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## DISCOURSE.

GENTLEMEN OF THE HISTORICAL SOCIETY :—

In conformity with established custom we have met again to celebrate the anniversary of our corporate existence. It is well that these reunions should take place for they serve to stimulate the exertions of our members and to further the objects of our association. They occur at a season when gentlemen representing every section and interest of our State are assembled for legislative action, many of whom are members of the society who at any other period could not be present at our meetings, and all of whom, whether members or otherwise, must from their position as legislators feel no ordinary interest in whatever pertains to the history or redounds to the honor of Rhode Island. Occasions like this revive the slumbering fire that else would smoulder beneath the mass of its own material—they urge to renewed effort the patient few who toil on unnoticed in the tedious task of original research—and more than this, they keep alive that glorious feeling, the Pride of State, to which history owes its brightest eras and Man his noblest deeds ; which made the Greek republics models for all time, and Attica, among the smallest, the foremost of them all. In this view of the advantages to be derived from our historical anniversaries let us consider for one moment how and why results so desirable are thus produced. It is simply because at this time only the opportunity occurs to spread abroad some knowledge gleaned from that mass of rich material rescued from oblivion in dusty garret and cobwebbed cellar, to

be preserved as a precious legacy to posterity among the archives of your cabinet; because at this time the student who for history's sake pores over those musty records, deciphers the mildewed manuscript, and seeks in their originals the proofs of a glorious but half forgotten past, may emerge from his seclusion to diffuse the rich result of anxious hours of labor; because at this time only may our Society speak out to the people of the State with that most authoritative voice which no government may disregard and live, which no nation can forego and flourish—the truth of history; and lastly because in putting forth this truth we may, once a year at least, be reminded of those brilliant passages in Rhode Island progress which should serve to foster a noble love for the memory of our ancestors and encourage a generous determination to preserve their virtues, their principles, and the moral supremacy they won.

And this is that Pride of State without which our distinctive character, so long preserved, must finally be merged in the general mass, our individuality as a State be lost in the vast aggregate of the Nation, and the name of Rhode Island be no longer heard when the principles she first of all maintained, the spirit she first of all displayed shall have been adopted by all other States and recognized as the birthright of the human race. To preserve and perpetuate this feeling is for us the most important end to keep in view. To this Society is entrusted the precious charge—the truth and honor of a State's existence. While each sister State has had her historian to give enduring form to the records of her daring deeds, to make known to men her claims to high distinction, and to contribute each his part to the grand fabric of our national history, Rhode Island alone has stood aloof, remained inactive, or failed at least to assert her indisputable place among the earliest in Council and the foremost in action. No wonder then that rival States have claimed the precedence in many bold designs wherein they acted well but simply followed where Rhode Island led. We cannot blame them that they injure us while setting forth their own illustrious acts. The fault is in ourselves. Shut up within the closets of our State House, or

guarded by the walls of yonder cabinet lie piles of records that belong not to this State alone but, by prescriptive right, to this nation and mankind. Rarely have their dusty leaves been turned save by those who have their custody, and whose annual duty is to open somewhat of their contents to the world. By so doing we may hope to keep alive the ennobling sentiment of State pride, until the stigma of silence upon what has become a national as well as a local duty is removed by an authentic, plain and sober history of Rhode Island.

Thus far of the objects of this Society and the chief purpose of this anniversary.

It is with a feeling of unfeigned diffidence mingled with an emotion of pride at the grandeur of the theme that I approach the subject proposed for this discourse—the Spirit of Rhode Island History. A topic so pregnant with important truths, extending over a period of more than two centuries, embracing a long succession of salient facts in civil and ecclesiastical polity, illustrated by stirring incident, thrilling personal adventure and daring military achievement should not be lightly touched, yet cannot be condensed or fairly treated within the limits of an evening hour. To give but a scanty outline, a sketch of principles, with but a bare allusion to the facts that prove them—the essence and not the substance—is the most our time allows. If in the course of these remarks I make any assertion that may seem new and unsupported by familiar facts, or venture any opinion without stating the evidence of its truth be assured that it is from want of time and not of proof.

I have no historical theory to support, but simply aim to trace a principle.

There probably never was a State the circumstances of whose settlement displayed so prominently a singleness of purpose animating the whole of its heterogeneous and conflicting elements as this. Certain it is, and admitted on all sides, by our early opponents in derision, and by ourselves with pride, that a more confused and discordant assemblage of exiles and outcasts than first peopled the shores and islands of the Narragansett never sought refuge in any land. The contempt of the Pharisee for his more humble but deserving brother, finds its counterpart

in those words of complacent scorn which we meet in the writings of Mather when speaking of Rhode Island he says "if a man had lost his religion he might find it at this general muster of opinionists." With pride do we their descendants look back upon the dissension and discord among the founders of Rhode Island, for as the All-Creating Mind wrought out from the confusion of chaos this fair and beautiful world, so do we recognize the same Omnipotent Deity shaping, from the disordered masses of the early colonists, a fabric of civil government, from which, in later days, the entire sisterhood of American republics have taken their model. Just such mingled and antagonistic elements were necessary to complete the grand design, and the more irreconcilable they appear the more striking and wonderful is the harmonious result. It may seem strange to those who have not studied the lives of the founders of Rhode Island that the very point upon which her revilers most relied to justify their contempt should now be held up as a source of honest pride. But there is more in this point than appears upon the surface, more than the men of Massachusetts were willing to concede, more than the bitterness of party strife could fathom in those days of unrelenting hostility. Men of strong and independent minds rarely think alike on many subjects. Each takes his own view and reflects therein the character of his individual mind. Diversity of opinions and clashing interests, as each leading mind gathers its followers around it, forming sects in religion or parties in politics, is the result. Men of this stamp could not long endure the dead calm of a Church and State mediocrity. A system which checks progress by repressing enquiry, reducing all to a uniform standard of faith and practice, may compel uniformity for the sake of peace, but purchases it at the expense of intellectual and moral power. Such a system must be inimical to the development of leading principles or enlarged ideas, for it can only be preserved by crushing precisely that style of mind which is capable of evolving such principles.

Mediocrity in the masses, and a concentration of the intellect and learning of the State in the dominant class, few in number and despotic in feeling, but infusing, by virtue of their supe-

riority, the bias of their minds through the whole body politic is the inevitable result of compulsory conformity. The men who quietly submit to this condition of things may be educated, talented and refined, but they lack the genius which is essential to progress, and the force which gives stimulus to action. The presence of these qualities would unfit them for so quiet and so despotic a meridian, for the free development of the nobler attributes of mind requires the genial atmosphere of freedom. Thus thought the fathers of Rhode Island when the banishment of their leader convinced them that the authorities of the Bay had resolved at all hazards to suppress free discussion, and that submission or exile were the only alternatives. In the *spirit of liberty* they deserted their homes to realize in the wilderness their conceptions of a State. Nor was it only upon points of theological difference that the rupture occurred. In matters of religious belief the founders of this State, as the above cited words of Dr. Mather prove, were as much at variance with each other as with the community they left. Deep hidden in the heart of Man lies the feeling which prompted their movement, too deep for sectarian conflict to disturb, too vehement for practice on any field not specially prepared for its development. Civil as well as religious freedom was their desire, and to embody both in a constitutional government the yet untried experiment they sought. Differing in their views upon almost every other subject they agreed with singular unanimity upon one. Disputing upon points of doctrinal theology, differing as to the nature and forms of civil government, conflicting in their notions of the principle and limits of law, and contending about natural and proprietary rights, they were nevertheless cordially united upon one article of compact—that spiritual accountability was to God alone. Here we have at once the source of their discord, and the singleness of purpose which triumphed over all. Strong minded, independent men, with a free arena of their own selection on which to act, might well present a stirring scene in contrast to the neighboring calm. We repeat that such an ancestry engaged in such a cause is a worthy object for our pride, and the stormy ordeal through which they passed attests the intellectual power which

crowned their efforts with success. Growing out of this spirit of liberty which we recognize as the moving cause of the settlement of Rhode Island, and forming an essential portion of it, was the spirit of tolerance. Not that simple toleration which permits by sufferance the existence of other forms of worship than the one established by law, but that broad and comprehensive freedom of conscience embraced in the language of our first legislative enactment, "all men may walk as their consciences persuade them, every one in the name of his God." This new doctrine, which thus met the sanction of men who could agree upon no other principle, formed the distinctive feature of the colony. It was the prominent idea in the mind of its founder, and was embraced, with the zeal which persecution only can inspire, by the entire mass of his followers. These two leading principles, civil freedom and religious tolerance, unite to form that perfect spirit of liberty which gave origin to Rhode Island, and which we shall find steadily pervading the policy of the State through the long course of its history.

The American colonies with two exceptions owe their foundation to the spirit of commercial enterprise or personal adventure.

The cause of the Pilgrim emigration was, in the first instance a religious one, the desire, not of religious freedom, but of freedom to enjoy their own religion. The Puritan influx ten years later, by the terms of the grant from the Council of Plymouth, created a distinct trading corporation, and the two settlements were soon united in the great colony of Massachusetts. The other colony is that of Rhode Island and Providence Plantations, owing its foundation alone to the spirit of liberty, which elsewhere could find no congenial home.

To the two leading principles already mentioned should be added one other, equally prominent with the early settlers, but not so fully kept in view, now that the occasion has passed away. Possession by right of discovery was a European doctrine coeval with the days of Columbus and de Gama. First exercised by the Supreme Pontiff, who claimed the exclusive right as God's Vicegerent to the temporal control of all newly discovered countries, it was soon adopted by the maritime

powers as a part of the royal prerogative. Overlooking that principle of justice which establishes propriety in the original possessor, the sovereigns of Europe did not hesitate to assert their claim over both Americas. The rights of the aborigines, heathens and barbarians as they were, presented no obstacles to these enlightened and Christian legislators. Their heathenism was handed over to the tender mercies of the Church, their barbarism to the civilizing agency of gunpowder and steel. Although the method of administration was more summary in the Spanish and Portuguese possessions, the principle, in its broadest extent, was recognized by the British crown, though rarely acted upon by the English colonists. Against the abstract right, as well as the positive abuse of these pretensions, the settlement of Rhode Island was the first solemn protest. Mercy and justice conspired to raise the voice of indignant rebuke against the wholesale assumption of territorial rights urged by the Council of Plymouth under their patent from King James. For the bold denunciation of those words of the patent in which the King, as the "Sovereign Lord" of this continent, grants by his "special grace, mere motion, and certain knowledge," a large portion of America, reaching from the Atlantic to the Pacific, to the Council of Plymouth, Roger Williams was twice subjected to the censure of the authorities of Massachusetts. By this act the founder of Rhode Island, in the spirit of justice, denied, in favor of the Indians, that royal supremacy which his descendants, 140 years later, in the spirit of liberty, spurned in favor of themselves.

This attribute of justice, being in its nature negative, implying, under the peculiar circumstances of the case, a determination not to be instrumental in inflicting wrong, and now that the occasion which made it prominent has passed away, has been overlooked amid the more active and dazzling elements of our history; yet it deserves a conspicuous place among the fundamental principles of the settlement of Rhode Island. As it was a leading idea in the origin of the State, so did it shortly prove the chief protection to its existence. To the correct and well timed application of this principle to the affairs of the aborigines we owe the lasting friendship of those powerful

Sachems who at one time controlled the destinies of New England. To the fidelity of the Indians towards their fellows in contempt and persecution, the founders of the State owe it that they were not swept from the face of the earth by the banded tribes when the New England confederacy was formed and Rhode Island was ignominiously excluded from the league for mutual defence. This forbearance on the part of barbarian hordes, enraged by a series of wrongs, and thirsting for vengeance on the whites, was due to no policy of the moment, dictated by impending danger to be broken in the hour of safety. It was the result of years of confidence implanted in the bosoms of Massasoit and Canonicus by the founders of Rhode Island, and perpetuated in the memory, and the conduct of their successors.

Very soon after the organization of the colony this spirit of justice, uniting itself with the instinct of political self preservation, evolved a system of laws adapted to the exigencies of the time and place, and in point of the liberality of its provisions, far beyond the spirit of the age. The first legislative code of Rhode Island, adopted in May 1647, was grand in its simplicity, and glorious in its acknowledgment of the practicability of self government. It recognized the democratic principle in its broadest extent, for at that time, as in the earlier periods of the Greek republics, the whole colony assembled in what was termed "a General Court of Election." A majority being present their acts were binding upon the whole, as is expressed in the opening of the Assembly when, having first chosen a Moderator "It was voted and found, that the major part of the colony were present at this Assembly, whereby was full power to transact." The next step was to provide against the withdrawal of so great a number as to defeat the object of the meeting by putting a stop to legislation. For this purpose the number of forty was agreed upon who, in case the rest should depart, were required to remain "and act as if the whole were present, and be of as full authority." In the establishment of this compulsory quorum we recognize the germ of the representative system, which the increasing number of the colonists soon rendered necessary. The Assembly

being thus organized, and the initiatory steps taken to secure its permanence and authority, "It was agreed that all should set their hands to an engagement to the charter."

The origin and character of this charter are deserving of more careful attention than we can now bestow. The position in which the four Rhode Island colonies were placed in reference to each other and to the more powerful, and at that time hostile colonies around them, demanded that some means should be taken to increase their efficiency at home and their respectability abroad. They were settled at different times. Providence in the spring of 1636. Portsmouth in the spring of 1638. Newport in the following spring, and Warwick in the winter of 1642—3. Although the same causes led to these settlements they were independent of each other in every respect, managing their affairs in their own town meetings, and conducting for themselves, as best they could, their disputes with the Puritan colonies. It was soon found that such small communities were too feeble to resist the pressure from without or to preserve harmony within. Consolidation was essential to self preservation and to the maintenance of their cherished principles.

On the 14th March 1644 the labors of Mr. Williams with the English Commissioners at London were brought to a successful termination by the grant of the first patent of Rhode Island.

This patent was general in its character, conferring absolute independence on the Colony of Rhode Island, under the name and style of "The Incorporation of Providence Plantations in Narragansett Bay in New England." The single proviso with which it was fettered, to wit that "the laws, constitutions and punishments, for the civil government of the said plantation, be conformable to the laws of England" was practically annulled in the same sentence by the subjoined words, "so far as the nature and constitution of that place will admit." Thus the people were left free to enact their own laws, for this qualifying clause in effect defeated the proviso. No charter had ever been granted up to that time which conferred so ample powers upon a community, and but one as free has ever emanated since from a throne of the monarch.

The other remarkable feature in this instrument consists not in what it specified but in what it omitted. The use of the word "civil," every where prefixed to the terms "government" or "laws" wherever they occur in the patent, served to restrict the operation of the charter to purely political concerns. In this apparent restriction there lay concealed a boon of freedom such as man had never known before. A grant so great no language could convey, for the very use of words would imply the power to grant and hence the coordinate power to refuse. Here was the essence of the Rhode Island doctrine. They denied the right of Man to arrogate an attribute of Deity. They held themselves accountable to God alone for their religious creed, and no earthly power could bestow on them a right they held from Heaven. Hence the expressive silence of the charter on the subject of religious freedom. At their own request their powers were limited to civil matters. Beyond this a silence more significant than language, more impressive than eloquence, more powerful than an hundred edicts proclaimed the triumph of soul-liberty.

This patent prescribed no form of government, all was left to the people with the fullest powers to adopt and act under it as they pleased. It was a task, as delicate and difficult as it was imperative, to consolidate the towns. A spirit of compromise and mutual concession was requisite to the work. Two and a half years elapsed after the glorious patent was received before it was adopted, at the time, and in the manner above described. This done the Assembly next proceeded to adopt the representative system, by providing that "a week before any general court, notice should be given to every town by the head officer, that they choose a committee for the transaction of the affairs there," and they also provide for a proxy vote in the words "and such as go not may send their votes sealed." Their next step was to the election of President and Assistants of the Colony by ballot, and John Coggeshall was chosen President. The mode of passing general laws was then prescribed and deserves attention for the care with which it provides for obtaining a free expression of the opinions of the whole people. All laws were to be first discussed in the towns. The

town first proposing it was to agitate the question in town meeting and conclude by vote. The town clerk was to send a copy of what was agreed on to the other three towns, who were likewise to discuss it and take a vote in town meeting. They then handed it over to a committee of six men from each town, freely chosen, which committees constituted "the General Court," who were to assemble at a call for the purpose, and, if they found the majority of the Colony concurred in the case, it was to stand as a law "till the next General Assembly of all the people," who were finally to decide whether it should continue as law or not. Thus the laws emanated directly from the people; the General Court having no power of revision over cases already presented, but simply the duty of promulgating the laws with which the towns had entrusted them. The right to originate legislation was however vested in them to be carried out in this way. When the Court had disposed of the matters for which it was called, should any case be presented upon which the public good seemed to require their action, they were to debate and decide upon it. Then each committee, on returning to their town, was to report the decision, which was to be debated and voted upon in each town—the votes to be sealed and sent by each town clerk to the General Recorder, who, in presence of the President, was to count the votes. If a majority were found to have adopted the law it was to stand as such till the next General Assembly should confirm or repeal it. The jealousy with which the people maintained their rights, and the checks thus put upon themselves in the exercise of the law making power, as displayed in this preliminary section of the code, present most forcibly the union of the two elements of liberty and law in the Rhode Island mind, the natural development of the spirit of freedom in harmony with the spirit of justice.

The preamble and bill of rights, prefixed to the code of civil and criminal law adopted on this occasion, is a remarkable production. Brief, simple and comprehensive, it embraces in a few words the fundamental principles of all our subsequent legislation. It declares "that the form of government established in Providence Plantations is Democratic, that is to say,

a government held by the free and voluntary consent of all, or the greater part, of the free inhabitants." This position was no less novel and startling to the statesmen of that day than was the doctrine of religious freedom. Both of these dogmas were exclusively Rhode Island notions, and to her belongs the credit of them both. This first General Assembly aimed to adopt a code that should secure each of these objects, and thus be "suitable to the nature and constitution of the place." They succeeded, and we hazard little in saying that the code of 1647, for simplicity of diction, unencumbered as it is by the superfluous verbiage which clothes our modern statutes in learned obscurity, for breadth of comprehension, embracing as it does the foundation of the whole body of law on every subject which has since been adopted, and for vigor and originality of thought 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.

We have now seen how this spirit of justice was first exercised towards the Indians, and then, in their own defence, evolved the law element in the Colonial constitution, protecting the rights of minorities in confining, by every possible check, the action of the majority within certain prescribed limits. The union of these two elements, liberty and law, developed with singular intensity a spirit of patriotism. Nowhere has this feeling had more public prominence, or kindled a brighter flame in the individual heart than in Rhode Island. It has been said that the love of country exists in an inverse ratio with the extent of territory. Were this thesis correct we need look no further to account for the most active and striking feature of Rhode Island history. But a sounder philosophy will discover in moral effects a moral cause, and not content itself with assigning a merely physical reason for results that spring from the deepest fountains of Man's nature. Every point which we have described as giving a distinctive character to the early history of our State converged to this. It took form almost at the outset from the causes assigned, and it glowed with a stronger, purer flame from the peculiar nature of those

causes. Here was their country. Twice banished for opinion's sake the whole civilized world was closed against them. No form of civil government then existing could recognize their Democracy, and even Christian charity denied their faith. Rhode Island was their only refuge; reverence for the law their only safeguard, and so long as the law could not interfere with religion they knew their liberties were secure. Every incentive to patriotism that exists in the instinct of self-preservation, or in the consciousness of being the exclusive guardians of principles destined to alter the whole current of human affairs and elevate Man to a position never before attained, was presented to the founders of Rhode Island. No wonder that the love of country in early times, and the pride of State in later years, have formed so marked a feature in our history. We shall presently see how prominent this feeling became, and how widely and rapidly it extended, when the spirit of Rhode Island had infused itself through all the colonies, and her cause had become the cause of United America.

We have now reviewed the most conspicuous points in the moral history of the State; the spirit of liberty in its two branches, civil and religious; the spirit of justice in its negative application to the aborigines, and its positive results in evolving the code of 1647; and the spirit of patriotism resulting from the harmonious union of these elements. These points will serve as landmarks to all that follows. They form the nucleus of two centuries of progress, and the safe standards by which to judge how far we have acted out the principles of our ancestors.

But there is one other feature in our history which should not be overlooked. It is one that held a striking prominence for more than a century, and only ceased to be conspicuous when the occasion that produced it passed away. It is a *spirit of forbearance*, of brotherly kindness, of charity; a feeling, by whatever name it may be called which led them alike to shield the oppressed and to pity rather than to scorn the oppressor. It was no temporizing policy which led them at one time to exert their powerful influence with the Indians in behalf of their persecutors, and at another to set their faces like an im-



movable rock, in defence of their principles, against the arrogance of the neighboring colonies. Now we see them acting as mediators to protect the Puritans, and now harboring and defending the Quakers from their insolent demands. In every position they stood true to their glorious principle of freedom, and ready to extend the hand of kindness and open the heart of charity wherever a fellow being needed their devotion, were he friend or foe. It is no pleasant task to support these remarks by an appeal to the impartial page of history. Rather would we pass in silence the records of an age of bigotry to dwell upon that brighter era when early antipathies became merged in the ultimate triumph of Rhode Island principles, and the confederated colonies reflect a common lustre in an age of heroism. But we are called on for the proofs and they shall be presented, enough but not all of them, and briefly too, for we wish not to dwell upon the exciting theme of wrong and outrage. A few months after the banishment of Roger Williams the Pequod war broke out. This powerful tribe had sent ambassadors to the Narragansetts to effect a league that should involve in its fatal results the utter destruction of the English. Mr. Williams was the only man in New England who could avert the impending evil. His own life and that of the few who had joined him was secure in the love of the Narragansetts. Still at the risk of his life, from the Pequot tomahawks and the perils of the way, he sought the wigwam of Canonicus and accomplished what Mr. Bancroft has pronounced "the most intrepid and most successful achievement of the whole war; an action as perilous in its execution as it was fortunate in its issue." What was the reward of his magnanimity? Gov. Winthrop moved in the General Court that Mr. Williams be recalled from banishment and honored with some high mark of favor. To the lasting disgrace of the Puritans the question was allowed to drop unnoticed. More vile ingratitude does not illustrate the annals of bigotry in any age.

The same vindictive spirit was displayed toward the people of Rhode Island when in 1642 the New England confederacy was formed, chiefly for protection against the Indians. Although the colonies then owed their existence to the heroism

of Rhode Island, the application for admittance to the league was sternly refused, except she would renounce her principles and submit to the hierarchal despotism of her neighbors. This she refused to do and she was basely left to stand alone amid dangers from famine, pestilence and war. Her only strength was in the valor of her sons and the truth of her principles. Had the law of retaliation been her guide, as it has been of most governments, she would have been justified by the perils to which she was exposed, and might have compelled admission to the league by withholding her restraining influence from the Indians. It is one of the brightest spots in her history that in this dark hour the magnanimity of her founder actuated her councils. Turning from the ingratitude of the Puritans, she appealed to the King. A free charter was obtained. The despised colony now assumed the rank of an independent State, and to the subsequent harshness of her neighbors was enabled to oppose the language of bold but courteous remonstrance.

Very soon a third occasion for the exercise of a spirit of forbearance was presented, when on the return of Mr. Williams with the charter, in the autumn of 1644, he found New England again on the point of being involved in Indian war. The Narragansetts had resolved to avenge the murder of Miantinomi upon the Mohegans. Once more his salutary influence was successfully exerted to avert the impending evil. A treaty was concluded, and for the second time within eight years, New England owed her peace and safety to the magnanimity of her victim. The last example we shall mention of hostility on one side and generosity on the other occurred in 1658 while the terrible persecution of the Quakers was at its height. Rhode Island was urged to join in the fierce oppression. The insolence of the Puritan colonies, exulting in their strength, unmindful of past favors, but jealous of the growing prosperity of "the heretic State," now displayed itself in measures of constraint, and threats of exclusion from all intercourse or trade with rest of New England, to force her from her fidelity to the cause of religious freedom; but in vain. The result of this controversy was an appeal to Cromwell by the General Assembly that "they may not be compelled to exercise any civil

power over men's consciences, so long as human orders, in point of civility, are not corrupted or violated." But letters of remonstrance from Old England had little effect in New, and it was not till the dawn of a brighter day, when Rhode Island principles had achieved their own triumph, that the occasion for forbearance by reason of injuries received, and for protection to the victims of Puritan persecution ceased for ever.

We have now sketched the principal features in the early history of the State: the ground work of a superstructure which the more closely we examine it the more remarkable it will appear. Standing as she did from the beginning in striking contrast to every other British colony, originating principles unknown to them and unheard of in the world, contending for those principles as for her very existence, and acting upon them with a persistence proportioned to their importance, she could not fail to present many points peculiar to herself so long as she stood alone, the exclusive champion of ideas now every where admitted. Her annals, from the date of her first charter down to the day when with reluctant hand and doubting heart she signed the death-warrant of her individuality, and merged her distinct existence in the American Union, are replete with action, which here, as no where else, displayed the spirit of the people. There is much in this history to condemn, very much to admire and imitate; but the former will be found to pertain for the most part to private acts, the latter to the government, which has always expressed in Rhode Island the organized will of the whole people. The conflict of ideas as to the limits and the practical application of the principles we have named, often produced a degree of political excitement in Rhode Island from which the other colonies were exempt. Parties were formed, and questions often slight in themselves, but involving in their principles the very existence of the new institutions, were discussed, in village meeting and in General Assembly, with a bitterness unknown to modern debate, and with results at times threatening to disorganize society. Feuds arose between neighboring settlements which sometimes led to acts of violence, and on one occasion caused the fatal policy of intervention to be adopted, by calling in the aid of Massachu-

setts under the plea of obtaining her protection. An armed force invaded Rhode Island, captured Gorton and a few others, and threw them into prison for many months on a charge of blasphemy. The internal strifes were in time appeased by the decision of commissioners appointed by the General Assembly. The external ones were of longer duration and more serious import.

Meanwhile a new and unlooked for trial arose in Rhode Island, which was to test yet more severely the loyalty of the people to their free institutions. The turmoil occasioned by the factious spirit of the towns furnished the ambition of Coddington with the occasion and the excuse for his usurpation. In 1651 William Coddington went to England and by some means procured from the Council of State a commission for life as Governor of the island of Rhode Island. This daring act, so inconsistent with the republican spirit of the colony, was met by a prompt and decisive rebuke on the part of the people. A second time Mr. Williams was sent to England to exert his powerful influence in behalf of the colony; and with him was associated a man whose name should ever be held in the highest veneration in this State, for his talent, his energy, and his exalted worth. A fitting companion for Roger Williams was John Clark. The mission was successful. Coddington's power was revoked. Mr. Williams returned the next year. Dr. Clark remained in England as permanent agent, and ultimately obtained the second charter in 1663. It is difficult at this distance of time to form a just estimate of Coddington's conduct in this affair. The censure of the people was prompt and decisive, and continued for more than twenty years to exclude him from the head of government, although he was repeatedly elected Representative and Assistant. His talents and real worth however ultimately succeeded in restoring the general confidence, so that he was four times chosen Governor under the second charter.

The restoration of the Stuarts, annulling the acts of the Long Parliament, obliged Rhode Island to seek a renewal of her privileges by another charter. It was at an auspicious moment, when Charles II was yet barely seated upon his throne, that the

talent and energy of Dr. Clark obtained this instrument. It confirmed every thing that the previous patent had given, and vested even greater powers in the people. Under it the State was an absolute sovereignty with powers to make its own laws, religious freedom was guaranteed, and no oath of allegiance was required. Rhode Island became in fact, and almost in name, an independent State from that day. To the minds of the King and of Lord Clarendon it was a curious experiment. They would yield to the whims of that singular little colony to see what would come of it. George III and Lord North *saw what became of it*. The act of July 8th 1663 resulted in the act of July 4 1776. The memorable words of King Charles, when he granted the charter, contained at once a pleasantry and a prediction.

The State now occupied a higher position than her neighbors could claim. Her ~~idea~~ was realized. Freedom was no longer a phantom of philosophy, but an existing fact. Still this did not silence her Puritan oppressors. The spirit of Church and State was aroused at the prospective triumph of free principles. The neighboring colonies boldly asserted their pretensions to nearly the whole soil of Rhode Island. Connecticut claimed all Narragansett. Massachusetts claimed Providence and Warwick, and both resorted to violence to confirm their jurisdiction. Plymouth claimed Rhode Island and the eastern towns. She alone pressed her claims with moderation and quietly yielded to the decisions of the British Commissioners; but Plymouth was a Pilgrim colony and animated by a more liberal spirit than was shown by the Puritan provinces. These external strifes occupy a large portion of our history for nearly a century after the date of the charter, and much of the correspondence with the home government, still preserved in the archives at London, relates to these boundary disputes.

The accumulated wrongs of forty years, at length wrought their natural result in an alliance of all the Indian tribes against the New England confederacy, and Rhode Island, which had never been admitted to the league, became the battle ground in Philip's war. The New England forces, 1000 strong, passed through Providence, receiving accessions of volunteers

as they marched on to South Kingston, where, "in the great swamp fight," the power of the Narragansetts was broken forever. The government of Rhode Island being, in the years 1675 and 6, in the hands of the Quakers, she took but little part in that war; and as the Indians were her friends, she suffered but little till near the close of the war, when Providence was partially burnt and Warwick entirely so, and the greater part of the inhabitants of the mainland towns took refuge on the island. At this time the first step was taken by Rhode Island towards a system of defence in which she was afterwards destined to take preeminence. A naval armament, slender to be sure, for her means were most limited, but adequate as it proved for the purpose, was equipped, consisting of row boats which were employed in guarding the island against invasion from the main land. In these four gunboats we see the germ of a future Rhode Island squadron, one century later, and an ultimate American navy.

When the war was over the prisoners were mostly sold into slavery for life. Rhode Island proved herself more enlightened in this respect, and passed a law in March, 1676, prohibiting Indian slavery, and placing the captives upon the same footing as white apprentices. This was consistent with the spirit of freedom and in conformity with the act of May, 1652, prohibiting negro and white slavery, both of which were in use at that time. That law is believed to be the first legislative enactment in the history of this continent, if not of the world, for the suppression of slavery, and is as honorable to the State as its devotion to those principles of freedom more generally known as its own. Those who examine the past legislation of Rhode Island, will discover many acts which, like this, deserve to be better known; laws that embodied the peculiarities of Rhode Island sentiment, and present a marked and creditable contrast to every contemporary code. But this subject would furnish a theme of itself.

We pass on to observe how the State maintained her position during the severest trial she had yet experienced. The commission of Sir Edmund Andros was a virtual revocation of her glorious charter. A writ of *quo warranto* had been

issued against it in June, 1686. This colony promptly and prudently declined to stand suit with His Majesty, threw themselves upon his mercy, and petitioned for pardon "if through ignorance they had erred," but carefully retained their charter in possession, although suspending for a while its exercise. The conduct of the people of Rhode Island, throughout this difficult affair, evinced a degree of diplomatic address which obtained for them some privileges not accorded to the other colonies, and with which all their subsequent intercourse with the mother country, till near the separation, is replete. Rhode Island and Plymouth at once bowed to the storm they could not avert. The other colonies resolutely refused for a while, and Massachusetts lost her charter in consequence. Although the government of Andros has been held up as one of absolute tyranny, and justly so as respects the greater part of his administration, the other New England colonies complained most bitterly of those acts which Rhode Island could not but approve, and some of which, as seeming to be favors shown to her, were construed into acts of hostility to them. So little is known of the details of his government, most of the records of the Council having been lost, and so general is the prejudice against him to this day, that it may sound strange to say, that in any respect Sir Edmund Andros was a benefactor to Rhode Island. "The evil that men do lives after them, the good is often interred with their bones." So has it been with Andros. His will was arbitrary. His rule, even in Rhode Island, where it was mildest, was oppressive; but his acts, where they were good, should not be forgotten even though the evil predominates. He sought to establish universal toleration in religion. This was abhorrent to Massachusetts. In her estimation it was rampant *Rhode Islandism*. His object to be sure was to secure a foothold for the Church of England, not to favor the principle. But Rhode Island could not object to see her free ideas adopted by a despot, although what was a principle with her was merely policy with him. The long disputed boundary with Connecticut was established by Andros in accordance with the claims of Rhode Island. This added a new cause of complaint in which our State could not unite. So long as he

ruled, Rhode Island was secure from the insults of her neighbors and protected against them in her rights. The courteous treatment which he here received, compared with the rudeness elsewhere shown him, led him to represent Rhode Island in his despatches in favorable contrast with the other colonies. It is not improbable that the assurances of her loyalty repeatedly given by Andros, had some effect in securing the tacit confirmation of her chartered rights under the succeeding reign. But at best it was only the smile of a despot. Rhode Island felt that she was chained and longed to breathe again the air of freedom. The approach of the revolution of 1688 was the signal for the fall of Andros. In the turmoil that ensued he escaped to Rhode Island, was seized at Newport in August, 1689, sent back to Boston and there imprisoned. Rhode Island meanwhile had, on the first of May, 1689, resumed her government under the charter, restored the officers whose term of service was interrupted by the arrival of Andros in 1686, and adopted an address, carefully directed "to the present supreme power in England," which is a model of diplomacy.

The war with France and Spain now engaged the attention of the colonies. In July, 1690, a French fleet captured Block Island, Nantucket, Martha's Vineyard, and attempted to take Newport at night by surprise, after which they attacked New London, but were beaten off. Rhode Island at once equipped two vessels with 90 men, to retake Block Island. The expedition was commanded by Capt. Paine. A bloody action took place off the island, on the 21st, against five sail of French vessels. It lasted two hours and a half till darkness put an end to the conflict. The next morning the French sailed, having lost nearly one half their men in killed and wounded, while Capt. Paine lost but seven. He gave chase and compelled them to sink a prize which they had taken. This brilliant exploit at once inspired our people with a naval spirit. It was the first essay of Rhode Island on the open ocean, and the worthy harbinger of many daring deeds. French and English privateers now began to infest the American seaboard, and, as a natural result, when the war was over this degenerated into piracy. The eighteenth century opens upon a scene of pirati-

cal adventure, in which all New England and New York were deeply involved. Rhode Island came in for her share, and the notorious Capt. Kidd is known to have frequented the waters of the bay, and to have had accomplices here as well as in Boston and New York. The Earl of Bellemont, then Governor of Massachusetts, in a letter to the Board of Trade, says, that Gov. Cranston should be called to account for "conniving at pirates and making Rhode Island their sanctuary." It should be remembered, however, that not only privateering, but any Custom House irregularity, in those days, was branded with the name of piracy, and hence we find frequent complaints against the Deputy Collectors and other officers in Rhode Island for this crime. A colony which, in its first code, adopted for itself the sea laws of Oleron, and conducted under its charter a foreign trade, without much regard to the regulations of the home government concerning that trade, could not fail, under such circumstances, to subject itself to these charges. Hence we find that Rhode Island came in for more than her share of blame, and complaints of this kind were frequently entered against her, until that audacious act of "flagrant piracy," as it was termed, the capture of His Majesty's armed schooner Gaspee, filled to the brim the cup of British indignation and led to the separation of the colonies.

The boldness of Rhode Island, in assuming Admiralty jurisdiction, which caused so much ill will toward her, was carried still further when Dudley, who succeeded as Governor of Massachusetts upon the death of Lord Bellemont, attempted, by virtue of a royal commission, to assume the military command of Rhode Island, then amounting to about 2000 men. In Sept., 1702, Dudley with some of his council and an escort of cavalry, came to Newport and published his commission. A sharp interview took place between Governors Cranston and Dudley, the former insisting upon the militia clause of the charter as paramount to His Majesty's commission to the latter, and refusing a definite reply till the Assembly should meet in October. That afternoon, Dudley gave orders to the commander of the regiment on the island to parade next day, but was refused by him on the ground that he was sworn to obey the General

Assembly, or the Governor and Council, and recognized no other authority. Dudley and his escort at once left the island. The Assembly was convened immediately, and addressed a letter to Gov. Dudley, and another to the Board of Trade, pleading their chartered rights in defence of their conduct. A similar attempt had been made by Sir William Phipps, ten years before, and was several times repeated subsequent to Dudley's repulse, but always with the same successful result on the part of Rhode Island. Without recounting the constant difficulties which sprung up between this State and England, for the next half century, we may say in brief, that they often arose from ignorance or disregard in the British government of the charter of Rhode Island, granted so long before, and differing so essentially from any existing charter, as well as from the reason sometimes alleged, the attempt of Rhode Island to usurp more than her real charter privileges. She held on to that charter as to the last hope of freedom—and she was right.

The peace of Ryswick, in 1697, lasted but four years. The war of the Spanish succession ensued. The national debt of England dates from this period. The New England colonies were called to take an active part in hostilities against the French in America. Rhode Island had already outlived the ban of proscription, which once excluded her from the New England confederacy, and was expected and ready to take part in the contest in common with her neighbors. The treaty of Utrecht in 1713, gave but temporary relief to the combatants. The whole eighteenth century in fact, down to the peace of Paris in 1763, was occupied in wars, in which the colonies were constantly engaged in naval expeditions, or employed in self defence against the savages and the French. In these struggles, Rhode Island bore a creditable part; but it was not till her own peculiar principles were directly attacked, that her full energies were exerted, and the same position boldly taken against England which had already prevailed against her early oppressors.

The spirit of freedom was roused to its final struggle by the acts of the British parliament. The enormous national debt of England, called for some extraordinary means to increase the

revenue. To enforce the navigation laws, which had always been obnoxious in Rhode Island, and to impose stamp duties, which implied the right to tax without representation, were the modes adopted. In September, 1765, the General Assembly passed resolutions declaring that in themselves alone existed the right to tax the colony, directing the State officers to disregard all laws for this purpose emanating from any other source, and assuring them immunity in so doing. This was the boldest act on record, up to that date. It fell little short of the absolute declaration of independence, passed by the General Assembly ten years later. The act was followed by movements in the same direction throughout the country, which resulted in the repeal of the stamp act a few months later. A system of duties on imports, was next attempted. It was immediately resisted, and non-importation agreements entered into by all the colonies. From this measure resulted the first blow struck in the American revolution. The first shot fired in that war was spent in Narragansett bay. The first British blood spilt in the great conflict for freedom was that of Lieut. Duddington, commanding H. B. M.'s schooner *Gaspee*. It was on the 9th June, 1772. The *Gaspee* had been stationed here to enforce the revenue laws, and her commander was rigid beyond reason in the discharge of his commission, compelling even the river craft to heave to when he pleased. On that day, in chasing a sloop, he ran aground on what is now called, from this circumstance, *Gaspee point*. The sloop brought up the news to Providence. In the evening, an expedition of eight boats was fitted out. Quietly, with muffled oars, they approached the *Gaspee*; nor were they discovered until resistance was too late. The struggle was brief. The crew were secured, and, with their wounded leader, landed on the shore near *Pawtuxet*. In the flames of the burning *Gaspee*, were consumed that night the last hope or wish of pardon, and the colony now prepared, with vigor, for the inevitable war. No clue to the perpetrators of this act of unequalled daring, could ever be obtained by England, although large rewards were offered.

The captors of the *Gaspee* were patriots not "pirates," and England found their motive stronger than the love of gain. On the 17th May, 1774, the town of Providence moved for a Continental Congress, and on the 15th June, the Assembly elected Stephen Hopkins and Samuel Ward as delegates to the Congress. In this suggestion, Rhode Island again was foremost among the States, and in the election, she preceded, by two days, the action of Massachusetts, which has hitherto been deemed the first to elect delegates. At the same time, a law was passed prohibiting the importation of slaves into the colony, which, notwithstanding the law of 1652, had been done to some extent, and providing for the speedy emancipation of existing slaves.

The news of the battle of Lexington was the signal for a general rising. In May, 1775, three regiments were raised in Rhode Island, by order of the General Assembly. They were called the "Army of Observation," and were enlisted, by the form of their commissions, "into His Majesty's service." They were placed in command of General Nathanael Greene, and were soon on their march to join the grand army near Boston. In June, six additional companies were raised and sent forward to the same point. Upon this subject, Judge Cowell aptly remarks, in his invaluable contribution to the history of our State, entitled "The Spirit of '76 in Rhode Island," "Never had 'His Majesty' an army sooner enlisted *into his service*, than the 'army of observation' of Rhode Island in 1775." But Gov. Wanton was a tory and refused to sign the commissions. A special act of Assembly empowered Henry Ward, Secretary, to sign them, which he did. In October, Gov. Wanton was deposed by formal Resolve of the Assembly, and the office of Governor declared vacant. This was an act of legislative daring, for which no compromise with royalty was provided or expected.

In June, 1775, Rhode Island was the first to equip a naval armament of her own, consisting of two brigs, and increased to four vessels in August; at which time she recommended to Congress, the establishment of a Continental navy. The idea was adopted, and Rhode Island had the chief share in carrying it out. This appears to be the first suggestion of the kind

from any public body. Rhode Island furnished the first Commodore, Esek Hopkins, and the largest number of officers and men for the earliest naval expedition attempted by the colonies, which resulted in the capture of Nassau. She built and equipped the first Continental frigates, by order of Congress, the Warren of 32, and the Providence of 28 guns, and to her belongs the honor of discharging, upon her own waters, "the first cannon fired in the revolution at any part of His Majesty's navy."

But there yet remained a greater deed for her to perform, one of which very little has been said, but which is the most remarkable, as it was the last important act in the history of the American colonies. On the 4th of May, 1776, Rhode Island formally declared her independence of Great Britain, by a solemn act, abjuring her allegiance to the British crown. No apology need be made for inserting this act in full. It constitutes Rhode Island as the oldest independent State in America.

"An act repealing an act entitled 'An act for the more effectually securing to His Majesty the allegiance of his subjects, in this his colony and dominion of Rhode Island and Providence Plantations,' and altering the forms of commissions, of all writs and processes in the Courts, and of the oaths prescribed by law."

"Whereas in all States, existing by compact, protection and allegiance are reciprocal, the latter being only due in consequence of the former; and whereas, George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of this colony, by his illustrious ancestors, and, till of late, fully recognized by him,—and entirely departing from the duties and character of a good King, instead of protecting, is endeavoring to destroy the good people of this Colony, and of all the United Colonies, by sending fleets and armies to America, to confiscate our property, and spread fire, sword and desolation throughout our country, in order to compel us to submit to the most debasing and detestable tyranny; whereby we are obliged by necessity, and it becomes our highest duty, to use every means with which God and nature have furnished us, in support of our invaluable rights and privileges, to oppose that power which is exerted only for our destruction.

"Be it therefore enacted by this General Assembly, and by the authority thereof it is enacted, that an act entitled 'An act for the more effectually securing to his Majesty the allegiance of his subjects, in this his colony and dominion of Rhode Island and Providence Plantations,' be, and the same is hereby repealed."

"And be it further enacted by this General Assembly, and by the authority thereof it is enacted, That in all commissions for offices, civil and military, and in all writs and processes in law, whether original, judicial or executory, civil or criminal, wherever the name and authority of the said King is made use of, the same shall be omitted, and in the room thereof, the name and authority of the Governor and Company of this colony shall be substituted, in the following words, to wit: 'The Governor and Company of the English Colony of Rhode

Island and Providence Plantations.' That all such commissions, writs, and processes, shall be otherwise of the same form and tenure as they heretofore were; that the Courts of Law, be no longer entitled nor considered as the King's Courts; and that no instrument in writing, of any nature or kind, whether public or private, shall, in the date thereof, mention the year of the said King's reign; Provided nevertheless, that nothing in this act contained, shall render void or vitiate any commission, writ, process, or instrument heretofore made or executed, on account of the name and authority of the said King being therein inserted."

Then follow the forms of writs, commissions, &c. prescribed under the new order of things.

The records of the Assembly had always closed with the loyal rubric, "God save the King." At the close of this session, the form was changed, and "God save the United Colonies" appears, for the first time, on the archives of the ancient Plantations. Messengers were dispatched in haste to Congress and to all the colonies, to convey the news and urge the nation to decisive action. Two months afterwards, the United States of America claimed a seat in the family of nations. The revolution was at its height.

We cannot follow our gallant soldiers through the trials and perils of that protracted war, in which Rhode Island did more than her part, and suffered more than her share in the common cause. The revolutionary history of Rhode Island would require a volume. It was the last triumphant struggle for the principles of her glorious charter. She had outgrown the scorn and contempt of her early foes, and lived to witness them quietly adopting her example, and ranging themselves under the same banner, which, for nearly a century and a half, she had borne untarnished through many a conflict.

LEGISLATORS OF RHODE ISLAND. These were the principles which animated your ancestors, and which are now entrusted to you to perpetuate and defend. The spirit of Rhode Island history, so long as the State maintained her distinct existence, was the spirit of freedom, of justice, of forbearance, and of patriotism. Ever nicely balancing herself between the opposing elements of liberty and law, she first taught the world, that these two elements are essential to each other; that while, without their union, liberty must degenerate to license, and law resolve itself to tyranny, the two combined make up the perfect State,

and conflicting parts complete the harmonious whole. Hers was a great experiment, and so complete her triumph, that men overlook the humble source, while they observe the widely spread result. They seem to think that these ideas, which all men now admit, have always been, and do not know that to this State alone belongs the honor of their application. It is well that these principles were originated and perfected upon so small a field, where the interchange of thought was not impeded by distance, at a time when footpaths were the only roads, and primeval forests overspread the land. Then the waters of the bay furnished the only highway, and along its shores alone, were scattered the colonists of Rhode Island.

I have said, that we should preserve our individuality as a State. For this, it is not requisite that we should be singular, but only that what we are and have been, should be continued and made known. The time has come when we should no longer be a peculiar people, acting only for or within ourselves. We form a part of one great nation. The influence of our example has extended far beyond our narrow borders, and has already made the American Union one vast Rhode Island in principle and feeling. What we most require, is, that other States should know and bear in mind, whence sprang the seed of all their greatness; that **HERE**, on this spot, was the hallowed ground, and the fathers of Rhode Island the husbandmen. Then will the State be secure in its distinctive character, and the grave of Williams, like that of Washington, become "the Mecca of the Free."

Civil freedom. Religious liberty. These were kindred plants, from a common stock, that required a virgin soil. Here they were reared, and striking deep their roots, have grown and flourished, till their far-spreading branches overarch a continent, and their dense and vigorous foliage almost conceals the spot where the venerable trunk yet draws its nourishment, and imbibes its moisture from the unfailing waters of the Narragansett.

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