



RHODE ISLAND HISTORY

In Memory of
CHAD BROWN
Elder of the BAPTIST CHURCH
In this Town
He was one of the original Proprietors
of the PROVIDENCE PURCHASE.
Having been exiled from Massachusetts
for CONSCIENCE Sake.

He had five Sons,
John, James, Jeremiah, Chad & Daniel,
Who have left a numerous Posterity.
He died about A.D. 1665.

THIS MONUMENT
was Erected by the TOWN of
PROVIDENCE,
NOV. 1709

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Rubbing of the Chad Brown Monument. The stone, about four feet high, presides over a lot in North Burial Ground between that cemetery's Grove and Eastern avenues, south of its Summit Avenue.

RHODE ISLAND HISTORY

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NO. 2

GRAVESTONES OF RHODE ISLAND

by DICKRAN and ANN TASHJIAN
Resident Fellows, Pembroke College

SOCIAL SCIENTISTS and historians have just begun to explore the information provided by these stone documents.¹ Early gravestones constitute important cultural artifacts that reveal many different aspects of seventeenth- and eighteenth-century New England life, as exemplified in an exhibition recently mounted at John Brown House, of thirty-five rubbings of Rhode Island gravestones, carved from approximately 1700 to 1800. A tentative reading of the stones selected might provide an introduction to the complexities facing the scholar who has yet to examine fully these cultural-historical artifacts of Rhode Island.

Neither exhausting the wide variety of imagery nor covering every area of Rhode Island, the stones on exhibition were selected nonetheless for the representative as well as for the unique nature of their images. Out of this group, the gravestone cut for Charles Bardin of Newport by John Bull in 1773 can serve as a model by which to evaluate other stones in Rhode Island.² Equally important, the questions answered and unanswered about this stone suggest the range of inquiry that must be undertaken for an adequate study of Rhode Island gravestones. Such a study would require a close investigation

¹There are only three basic scholarly sources: James Deetz and Edwin S. Dethlefsen, "Death's Head, Cherub, Urn and Willow," *Natural History*, Vol. LXXVI, No. 3, March, 1967, pp. 28-37. Harriette Merrifield Forbes, *Gravestones of Early New England And the Men Who Made Them, 1653-1800*, DaCapo Press, New York: 1967; a facsimile republication of the first edition published in Boston in 1927. Allan I. Ludwig, *Graven Images*, Middletown, Connecticut: 1966.

²The Bardin stone can be found in the Old Common Burying-Ground of Newport. All other Newport stones are from the same cemetery unless noted otherwise. The cemetery, town and date of each gravestone will be noted the first time it appears in the text.

of the religious, aesthetic, social, geographical, and technological factors that create a particular cultural milieu.

Given Allan I. Ludwig's interpretation in *Graven Images*, the Bardin stone is atypical from those of the seventeenth and eighteenth centuries still extant in New England.³ Graven above the lintel of a traditionally shaped tripartite stone is the image of a God-like figure rising over turbulent waters. Such an anthropomorphic image would run counter to orthodox Puritan ideology, dramatized in the iconography of the gravestones, because God, despite his attributes of omnipotence and omniscience, was ultimately mysterious and beyond the ken of mortal man. Nevertheless, the Bardin carving shares the same religious preoccupations with other New England gravestones. The vision of a stern and judging God clearly implies the spiritual quest for salvation as man makes his pilgrimage from the visible to the invisible world.⁴ Indeed, the elemental act of erecting a stone records the mortal life of the deceased for posterity as well as his hopes for a beneficent afterlife.

Yet within these broad limits, the Bardin stone is open to alternate interpretation. The central figure might well be Moses (although the traditional horns are absent) about to part the Red Sea. Just as the Hebrews were liberated from bondage in Egypt, so too the deceased is liberated from his earthly prison. Such interpretation becomes more compelling in light of Puritan preoccupation with typology, the identification of Old Testament events and figures with Christ, the antitype of the New Testament. Thus, Moses parting the waters of the Red Sea becomes Christ engaged in the sacrament of baptism. The new life for the Israelites anticipates the new life in Christ. Finally, the carving with its dramatization of a type literally points to the antitype of Christian salvation after death.⁵

Although its message is clear, inadequate information for the

³Ludwig, pp. 202, 330.

⁴The entire image is reminiscent of one created by Edwards in his famous sermon, *Sinners in the Hands of an Angry God* (1741): "There is nothing but the mere pleasure of God, that holds the waters back, that are unwilling to be stopped, and press hard to go forward. If God should only withdraw his hand from the flood-gate, it would immediately fly open, and the fiery floods of the fierceness and wrath of God, would rush forth with inconceivable fury. . . ."

⁵See Sacvan Bercovitch, "Typology in Puritan New England: The Williams-Cotton Controversy Reassessed," *American Quarterly*, XIX, No. 2, pt. 1, Summer, 1967, pp. 166-191. Bercovitch offers a compelling argument that the Puri-

Bardin stone prevents conclusive identification of its imagery. Carved images upon other Rhode Island stones, however, deliberately pursue ambiguity. The sun engraved upon the Olive Brown stone (Newman Cemetery, Rumford, 1789) or the Chad Brown Memorial (North Burial Ground, Providence, re-cut 1792) could be either setting or rising, thereby depicting mortal death and spiritual resurrection. This visual symbol of a cosmological sun is implemented by verbal play on the Sarah Allen stone in Bristol (East Burial Ground, 1785). Here an anthropomorphic sun sounds his horn upon judgment day. The lesser lights become the "Saints arising" while at the same time, the sun becomes the Son of Righteousness enacting his second coming for the redemption of mankind. Thus, a typological dimension becomes evident here, echoing the prophecy of Malachi in the Old Testament.⁶

In the same Bristol graveyard is the Sarah Swan stone (1767) which stands in contrast to the subtleties of the Sarah Allen stone. In perfect allegorical exercise, Adam and Eve are shown beneath the tree of life. They are being tempted with the fruit of knowledge by the agent of evil in the form of a serpent entwined about the tree. To insure complete understanding, made explicit with a typological reference, the carver included in the background a quotation from Corinthians: "For as in Adam all die, even so in Christ shall all be made alive" (I, xv:22). The tableau vividly illustrates man's spiritual state with his loss of innocence but with the promise of salvation through faith in Christ, visually symbolized here by a glowing sun. The allegorical content of this stone leaves little room for alternative interpretation.

Despite its religious content, the imagery of the Bardin stone falls outside of the development of the dominant iconographical tradition in New England. John Stevens I dramatized the early theme of mortality by carving the mortal remains of the deceased upon the Oliver Arnold stone in Jamestown (Cedar Cemetery, 1716). The slack, hanging upper teeth of the inert skull starkly reminds the viewer of death and its ever-present possibility. A variation can be found on

tans, contrary to Perry Miller, were conversant with typology. Indeed, Bercovitch claims that typological readings of the Bible were quite prevalent among the Puritans. Consequently, it would be possible for typology to appear upon New England gravestones. In discussing Peter Bulkeley's elegy to Thomas Hooker, Bercovitch notes the parallels between Moses and Christ (p. 170).

⁶Bercovitch again provides the typological clue (p. 191). See Malachi, 4:1-4.

the John Morgan stone (Newport, 1765) which shows the profile of a skull (curiously enough, the nose is rendered intact) with crossed femurs below. The Esther Bucklin stone (Rumford, 1720), however, offers the hope of resurrection with the addition of wings to the staring skull. This winged death's-head, albeit with great variations, was widespread throughout all of New England up through 1730, but was not nearly as important in Rhode Island as in the Boston area where it reigned unabated until nearly 1800.

In Rhode Island the most characteristic image is that of the winged face which might be identified as a cherub. Indeed, so dominant was this particular category that the Jewish congregation at Newport adopted its imagery for some of their stones — despite the fact that such use ran counter to orthodox religious sanctions. Thus, the Rebecca Pollock stone (Touro Cemetery, 1764) is a representative example of a full-faced cherub with heavily feathered wings. Nevertheless, there were variations in style as shown on the Belcher children stone (Newport, 1768) where two faces supported by less detailed wings are separated by a plant topped with a bloom in which a radiating sun is placed. The Thomas Brenton stone (1772) in the same Farewell Street cemetery can be viewed as a transitional image indicating the rise of secularism wherein the winged face is supported by a fashionably clothed torso out of which grow the angel wings. The face is not, however, abstract with neuter qualities, but rather quite a naturalistic human portrait.

Given this indication of a rising secularism, earthly emphases in the form of social role and familial background are very apparent in a number of ways. First, the size of the stone and the number of letters of the text were at least two of the considerations upon which the stonemason based his price.⁷ A marker might be a rude field stone with only the initials and year of death cut upon it. At the other extreme, the William Rogers stone (Newport, 1772) offers a large and elegantly cut portrait with a long text that was probably expen-

⁷Forbes, p. 93. From the account book of John Stevens II the following is quoted by Mrs. Forbes:

George Wanton Nov. 21 1726

To one Tomb Stone	£10. 0.0
to Cutting one Cwoat of arms	4. 0.0
to an Epoteph of 528 Letters 2d. per letter	4. 8.0
to stone for the foundation	0.10.0
to setting up the Tomb Stone	1. 8.0

sive yet commensurate with the social status of the deceased and his family. The text carefully notes that Rogers was a merchant and "in Him did shine the affectionate Husband, Tender Parent & Kind Master." Social status was also implicit in the three-quarter length portrait of Dr. Thomas Munro (Juniper Hill Cemetery, Bristol, 1785) who is shown quite alive with periwig and fashionable coat tightly drawn over his midsection. He stands in profile with arm raised in supplication or farewell. More in line with the colonial limner tradition is the full-view portrait of Elizabeth Robinson (Newman Cemetery, Rumford, 1786) who is portrayed very properly dressed with a lacy bonnet and an embroidered shawl. Sitting before a curtained backdrop, suggesting the close of life, she wears a delicate locket around her neck, surely a sign of her worldly wealth.

Portraiture, however, was only one manifestation of a growing secularism in the colonies. The values of neo-classicism, which would be so brilliantly articulated by Thomas Jefferson in Virginia, were widely assimilated and interpreted throughout New England. An example of neo-classicism in Rhode Island funerary art appears on the Nathaniel Waldron stone (Newport, 1769). This marker takes on a cosmopolitan quality with its graceful pilasters that offer two stola-clad women holding long torch standards out of which floral designs vault the arch of the stone. The elegantly delineated symmetry of the pilasters combined with an elegant portrait foreshadow a man-centered as opposed to a God-centered ethos. Unfortunately, neo-classicism degenerated into a hackneyed strain of gravestone carving after 1800, when the willow tree and its omnipresent companion piece, the urn, dominated the iconography for several generations.

In other more subtle ways, a stone could suggest an earthly emphasis. Thus, the Benjamin Wyatt stone of Newport (1767) poignantly expresses the grief of departing this life. According to Allan I. Ludwig, "It is certainly one of the most moving images in all New England. The sorrowing eyes seem to express a universal grief in the mortality of man, a grief only partially tempered by the conception of the immortality of man's soul. Surely, this stone reflects the observation of Jonathan Edwards that men who love the beauty of this world are slow to exchange it for the joys of the next."⁸ In this carving, then, John Bull articulated the tensions of Puritanism through highly

⁸Ludwig, p. 331.

expressive visual values. The sidelong glance and sensuous lips of the cherub are literally and metaphorically cut off from this world by a relentless scythe that points to a drained hourglass. The image dramatizes the eternal gulf between the visible and the invisible worlds.

Beautiful as the New World may have been, America also was a source of fearful challenge to the colonists who sought to maintain ties with original homelands and customs for a sense of identity. The text of the Charles Bardin stone proclaims, "CHARLES BARDIN Esq^r. was born in LONDON." The 1768 stone cut for Edward Thurber, a deacon of the Baptist Church in Providence, includes within the wings of the cherub the carving of the double-headed eagle, the emblem of the Hapsburg empire from which he had come. Similarly, the Jonathan Wyatt stone in Newport (1775) offers the Tudor rose and the thistle of Scotland on either side of the portrait.

Colonists also retained familial coats of arms which were occasionally carved upon their gravestones. One particularly fine one, consisting of a vertical series of foxes, was cut for Joseph Reynolds in Bristol (1759) probably by John Stevens II. Most significantly, the crest of the Harris family of Providence underwent a delightful metamorphosis probably because of native influences. As pointed out by Mrs. Forbes, in the Harris section of the North Burial Ground are a number of stones bearing their formal three-bird crest. In 1723, the Sarah Har[r]is had the crest mounted on a fleur background. It would appear, however, that the carver's ability to handle the formalized birds was not to the family's liking because in 1726 the birds of the William Harris stone were moved out of the crest into a more graceful setting with a winged cherub poised above. Then in 1729, for Job Harris, the winged cherub remains but the birds were placed in a charming fruited bush.⁹ Thus, the basic element of the three birds continued whereas the rigid formality of the heraldic crest was eliminated. Indeed, the design took on the quality of indigenous crewel work.

Not only a sign of earthly emphasis, purely decorative elements were used to make a total aesthetic statement out of the final sculpted gravestone. As on the Mary Carr stone in Newport (1721), a finished work is achieved by a balance of the conventional winged cherub above, flowering and leafy pilasters flanking the text, and two peacocks, symbolizing immortality, in a somewhat casual yet symmetrical

⁹Forbes, p. 98.

order at the base. This stone can be justly called a fine example of folk art, executed with skill of technique and design, but with a certain innocence that transcends banal and slick sophistication. John Stevens I undoubtedly carved this stone as well as the Samuel Luther stone of Warren (Kickemuit Cemetery, 1714) with similarly designed pilasters comprised of tulips and wildflowers. Likewise, the Saloman Curtis footstone in Barrington (Tyler Point Cemetery, 1711) provides linear tulips trailing down the sides. Along with the Harris crests, these designs may well have been inspired by other minor arts of the colonies, in particular, the aforementioned crewel and other needlework and possibly elements of furniture designs. Also seen on both the Oliver Arnold and Esther Bucklin stones are eight-pointed rosettes. They serve as decoration which tends to soften the didactic harshness of the dominant images of death. There is no reason to suspect that they were in any way used as spiritual or protective devices as was the case with the similar hex sign of the Pennsylvania Dutch.

The successful carving of complex decorative elements depended in great measure upon the stonemason's selection of material. If John Bull, for example, chose slate of good quality as he did for the Bardin stone, he could pay attention to such fine details as the gracefully gesticulating hands of the central figure. Likewise, the use of good slate would result in the sharply delineated winged cherub of the Patience Thurber stone (Providence, 1781) which has retained its clarity of design and detail for almost two hundred years. Other materials such as schist and sandstone would necessitate a more rough-hewn design as in the case of the Elisabeth Throope stone in Bristol (East Burial Ground, 1727). Here the abstract quality of the cherubic image is a function of the material used.¹⁰

Of course, the stonemason's technical skill played an important part in the aesthetic quality of the finished product. Consequently, the known availability of mezzotints and other printed materials such as broadsides in a relatively sophisticated Newport may have served to make the Bardin stone an exercise in Bull's virtuosity as a stonemason. A marked contrast, despite its earlier date, can be found in the same Old Common Burying-Ground of Newport on the Edward Davis stone (1716). The stonemason presents the worn skeleton of what

¹⁰Professor James Deetz, in the heat of conversation, has expounded this theory. Any errors in representation are ours, not his.

might be an Indian wearing a feather upon his skull and bearing two arrows or spears in outstretched arms. In nearby Bristol, a striking example of native modulations of European concepts is embodied in the Sarah Swan stone whose figures of Adam and Eve discard the traditional figleaf for what appear to be Indian breechclouts.

The location of these stones suggests that generalizations about the relationship between geographical locale and sophistication of carving must remain tentative. Gravestones were sometimes imported from other areas of New England, possibly because of the popular reputation of a particular stonemason. The rather primitive Elisabeth Thrope stone in Bristol was influenced if not executed by Benjamin Collins of Norwichtown, Connecticut, and was cut in a light-colored sandstone native to that area. Similarly, the more sophisticated cherub of the Deborah Smith stone (Smith Family Cemetery, George Monteiro Farm, 1797) from rural Tarkiln bears the inscription, "I'grav'd by Jo. Soule," who was a member of the very large and widespread stonemasoning Soule family originally based in Plympton, Massachusetts. Thus, one can see from these two examples alone that sophisticated carvings are not necessarily located in urban areas. Beyond establishing criteria for "sophistication," investigators must compile a large sample before valid correlations of this sort can be made.

The rubbings which were on display offer a graphic means of making a record which is faithful in size and texture to the original stonemasoning. It must be remembered, however, that in looking at either a rubbing or a photograph one is not actually examining the original stone, for an editing process has already been accomplished on both the rubbing and the developed photographic paper. Consequently, any reproductive mode offers an aesthetic dimension of its own. The method used to take these particular rubbings requires stretching a thin sheet of paper over the face of the stone and picking up the relief through the paper with felt pads saturated in a heavy oil-based pigment. There are a variety of methods used in making rubbings. Techniques range from the simple wax tracings published by Edward Vincent Gillon, Jr., in *Early New England Gravestone Rubbings* to the very elegant and accurate ink rubbings done by Ann Parker and Avon Neal. Their rubbings are reproduced and discussed in *Art in America*.¹¹

¹¹Edward Vincent Gillon, Jr., *Early New England Gravestone Rubbings*, New

Other efforts have been initiated in preserving the content of the stones. In the academic realm, James Deetz, professor of anthropology at Brown University, intends to record on photographs and in computer banks all aspects of all New England gravestones through 1820. Such systematic and thorough study will shed light not only upon the carved images but also upon the demographic, economic, and technical environment of the Colonial and early Federal periods. This task will take at least twenty years so we can only hope that the stones themselves will last that long. Already mentioned is the excellent study titled *Graven Images* by Allan I. Ludwig who deals with the art of the gravestone images. He traces sources of the designs back to their European origins and into the New England tradition. In addition to a clear text, his photographs are large and numerous. The pioneer work on gravestones was done by Harriette Merrifield Forbes. In *Gravestones of Early New England*, published in 1927, Mrs. Forbes indicates her research into the probate and church records as well as the geographical work necessary to locate the identities of many stonemasons. Her work, a delightful introduction to this area of study, remains a very valuable source.

Equally as important as taking rubbings or engaging in academic research is the very real problem of preserving this aspect of our national heritage. As each season passes the marked deterioration of the gravestones becomes more obvious. Facing not merely a problem of single vandalism, cemeteries require funds to be kept in order. All too often the towns and cities of New England sacrifice the old sections to the omnipresent weed in favor of the more recent sections which have longer and straighter rows for ease in cutting grass. At least one organization in New England is very actively involved in actual restoration and casting of facsimiles of the original stones. The Society of the Descendants of the Founders of Hartford with limited funds have commissioned good restoration work in the old cemetery behind the First Church of Christ, Congregational, in downtown Hartford. This work is costly and slow if it is to be done well and accurately. The Rhode Island Historical Society and other organizations might well consider this need, for there is an urgency to begin preservation activity before the stones are too badly worn to be

York, 1966. Ann Parker and Avon Neal, "Archaic Art of New England Gravestones," *Art in America*, Vol. 51, No. 3, June, 1963, pp. 96-105.

repaired. Rhode Island gravestone art is not only beautiful but extremely important for the study of the entire configuration of the seventeenth- and eighteenth-century stonecarving as a vehicle of culture.

The list of rubbings exhibited from January 22–March 3, 1968, follows:

- SARAH ALLEN, 1785
Bristol (East Burial Ground)
- OLIVER ARNOLD, 1716
Jamestown (Cedar Cemetery)
Stonecutter: John Stevens I
- LOIS BAKER, 1781
Warren (North Burial Ground)
- CHARLES BARDIN, 1773
Newport (Old Common Burying-Ground)
Stonecutter: John Bull
- BELCHER CHILDREN, 1768
Newport (Old Common Burying-Ground)
- THOMAS BRENTON, 1772
Newport (Old Common Burying-Ground)
Stonecutter: John Stevens III
- CHAD BROWN MEMORIAL, 1665 (1792)
Providence (North Burial Ground)
- OLIVE BROWN, 1789
Rumford (Newman Cemetery)
- ESTHER BUCKLIN, 1720
Rumford (Newman Cemetery)
- MARY CARR, 1721
Newport (Old Common Burying-Ground)
Stonecutter: John Stevens I
- MARY CROADE, 1784
Warren (North Burial Ground)

- ESTHER CURRIE, 1779
Providence (North Burial Ground)
- SALOMAN CURTIS, 1711
Barrington (Tyler Point Cemetery)
Stonecutter: John Stevens I
- EDWARD DAVIS, 1716
Newport (Old Common Burying-Ground)
- JOB HARRIS, 1729
Providence (North Burial Ground)
Stonecutter: Samuel Tingley (?)
- SARAH HAR[R]IS, 1723
Providence (North Burial Ground)
Stonecutter: possibly Samuel Tingley
- WILLIAM HARRIS, 1725/6
Providence (North Burial Ground)
Stonecutter: Samuel Tingley
- LYDIA HARTSHORN, 1776
Providence: (North Burial Ground)
- SAMUEL LUTHER, 1714
Warren (Kickemuit Cemetery)
Stonecutter: John Stevens I
- ROBERT MILLARD, 1698/9
Warren (Kickemuit Cemetery)
- JOHN MORGAN, 1765
Newport (Old Common Burying-Ground)
- DR. THOMAS MUNRO, 1785
Bristol (Juniper Hill Cemetery)
- REBECCA POLOCK, 1764
Newport (Touro Cemetery)
- JOSEPH REYNOLDS, 1759
Bristol (East Burial Ground)
Stonecutter: John Stevens II (?)

ELIZABETH ROBINSON, 1786
Rumford (Newman Cemetery)

WILLIAM ROGERS, 1772
Newport (Old Common Burying-Ground)
Stonecutter: John Stevens III

DEBORAH SMITH, 1797
Tarkiln (Burrillville)
(Private Smith Family Cemetery located on
the George Monteiro Farm)
Stonecutter: Joseph Soule

SARAH SWAN, 1767
Bristol (East Burial Ground)

ELISABETH THROOPE, 1727
Bristol (East Burial Ground)
Stonecutter: Benjamin Collins (?)

EDWARD THURBER, 1768
Providence (North Burial Ground)

MRS. PATIENCE THURBER, 1781
Providence (North Burial Ground)

CAPT. NATHANIEL WALDRON, 1769
Newport (Old Common Burying-Ground)
Stonecutter: John Stevens III

WARDWELL SONS, 1796
Bristol (East Burial Ground)

BENJAMIN WYATT, 1767
Newport (Old Common Burying-Ground)
Stonecutter: John Bull (provisionally)

JONATHAN WYATT, 1775
Newport (Old Common Burying-Ground)
Stonecutter: John Stevens III

DIRECTOR'S NEWSLETTER

I WAS DELIGHTED to be able to announce on February 27 the appointment of Albert T. Klyberg, historian and librarian at the University of Michigan, as the Society's librarian and editor. Since November the position has been open and Mr. Klyberg was selected from among several good candidates after he visited Providence and impressed those with whom he met and talked. A native of Hackensack, New Jersey, Mr. Klyberg received his A.B. degree from the College of Wooster in Ohio and in 1962 he went as a Woodrow Wilson Fellow to do graduate study in history at the University of Michigan. At present he is at the William L. Clements Library of early Americana, at the University of Michigan, one of the outstanding institutions of its kind in the country. He serves as assistant in the Manuscript Division and as a special assistant to the director. He has played an active role in the publication activities of the Library which included selecting and editing *A Critical Bibliography for The March of America Series*, published by University Microfilms in 1966. Mr. Klyberg is the author of a dozen or more articles and reviews and he has contributed to historical journals such as the *William and Mary Quarterly* and the *Proceedings of the New Jersey Historical Society*. In 1964 Mr. Klyberg married Beverly J. Moores of Briarcliff Manor, New York. The Klybergs will move from Ann Arbor to Providence before May 1, when he takes up his new duties. All those who have met Mr. Klyberg are delighted that he will fill this important position.

Various steps have been taken in the new projects which were outlined briefly in the previous *Director's Newsletter*. The series of lectures on American Furniture was greatly oversubscribed and many have requested that it be given soon again, which shows the possibilities available for lecture series on various Rhode Island and American subjects. The Society should and can meet this need and the new lecture hall will make it possible to do so.

A model of John Brown House and its grounds is finished and it is being used to determine how the new wing can be placed in conjunction with the House without detracting from it. The other commission of the John Brown House Committee, a detailed study and reworking of the interior of the House, has begun. According to

tradition the Gammells removed a side hall, that ran from the now blocked-up west door to the main hall, so as to have a larger dining room. Evidence for a side hall with a staircase has been found behind the 1901 arched paneling that formed a passage between the southwest and northwest second-floor rooms. The committee's main area of concentration, besides the arched area, is now the northwest second-floor room. A small area of each major piece of woodwork is having its paint layers studied so as to be sure just what was its original color and by this study it is usually possible to be sure whether it originally formed part of the room. The mantle from the shelf downward was installed sometime after the house was completed, probably about 1901, and traces of the original work are being sought. Part of the later floor will be lifted in hopes that the original floor is still under it.

Attention has also been turned to the outside of the House. The two marble busts that finish the top of the central gate columns are to be copied and the copies placed on the gateposts. The originals will be housed inside so that climatic conditions cannot continue to erode their surface. This use of copies in place of the originals is a standard practice when important outside works are in danger of being permanently damaged and eventually lost; a good example is Michelangelo's "David." Other changes on the exterior are the results of decisions by the new Planting Committee which is a subcommittee of the John Brown House committee. The ivy and the foundation planting will be removed from the House so that in a proper eighteenth-century manner the handsome brick cube will be visible. The ivy not only adds a Victorian note but obscures the basic structural mass that was the intention of Joseph Brown, the architect for the building. John Brown's papers are being carefully studied for details of the original planting, and for information on how the interior was laid out, furnished and used. If anyone has information on the interior or exterior of the House or any related Rhode Island buildings, it would greatly assist us in our efforts to do an accurate restoration if he will make it known. Important would be paintings, drawings or sketches of the interior or exterior of eighteenth-century buildings which show room arrangement inside or the use of flowers, trees, etc., outside.

Anyone with sound archival training who wishes to volunteer to work on the John Brown papers for such information will be gladly welcomed as there is much material to cover.



FIGURE 1. Gravestone of Charles Bardin, Esq., dated 1773. The powerful image of an Old Testament prophet is atypical of New England gravestone carvings, yet it represents the religious preoccupations that permeate the iconography of more usual carvings.

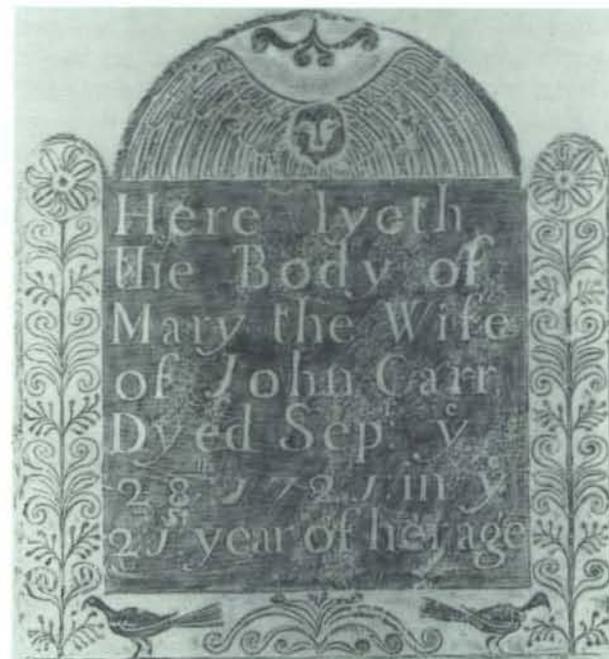


FIGURE 2. Gravestone of Mary Carr, 1721. This stone can be considered a fine example of folk art, with its delicate birds carved at the bottom.

Several members are already engaged in volunteer work for the Society and many others have expressed an interest in being involved in existing projects such as cataloging, research, typing, guiding, teas, etc. Still others have forwarded suggestions for possible new programs and projects. Because of this interest a coffee-hour "Idea Session" will be held on April 25, at 10:15 a.m., in John Brown House. Members who wish to help develop new areas for the Society will be very welcome.

After the annual meeting, on January 21, a six-week show of Rhode Island Gravestone Rubbings by Dickran and Ann Tashjian was opened. Mr. and Mrs. Tashjian's article, included in this publication, points out the new work done in this area. The illustrations, figures 1 and 2 and the Chad Brown stone on the cover, demonstrate the height to which this little-known art rose. Fortunately now more and more attention is being paid to this area, new publications are appearing and it is hoped that conservation and preservation work, so badly needed, will save this indigenous art for future generations. Perhaps a program should be developed to cast the finer examples so that the dangerous effects of the elements and human neglect will not eliminate them for all time. Response on the part of the members and nonmembers to the show has been exciting and has made even more pressing a new lecture hall-museum area. So many shows are crying out to be done and space limitation restricts us to shows of small objects or shows that include few examples.

A Fall trip by a busload of furniture lovers to the Connecticut Furniture Show in Hartford and a March trip to Deerfield by an equally enthusiastic group of people encourages us to try to develop a regular program of visiting important restorations, museums, and collections of Americana. I am sure that Mr. Klyberg will want to develop a similar program for those particularly interested in the Library, so that those whose interest lies particularly in that area will have more contact with libraries, collections, and scholars dealing with Americana.

Now that Spring is at hand I trust that members will feel even more desire to come to John Brown House and the Library and take part in the various developing programs.

RHODE ISLAND CONSTITUTIONAL DEVELOPMENT, 1636-1775: A SURVEY

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HISTORIANS AND COMMENTATORS on American political institutions have long praised the liberality of Rhode Island colonial government. Among nineteenth-century scholars, George Bancroft and Lord James Bryce were the most eminent of the many exuberant admirers of Roger Williams's experiment in self-determination. Their sentiments have been echoed, albeit with less hyperbole and grandiloquence, by contemporary writers.

Despite this well-deserved acclaim, no concise, succinct and up-to-date study has been made of colonial Rhode Island's constitutional development. Because the Charter of 1663 was the foundation of the colony's government, the source of its near-autonomy within the Empire and the sheet anchor of Williams's cherished principles of religious liberty and separation of church and state, an analysis of this document together with a survey of the legislative implementation of its general directives would be of value to students of both Rhode Island and American colonial history.

This article attempts such a survey. The reasons for the effort are twofold: first, because no such treatment exists, and secondly, because it is hoped that this summary will serve as a point of departure for more intensive constitutional, legislative, and political studies of Rhode Island colony.

No claim is made to originality in interpretation. This is essentially a work of distillation and condensation. In this respect it differs markedly from the rambling, discursive, and inaccurate multivolume histories of the state, wherein important constitutional developments are indiscriminately buried beneath a mountain of trivia.

In the composition of this survey I have utilized all the published records of the colony and its towns, a smattering of unpublished primary material, many excellent book-length monographs, a number of recent articles relating to my topic, and the several neglected, unpublished but valuable doctoral dissertations which have been written in the field of Rhode Island colonial history.

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PART I: FROM THE FOUNDING TO THE CHARTER

ANY ANALYSIS of Rhode Island's constitutional development must necessarily commence with Roger Williams. The fact that Williams, contrary to widely accepted assumptions, was not primarily a political theorist, but rather an avid theologian,¹ does not detract from his significance in the formative period of Rhode Island constitutional history.

Roger Williams was the most important of the independent-minded and strong-willed ministers who departed from centrifugal Massachusetts Bay to find an intellectual and religious refuge in the New England wilderness.

A decree of banishment had been issued against the polemical Williams in October of 1635, chiefly because of his violent attack upon the cornerstones of the fledgling Massachusetts regime — the theology of the covenant and the principle of non-separation.² In addition, the outspoken "seeker" raised the question of whether the Bay colonists had any right to the land they occupied, because their ownership was not based upon purchase from the Indians. He was even so bold as to declare that the King's authority to grant such control rested upon a "solemn public lie." Finally, he condemned the decree of the magistrates which required all the "unregenerate"

¹The so-called "Progressive" historians writing during the second quarter of this century viewed Williams as primarily a political thinker and the first great hero of the American democratic tradition. They inordinately minimized Williams's religious thought and erroneously believed that his thirst for "religious toleration was only a necessary deduction from the major principles of his political theory." The chief among those historians viewing Williams in this romantic light were: Vernon L. Parrington, *Main Currents in American Thought* (New York, 1927), I, 62-75; James E. Ernst, *The Political Thought of Roger Williams* (Seattle, 1929); and Samuel H. Brockunier, *The Irrepressible Democrat: Roger Williams* (New York, 1940). Recent scholars, most notably, Mauro Calamandrei, "Neglected Aspects of Roger Williams' Thought," *Church History*, XXI (Sept., 1952), 239-259; Perry Miller, *Roger Williams; His Contribution to the American Tradition* (Indianapolis, 1953); Alan Simpson, "How Democratic was Roger Williams?" *William and Mary Quarterly*, 3rd Ser., XIII (Jan., 1956), 53-67; and Sacvan Bercovitch, "Typology in Puritan New England: The Williams-Cotton Controversy Reassessed," *American Quarterly*, XIX (Summer, 1967), 166-191, have properly offered a theological interpretation of his thought and writings. Ola Elizabeth Winslow, *Master Roger Williams* (New York, 1957) is the most balanced biography of the controversial Williams. The best study of Williams's thought is the succinct and penetrating Edmund S. Morgan, *Roger Williams: The Church and the State* (New York, 1967), hereafter cited Morgan, *Williams*.

²Miller, *op. cit.*, p. 24.

inhabitants who were not freemen to take a resident's oath to support the colony and its government. In the view of historian Edmund Morgan, Williams's iconoclastic posture left no alternative to the Massachusetts magistrates but to banish him, for they could have scarcely carried out their "holy experiment" if they allowed the recalcitrant reverend to remain.³

A vital area of disagreement between Williams and the builders of the Bay Colony was that Williams considered some religious doctrines propounded by the Puritans to be a prostitution of theology. His alternative to the orthodox Puritan approach was not only a cause for his exile, it is also essential to a full understanding of his notions of religious freedom and the separation of church and state — principles which found their expression in Rhode Island's basic law.

Roger Williams's challenge to covenant theology revolved around a method of interpreting the Bible, specifically the relation of the Old Testament to the New, which is called typology. Williams's version of the typological method was based upon a belief that everything in the Old Testament is merely a prefiguration of the New Testament, that each event in the history of Israel could be understood only when it came to fruition in the life of Christ, and that the Old Testament had no independent significance. In his typological rendition each occurrence in the Old Testament was an archetype, and it was but a pale rehearsal for an event in the New Testament which was its key and its antitype. Williams's typology was allegorical in nature and attacked both the literal and historical character of the Old Testament.

This complex method of Biblical exegesis in its practical application to the life of Massachusetts Bay had important consequences. Among other things, Williams's method of interpreting the Scriptures was at variance with the historical mode of typological interpretation upon which covenant theology rested. Orthodox typology held that the Old Testament was simultaneously a literal *and* a spiritual work. On the former level, Israel's scriptural theocracy provided the eternal pattern of civil justice, while spiritually Israel as the Promised Land prefigured Christ. The orthodox typology thus intermingled the Church and the civil state, and supported the Puritan contention that the Christian magistrates of Massachusetts Bay could enforce religious conformity by basing their actions on similar powers exercised by the

³Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston, 1958), pp. 115-133.

Biblical Israelites.⁴ Williams's brand of typology, being of a purely spiritual nature, held as erroneous this Massachusetts Puritan belief that any political or social arrangement could be legitimized by reference to a similar arrangement described in the Old Testament. Specifically, Williams denied the right of the Massachusetts magistrates, basing their actions on those of the Israelites, to use the civil power to enforce religious conformity. It was Williams's contention that the events and the laws of Israel, having found completion in the New Testament, were, without exception, purely moral and ceremonial, and not to be emulated by seventeenth-century New Englanders. For Williams the temporal power exercised over the religious sphere in the Old Testament was merely the archetype of spiritual power in the New, and thus, whenever the modern state attempted to enforce conformity of religious belief, it was acting in an unjustifiable manner, and its leaders were assuming that the Old Testament was a model with independent significance. That false assumption, asserted Williams, had and would lead to persecution, religious wars, and even damnation.⁵ This obsession with religious persecution and its baneful effects upon both spiritual and civil life occupies a prominent place in Williams's thought.⁶

⁴Perry Miller has contended that the early Puritans "eschewed" and rejected typology. Professor Bercovitch has persuasively argued that they accepted this method of Biblical exegesis but utilized it differently than did Williams. Bercovitch states that the Cotton-Williams clash was not a disagreement between "a typologist and a Puritan, but an opposition between two different typological approaches." Williams's approach, in the Augustinian tradition, was purely spiritual and in the allegorical mode; Cotton's method, in the Eusebian tradition, was both spiritual and literal and thus in the historical mode. See Bercovitch, *loc. cit.*, pp. 166-181, especially pp. 167, 175-78. A recent, but undocumented and unconvincing minimization of the influence of the Old Testament on Puritan life and thought (including government) is Eugene R. Fingerhut, "Were the Massachusetts Puritans Hebraic?" *The New England Quarterly*, XL (Dec., 1967), 521-31, especially 525-27.

⁵Miller, *op. cit.*, pp. 32-43, 149-54, 183-87; Bercovitch, *loc. cit.*, *passim*. The best statement of Williams's typological doctrine can be found in his *Bloudy Tenent of Persecution in The Complete Writings of Roger Williams* (New York, 1963), III, especially 282-425. The first six volumes of this edition are an exact reprint of the scarce Narragansett Club Edition of Williams's works (Providence, 1866-1874). The seventh volume in this reprint edition contains those writings by Williams which were discovered after the publication of the Narragansett Club Edition, plus an excellent introductory essay on Williams by Perry Miller. I have used the reprint edition; it is hereafter cited Williams, *Writings*.

⁶W. K. Jordan, *Development of Religious Toleration in England* (Cambridge, Mass., 1932-40), III, 472-507, contains an excellent but neglected analysis of Williams's views on religious liberty which the author calls an "inferential by-product of Williams's epical holy war against the evils of persecution." *Ibid.*, p. 488.

The fiery minister's typological approach had as its logical corollary liberty of conscience, and it contributed substantially to Williams's dogma of the separation of church and state. It is important to note that the theologically obsessed Williams sought this separation not to protect the State from the dominance of the Church, but to free the Church and the individual conscience from the interference and coercions of the State. Williams's religious creed thus led him indirectly and reluctantly into the political sphere, but "so far as the political order was concerned, Williams had really only one revolutionary statement to make. He denied that the state had any responsibility for the only form of life which has absolute importance—the life of the soul."⁷

It is exceedingly difficult to ascertain whether Roger Williams's passionate dedication to religious liberty, freedom of conscience, and separation of church and state flowed from his typological approach, or whether his typology was merely a means and a device used to demonstrate the validity of principles already espoused. While the former view is probably correct, the logical progression of Williams's beliefs is less important to the student of Rhode Island constitutional history than the conclusions which he reached.

Among the most significant of these conclusions were: (1) any attempt by the state to enforce religious orthodoxy "stinks in God's nostrils," because it perverts God's plan for the regeneration of souls, and it is productive of persecution and religious wars; (2) God had not favored any particular form of government, and it is therefore to be inferred that forms of government will vary according to the nature and disposition of the people governed; (3) political and especially religious diversity was inevitable; (4) the human conscience must be completely emancipated through the establishment of religious freedom and the separation of church and state.⁸

Historian Perry Miller has said of Williams that "he exerted little or no direct influence on theorists of the Revolution and the Constitution, who drew on quite different intellectual sources, yet as a figure and a reputation he was always there to remind Americans that no

⁷Simpson, *loc. cit.*, pp. 54-56. Williams, according to Edmund Morgan, believed that there was one thing government could do to advance Christ's kingdom—"government could protect the free exercise of conscience in religion." Morgan, *Williams*, p. 140.

⁸*Ibid.*, pp. 56-62.

other conclusion than absolute religious freedom was feasible in this society."⁹ Williams's influence and impact on Rhode Island's basic law is another matter, however, for the Royal Charter of 1663 bears the indelible impress of his fundamental beliefs.

Williams began his religious experiment in 1636 on lands purchased from the Indians at the head of Narragansett Bay near the confluence of two small streams. Here Williams and his tiny band established a settlement which they hopefully called Providence. During the town's early months it was governed by a primitive arrangement consisting of a fortnightly meeting of the "masters of families" who considered matters relating to the "common peace, watch and planting."¹⁰

As the number of settlers increased, a formal government became necessary. Presumably, in 1637, Williams and the initial settlers drafted articles of self-incorporation. Then a mutual compact creating a "town fellowship" apparently was entered into by the original "masters of families" and an agreement to obey these "householders" and all who "they shall admit into the same fellowship and privilege" was signed by thirteen other inhabitants who were either unmarried or minors. These documents were the fundamental papers of Providence town government. The principal features of both the fellowship and submission compacts were the vesting of governmental control in a majority of the "householders" and the all-important proviso that such control was to be exercised "only in civil things."¹¹

In the formative period of the Providence plantation Williams's political posture was not as liberal as his religious views. His plan for the submission, at least temporarily, of new inhabitants, his unfulfilled desire to reserve unto himself a veto over the admission of new settlers, and his establishment of a closed corporation of landed proprietors are examples of this political caution.¹² His position is understand-

⁹Miller, *op. cit.*, p. 254.

¹⁰Roger Williams to John Winthrop, [n.d., ca. Sept., 1636], Williams, *Writings*, III, 3-5. Since most of the early records of Providence were destroyed in King Philip's War, this letter constitutes the fullest available account of the early months of Providence plantation.

¹¹Roger Williams to John Winthrop, [n.d., ca. Sept. 1636], Williams, *Writings*, VI, 3-7. In this letter Williams expressed his intention to institute the above-described system. The "householders" compact has been lost, but the submission agreement or compact is printed in Horatio Rogers, George M. Carpenter, and Edward Field, eds., *The Early Records of the Town of Providence* (Providence, 1892-1951), I, 1. Hereafter cited *Providence Early Records*. The latter is substantively the same as the proposed document in Williams's letter to Winthrop.

able, however, for it appears that he did not wish his experiment in religious freedom to be extinguished by the influx of those who were hostile to his efforts — a fate then befalling the Calverts in Maryland.

Disagreements arising from these restrictions on the Providence settlers necessitated a strengthening of the loose compact of 1637, and so a plantation agreement was adopted in August, 1640. This instrument provided for the election of five "disposers," who were charged with the disbursement of land to selected inhabitants, the management of the common stock, and the arbitration of local disputes. In addition, the agreement allowed a broader participation by the inhabitants in town affairs, and it clearly reaffirmed and endorsed "liberty of Conscience."¹³ Thus did Williams and his Providence associates give early and repeated expression to their conviction that the state should not interfere in matters of religious concern.

While Providence was still in its infancy the Narragansett region became the refuge of other nonconformists. In 1638, a group of religious exiles, mostly Antinomians, led by William Coddington established the community of Portsmouth on the northern tip of the island of Rhode Island which they had purchased from the Indians through the intercession of Roger Williams.¹⁴ The outcasts of Portsmouth, in Biblical fashion, elected Coddington "Judge" of their little community.

The wording of the preserved submission compact indicates that a "householders" agreement had been adopted. There is considerable confusion over the date and the circumstances surrounding the adoption of these compacts. The most authoritative accounts of the founding of Providence contain conflicting views. Cf. *Providence Early Records*, I, 1; Howard M. Chapin, ed., *Documentary History of Rhode Island* (Providence, 1916-19), I, 44-46, 96-98; Charles McLean Andrews, *The Colonial Period of American History* (New Haven, 1936), II, 7-8; Howard K. Stokes, *The Finances and Administration of Providence* (Baltimore, 1903), pp. 4-8; John R. Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England* (Providence, 1856-65), I, 14, hereafter cited *RICR*; and Williams, *Writings*, VI, 5, note 1.

¹²Roger Williams to John Winthrop, [n.d., ca. Sept., 1636], Williams, *Writings*, VI, 6 (veto), *Providence Early Records*, III, 90-91 (land distribution).

¹³*Providence Early Records*, XV, 2-5. The compact contained a total of 12 provisions. Affixed to it are 39 signatures including those of two women and 12 of the 13 original signers of the submission agreement of 1637. These latter had evidently been elevated to full privileges and participation in the community. *Ibid.*, I, 1 and XV, 5. That liberty of conscience was possessed by Providence women is evidenced not only by the signatures of two females on this compact but, more dramatically, by the famous Verin case of 1638. *RICR*, I, 16-17; Roger Williams to John Winthrop, May 22, 1638 and [September or October, 1638], Williams, *Writings*, VI, 94-96, 120-25.

¹⁴Chapin, *op. cit.*, I, 59-60.

It was evident from the outset, however, that the forceful Coddington did not share Williams's concern for the absolute separation of church and state.¹⁵ For this and other reasons Antinomian leader Anne Hutchinson, Samuel Gorton, and other disgruntled settlers staged a *coup* against Coddington and deposed him in April, 1639. Undaunted, Coddington led his followers to the southern tip of the island where he established the settlement of Newport. Here he was chosen "Judge" with a double vote.¹⁶

Although Coddington had been bested he was not beaten, for within a year he had cleverly engineered a consolidation of the two island towns under a common administration of which he was the governor. Because the title to the entire island of Rhode Island was in his name, he began to entertain thoughts of creating a province of his own distinct from the Providence plantation. This ambitious scheme constituted the most serious internal obstacle to the creation of a united colony during Rhode Island's formative years.¹⁷

Partially to thwart Coddington's feudal aspirations, but principally to forestall the exorbitant land claims of the incipient New England Confederation, Roger Williams journeyed to a troubled England in 1643 to secure a patent which would unite the settlements of Providence, Portsmouth, and Newport into a single colony and confirm the settlers' claims to the land which they held by Indian purchase.¹⁸ Williams obtained the desired patent from Robert Rich, the Earl of Warwick, and his parliamentary committee on foreign plantations. Significantly, the patent lacked the royal seal, for Charles I had already begun to lose power and control to the parliamentary opposition. The patent, dated March 14, 1643,¹⁹ was the first legal

¹⁵*RICR*, I, 52; Chapin, *op. cit.*, I, 40-60; Clarence S. Brigham, ed., *The Early Records of the Town of Portsmouth* (Providence, 1901) pp. 1-4.

¹⁶*RICR*, I, 87.

¹⁷Andrews, *op. cit.*, II, 8-11.

¹⁸On the relations between the New England Confederation and the Rhode Island settlements see Harry M. Ward, *The United Colonies of New England 1643-90* (New York, 1961), especially pp. 136-156.

¹⁹Prior to 1752 the Old Style or Julian calendar was used in England and her colonies. Under that calendar the year technically began on March 25. In 1752 the present New Style or Gregorian calendar was adopted by England and an eleven-day adjustment was made in the transition from Old Style to New. In this paper I have used the Old Style dates as they appear on the original records for the pre-1752 period of Rhode Island history. Under the New Style system the date of the patent would be March 24, 1644, because only a ten-day transitional adjustment was required during the seventeenth century.

recognition of the Rhode Island towns by the Mother Country. It authorized the union of Providence, Portsmouth, and Newport under the name of "the Incorporation of Providence Plantations in Narragansett Bay in New England," and it granted these towns "full power and authority to govern and rule themselves" and future inhabitants by majority decision, provided that all regulations which were enacted were "conformable to the laws of England" so far as the nature of the place would permit. This initial patent specifically conferred political power upon the inhabitants of the towns. The repeated emphasis of the document upon "civil government" gave implicit sanction to the separation of church and state, whereas the use of the words "approved and confirmed" rather than "grant" in conjunction with the right to the land was a vindication of Williams's questionable contention that the Indian deeds were valid. Williams's adroitness and diplomacy had won the day, and he was greeted with great enthusiasm when he returned to Providence, patent in hand, in September, 1644.²⁰

While Williams was in England, volatile Samuel Gorton, a free-thinking man with a proclivity for disputation and a passion for the common law, had succeeded in developing a mainland settlement to the south of Providence which he eventually called Warwick. Here, as in Providence, liberty of conscience prevailed. Although his new settlement was not mentioned in the patent, the beleaguered Gorton sought and eventually secured the inclusion of his town under its protective provisions.²¹

The two island towns of Portsmouth and Newport did not embrace

²⁰Chapin, *op. cit.*, I, 214-17, contains the State Paper Office copy of the patent which is the most accurate draft; Andrews, *op. cit.*, II, 23-26. The eminent historian, Edward Channing, *A History of the United States* (New York, 1905-25), I, 383-85, 393-96, perceptively questions both the validity of the land purchases and the "legal standing" of the patent. Channing contends that the patent "was issued before the battle of Naseby and while affairs in England were in an extremely critical condition, and when it would be absurd to regard Parliament as exercising sovereign authority." *Ibid.*, p. 394. However, Oliver Cromwell, in his capacity as Lord Protector, confirmed the patent in 1655. *RICR*, I, 317.

²¹Andrews, *op. cit.*, II, 11-17; *The Early Records of the Town of Warwick* (Providence, 1926), originally written in almost indecipherable shorthand were finally translated and published in 1926. They are fragmentary and disorganized and shed little light on the founding of that settlement. More valuable on both Warwick's origins and Gorton's thought is Samuel Gorton, *Simplicity's Defence against Seven-Headed Policy*, ed. William R. Staples (Providence, 1835). This is Vol. II of the *Rhode Island Historical Society Collections*.

the patent immediately for a number of reasons, including the pretentious political plans of William Coddington. In 1647, however, to Coddington's chagrin, Portsmouth and Newport relented, and a tenuous union of the four towns was consummated. Representatives of these communities met at Portsmouth in general assembly in May, 1647, to organize a government and to draft and adopt a body of laws. According to Charles McLean Andrews, "the acts and orders of 1647 constitute one of the earliest programmes for a government and one of the earliest codes of law made by any body of men in America and the first to embody in all its parts the precedents set by the laws and statutes of England."²²

The assembly which drafted this remarkable code was attended by a majority of the freemen of the four towns. Upon assembling, the delegates agreed that they were "willing to receive and 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 plantation will admit." However, they further declared that the form of government for the colony was "democraticall," in that it rested on "the free and voluntary consent of all, or the greater part of the free inhabitants."²³

At this momentous Assembly officers were elected, a system of representation established, and a legislative process containing provisions both for local initiative and popular referendum was devised.²⁴

Then was enacted the remarkable Code of 1647, an elaborate body of criminal and civil law prefaced by a bill of rights.²⁵

Finally, for the administration of justice, the productive 1647 Assembly established a General Court of Trials having jurisdiction over all important legal questions. The president, the chief officer of the colony, and the assistants representing their respective towns, were to comprise this high tribunal. By inference, the existing town courts were to possess the jurisdiction heretofore exercised in matters of minor and local importance. The Code and the court system of 1647 served as the cornerstones of the judicial establishment of Rhode

²² Andrews, *op. cit.*, II, 26.

²³ *RICR*, I, 147-48, 156; *Providence Early Records*, XV, 9-10. Gorton's town of Warwick, although not mentioned in the Williams Patent of 1643, was given "the same privileges as Providence," by the 1647 assembly. *RICR*, I, 148.

²⁴ *RICR*, I, 147-49. The initiative provision was annulled in 1650 (*RICR*, I, 228-29), and the referendum was repealed in 1664 (*RICR*, II, 27).

²⁵ *RICR*, I, 157-90.

Island both as colony and state.²⁶

Thus did the four original towns and their inhabitants combine to create a fairly systematized federal commonwealth and deal a blow to the forces of decentralization.

* * *

The union of 1647 did not long endure, for the ambitious Coddington, after a brief flirtation with the New England Confederation, succeeded in securing from the Council of State a commission in 1651 which contravened the Patent of 1643 by granting to him exclusive ownership and proprietary rights to the islands of Aquidneck (Rhode Island) and Conanicut (Jamestown). A determined group on the islands opposed this power-grab, and they dispatched Dr. John Clarke to England to obtain a rescinding of this extraordinary commission. Clarke sought the aid of the influential Williams, and the two men made the tedious journey to the Mother Country. Owing to the intercession on Williams's behalf by Sir Harry Vane and Oliver Cromwell, the Council of State responded by annulling the Coddington commission and reaffirming the Patent of 1643. Williams, after a brief immersion in English domestic affairs, returned to Rhode Island in 1654 and immediately began to counteract the divisive forces within the settlement. He was determined to reunite and consolidate the four towns, and by mid-1657 his efforts produced an encouraging degree of cohesion.²⁷

There were still stormy seas ahead for the Rhode Island ship of state, for no sooner had a semblance of internal unity and stability been created than there arose two external dangers, one of which menaced the colony's landed possessions and the other its very existence. The first danger resulted from the claims of the Atherton land company to the area which now comprises Washington County; the

²⁶ *RICR*, I, 191-208; John T. Farrell, "The Early History of Rhode Island's Court System," *Rhode Island History*, IX (July, 1950), 65-71; IX (October, 1950), 103-117, X (January, 1951), 14-25; Edward C. Stiness, "The Struggle for Judicial Supremacy," in Edward Field, ed., *State of Rhode Island and Providence Plantations at the End of the Century: A History* (Boston, 1902), III, 89-105.

²⁷ Andrews, *op. cit.*, II, 31-33; Richard LeBaron Bowen, *The Providence Oath of Allegiance and Its Signers, 1651-2* (Concord, New Hampshire, 1943), pp. 12-14, reproduces excerpts from papers in the British Record Office relative to Coddington's patent application. The title of Bowen's book is misleading, for the work is actually a detailed, scholarly, though antiquarian-type account of major political events in Rhode Island during the early 1650's.

second and greater threat arose from the restoration in 1660 of the Stuart dynasty to the throne of England. The Restoration rendered doubtful the legal validity of the parliamentary Patent of 1643 and placed Rhode Island in a precarious position because of her close ties with the anti-monarchical Commonwealth and Protectorate of Cromwell.²⁸

The apprehensive colony, fearful for its legal life, commissioned the able and diligent Dr. John Clarke to obtain royal confirmation of its right to exist. Clarke, who espoused principles of religious liberty similar to those of Williams, had remained in England upon completing his successful mission of 1651-52. After an exasperating delay stemming from Rhode Island's and Connecticut's conflicting claims to the Narragansett Country, Clarke, with the assistance of Connecticut agent John Winthrop Jr., secured from Charles II the Royal Charter of 1663. This coveted document was immediately transported to Rhode Island where it was unanimously received by the grateful colonists in November, 1663.²⁹

The 6500-word corporate instrument³⁰ devoted relatively brief space to the organization of government, but it did provide for the

²⁸Andrews, *op. cit.*, II, 37-41.

²⁹*Ibid.*, pp. 41-47. A recent extensive account of the efforts of Clarke and Winthrop to secure the charter is Robert C. Black III, *The Younger John Winthrop* (New York, 1966), pp. 208, 226-32, 239-45. Winthrop's valuable assistance in obtaining the charter is stressed by Black, who also contends that Winthrop's decision to compromise on the thorny question of Rhode Island's western boundary angered both the Atherton Company and the Connecticut legislature. *Ibid.*, pp. 255-58, 285-87, 298-302, 326-28. Connecticut had claimed all the land up to the western shore of Narragansett Bay and had actually been granted title to this so-called "Narragansett Country" in its charter of 1662. When Clarke protested, however, Winthrop reluctantly agreed to arbitrate. *Ibid.*, pp. 225, 241-42. An account which stresses Winthrop's membership in the acquisitive Atherton Company and his designs on the Narragansett lands is Richard S. Dunn, "John Winthrop, Jr., and the Narragansett Country," *William and Mary Quarterly*, 3rd Series, XIII, (Jan., 1956), 68-86; and Dunn, *Puritans and Yankees: The Winthrop Dynasty of New England, 1630-1717* (Princeton, N. J., 1962), pp. 108-147. On Clarke see the useful but uncritical Thomas W. Bicknell, *Story of Dr. John Clarke* (Providence, 1915).

³⁰There were two distinct forms of colonial government — the corporation and the province. Provinces were of two types, proprietary and royal, but in both power proceeded from above downward because the source of authority lay outside the province. The corporate colony was more democratic and self-governing for its power rested upon members of the corporation who were also freemen of the colony. Only Massachusetts (until 1691), Connecticut and Rhode Island became legally recognized corporations and thus self-sufficing political units. Cf. Herbert L. Osgood, "The Classification of Colonial Governments," *Annual Report of the American Historical Association for the Year 1895*, pp. 617-629.

offices of governor, deputy governor, and ten assistants. The original holders of these positions were named in the Charter itself, but their successors were "to be from time to time, constituted, elected, and chosen, out of the freemen" of the colony ("company") on an at-large basis. The charter also provided that certain "of the freemen" should be "elected or deputed" by a majority vote of fellow freemen in their respective towns to "consult," to "advise," and to "determine" the affairs of the colony in connection with the governor, deputy governor, and assistants. It was specified that Newport was entitled to six of these "elected or deputed" representatives; Providence, Portsmouth, and Warwick received four each, and two were to be granted to any town which might be established in the future. This apportionment was equitable in 1663, but its inflexibility would become a source of grave discontent.

The governor, deputy-governor,³¹ assistants and representatives or deputies were collectively called the "General Assembly." Each member of this body had one vote. The Assembly, with the governor presiding, was to meet at least twice annually in May and October. The only charter-imposed qualification for members of the Assembly was the requirement that they be freemen of the colony.

Rhode Island's legislature was endowed by the Charter with extraordinary power. It could make or repeal any law, if such action was not "repugnant" to the laws of England, set or alter the time and place of its meeting, and grant commissions. It could exercise extensive powers over the judicial affairs of the colony, prescribe punishments for legal offenses, grant pardons, regulate elections, create and incorporate additional towns, and "choose, nominate and appoint such . . . persons as they shall think fit" to hold the status of freeman.

The Royal Charter also mandated annual elections for all at-large officers of the colony, provided for the raising and governing of a militia, conferred rights of fishery along the coast of New England, encouraged immigration to the colony, established acceptable boundaries, which included the Pawcatuck River as the western line of demarcation, and provided that the land within those boundaries be

³¹The membership of the deputy governor in the Assembly is not clearly stated in the charter. One could interpret the Charter's phraseology to include the deputy governor in the assembly only in the absence or with the permission of the governor. Rhode Islanders, however, chose to give the deputy governor regular membership in the Legislature.

held "in free and common soccage."³²

An additional example of the charter's generous grant of governmental autonomy was the absence of a provision for appeal to the King in Council in private causes. In this respect the Rhode Island charter furnished a principal exhibit supporting the theory of a royal animus against Massachusetts Bay, for although the absence of a general appeal clause appeared to foreclose recourse by private litigants to the King, the colony itself was granted the right of appeal "in all matters of publique controversy" with the other New England colonies. This provision was probably inserted because of the boundary claims of Rhode Island's avaricious neighbors and as a possible safeguard against the pressures of the powerful Bay Colony.³³

Finally, the charter's most liberal and generous provision bestowed upon the inhabitants of the tiny colony "full liberty in religious concerns." The document commanded that

Noe person within the sayd colony, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concerns, throughout the tract of lande hereafter mentioned; they behaving themselves peaceable and quietlie,

³²This summation, including the several quotations, is taken from the Charter of 1663 as published in *RICR*, II, 1-21. The land held in "free and common soccage" was also held "as of the manor of East Greenwich, in our county of Kent," according to the terms of the charter. The law of Kent was the law of Gavelkind under which real estate descended in equal portions to all male heirs. Rhode Island before 1770 applied primogeniture in cases of intestacy, thus indirectly violating her charter. Stokes, *op. cit.*, pp. 34-35; Edward Cheyney, "The Manor of East Greenwich in the County of Kent," *American Historical Review*, XI (Oct., 1905), 29-35, contends that the charter phraseology which required land to be held "as of the Manor of East Greenwich . . ." generally had "little if any real significance for the colonies."

³³Joseph Henry Smith, *Appeals to the Privy Council from the American Plantations* (New York, 1965), 52-53. Smith states: "It is arguable that the operation of this clause would in effect amend the charters of contiguous colonies. For it would force an adversary to appear before the King whatever the terms of its charter, or permit Rhode Island to secure an *ex parte* hearing." Herbert L. Osgood, *The American Colonies in the Seventeenth Century* (Gloucester, 1957), III, 170, shares Smith's opinion that a royal animus against Massachusetts Bay "furnished a strong reason . . . for the grant of the Rhode Island charter."

and not using this libertie to lycentiousnesse and profanenesse, nor to the civill injurys or outward disturbance of others; any lawe, statute, or clause, therein contayned, or to bee contayned, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding.³⁴

This guarantee of absolute religious liberty was a vindication of Williams's beliefs and a royal recognition of the fundamental principles upon which the Providence Plantation was founded — absolute freedom of conscience and complete separation of church and state.³⁵

With good reason the Charter of 1663 won the overwhelming approbation of the colonists and prompted nineteenth-century historian George Bancroft to remark (with only a modicum of hyperbole) that "no where in the world were life, liberty and property, safer than in Rhode Island."³⁶

[to be continued]

³⁴*RICR*, II, 5-6.

³⁵For the place of the Rhode Island charter as a landmark in the development of the American tradition of church-state separation see Anson Phelps Stokes, *Church and State in the United States* (New York, 1950), I, 194-205, 442-43.

³⁶George Bancroft, *History of the United States from the Discovery of the American Continent* (Boston, 1834-75), II, 64.

THE RHODE ISLAND HISTORICAL SOCIETY

NECROLOGY LIST, 1967

Mrs. M. L. D. Aldrich	Mrs. Charles J. Mason
Reuben C. Bates, M.D.	Miss Eva A. Mooar
Mr. J. Cunliffe Bullock	The Hon. Guillaume Myette
Mrs. G. Edward Buxton	Mrs. Elizabeth B. Newberry
Mr. John H. Cady	Miss Hope T. Nicholson
Mr. Raymond C. Colwell	Mr. Randolph T. Ode
Mr. William N. Coward	Mrs. Louise H. Reeves
Mr. Walter Angell Edwards	Mr. Euchlin D. Reeves
Mrs. Harold C. Field	Mr. Irving J. Rice
The Hon. John E. Fogarty	Mrs. Byron U. Richards
Mr. John R. Hackett	Mr. Charles B. Rockwell
Mr. Thomas H. Handy, Jr.	Mrs. Eric V. Rohde
Miss Margaret Hatch	Mrs. Ernest T. Scattergood
Mr. Henry B. Hathaway	Mrs. Charles C. Stover
Mr. Webster Knight II	Mr. J. Duncan Suttell
Mrs. Arthur B. Lisle	Mr. Robert R. Taylor
Mr. Colin MacR. Makepeace	Mrs. Lena Frazier Thatcher
	Mrs. Irving K. White

THE RHODE ISLAND HISTORICAL SOCIETY

One Hundred and Forty-Sixth Annual Meeting

The One Hundred and Forty-Sixth Annual Meeting of The Rhode Island Historical Society was held Sunday, January 21, 1968, at 2:30 p.m. in the Library.

President Stuart C. Sherman called the meeting to order, with approximately one hundred members present. Norman T. Bolles read a resolution in memory of former president of the Society, Reuben C. Bates, M.D.

Proposed amendments to the Society's Constitution, of which notices had been mailed to all members two weeks before the meeting, were discussed. Upon motion duly made and seconded, it was unanimously voted that they be ratified and approved.

President Sherman described the value of change and outlined some of the new projects of the Society.

On behalf of the Nominating Committee, Mrs. Beverly Long, chairman, presented the nominations for officers and committee members for the ensuing year and upon motion duly made and seconded, it was unanimously voted that the slate of officers and committee members be duly elected.

Typescripts of other committee reports were distributed.

Bradford F. Swan, the newly elected president, expressed his appreciation briefly.

Director John T. Kirk told of the new John Brown House Committee and its plans. The interior and exterior of the House are to be restored to their original 1786-1803 condition as far as possible. In addition, furniture and furnishings are to be selected for individual rooms to reflect the period.

Dickran Tashjian described the art of making rubbings of, and preserving gravestones. The meeting adjourned at 4:00 p.m. to John Brown House where an exhibition of gravestone rubbings by Mr. and Mrs. Tashjian was opened.

Respectfully submitted,

FRANK L. HINGKLEY, *Secretary*

STATEMENT OF GENERAL FUND INCOME AND EXPENSE AND CHANGES IN FUND BALANCE

(Year ended June 30, 1967)

INCOME:	
Dues	\$15,661.00
State of Rhode Island	21,000.00
State of Rhode Island — microfilm	1,200.00
City of Providence	2,000.00
Contributions	1,540.50
Patriotic Societies	320.00
Library sales	836.98
Furniture exhibition receipts	763.49
Outside services	4,392.91
Miscellaneous	633.69
Transferred from special purpose reserves	4,564.00
TOTAL INCOME AVAILABLE	\$52,912.57
EXPENDITURES:	
Salaries	35,849.30
Social Security taxes	1,482.25
Director's discretionary fund	812.25
Supplies	1,238.34
Telephone	1,012.15
Membership	744.50
Library and Quaker material purchases	6,916.22
Museum	954.25
Lectures	785.57
Publications	7,095.84
Heat, light, and housekeeping	4,582.25
Grounds and buildings	12,112.26
Insurance, including Group, Blue Cross and Special	4,969.58
Microfilm (including State — \$1,200.00)	3,062.30
Outside services	1,711.84
Professional fees	400.00
Miscellaneous	4,236.07
Equipment	1,704.18
TOTAL EXPENDITURES	89,669.15
Excess of expenditures over income	(36,756.58)
Transfers from other funds	46,827.16
Fund balance at beginning of year	(3,800.32)
Fund balance at end of year	\$ 6,270.26

Note: Refurbishing costs totaling \$13,162.95 expended from the General Fund in the year ended June 30, 1967 have been capitalized pending final Board action.

THE RHODE ISLAND HISTORICAL SOCIETY



OFFICERS AND COMMITTEE MEMBERS

*Elected at the 146th Annual Meeting to serve until
the Annual Meeting in 1969:*

Bradford F. Swan *president*
Bayard Ewing, Benjamin L. Cook, Jr. *vice presidents*
Frank L. Hinckley, Jr. *secretary*
Mrs. Norman T. Bolles *assistant secretary*
Townes M. Harris, Jr. *treasurer*
John H. Wells *assistant treasurer*

MEMBERSHIP

Walter R. Martin, *chairman*
Mrs. Dixwell Goff
John T. Kirwan
Paul R. Ladd
Mrs. Erving Leven

GROUNDS AND BUILDINGS

Norris G. Abbott, Jr., *chairman*
James P. McD. Costigan
William M. Davis
Mrs. John A. Gwynne
Kenneth B. Sherman

LIBRARY

Thomas R. Adams, *chairman*
Malcolm G. Chase III
Charles W. Farnham
Albert E. Lownes
Stuart C. Sherman

MUSEUM

Robert S. Allingham, *chairman*
Winslow Ames
Bayard Ewing
Norman Herreshoff
Joseph K. Ott

LECTURE

O. Griswold Boynton, *chairman*
Mrs. Bruce M. Bigelow
Mrs. Herbert N. Couch
Paul R. Ladd
Roger W. Shattuck

FINANCE

Bayard Ewing, *chairman*
Foster B. Davis, Jr.
Michael P. Metcalf
John Simmen
William W. White

PUBLICATION

Norman T. Bolles, *chairman*
Francis H. Chafee, M.D.
Robert H. George
Houghton P. Metcalf, Jr.
Paul C. Nicholson, Jr.

JOHN BROWN HOUSE

Mrs. George E. Downing, *chairman*
Winslow Ames
Mrs. John A. Gwynne
Norman Herreshoff
Frank Mauran III

AUDIT

John H. Drury, *chairman*
F. Morris Cochran
Robert H. Goff

The Executive Board is composed of the officers; chairmen of the standing committees; members at large: George C. Davis, Joseph K. Ott, Stuart C. Sherman; the director; and Elliott E. Andrews, state librarian, *ex officio*.