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A LECTURE DELIVERED BY

Rev. S. ADLAM,

BEFORE THE

NEWPORT HISTORICAL SOCIETY.

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LECTURE.

MR. PRESIDENT, and Gentlemen of the Newport Historical Society :

The design of the present address, is to point out *where* the Institutions of Rhode Island originated. And as everything will depend on the meaning given to the term Institutions, it will be proper at the very outset, to explain what I embrace under that term.

By Institutions, I understand the entire form of government, including its laws and the way in which they are administered. So that I call the form of government of any State, its officers and laws, the Institutions of that State.

Laws, and the way in which they are applied, are continually, especially in modern nations, undergoing changes. But as these, in general, are only the development of what was at first established, or alterations which circumstances render necessary, we consider these changes as a part of the original form of government. Hence, when we allude to the origin of Institutions, we refer to the form that the government and laws first assumed.

If it be said, that the Institutions of Rhode Island originated in Rhode Island, we answer that the remark is correct ; for the government of our State, in its distinguishing features, was copied from no nation, either of modern or of ancient times. The Institutions of Rhode Island are indigenous to the place.

But though this answer is correct, it does not meet the case.

Rhode Island, though the smallest State in our Union, constituted originally, three distinct and independent settlements ; Providence on the North ; Portsmouth and Newport at the South ; and Warwick at the West.

The question now comes, in which of these three places did the Institutions of Rhode Island originate ? As far as Warwick is concerned, it may, in the present discussion, not be brought into view ; Warwick itself never having laid claim to have originated the gov-

ernment of the State. Did the Institutions of Rhode Island originate at Providence or on the Island?

To answer this question, we must review the government set up in these two places, in their separate condition; then inquire, which place devised the form of government, when they were united under the first Charter? And finally notice what share each place had in shaping the second Charter, when the State assumed its permanent form.

Nothing in the early history of Providence, is more noticeable than the dissensions of its inhabitants.

This may be attributed to three causes.

First, to the hasty, unprepared way in which the settlement was formed. When Roger Williams went to Providence, he had, according to his own account, no idea of founding a Colony; but his aim was to do good to the natives, with whom he had become acquainted when he was at Plymouth, and in whose welfare he felt the liveliest interest. On this account, he did not wish to be troubled with any English Company; nevertheless, out of pity, he allowed a few destitute or banished ones to accompany him.—Others soon followed; till, in a short time, a considerable settlement was formed.

Individuals brought together thus, without any previous reflection as to the form of government to be adopted, or what rules should be observed, and where everything was left to momentary suggestion, must, in the clashing of interests, lead to confusion, and embittered feelings must be awakened.

Another cause of these dissensions was the widely different character of the company thus collected. Some were intelligent and orderly; but of others this could not be said. Whether the opinion was just or not, Providence was considered a lax, if not a lawless town. As a result, not a few, who could not endure the restraints of the law in the neighboring colonies, fled there as to a city of refuge.

But the chief cause of the outbreaks at Providence, was the want of practical tact in managing the affairs of that community. For awhile, the plans adopted in conducting its public business had a direct tendency to introduce or aggravate the disorders from which they suffered.

As it is impossible for men to live together without some form of government, it is natural to enquire, what form of government was

established at Providence? And we are obliged to reply, "*Under any circumstances it was the least desirable form of government that could be devised, AND ESPECIALLY SO FOR THE COMMUNITY GATHERED IN THAT PLACE.*"

As the great ends of government are to secure order and to protect each one in his rights, it is found, in the best managed forms of society, to attain these objects, that there should be wise and well defined laws, faithfully and impartially administered, and that men, uninterested and unprejudiced, should listen to and decide on evidence, under the solemnity of an oath. And even in the simplest form of government, the administration of justice should be placed in the hands of the wisest and most judicious; those who would be under the least temptation to turn aside from the right.

Was this done at Providence? No!—It was a government without written law, human or divine;—a government without a single magistrate. The government at Providence was nothing more nor less than a monthly town meeting; a town meeting, too, where not even the Moderator or Clerk were permanent, but where these two officers had to be appointed at each meeting.

Those acquainted with such assemblies, and have witnessed the boisterous and highly excited tumults, the prejudice, envy, jealousy and revenge there displayed, know that the last place to ascertain the truth, or to secure justice, is in a town meeting.

And yet this was the only place in which justice was to be sought in Providence, for four years after it was settled.

We have an example recorded by Winthrop how these meetings were carried on. It was the case of Verin, whose wife, not attending the religious meetings so frequently as Mr. Williams desired, she signified that her husband was unwilling she should attend so often.

For this, a charge was laid against him for restraining conscience. The case was brought before the town meeting. It was discussed; and Verin was punished, by depriving him of his political rights. One shrinks back as he thinks that the domestic hearth should be thus rudely invaded, and the secrets of the family bandied about by the whole community. Even by their compact they had no right to call Verin to account; for that compact was confined to civil things; which, if language has any meaning, excludes all reference to religious matters; but in vain you look for justice in such a meeting, and under such a government as that.

Some plead ably for Verin, but their voice was drowned by those who had made up their mind that he must be condemned. To show the spirit of the meeting, some proposed, that if Verin did not allow his wife to have her liberty, the church should dispose of her to some one who would use her better.

The form of government established at Providence, and the way in which it was carried on, was calculated to produce universal distrust. No one knew where the next blow would fall. None could tell how soon, or for what he might be called to account; what injustice might be done him; or how soon his most private affairs may be exposed to the gaze and remarks of a town meeting.

The fruits of that form of government soon appeared. Opposing parties were formed; the peace of the settlement was broken up; and it became evident that something must be done to heal the wounds that had been made. A new form of government was established; but its inefficiency soon became painfully apparent. A variety of expedients was resorted to, but none of them calmed the angry passions that were spreading far and wide. The government was unable to carry into effect its own decisions. Men became more and more exasperated. They were ready to proceed to acts of violence and bloodshed. Arnold says, that blood was spilt. "Any attempt," says Staples, "to enforce *law* was attended with danger even to the existence of the plantation itself." "Influenced," he continues, by the fear of utter destruction to the settlement, on the 17th of Nov., 1641, thirteen of those who resided in Pawtuxet, then a part of Providence, wrote a letter to the government of Massachusetts, praying them, "of gentle courtesy and for the preservation of humanity and mankind," to consider their condition, and to lend them "a neighborlike helping hand." At times, from intestine commotions, Providence was a boiling ocean; and long, long was it before the contending waters subsided to a calm. Even as late as 1670, when a more efficient government had been adopted, so great were the distractions, and so obstructed were legal arrangements, that the General Assembly had to send Mr. John Easton and Mr. Joshua Coggeshall, with two others as advisers, to adjust their difficulties, and bring about a state of legal order.

Indeed, there were periods when, from these disorders, Roger Williams appeared to be reduced to utter despair. When he was President of the Colony, in an official communication to the author-

ities of Massachusetts, he uses this remarkable language: "Honored Sirs—I cordially profess it before the Most High, that I believe it, if not only they"—(alluding to those at Pawtuxet, who, in their distractions, had placed themselves under the protection of Massachusetts)—"I believe, if not only they, but ourselves, and all the whole country, by joint consent were subject to your government, it might be a rich mercy."

There it is, graven on the records of Massachusetts, and on our own records, that the founder of Providence, after nineteen years experience, thought it might be a rich mercy for Rhode Island, as an independent colony, to be blotted out.

What a state of things does this reveal!

Such was the effect of the first form of government in Providence—deciding every thing, without magistrates, in town meeting—that it formed or fostered a spirit of wrangling, if not of lawlessness, which distinguished the community till that generation had passed away. They quarreled among themselves; they quarreled with the Island; their leaders quarreled with each other. Their most prominent men, their Town Clerk, and their representatives to the General Assembly were accused of riotous or treasonable acts. Providence wrote letters to Warwick, Newport, and Portsmouth, defaming their leading men, in no measured terms. At the request of Roger Williamst Sir Henry Vane, their true friend, wrote them a letter of earnest reproof, which Staples says, "they richly deserved." "*How is it,*" he enquires, "*that there are such divisions amongst you? Such headiness, tumults, disorders, and injustice? The noise echoes into the ears of all, as well friends as enemies, by every return of ships from these parts. Are there no wise men among you? When kind and simple remedies are applied, and are ineffectual, it speaks loud and broadly the high and dangerous distempers of such a body, as if the wounds were incurable.*"

Thus the condition of Providence, in its distractions, was not only known through New England, but was continually carried across the Atlantic, filling the friends of freedom and liberty with grief and dismay.

Hence, whatever other lessons we may learn from the early history of Providence, we must be convinced that there was a great lack of practical talent in managing its affairs.

We have seen what kind of government was established at Provi-

dence; let us now contemplate that which was founded on the Island.

And here we shall discern, in almost every respect, a perfect contrast to what we have been reviewing.

Never, probably, was there a more excellent set of men assembled to lay the foundation of a State, than were the first settlers on the Island. The leaders, especially, were distinguished men. Some of these, Massachusetts, which abounded more than any other colony in America with excellent men, could ill spare. Among these, we may mention first, William Coddington, or, as he is generally called, Governor Coddington, as he was the first governor appointed on the Island, and was frequently elected to the same office. In Massachusetts he was highly esteemed. When that colony was formed, he was one of its assistants, and was afterwards chosen its Treasurer. Being a warm partisan of Mrs. Hutchinson, and defending her at her trial, when she was condemned and sentenced to banishment, he, with several others, resolved to form a separate colony, where, with a regular and well ordered government, liberty of conscience should be enjoyed. To effect this great sacrifices must be made. He was a merchant, a man of wealth, was accustomed to move in the highest circles, and his mansion in Boston was the best in that town. By removing, his business would be damaged, and he would again have to seek a new home in the wilderness with all its discomforts. But he was equal to it. He was energetic, decided, and his convictions were dearer to him than any outward advantages. He must be free.

Mr. John Coggeshall, a worthy representative in the new world of an honored ancestry in the old, was another of these leaders. He, too, was a man of wealth, was a deacon in the Boston church, and when Massachusetts formed a representative government, he was chosen to represent that town. Having taken sides with Mrs. Hutchinson, and justifying a most respectful petition which her friends presented to the court, he was dismissed, or rather turned out of his office, disfranchised, and afterwards banished. The community were filled with indignation, and would the next day have re-elected him, had not Cotton, then in the height of his popularity, in the most earnest manner, dissuaded them from their purpose. He was in as high estimation in the community which he aided to form, as in that from which he had been exiled; an evidence of which is seen in his being chosen first President of the colony, on the adoption of the

charter obtained by Roger Williams. He was not a man to be trifled with. He knew his rights, and would defend them.

But of all these leaders, in some respects, Dr. John Clarke was the chief. He was the first to suggest the formation of the colony, he did more for it, and made greater sacrifices in its behalf than any other man. Seldom do we find a mind so enlarged, capable, and well balanced as his; while his purity, candor and disinterestedness have been the admiration of all, who, with unprejudiced minds, have traced his career. Allen, in his Biographical Dictionary, says: "His life was so pure, that he was never accused of any vice which has left a blot on his memory." Arnold closes his description of his character thus: "His life was devoted to the good of others. He was a patriot, a scholar and a Christian. The purity of his character is conspicuous in many trying scenes, and his blameless, self sacrificing life disarmed detraction and left him without an enemy." "To no one," says Callender, "is Rhode Island more indebted than to him. He was the original projector of the settlement of the Island, and one of its ablest legislators. No character in New England is of purer fame than John Clarke." We might multiply such quotations, but these will suffice.

When we state, that for twelve years he administered the affairs of the Colony in England with a skill that has never been surpassed, and that he had, during this time, amidst the greatest difficulties, to contend with the ablest men of Massachusetts, Plymouth and Connecticut, who all wished, small as she is, to despoil Rhode Island of a part of her territory, but that he, instead of sustaining loss, enlarged her bounds; that finally he obtained from the throne such a charter as monarch never gave before, and which has ever been the peculiar glory of our commonwealth; when we further state, that the General Assembly, by no means addicted to man worship, again and again voted him their thanks; and that when he first appeared among them after his return from England, they could not repress their joy, but in the preamble of an act they were then passing, they said: "This Assembly, now by God's gracious Providence enjoying the helpful presence of our much honored and beloved Mr. John Clarke," &c., we must be convinced that John Clarke was no ordinary man.

He had studied the subject of freedom, civil and religious, most profoundly, and, after the lapse of more than two centuries, we know of no one that understands it better than did he.

It would be out of place here to present an analysis of his views on this subject; but we may briefly remark, that he considered civil government, magistrates, and law as a divine appointment for properly regulating the temporal affairs of men, and for promoting the good order, peace and prosperity of society; whilst the mind, conscience, and everything pertaining to religion is to be left to God and each individual; nothing but instruction, argument, persuasion is to be employed to affect the mind.

Such were the views of Clarke, and to a greater or less extent of all those associated with him. Instead of looking with jealousy or suspicion on government, magistrates, and law, they regarded them as among the chosen blessings that God had conferred upon them. They habitually felt that law was all that Hooker had said of it, when he declared: "*Of Law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power.*"

These sentiments were the animating spirit of all that was done on the Island; and it was this that gave them such an immense advantage over their neighbors at Providence. There, to whatever course it may be attributed, was a great distrust of magistracy, and this was the cause of these difficulties from which they suffered so long. On the Island, freedom of conscience was as well understood at its first settlement, as at this day.

With their views of the importance of a regular government, though few, very few, no one could have persuaded them to leave the sacred cause of justice, or the good order of society to an irresponsible town meeting. They therefore, even before they came to the Island, formed themselves into a body politic. The document containing this agreement is simple, exceedingly so, but it evinces the reverential spirit with which this act was performed. It reads thus: "The 7 day of the first month, 1638. We whose names are underwritten, do hereby solemnly in the presence of Jehovah incorporate ourselves into a Body Politic and as he shall help, will submit our persons, lives, estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords, and to all those perfect and most absolute laws of his, given us in his holy word of truth, to be guided and judged thereby." Then follows the

signature of nineteen individuals, William Coddington being placed first on the list.

At the same time they chose Coddington to be their Judge, pledging themselves "to yield all due honor unto him according to the laws of God, and so far as in us lies to maintain the honor and privileges of his place."

Coddington also pledged himself "to do justice and judgment impartially according to the laws of God, and to maintain the fundamental Rights and Privileges of this Body Politic."

This was all that was necessary for such a set of men at first.

Soon it was found that the Judge needed aid; when three assistants were afforded him under the name of Elders.

Such were the numbers that flocked to the Island, it was found necessary, at the end of two years, to give up the original form of government, and to appoint a Governor, Deputies, Justices of the peace, regular courts, and to provide an efficient military organization. Indeed, before their charter, they had the forms, and assumed the name of a State. They ordered a State seal, with the devise—a sheaf of arrows—surrounded with a beautiful motto, "*Amor vincet omnia*," [love will conquer all things], indicative of the spirit that animated their body.

In reading the Colonial Records of that day, we are impressed with the wisdom they exhibit. The exact wants of the settlement were, from time to time, distinctly seen, and remedies were admirably applied. Justice was impartially administered, not with a severe hand, but in such a way as was calculated to suppress crime. The records themselves are excellently kept; clearly, tersely, expressing their meaning, so that they could be hardly misunderstood.

That their laws were not a dead letter, but impartially administered, we see in the case of Mr. Easton, then one of the assistants of the Judge, who was fined five shillings, for appearing in Court without his weapon.

With such a government, administered in such a way, the natural result was the harmony and prosperity of the community. Probably, the sun shone, at that time, on no people more orderly, or more successful than on the first settlers on the Island. The testimony of Clarke, when he was agent of the Colony in England, is decisive on this point. Speaking of the Island in 1652, he says, "notwithstand-

ing the different understandings and consciences, amongst us, without interruption we agree to maintain civil justice and judgment ; neither are there such outrages committed amongst us, as in other parts of the country are frequently seen."

Nor is it difficult to account for this. The character of the settlement on the Island, notwithstanding the evil reports that some circulated, soon became known ; and many in the other colonies, longing to enjoy freedom of conscience where good order was preserved, came here and made it their permanent home.

Arnold expresses substantially the same, when he says, "The Aquidneck settlements for many years increased more rapidly than those on the main land. The accessions appear to have been, for the most part, from a superior class in point of education and social standing, which for more than a century secured to them a controlling influence in the colony."

Not that they escaped all the perils incident to the founding of States; but these very dangers illustrated more fully their character. Their love of order and reverence for law, (a marked feature of their descendants at the present day,) was strikingly manifested when Coddington had obtained his charter, constituting him Governor for life. Though a large majority, and among these the most prominent men, were strongly opposed to it, they submitted to his government, seeking redress only by legal means.

But earlier than this, not more than a year after their settlement, an event occurred at Portsmouth, that, in a less orderly and judicious community, would have broken up the enterprise, and thus would have rendered abortive the whole design. But so wisely was it managed that it left no unseemly scar on the body, and was even made subservient to the enlargement of the colony.

The men who settled the Island, knew how to form States, and how to govern them !

We are now approaching one of the most interesting periods in the annals of Rhode Island ; a period when the hitherto independent settlements came together, under their charter, to form one body, and to be governed by the same laws.

Very soon after the Island was settled, a committee was appointed

to write to Sir Henry Vane, desiring him to use his influence to obtain a charter.

It is evident that those who first settled Newport and Portsmouth, did not intend to join themselves with any other community, but wished to be alone ; to form their own government, pass their own laws, and, unimpeded, manage their own affairs ; for they wished the charter to embrace only the Island.

That they meant to be independent of all others, we have the direct testimony of Dr. Clarke ; for when he went to Plymouth to ascertain if Aquidneck fell within their Patent, he said to the authorities of that place, that they "were resolved, through the help of Christ, *to get clear of all, and be of ourselves.*" They had no more intention of incorporating themselves with Roger Williams and his settlement, than they had of incorporating themselves with Plymouth or Massachusetts. There was no community, indeed, that fully harmonized with them. Their aim was to found a State where Liberty should be seen to be consistent with the reign of law. They had this, as expressed in their petition to Charles the second, "much on their hearts." Law was found in Massachusetts, but not liberty ; in Providence there was the warmest love of liberty, but, to a great extent, an absence of law. If they would then carry out their original design, they must "get clear of all, and be of themselves."

No part of our history would be more interesting, could we obtain it, than the causes that led them to abandon this their great aim. Did they write to Sir Henry Vane, and did he, feeling an interest in those at Providence, suggest that they should unite with Roger Williams, and form one colony ? Or did Sir Henry tell them that a charter could not be obtained for an Island only fifteen or sixteen miles long, and three or four miles broad ?

That they were thwarted in some way is clear ; for we find no reference afterwards to a charter for about three years. But even in 1642 they had not wholly given up the idea that they may remain a separate people ; for while they manifest much earnestness to obtain a patent, they confine it to "this Island and Islands, and the lands adjacent."

What increased the mystery is, that the Records of Providence make no allusion to a charter, though from various causes, they needed

it much more than did the Island.—Still more, we know that when the charter was brought over by Williams, Providence man fested the greatest gratitude and joy. But how was it on the Island?—We know not that any joy was there felt—Who can account for this? Were they disappointed?—Was there anything in or not in the charter that saddened their hearts?—We shall have, during this lecture, to refer to this subject again.

The charter imposed a most arduous task upon the leaders in Providence and on this Island. No form of government was laid down, but the settlements had power to rule themselves by such form of civil government as the majority may ordain; and to form such civil laws and constitutions, and to inflict such punishments on transgressors, and to appoint such magistrates to administer the laws as the majority shall agree to; only that the laws, and the punishment affixed to their violation, shall conform to the laws of England, so far as the nature and constitution of the place will admit.

When we consider how different were the feelings of those in Providence, and those on the Island, respecting government, magistrates and law, we are not surprised that it took three years and a half before they could agree upon a form of government and a code of laws, by which they were all willing to be governed. But as the result of frequent negotiations, Providence, Warwick, Newport, and Portsmouth came together, at Portsmouth, to adopt the charter, and to form themselves into a body politic.

Never was a more important assembly convened in Rhode Island than that. Never, in our State, was a more important work accomplished than they then effected. They did not fully understand, in what they were doing, how wide their influence would extend, or how long it would endure. Little did they think when they were laying the foundation of this first free State, that their influence would never die, but that it would, eventually, extend to every part of the habitable globe, and be felt wherever men were united politically with their fellow men.

The assembly continued in session three days, during which time they passed several acts for the government of the colony; but the most important thing accomplished was the adoption of a code of laws, including a Bill of Rights, and an appendix upon "the Public

Administration of Justice according to the laws agreed upon and established throughout the whole colony."

The preparation of this code must have been a work of great labor, as it is a condensation of the laws of England, especially adapted to the wants of the colony.

Instead of describing this code myself, I shall quote from Arnold, both because he has a just appreciation of its value, and has most felicitously expressed his sentiments concerning it. He observes, "we hazard little in saying, that the digest of 1647, for simplicity of diction, for breadth of comprehension, and for vigor and originality and boldness of expression, as well as for the vast significance and the brilliant triumph of the principles it embodies, presents a model of legislation which has never been surpassed." "A feeling of humanity," he says, "pervades the whole. In this point it presents a striking contrast to the vindictive spirit of cotemporary codes; sometimes indeed erring, it may be, on the side of mercy, and ever displaying a marked respect for the rights of conscience."

We cannot omit the closing sentences of these laws. They read thus: "These are the laws that concern all men, and these are the Penalties for the transgression thereof, which by common consent are Ratified and Established throughout this whole colony; *and otherwise than thus, what is here forbidden, all men may walk as their consciences persuade them, every one in the name of his God. And let the Saints of the most high walk in this colony without molestation in the name of Jehovah, their God forever and ever.*" A worthy close to the labors of establishing a State.

And this was the first *legal* announcement of liberty of conscience that was ever made. Before this, both at Newport and Providence liberty of conscience had been announced; but while these declarations manifested the feelings of those who uttered them, as they were without a charter, all they said lacked legal value.

The question now comes, who devised the form of government, and who framed the laws that were adopted when Rhode Island and Providence became a legalized community? Or, what is the same question, where did the institutions of Rhode Island originate?

And to this the answer is so clear, that it does not admit a doubt.

Before the parties came together to consummate this important work,

a town meeting was held in Providence, at which Roger Williams presided, to choose delegates who should represent that town. They chose ten, and gave them written instructions as to what course they should pursue. Among these instructions we find the following: "We do voluntarily, and are freely willing, to receive and be governed by the laws of England, together with the way of administration of them, so far as the nature and constitution of this place will admit, desiring, so far as may be, to hold a correspondence with the whole colony in that model that hath been lately shown us by our worthy friends of the Island, if the General Court shall complete and confirm the same, or any other model as the General Court shall agree upon according to our charter."

Thus it appears that previous to their assembling to form themselves under the charter into a legalized colony, a model of the form of government, and also of the laws which they wished to be adopted, were shown by the settlers on the Island to the different towns; and that the inhabitants of Providence were so far pleased with this model, as to instruct their delegates to vote accordingly.

That the whole frame work of the government was included in the "model" shown to those at Providence, is evident; for in that document, under the head of the "Administration of Justice according to the laws," the General officers of the government are designated, and their duties defined. The only thing left indefinite, and which was to be decided when the towns assembled to adopt the charter, was, how many should be chosen from each town, to form the General Court.

When the delegates had assembled, and the meeting was properly organized, those from Providence made known to the Assembly the instructions they had received; upon which the following order was passed: "It was ordered, upon the request of the town of Providence, that their second instructions should be granted and established unto them, viz," and then follows the second instruction, that I have inserted above.

Thus we find from the Records themselves, that the laws, and the way of administering them, and the whole frame work of the government, or, in other words, all the Institutions of Rhode Island under

the first charter, had their origin, not in Providence, but upon the Island.

The colony of Rhode Island and Providence Plantations did not, however, receive its permanent form till the adoption of the second charter in the year 1664, twenty-eight years after the settlement of Providence, and seventeen years after the union of the Island with Providence under the first charter.

The reasons which led to an application for a new charter must be narrated.

Besides the charter, obtained by Roger Williams, making no provision for any specific form of government, that charter was, scarcely in a single feature, acceptable to the inhabitants of Newport and Portsmouth. There were two things, especially, that must have made it very displeasing to them. One was, that in it not the slightest mention was made of freedom of conscience, a thing they prized beyond everything else, and which they had made so many sacrifices to secure; the other was, that the very title of the charter was calculated to wound their self-respect. Instead of being recognized in the charter as a colony, they were almost entirely ignored in it.

The Union of Newport and Portsmouth with Providence was to be called "Providence Plantations."

Now, to a people who had formed an independent colony, who had for years carried on successfully a regular form of government, who had called themselves a State, who were, as to numbers, four-fifths of the united body, when such a people consented to be united with others, to be merely reckoned as a part or appendage of Providence Plantations, while the current reports concerning Providence were such as then existed, must have been to men who prided themselves on their subjection to law and order, humiliating in a very high degree.

In no sense were they part of Providence Plantations.

That there were on the Island different sentiments about accepting the first charter and uniting with Providence, there can be no doubt. Codrington, and probably others—for he had great influence—for some time stood aloof. It is not certain that for some years after the union was formed, he attended any of its meetings; for though he was chosen Assistant for Newport, when the charter was adopted at Portsmouth, we know, also, that he was next year chosen President when

he was not present, and provision was made for supplying his place if he should refuse to accept the office to which he had been chosen. After committing acts that betrayed an agitated and alienated state of mind, he went to England and continued there till he separated the Islands of Rhode Island and Canonicut from their connection with Providence and obtained a commission constituting him a Governor over them for life.

This has usually been attributed to the ambition of Coddington; but we think this is an incorrect view. He had from the earliest settlement of the island been appointed to the highest office; in the second year after the adoption of the charter he was chosen President; and we know of no reason why, if he had been present, he would not have been chosen the first President of the colony. It was not from ambition, but because he was unwilling to unite with Providence, at least under the first charter, that he pursued the course he did.

Others, and Dr. Clarke was among them, however dissatisfied with the charter, concluded to make the best use of it they could. The fearful condition of England, a civil war raging between the King and Parliament, should they apply for it, would preclude all hope of attaining a new charter. Massachusetts, Connecticut, and Plymouth were earnestly desirous to obtain their territory; and, under these circumstances longer to be without a charter, would be, in effect, to give up their enterprise. They must unite, and though they could not form such a government as they wished, they must do all that under the circumstances could be done. They did it, and the colony was thus secured.

When Coddington had succeeded in separating the Islands from Providence, and formed them into a distinct community under his control, all eyes were instantly turned toward Dr. Clarke, that he might go to the mother-country and lay their case before the existing government. All would confide in him. They knew how deep an interest he felt in their community, that he understood the wants of Rhode Island better than any other man, and that he possessed ample ability to state and plead their cause. He accepted the mission; went to England, and was successful in setting aside the government of Coddington, and reuniting the Island to Providence and Warwick under the original charter. But instead of returning when this was

accomplished, he saw such dangers besetting Rhode Island, that he resolved not to come back till the perils that surrounded her were removed.

Meanwhile it was found that the charter obtained by Roger Williams failed to effect the object for which it was designed. Instead of uniting the colony, it seemed to produce the contrary effect. "Under its operation," says Arnold, "in every town and hamlet were spread the seeds of discontent and disunion, and nothing but the pressure from without, and the supreme law of self-preservation, kept the discordant settlements from utter destruction, and from being absorbed by the adjoining governments."

In such a state of things, though wise, patriotic men may for a while keep off the evil day, yet when law has lost its cohesive force, society must inevitably end in anarchy and all its attendant evils.

Thoughtful men, while they knew not how to avoid such a catastrophe, undoubtedly feared that thus would end the attempt to establish liberty in Rhode Island.

While these apprehensions were felt, an event occurred pregnant with the most important results. After being in exile more than eleven years, Charles the Second, amidst the most enthusiastic rejoicings of the English nation, was restored to the throne. This placed the colonies, especially Rhode Island, in the most perplexed condition. Her charter was obtained from a Parliament that was then in arms against the King. That same Parliament afterward took the King as prisoner, tried him, and finally put him to death. How would Charles look on a people who had received their charter from a Parliament that had thus treated his father and had driven himself into exile? Was there not a sympathy between the Parliament and the colony it had brought into being? And thus situated, what could Rhode Island do?

Clarke, notwithstanding the difficulties that surrounded him, saw that the moment had come when the great object of his life, that for which he had so long labored, and for which he had made so many sacrifices, viz., the establishment of a colony where liberty, especially religious liberty, under the protection of law might be fully enjoyed, must then be attained, or all that had been done would be in vain; and he resolved to exert himself to the utmost to secure that object.

But to insure success two things must be done. First, Rhode Island should assume an attitude likely to make a favorable impression on the King and his advisers; and then the throne must be approached with such arguments as would, in all probability, be favorably received.

Clarke's first solicitude was with Rhode Island itself, that it should meet the new state of things in a suitable way. He, therefore, instantly on the restoration of Charles, wrote to the President, Assistants and Commissioners of the colony what had taken place, and what course it would be well for them to pursue. Rhode Island was probably prepared for the change that had taken place in England, and rejoiced in it, as the Commonwealth for some time had done nothing calculated to call forth the respect or awaken the gratitude of the colony.

The President, Assistants and Commissioners instantly entered into the views of Clarke, and adopted the course he had suggested. They also appointed a special committee to open any letters that might be addressed to the colony, undoubtedly referring to those that Clarke may send, so that they may be prepared for any exigency, and immediately attend to any thing it would be well for them to do.

These must have been of intense anxiety in Rhode Island.

At first they thought of sending one or more to assist their agent in his responsible and arduous labors, but after mature reflection they concluded that their affairs were as safe as they could be in the hands of Dr. Clarke.

Rhode Island having done all that the agent desired, his next work was to obtain such a charter as would embody his views of liberty and government.

He addressed two petitions to Charles; in the first of which he describes very fully the circumstances under which they obtained the first charter; and in the second he describes with equal fullness what kind of charter the people of Rhode Island wished to obtain.

It was, of course, not with Charles himself, but with his Prime Minister, the Earl of Clarendon, that the negotiations concerning the charter were carried on. And though Clarendon was haughty, and a most determined foe to republicanism; still he possessed traits that would lead him to regard Clarke with favor. He had a mind of the

widest grasp, and was an excellent logician, and was a quick discernor of character. And, as in his interviews with the Earl, Clarke stated, that the people of Rhode Island "had it much in their hearts (if they may be permitted) to hold forth a lively experiment, that a flourishing civil state, may stand, yea, and best be maintained, with a full liberty in religious concerns, and that true piety will give the best and greatest security to true sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty;" and when, with an intellect clear as crystal, he unfolded the details of his plan, and illustrated his positions with reasoning that could not be gainsayed, it could not be but a most favorable impression concerning Clarke and his object should be made on such a mind as Clarendon's. Whilst he could not withhold his confidence and esteem from Clarke, he saw that the government he wished to secure was well compacted, and was the result of the most profound thought. Each interview seems to have been more and more encouraging, till at last Clarendon gave Clarke to understand that he would advise his Royal Master to affix the Broad Seal of England to such a charter as he desired.

Who can describe the feelings of Clarke when he received from the hands of Charles that charter which it was the great aim of his life to obtain? The colony was now safe; and there was at least one spot on the face of the globe, where every man could sit under his own vine and fig tree, with none to make him afraid.

The joy in the colony was equally great. At a very large meeting of the freemen of the colony at Newport, assembled to receive, in due form, the charter, the box in which it was brought, was opened, and it was read to all the people; and then the charter, "with his Majesty's Royal Stamp and Broad Seal, with much becoming gravity was held up on high, and presented to the perfect view of the people."

How many hearts must then have palpitated with joy, as they saw that perfect form of government they had so long desired, but which they feared they never should enjoy!

If ever a people were sincere in expressing their gratitude, it was when they voted thanks to their "sovereign Lord, King Charles the Second; to the most honorable Earl of Clarendon; and to their faithful agent John Clarke."

It is not for us to describe that charter. It constituted Rhode Island

the morning star of liberty to the whole world, and gave her a name and an influence that will never die. It was the wonder of the age when it was given, as it has been the admiration of each succeeding age. Under it, Rhode Island became efficient and went on increasing in prosperity; and though for sufficient reasons it was laid aside in 1843, it still lives in the institutions and laws and feelings of the state; for it can never die. Nor is it in its great principles alone that the charter is remarkable. Everything that could give offence was avoided. The title of the colony was changed. Instead of "Providence Plantations," the title of the first charter, the title given in the charter which Charles bestowed, was "The colony of Rhode Island and Providence Plantations," thus giving each part its appropriate name.

When the charter obtained by Clarke was received, the colony then assumed its permanent form, and was embodied in institutions that continue to this day, its central principle being, FREEDOM, ESPECIALLY RELIGIOUS FREEDOM, SECURED BY FUNDAMENTAL LAW.

When we consider who obtained the charter, it is too clear to admit of argument, that the conceptions contained in it, in their amplitude, harmony and efficiency, had their origin on the Island.

Having thus shown that the institutions of our State had their origin on the Island, we cannot but regret how wide spread are the errors concerning the origin of these institutions.

Were not the fact too plain to be denied, we should think it impossible that misconceptions so extensively should prevail on this subject; misconceptions entertained not merely by the people in general, but held also by the more intelligent. An instance of this kind occurred some years since. A very distinguished individual of this State, published a work in which he gave the credit of certain acts to one individual, while these acts were performed by another. He was written to by one who is probably better acquainted with the early history of Rhode Island than any other man, and the error, in a most respectful way, pointed out; and as there was the best opportunity of correcting the mistake, it was hoped that it would be done. But he who committed the error refused to rectify it, replying, 'I have taken it as it is *generally believed*, and have made no original investigations,' and thus gave his great influence to perpetuate error, and to injure an individual by depriving him of the honor which was his due. But what we wish

to notice is, the reason assigned for not correcting the mistake—"I have taken it as it is *generally believed*." He was undoubtedly correct in his statement, but it admits the truth to which I have referred—wide spread errors concerning the most important facts of our history.

For example, how many believe that Roger Williams procured that charter which secured freedom of conscience to our State! Not a few of our more distinguished citizens would think that we wished to detract from his just fame, were we to deny this. And yet Roger Williams had nothing to do in procuring that charter. It was by the skill, energy, and perseverance of Clarke, that that priceless gift was obtained.

But a still more serious error, because it was sanctioned by men of a superior class, is that of representing Roger Williams as the Lawgiver of Rhode Island. Never was a fiction more unfounded in fact than this. Such an assertion must be the result of inconsideration; for we cannot believe that those who make it, mean to falsify history.

Whatever were his excellencies—and he had many—few men were more destitute of the qualities of a lawgiver than he. A lawgiver must be calm, able to take comprehensive views of the relations and wants of society, and know how to reconcile apparently conflicting interests and claims. But did he possess such qualities as these?

We are willing to take Gammell's estimate of his character. After stating that his life was radiant with some of the noblest and most commanding qualities of humanity he adds, "His faults were such as generally spring from an ardent and excitable temperament. He was sometimes hasty and rash in forming his opinions, and too unyielding and uncompromising in maintaining them." It was this excitable temperament, and his haste and rashness in forming his opinions, that disqualified him to be a lawgiver.

But when did he become the lawgiver of Rhode Island? What code of laws did he ever form?

So far from being a lawgiver, was he not the Moderator of a meeting at Providence, where the inhabitants said "We are willing to be governed by the laws of England, together with the way of administration of them, so far as the nature and constitution of this place will admit, desiring so far as may be, to hold a correspondence with the whole colony in that model that hath lately been shown unto us by our worthy friends of the Island?"

It was the Island, and not Roger Williams, that became the lawgiver of Rhode Island."

We presume those who designate him as the lawgiver of Rhode Island do not refer to the form of government he established at Providence, and which so disastrously failed.

In fact, those who have described him as a lawgiver, have unintentionally, done him injury; for they have thus drawn attention to one of the weakest traits of his character. Roger Williams never appears to more disadvantage than when attempting to form governments, or to frame laws. His claims on our affectionate remembrance rest not at all on his being a lawgiver, or the founder of a government, but on other things that he did, as well as what he was.

The principal reason why errors so extensively prevail as to the history of Rhode Island, must be in a great measure attributed to the Island itself. While other sections of the State have commemorated every name, and every event that could contribute to their fame, we, with an ancestry such as but few can boast, and with a history, yet unwritten, such as no other people could record, have been unfaithful to ourselves, and to those who have gone before us, till our birth-right has well nigh passed from us, and others claim what is rightfully our due.

But few places so limited in extent, and so sparse in population have produced more distinguished men than the Island. How many eminent ministers, members of the bar, physicians, merchants, artists, those who have defended their country on the ocean and on the land, have had their home here! But how negligent have we been to record their names or their deeds. Already many luminaries are lost to our sky, and others, we fear, will soon vanish from our view.

Especially one reproach rests on the Island. While the founder of Providence has had his life recorded by three able biographers, Knowles, Gammell and Elton, not a single memoir of Coddington, Coggeshall, or Clarke is to be found. Should this wrong to these men, to ourselves, and to posterity continue? Much is lost, but should not immediate efforts be made to gather up all that remains, and thus show that we appreciate their character and work, as well as the benefits they have conferred upon us?

We know of no production that would be richer in instruction, or

more valuable to this generation, or to those who shall come after us, than well prepared biographies of these men, particularly of him who obtained our charter, and of whom Arnold says "whose character and whose talents appear more exalted, the more they are examined." Such biographies would not only be a just tribute to the men to whom we owe so much, but would lead us to prize more highly the liberty we enjoy, by showing at what a cost it was attained. Nor is this all; these men knew, perhaps beyond any other in their day, that liberty could be enjoyed only with a deep reverence for law; and hence they were as much distinguished for their reverence of law, as for their love of liberty.

Long as these sentiments shall animate us, our liberties are secure; but let us lose our respect for law, liberty, offended, will depart from us.

Would we then have our liberties perpetuated through all time, we must imbue those that shall follow us with the highest regard for law; and how can this be better accomplished, than by unfolding, in their biographies, the principles that animated these men?

Who will task himself to confer on us and on the world, a gift so rich?

We love our Island! It is one of the loveliest spots on earth! We have a climate that all wish to enjoy; waters in which all wish to lave, and airs, that all wish to breathe. Here wealth resorts. Here genius and learning come to recruit their exhausted powers, and prepare for future toils.

But we love our island most, because freedom, from the beginning, made this her chosen abode; and because here sleep the men, who first knew how, in forming governments, to unite liberty with law.

Guard sacredly their dust, and let their names never die!