

avowedly to the business of the citizen, rather than to the needs of government, is a menace to free institutions.

LAND HISTORY OF THE AMERICAN COLONIES.

· IN SIX CHAPTERS.

(For the Review.)

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CHAPTER III.

MASSACHUSETTS.

In the study of the founding of the American colonies, it is well to know that according to Blackstone, (I, Vol. I, p. 107) there were three sorts of governments granted by the mother country.

The first were chartered as civil corporations with the power of making by-laws for their own interior regulation not contrary to the laws of England; and with such rights and authorities as are specially given them in their several charters of Incorporation. To this class belong Virginia and the New England colonies.

Then followed a series of proprietary grants by the Crown to individuals of feudatory principalities with all the inferior regalities and subordinate power of legislation which formerly belonged to owners of Counties Palatine; yet with these express conditions, that the ends for which the grants were made be substantially pursued, and that nothing be attempted which might derogate from the sovereignty of the mother country. Such were, first, Carolina, then Pennsylvania, Maryland, Maine and New Hampshire.

The third were Royal Provinces which depended for a government upon the respective commissions issued by the Crown to the Governors and the instructions which usually accompanied their commissions; under the authority of which provincial assemblies were constituted with the power of making local ordinances not repugnant to the laws of England. Under this form all the colonies, except Pennsylvania, finally came before the Revolution.

In addressing ourselves to the land history of the New England colonies, especially Massachusetts, we are confronted by a system of government so radically different from that of Virginia, that it rouses a deep interest to know why such varying charters were granted by the same sovereign authority. Let us see how it was accomplished. History is made by people. As the people think and act, so is history moulded. Naturally one would think that we should begin by relating what the Pilgrim Fathers did in the way of forming a progressive government. But while the pathetic story of their landing at Plymouth Rock in 1620, their sufferings from the rigors of an inhospitable

region for the sake of liberty of conscience and labor, is and always will be of commanding interest to every freedom-loving American, still from the fact that their communistic use of the land lasted but five years and was replaced by the Puritan system, it centers our attention upon the latter system, which had its beginning with the Salem settlement under Endicott. To understand the wisdom of their democratic institutions, their wise land tenures, their social solidarity, and the ruling incentive that caused the dissemination of their system all over Massachusetts, Connecticut, Rhode Island, and northward into parts of New Hampshire and Maine, we must inquire into the history of the Puritans while in England. Puritanism was the evolutionary outgrowth of a developing democracy. "All mediæval institutions tended to aristocracy and monopoly." As man became more and more enlightened he began to see that the monopoly all about him not only enslaved his labor but also deprived him of his liberty of conscience. Gradually and laboriously the masses had fought their way up through the labyrinth of enthralling forces till by the time of Charles I aristocratic rule and religious intolerance had reached the twilight zone which preceded a tide of republicanism that was about to overwhelm many cherished institutions. Divine right was to receive a staggering blow and the despotism of the royal power was to be shattered.

Just twenty years before Charles I was beheaded, the Puritans of England, who believed that "in a well-ordered community the godly ought to rule," and that none should be given a vote in civic affairs but members of the church, were planning to found a commonwealth in the wilderness of the New World which would harmonize with their interpretation of the scriptures. The execution of such a project was far from easy. They must possess land upon which to found their state. How to get it and not divulge their true designs to the King's advisors, was the difficulty. Their designs were not only unlawful but would have been highly offensive to the King. They, too, were too feeble to exist without the protection of the mother country; therefore it was necessary to secure for themselves the rights of English subjects, and to throw some semblance at least of the sanction of law over the organization of their new state. Accordingly a patent was obtained from the Crown by which twenty-five persons were incorporated under the name of Company of Massachusetts Bay, "whose only lawful business was to engage in American trade." To enable them to act effectively, a tract of land in New England, between the Merrimack and Charles rivers, was conveyed to them. Within this territory they were authorized to establish their plantations and forts and defend them against attack. They were given "powers to make laws and ordinances for settling the government and magistracy of their plantation." According to Brooks Adams, "Nothing can be imagined more ill-suited to serve as the organic law of a new commonwealth than this instrument. No provision was made for superior or probate courts, for a representative assembly, for the incorporation of counties or towns, for police or taxation. Hardly a step could be taken toward founding a territorial government based upon popular suffrage without working a forfeiture of the charter by abuse of the franchise."

The colonists, however, construed the charter to suit their own purposes, and having the copy of the charter removed across the Atlantic, felt secure from molestation by the Crown. They acted also independently of the charter and formulated a government with the "supreme power vested in the General Court, a legislature composed of two houses, the magistrates and the deputies." The Governor, deputy governor and assistants were elected by a general vote, and each town sent two deputies to Boston the capital. The General Court had the disposal of all public lands and appointed the "undertakers" in each town to subdivide and apportion the various kinds of lands among the members of each town.

To better comprehend the method of division of the lands we must realize the composition of society at that time. The seventeenth century was intensely aristocratic. With all their exactness and petty scrupulousness regarding dress, size and kind of dwellings and Sabbath observance, the Puritans clung to the idea that society must be composed of classes. "The inhabitants of New England were divided into three classes, the commonality, the gentry, and the clergy. Little need be said of the first except that they were a brave and determined race; they were intelligent and would endure no injustice or oppression; they were energetic and shrewd."

The gentry had in the community the influence that comes from wealth and education, and they received the deference paid to birth. They monopolized the chief offices, and were not sentenced by the courts to degrading punishments. But there was no legal distinctions between them and the common people.

The real substance of influence and power lay with the clergy. In the organization of the church-towns as the social and political unit, it was enacted in 1631 "that for time to come no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches within the same." No one could be a voter who was not a communicant; therefore the town meeting was in fact nothing but the church meeting. "By this insidious law the clergy held the temporal power which they did not lose till the charter fell" and Massachusetts became a Royal Province. The minister stood at the head of the congregation and moulded it to suit the purposes of his will. Therefore, the influence of the ministry was overwhelming. Being without the newspaper the clergy were the chief means of reaching the voters by preaching several times a week the most effective political harangues. They were solemnly consulted by the government on every important question that arose and their counsel was rarely disregarded."

It is often said that the motive that lead these people to emigrate to America was to avoid religious persecutions. While that was one of the reasons, Weeden in his unbiased history of New England, says that "the majority of these men and women were farmers and left home and braved the terrors of sea and wilderness to better their condition economically as well as socially." They came as much to form a state that would guarantee to everyone an equal opportunity in the employment of his labor and the full

product of that labor. This is proven by the method of allotting their lands.

After passing through a year or more in preliminary settlement, making a substantial provision of food and sawing lumber in quantity, they began their first town settlement on a plan of their own making. To study this plan—"the admirable economic land tenure which shaped the early towns"—it is best to take Charlestown as an example. In 1641 the General Court granted a tract of land to Charlestown, and the town delegated its powers to seven persons. These persons laid out the village in the best order to attain two objects; first, the tillage and culture of the soil; second, the maintenance of a civil and religious society. About sixty families were selected whom they considered worthy to be church members and hold the responsibilities of citizenship. "They did not refuse men for their poverty, but in some cases helped them to build houses." The more well-to-do received lots nearest the "place for Sabbath assembly," the larger tracts on the outskirts to be used for cultivation of crops. The poorest had, besides their town lot, six or seven acres of meadow and twenty-five or thereabouts of upland. All these lots and farm lands were allotted by the seven select men and no money was paid for them. The weak point in their plan was the right given to sell allotments, though in many towns no one could sell without the consent of the community. "In almost all cases the towns kept the most jealous control over the right of any new person entering the corporation. Dorchester in 1634 enacted that "no man within the plantation shall sell his house or lot to any man outside the plantation whom they shall dislike." At Warwick, R. I., in 1642, "lots must be built upon within six months or they revert to the town." In Hadley in 1659, none could own land until after three years occupation, nor sell it without the approval of the town. In 1640 Boston would not allow anyone to come into the town who could not get a house or build one. Providence, R. I., did not allow a proprietor to sell his lot to anyone without the consent of the town. Lancaster, Mass., in 1653, gave lots equally to the rich and poor, "partly to keep the town from scattering too far, and partly out of charity and respect to men of meaner estate."

With all this attempt to keep down land monopoly and a consequent degeneration of the body politic, the inevitable occurred, though it required nearly a century and a half for the money made in commerce to gravitate to land holding and land speculation. Cod-fishing, ship-building, privateering, coastwise trade, making rum and carrying it to Africa and returning with cargoes of negro slaves, all helped to pour wealth into Boston, Providence, Newport, Salem and other coast towns. With a poor system of taxation and the opportunity of selling their lands, these sources of wealth played havoc with the small peasant farms which these liberty-loving people had planned should last for all time. As proof of this we have but to quote the historical evidence. "About 1726, there was a marked movement in the older towns, like Boston and Salem, on the part of individuals to buy wild lands in the new settlements and in the commons of the old." This occurred, however, over a

century after the first settlement, showing that the scrutiny of these state-makers over the sales of land prevented its more rapid concentration into the hands of the few. Within seventeen years after the first settlement in Virginia, a landed aristocracy came into existence.

To see more clearly the beneficial effects of the Puritan division of lands in small lots to all comers without regard to social standing or prestige of wealth, and the check upon its sale, we must enter into a consideration of some of the details of the system. In many of the town settlements there seemed to be a demand for more land than that which was allotted to families. Some allotments were too poor to grow sufficient crops, and newcomers often could not find allotments to occupy. Therefore, to provide for all contingencies, the Court granted a tract of land of two or three hundred acres near the settlement to be assigned by a chosen committee to those needing extra land; this was worked by joint tillage. Married men as a rule got twelve acres, and unmarried eight. Persons taking these lands to use did not own them; they simply had the use of them as long as they remained a part of the community. When they moved out or died, their portion was assigned to others who might be voted into the settlement. Woodland was assigned in the same way. Pasturing was done in common.

But our profound admiration for the honest efforts these forefathers made to establish justice and equality among men, shall be reserved for their method of disposing of the frontier. Whatever else may be said in ridicule of their "Blue Laws," their treatment of new settlers was surely ideal in justice and as warmly altruistic and fraternal as the Sermon on the Mount. All comers were treated as being born "free and equal" to the use of the earth; giving to us a living example of the real application of that broad Nazarene Brotherhood among men that found expression later in the Declaration of Independence.

Their plan was simple and natural. As a town grew to the size of a good church congregation, new-comers were aided in forming new settlements just beyond the bounds of the old. These new towns in their turn formed still others beyond their limits; thus extending the process of community-building as population increased. Up to the time of the Revolution, their towns reached beyond the Connecticut river westward in Massachusetts, and all over Connecticut and Rhode Island and parts of New Hampshire and Maine. "The process of forming new towns by planting colonies on the frontier, much like the early Romans, in no wise changed after a century of growth. New and well-ordered communities, strong in a common purpose, rich in inherited thrift, sprang ready armed from the old bodies politic." These people had witnessed in the mother country the operation of the universal aristocratic land system and the beggars, thieves and vagabonds it had produced, and they were determined that no lordships should get a foothold upon their soil. As Weeden says: in his *Economic and Social History of New England*: "New England was made, not by lordships, but by parcelling the land so that a communal interest and an individual personal proprietorship could work together in constant harmony."

(This Chapter to be Continued.)