Some Phases of New England Religious Legislation

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CHAPTER I

INTRODUCTION
Chapter I
Introduction

At the mention of New England Sabbath or sumptuary laws, Massachusetts and Connecticut come to mind, and the documents of these two colonies reveal much information on such subjects. Connecticut, settled by colonists voluntarily moving on from Massachusetts, or by colonists direct from England, but in approximate agreement with the religious tenets and practices of Massachusetts Bay, modeled Connecticut laws quite closely after those of the older colony.¹ There were many more liberal minds, who chose to settle in Connecticut because of the narrow intolerance eminating from Boston. But the settlers of New Haven, especially, followed the stern practices of the Massachusetts regime, and being quite aggressive, determined largely the character of the colony's laws, so much so, that the expression "Blue Laws of Connecticut" has become proverbial.²

In 1641 Massachusetts interfered in the affairs of some New Hampshire settlements, and two years later took

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¹ In fact, parts of the first code were almost identical even in wording with laws of the Massachusetts code; c.f. The Colonial Laws of Massachusetts, p. 91, and The Blue Laws of Connecticut, p. 121.
² Jernegan, The American Colonies, 1492-1750, p. 141, 149.
over the control of that colony, retaining it until 1679. In like manner, in 1652, the aggressive Boston authorities managed to extend their domain to include the Maine settlements, retaining control of the territory until 1680, when Maine became a state. The stern consciences of these legislators could not rest until they had taken all measures they could to enforce religious conformity of belief and practice throughout the newly acquired settlements.

The Plymouth colony, though founded earlier and governed independently, was incorporated with Massachusetts Bay as the Province of Massachusetts Bay in 1691. Though somewhat less militant in religious matters, the Plymouth settlers were in very close agreement in general religious practice with the other colony, even before this union.

Rhode Island was established by groups who had suffered from religious intolerance elsewhere, especially in Massachusetts. She maintained a policy in religious matters quite different from Massachusetts, and, in fact, quite different from almost any government existing up to that time. Although endless discussions as to slight differences of belief took place, no enforcement of belief

3. Winthrop’s Journal, II, 38, 43.
4. Records of Massachusetts, III, 332.
5. Note the numerous actions against religious offences in these sections in the years immediately following the annexations. Records of Massachusetts, III; IV, Part 1. The answer to the King, Records of Massachusetts, V, 270.
and comparatively little enforcement of religious practices was ever legalized. In this respect Rhode Island was not typical of New England. After the worst of the intolerant and domineering period in the rest of New England was over, religious life in Rhode Island was probably of the general New England character.

Massachusetts Bay modified her demands slightly in the towns of the territory she acquired, since it was policy to do so; also local town authorities could have some leeway in ordinances affecting local conditions.\(^6\) Since enforcement must depend on local officers, those sections whose people were less in harmony with the colony government, or farther from the center of control, varied somewhat in religious aspects. But from conditions above stated, the religious policies of Boston and its vicinity were representative of the religious policies of New England, outside of Rhode Island.\(^7\)

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7. This conclusion has been based on similar character of actions recorded in *Acts & Resolves of the Province of Massachusetts Bay*. 
CHAPTER II

SECURING UNIFORMITY OF BELIEF
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Securing Uniformity of Belief.

The New England laws relative to religion, distinctly, may be classified in four groups: those regulating doctrine or belief; those compelling financial support of religious institutions; those regulating conduct during the period the New Englanders called the Sabbath; and, with these, another group of laws usually classed with sabbath laws, but having to do with personal morals. The authors of these last named laws seemed to consider them religious and usually assigned their enforcement to the same agents who guarded the sabbath.¹

During the early colonial period, in most of the colonies much legal effort was devoted to enforcement of conformity to an established communion and the doctrine it proclaimed. Under Dutch control the Dutch Reformed Church was the recognized church of New York.² When the English seized that territory, they established the

¹. Different officers are responsible, among them, the tything man. The duties of the New England tything men were inspecting licensed taverns, searching illicit liquor dispensaries; looking after general moral conditions of their neighbors as to idleness, home conditions, educating children, domestic discord, obscenity, etc.; proper behavior on the streets; and, general local investigation of religious practices, especially sabbath desecration, and church attendance. Records of the Governor and Company of the Massachusetts Bay in New England, Vol. V, 240, 241. This work will hereafter be referred to as "Records of Massachusetts Bay."
². Ecclesiastical History of New England, I, 293.
Anglican Church in a part of the colony. In Virginia and the colonies south of her, the Anglican communion was established, also. Maryland and the Quaker colonies favored liberty of choice in religious affiliation, but with changes of groups in power there were exceptions to the liberal policy even in those colonies.

In Massachusetts and Connecticut, where one might expect a more advanced policy because of the unhappy experience of those settlers in their mother country, conformity to the faith of the leaders was the rule. These plantations inconsistently claimed connection with the Church of England, but demanded adherence to non-conformist doctrine. So far as they could and as long as they were permitted, the colonial authorities narrowly maintained the Congregational persuasion in all the settlements under their control, while strenuous effort was put forth to weed out any other belief.

Considering the purpose of the founders of Massachusetts Bay, this effort was consistent and terribly obligatory, with no violence to the adverb. For "know this is the place where the Lord ... will create a new heaven, and a new earth in new churches and a new common-

3. The Statutes at Large: A Collection of the Laws of Virginia from the Year 1619. Vol. I, 123, 135, 180. This work will be referred to in this paper as, "Henning's Statutes."

4. That religious prejudice was unreasonably strong is shown by Lord Baltimore's advice to Catholics to make their religion as inconspicuous as possible, Narratives of Early Maryland, Original Narratives of Early American History, See also Jernegan, The American Colonies, 70.

5. Colonial Laws of Massachusetts, 47.
wealth together." For this great undertaking "Christ, the glorious king of his churches" is using the settlers of Massachusetts Bay, a consecrated group of "praying Saints." Those sent to this work are commanded "thineke it not enough that you enjoy the truth, but you must hate every false way, and know you are called to be faithful Soldiers of Christ, not onely to assist in building up his churches, but also in pulling downe the Kingdome of Antichrist, then sure you are not set up for tolerating times." Having put power into their hands the Lord en-joins, as the Puritans saw it, "let none wrest it from you under pretence of Liberty of Conscience." That they "fayle not in the persecution of the Worke," the Lord lays upon them a solemn warning "never to make League with any of these Sectaries." These sectaries are "Gortonists, Papists, Familists, Seekers, Antinomians, Ana-baptists and the Prelacy." Not only for themselves but for the correct habits of future generations they are profoundly responsible. "Be sure you make choyce of the right, that all people Nations and Languages, who are soonly to submit to Christs Kingdome, may be followers of you as you follow the Rule of Christ; your Magistrates shall not but (put) open the Gates for all sorts." 6

When profiting by former experience they may mark a straighter path. "Oh for Jerusalem her peace, see that

you mind it altogether, you know right well that the Churches of Christ have not thrived under the tolerating Government of Holland," . . . "and further it is well known, loose liberty cannot inure to looke Majestical authority in the face." 7 This belief that they are establishing heaven's model of a holy commonwealth, not usually so apocalyptically stated, appears over and over in the documents of early New England history. In this instance it is used to justify intolerance of any differing belief. More mercenary motives doubtless influenced Massachusetts leaders in later years; but the belief in this divine mission, with the fostering cooperation of heaven was a powerful motive in much of the religious regulation for a century.

To make sure the New Jerusalem should not be hamp- pered by unsympathetic interference, the emigrating members of the Massachusetts Bay Company had the charter given over to those who were actually on the ground. 8 Thus the government was rendered more independent, since it was farther from the king. This change made a religious experiment easier of accomplishment. Managers of the plantation remaining in England would have looked for financial return, and might have made it a commercial

project. The colonists were favored in their attempt by the fact that the Stuarts usually had scant time for trans-atlantic troubles, and there was little interference from that quarter.

Soon after coming to America the body of freeman, by a raising of hands, voted that the freemen should choose assistants, and the assistants should choose the governor and deputy-governor from among themselves. These assistants with the governor and deputy-governor appointed officers. Since it developed that those who had thus secured power had the political sagacity to keep themselves in power, or the voluntary support of a majority of voters to keep them in power, colony management was narrowed to a comparatively small number of capable and deeply religious leaders. There was, also, a

9. That the companies sending out colonists usually did so with the hope of developing trade and exploiting the new settlements of whatever resources should prove valuable was doubtless well known to the Puritan leaders, as it is known to historians of today. Gov. Winthrop complained of this purpose and laid the blame of misfortunes in Virginia to the poor choice of settlers, and the mercenary purposes of its promoters. Gov. Bradford complained regarding his own colony: "Some began to make a trade of it, to transport passengers and their goods ... and cared not who the persons were so they had money. Bradford's History of Plymouth Plantation, 336. The same opinion is expressed thus: "Feare not the misse of men to fill youre Townes and compleat your companies"; also, "let not any Merchants, Inkeepers, Taverners and men of Trade in hope of guaine fling open the gates so wide, as that by letting in all sorts you mar the worke of Christ intended." Johnson's Wonder-Working Providence, p. 35.

minority of quite able men, who put forth persistent efforts to dislodge these leaders. Since these opponents from the colonists themselves seem to have differed very little in religious faith or policy, some believe the motive for this opposition was largely political rivalry.

Whatever the motive, there was considerable uproar about intolerance of differing belief and limited franchise, and complaints were sent to the home government. Although differing but little in doctrine, this minority took advantage of the differing views of others and the disputes at all times occurring. Their complaints were made known in England giving the authorities the impression that these complaints, at least, were more important than they really were, and added to the colony's reputation for actual religious intolerance. The Puritan movement in England was an effort toward freedom of conscience. Even before the Puritan triumph in England the settlers of Massachusetts had made themselves quite independent of the Anglican bishops. But to maintain harmony in their own ranks was another matter. When once they had attained their freedom, their right to think for themselves, the movement refused to crystallize where colonial authorities wished it should. Gov. Berkeley's statement that "learning has brought disobedience and

12. Since no religious supervision by the home government was provided for, Jernegan, The American Colonies, 127.
heresy and sects into the world," certainly had some vindication in Massachusetts Bay. There were numerous shades of belief set forth; doctrines that today would be tolerated in considerate amusement or laughed out of existence. But religious toleration was new to the new world as well as the old in the seventeenth century, and few believed that solidarity of government could be maintained amid variance of belief, in even minor religious matters. Consequently laws were passed against advocates of "damnable heresies."

While some of these heresies were of more serious spiritual significance, among the opinions deemed insufferable were a disbelief in infant baptism, the right to walk out of the meeting-house when such baptism was being administered, and an abstruse distinction regarding the Holy Spirit existing seperately or identically with the spirit of the christian. Of more serious governmental concern was the doctrine that breaches of the first table could not be punished by law, and the right of non-church members to vote. This last was a bone of contention seized upon and reported in England. Differences of doctrine were so important to the early Puritans that

they were actual causes of community division. Of course, men would not agree in all minor points. The responsible leaders seemed to believe they could arrive at some ultimate truths that all would believe, especially if perversity of spirit were stamped out by civil law. When brethren were "so divided from the rest of the country in their judgment and practice, as it could not stand with the public peace," then these brethren must be banished. 18

One other reason for banishment was the fact that the Lord would not bless or use a plantation that tolerated unorthodox teaching or belief which would tend "to overthrow true religion and salvation." "For the prevention of so heinous a crime" such people must be driven out. 19

After the Restoration the complaints of those suffering from the intolerance of Massachusetts within, and those irritated by her aggressive policy on all her borders received a more sympathetic hearing. Eventually, in spite of the greatest effort to keep out all undesirable persons, among the orthodox and upright appear many people of whom the authorities did not approve. For ship masters would land "servants and others" in harbors where no officer passed judgment upon them. There was complaint that Rhode Island, "a place of errorist and

19. Acts and Resolves of the Province of Massachusetts Bay, II, 244. This work will be referred to as "Acts and Resolves.
enthusiast, the sink of New England" harbored heretics to the exasperation of the Puritan elders. These heretics apparently found Rhode Island too tolerant to be interesting, or else must needs correct the errors in the religion of Massachusetts. 22 From one source and another "lewd and forrain" people had come. 23 The king would not approve the extreme measures against these discordant elements of the population. He complained that just treatment was being denied some of his subjects and in 1665 sent commissioners to investigate. 24

The colony was forced to yield some ground. The laws permitting capital and corporal punishment of dissenters were annulled and the franchise was extended, depending now on a property qualification with other requisites. To clear themselves of the charges presented by the commissioners, the General Court declared it had always been their policy to permit all residents "not in a church way" to establish a church, so long as they did it "in a christian way" and were themselves not "scandalous in life." The church must, however, be established according to the rules of Christ appointed in his holy

22. Gov. Bradford explains the presence of undesirables in four ways; servants being so necessary they had taken "such as they could" and when indentures were completed these had become heads of families; shipmasters, he also said, "cared not who" so they "pestered the country with "unworthy freeman; some others came "for loaves sake," hence were not spiritual; and lastly black sheep were sent by their families at home. Bradford, 308.
23. Records of Massachusetts, IV, 170, 172; see Commissioners, page 156.
word." Yet to maintain "liberty and peace and love," all churches were required to be established "openly," "with approbation of civil government & of neighboring congregations." The leaders denied any inclination "to punish them (the unorthodox) in person or estate." This statement was true in one sense. The dissenters, Quakers especially, had been released from prison and milder punishment had preceded the prison sentences. They had been sent from the colony; but Quaker fanaticism would declare its doctrines, and Puritan fanaticism would have it keep quiet. The stubborn magistrates with actual truth could state they had "sharpened lawes" against Quakers because of "intrusions and impetuous disturbances." When this policy fell short they had taken more severe measures. With less warrant it was further explained

26. The court records of the Quakers about Sandwich, Yarmouth and Duxburrow in the Plymouth colony give reason to suspect that some of the early converts in that section were of a rude and ignorant sort. Some of them are convicted of more than religious offenses. Virginia passed severe laws against them also. It is claimed they disturb worship and the public peace. A ship master must pay a fine for bringing a quaker and take his passenger away again. A quaker could be jailed until they have security to leave the colony and not return. Other severe measures were passed against them. Even Roger Williams is of the opinion they do not prefer to stay where their religion is not disturbed. Records of Plymouth Colony, volumes III and IV. See Index under Crimes, also Sandwich, Yarmouth. Henning Statutes, I, 532: II, 48, 160.
that dissenters had not been put to death for religion anymore than "Jesuits and Seminary priests" were executed by James I and Elizabeth because of religion; but rather "for breach and contempt of law." In their defence the shrewd magistrates tactfully reminded the king that they had protected Maine, and helped to secure his colonies against the Dutch and French. They were careful to state that English merchants enjoyed considerable revenue from trade with his majesty's most loyal subjects in Massachusetts. Their plantation had prospered and they professed to believe that interference with the policy formerly maintained would lessen or destroy the prosperity with which the Lord had sanctioned their conduct for forty years. Since money had slight affinity for Stuart fingers, this argument should have had weight.

The colonial authorities declared themselves eager to renounce all laws repugnant to the laws of England. With no hedging, and certainly with no cringing, they declared themselves unwilling to repeal such laws as when repealed would make them renounce the purpose of their coming to America. That they and theirs "might enjoy a greater liberty in the worship of God," they had left their "deare native country" in so hazardous & awful an undertaking." This was "the professed & reall end of

the first adventurers, as his majeste is pleased graciously to express." Here was the same stubborn fearlessness that cost Charles I his head, and that does not hesitate to declare "that the lawes of England are bounded within the fower seas and do not reach America."

Apparently the Puritans considered their colony not subject to outside interference as long as they gave its people protection of law in the ordinary civil rights. It was understood for what purpose its Puritan people had come, and those who transgressed its religious policy were imposing on the special rights of this province. The Massachusetts authorities were only carrying out their side of the bargain, and others should conform or leave.

The king's commissioners pronounced that the royal arm was "of power enough to make himself to be obeyed in all his dominions." Whatever his power to be obeyed in all his dominions, three thousand miles of water was a long reach; and the colony was not cowed. The experience was not to their liking, however. They feared for their "candlestick" and declared a public fast for

29. Records of Massachusetts, IV, Part 2, 221.
30. Ibid., IV, 224.
31. The document explains that the Lord is denying them "privilege and mercy of being a people as desired as in former dayes and threatening us by divers judgments impending" . . . "catterpillars & the palmer worme," and the "awfull appearance of the cometts." Ibid., IV, 235.
the sin among them, still firm believers in their divine mission.

The king himself had little patience with some practices of the dissenters. But he demanded that they may "passe about their lawfull occasions, though in other cases they may be punished." So hereafter there will be less violation of freedom of belief openly so called. There will still remain the "other cases." The Quakers and others will give excuse, if not just reason, for legal action. For a while a very similar course will be followed but under cover of other laws. Men can be arrested for contumacy, disturbing the peace, absenting themselves from the church service, or interruption while there unlawful assembly and other offenses.

As to their right of establishing churches and carrying on their religious activities, dissenters will be taken care of as nearly as the changed law and diminished assurance of the officers will permit. The "christian" way of establishing churches "according to holy word" is subject to interpretation. The "liberty and peace" maintained will be the liberty of Congregational churches to vote down others, and peace will be largely the peace of

33. As an example: Edward Bridges, an Anabaptist, was dis-franchised in 1660 for disturbing the peace. His offense had been having to do with erecting an Anabaptist church in Boston. Ibid., V, 272.
conformity to colony demands. Since neighboring churches must approve, new churches will not likely be Baptist or Quaker. If an appeal be made to the colony court, the case will be decided by orthodox judges in a body not to be dissolved but by its own decision, and presided over by an orthodox governor chosen from its own members. Consequently there will still be manful effort to prevent heterodox contamination.

The "rising generation" is far more tolerant, each rising generation becoming more so. Perhaps they become far more slack at times in the observance of religious matters. According to many writers only about one-fifth of the population were really full church members. While the right of suffrage was limited to church members it was certain to weaken the loyalty of such whose religious belief did not justify this limitation. The fears of the founders, that their holy experiment would not continue in the path marked out by scripture, as they interpreted scripture, was largely realized. A serious blow came with the loss of the charter in 1684, and the Toleration Act of 1689 made the task still more hopeless. No laws will ultimately stand against enlightenment. "The stern Eyes of Restraint set up for Walles and Bulwarkes to surround the Sion of God" were forced eventually to see the "doctrines of heretiques" taking

34. Jernegan, The American Colonies, 189.
root in "Christ's Kingdom in the Western World." 35, 36

35. That the congregationalists did eventually allow other denominations to build their churches could be learned from colonial newspapers of the period, as well as their own laws which allowed privileges. In actual administering, however, the laws were made to discourage other religious bodies so that the majority of the people were Puritans of slightly differing belief. In 1767 a Puritan writer speaks of the toleration which he thinks should obtain, yet believes that the prevailing religion in New England is and will be that which has prevailed from the beginning. Itineraries of Ezra Stiles, 444. 36. Johnson's Wonder-Working Providence, 35.
CHAPTER III

KEEPING THE SABBATH
Chapter III

Keeping the Sabbath.

New England governments were concerned with more than religious doctrine. A great many of their laws dealt with the religious lives of those who did not question colonial orthodoxy. Prominent among these laws, sabbath observance comes up repeatedly with a force and minuteness that we can not understand, unless we read more deeply into the religious feeling of the early Puritan. A reader soon observes that Puritan religious discussions have become almost unintelligible. Much of the writing of early New England colonies answers this description. Even when the language is intelligible, it is well nigh impossible to enter into the spirit that moved the early colonists. Perhaps those who wrote in these early times were more devout than the average person, but allowing for this, one must conclude that the average was absorbingly religious. Not only was religion a part of the daily life of the Puritan, one could almost say the daily life was but a part of his religion. It is hard to avoid the impression that to him "these noisy years seem moments in the being of the eternal silence." He is continually looking forward to his dissolution. This world is but a wilderness of woe, through which he passes to a blessed heaven. One might paraphrase, nothing in his life so concerned him as the leaving of it. It was only consistent that he should emphasize religion
by which to avail himself of his future home and prepare himself for it.

Of course his most important day is the sabbath, his most important associate, the minister. Life centers around the church and ministry. The most important, as well as the most blissful part of the week is the time devoted to special community participation in the delights of the church, where the devout hear "many a goodly preaching" and "excellent praying," perhaps by a "holy, heavenly sweet affecting soul-ravishing minister."¹ Such fervor might not be surprising in the period of the founders; but many years afterward, the zeal of this extravagant admirer still animates the typical churchgoer. One would hardly expect religious excess in a level-headed judge of the eighteenth century; but we find that Judge Sewall meditates continually of his journey to his heavenly home. He writes in his diary of the sabbath happenings, giving them more attention than his daily work, showing the great importance he attaches to them. He notes the text, the line of exposition, the lesson he deduces for his own life, which psalms are sung, the burden of the prayers. On one occasion he takes pains to acquaint the minister of some happenings of Saturday, "that he might know how to pray."² Observing such

¹ Johnson's Wonder-Working Providence, 252.
zealous concentration of the judge, who is essentially earth-loving and life-enjoying in spite of his "other-worldliness", one can not be so surprised that the civil law minutely regulated religious practice and moral conduct. To the Puritan mind that was the paramount purpose of law.

Outside of spiritual benefits there exists a very practical justification for maintaining religion and morals. The Lord especially favors the faithful attendant of the ordinances in the churches. At least, this devotion "will entitle the town to the help of heaven." Again we read, "I believe it may be found that in the mortal scourges of heaven, which this town has felt, there has been a discernable distinction of those that have come up to attend to all the ordinances." 3

Another good reason for going to the meeting house on the Lord's Day is the benefit thus secured for the young, and all others who would avail themselves of the Bible formerly concealed in other tongues and refused the laity, when it was "one chief project of Satan to keep men from the knowledge of the scripture." 4 It is a column duty of the elders to encourage all to take advantage, to the upbuilding of the state.

For all these reasons and more the sabbath is of

3. The Boston Ebenezer, A sermon by Cotton Mather, page 15, Old South Leaflets, V III, No. 68.
first concern. It must be shown due respect. When men
gather where the "teaching elders with trienall love" do
break the bread of life, nothing must mar the setting for
the feast. The day must be quiet, sacrosanct. There
must be no Indian powwow anywhere throughout the colony
in service to the devil and no inappropriate confusion
should be allowed. Puritans liked quiet anyway. It
must be preserved when men should be asleep. "No one
shall sing, dance, fiddle, pipe or use any musical in-
strument" in the street of any town at night or "make
disturbance to disquiet & distress." The sabbath still-
ness was far more important.

A ship once came into Boston harbor on Sunday just
as Gov. Winthrop was going to meeting. Men were sent to
greet the officers "sine strepitu." The governor hospi-
titably took them to his home, explaining that "all men
either come to our public meetings or keep themselves
quiet in their house." The officers "continued quiet
all that day until sunset."

A ship-master must not permit the shooting of a gun
"after daylight is past or on the Lord's Day," on penalty
of twenty shillings for each shot. One luckless Dutch
master fired four shots and the governor fined him forty
shillings for each shot. Since no one on board could

speak English, he was excused for all but one of the shots, tho the court ruled that some measure must be taken thereafter to give notice of the law to strangers. Even when this ruling was no longer in force, the Puritans try to keep the sabbath stillness. In 1724 we read that one Capt. Durell was requested "to forbear sounding his trumpet past nine on Saturday as 'twas offensive." A Dutch master in 1680 rather ungenerously remarks, "All their religion is in observing Sunday and which begins at sunset on Saturday and continues to the same time on Sunday. At these two hours you see all their countenances change... It was somewhat strictly observed -- there was not much for us to do."

Although the stress of observance was for the duration of the sabbath, to receive full benefit one must give the matter some previous thought. The law provided for this in saying that all were to "surcease their labor every Saturday night throughout the yeare at 3 of the clock," spending the rest of the day in "cattichising and preparacion for the Saboth." The time came when New England disputed the making of the evening of Saturday a part of the sabbath. We are told that in 1721, or thereabouts, the Hartford churches were involved in such a controversy, but that still in 1761, whether or not the law

compelled, "generally in every Town Connecticut observed Saturday evening as holy Time." 13

Besides the activities which broke the stillness of the day, there were others in themselves inappropriate to the serious purposes of the day. These are more carefully provided against, and many laws were passed to that end. Such a law enacted in 1653 did not come before it was needed apparently; for "sundry abuses and misdemeanors" were being committed by "divers persons on the Lord's day." Children were playing in the streets and other places; "Youths and Maidens and other persons" were "uncivilly walking in the Streets and Fields, travelling from Town to Town, going on Ship-board, frequenting common Houses and other places to Drink, Sport or otherwise to misspend that precious time -- to the Dishonor of God, the Reproach of Religion, Grieving of the souls of God's Servants and prophanation of his Holy Sabbath, the Sanctification whereof is sometimes but (put) for all Duties, immediately respecting the service of God contained in the first Table." It was therefore explained that such transgressors were "provokers of the high displeasure of Almighty God," and a law demanded that children above seven years of age proved guilty before a magistrate, town commissioner, or selectman should be admonished for the first offense, fined five shillings for a second

13. Itineraries of Ezra Stiles, 140.
offense, and ten shillings for a third. If a child persisted beyond the third offense, he should be presented to the County Court and punishment augmented as deserved. Anyone above fourteen guilty of one of these offenses and unable to pay the fine should be whipped by the constable five lashes for each ten shillings. This law punished offenses during "daylight of the Sabbath" which was between sunset on Saturday and night-fall of Sunday. 14

Since the Bible was their rule of faith and daily practice, the elders and ministers were always ransacking it for precedents and texts applicable to every matter. The Jewish sabbath, beginning at sunset on Friday and lasting until the next sunset, was the example for a Christian state; but the congregationalists did not keep the seventh day, believing the New Testament gave reason to conclude that the first day had been substituted in Christian practice. The first day was usually spoken of as the Lord's day and must be rigorously observed until sunset.

But there was a difficulty. Of course few went to work between sunset and dark of Sunday. Relieved of daily tasks and probably dressed in sabbath attire, naturally young people and others less sage and solid would be given to some relaxation and jollity. The pious authorities deemed such "lew'd and vain" conduct all out of keeping with the day. Moreover, by these worldly

carriages the good seed was too soon choked out. A time allowed to meditation on the lessons of the day would result in soul welfare. The sacred quiet ought to continue until dark. After that few would be on the streets and such as were could be cared for by other regulations as well as sabbath laws.

The entire sabbath law was to be transcribed by the constable of each town and posted on the meeting-house door, there to remain for at least a month. Since the meeting-house was the place of public assembly for many purposes, and all settlers were required to come on Sunday, there would be no excuse for ignorance of the law. Twenty years later it was enacted that laws for sanctification of the Lord's day must be read publicly twice a year, on Sundays in March and September. The minister is required by law to caution all people as to the observance thereof. Furthermore to put teeth into the laws, selectmen must appoint local officers for minute enforcement.

These officers were called tything men, and to each one were assigned ten families of his neighbors, for whose conduct in many matters he was held responsible. He must inspect these families in absence of the constable, apprehending all sabbath-breakers, tipplers, and

15. Ibid., IV, Part 1, 347.
17. Ibid., V, 133.
18. Ibid., V, 155.
any innkeeper or householder who permitted disorderly conduct on the sabbath or the evening following; or at any other time for that matter. He would hale them before the authorities, or commit them to prison as any constable might do, where they would be proceeded against according to law.

The Puritans tried to do thoroughly anything they attempted. Evidently they thought everybody's business was nobody's business, and the constable could be in but one place at a time. Hence the necessity of a tything man on the spot. The taverns are subject for much legislation regarding the sabbath. The laws regulating their use are repeated time after time. Naturally those who do not attend the services will hunt some diversion. Drinking liquor and playing cards is one of the commonest of Sunday sins mentioned in the laws. They may not, however, have been committed by a large percentage of the people.

But not only in homes and inns are the ungodly misbehaving. Another misdemeanor comes closer to the holy worship. There is "much to complayne of" during the

20. Examination of the legal actions of a period usually shows that comparatively few individuals have been involved, but these are usually guilty of several crimes. Note for instance cases referred to under crimes in "Records of Plymouth Colony," Vols. III and IV.
ordinances in the meeting house, according to a record of 1654, because of the "unreverent carriage of some young persons" and some others not so young. This had existed for some time. Efforts at correction had already been made. Since milder efforts had been ineffective the General Court empowered the officers of the congregation and the select-men of the town to chose one or two "mete persons" for reforming such disorders. These persons were to admonish offenders, using "serious reproof more private or more publicke, or warning or meete correction," as the magistrate or town commissioners thought fit. The court optimistically believes the "reverend elders in there wisdome" will so order the time that none will ordinarily need to break off from the congregation before the "full conclusion of publicke exercise." 21

Evidently part of the "unreverent carriage" had consisted in leaving before meeting had ended. Perusal of one of the long, dull, hairsplitting sermons of the time suggests that the elders might well use wisdom to correct the difficulty.

In spite of mild provisions against this and other sabbath misdeeds, offenders are persistent. A few years later a more stringent law was enacted, for the offenders on Saturday and Lord's day night after sunset "not only dishonored God, but disturbed the worshippers."

They go to public houses and sit drinking, an unlawful thing at any time, which hinders their "preparation for the Saboath" and "renders the ordinances of God altogether unprofitable." They should be at home either preparing for, or assimilating their spiritual food.  

There was occasional misbehavior of a ruder sort. We read in the record of the Plymouth colony, which had laws very similar to those of the Bay, that in 1651 two disturbers of the worship in Duxbury were fined 20 shillings, then bound to a post two hours in public the next training day, "with a paper on their heads so as may be read." These two were quakers and their offense may have been disputing. But one Abraham Samson in the same town had once been presented for "strikinge and abusinge John Washbourne, in the meeting house on the Lord's day." Evidently there had been tares sown among the good seed in Governor Bradford's colony.

The sober christian sees a very real danger in permitting sin in holy places, or any other place, for that matter. He must needs prevent youthful blunders, for they "procure wrath and judgments of God upon us and our posterity." These fears are written into the laws as reasons for their enactment. Therefore from the persons taking this great risk, if they can give no satisfactory

22. Ibid., IV, Part 1, 347.
23. Records of Plymouth Colony, III, 44.
24. Ibid., I, 107.
explanation of their presence in the tavern, or for sporting in streets and fields, or for some other sab-

bath misdemeanors, the magistrate or commissioner will demand 5 shillings. If this is not paid "corporall"
punishment may be administered, in whatever way the authorities shall determine. The members of the court
are in earnest. They take practical measures immediately, declaring a "solemne day of humiliation for the second
fowerth day of the weeke in the next moneth," that they may entreat the Lord's "favorable presence yett" for his
"poore people & churches" and the "rising generation after us." This is a wise precaution for there are "sad
divisions" in several congregations, with some "bold opposers" of the Lord's ways, unseasonable rains, and
"mortalitie in divers places," incontrovertile evidences of Jehovah's wrath.

Although erring brethren must still be observed, eventually more dangerous heretics appeared in Massa-

cachusetts. These were Quakers and other dissenters. Believing that they were set to carry out the will of God
and sure of their own interpretation of that will, the Puritan rulers expected the Lord to support them. When
Quakers, earthquakes or other disasters came they doubted their own work, believing the Lord was indicating by
these calamities his displeasure and consequent unwilling-

ness to back them up. Immediately they tighten their

25. Records of Massachusetts, IV, 347.
legal machinery.

Any untoward circumstance becomes a portent. Being great Bible students they search for passages to explain whatever happens. The average elder "could quote scripture to his purpose" quite as readily as his ubiquitous and very enterprising devil. Thus some religious significance attaches to almost anything.

Their unreasonable explanations seem wholly satisfactory to the Puritan mind. Those Englishmen who brought settlers to America through mistaken hope of gain, did so by God's providence. The plague that swept off so many Indians, was making way for the settlers, another of the "admirable Acts of Christ." 26 The younger Winthrop once left a testament, a psalm-book, and a "Book of Common Prayer" among some one thousand other books. Mice ate up the prayer-book, disturbing nothing else. 27 This portent powerfully vindicated the Puritan aversion to a sinful relic of papacy. But always, whatever the portent, it must be accepted. Nothing is left but to "be stirred up," "bewail" and "reform." 28 There is never the incongruity of a creature in rebellion against the system that evolved him. It might be mentioned, however, that no system ever evolved a Puritan. He is the express and individual handiwork of a very real and personal, though withal, a very meddlesome God; upon

whom, in turn, is imposed a multiplicity of chores that
the modern would look after himself.

In early New England it was not left to the individ-
ual to maintain his own character, although that was ex-
pected; but the church and state must work together for
the development and coercion of all. No doubt home train-
ing which was emphasized as an agent to develop a sound
commonwealth and prevent lawlessness, along with the
general good judgment and uprightness of the citizenry
would have taken care of much that legislators felt
obliged to assume.

But the worldly-minded seem never completely taken
care of. Again in 1677 they demand attention, for they
are still making a noise in the meeting-house and other-
wise disturbing the sabbath stillness. Cages had been
set up in Boston, as well as in other towns, so ordered
by the general court. Into these offenders were
thrust until such time as the authorities could try them
and pass sentence. A second enactment empowers the
tything man to act ex-officio, to help another tything
man, and to have full authority in another's precinct,
although still keeping special watch in his own district.
The fines were turned over to the county treasurer, but
the tything men were reimbursed from this fund. Later
the reading of the sabbath laws was assigned to the

29. Records of Massachusetts, V, 133.
constable or town clerk, and could be done at some public meeting not necessarily at the church.

At times the sabbath was being profaned by horses and carts on Boston streets, late on Saturday night. To prevent this a selectman or constable was to choose two other "meete persons" to "walk between the fortification and the end of town" until nine o'clock or later. One travelling in or out of any town after sunset must prove the necessity of his errand or be apprehended as a sabbath-breaker. Besides observing the sabbath, this law may have had another purpose. The culprits were likely to be the unorthodox going to forbidden meetings, or the curious whose sound faith was in danger of contamination. Also, Boston was suspicious that her great fire had been caused by some night prowlers, perhaps incendiaries. This enactment would be a precaution against a recurrence of such disaster.

Although the Toleration Act of 1689 forbade the authorities to dictate the doctrine believed by dissenters,

30. Ibid., V, 155.
31. Ibid., V, 241.
32. The laws against travelling were carefully enforced. In 1724 a negro was sent from Boston to Charleston to inform a man of his father's death. As it was after 7 P. M. the messenger must secure a permit before leaving. Sewall Papers, loc. cit., VII., 329.
33. There was a law against setting fires in woods and fields on Saturday afternoon. This was passed in the early period of settlement. Since such fires would not be safe when all were busy with sabbath activities or even away from home. This law was probably a precaution against such fires getting out of hand, although men were expected to use Saturday afternoon for preparation for the next day.
it in no way relieved subjects from sabbath observance
and the colony had a free hand in enforcing this matter.
The first general court after the union of Massachusetts
Bay and Plymouth under the new government reenacts prac-
tically all the former sabbath laws. At this time swim-
mimg is added to the forbidden profanations. The justice
of the peace is made an additional agency for sabbath
enforcement.

To strengthen the hands of enforcement officers the
new law provides that if any person be called upon to
assist the officers and refuses to comply he does so at
his own peril. An officer is required to give oath for
faithful performance of his duty. As an incentive toward
good government, many laws provided a fee for the inform-
er of the offense. This sabbath law grants the informer's
fee as well as the enforcement fee to the officer appre-
hending a sabbath breaker on his own initiative. At this
time an officer was required to carry as a badge of
authority a black staff two feet long tipped with three
inches of brass.

New conditions of life make new regulation necessary.
From the first Massachusetts developed fishing and trad-
ing and eventually became a prosperous and populous col-
ony. The small groups for whom Gov. Bradford and Gov.
Winthrop with their pious associates legislated have

35. Ibid., I, 122.
increased in numbers and are much less homogeneous. The minute control of the earlier day becomes much more difficult. Those "loose vain and corrupt persons" who came from "forrain" parts and those "residing" have multiplied. They enjoy loafing at the wharves, watching the ships as they talk over their weekly employments. Naturally many are of the rougher sort; otherwise at that time in Massachusetts history, they would be at the meeting-house or safely under cover. Of course there is rudeness and disturbance. Likely the illicit dispensers of liquor, who seem so persistent, have added to the unchristian behavior. Repeatedly the wharves necessitate special legislation that this rendezvous may conform to New England decency. All who frequent them are warned to meet the officers of the law.

In 1716, along with other legal provision regarding the Lord's day, we read of especially deep anxiety for children and servants, who are so likely to be led away into wrong doing. Parents and householders are strongly urged to use their influence. With characteristic thoroughness the law provides that parents may be fined for the misconduct of those for whom they are responsible. The earlier laws had stressed the power of the state to administer corrective discipline, but the later ones leave more of the responsibility on the parent. Soolding,

rudeness, and some other minor offenses were not so soon trusted to common decency and good sense.

This law stresses the responsibility of teachers as had earlier enactments. It is demanded that they be fit in character and religion. Because of the teacher's influence it is demanded that he may not teach until his conduct and qualifications have been duly inquired into and certified by proper authorities.  

Many week-day duties, not wrong in themselves, were out of place on the Lord's day. This day was set apart for the soul's refreshing. The only duties outside of mere necessities were religious duties. Work was forbidden from the earliest time. The housewife was admonished to cook only as much as had to be, preparation being made the day before. Even the mind must be free from daily toil. One James Watt, in the Plymouth colony, wrote "a note about common business on the Lord's day att least in the evening somewhat too soon." He was "sharply re-proved" by the civil court.

It was much better if the time spent at home be devoted to religious thought or better religious employments. The zeal of the earlier settlers was extreme in this respect. A visitor in Boston tells us that his host while "turning the spit and getting supper" engaged in religious service. After supper it was continued. "Then

37. Ibid., V, 661.
38. Records of Plymouth Colony, III, 34.
they turned rounde their backs and kneeled on chairs and benches. The prayer was loud enough to be heard three houses off, and long enough if that be any good." 39

The laws would indicate an increasing tendency to work on Sunday. The law of 1716 stresses this sin. Not only does amusement tempt the young and irreligious, although they seem to demand increasing supervision against undue jollity and neglect. Apparently more responsible people, such as would not disturb the peace, are too busy or have grown indifferent. The colonists have become too comfortable and eager for this world's goods. The later generations do not show the fiery spirit of the former time. They have been freed from the persecution that roused the men of Cromwell's time to such devotion and defense of their religion. The martyr-like devotion of 1640 has relaxed, and religion is not so much a fanatic avocation. There had always been provision against secular work. Servile work was most commonly mentioned. A free laborer of the poorer class, or perhaps one but lately an indentured servant, would be tempted to mend his fortunes by an extra day. Perhaps a master none too sound in faith would allow his servants and boundmen to abundantly earn their keep by undue labor on the first day. But in later times more substantial citizens who own shops and warehouses are keeping their

establishments open on holy time. A law in 1727 refers to such persons. Juries are urged to make special investigation of sabbath violation and present offenders. The law states that "many presume to work." The fine for laboring is 10 shillings; that for unlawful travelling is 20 shillings with double penalty for second offenses. One absent from the meeting for a month consecutively, if able-bodied and unjustified by a satisfactory reason, is definitely urged and required to be the care of the grand jury, who must present him to the general court.

By this time evidently there is not much hope of dictating the doctrine one must believe. The offender must pay his 20 shillings for sabbath offenses if he has not attended services somewhere, but he need not go to a congregational church. It has not been possible to prevent the occasional erection of the hated buildings of the unorthodox.

Unlawful travelling, still legislated against, is not so likely the journey of a Quaker ranter to a meeting that proved disturbing to the peace of the government; but travelling at this time is the encroachment of business or recreation upon the Lord's time.

The Puritans seem to rely upon their work for recreation, not deeming mere play quite in keeping with the dignity or serious purposes of those beyond childhood.

40. Records of Massachusetts, II, 58.
years. They inveigh against games and gaming, and are most severe in criticism of such things on the day set apart for considering spiritual matters. Amusements must be kept for another time.

A community function, that might almost be classed as an amusement among the New England people, and that the law forbade on Sunday, was none other than a funeral. A funeral was an affair of pomp and ceremony and considerable extravagance. The most prominent men of the town would be honored, if asked to march in the funeral cortège that attended a man of any consequence to his resting-place. Laws were even passed against extravagance at funerals. But these were not effective. The procession is such a parade that children and servants are caused to congregate in the streets and "walk up and down." This distresses the authorities, if it happens on the sabbath day. The law forbids any funeral on the Lord's day, unless the condition of the body makes it necessary, and then the procession may not pass through the streets until an hour after sunset.

For a long time there was a law that if one were ordered to go from the street, or cease from a forbidden Sunday employment and yet refused to obey an officer, he could be bound over to court; and, if found guilty, must pay a double penalty. As the cities grew officers encountered many strangers walking in the streets, or people

of so "mean and obscure condition" that the officers did not know them. When bound over to court these people did not appear. There developed, also, some misunderstanding as to what laws were still in force. So a general refurbishing of the sabbath law was considered necessary. A very comprehensive statute was passed in 1761, the main part of it remaining until changed eventually by the states.\footnote{This law discussed in the following pages was very comprehensive, its many provisions were supposed to cover all needs. \textit{Acts and Resolves}, V, 415-17.} The sentiment of the earlier legislators still animates their successors. It is still "the duty of all persons to carefully apply themselves publicly and privately to religion and piety" -- Prophanation is highly offensive to Almighty God "and of evil example tending to Grief and disturbance of all religiously disposed." This new law repealed all former religious laws, but reembodied most of the important provisions of former enactments and made a plea for greater effort toward righteous observance. Conditions seemed not to improve, so the law-makers believed. For better enforcement and correction towns were required to appoint suitable numbers of church-wardens. Boston should have twelve, one for each ward. It was hoped that this additional agency for sabbath regulation would be sufficient to complement the forces already provided. All former officers were still required to carry out their former instructions. The wardens were to be put under oath for
faithful performance and a refusal to serve involved a fine of five pounds in some of the towns, but ten pounds in some of the larger ones. A town that failed to appoint church wardens must pay fifty pounds for each neglect; Boston must pay one hundred pounds for such an offense.

The church-wardens had all the powers of former sabbath-guarding officers. They were required to walk the streets at such times as the law-breakers would likely be abroad, except in rain, snow, tempestuous wind, or extreme cold. A warden could stop anyone suspected of breach of the laws "of the Sabbath or Christian Sunday," make inquiry and issue orders. He carried a white wand at least seven feet long. If he demanded assistance from another citizen, the citizen must comply or pay 40 shillings. The law no longer permitted public punishment of children for sabbath offences, but put fines on parents or guardians. To this extent private responsibility is trusted. Transgressors refusing to pay the fines could be imprisoned from five to ten days. The law was to be read at a town or district meeting in March, or the clerk neglecting it must pay twenty shillings.45

The reader would suppose that the sabbath law of 1761 could scarcely have been more complete. Later in

43. Ibid.
44. For the first time the name Sunday is used.
45. Acts and Resolves, 7, 256.
the year, however, another measure gave the officers authority to stop by force a passerby whom they wished to question. The legislators feared the law had not been made sufficiently explicit, if this one phase were overlooked. It was reemphasized that assistance demanded from a citizen must be rendered.

CHAPTER IV

OTHER REGULATIONS
Chapter IV

Other Regulations.

In the early colonies, many days of special prayer, thanksgiving, fast and humiliation were kept. Naturally these were particularly numerous in New England, where they were held in almost the same reverence as the sabbath. All must desist from secular work and betake themselves to the meeting-house. The Dutch traveller mentioned before happened to reach Boston on a day set for fast and prayer occasioned by the illness of a minister. Though a devastating critic of other people's religion, he attended the meeting. We learn that two ministers held forth, the first for two hours, and the next for one hour; then followed prayer and psalms. At the church again in the afternoon, three or four hours were spent in prayers for the sick man, the ministers relieving each other. This writer is given to exaggeration, but his description is in keeping with the times.

One would think the Sundays would provide teaching sufficient. But there were numerous lecture days, especially in the early years. People assembled on week days, usually at the church. Most of the lectures read like long, dry sermons. Some of them, however, were sensible speeches on community interests, but even these, as a rule, were permeated by religious teaching.

1. Colonial Laws of Massachusetts, 45; Records of Plymouth Colony, XI, 255.
Plymouth laws demanded ordinaries be cleared on lecture days, that all might go to meeting unless special conditions would excuse. Evidently all were expected if not compelled to go. Later, when attendance was wholly optional, lecture days were still attended.

Although so strict in observing the days of their own appointment, New England did not readily accept special days appointed by the king or Church of England. These "festivals superstitionisly kept in other countries" were to the great dishonor of God and offense of others. "Christmas was one of these relics of popacy, April Fool's Day another. Puritans had left their "deare native land" to avoid such wickedness. Such days fostered idleness, tempted people to play cards, tipple and so on. One who kept the forbidden days in "forbearing to labor, fasting, or in any other way" paid five shillings for the pleasure. An outright command of the king compelled repeal of this law in 1665, since it was directly "against the Law of England."

After the loss of the charter when more people of Anglican sympathies were present in Boston, such holidays could not be wholly repressed. The older generation was against them, however, and public sentiment diminished their importance. Judge Sewall "dehorted"

4. Records of Massachusetts, IV, 38.
5. Ibid., IV, 212.
two youths from playing idle tricks on April 1st, for
"New England men came hither to avoid anniversary days." November 5th and Christmas fell under his pious wrath. When Queen Anne was proclaimed with special demonstration, he bewailed that the ministers were losing ground. 7

While a royal governor resided in the colony, surrounded by his gay following, many departures from the old ways were tolerated, with what digesting of the spleen, we may imagine. A conservative minister on the day after Christmas in 1724 preached from the text, "It is a mercy we are not consumed." 8 Apparently the Puritan majority did not readily leave the old paths. Our pious judge, frequently mentioned, must chuckle gleefully, recording each Christmas such entries as, "Shops open, carts, sleds, horses come to town as aforetime." 9 The laws on such matters, even when in force, probably were not necessary for the majority. When on the anniversary of the Gunpowder Plot military demonstration was made in Boston, "the people voted against it, and took all proper measures" by keeping in children and servants "to prevent disturbance." 10

7. "How displeasing must it be to God, the giver of our time, to keep anniversary days to play the fool with ourselves and others." Sewall Papers, Massachusetts Historical Society Collections, Series 5, Vol. VIII, 217.
9. Ibid., 346.
The governments in New England were a curious mixture of religion and civil law. The founders seem to see a clear distinction, but both are for the same purpose. Boston's retrospective prophet warns that "pilots do steer the Helme in a godly peaceable Civil Government, also." They must remember the "commission is not onely limited with the commands of the 2nd table, but they are to looke to the Rules of the first also"; that is, duties to God and duties to man. Thus it is not strange that "erroneous or haethrodoxe doctrine may be questioned and judged by a colony court" in the "preservation of peace and truth"; or that ministers are summoned to a civil court "to discuss and declare what is the mind of God revealed in scripture." All churches may deal with their members who are "in the hands of justice, so it be not to retard and hinder the course thereof." In fact, with the young, and with certain other offenders it may be preferable that the church and minister handle misdemeanors. Admonition may restore a wandering brother, or correct some general practice. For instance, the court once refused to take

11. Note also this statement: "Civil authority shall see the peace of Christe be preserved in every church according to his word." Laws of Connecticut, 92.
13. Ibid., 30.
14. Records of Massachusetts, 151. (I)
15. Ibid., IV, 38.
action against extravagant dress until the church had done so.\textsuperscript{17} Not only in early days does this preference exist. In 1790 when civil law was not so closely knit with religious control, the churches of Vermont opine that "church committees should settle law suits without resort to civil courts."\textsuperscript{16} On the other hand all religious matters may be considered in civil courts. One would suppose that when legislators had achieved a solemn stillness, surceased all secular work and unhallowed amusements, dressed the populace according to purse or dignity, sent everyone off to meeting, arranged their conduct while there, and shut the door on them until the blessing should be pronounced, authority must have done full duty.\textsuperscript{19} But at every turn throughout the day the reader meets other civil laws. The building of the church, employment of the minister, his salary and education, to some degree his sermons, and certainly his character were matters for legal enactments.

Even when Sunday was over, the arm of the church must be stretched out, at behest of civil authority, to

\begin{itemize}
\item[17.] An ecclesiastical offense should "not too suddenly" be brought to civil courts. Decision is supported by sixteen scripture references. \textit{Records of Mass.}, I, 274, 144.
\item[18.] \textit{Itineraries of Ezra Stiles}, 413.
\item[19.] \textit{Colonial Laws of Massachusetts}, 234, P 33 and 6; also \textit{Ibid.}, 43, 44, 45, 46, 287.
\item[20.] \textit{Records of Plymouth Colony}, XI, 142, 24, 247; \textit{Acts and Resolves}, IV, 65.; \textit{Colonial Laws of Massachusetts}, 43.
\end{itemize}
direct parishioners in exemplifying the week-day virtues that the sermon had endeavored to instill.

Under this dual control we find the civil law concerned with small matters, guarding against infectious sheep as well as doctrinal wolves. The Puritan aimed at abstract holiness, a religious piety, more than a moral philosophy; but the law essayed to cultivate practical, homely virtues as well: honesty, sobriety, industry, sexual purity, dignity, orderliness, and above all, respect for law.\textsuperscript{21}

Respect for law included respect for church and minister. It was not all religious bigotry that would demand this. Magistrate and minister are alike protected. The same laws against defamation apply to both. The comparative frequency of defamation cases in Plymouth and Massachusetts records indicates the importance of respect for these agencies of good citizenship. The power of the law and spiritual influence should not be weakened even by humorous language. If one should thus offend, his extreme penalty could be twenty pounds or standing in the pillory as long as judges saw fit, with the offense in capital letters over his head. Such laws were in force throughout the colonial period.\textsuperscript{22}

\textsuperscript{21}. The space devoted to these laws in any of the New England colonial records would indicate the effort put forth to develop these virtues. 
\textsuperscript{22}. Colonial Laws of Massachusetts, 36, 6; 21, 2; 6, 1-7; Records of Plymouth Colony, XI, 57, 97, 176 and many others.
Puritan laws carefully looked after, but did not cater to the common man. At least this was true in earlier times, tho the common man as we know, could raise himself in the social scale by hard work and approved living. The solid few must use judgment for the many, and these few felt their responsibility. The leaders of the first colonists were men of standing and had the pride of their caste. On his way to America Gov. Winthrop had a man "laid in bolts" until he realized his place, after a contemptuous speech "in our presence." 23 About a century later our Boston Judge and elder thinks, "'Tis an affliction to be charged with Insincerity and Slackness in executing wholesome Laws." Nor does he shirk; but as an elder, at eleven o'clock at night, sets out to inspect the order of the town, "along with the constable and others. On his tour he dissipated" players found in a tavern and reproved the keeper. One miscreant put on a hat in presence of the elder. Such lack of respect was not permitted. Ordered to remove the hat, 24 the fellow obeyed. Apparently he acknowledged the propriety of this demand. The worthy elder is repeatedly "dehorting" both his family and many others who seem to need such help. Many legal provisions bespeak this respect for the higher classes. Certain dignitaries have

exemption from certain taxes, precedence on ferries, and so on. 25 No gentleman of quality might be whipped unless his crime should be "especially shameful," or his course of life "vicious and profligate." 26 The Plymouth laws modified penalties "according to the nature and qualities of the person." 27 Elegant or expensive dress should be tolerated only among those of certain standing. 28 There must be equality of rights in men of equal caste, but caste must be considered.

The respect given magistrate and minister was in lesser degree given the school-master. An extreme instance of this bolstering up authority may be seen in the case of one Mr. Eaton. In a fit of temper this teacher had beaten a servant almost to insensibility. Some of the authorities were of the opinion that the teacher should not be punished, as it might weaken his authority. 29 Although he was punished, such a consideration, even entertained, shows the extreme tendency to defend agencies of public control.

A surprising method of restraining sin by the church

26. The Body of Liberties (Connecticut), Old South Leaflets, VII, 267, No. 43.
28. "This restraint (of dress) shall not be upon a magistrate or public officer, or his wife & children," who are left to their "own discretion," or a military officer or soldier in service, or any "whose education or employment have been above the ordinary degree, or whose estate have been considerable though now decayed." Records of Massachusetts, I, 275.
and minister is found occasionally in the public admonishing and public humiliation of offenders. They were sometimes required to confess sins in the presence of the congregation, or to stand before the congregation wearing some mark of their offense. This method was used in sexual offenses that seem to the present generation both cruel and all out of harmony with the spirit of public worship. The mother of an illegitimate child in a Maine settlement was sentenced to stand three successive Sundays in "Publique Meeting" wrapped in a white sheet. Her father mercifully paid her fine and saved her from this penalty. This was in a crude ignorant community, but in Boston churches confessions, if not such penalties, were common at a later date. One having lost a wife confesses his sin before the congregation; that he had been proud to sit with her in the fore-seat; and in humiliation he retire to a less honorable pew.

A Connecticut church voted in 1728 that all baptized persons have a right to hear scandals publicly confessed, and must be duly notified. Surely Dame Rumor would hie her to the meeting without help of a tything man. Early accounts of such methods of control impress one as wholly lacking in common decency, and resulting from inexcusable prying into private affairs. Later they are

30. Records of Massachusetts, I, 333.
32. Itineraries of Ezra Stiles, 261.
often amusing and, quite meddlesome, but of a character
that might tend in some degree to smooth out neighbor-
hood difficulties, although of small legal concern.

Since the church was a public benefit, it was built
and supported at public expense, although private con-
tributions could be added. In this New England was
not an exception. It was the accepted custom of the
times. Laws were passed, however, allowing men to con-
tribute to and attend churches of their choice, not
necessarily the established church.

33. A common penalty was the wearing of a letter, or
even branding a letter on face or forehead, such as A
for adultery, B for bawd and the one so sentenced would
suffer a public whipping if caught not wearing the badge
Colonial Laws of Massachusetts, 206.
34. Records of Massachusetts, V, 179; Henning, Statutes,
IV, 306.
CHAPTER V

CONCLUSION
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Conclusion

That religious legislation in colonial New England was narrow and pitifully severe, can not be denied. Perhaps, however, New England would suffer less censure, if compared with other governments of the time. We must remember that almost a generation after the first settlers had landed in Plymouth, the Peace of Westphalia granted a dissenter little more than liberty to leave his prince's domain. Revocation of the Edict of Nantes denied liberty of belief to the Huguenots sixty years after Boston was founded. Religious laws of England furnished her colonies a stern example. 1

The earlier codes of New York and Virginia smack of Mosaic severity, even as do the Body of Liberties, and the Fundamental Orders of Connecticut. 2 Many regulations, laughed at, or shuddered at in New England, are matched in other colonies by laws on the same subjects and quite as "blue." 3

1. "The severity of the English criminal code and the authority of the Bible helped to justify the Puritan theory of punishment." Jernegan, The American Colonies, 192
To mention but a few of these, Maryland could fine a blasphemer twenty pounds after boring through his tongue, burn a B into his forehead for a second offense, and permit death without clergy for a third.\footnote{The Archives of Maryland, Chap. 16, 1723.} Twice a year New York church-wardens were to proclaim publicly the "abominable sins" of their fellow members.\footnote{Ibid.} The duties of a Virginia church-warden match quite well those of a New England tything-man.\footnote{The Colonial Laws of New York, VI, 24; cf. Henning, Statutes, II, 52; Records of Mass., V, 241.} Virginia would send a "babbling woman" to the ducking stool, if her "poore husband" refused tobacco for her fine.\footnote{Henning Statutes, II, 166; cf. Laws of the Commonwealth of Pennsylvania, XLIV, 22.} Pennsylvania provided the death penalty for witchcraft, imitating an English law of the time of James I.\footnote{Ibid.} Many other such enactments could be cited.

Nevertheless, although regulations of such character existed, we read of no very careful enforcement in other than New England colonies. In the first place, as Governor Winthrop said of Virginia, in most of the colonies, "the maine end was Carnall not Religious."\footnote{Winthrop's Journal, I, 47.} The purpose of the Puritan colonies was religious, so the stress was there. Also, New York and the southern colonies complained of scarcity and unfitness of ministers, while New England was well supplied as to both number and

\footnote{Henning, Statutes, II, 517; Ecclesiastical Records of New York, I, 254.}
quality. 11 Natural conditions held the northern colonies in compact settlements, which favored concerted community action. In the south distance was a powerful factor. Although not every parish was so extensive, one preacher's charge, we are told, contained five precincts, each bounded by two rivers along whose banks all the settlements were placed, at intervals of twenty miles. It was reckoned that ten or twelve weeks would be necessary to complete the rounds; neither were the parishioners any too eager to lighten the difficulty. 12 Whatever the laws, or the inclination, how could even a Puritan shepherd have attended every bleat and side-stepping of this scattered flock. The cosmopolitan population of the middle colonies would naturally be forced to a workable tolerance of each other's differences, and probably develop some charity as well. 13

But the most potent factor in personal regulation among the Puritans was religious like-mindedness and homogeneity of race. Of course this was continued by strenuous exclusion. It has been thus expressed, "They desired unity and strength and hence sacrificed for these

13. A German in Philadelphia writes in 1664: "In my household I have those who hold to the Roman, to the Lutheran, to the Calvanistic, to the Anabaptist, and to the Anglican Church, and only one Quaker." Narratives of Early Pennsylvania, 396.
ideals, religious freedom and democracy. 14

Reading no records but the laws alone might give
the impression that the New England populace was con-
stantly uneasy if not in actual terror of religious
tyanny. The conclusion is scarcely justified. An ex-
amination of the entries under "crimes" in "The Records
of Plymouth Colony" from 1633 to 1692 reveals compara-
tively few different persons concerned and fewer families;
especially true of the religious actions. The last
named comprise more than ten per cent of the total en-
tries, but are outnumbered, by more than half, by both
liquor and thieving entries. A very large majority of
the religious actions have to do with Quakers, and a
part of the non-Quaker offenders in such offenses are
evidently of a lawless character in general conduct. 15

Although the authorities would likely be more observant
of dissenters, they would not overlook other recreants.
One might conclude that in this group of settlers the
main body of the people did not require coercion in such
matters. This would appear to be true of other groups.

Respect and love for the minister and apparent
ready cooperation in enforcement appear common in the
colonial documents. Religious enthusiasm would provide
a motive. We read that at one time such enthusiasm

15. See entries under "Crimes," The Records of Plymouth
Colony, Vols., III and IV.
existed in the Boston neighborhood that many, especially "weak bodies," were injuring their health by attending so many meetings in cold weather. The authorities urged earlier hours and limited the number of meetings by law. 16

The literature advertised in New England newspapers suggest an extravagant interest in ethical and religious writings. It is not difficult to believe that the strict discipline of Puritan officials met with general approval. If one may judge from the literature produced in New England during the nineteenth century, the same acceptance of religious conditions continued. These writings indicate that surely something in the background had developed in New England ideals and character a decidedly ethical and spiritual quality. 18

17. Speller -- (showing how to read the Bible); The Great Concern (a preparation for death); The Call of Christ unto Thirsty Sinners; A Guide to Eternal Glory. Boston News Letter, Aug. 21, 1704.
Invisible Realities -- A Token for Children ("exact account" of "Conversion, Holy and Exemplary Lives and Joyful deaths of Several Young Children." Examples of children in whom the fear of God was remarkably budding before they died.); Seven Sermons (on the unpardonable sin); The Best Friend Standing at the Door. Ibid., Aug., 5, 1706. These are a part of the writings listed for sale. American Historical Digest of the Colonial Press, Vol. I, Page 119.
18. The writings of John Adams and Abigail Adams are permeated by respect for and enjoyment of the accepted standards of religion and morals at the close of the colonial period. They also show, however, much greater respect for other standards, and an easing up of Puritan austerity.
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