let us see how these laws worked in the

---

30. Dorchester, op. cit., p. 106.

31. James Truslow Adams, The Founding of New England, p. 263.

32. Ibid., p. 268.

case of several persecutions. Here again, we cannot give the entire story, but we must limit ourselves to the most prominent examples, Roger Williams, Mrs. Hutchinson, and the Quakers. The first two are chosen since they set the pattern for future persecution, the latter because it shows the excesses to which this persecution could go.

Roger Williams arrived at Nantasket on February 5, 1631, with his wife.<sup>33</sup> Soon after arriving in Boston, he was chosen teacher in place of John Wilson, who was about to sail for England on the same ship which brought Williams. He refused the call for two reasons: first, because the Boston church still held communion with the Church of England; secondly, he denied the power of the magistrates to punish any breach of the First Table.<sup>34</sup> The Bay Colony would probably have sent him back to England immediately if it had not been that the colony needed the help of certain friends of Williams.<sup>35</sup> A way out was found when two months later Williams received a call to the office of teacher at Salem. Immediately upon hearing this, however, the court at Boston sent a letter of protest to the Governor of Salem.<sup>36</sup> On the same day, April 12, 1631, Williams accepted the call and began his ministry at Salem.

Puritan authority was not to be slighted, however. Boston began other action against the upstart. Governor Winthrop, who had become a

---

33. R. E. E. Harkness, "Roger Williams - Prophet of Tomorrow" in Journal of Religion, Vol. 15 (1935) p. 400.

34. James Ernst, Roger Williams: New England Firebrand, p. 63.

35. Ibid., p. 64.

36. Ibid., p. 65

good friend of Williams, delayed action of the court, merely asking for theological grounds. Now the court passed the law referred to on page 12, admitting no one to the community who was not a member of some church in the neighborhood. Next the court worked to exclude Williams from church membership.<sup>37</sup> Meanwhile, Williams had continued to preach his offensive opinions in Salem. After but a few months there, he deemed it prudent to retire for refuge to Plymouth. Here he remained for two years, earning his living by farming and trading with the Indians, and, at the same time, serving as the assistant to Ralph Smith, the minister,<sup>38</sup> although he had no regular call.<sup>39</sup> While at Plymouth, Williams continued to preach and write against the church at Boston, denouncing them for non-repentance of former membership in the English Church, for permitting the magistrate to administer the oath to an unregenerate person, and for not obtaining the land by rightfully purchasing it from the Indians.<sup>40</sup>

In August, 1633, Williams returned to Salem to become the associate of Mr. Skelton, now failing in health. Again the Boston authorities protested, but the charge was dropped. But in August, 1634, Skelton died, and the Salem church called Williams to the pastorate. The court at Boston could not tolerate this. After much effort to have Salem repudiate Williams, which they refused to do, the church and he were brought

---

37. Ibid., p. 67-68.

38. Sweet, op. cit., p. 90.

39. Ernst, op. cit., p. 70.

40. Gobb, op. cit., p. 184.

to trial in July, 1635, and condemned for heresy and treason, but were given until the meeting of the October court to consider the error of their ways.<sup>41</sup> In the meantime, pressure was brought upon the church at Salem, and before the trial a majority of the freemen had forsaken Williams.<sup>42</sup> Although some of the court preferred the death penalty, the outcome was an order of banishment within six weeks.<sup>43</sup> At the end of the six weeks Williams was a sick man, and, upon the petition of friends, he was granted permission to remain within the colony until spring, provided he would keep silence.<sup>44</sup> He failed to do this, however, and in January, in the depth of winter, the magistrates went to Salem to seize him, only to find that he had fled. Thus ends an excellent example of the constant resistance on the part of the Puritans of Massachusetts to any idea of religious liberty, and there begins another story of a fight for that freedom in what was to become the state of Rhode Island. But that story is to be told in a later chapter.

Hardly had the Williams case been disposed of before a far more serious affair began to disturb the Boston community, the "Antinomian Controversy." Mrs. Anne Hutchinson arrived in Boston on September 18, 1634. She already brought with her a rumor that she had come "to broach heresies."<sup>45</sup> She was, indeed, a remarkable woman, having exceptional and varied abilities, an acute intellectual faculty, and a certain

---

41. Harkness, op. cit., p. 404.

42. Ernst, op. cit., p. 125.

43. Ibid., p. 134.

44. Harkness, op. cit., p. 404.

45. Helen Augur, An American Jesebel: The Life of Anne Hutchinson, p. 48.

"personal magnetism," especially upon her fellow women.<sup>46</sup> Within two years of her arrival, Mrs. Hutchinson began to gather the neighborhood women into her home or the homes of her acquaintances, at first simply to relay to them the sermon she had heard the previous Sabbath. Soon she was adding her own comment and criticism of the discourse.<sup>47</sup> The groups grew to seventy and eighty women, and it did not stop there. The women brought home such reports of Mrs. Hutchinson's remarkable lectures that their husbands asked to be included in these enthralling gatherings. So she was forced to provide two evenings of talk, one for the women alone, and another for men and women.<sup>48</sup>

The main doctrine of the new propheticess was in three points: first, that the covenant of grace had entirely superseded the covenant of works; second, that no amount of sanctification or personal holiness could be regarded as evidence of a justified person (hence the name "Anti-nomian" applied to the controversy); and third, that the Holy Spirit personally dwells in a justified soul.<sup>49</sup> With these teachings as criteria she set aside most of the preaching in the colony and declared that all the ministers, except Cotton and Wheelwright, were still under the covenant of works and unconverted.<sup>50</sup> On October 25, 1636, the ministers met and summoned Cotton and Wheelwright to clear up their position. The two were acquitted.<sup>51</sup> The next Sunday the congregation of Boston church voted

---

46. Cobb, op. cit., p. 188.

47. Sweet, op. cit., p. 92.

48. Augur, op. cit., pp. 88-89.

49. Cobb, op. cit., p. 189.

50. Augur, op. cit., p. 87.

51. Ibid., pp. 115-16.

on Wheelwright's candidacy for teacher. Winthrop opposed the proposal, and it was defeated, since the decision of the congregation had to be unanimous.<sup>52</sup> As an alternative, Wheelwright was appointed minister at the branch church at Mount Wollaston. The coming months were full of agitation by both parties. In December, 1636, the ministers interviewed Mrs. Hutchinson, but could not convict her of downright heresy.<sup>53</sup>

The seething volcano erupted on January 20, 1637. The magistrates had ordered a general fast-day to pray for deliverance from Mrs. Hutchinson and her heresies. All over Massachusetts Bay the ministers denounced her from the pulpit. In the afternoon service Wheelwright was asked to preach. Anne Hutchinson had helped her brother-in-law prepare his sermon, and it was a defense of the doctrine the fast-day had been called to condemn.<sup>54</sup> When the General Court went into session on March 9, 1637, one of Mrs. Hutchinson's disciples was fined forty pounds for saying that all the ministers, except Cotton and Wheelwright, and Hooker, preached a Covenant of works. At the same session Wheelwright was summoned to answer for his fast-day sermon.<sup>55</sup> The result was Wheelwright's conviction for sedition and contempt for authority.<sup>56</sup> The next turn in affairs was the calling of a Synod, the first general Council to be held in New England. Expenses of the delegates were met out of the general treasury, an indication of its official character.<sup>57</sup> The

---

52. Ibid., pp. 118 ff.

53. Ibid., pp. 134-44.

54. Ibid., pp. 145 ff.

55. Ibid., p. 151.

56. Sweet, op. cit., p. 93.

57. Ibid., p. 94.

Synod lasted twenty-four days and unearthed eighty-two errors entertained by the Hutchinson party. The Synod condemned Mrs. Hutchinson's meetings as "disorderly and without rule" and also condemned the practise of challenging ministers in the pulpits and asking pointed questions.<sup>58</sup>

"The net result of the Synod's work was the setting up of definite standards of orthodoxy for the colony, which were to serve as a theological net in which to catch all those disagreeing with the party in control."<sup>59</sup>

The court was now ready to act. Winthrop addressed the court:

Therefore, as the Apostle saith, I would they were cut off that trouble you; and as Cain, Hagar, and Ishmael were expelled as troublers of the families...so justice requires, and the necessity of the peace calls for it, that such disturbers should be put out from among us...<sup>60</sup>

The court proceeded to sentence Wheelwright to be disfranchised and banished. Wheelwright appealed to the king, and was punished for doing so by a night in prison. The next morning he was called before the court and told to leave the province within a fortnight.<sup>61</sup> At this session of the court a "Remonstrance" was presented which had been signed by sixty citizens, deprecating the action of the Synod and asking the court to refrain from interference with Mrs. Hutchinson and her friends.<sup>62</sup> Those signers who refused to retract their names were punished by expulsion from the court, disenfranchisement, disarmament, fines, imprisonment, or banishment.<sup>63</sup>

On November 7, 1637, Mrs. Hutchinson was brought before the Court.

---

58. Augur, op. cit., p. 176.

59. Sweet, op. cit., p. 94.

60. Augur, op. cit., p. 183.

61. Ibid., p. 184.

62. Cobb, op. cit., p. 192.

63. Augur, op. cit., pp. 184 ff. Cf. also Cobb, op. cit., p. 192.

After a wearisome trial she was finally banished.<sup>64</sup> "Though strictly a civil body, it really sat as having ecclesiastical, or religious function, and its whole process against Mrs. Hutchinson and her brother was conditioned upon their religious opinions."<sup>65</sup>

Thus the Massachusetts Bay colony had established its policy for dealing with those who thought differently. This, then, was to be repeated with each new threat to the unity of the colony by dissenters. In 1638 Samuel Gorton was fined and exiled.<sup>66</sup> The Puritan "Inquisition" again functioned against the "Presbyterian Cabal" of 1646,<sup>67</sup> and in many other cases. The most appalling examples, however, are against the Quakers.

About thirty Quakers suffered fine, imprisonment, or whipping in Massachusetts. Twenty-two were banished on pain of death, if they returned; three had their right ear cut off, and four suffered death by hanging.<sup>68</sup> The first persecution of Quakers in the colony occurred in July, 1656, when two women, Mary Fisher and Ann Austin, came to Boston from the Barbadoes. No law had yet been passed against the sect.<sup>69</sup> Governor Endicott was away at the time, but the Deputy Governor, Bellingham, immediately had them arrested, their baggage searched, and a hundred volumes, considered heretical, were confiscated and burned without compensation. The two ladies were stripped naked and examined for evi-

---

64. For a most interesting and complete account of the trial see Chapter Eleven of Augur, op. cit., pp. 186-212.

65. Cobb, op. cit., p. 193.

66. Cf. Fiske, op. cit., p. 163 and Cobb, op. cit., pp. 195 ff.

67. Fiske, op. cit., p. 177 ff. and Cobb, op. cit., pp. 198 ff.

68. Dorchester, op. cit., p. 113.

69. William Sewel, The History of the Christian People Called Quakers, p. 290.

dence of witchcraft and then imprisoned, deprived of light in their cell, and refused communication with anyone. Finally after five weeks of this illegal punishment, they were shipped back to the Barbadoes.<sup>70</sup> Soon after their departure, Endicott came home and found fault with Bellingham's conduct - he had been too gentle.<sup>71</sup>

Instead of discouraging other Quakers, such action was regarded as a challenge by the members of this sect. Hardly had the first victims departed before another ship bearing eight more Quakers arrived (August 7, 1656). They were immediately clapped into prison, and after eleven weeks were sent out of the colony on the same ship in which they had come, the ship's master being placed under bond to take them back to England at his own expense.<sup>72</sup>

Meanwhile, the Massachusetts General Court hurried to pass its first law against the Quakers. There was a series of laws from October 14, 1656 to May 22, 1661, each one more severe.<sup>73</sup> When the first law was passed, Nicholas Upshal, who had supplied the first imprisoned Quakers with food when otherwise they would have starved, protested against the law. For this he was fined twenty-three pounds, imprisoned, and then banished in mid-winter.<sup>74</sup>

In October, 1658, the death penalty was added for those who returned from banishment.<sup>75</sup> This was not the first capital punishment law. There were not less than fifteen capital crimes, including such

---

70. Adams, *op. cit.*, pp. 264-65.

71. Fiske, *op. cit.*, p. 183.

72. Sewel, *op. cit.*, p. 291.

73. See Thomas and Thomas, "History of the Society of Friends in America," in *The American Church History Series*, Vol. XII, pp. 207-08.

74. Sewel, *op. cit.*, p. 292.

75. Sweet, *op. cit.*, p. 147.

offenses as idolatry, witchcraft, blasphemy, marriage within the Levitical degrees, sabbath breaking, and cursing or smiting one's parents.<sup>76</sup> But very seldom were these penalties inflicted. Perhaps it was the hope of the court that this would prevent Quakers from returning to the colony, and it would never be necessary to resort to the death penalty. They were mistaken. William Robinson, Marmaduke Stevenson, and Mary Dyer deliberately returned to Boston after having been banished, knowing well the consequences. They came, as they stated, "to bear testimony against the persecuting spirit."<sup>77</sup> Sentence was pronounced on October 18, 1659, and the execution took place a few days later. On the petition of her son, Mary Dyer had been reprieved, and was once more banished; but with a fiendish ingenuity of cruelty she was not to know of it, and was to be led to the gallows with a rope about her neck and to wait while the two men were being hung.<sup>78</sup> After the others had died, her hands and legs were bound, her face covered, and the rope adjusted about her neck. At that moment her reprieve was announced to her. She refused to accept her life, but was forcibly taken to Rhode Island by her family. The following spring, however, she returned and told the General Court that she was to bear witness against the unjust law. On June 1, 1660, she paid the penalty.<sup>79</sup>

The next March, 1661, the fourth Quaker martyr suffered death upon the gallows when William Leddra was hanged. He had already suffered

---

76. Fiske, op. cit., p. 187.

77. Sweet, op. cit., p. 147.

78. Adams, op. cit., p. 271.

79. Sewel, op. cit., pp. 414-16.

imprisonment and the winter before had been chained to a log in an unheated prison. Some of the charges brought against him were: Sympathy for those who had been executed, refusal to remove his hat, and persistence in the use of "thee" and "thou"; or in other words, his crime, as in the case of all the others, was that of being a Quaker.<sup>80</sup> Such was the "religious freedom" of the Puritans.

There have often been attempts to justify the action of these Puritans on the ground that such persecutions were political, not religious.<sup>81</sup> We must consider this possibility briefly. First, we must admit that there were political implications in the persecutions. Williams' protest against accepting the land under the king's patent, could easily be considered an attack upon the king's supremacy.<sup>82</sup> And in the church-state community even the actions of Mrs. Hutchinson might be considered as antagonistic to the government as well as the church. The actions of the Quakers would in many cases be punished even today in any police court. Furthermore, it is apparent that in the persecution the courts desired to make the religious element involved in them seem of slight importance and placed the emphasis upon their civil and political importance.<sup>83</sup> Religion, however, was the real issue.

In discussing the problem related to Williams, Burrage states:

Now to say that he (Williams) was "violent," "tumultuous," "turbulent," in the expression of his views, and that we

---

80. Sweet, op. cit., p. 147.

81. See Prof. Jesse Johnson, "Persecutions in Early New England" in Bibliotheca Sacra, Vol. 83, pp. 434 ff.

82. Fiske, op. cit., p. 115.

83. Sweet, op. cit., p. 94.

are to find in this the cause of his banishment, is to overlook the plain facts of the case in so far as they have come down to us in the reports we have concerning the proceedings connected with the banishment.

Certainly nothing is more evident than that the charges against Mr. Williams had to do with opinions, not with Mr. Williams' expression of those opinions.<sup>84</sup>

Ernst also points out that when Williams was permitted to remain in Salem until spring, it was with the "injunction...not to go about to draw others to his opinions." "This last caution," Ernst states, "shows clearly that the sentence was not for any crime, but for his opinions, a public venting of them and drawing others to his peculiar views."<sup>85</sup>

Any political motive at all is difficult to find in the case of Mrs. Hutchinson. Cobb declares, "There was no danger to the state in the views of Mrs. Hutchinson."<sup>86</sup> This was clearly a religious persecution.

When we come to the Quaker persecutions, however, we can easily see that they were disturbers of the peace. It is true that their "behavior would have aroused interference in any age."<sup>87</sup> Note, however, that such behavior was a result, not the cause, of their persecution. As has already been pointed out, the authorities of Massachusetts began the persecution immediately, before the newcomers had a chance to behave themselves well or ill. Adams significantly points

---

84. Henry S. Burrage, "Why Was Roger Williams Banished?" in The American Journal of Theology, Vol. V, p. 1.

85. Ernst, op. cit., p. 135.

86. Cobb, op. cit., p. 194.

87. Johnson, op. cit., p. 437.

out that wherever the Quakers were not persecuted, they gave no trouble.<sup>88</sup> Their subsequent behavior was in protest to such persecution. "These acts were not done until after persecution had goaded the sufferers into what seems to this century to be a most unseemly exhibition."<sup>89</sup> For example, it is reported that one of the Quaker women stripped herself naked and walked through the aisles of a crowded meeting-house, and another through the town of Salem.<sup>90</sup> Such indecency certainly would be apprehended today also, but there was a reason why the women should act so. They were protesting against action which in our times would also receive rebuke. Sewel reports the reception of the first Quaker women to Boston in these words: "They were stripped naked, under pretense to know whether they were witches, though in searching, no token was found upon them but innocence; and in this search they were so barbarously misused that modesty forbids to mention it."<sup>91</sup> One of the laws read that the women should be "stripped naked from the middle up, tied to a cart's tail, and whipped through the town and from thence to the next town until they were conveyed out of our jurisdiction."<sup>92</sup> It was against such legislation and treatment that the Quakers acted. We are inclined to sympathize with them. We cannot absolve the Puritans for their persecutions. Throughout the history of the Puritan control we see only intolerance, never any indication of a spirit which fostered the American principle of

---

88. Adams, op. cit., p. 277.

89. Thomas and Thomas, op. cit., p. 210.

90. Cobb, op. cit., p. 215.

91. Sewel, op. cit., p. 290.

92. Thomas and Thomas, op. cit., p. 210.

religious freedom.

With these examples we must bring our account of the Puritans in Massachusetts to a close. This does not mean that there are not many other cases which might just as well have been quoted. There are many such. In the community of the Massachusetts colony there was a theocracy the like of which has perhaps never existed in another Christian nation, other than Geneva. This was a deliberate development by the Puritans. Unlike the establishment of the Church of England in Virginia, this establishment was not the result of the wishes of a higher power and forced upon the people. The Massachusetts church-state was out of response to the wishes of the people. Once the Puritans had achieved this theocracy, they were never willing to give it up. Only when forced by the pressure of other groups did they yield in any way.

Massachusetts gives us a very graphic picture of the intensity of the struggle for religious liberty. Therefore, this paper will stress the struggle in that colony. Let us now, however, look briefly at the other New England colonies and see that in each of these, with one exception, the same obstacle to obtaining religious freedom is at work.

### C. Connecticut

The early settlers in Connecticut, with the exception of the founders of New Haven, came as a protest against the ecclesiastical excesses of Massachusetts. Already in 1633 the Plymouth colonists had established a trading post in the fertile valley of the Connecticut River. Not until 1635, however, were the first permanent settle-

ments founded, one by the younger Winthrop at Saybrook, others under the leadership and influence of Thomas Hooker at Hartford, Withersfield and Windsor.<sup>93</sup> Hooker was motivated by high ideals of democracy and toleration. He opposed the theocratic philosophy of Massachusetts and never assented to the rule which made membership in the church a condition of citizenship. Theologically, also, he was not in full agreement with the Massachusetts clergy. He referred to John Cotton as "the unmitred pope" of Boston.<sup>94</sup> The first session of the General Court of Connecticut was held on May 31, 1638, and Hooker preached a sermon maintaining the sovereignty of the people.<sup>95</sup> In January of the next year all the freemen of the three towns assembled at Hartford and adopted the first written constitution known to history, creating a government.<sup>96</sup> In spite of Hooker's advanced views, the time was still not ripe for a separation of church and state. The constitution stated it was the duty of the civil government to "mayntayn the liberty and purity of the gospel of our Lord Jesus, as also the discipline of the churches." More formally and at length, the first General Court declared: "Forasmuch as the peace and prosperity of the Churches and the members thereof, as well as Civil rights and liberties, are carefully to be maintained; it is ordered by this court and decreed, that the Civil Authority here established

---

93. Paul Erasmus Lauer, "Church and State in New England" in Johns Hopkins University Studies in Historical and Political Science, Vol. X, II-III, p. 29.

94. Sweet, op. cit., p. 96.

95. Fiske, op. cit., p. 127.

96. Cobb, op. cit., p. 242.

hath power and liberty to see that the peace, ordinances, and rules of Christ be observed in every Church according to His Word."<sup>97</sup>

About the same time another settlement at New Haven was being founded and was organized in April, 1638, under the "Plantation Covenant." Before organizing their government in 1639, the leader, Mr. Davenport, preached a sermon from the text "Wisdom hath builded her house, she hath hewn out seven pillars." Thereupon, seven officers, representing the seven pillars of wisdom, were chosen, and it was resolved "that the Word of God should be the only rule to be attended unto in ordering the affairs of the government."<sup>98</sup> Church and state were to be identical. These "pillars of the church," or magistrates, served as judges, and trial by jury was dispensed with because no authority could be found for it in the laws of Moses.<sup>99</sup> The Mosaic code was the foundation of all law, and any crime punishable by death under the old Hebrew law was made capital in New Haven.<sup>100</sup> The theocracy of New Haven existed side by side with the more tolerant democracy of Connecticut. Each was independent of the other until 1662 when they were united by a royal charter.<sup>101</sup> With the union with Connecticut, all the peculiarities of New Haven ceased. Its theocracy fell, and the laws and authority of Connecticut took the place of its own. Some, including Davenport, refused to submit to the union and withdrew from the colony, but most of the New Haven people easily

---

97. Ibid., p. 243.

98. Lauer, op. cit., pp. 43-4.

99. Fiske, op. cit., p. 136.

100. Cobb, op. cit., p. 284.

101. Lauer, op. cit., p. 44.

reconciled themselves to being engulfed by the larger colony.

Although, as we have already shown, the constitution of Connecticut gave the state certain ecclesiastical powers, the story of this colonial establishment is more like a benevolent and fatherly care and watchfulness over the interests of the church. The civil power was seldom used for oppression, but rather for supporting the church. The church was a public charge; its building was erected at public expense; its ministers were called by a town-meeting, and the regular support raised by public tax.<sup>102</sup> Between 1644 and 1657 the establishment of the Congregational churches was confirmed by legislation,<sup>103</sup> and in 1669 the Congregational Church was formally approved.<sup>104</sup> From the beginning attendance at public worship was compulsory. Acts to this effect were passed throughout the history of the colony, as late as 1770.<sup>105</sup>

The first laws of discrimination were directed against the Quakers. The Connecticut authorities never went so far as to hang Quakers, but there was considerable legislative furor and popular agitation against the heresy in 1656 and 1657.<sup>106</sup> In New Haven the penalties inflicted included boring with a hot iron through the tongues of Quakers who had offended four times by communicating with citizens.<sup>107</sup>

There are, however, few records of persecution of dissenters in

---

102. See Cobb, *op. cit.*, pp. 246-52.

103. Paul Wakeman Coons, The Achievement of Religious Liberty in Connecticut, p. 3.

104. Lauer, *op. cit.*, p. 45.

105. Cobb, *op. cit.*, pp. 255 ff.

106. Coons, *op. cit.*, p. 6.

107. *Ibid.*, p. 9.

Connecticut; perhaps because there were few dissenters. Perhaps the greatest shock to the calm toleration of Connecticut came in the great Awakening. This phenomenon in the religious life of New England will be treated more fully in a following chapter, but here we must note the action of Connecticut against the revivalists. In 1742 "an Act for regulating Abuses" was passed to suppress the mounting disorders. No support was to be given a minister who intruded into the parish of another. If an unordained person preached in the parish of a settled clergyman, he was to be fined one hundred pounds. Any outsider guilty of offense was to be expelled from the colony.<sup>108</sup> The result was the disposition of several Connecticut ministers, while the Separatists, as the revivalists who withdrew from the regular churches and formed themselves into separate congregations were called, were in some instances persecuted and some of them imprisoned.<sup>109</sup>

Thus, even in the century of the Revolution, Connecticut, which had begun so liberally, was not ready to throw off the cloak of state-churchism. Nevertheless, among the establishments of the colonies, that of Connecticut was by far the best, and this colony was fertile ground for the agitation for religious liberty to grow and bring forth fruit.

#### D. New Hampshire, Vermont and Maine

The story of the establishment in these three colonies can be told

---

108. Ibid., p. 15.

109. Sweet, op. cit., p. 291.

very briefly. Of the four towns which were to make up the colony of New Hampshire, two had been founded by Antinomians driven from Boston, and two by Episcopalians.<sup>110</sup> And yet, even with such a background, when the towns organized in 1639, they could not reject the idea of an established church. A system of tithes, assessed and collected under the civil law, was established.<sup>111</sup> When in 1641 the smaller colony of New Hampshire was united with Massachusetts, the laws of the latter colony were binding on both, with the exception that the franchise in New Hampshire should not be limited to Church membership. This union was dissolved in 1679 by royal order. The first provincial assembly gave only one religious qualification for a freeman - that he be a protestant. In 1681 a law was passed that the town officers should assess the minister's support on all the taxpayers of the town. Refusal to pay was made punishable by imprisonment until the rates were paid or good security was given.<sup>112</sup> Contempt of God's Word or of the ministers was also made punishable by fine or imprisonment, and there are instances of punishment by whipping.<sup>113</sup> In the laws of 1692, 1702, and 1714 various enactments confirmed the congregational order as a town establishment, supported by taxes. The law of 1714 made it possible for a dissenter to be excused from paying taxes for the church, but it was very difficult to produce proof.<sup>114</sup> This establishment continued long past the Revolution. In fact, there still exists today a

---

110. Fiske, op. cit., p. 154.

111. Cobb, op. cit., p. 291.

112. Ibid., p. 295.

113. Ibid.

114. Lauer, op. cit., p. 42.

statement in the New Hampshire Bill of Rights to "authorize the towns to provide for the support of Protestant teachers."<sup>115</sup> And the constitution still distinguishes against the Roman Catholics and puts a Jewish congregation outside the protection of the law.<sup>116</sup>

The history of religious establishment in Maine is even briefer, although the colony itself precedes Plymouth colony. In 1607 the first religious service was conducted there. In 1639 the Church of England was established by the charter given the proprietor, Gorges. "It was incumbent upon him to adopt the articles of faith, forms of ecclesiastical government of the Church of England, and to dedicate all churches in accordance with its ritual."<sup>117</sup> The northern colony was slow in developing, however, and because of its backwardness, Maine was dominated by Massachusetts. In 1692 Massachusetts legally absorbed Maine. The Puritans received a charter from William and Mary which made Maine an integral part of Massachusetts. Therefore, the same establishment was effective in both states. Not until 1833 was the church finally disestablished and tithes abolished.<sup>118</sup>

Vermont was the last of the New England states to be colonized. Before the Revolution the territory was constantly in dispute, various sections being claimed by Massachusetts, New Hampshire and New York. Its independence was finally declared in 1777. The first constitution required "that every sect or denomination of people ought to observe

---

115. Cobb, *op. cit.*, p. 516. No town, as such, has acted upon the law within this century, but it still remains.

116. Roland H. Bainton, "The Struggle for Religious Liberty," in *Church History*, Vol. X, No. 2, p. 116.

117. Lauer, *op. cit.*, p. 37.

118. Cobb, *op. cit.*, p. 515.

the Sabbath, or the Lord's Day and keep up and support some sort of religious worship..."<sup>119</sup> In 1783 a law was passed putting the church on the town care and tax. And finally, a law of 1801 ordained that every person of adult age and a legal voter should be considered as of the religious opinion represented in the town church and as such should be liable to taxation for the church support, unless he should deliver in writing a declaration that he did not agree in religious opinion with the majority of the inhabitants of the town.

Thus, with the one remaining colony as an exception, the New England states were founded upon the principle of intolerance. The old-world policy of state-churchism had been replanted in the New World.

#### E. Rhode Island

The story of Roger Williams' banishment from the Massachusetts colony has already been told. From this it is evident that Williams already had declared the doctrine that the power of the magistrates should be limited to civil matters, and that they had no authority to punish religious offenses.

The views of Williams, if logically carried out, involved the entire separation of church and state, the equal protection of all forms of religious faith, the repeal of all laws compelling attendance at public worship, the abolition of tithes and of all forced contributions to the support of religion.<sup>120</sup>

The rest of his life was to be spent in achieving these goals.

---

119. Lauer, op. cit., p. 50.

120. Fiske, op. cit., p. 115.

When Williams was banished from Massachusetts, he found shelter from the winter with the friendly Indians with whom he had traded when in Plymouth. He first planned a settlement on the east bank of the Seekonk River. He was informed, however, by Winalow, Governor of Plymouth, that he was still within the bounds of the Plymouth colony, and in order to avoid displeasing the Bay colony, Williams was ordered to move sometime after March, 1636.<sup>121</sup> In early May, the settlement at Providence was begun. By June 16, 1636, the "masters of families" had been incorporated into a town fellowship. In defining the purpose of organizing, it was expressly stated that the authority was "only in civil things."<sup>122</sup> The magistrate had no religious or church power. The civil state could not inquire into the beliefs of its citizens. This was separation of church and state. The settlement grew and the government was reorganized in 1640. The compact of 1636 was retained and liberty of conscience granted.

Other settlements had been established at Newport and Portsmouth. For self-protection against the Indians and the intolerance of the Bay colony, these three towns decided to seek a free charter of civil government from the English Parliament. In September, 1642, Williams was commissioned to go to England to procure this charter. On March 14, 1644, Parliament granted "a free Charter of civil incorporation and government" to the Providence Plantations. It was the first free charter of government issued to any English colony.<sup>123</sup> No mention was made of religion.

---

121. Ernst, *op. cit.*, p. 160.

122. *Ibid.*, p. 169

123. *Ibid.*, p. 230.

Shortly before returning from England with the Charter, Williams published his famous Bloudy Tenent of Persecution for the Cause of Conscience (July, 1644). This was his clarion call for liberty and the rights of man. The revolutionary nature of this pamphlet can best be shown by quoting some of the more striking sentences:

All civil states with their officers of justice...are proved essentially civil and therefore not judges, governors or defenders of the Spiritual or Christian state or worship. God requireth not a uniformity of religion enacted or enforced in any civil state; which enforced uniformity, sooner or later, is the greatest occasion of civil war, ravishing of conscience, ... and of hypocrisy. Enforced uniformity confounds civil and religious, and denies the principles of Christianity and Civility.

A national church was not instituted by Christ Jesus. That cannot be true religion which needs carnal weapons to uphold it. Evil is always evil, yet permission of it may in case be good. ... Masters of families are not charged under the Gospel to force the conscience of their families to worship. Persecution of man's bodies seldom or never do their souls any good. ... The Christian church doth not persecute.

Forcing of conscience is soul-rape. A crying guilt is the bloody, irreligious and inhumane oppression and destruction under the mask and veil of the name of Christ. ... No man should be bound to worship or maintain a worship against his own will. ... A believing magistrate is no more a magistrate than an unbelieving. Civil magistrates were never appointed by God, Defenders of the Faith of Jesus. No magistrate can execute justice in killing soul for soul. ... Civil magistrates are confessed not to have power to urge conscience in indifferent things.

The Civil Power is originally and fundamentally in the People. ... Power, might, or authority is not religious, Christian, etc., but natural, humane and civil. ... The spiritual and civil sword cannot be managed by one and the same person. ... The civil magistrates are bound to preserve the Bodies and Goods of their subjects, and not to destroy them for conscience sake. The civil magistrate owes two things to false worship:  
(1) Permission, (2) Protection. 124

---

124. These quotations are taken from Ernst, op. cit., (see especially pp. 244-46.)

Thus, Williams clearly set down his principles of liberty of conscience and separation of church and state. These principles were further put into effect in the new chartered Rhode Island.

At the first legislative assembly a code of laws was adopted. The preamble includes: "And now to the end that we may give each to other (notwithstanding our different consciences touching the truth as it is in Jesus) as good and hopeful assurance as we are able, touching each man's peaceable and quiet enjoyment of his lawful right and liberty." And in the first act: "And otherwise than this (what is herein forbidden) all men may walk as their consciences persuade them, everyone in the name of his God."<sup>125</sup>

This was so in advance of the thinking of the day that most men of the day could not understand it. They were unable to distinguish between freedom of the mind from spiritual tyranny and freedom of conduct from the restraints of civil law. Therefore, Rhode Island became a haven for many who desired not freedom of conscience, but freedom for lawlessness. This naturally brought opposition to the colony from the Bay colony. There was even an armed attack. Finally, in November, 1651, Williams left for England a second time to adjust the difficulties connected with the charter.<sup>126</sup>

While in England he again turned to writing. In The Hireling Ministry None of Christ's he opposed a state church and state support of the clergy as a "covenant with Hell." In The Bloody Tenant Yet More

125. Cobb, op. cit., p. 431.

126. Ernst, op. cit., p. 314.

Bloody, which is a reply to Cotton's The Bloody Tenant Washed White, he again discussed banishment, his religious views, and the principles of liberty and people's sovereignty.<sup>127</sup>

Williams returned from England in June, 1654, without having achieved the new charter. The new charter finally was granted in 1663, not by Cromwell, but by the new king, Charles II. The charter's section on religious matters reads: "No person within the said colony, at any time hereafter, shall be any wise molested, punished, disqualified, or called in question for any difference of opinion in matters of religion; every person may at all times freely and fully enjoy his own judgment and conscience in matters of religious concernments."<sup>128</sup> Here, then, the colony of Rhode Island was constituted - and by a king - the first thoroughly free government in the world, where conscience was at liberty to express itself in any way of doctrine and worship, and the church was untrammled by any prescription or preference of the civil law.

This policy of toleration was not always easy to maintain in practice. There were many who misused this freedom for attempted anarchism. Perhaps Williams shows his greatness most clearly in his dealings with these people. Many of the people were fleeing from the Bay colony. The Hutchinson party came in March, 1637. In 1640 Samuel Gorton came to Providence. He had previously been banished from Plymouth and Portsmouth. Williams disapproved of Gorton "but was true to his principles

---

127. Ibid., pp. 315-16.

128. Cobb, op. cit., p. 436.

of toleration and would not take part in any attempt to silence him."<sup>129</sup> Williams did, however, debate with Gorton publicly on religion, and he complained that "Gorton is bewitching and bemaddening poor Providence and denies our civil government."<sup>130</sup> Williams' toleration of Gorton proved to be wise, for although he had constantly been an agitator before, he became a person worthy of public confidence. From the beginning of the Rhode Island colony until his death, Gorton was almost constantly in office, and in the records of the colony during that time there is not an instance of reproach recorded against him.<sup>131</sup>

Williams' toleration was even extended to the Jews. In 1655 a group of Jews were banished from New Amsterdam and found their way to Newport. A congregation under the name of "Jeshuat Israel" built the first synagogue in North America in 1658 at Newport. In the Assembly of 1684 it was stated: "We declare that they (the Jews) may expect as good protection here as any strangers...ought to have."<sup>132</sup>

Perhaps the supreme test of Williams was in dealing with the Quakers. The first Quakers arrived at Providence Plantations in the autumn of 1656. Although Williams had already opposed the Quaker doctrines in England in 1652, he assured the sect civil protection in his colony. He wrote to the Bay colony:

We have no law amongst us whereby to punish any for only declaring by words their minds and understandings concerning the things and ways of God as to salvation and our eternal condition. As for these Quakers, we find that where

---

129. Fiske, op. cit., p. 167.

130. Ernst, op. cit., p. 214.

131. Cobb, op. cit., p. 197.

132. Ernst, op. cit., p. 351.

they are most of all suffered to declare themselves freely and only opposed by arguments in discourses, there they least of all desire to come. Any breach of the civil law shall be punished, but the freedom of different consciences shall be respected. 133

Many Quakers took advantage of this haven. By 1672 the sect had grown so strong that they were able to elect a Quaker as governor, and the Quaker and pro-Connecticut parties wrested the control of the central party from the Williams party.<sup>134</sup>

In protecting the Quakers, Williams never concealed his antipathy to their doctrines, however. The Quaker pilgrimage to America of George Fox and his twelve disciples in the summer of 1672 had attracted the notice of all New England, and the ire of Williams. He had tried to speak in their meetings at Newport and Providence, but both times he was headed off. He then drew up fourteen formal propositions, showing the errors of Quakerism, and sent them to George Fox with a challenge to a public debate. For some reason they were not delivered to Fox, and Williams concluded that the Quaker founder feared to meet him. It seems, however, that Fox had already left the colony before the challenge reached him. A debate, however, was finally arranged, and it was agreed that seven of the propositions were to be discussed at Newport and the remaining seven at Providence. The seventy-three year-old Williams rowed himself in a boat across Narragansett Bay to debate the three Quaker champions. Both sides claimed the victory, and little actually resulted from the debate. But here we see the true

---

133. Fiske, op. cit., p. 184.

134. Ernst, op. cit., p. 420.

liberty of conscience in practise, and it furnishes proof that Rhode Island was living up to the great principles upon which we were established.<sup>135</sup>

Thus, in the colonies the little state of Rhode Island is unique in acquiring religious liberty. Here is the only exception to the axiom that a majority religion always tends to be intolerant where it has the power to do so. A century before the Revolution Rhode Island had achieved a complete separation of church and state. Massachusetts was not to reach this goal until 1832.

Rhode Island was a powerful example to the other states. For the first time it was demonstrated that different religions could live together under one government - and live peaceably. In the many conflicts which were occurring in every state between the majority religion and the minorities, the citizens who were tiring of the incessant struggle looked toward Rhode Island. There they saw the successful solution to their problem. They, too, were to accept this solution, but not without many painful experiences.

---

135. For details of the debate see Ernst, op. cit., pp. 461-78. Also Sweet, op. cit., pp. 154 ff.

## II. Forces Struggling for Liberty

Perhaps the greatest battles are not fought on the battlefield. They are fought in the mind, in the laboratory, in the editorial room, in the study, in the courtroom, in the pulpit. The greatest battles for religious liberty, also, were not at Kappel or Luetzen, but in the lives of common people. There was a constant struggle going on in the life of the New England colonies. This was the conflict between those interested in maintaining the old state-churchism and those who desired freedom of consciences. We will now see how these various groups carried on this struggle. As in the first chapter, this will not be a complete narrative - that would be impossible in so limited a paper, but we will rather give instances which show the forces at work, and the results of their struggle.

In all the colonies, with the exception of Rhode Island, among the principal forces working for religious liberty were the minority groups. After the Revolution Madison, commenting on the religious freedom in the new United States, said, "This freedom arises from the multiplicity of sects which pervades America and which is the best and only security for religious liberty in any society..."<sup>1</sup> These minorities were at work in New England also. The main groups were the Quakers, the Baptists, and the Anglicans.

---

1. R. Kemp Morton, God in the Constitution, p. 91.

### A. The Quakers

We have already seen the action taken by the Establishments against the Quakers. It is not necessary to repeat this. In this section we rather wish to show the reaction to the persecutions of the Quakers and how this tended to bring about a greater toleration which later became liberty.

From the first acts against Mary Fisher and Ann Austin there had been evidence of public displeasure with the persecution. Nicholas Upshaw had been banished and fined for protesting vigorously.<sup>2</sup> At the trial of the second group of Quakers to enter Massachusetts, the eight who were also banished, the defendants had asked for a copy of the laws against them. Governor Endicott refused to allow them to see one - for good reason, since there was none. A contemporary account reports that he refused "to the grieving of the people then present, who said openly in the Court, 'How shall they know then when they transgress?'"<sup>3</sup> As the laws grew more severe and persecutions more widespread, the opposition also became stronger. William Brend, a Quaker, was so badly mistreated that the people demanded that the jailer be imprisoned. Brend had been whipped mercilessly and placed in the stocks two days. The next day, being Sunday, the Puritan jailer went to church; and Brend, who had not received food for several days, became unconscious. When the people learned the facts, they protested so loudly that the governor published a statement that

---

2. Sweet, op. cit., p. 145.

3. Adams, op. cit., p. 265.

the jailer would be dealt with at the next court. Meanwhile, John Norton, the chief defender of Massachusetts orthodoxy, published a defense of the jailer, and nothing was done.<sup>4</sup>

(There is much evidence to suggest that the law establishing the death penalty for returning Quakers was passed against the wishes of the people. The bill was passed in the upper house without serious difficulty, but in the lower house it was at first defeated by a vote of fifteen to eleven. Later one of the opponents became ill, and two were intimidated, so that finally the infamous bill was passed with a mere margin of one vote.<sup>5</sup> The public disapproval had been so apparent that the Court, after passing the bill, instructed Norton to prepare an official argument against the Quakers. He published the accusation in 1659 with the main argument being that the Quakers, if they became numerous enough, would repeat the atrocities of the Anabaptists of Munster in New England.<sup>6</sup>

The argument failed, however, and the smouldering opposition was fanned into a flame at the executions of 1659. At the time of the execution of Robinson and Stevenson, a heavy guard had been necessary to allow the sentence to be carried out.<sup>7</sup> When the victims tried to address the crowd, their voices were drowned by the beating of drums,<sup>8</sup> but their blood cried out more loudly. Public sentiment in Boston was now so strong against the magistrates that they began to weaken. William

- 
4. Adams, op. cit., p. 269.  
 5. Fiske, op. cit., p. 188.  
 6. Sweet, op. cit., p. 148.  
 7. Adams, op. cit., p. 272.  
 8. Fiske. op. cit., p. 188.

Leddra, who was executed in 1661, was the last infliction of the death penalty.

While the trial of Leddra was in progress, a banished Quaker, Wenlock Christison, appeared in court, obviously asking to be persecuted. Christison was condemned to death after much debate by the magistrates, but the sentence was never executed. In the interval the legislature assembled, and the capital punishment law was repealed. The Quakers had not died in vain. They had brought about the first conclusive sign that the old theocracy was crumbling. Fiske states in summing up the Christison case:

A revolution had been effected. The Puritan ideal of a commonwealth composed of a united body of believers was broken down, never again to be restored. The principle had been admitted that the heretic might come to Massachusetts and stay there.<sup>9</sup>

At the same time the General Court had been forced to release the people who had been imprisoned. Yet, the court was not ready to concede liberty to the "cursed sect." In 1662, the following year, it reenacted the law for the whipping of Quakers, and as late as 1675 a law was passed imposing a fine of five pounds on any person found at a Quaker meeting.<sup>10</sup> But these acts of bigotry became more and more discountenanced by public opinion so that the laws were dead letters.

Meanwhile, the Quakers had made repeated appeals to the newly restored king, Charles II. This brought results. The king promptly dis-

---

9. Ibid., p. 190.

10. Cobb, op. cit., p. 219.

patched an order to suspend all proceedings against the Quakers, and if there were any in prison then, to send them to England for trial.<sup>11</sup> And to add insult to injury, the king chose a banished Quaker to be his messenger.<sup>12</sup> The Quakers in England hired a special ship to carry the man with his precious cargo. When Governor Endicott received the letter from the condemned man, the theocracy received a death blow. No longer could the New England leaders pronounce the death penalty on any person because of his religious convictions, and a New England court would never consent to sending the accused person to England for trial. In the year after Endicott's death, 1665, a law was passed permitting Quakers to go about their secular business without molestation. And the year 1677 marks the end of Quaker persecution in New England.<sup>13</sup> The Quakers had won the battle for religious liberty. As Cobb states:

Puritanism and religious liberty, under the guise of Quakerism, met in a death grapple, and though four Quakers went to the gallows, the real victory was with the "cursed sect" and the true principles they professed.<sup>14</sup>

The way was paved for other minorities to launch their attacks on the intolerance of Puritanism. The victory of the Quakers made the work of these able to achieve a similar victory.

#### B. The Baptists

The next group which closely followed the Quakers and is, in some respects, similar to the Friends is the group of Baptists who "constituted

---

11. Fiske, op. cit., p. 191.

12. Adams, op. cit., p. 273.

13. Sweet, op. cit., p. 150.

14. Cobb, op. cit., p. 222.

the largest single body fighting openly, in season and out, for the separation of Church and State."<sup>15</sup> The movement is often connected with Roger Williams, although now it seems quite evident that this is incorrect.<sup>16</sup> Discrediting the church at Providence founded in 1639, the first Baptist church was founded in 1644 at Newport, Rhode Island, by John Clarke.<sup>17</sup> Other churches soon followed in Rhode Island, and this liberal colony became the catapult from which many Baptists were thrown against the New England Theocracy.

Already in 1639 there had been an attempt to found a Baptist church in Weymouth, near Boston, but the promoters of the plan were called before the General Court and subjected to fines, disfranchisement, and imprisonment.<sup>18</sup> Most of the members escaped to Rhode Island, but several remained in Massachusetts. One of them, Lady Deborah Moody, was expelled by the elders of the Salem church in 1642 for denying baptism of infants.<sup>19</sup> In 1644 a poor man by the name of Painter was tied up and whipped for refusing to have his child baptized.<sup>20</sup> Cases of persons refusing to present their children for baptism become in-

---

15. Sweet, op. cit., p. 333.

16. For the most comprehensive study of this problem see Conrad Henry Moehlman, "The Baptists and Roger Williams," in The Colgate-Rochester Divinity School Bulletin, Vol VII, pp. 23-59. (November, 1934). Moehlman draws the conclusion that although Williams was associated for a few months with a group of men and women at Providence, who in some way were involved in activity which finally issued in the origin of the First Baptist Church of Providence, yet he was not a Baptist. This is also the view of Sweet, op. cit., p. 128 and Ernst, op. cit., p. 207.

17. J. M. Cramp, Baptist History, p. 462.

18. Dorchester, op. cit., p. 110.

19. Sweet, op. cit., p. 131.

20. George C. Lorimer, The Great Conflict, p. 41.

creasingly common, and in November, 1644, the Massachusetts Court enacted a law making it a crime punishable with banishment for any to deny the validity of infant baptism, or for holding any of the other views peculiar to the Anabaptists.<sup>21</sup>

The persecution of Baptists in New England reached its climax in 1651. An aged Baptist, William Winter, living at Lynn, was unable to journey to his Baptist church in Newport and therefore requested his pastor, John Clark, to visit him. Clark took this opportunity to make a pastoral visit to other members living in the neighborhood and took with him Obadiah Holmes and John Crandall. Baptism and the Lord's Supper were also to be administered to several new converts. When they were assembled on the Sabbath, two constables arrived with warrants for their arrests. They were forced to attend church. When Clark attempted to explain the difference between the Baptists and the Puritans, he was quickly silenced. The next day they were taken to Boston and imprisoned. A few days later they were tried by the court and "without producing either accuser, witness, jury, law of God or man" were sentenced.<sup>22</sup> During the trial they were treated "in a very ungentlemanly and cruel manner."<sup>23</sup> At one time the Puritan minister, John Wilson, struck Holmes and said, "The curse of God or Jesus go with thee."<sup>24</sup>

The sentences were that Clark was to pay a fine of twenty pounds, Holmes a fine of thirty pounds, and Crandall five pounds. Some friends

- 
21. Sweet, *op. cit.*, p. 131. Cf. also Cramp, *op. cit.*, pp. 463-64.  
 22. Euphenia N. M. Schwartz, *A Compendium of Baptist History*, p. 104.  
 23. *Ibid.*  
 24. *Ibid.*

paid Clark's fine. Crandall was released on promise to appear the next court-day. His fine was later also paid by friends. Holmes, however, who had the heaviest fine, would not permit the fine to be paid for him.<sup>25</sup> The alternative to payment of the fine was in each case to be "well-whipt." Holmes was kept in prison from July, when the sentence was passed, until September. Then he was barbarously whipped thirty strokes with a three-corded whip.<sup>26</sup>

Such treatment, just as in the case of Quaker persecutions, had a great effect upon the common people of New England. Warrants were issued against thirteen persons whose only crime was showing some sympathy with Holmes.<sup>27</sup> Two of them who helped Holmes away from the whipping post were arrested, fined forty shillings and imprisoned.<sup>28</sup> When one of them ventured the statement that Holmes was a godly man, Governor Endicott threatened the same treatment for him.<sup>29</sup>

Perhaps the most startling reaction to the persecution for the Established order was the "conversion" of the highly respected president of Harvard College, Henry Dunster. After witnessing the trial of Clark, Holmes, and Crandall and observing Holmes' punishment, he openly opposed infant baptism, and was forced to resign as president of the college in 1654.<sup>30</sup>

The year after his trial, Clark went to England with Roger Williams. While there, he published his account of the treatment of the Baptists

- 
25. Cramp, op. cit., pp. 466 ff.  
 26. Schwartz, op. cit., pp. 104-05.  
 27. Dorchester, op. cit., p. 111.  
 28. Lorimer, op. cit., p. 41.  
 29. Adams, op. cit., p. 260.  
 30. Schwartz, op. cit., p. 105.

in Massachusetts in his Ill Newes from New England.<sup>31</sup> This aroused the indignation of many people in England against the intolerance of the Established Church. Everywhere public opinion was turning against the leaders of the clergy and the magistrates. This changing opinion is clearly shown by the fact that in a few years a Baptist church was established on the sacred soil of Massachusetts. In 1662 a group of Welsh Baptists under their minister, John Myles, came to the Plymouth colony and formed a church at Rehobath. On the complaint of the Congregational minister of the town, Myles and some of his leading members were arraigned before the Court (July, 1667) for setting up a public meeting without knowledge or permission. They were convicted and fined, but the Court advised that if they removed their meeting to some place where they would not prejudice any other Congregational church and gave reasonable satisfaction as to their principles, the government might give its approval. Accordingly, not long afterwards, a church was set up at Swansea.<sup>32</sup> The old order was slowly, but surely, falling.

Next, the Baptists were to invade the very "Holy of Holies" of Puritan orthodoxy, Boston. In 1665 they formed a Baptist church at Charleston, near Boston. This was afterward moved into the city.<sup>33</sup> The Boston Baptists, however, were forced to suffer persecution for twenty-five more years. All Baptists who were freemen were disfran-

---

31. Adams, op. cit., p. 262.

32. Sweet, op. cit., pp. 135-36.

33. Cramp, op. cit., pp. 469-70.

chised. The next year (1666) their leader and several others were fined and on refusal to pay bond were imprisoned for one year.<sup>34</sup> A public meeting was called for "discussion and instruction," which the Baptists were required to attend. In 1668 the General Court passed another law placing the banishment sentence on all Baptists, but the law was never enforced. "The Baptists had come to stay, and to share with the Quakers the honor of securing liberty of conscience and of worship in Puritan Massachusetts."<sup>35</sup>

In 1691 the new charter granted "liberty of conscience to all Christians, except Papists,"<sup>36</sup> but the taxation of dissenters for the support of the established church continued until 1728. For their refusal to pay such rates they were often arrested and imprisoned.<sup>37</sup> In 1728, however, a law permitting the taxes of Episcopalians to go to the support of their own Episcopal minister, if there was one within five miles (hence, the "Five-Mile Act") was extended to the Baptists and Quakers.<sup>38</sup> The battle for toleration had been won.

The work of the Baptists of New England in the establishing of the principle of religious liberty in the federal government of the new United States following the Revolution, however, remains to be told. The agitation by the Virginia Baptists has overshadowed their colleagues from New England. These were not idle, however.

---

34. Sweet, op. cit., p. 136.

35. Cobb., op. cit., p. 229.

36. Sweet, op. cit., p. 138.

37. Cramp. op. cit., p. 528.

38. Cobb, op. cit., pp. 234-35.

Following the example of the Virginia Baptists, the New England Baptists formed a General Committee in 1772 whose purpose it was to agitate for religious liberty in the states. Rev. Isaac Backus was appointed secretary, and he became very active, collecting facts, preparing and circulating petitions, corresponding and travelling for the promotion of this object. The Baptists were active in the Revolution and immediately accepted the new Continental Congress. On September 14, 1774, the elders and members of twenty Baptist churches met at Medfield, twenty miles from Boston, and drew up a memorial to the first Continental Congress, petitioning religious liberty.<sup>39</sup> The committee, under the leadership of Backus, presented the memorial before the Congress at Philadelphia. There was much opposition from the Massachusetts delegates. John Adams replied to them that "they might as well turn the heavenly bodies out of their annual and diurnal course as to expect that they - in Massachusetts - would give up their establishment."<sup>40</sup> Nevertheless, the Congress replied in an order that it was the sincere wish of the Congress that there be civil and religious liberty to each denomination in the Province, but they had no power to redress such grievances, and therefore recommended that the Baptists go to a general assembly of their own colony.<sup>41</sup>

The patriotism of the Baptists during the Revolution did much to turn public sentiment in their favor. The Baptists were active everywhere. Baptists preachers were given the right to serve as chaplains

---

39. Schwartz, op. cit., pp. 143-45.

40. Lorimer, op. cit., p. 97.

41. Ibid.

in the army equally with the chaplains of the Established Church. The Baptists everywhere enlisted in the army. Many of the signers of the Declaration of Independence were Baptists.<sup>42</sup> This gave them added prestige in the eyes of the founders of the new nation.

In 1787 the National Convention at Philadelphia referred the draft of the constitution to the States for their adoption by their respective legislatures. It was adopted in Massachusetts by a majority of only nineteen votes, one of the chief objections being against the article which provided that no religious test shall be required as a qualification for office.<sup>43</sup> The deciding votes were cast by Baptists.<sup>44</sup> The Baptists favored the Constitution as a whole, but they were dissatisfied with the religious article on the ground that it was insufficient to secure liberty of conscience to all people. Therefore, the Baptists, led by the Committee of Virginia, appealed to Washington shortly after he became president in 1789. Washington replied favorably, and Madison was influenced by it in drawing up the first Amendment which he proposed at the first session of Congress after Washington's inauguration. It was quickly adopted.<sup>45</sup> Thus the Baptists may feel justified in claiming a major role in bringing about this "Magna Charta of religious liberty."

#### C. The Church of England and Political Pressure

In discussing the work of the Anglican church in the struggle for

---

42. Schwartz, op. cit., pp. 146-47.

43. Lorimer, op. cit., p. 98

44. Schwartz, op. cit., p. 147.

45. Ibid., pp. 148-49.

religious liberty in New England it is impossible to omit the political picture. In many cases it is difficult to see the dividing line between political motives and religious motives, and in most cases both are present. Therefore, we title this chapter "The Church of England and Political Pressure." Unlike the Quakers and Baptists, the Anglicans did not support religious liberty as a principle. Wherever they were able, as in Virginia, the Episcopalians were enemies of toleration and opposed disestablishment to the very end. Where the Church of England represented a minority, however, there the Anglicans clamored for liberty. Thus it was in New England.

The Anglicans were present in New England from the very beginning. The first settler and owner of the peninsula of Boston was an Episcopal clergyman.<sup>46</sup> We have already discussed the fact that a majority of those on board the "Mayflower" were affiliated with the Church of England. The first instance of banishment for religious reasons, that of the Brownes, has also been reported. These were followed by others in short succession - Lyford, Oldham, Morton, Bright, and Smith.<sup>47</sup> The reaction to this treatment soon came.

The first important opposition to the theocracy raised by the Anglican group is, oddly enough, called the "Presbyterian Cabal." This is obviously a misnomer. The interests of the group were in favor of the Church of England, although perhaps one of the signers was a Pres-

---

46. Thomas W. Coit, Puritanism, p. 176.

47. See William Wilson Manross, A History of the American Episcopal Church, pp. 21-23. And also Coit, op. cit., pp. 178 and 183-84.

byterian. Cobb explains the name probably arose from the supposition that the signers were in sympathy with the movement in the English Parliament of the day which was predominantly Presbyterian.<sup>48</sup>

At any rate, in 1646 Robert Child, Samuel Maverick, William Vassal, Thomas Fowle, and three others petitioned the general courts of Plymouth and Massachusetts that "members of the church of England, not scandalous in their lives and conversations," be admitted to the churches, and that "civil liberty and freedom be forthwith granted to all truly English, equal to the rest of their countrymen, as in all plantations is accustomed to be done, and as all freeborn enjoy in our native country."<sup>49</sup> The petition also demanded that they be exempted from taxes, in case the court should refuse these requests, and threatened an appeal to England.<sup>50</sup>

The governor, Winthrop, was shocked by the petition and declared that he would not tolerate such an appeal, the petitioners were heavily fined by the court and two of them were imprisoned.<sup>51</sup> Child and some of the others insisted upon carrying the appeal to Parliament and were ready to leave with a complaint signed by twenty-five men, non-freemen. They were seized just before the ship sailed, their baggage and houses searched, and they themselves imprisoned.

According to Fiske, the petition was refused on political, not religious grounds. He also maintains that the signers of the petition

---

48. Cobb, op. cit., p. 198.

49. Adams, op. cit., p. 213.

50. Fiske, op. cit., p. 175.

51. Adams, op. cit., p. 214.

were not interested in religious liberty, but were merely taking advantage of the discontent of the disfranchised citizens in Massachusetts to advance the cause of the Presbyterian movement in England.<sup>52</sup> This was undoubtedly the case with some of the signers, notably Vassall, Child and Maverick. In the end, however, the signers accomplished nothing, either political or religious; for the petition occasioned the calling of a synod of the churches which resulted in the Cambridge Platform of 1648 which completed the establishment of the theocratic organization in Massachusetts.

The political factor in the agitation for toleration for the Church of England is more obvious in the interference of King Charles in 1662. In our discussion of the reaction to the persecution of the Quakers we pointed out that the appeal to the English king brought forth a royal order to suspend all proceedings against the Quakers. The king used this opportunity to benefit two other classes, the freeborn Englishmen denied suffrage in the colony and the members of the Church of England. Charles promised to restore the Massachusetts charter, but he observed that the foundation of the charter was freedom of conscience, and therefore he demanded that the General Court should permit all who wished to do so to make use of the Book of Common Prayer and to perform their devotions after the manner of the Church of England, and that all persons of good character should be admitted to the Sacrament and their children to Baptism.<sup>53</sup> When the people of Massachusetts received this message

---

52. Fiske, op. cit., p. 176.

53. Manross, op. cit., p. 28.

they referred the matter to a committee, and the matter disappeared. Thereupon the king sent a commission to deal with the Puritans in 1664. The head of the commission was Richard Nichols, who used this opportunity to capture New Amsterdam.

The news of the sending of the Commissioners caused considerable alarm in Massachusetts. The General Court ordered that none of the force of the commissioners be permitted to land, except in small numbers and unarmed. The fort on Castle Island was ordered manned and prepared, sentries posted, and the charter hidden. When the Commission arrived in July, 1665, the king's letter was presented to the Court, demanding extension of the franchise and permission for use of the Common Book of Prayer. The Court hastily complied with the first demand and passed a new election law which ostensibly made the franchise independent of a religious test. In effect, however, the new law was of little value. According to this law, all church members, regardless of property qualifications, were given the franchise as before, but non-church members were required to present certificates signed by ministers that they were orthodox in belief and not vicious in their lives, and to possess an estate which paid a tax of ten shillings in a single levy.<sup>54</sup> Not one man in a hundred was said to have the property requirements.<sup>55</sup> The whole enactment was a farce. And the Commissioners were not even this successful in obtaining an approval for the use of the Common Book of Prayer. Episcopacy remained religio illicita in the colony for more

---

54. Adams, op. cit., p. 331.

55. Ibid.

than twenty years when military force was used to achieve it.<sup>56</sup> In the following eleven years only one man who was not a church member was given the franchise as compared with eight hundred and seventy-five who were church members.<sup>57</sup> Moreover, in 1672 the law disfranchising all persons who did not attend the Congregational church had been reenacted, and it remained in force until the charter was forfeited.

Charles did not give up at this single defeat. Time and again, through the agency of Edward Randolph, the collector of customs, and others, he ordered the Massachusetts authorities to permit the services of the Church of England. In 1675, the first year of King Philip's War, the British government made up its mind to attend more closely to the affairs of its American colonies. Massachusetts was the sore spot, especially because of irregularities in trade and because of claims to additional territory. Randolph was the man sent to the colony to report on these conditions. In 1678 the king appointed him collector and surveyor of customs at the port of Boston with instructions to enforce the navigation laws. His office was most impudently opposed by the colony. The controversy included the religious intolerance, and in June, 1679, the king again ordered the colony to give freedom to all except Papists, with a property qualification as the only one necessary for the franchise.<sup>58</sup> The Massachusetts officials continued to delay action. The next year the Court considered the royal instructions and virtually refused to alter the colony's practise in the matter of the franchise,

---

56. Cobb, op. cit., p. 227.

57. Adams, op. cit., p. 383.

58. Ibid., p. 389.

except by nominally conceding that members of the Church of England would not be considered heterodox.<sup>59</sup>

The English government had repeatedly requested the colony to send agents to answer for the misconduct of Massachusetts. Finally, in 1681, Randolph, who had been in England strongly urging proceedings against the charter, arrived in Boston with a letter from the king which was, in effect, an ultimatum. In February, 1682, two agents were sent to England. They were unable to give an acceptable explanation of why the franchise had not been broadened. There was nothing left for the Crown to do but to begin the Quo Warranto proceedings. Randolph returned to Boston with instructions not to serve the writ of Quo Warranto until Massachusetts had been given a chance to accept the instructions of the king without the proceedings. The Court refused to do this, and on October 13, 1684, Massachusetts ceased to be a chartered colony and found herself without a single one of the rights to which she had clung so tenaciously.<sup>60</sup> The theocracy was breathing its last breaths of supremacy.

The first minister of the first permanent Anglican parish, Reverend Robert Ratcliffe, arrived less than two years later, on May 15, 1686, with instructions to establish an Anglican Church in Boston.<sup>61</sup> The Sunday after his arrival Ratcliffe preached in the town house of Boston and read the services of the Church, arrayed in the surplice which had been the badge of heresy for the New England Puritans.<sup>62</sup>

---

59. Ibid.

60. Ibid., p. 394.

61. Sweet, op. cit., p. 46.

62. Manross, op. cit., p. 30.

There is evidence which suggests that there were many Episcopalians in the colony,<sup>63</sup> and these immediately responded to the services of Ratcliffe. Others came out of mere curiosity to see the strange spectacle.<sup>64</sup> On June 15, 1686, the parish was formally organized. Randolph desired to make the Church of England the state-church immediately. He desired to have Ratcliffe assist at the inauguration of the new President and Council, and he planned to support the ministry by taxation. Neither of these plans were carried out, however, for there was much evidence of opposition to the Anglicans.<sup>65</sup>

The services of the Church of England continued to be held in the town house until the arrival of Sir Edmund Andros as royal Governor on December 25, 1686. On the very day of his arrival, Andros sought to make arrangements with the Puritan ministers for the use of one of their meeting houses for Anglican worship. The demand was flatly refused, but on Good Friday, 1687, the sexton of the Old South Meeting-House was frightened into opening it, and from then on Episcopal services were held there alternately with the regular services until the overthrow of Andros.<sup>66</sup> Conflicts were inevitable. Some-

---

63. Cf. Cobb, *op. cit.*, p. 230.

64. Manross, *op. cit.*, p. 31.

65. Cf. Manross: "Randolph was lavish of schemes for supporting the Church by taxation. None of them was approved by the government. Had any one of them been adopted, it might have stirred the already restive colonists to revolt, for evidences were daily given of how cordially the Church was hated. Ministers in their pulpits denounced her services in strong terms. ... Merchants and artisans who wished to associate themselves with the Church were, if we may rely on Randolph's testimony, coerced by their creditors and employers into staying away." (*op. cit.*, p. 31).

66. Fiske, *op. cit.*, p. 269.

times the long sermons of the Church of England preacher would force the Puritans to wait beyond the appointed time for their service - sometimes intentionally so; and again the Governor would be annoyed at having to wait for his service.<sup>67</sup> Finally the Anglicans began the construction of their own House of Worship, King's Chapel, in October, 1688. Before its completion, however, news reached Boston that William of Orange had landed in England and that King James was a fugitive on the continent.

This was the signal for a local revolution. On April 18, 1689, the storm broke in Boston. There is evidence that the leaders had laid their plans some time in advance.<sup>68</sup> In the morning the drums beat to arms, the signal-fire was lighted on Beacon Hill, a meeting was held at the town house, militia began to pour in from the country, and Andros was summoned to surrender. He pleaded with the ministers to intercede for him, but they refused. Next day the Castle was surrendered, and Andros was arrested as he was trying to escape disguised in women's clothes.<sup>69</sup> Five weeks after this revolution in Boston, the order to proclaim William and Mary King and Queen was received with great rejoicing in the colony, for it was believed that the old charter would be restored.

Cotton Mather was promptly sent to England to work for the restoration of the charter. The most disputed point was that of the franchise. \*The question was whether Massachusetts was to remain the private preserve of a persecuting religious sect, or was to be the home of a free

---

67. Manross, op. cit., p. 32.

68. Adams, op. cit., p. 428.

69. Fiske, op. cit., p. 272.

people."<sup>70</sup> Mather exerted every means to fasten the shackles permanently on the colony by insisting upon the old Congregational test for the suffrage. He attributed all the colony's troubles to the presence of the Episcopalian congregation worshipping in the King's Chapel.<sup>71</sup> He even threatened that if the old theocracy and its charter privileges were not restored, the colony would revolt.<sup>72</sup> In the end, however, he was forced to accept a compromise, among the new provisions being one forbidding religious tests for the suffrage. This new provision gave the Church of England people equal opportunity with the Congregationalists in the government of the colony, property ownership being the test rather than religious affiliation.<sup>73</sup> This was the real downfall of the theocracy. That once-so-proud institution of the intolerant had been forced into submission, with its only remaining vestige being the support of the town churches by taxation. This was the result of primarily political force, not religious, although the Church of England was the principal beneficiary. Adams states:

Thanks to England, the final deathblow had legally been dealt to the theocracy, and the foundation laid for genuine self-government. Those elements in its future development which we are apt to consider as typically American had, in fact, in the case of Massachusetts, been forced upon her leaders, fighting against them to the last ditch, by an English King.<sup>74</sup>

After this the Anglicans grew rapidly. King's Chapel was completed. William and Mary showed their religious feelings by presenting the chapel with a library and a stipend of one hundred pounds a year to pay the as-

---

70. Adams, op. cit., p. 434.

71. Ibid., p. 442.

72. Ibid., p. 445.

73. Sweet, op. cit., p. 48.

74. Adams, op. cit., p. 447.

sistant.<sup>75</sup> By 1722 there had come to be so many Church of England people in Boston that a second church was formed.<sup>76</sup> Within a few years the new church, Christ Church, had a membership of seven or eight hundred, and in 1729 a third Anglican parish, Trinity, was formed in the capital of New England Congregationalism.<sup>77</sup>

The Society for the Propagation of the Gospel in Foreign Parts (usually referred to simply as the S.P.G.) was largely the cause of this rapid growth. The work of the Society was begun in 1702 when George Keith was sent to make a survey of the colonies. He landed in Boston July 28, 1702 and thereafter until 1704 was very active in New England, debating wherever possible, especially with the Quakers. Upon his advice many missionaries soon followed. From 1702 to 1783 eighty-four missionaries were active.<sup>78</sup> Most of the men were excellent clergymen, well educated, and very effective in winning numerous converts to the Anglican Church.

It was only natural that conflicts between the Anglicans and Congregationalists would follow. There was constant bickering over the legal restraints imposed. Frequently town treasurers refused to surrender money contributed for the support of the Episcopal minister, or members of the Anglican church were fined and sometimes imprisoned for failure to pay for the support of the Congregational minister.<sup>79</sup> This cause of

---

75. Manross, op. cit., pp. 94-5.

76. Ibid.

77. Ibid.

78. Sweet, op. cit., p. 61.

79. Coit, op. cit., p. 207.

conflict was finally considered by the legislature in 1727, when the "Five Mile Act" was passed providing that the taxes collected from Episcopalians should be given to their own Episcopal minister, if there was one within five miles, "whose services they attend."<sup>80</sup> The following year, however, two acts were passed, one of which prohibited traveling more than five miles on Sunday, and the other required all persons living more than that distance from their own church to pay taxes for the support of the local Congregational minister.<sup>81</sup> This not only forced many Episcopalians to support a ministry they disapproved of, but prohibited many from attending Anglican services. These measures were vigorously protested, and in 1734, Matthew Ellis of Medford, a member of Christ Church in Boston, was imprisoned for not paying the required taxes. He proceeded to test the case by prosecuting the constable who arrested him for false imprisonment. The case was decided against him in all of the provincial courts, but he obtained permission to appeal to the king. The authorities now feared the action of the king, and therefore, the acts were repealed in 1735, and a substitute law was passed which required the taxes collected from all persons regularly attending the services of any Episcopal church to be paid over to the minister of that church. The act was at first limited to five years, but in 1740 it was made perpetual.<sup>82</sup>

All this was not, strictly speaking, a breakdown of the establishment, but rather its logical effect was to put the Church of England

---

80. Cobb, *op. cit.*, p. 234.

81. Manross, *op. cit.*, p. 98.

82. *Ibid.*, p. 99.

into the establishment. It was, however, a great step in destroying the power of the Congregationalists in New England. Thus, the Church of England - always with the aid of political pressure - contributed greatly to the final disestablishment.

#### D. Irreligion

While the Quakers were struggling for tolerance for members of their sect, the Baptists for themselves, and the Church of England for Anglicans, there was another group of people also at work in the struggle for freedom - the unchurched. This group was more interested in freedom FROM religion, rather than freedom OF religion. Nevertheless, the irreligious played an important part in the disestablishment of religion in New England.

There is evidence that this group was active almost from the beginning. Already in 1634 there had been strong opposition to the law restricting the vote to church members.<sup>83</sup> Many of the discontents became the founders of surrounding states. The ones who stayed soon grouped together and formed a bloc which constantly protested against the unfairness of the church-membership test. Not only those who did not care to join the New England churches, but many who would have been glad to do so, but could not because of the difficult process of becoming a church member, were in this group. It was not enough that a person should believe in the doctrines of the Church, that he should desire to live a godly life and be in communion with it, but he was

---

83. Fiske, op. cit., p. 123.

also required to have experienced some special motion of God in his heart by which he had been convicted of his sin, and become regenerate.<sup>84</sup> Of that conversion he was further obliged to make a public declaration before the congregation describing the particular manner in which he had thus felt the workings of the Spirit within him. Many blameless Christian men and women did not feel that they could discover any such extraordinary change in their lives as their clergy demanded, and modesty and a natural reticence prevented many more from attempting the trying ordeal of publicly detailing such an intimate experience. Because they could not, or would not do this, they were debarred from Christian communion and from all voice in the government. Their children, also, were denied baptism and participation in the life of the church.<sup>85</sup> Naturally the group of unchurched grew rapidly, both in size and in discontent.

Many of these had supported the signers of the petition which was discussed in connection with the "Presbyterian Cabal." Although the scheme failed to achieve its purpose, it did gather in the many disfranchised who after 1645 formed a "political faction whose growing strength and power the Massachusetts Colony was bound to respect sooner or later."<sup>86</sup> Especially between 1640 and 1660 there was a growing discontent among the people. This was further enflamed by the success of the people and Parliament in England at that time. The malcontents correctly felt that there was far more freedom in England than in

---

84. Adams, op. cit., p. 254.

85. Ibid.

86. Lauer, op. cit., p. 58.

Massachusetts.<sup>87</sup>

Not only were the Massachusetts officials startled by the growing group of unchurched, but also by the fact that the very members of their churches were no longer filled with the zeal to oppose all the innovations. This became dangerously clear during the persecutions of the sects. It was estimated that the unfranchised outnumbered the freemen in the ratio of five to one,<sup>88</sup> and the clergy resolved to do something.

There were three possible solutions. The first was to admit the children of the church members who were of blameless life, regardless of whether they had experienced conversion or not, to full communion in the churches. This meant the complete abandonment of the principle of a regenerate church to which their fathers had so devotedly held. A second solution was to deny them all church privileges; to shut the doors of the church against them. This would mean that church membership would be limited to a mere handful in every community, which would probably grow less as time went on. It would mean also that those denied church membership could not be made amenable to church discipline. This was practically giving them up to heathenism - or what was perhaps even worse - the Baptists. A third solution was to adopt some half-way measure.

This was the final choice. The ministerial convention of 1657 adopted what became known as the "Half-Way Covenant," and it was confirmed by the Synod of 1662. It was decided that the unregenerate members of the church

---

87. Cobb, op. cit., p. 208.

88. Ibid., p. 171.

were entitled to transmit church membership and baptism to their children, but as unregenerate members they could not be partakers of the Lord's Supper, nor could they have a part in church elections.<sup>89</sup> The Congregationalists were to regret this decision.

There were two natural results of the Half-Way Covenant. One was strife within the Congregational churches. An outstanding example of this is the First Church of Boston. Its noted teacher, Norton, died in 1663, and four years later the aged Pastor Wilson followed him. In choosing a successor, the church called the conservative Davenport from New Haven. It was clearly a declaration of opposition to the Half-Way Covenant. This was done in spite of the fact that nearly half of the congregation was liberal. The natural result was a split which occurred in 1669 when the advocates of the Half-Way Covenant organized themselves into a new society under the title of the "Third Church in Boston,"<sup>90</sup> which was later known as Old South Church. The wrath of the First Church at this secession from its ranks was deep and bitter and for thirteen years it refused to entertain ecclesiastical intercourse with the South Church.<sup>91</sup> "There is evidence that the First Church pastor was better disposed to the Baptists than to his brethren of the Third Church. Churches were now as ready to welcome dissenters as to fellowship with some congregations of their own denomination."<sup>92</sup> The natural result was a general weakening of the influence of the Congregational churches.

---

89. Sweet, op. cit., p. 106.

90. Fiske, op. cit., pp. 251-52.

91. Ibid.

92. Lauer, op. cit., p. 71.

An even more serious result of the Half-Way Covenant was the general decline of religion in the half-way churches. It was looked upon by many as a form devised to procure a respectable standing in the community, and it was practised as a form, with no intent to discharge its duties or submit to the discipline implied.<sup>93</sup> It became impossible to exercise church discipline. More and more the custom of "owning the covenant," "consenting to the covenant of Grace," "renewing the covenant" was substituted in the churches for any vital religious experience. "On the whole, New England Puritanism by the beginning of the eighteenth century had become stereotyped and dead."<sup>94</sup> The attempt to strengthen the power of the churches by increasing the members through the Half-Way Covenant had resulted in a loss of prestige and strength instead. Cobb states:

The famous "Half-Way Covenant," while pacifying murmurs, was the worst thing that could possibly have been devised, sacrificing the purity of the church and the spirituality of religious profession to the consistency of the civil statute.<sup>95</sup>

The inventors of the Covenant had hoped to bring the religion of the churches into the irreligious. Instead the irreligious were brought into the churches, and, since they were thus given the franchise, into the state. The result was secularization of the state. Now the time had come when religion was not the all-absorbing issue of the government, but religion was forced to take a back seat while agriculture and commerce came into preeminence. As early as 1632 the prospect of

---

93. Dorchester, op. cit., p. 150.

94. Maurice W. Armstrong, "Religious Enthusiasm and Separatism in Colonial New England," in The Harvard Theological Review, Vol. 28, p. 121.

95. Cobb, op. cit., p. 210.

commercial prosperity began to detract from the religious zeal of the colonists. Already in that year it was complained that "profit was the chief aim, and not propagation of religion."<sup>96</sup> This subservience of religion to economic interests constantly tended to break down the religious standards. In 1650 Johnson wrote:

Many of the business men would willingly have the Commonwealth tolerate divers kinds of sinful opinions to entice men to come and sit down with us that their purses might be filled with coin, the civil government with contention, and the Church of our Lord Christ with errors.<sup>97</sup>

This secularization of the church and government led the General Court to summon a Synod in 1679 to consider the grave evils of the day. The Synod reported that there was "a great and visible decay of the power of Godliness amongst many Professors in these churches...Religion is made subservient unto worldly interests...the prevailing power of a worldly spirit."<sup>98</sup> The Half-Way Covenant had failed dismally to solve the problem of irreligion. It had only made the problem more difficult by bringing secularization into the church and government. The only solution was to be the Great Awakening which brought about a further weakening of the Establishment.

The Great New England Awakening began under the preaching of Jonathan Edwards at Northampton in the fall of 1734. When he first came to this charge he was faced with the low religious conditions of the time wrought by the Half-Way Covenant. It had brought into the church a large number of people who, though of outward morality, were utter strangers to vital

---

96. Lauer, op. cit., p. 67.

97. Ibid., p. 68.

98. Armstrong, op. cit., pp. 118-19.

piety. It was against these evils that Edwards struggled. He was minister of the Northampton Church for twenty-three years. He was never a revivalist in the usually accepted sense,<sup>99</sup> and had preached several years without any results. By 1734, however, he had made great progress with the young people.<sup>100</sup> By the middle of the following year the entire community was aroused. Edwards estimated that more than three hundred experienced conversion in a half year, fifty of whom were over forty years of age.<sup>101</sup> "In these sermons we find that tremendous emphasis is placed upon the necessity of conversion in order to gain salvation, upon faith as the sole ground of our justification, upon the punishment due to unforgiven sinners, and upon the justice of God in the damnation of unrepentant sinners."<sup>102</sup> It was an emotional preaching,<sup>103</sup> and Edwards set the pattern for New England revivalism, but the Northampton revival of 1735 was a gentle shower compared to the tempest which now ensued under the impassioned preaching of George Whitefield.

Between September 14, 1740, when he landed at Newport, and October 28, when he crossed into the Province of New York, Whitefield visited some twenty New England towns, preached one hundred and seventy-five times in public, beside exhorting frequently in private, and held interviews with hundreds of inquirers.<sup>104</sup> Throughout the land he left an earnest

99. See William Warren Sweet, Revivalism in America, pp. 78-85.

100. Edward Waite Miller, "The Great Awakening and its Relation to American Christianity," in The Princeton Theological Review, Vol. II, pp. 546 ff.

101. Ibid., p. 549.

102. Ibid. Cf. also, Sweet, Revivalism, pp. 80-3 for examples.

103. "In his first great theological treatise, Religious Affections, Jonathan Edwards sets forth the overwhelming importance of the emotions in religion. 'The heart of true religion,' he stated, 'is holy affection.'" Sweet, Revivalism, p. 30.

104. Armstrong, op. cit., p. 125.

body of "awakened" Christians. These took up the revivalism, and, in many cases, the revival was marred by emotional excesses.<sup>105</sup> Nevertheless, the Awakening had many desirable effects. "The churches were stronger in number and piety. Public morals were improved; theology was more evangelical and the line of demarkation between the Church and the world more visible."<sup>106</sup> The increase in the church membership of the country was great. It has been estimated that as high as 50,000 were added to New England churches.<sup>107</sup> And between 1740 and 1760 one hundred and fifty new Congregational churches were formed in New England besides the creation of numerous Baptist and Separatist congregations.<sup>108</sup>

The Awakening had two important effects for religious liberty. First, state-churchism was further weakened by division and dissenting churches strengthened. The New England clergy were divided into conflicting parties over the revival. In May, 1743, the General Convention of Congregational Ministers in Massachusetts adopted a Testimony "against several Errors in Doctrine and Disorders in Practise,"<sup>109</sup> which set down the prevailing errors and criticisms of the revivals. This Testimony was adopted by a small group of anti-revivalists. This led the friends of the revival to call another convention in Boston on July 7 of the same year, where a Testimony favoring the revival was passed and endorsed by 113 New England Ministers.<sup>110</sup> Congregationalism was divided into two camps. These treatises were followed by many others, and the controversy

---

105. Cf. Armstrong, op. cit., pp. 126-29.

106. Dorchester, op. cit., p. 141.

107. Miller, op. cit., p. 554.

108. Sweet, Revivalism, p. 31.

109. Sweet, Religion in Colonial America, p. 289.

110. Ibid.

soon was carried to the legislature. The Connecticut General Court in May, 1742, passed the Act for regulating Abuses and correcting disorders in Ecclesiastical Affairs, which made it a penal offense for any layman to preach without a license, or any minister to conduct a meeting in any other parish without the consent of the minister or church of that place.<sup>111</sup>

Naturally, a spirit of contempt for the opposing side developed and was given voice. Whitefield had not hesitated to attack "unconverted ministers" in a public lecture in Boston. His followers continued the attack in the coarsest language. In one sermon Reverend Tennent, whom Whitefield sent to follow up his mission, called them:

Hirelings, Caterpillars, letter-learned Pharisees, Men that have the Craft of foxes and the Cruelty of Wolves, plaistered Hypocrites, Varlets, the Seed of the Serpent, dead Dogs that cannot bark...Daubers with untempered Mortar, Moral Negroes... Swarms of Locusts...Dead Drones.<sup>112</sup>

With each quarrel between the Congregational clergy the power and influence of the established church was weakened. No longer would people blindly follow leaders whom half of the colony was calling "unconverted." And with each weakening of the Congregationalists there was an increase in the strength of the dissenters. "The great Awakening made any establishment impossible. It destroyed the unity of Congregationalism in New England, and so increased the strength of the other denominations..."<sup>113</sup>

The second important contribution of the Great Awakening to the

111. Armstrong, op. cit., p. 131.

112. Ibid., p. 127.

113. Miller, op. cit., p. 561.

cause of religious liberty came in the emphasis Edwards gave to the spirituality of the Church. He did not attack the obnoxious Covenant directly, but in no uncertain terms he preached of the divine character of the church and the spiritual qualifications required for admission to the church. "None ought to be admitted to the privileges of adult persons in the Church of Christ but such as make a profession of real piety."<sup>114</sup> Edwards lifted the dignity of the church to a new high. Proceeding from the sovereignty of God, he preached of the church as the "eternal city of God, divinely founded and nourished by divine grace." Over it no human authority could hold sway. Into it no man could enter save as the grace of God opened for him the door. Thus the Church was greater than the state, and in an entirely different sphere. It was not of this world and could not be subject to the kingdoms of this world. With such a constitution human policy and laws can have nothing to do, and a church under the direction of the state becomes absurd and impossible.<sup>115</sup>

To Edwards this was a religious doctrine and its purpose purely religious, but it revolutionized the minds of his countrymen as to the propriety of a civil institution of the church. For the results of such preaching, we quote two statements of Cobb:

Edwards, far beyond all men of his time smote the staggering blow which made ecclesiastical establishments impossible in America...<sup>116</sup>

It is only in the understanding that the principles of Edwards had profoundly affected the minds of his generation, that we

---

114. Cobb, op. cit., p. 488.

115. Ibid., p. 485.

116. Ibid.

can account for the ready and almost universal acceptance of the measures for disestablishment in America.<sup>117</sup>

Thus, irreligion in New England had given a crippling blow to the establishment - and from an altogether unexpected source, from the churches themselves. The evils of the Half-Way Covenant and secularization had been checked, but only at the cost of the establishment itself.

The Awakening checked, but did not abolish, irreligion as a force struggling for freedom. Sweet estimates that in 1760 there was very probably only one person in five in New England who was a member of a church.<sup>118</sup> These were always ready to oppose the bigotry of the establishment. In many cases, economic reasons motivated their struggle.<sup>119</sup>

In the decades before the Revolution there also grew up a new type of irreligion, the Deists. Deism does not appear to have exerted any significant influence in New England until after 1776,<sup>120</sup> but it was gathering force which was to give a powerful impetus to the movement for liberty during and following the Revolution.

Finally the movement for religious liberty was carried to a speedy triumph in the Revolutionary decades because the leadership was taken by a rational aristocracy, shot through with deistical beliefs, willing to see any number of religions have their freedom because they believed in none of them. As Nathaniel Ward had said, nothing is easier than to tolerate when you do not seriously believe that differences matter.

117. Ibid., p. 489.

118. Sweet, Religion, p. 335.

119. "The last straw which broke the back of the establishment in Massachusetts was the industrialization of the state and the consequent need for cheap labor which at that moment happened to be Irish Catholic." Roland H. Bainton, "The Struggle for Religious Liberty," in Church History, Vol. X, p. 107.

120. Armstrong, op. cit., p. 117.

So the Adamases...could advocate disestablishment and religious liberty in a spirit which is, from the orthodox point of view, simply cynical.<sup>121</sup>

At the beginning of the Revolution there were, then, these forces already at work for religious liberty. Toleration had in many cases been won. The one remaining power of the establishment was the state support of the Public Worship by means of taxes. We shall now see how even this remnant disappeared and disestablishment was accomplished.

---

121. Perry G. E. Miller, "The Contribution of the Protestant Churches to Religious Liberty in Colonial America," in Church History, Vol. IV, p. 64.

### III. Disestablishment

With the dawn of the Revolution all the colonies were substantially ready for the adoption of measures which should make the severance of Church from State complete. There was a general desire for a religious liberty which was entirely untrammelled by the civil law, in which the terms "conformity" and "dissent" would become forever inapplicable. This was to be the work of each individual state, however. The adoption of the federal constitution did not abolish the various restrictions and establishments which obtained in different states. Each state was free to do as it wished in regard to the church, individual liberty of worship, establishment, religious taxation, and religious tests.<sup>1</sup> Hence, with the exception of Rhode Island, each New

---

1. Carl Zollmann, American Civil Church Law, pp. 9-10: "The restraint is on the action of Congress and is not a restriction of the action of the various State Legislatures. ... The state may, therefore, so far as the federal constitution is concerned, establish some religion and prohibit the free exercise of all others."

Bainton, op. cit., p. 116: "The American Constitution of 1787 was still cast in the same mould (as the quibus regio of the Peace of Augsburg and the Peace of Westphalia). Though no religion was to be established by the federal government, the states were free to retain or introduce any or none."

The Constitution of the United States of America, 1924, p. 565 (Permoli vs. First Municipality): "The Constitution makes no provision for protecting the citizens of the respective states in their religious liberties; that is left to the State constitution and laws. Nor is there any inhibition imposed by the United States Constitution in this respect on the states."

England state was forced to experience a final battle for religious liberty after the Revolution.

#### A. Vermont

Vermont was the first state to be admitted to the Union after the original thirteen. The settlers were dominated by the prevailing sentiments in New England, including the necessity of an established religion. We have pointed out the law of 1783, which put the church on the town care and tax. Dissenters constantly opposed this law, especially the requirement of the certificate system. Therefore, in 1801 a more liberal law was passed. This reduced the certificate which the dissenter was required to sign to simply this declaration: "I do not agree in religious opinion with a majority of the inhabitants of this town."<sup>2</sup> Still the dissenters objected, and each year the legislature was requested to repeal the establishment. Finally in 1807 the legislature passed the bill which deprived the towns of the power to support ministers or build houses by levying taxes. Tithes were abolished, and religion was placed on an entirely voluntary basis.<sup>3</sup>

#### B. Connecticut

For a full quarter of a century after the Revolution the established church remained in power in Connecticut. In 1791 a law made it possible

---

2. Lauer, op. cit., p. 98.

3. Ibid.

for dissenters to be exempted from the tax for the state-church, if they were members of another church, and if they filed a certificate of dissent and membership in a dissenting church.<sup>4</sup> This law still required every citizen to contribute to the support of the gospel, and the taxes of all who were unconnected with any church went to the Congregational churches.<sup>5</sup> Therefore, the struggle continued with greater force. The minorities responded to the appeal of Jeffersonism, and efforts were made in 1804 and 1806 to call a constitutional convention.<sup>6</sup> The Federalists viewed any agitation for liberty with alarm. Liberty was confounded with infidelity and all the horrors of the French Revolution, and the Federalists were determined that the church should not be overthrown. They did, however, pass an act in 1816 to repeal the penalty for non-attendance upon church, but this was a very small concession.<sup>7</sup> Finally, in 1817 an event happened which united the minorities and made it possible to overthrow the conservative dynasty. When the Phoenix Bank was chartered, the state was to receive a bonus of \$50,000. This money was to be divided between Yale College and the Bishops' Fund, an effort to conciliate the Episcopalians. The Episcopalians, for some reason, did not receive their share. Consequently, the Episcopalians united with the Republican minorities to form the Toleration Party which captured the state in 1817.<sup>8</sup> The legislature of that year passed an act that any person of any Christian denomination

---

4. Cobb, op. cit., p. 512.

5. Lauer, op. cit., p. 99.

6. Ibid., p. 100.

7. Cobb, op. cit., p. 513.

8. Lauer, op. cit., pp. 100-01.

should have full power to change his church relations at will, and that every Christian society should have power to tax its own members only.<sup>9</sup>

The legislature also called a convention to frame a constitution. This body met in 1818, framed a constitution to take the place of the old colonial charter, and set in that fundamental law provisions which destroyed all religious establishments. It ordained

that the exercise and enjoyment of religious profession and worship, without distinction, shall be forever free to all persons in this state. No preference shall be given by any law to any Christian sect or mode of worship.

No person should be compelled to join or support any Church, society, or religious association. Each and all should enjoy equal rights, powers, and privileges.<sup>10</sup>

Since the clause touching Preference mentioned the "Christian" religion and might have given rise to the construction that the freedom intended was designed only for Christian Churches, a later legislature expressly construed the benefits of this freedom included Jews. The Day of Doom had come for the old Puritans. The establishment in Connecticut was no more.

### C. New Hampshire

In 1792 the constitution of New Hampshire was revised, but the old article on religion was left unchanged. The towns were permitted to tax the inhabitants for the support of public worship. Only the Episcopalians were recognized as a distinct sect and permitted exemption from

---

9. Cobb, op. cit., p. 513.

10. Ibid.

the religious tax.<sup>11</sup> In 1804, however, the Baptists were recognized, in 1805 the Universalists, and in 1807 the Methodists. Finally, in 1819 a Toleration Act was passed against much opposition which gave freedom to all Christian sects.<sup>12</sup>

#### D. Massachusetts

With the separation of Maine from Massachusetts in 1820, complete religious liberty was assured in the Bill of Rights of new state.<sup>13</sup> This left only Massachusetts clinging desperately to the old establishment. The strife began promptly after the adoption of the constitution of 1780. The Bill of Rights of that constitution declared that "no subordination of one sect or denomination to another shall ever be established by law."<sup>14</sup> Some dissenters construed this as exempting them from filing certificates of dissent and from payment of tithes. In 1781 several dissenters of the parish of East Attleboro tested the law. A certain Mr. Balkom refused to pay the tax, and when the tax was collected by levy, he brought suit against the assessor before a justice of the peace. The decision went in favor of the assessor, but when it was appealed to the county court, the sentence was reversed.<sup>15</sup>

---

11. Lauer, op. cit., p. 101.

12. Cobb, op. cit., p. 516, points out that there remains to this day a clause in the New Hampshire Bill of Rights which authorizes the towns to provide for the support of Protestant teachers, and another phrase which might be construed to limit the protection of the law to Protestant Christians. Although the clauses are "archaic, idle and absurd," they have not been removed in spite of repeated efforts to do so.

13. Lauer, op. cit., p. 102.

14. Ibid., p. 103.

15. Ibid.

In spite of this, however, the custom continued.

Some years afterward a Mr. Murray, a Universalist minister brought suit to recover the taxes paid by his parishioners. The State's attorney tried to prove that "a minister who denied the eternal punishment of the wicked was not a teacher of piety, religion and morality" as prescribed by the constitution. The decision, however, was in favor of Mr. Murray,<sup>16</sup> and in 1799 the legislature enacted a law allowing ministers of dissenting sects to recover taxes paid by their members from the town treasurer. A few years later, however, the Supreme Court decided that ministers of unincorporated societies were not public teachers and did not come under this bill. This naturally affected most of the dissenters since few of them were incorporated.<sup>17</sup> Such dealings antagonized the dissenters and made them only more determined to end the dreadful establishment.

In 1811 the "Religious Freedom Act" was passed which made it possible for anyone "to leave the Congregational Church and attend a Baptist, Episcopalian, or any other church," and his taxes went to the minister of the church where he attended. Dissenters were still required to file a certificate, however. Again in 1820, following the erection of the state of Maine, an effort was made to incorporate the Religious Freedom Act into the Bill of Rights. The amendment was defeated by a large majority, but the religious tests for office were abolished.

Meanwhile, the Unitarian Ascendency had gained tremendous ground.

---

16. Lauer, op. cit., p. 103.

17. Ibid., p. 104.

According to the Massachusetts law, the church was a town institution controlled by the voters of the town. Therefore, a Unitarian majority in a town could control the Congregational Church. Exactly this happened in the Dedham Church in 1818. In that year the minister of the Congregational Church resigned and the town chose a Unitarian minister as his successor. The majority of the church was orthodox and refused to accept this choice. The case was carried to the Supreme Court, which decided that the constitution gave the towns, not the churches, the right to elect the minister. The decision gave the Church perquisites and property to the Unitarians, and the Orthodox were forced to make a new church for themselves on the voluntary system.<sup>18</sup> A similar development followed in many other places, including the First Church of Plymouth itself. In 1843 there were one hundred and thirty Unitarian churches in Massachusetts, of which hardly twenty were originally Unitarian.<sup>19</sup> Thus, the Puritan establishment received its deathblow from the very powers which it had invented to give it lasting security. The Puritans were not quite willing to give up this last vestige of the old theocracy. In 1833 the church was finally disestablished. Tithes were abolished, the voluntary system made universal in the state, and the towns discharged from all concern and power for Church affairs. The following year the Bill of Rights was amended accordingly. The once-proud power of the church was completely destroyed.

---

18. Cobb, *op. cit.*, p. 515.

19. Lauer, *op. cit.*, p. 105.

Religious liberty had not come to New England until after a long and severe struggle. It came gradually, each new concession being fought for. Liberty had not come as the result of conscious and deliberate theory, but was the result of the determined conflict of opinions and groups within the life of the community. It was the result of competing claims of religious, political and economic groups. American religious liberty was the growth of necessity. The New England states stumbled into it; they were compelled into it. They accepted it at last because they had to.

## BIBLIOGRAPHY

- ADAMS, JAMES TRUSLOW, The Founding of New England, Boston, Little, Brown, and Company, 1926.
- ANONYMOUS, The Blue Laws of New Haven Colony, Hartford, Case, Tiffany and Co., 1838.
- ARMSTRONG, MAURICE W., "Religious Enthusiasm and Separatism in Colonial New England," The Harvard Theological Review, XXXVIII (April, 1945), 111-140.
- AUGUR, HELEN, An American Jasebel: The Life Of Anne Hutchinson, New York, Brentano's, 1930.
- BAINTON, ROLAND H., "The Struggle for Religious Liberty," Church History, X (June, 1941), 95-121.
- BATES, M. SEARLE, Religious Liberty: An Inquiry, New York, International Missionary Council, 1945.
- BURRAGE, HARRY S., "Why Was Roger Williams Banished," The American Journal of Theology, V (January, 1901), 1-17.
- COBB, SANFORD H., The Rise of Religious Liberty in America, New York, The MacMillan Company, 1902.
- COIT, THOMAS W., Puritanism: or A Churchman's Defense Against Its Aspersions, New York, D. Appleton and Co., 1845.
- COONS, PAUL WAKEMAN, The Achievement of Religious Liberty in Connecticut, New Haven, Yale University Press, 1936.
- CRAMP, J. M., Baptist History, Philadelphia, American Baptist Publication Society, (no date).
- DORCHESTER, DANIEL, Christianity in the United States From the First Settlement Down to the Present Time, New York, Hunt and Eaton, 1890.
- ERNST, JAMES, Roger Williams, New England Firebrand, New York, The MacMillan Company, 1936.
- FISKE, JOHN, The Beginnings of New England or the Puritan Theocracy in Its Relations to Civil and Religious Liberty, Cambridge, The Riverside Press, 1895.
- HARKNESS, R. E. E., "Roger Williams - Prophet of Tomorrow," Journal of Religion, XV, (October, 1935), 400-26.

- JOHNSON, JESSE, "Persecutions in Early New England," Bibliotheca Sacra, Vol. 88 (October, 1931), 434-44.
- LAUER, PAUL ERASMUS, "Church and State in New England," Johns Hopkins University Studies in Historical and Political Science, X, 11-106.
- LORIMER, GEORGE C., The Great Conflict, Boston, Lee and Shepherd, 1877.
- MANROSS, WILLIAM WILSON, A History of the American Episcopal Church, New York, Morehouse Publishing Co., 1935.
- MILLER, EDWARD WAITE, "The Great Awakening and Its Relation to American Christianity," The Princeton Theological Review, II (October, 1904), 545-62.
- MILLER, PERRY G. E., "The Contribution of the Protestant Churches to Religious Liberty in Colonial America," Church History, IV (March, 1935), 57-66.
- MOEHLMAN, CONRAD HENRY, "The Baptists and Roger Williams," The Colgate-Rochester Divinity School Bulletin, VII (November, 1934), 23-39.
- MORTON, R. KEMP, God in the Constitution, Nashville, Cokesbury Press, (no date).
- MYERS, GUSTAVUS, History of Bigotry in the United States, New York, Random House, 1943.
- SCHWARTZ, MRS. EUPHENIA NEIL McGRAW, A Compendium of Baptist History, Meador Publishing Company, Boston, 1939.
- SEWEL, WILLIAM, The History of the Christian People Called Quakers, 2 Vols., Philadelphia, Benjamin and Thomas Kite, 1823.
- SWEET, WILLIAM WARREN, Religion in Colonial America, New York, Charles Scribner's Sons, 1942.
- SWEET, WILLIAM WARREN, Revivalism in America, Its Origin, Growth, and Decline, New York, Charles Scribner's Sons, 1944.
- THOMAS, ALLEN C. and THOMAS, RICHARD H., "History of the Society of Friends in America," The American Church History Series, XII, 163-308.
- ZOLLMANN, CARL, American Civil Church Law, New York, Columbia University, 1917.