

UC-NRLF



\$B 49 742

LIBRARY
OF THE
UNIVERSITY OF CALIFORNIA.

RECEIVED BY EXCHANGE

Class



14 DAY USE
RETURN TO DESK FROM WHICH BORROWED

LOAN DEPT.

This book is due on the last date stamped below, or on the date to which renewed.
Renewed books are subject to immediate recall

RETURN TO →

CIRCULATION DEPARTMENT
202 Main Library

| | | |
|----------------------------------|---|---|
| LOAN PERIOD 1 HOME USE | 2 | 3 |
| 4 | 5 | 6 |

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS
1-month loans may be renewed by calling 642-3405
6-month loans may be recharged by bringing books to Circulation Desk
Renewals and recharges may be made 4 days prior to due date

DUE AS STAMPED BELOW

| | | |
|------------------------------|--|--|
| | | |
| <u>REC. CIRC.</u> MAY 3 1977 | | |
| FEB 1 1978 | | |
| REC'D CIRC DEPT FEB 25 | | |
| JUL 05 1989 | | |
| | | |
| OCT 24 1989 | | |
| | | |
| | | |
| | | |



EARLY NEW ENGLAND TOWNS

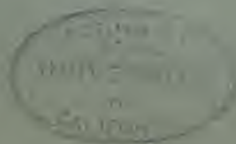
A COMPARATIVE STUDY OF THEIR DEVELOPMENT

BY

ANNE BUSH MACLEAR, A. M.

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY

1908

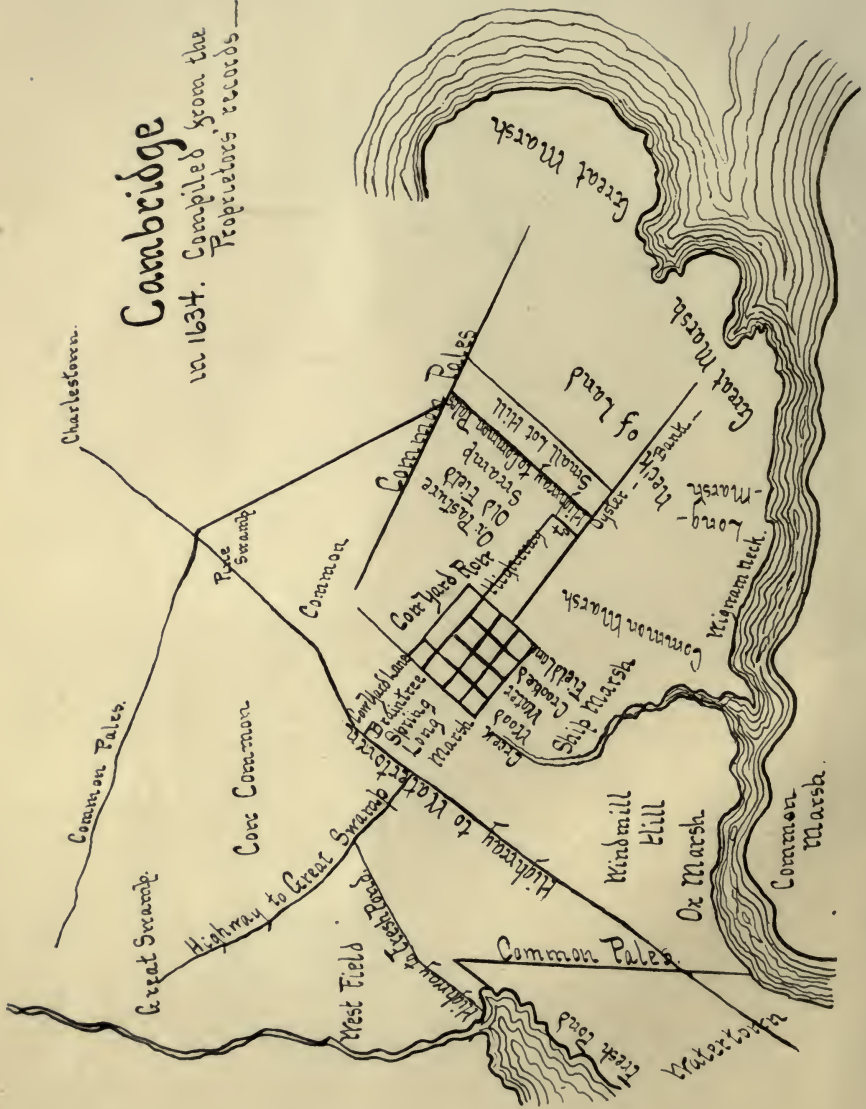






Cambridge

in 1634. Compiled from the
Proprietors records —



EARLY NEW ENGLAND TOWNS

A COMPARATIVE STUDY OF THEIR DEVELOPMENT

BY

ANNE BUSH MACLEAR, A. M.

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
FACULTY OF POLITICAL SCIENCE
COLUMBIA UNIVERSITY



1908

JS315
.M4M3

COPYRIGHT, 1908
BY
ANNE BUSH MACLEAR

Dedicated to
MY FATHER AND MOTHER
WHOSE CONSTANT ENCOURAGEMENT ENABLED ME
TO COMPLETE MY WORK

188866



PREFACE

THE purpose of this work is to give in some detail an account of the institutional life of a Massachusetts town of the seventeenth century by means of a comparison of the institutions of five of the earliest of these towns,—Salem, Dorchester, Watertown, Roxbury and Cambridge.

To accomplish this, it was found necessary to omit many of the more picturesque features connected with the settlement and early years of these towns and to confine this investigation to the institutions and to their development during the century. This was the more easily done since the former phase of town history has been so well treated already that it seems impossible to improve upon the accounts we now have.

No attempt is made here to reproduce exactly the spelling, form of expression or punctuation of the records quoted. In many cases these are almost unintelligible, and in all instances they are so difficult to decipher that it does not seem wise to demand from the reader the effort necessary to read them.

I wish to thank Dr. Herbert L. Osgood, of Columbia University for his many kindnesses to me during the years I studied with him, and, also, for his valuable suggestions in regard to this work.

ANNE BUSH MACLEAR.

NEW YORK, *March, 1908.*

CONTENTS

CHAPTER I

THE TOWN AS A WHOLE

PAGE

| | |
|---|----|
| Definition of an early New England town | 13 |
| Settlement of Salem, Dorchester, Watertown, Roxbury and Cambridge | 16 |
| Control of General Court over the towns | 20 |
| Additional land grants made to the towns | 26 |
| Formation of new towns from the original ones | 28 |
| The settlement of these towns typical group settlements | 33 |
| Representation of the towns in the General Court | 38 |
| Extinguishing of Indian titles | 40 |

CHAPTER II

TOWN COURTS

| | |
|---|----|
| Control of the General Court over the local courts | 44 |
| The formation of inferior courts | 45 |
| The law of the colony | 46 |
| The meeting of the selectmen a police court | 47 |
| The commissioner of small causes | 49 |
| The clerk of the writs | 51 |
| The jury | 51 |
| The method of adjusting difficulties between inhabitants of different towns | 53 |

CHAPTER III

TOWN FINANCES

| | |
|---|----|
| Method of raising money needed by the town | 55 |
| The town rate | 57 |
| Increased power of selectmen over town finances | 58 |
| Definition of "town rate" | 60 |
| Method of determining value of taxable property | 61 |

| | PAGE |
|--|------|
| Exemption from paying rate | 62 |
| Method of taking invoices | 63 |
| Taxation of trades and other occupations | 66 |
| Method of collecting rates | 68 |
| The constables and their duties | 69 |
| Payment in kind | 72 |
| The colony rate | 74 |
| The county rate | 78 |

CHAPTER IV

TOWN LANDS

| | |
|--|-----|
| Method of assigning land | 81 |
| The home lots | 81 |
| Division of arable and meadow lands | 82 |
| Illustrations from Salem, Watertown, Dorchester, Roxbury and Cambridge | 83 |
| Common fields | 87 |
| Stinted pasturage | 92 |
| Town commons | 93 |
| Conditions attached to grants made from the land common to all the town | 94 |
| Commonage of wood | 95 |
| Common herds | 96 |
| Highways | 98 |
| Classes of inhabitants based upon ownership of land | 101 |

CHAPTER V

TOWN GOVERNMENT

| | |
|---|-----|
| The town meeting | 106 |
| Different classes of town meetings | 114 |
| The selectmen | 116 |
| Supervision of the selectmen by the town | 117 |
| Payment of the selectmen | 125 |
| Constables | 126 |
| Minor town officials | 129 |
| Methods of publishing town orders | 131 |
| Admission of new inhabitants | 132 |
| Town regulations | 135 |
| Care of the town for welfare of its inhabitants | 136 |

CHAPTER VI

PAGE

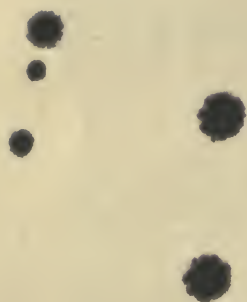
THE CHURCH

| | |
|---|-----|
| Importance of church..... | 137 |
| Agreements made by the company with ministers | 138 |
| Method of organizing a church | 139 |
| The pastor and the teacher..... | 142 |
| Control exercised over the churches..... | 143 |
| Method of choosing a minister..... | 145 |
| The meeting-house | 153 |
| Assignment of pews | 156 |
| Importance of minister | 157 |
| Religious instruction..... | 158 |

CHAPTER VII

THE SCHOOLS

| | |
|--|-----|
| Importance of schools | 161 |
| Meaning of "free" schools..... | 162 |
| Payment of the teacher..... | 162 |
| Methods of supporting schools | 164 |
| Management of school matters..... | 168 |
| Curriculum of the schools..... | 174 |
| Instructions to the schoolmaster of Dorchester | 174 |
| Length of the school session | 177 |
| The school-house..... | 178 |
| Salary of the schoolmaster..... | 179 |
| Town supervision of education | 180 |



CHAPTER I

THE TOWN IN GENERAL

THE New England town of the seventeenth century was a village community settled for purposes of good neighborhood and defense. Its most characteristic features resulted from the topography of the country, and from the ideas of the nature of a town which the colonists brought from England. Forced by the geographical features of New England and by the necessity of protection, the colonists, already acquainted, settled in groups, and at once began organizing their settlements in accordance with the type familiar to them—the old English manor. Between this and the New England town many analogies may be drawn, showing the Germanic origin, not only of the government with its democratic features, but of the form of settlement—a compact town with outlying fields—and of the land system, with “the houses and home lots fenced in and owned in severalty, with common fields outside the town, and with a surrounding track of absolutely common and undivided land used for pasturage and woodland under communal regulations.”

The initiative in founding a town was usually taken by the General Court. It fixed the boundaries of the town and gave the land within these bounds “to men of good repute” upon condition that within two years “they should erect houses for habitation thereon and go on to make a town there.”¹ In 1635, the court decreed that “the maior part” of

¹ Edward Johnson, *Wonder Working Providence*, p. 176.

the magistrates should have power from time to time to dispose of the "sitting down of men" in any new plantation and that none should go without leave from them;¹ and, that same year, it was ordered in accordance with this law, that there should be a "Plantation set about two miles above the falls of Charles River, on the north east side thereof, to have ground lying to it on both sides the river, both upland & meadow to be laid out hereafter as the court should appoint."² Another example of this method of founding a town is given in the records of the court for 1688. Then several petitioners were granted liberty "to begin a plantation at Winnacunnet," several men being appointed "to assist in setting out the place of the town" and in proportioning the "several quantity" of land to each man.³ The men to whom the land had been granted by the General Court had, in their turn, power "to give and grant out lands to any persons who were willing to take up town dwellings within these precincts and to be admitted to all the common privileges of the town" the said town giving them "such a supply of meadow and upland as they shall need for their present and future stock of cattle."⁴

The majority of the early towns of the seventeenth century passed through two stages of development,—that of a plantation begun by the express permission of the court, and that of a self-governing town. While in the plantation stage, the towns were more or less under the supervision of the General Court which directed the laying-out of their lots, and, in extreme cases when the requirements of the grant were not being fulfilled, took the direct control of the plantation into its own hands. In 1638, for example,

¹ *Mass. Col. Rec.*, vol. 1, p. 167.

² *Ibid.*, vol. 1, p. 156.

³ *Mass. Col. Rec.*, vol. 1, p. 236.

⁴ *Wonder Working Providence*, p. 176.

permission was given by the General Court to several petitioners to settle a plantation at Winnacunnet;¹ in 1642, to settle one at Nantasket;² and in 1645, "upon the petition of the undertakers for the plantation at Nashaway," the court agreed that any three out of five men who were mentioned in the order by name should have "power to set out lots to all ye planters provided that they set not their houses too far asunder . . . and that no man shall have his land confirmed to him before he hath taken the oath of fidelity before some magistrate."³ As the grantees in this case did nothing about laying out the plantation, the court took the matter into its own hands deciding that it would look after "ye placing and ordring of it" until other men who would do it could be found.⁴ At another time permission was given by the General Court to twelve men to start a plantation of ten miles square forty or fifty miles west of Springfield, if they would do it in eighteen months.⁵

The change from a plantation to a self-governing town was made by authority of the Court, a change of name usually accompanying the change of status. In 1639, the plantation Winnacunnet was allowed to become a town with "power to chose a constable & other officers & to make orders for the well ordering of their town, & to send a deputy to the Court." Three men were appointed to act as commissioners of small causes for that year and the laying-out of land was left to those "expressed in the former order."⁶ In 1653, the Nashaway plantation was allowed to change its name to West Town, and the court ordered "that the new plantation by Concord shalbe called Sud-

¹ *Mass. Col. Rec.*, vol. 1, p. 259.

² *Ibid.*, vol. 2, p. 5.

³ *Ibid.*, vol. 2, p. 212.

⁴ *Ibid.*, vol. 3, p. 302.

⁵ *Ibid.*, vol. 4, pt. 1, p. 374.

⁶ *Ibid.*, vol. 1, p. 259; vol. 3, p. 302.

berry; Winnacunnet shalbee called Hampton; the other plantation beyond Merimack Shalbee called Colchester—” afterward Salsbery.¹

— Though the statements in the paragraph above are true of the majority of the Massachusetts towns in the seventeenth century, they do not apply to the original towns within the jurisdiction of that colony, among which were Dorchester, Cambridge, Salem, Roxbury, and Watertown—the towns which form the basis of this study. These were founded without any supervision from the General Court, and were never plantations in the sense that the latter towns were, though one of them, Salem, passed through a plantation stage.

Indeed, the settlement of these five towns—Dorchester, Watertown, Cambridge, Salem, and Roxbury—was totally unlike that of the typical Massachusetts town.²

The settlement of Salem was entirely unique, for no other town in the colony passed through so many phases as did this the first town within the Massachusetts borders. Beginning as a fishing station on Cape Ann, and, upon the failure of those interested in its success, removing to its present location, it became a plantation of the newly organized Massachusetts Bay Company. For the two succeeding years—1628-30—Salem was a plantation of the early proprietary type—like Virginia under the London Company—the joint proprietors of which were the patentees of the Massachusetts Bay Company. During these years, Cradock, the president of the company, speaks of it again and again as “our Plantation.” On April 17, 1629, for in-

¹ *Mass. Col. Rec.*, vol. 1, p. 271; vol. 1, p. 305.

² For the history of the settlement of these towns, see *Essex Institute Collections*; vol. 34 of *Reports of Boston Record Commissioners*; Paige, *History of Cambridge*; Felt, *Annals of Salem*; *Memorial History of Boston*; Henry Bond, *History of Watertown*.

stance, he says that "we have ordered the government there to consist of thirteen persons among whom we are content that the old planters within our Plantation shall chose two;"¹ at another time, he speaks of his aim in "settling the plantation;" and, in sending Endicott to America in 1629, the company informed him that he was elected "Governor in our plantation."² The next phase in the development of Salem was introduced by the removal of the Massachusetts Bay Company to America. The arrival of Winthrop, Dudley, the assistants, and the majority of the company changed the settlement from a plantation owned and governed by people at a distance into a corporate colony, while the subsequent dispersion of the members of the company and the formation of other settlements made Salem only one of the many towns within the bounds of the colony.

While Watertown, Roxbury, Dorchester, and Cambridge do not show in their manner of settlement the unique features of Salem they, too, differ in their origin from the typical Massachusetts town. Watertown, Roxbury, and Dorchester were among the first towns settled by those members of the company who came over with Winthrop. They were founded simultaneously, under the pressure of necessity, and without any guidance from the general court. It had been intended that Salem should be the main settlement of the colony, but land there was already becoming scarce, so that those who came with Winthrop thought it best to seek new places for their settlements. There was no time to wait for permission from the company or to ask for grants of land. Wherever a location offered those things for which the settlers were looking,—wood, water, pasturage, protection from enemies,—there the group

¹ Young's *Chronicles of Massachusetts*, p. 144.

² *Ibid.*, p. 142, and Hazard *Collections*, vol. 1, p. 239.

settled and began laying out the town. Dudley, writing to the Countess of Lincoln, March 12, 1631, says, "We began to consult of the place of our sitting down; for Salem, where we landed pleased us not. And to that purpose some were sent to the Bay, to search up the rivers for a convenient place . . . we found a place [that] liked us better, three leagues up Charles river; and thereupon unshipped our goods into other vessels and with much cost and labor brought them in July to Charlestown, but there receiving advertisement by some of the late arrived ships from London and Amsterdam, of some French preparations against us many of our people brought with us being sick of fevers and the scurvy, and we thereby unable to carry up our ordnance and baggage so far we were forced to change counsel, and for our present shelter to plant dispersedly. This dispersion troubled some of us but help it we could not, wanting ability to move to any place fit to build a town upon, and the time too short to deliberate any longer lest the winter should surprise us before we had builded our houses." ¹

The first settlers at Dorchester came from Dorchester, England, many of them being members of Mr. White's church. They left Plymouth in a special vessel, "The Mary and John," and reached Nantasket May 30, 1630, before the *Arbella*, which was bringing Winthrop and his company, arrived. The captain refusing to take them farther, they were forced to land at Nantasket, where they would have fared badly had they not secured a boat of some old planters there into which they loaded their goods and, well armed, went in her to Charlestown, where they found some grain and one house.² After an exploring trip

¹ Young's *Chronicles*, p. 312 *et seq.*

² Young's *Chronicles*, Clap's *Memoirs*, p. 349.

up Charles river the majority of the group decided to settle upon a place called Mattapan because there was a "neck of land fit to put our cattle on."¹ There were then a few other Englishmen in Massachusetts, "at Plymouth and Salem, and some at Charlestown."² Watertown was founded by men from Essex County, England, who came over with Winthrop's company and landed at Salem. For various reasons the situation of Salem did not suit them, and they accompanied Winthrop to Charlestown which, however, pleased them no better. They complained that the water was too brackish and the site too near the coast. Consequently, they considered it wiser to seek a more favorable location and some of the company led, by Mr. Phillips and Sir Richard Saltonstall, wandered "westward on the Charles River four miles from Charlestown which place they named Watertown."³ Roxbury owes its founding to this same dispersion of the colonists who came with Winthrop. At the time when Mr. Phillips and his followers wandered to Watertown, another group led by "Mr. Pincheon and several others planted betwixt Boston and Dorchester; which place was called Roxbury."⁴ Cambridge in its origin is as unique as Salem, for it alone of all Massachusetts towns was founded by the governor, deputy governor, and assistants for a specific purpose,—namely, to be the capital of the colony and its chief seat of defence. On December 6, 1630, Winthrop, Dudley, and the assistants met at Roxbury to choose a site for a fortified town to take the place of the fort they had at first planned to build.⁵ They agreed "to build a town fortified upon the neck be-

¹ Clap's *Memoirs*, p. 350.

² *Ibid.*, p. 351.

³ Young's *Chronicles*, pp. 313-314.

⁴ *Ibid.*, p. 381.

⁵ *Ibid.*, p. 320 *et seq.*

tween that town, — Roxbury, — and Boston.”¹ Further discussion, however, seemed to show that this was impracticable and they finally decided, on December 28, that, the “town for the seat of Government should be on the northwest of the Charles River.”² To insure the success of this scheme, the governor, the deputy governor and all the assistants except Endicott and Sharpe agreed to build in the new town before the spring of 1631. Although this plan was not fully carried out it led to the founding of Cambridge, and gave that town a certain importance in the colony.

Although these towns were founded without any authorization from the government of the colony, they were not permitted to enjoy their independence for any length of time. Almost immediately after their settlement, the General Court began that supervision over them which it continued to exercise throughout the century. The first instance of this control was the action of the colonial authorities in naming two of them—Dorchester and Watertown. This occurred in September, 1630, when the Court of Assistants ordered that “Mattapan shall be called Dorchester, and the town upon the Charles River Watertown.”³ To the central authority Cambridge also owes its name—or, at least, the confirmation of the name chosen for it by its prominent citizens—for in 1636 the court ordered that “New Town should be called Cambridge.” Salem and Roxbury did not experience this control, Salem⁴ receiving its name in 1629, from the settlers after the arrival of Higginson, and

¹ Prince, *Annals*, vol. 2, pp. 563-564.

² *Ibid.*

³ *Mass. Col. Rec.*, vol. 1, p. 75.

⁴ Felt, *Annals of Salem*, vol. 1, p. 6. In this passage is given a complete discussion of the reason for changing the name to Salem, the meaning of the name, and the date when it was adopted.



Roxbury being named from the character of the land upon which the town was settled.

In many other ways during 1630 did the Court of Assistants cause these towns to realize that they were not independent of its authority. On September 28, it ordered "that there shall be collected and levied by distress out of the seull plantacons, for the maintenance of Mr. Patricke and Mr. Underhill the sum of 50£ viz. : out of Charlestown, 7£; Boston, 11£; Dorchester, 7£; Roxbury, 5£; Waterton, 11£; Meadford, 3£; Salem, 3£;" etc. And on March 22, 1631 the Assistants again ordered every town within the bounds of the colony to pursue a course of action of which it approved, namely "to take pains to provide every person in the town except magistrates and ministers" with "good and sufficient arms;" and in May, 1631 they ordered every town to provide "comon measures and weights."¹ In 1633 Boston and Roxbury were ordered to make a "cart bridge over Muddy River and another over Stony River."

Instances like those given above could be multiplied indefinitely, but these are sufficient to prove that the colonial authorities from the very beginning considered that the towns which were so independent in origin stood in the same relation to them as the towns for whose inception they were responsible. A few examples will show how this relation continued during the century. In 1639, the General Court decreed that it or any two magistrates could determine any questions about the support of poor persons and could "dispose of all onsettled p'sons into such towns as they shall iudge to bee most fitt for the maintainance of such p'sons and families."² No town was allowed to treat the orders of the General Court with disrespect. The well-

¹ *Mass. Coll. Rec.*, vol. 1, pp. 76, 89, 87, 107.

² *Ibid.*, vol. 1, pp. 107, 264.

known controversy with Salem over the letters which she wrote to the other towns to gain their support in the affair of Roger Williams shows most clearly the respect which the magistrates and deputies of the General Court demanded. Not until the majority of the freemen of Salem disowned the letters, "Wherein they have exceedingly reproached & vilified the magistrates & deputies of the general court" were the deputies from that town allowed to become members of the General Court.¹

Though these towns were settled without any definite limits being assigned them by the General Court and although for some years, while settlements in the colony were few and scattered, they were allowed to spread over the territory adjoining their original sites without any interference from that body, yet, as soon as the towns grew in population and size so that the bounds of one town approached those of another, the court stepped in, and decided which share of the land in dispute belonged to each town. The first instance of this was seen in the case of Charlestown and Cambridge in March, 1632. It was then agreed "by the parties who were appointed by the court," for the "setting out the bounds of Charlestown & Newe Town, . . . First that all the land impaled by Newe Towne men with the neck there unto adjoining, whereupon Mr. Graves dwelleth shall belong to the said Newe Town, & that the bounds of Charles Towne shall end at a tree marked by the said pale and to pass along from that tree by a straight line midway between the wester most part of the great lot of land of John Winthrop Esq. . . . & the nearest part there to of the bounds of Waterton." This line not proving satisfactory to the town, the assistants, on November 7, 1632, referred the matter to other men "to view the ground, wood, &

¹ *Mass. Col. Rec.*, vol. 1, pp. 156-157-158. —

meadow, & so to set down the bounds betwixt them." This committee, however, defined the bounds of the towns in practically the same way as the former one had done.

Watertown's line toward Cambridge was not settled until 1635, by which time it was found necessary to settle the boundaries of the towns in order to keep peace between them. Therefore the court ordered that the line between those towns should run "from Charles River to Great Fresh Pond and from the tree marked by Watertown and New Towne on the southeast side of the pond over the pond to a white poplar tree on the northwest side of the pond and from that tree up into the country northwest and by west upon a straight line and further, that Watertown should have 100 rods in length above the weire and 100 rods beneath the weire in length & three score rods in breadth from the river on the south side thereof and all the rest of the ground on that side of the river to lie to Newe Town." ¹ In 1636 and 1638, the western boundary of Watertown was defined. This was found necessary, owing to the settlement of Concord and Dedham.² The boundary was defined as follows: first, in 1636, that "the bounds of Watertown shall run 8 miles into the country from the meeting house within the limits already assigned her;" ³ and, in 1638, that these bounds be "extended upon the line between them and Cambridge as far as Concord bounds give leave, and that their bounds by the river shall run 8 miles into the country." ⁴ The original eastern bounds of the town are supposed to correspond very nearly with the present Vassal Lane and Sparks St., Cambridge, beginning at the southeast

¹ *Mass. Col. Rec.*, vol. 1. p. 144.

² Drake, *History of Middlesex County*, p. 435.

³ *Mass. Col. Rec.*, vol. 1, p. 167.

⁴ *Ibid.*, vol. 1, p. 230.

side of East Bay of Fresh Pond and running to the most northerly point in the bend of the river.¹

In 1638 a committee was appointed by the court to lay out the bounds between Watertown and Concord, Watertown and Dedham, Watertown and New Town, and to give Watertown its eight miles or to "allow them satisfaction for what they cannot get," with which adjustment they promised to remain satisfied. This committee settled the question by giving Watertown its eight miles.

In 1636 the General Court fixed the bounds of Dorchester, "to run from the outside of Mr. Rossiters farm, next the sea to the foot of ye great hill, from a marked tree to a second marked tree, in a straight line to the top of the Blue Hills, nexte Naponsett southwest and by west, half a point westerly, & all the marsh ground from the south-east side of Mr. Newberrys house along Naponsett River, to Mr. Stoughtons mill, to lie to Dorchester & all the rest of the vpland & marsh from Mr. Rossiters farm to the sea, & so to the mouth of the river beyond Minotiquid River, runing into the country southward & to the west, to lie to Boston onely excepting such land as they have right to by graunt of the court formerly."² In 1638 the court defined the boundary between Dorchester and Dedham as far as Plymouth.³

The boundary between Roxbury and Boston was determined before 1632-3, for the court, meeting at Boston March 14, 1632, agreed "that the bounds formly set out betwixte Boston & Rocksbury shall continue, only Rocksbury to enjoy the conveniency of the creek near their vnto."⁴ Controversy arose over this line and, to settle the dispute, the

¹ Drake, *op. cit.*, p. 435.

² *Mass. Col. Rec.*, vol. 1, pp. 162-163.

³ *Ibid.*, vol. 1, p. 231.

⁴ *Ibid.*, vol. 1, p. 103.

court in 1633 appointed four men "to set out the bounds betwixte Boston & Roxbury, which is now in difference betwixte them."¹ This line was finally decided upon in 1636. At that time Roxbury was given "all the rest of the ground between Dorchester bounds and Roxbury bounds . . . easterly of Charles River . . . except the property of the aforesaid towns which they have purchased of particular persons."² Roxbury, moreover, was not to extend above eight miles in length from its meeting house. Roxbury and Dedham quarreled continually over their boundary. Finally a committee was appointed to settle this dispute. According to its recommendation, which was confirmed by the General Court in 1638, the boundary line ran "from the south side of Roxbury bounds by a straight northwest line running till it touch upon Charles River."³ However, changes in this line were made from time to time and it was not definitely located until 1697.⁴ The line between Roxbury and Cambridge was laid out in 1635, "to run southwest from Muddy River, near the place which is called Mr. Novell's bridge . . . & from the mouth of the ryver to that place, the south side is for Rocxsbury and the north syde for New Town."⁵

† In March, 1636, after the arrival at Cambridge of Mr. Shepard and his congregation, the General Court ordered that the limits of that town should extend "eight miles into the country from the meeting house,"⁶ and, in the following year, April 13, 1636, defined its bounds as follows: "from the marked tree by Charles River on the

¹ *Mass. Col. Rec.*, vol. 1, p. 113.

² *Ibid.*, vol. 1, p. 176.

³ *Roxbury Town Records*, p. 23.

⁴ *Report of the Boston Record Commissioners*, vol. 34, p. 48.

⁵ *Mass. Col. Rec.*, vol. 1, p. 144.

⁶ *Ibid.*, vol. 1, p. 166.

North west side Roxbury bounds, one mile and a half north-east, & from thence three miles northwest & so from thence five miles southwest, & on the south west syde Charles River from the south east side of Roxberry bounds, to run four miles on a south west line, reserving the properties to the several persons granted by special order of court.”¹

The boundaries of the towns were usually fixed by men appointed for that purpose by the General Court. In 1634 that body appointed three men “to settle the difference between Boston and Dorchester, & Boston & Charleston over bounds, and also the difficulties between Cambridge and Watertown.” Two men, usually one for each town—though occasionally two from each town were chosen,—were allowed to accompany the committee “to show what ground each town requires,” but no one else could go with these commissioners.²

— To the grants of land which the towns first received, additions were made from time to time until they all included a much greater area than they do at present. Dorchester included the present towns of Milton, Dedham, Dorchester Heights, Washington Village, Hyde Park, Canton, Stoughton, Sharon, Foxboro, and part of Wrentham,—a strip of territory thirty-five miles in length running to within one hundred and sixty rods of the Rhode Island line. Salem included the present Wrentham, Beverly, Middleton, Manchester, Marblehead, Topsfield, and Danvers. Cambridge included Lexington, Newton, Arlington, Brighton, Bedford, Billerica, and probably Tewksbury and portions of Belmont and Winchester. Watertown, at the time of its greatest size, included Waltham, Weston, the greater part of Lincoln, a part of Belmont, and that part of Cambridge east of Mt. Auburn Cemetery between Fresh Pond and

¹ *Mass. Col. Rec.*, vol. 1, p. 173.

² *Ibid.*, vol. 1, p. 139-141.

Charles River.¹ Roxbury included the present Jamaica Plain and West Roxbury then known as "Jamaica end and Spring Street" and, later, as part of the second parish.²

These additions to the original grants were made by the General Court usually in response to a complaint from a town that it was suffering from lack of room. In 1683 Roxbury petitioned the general court for more land, "knowing the inconvenience that arises from lack of room and that it has already caused removal not only from the town but from the colony." ^XIn 1640-41, to prevent removal from the town through its lack of new land, Cambridge was given the "land lying upon the Shawshin Ryver and between it and the Concord River and between it and the Merrimac River." ^{3X}Salem petitioned for more land in 1663, because the town "had given away so much soil it had not enough to support the population." ⁴*These additional grants of land given by the court to the town were usually made only under certain conditions, the non-fulfilment of which rendered the grant void. *The Shawshin grant given to Cambridge, was conditional upon its being made into a village containing ten families within three years;⁵ the grant of land "about Quatesset in the Nipnuck country" to Roxbury in 1683 depended upon settling "thirty families there within three years" who should be able to support a minister;⁶ the grant of Pennicook, a tract on Merrimac River which was given Salem in 1663, required that no less than twenty families be settled there in three years.⁷ Dorchester was

¹ Drake, *History of Middlesex County*, p. 435.

² *Report of the Boston Record Commissioners*, vol. 34, p. 437.

³ *Mass. Col. Rec.*, vol. 1, p. 306.

⁴ Felt, *Annals of Salem*, vol. 1, p. 22.

⁵ *Mass. Col. Rec.*, vol. 1, p. 330.

⁶ *Extract from the Roxbury Records* by Mr. W. Thornton, p. 4.

⁷ Felt, *Annals of Salem*, vol. 1, p. 221.

given permission in 1642 to improve "a supposed mine in Neitneet," if they went effectually on with it within one year; & if they shall thinke fit to plant a convenient number of families there which may make a village, they shall have enough land if they go effectually about it within three years;" Cambridge was granted Billerica, provided "that Bilericay be seated with twenty families at least within three years."²

If the conditions attached to the grant were not fulfilled, the General Court either took back the land or extended the time allowed the town to meet the requirements. Roxbury in 1684 petitioned for an allowance of more time in settling the Nipnuck country and was granted an additional three years, as well as exemption from county rates during that time.³

It is a characteristic feature of the settlement of Massachusetts, that new towns were formed from the territory of the older ones and were peopled by those who had formerly been inhabitants of the mother town. This division of the town was sometimes brought about amicably, but more often gave rise to great discussion and much bitterness of feeling, the mother town insisting as strongly upon keeping those wishing to form a new town, as they did upon being allowed the right to leave. The controversy was usually carried to the General Court for settlement. That body then chose committees from both parties to argue the case before it and settled the case on its merits. A controversy was carried on for years between Salem and Danvers relative to the separation of the latter from the former. Salem steadily refused to allow Danvers to become a separate town, and, though it made many attempts to secure permission to do so, it did not succeed until 1757. On the other hand

¹ *Mass. Col. Rec.*, vol. 2, p. 11.

² *Ibid.*, vol. 3, p. 405.

³ *Mass. Arch.*, vol. 112, p. 381.

Marblehead was released by Salem very easily. In this case, indeed, the initiative toward separation seems to have come from the parent town, for there is no record of any petition from Marblehead asking for release. In 1648 the town meeting of Salem voted, without any discussion or disagreement, "that Marble Head with the allowance of the general Court shalbe a Towne and the bounds to the utmost extent of that land which was Mr. Humphries disposing of the ferry and the appointing of the ferry man to Salem."¹ And on May 2d, in the following year, the General Court agreed "Upon the petition of the inhabitants of Marble Head for them to be a Towne themselves: Salem having granted them to be a town of themselves and appointed them the bounds of their town which the court doth grant."²

× The separation of Newton from Cambridge presents an excellent illustration of the manner in which such a withdrawal was effected. In 1655 the inhabitants of Cambridge, "lying remote from the town on the south side of the River," petitioned the General Court for permission to become a village.³ This petition was immediately referred to a committee with orders to examine both Cambridge and the petitioners to see if the separation were desirable. In 1672 the court ordered the petitioners and a committee from Cambridge to appear before it to argue the case. As the result of this meeting Cambridge made certain concessions to the petitioners, but did not grant their request. Among other things she allowed them the privilege of electing annually one constable and three selectmen, but compelled them to continue paying country rates, county rates and town rates, so far as referred to the grammar

¹ *Salem Town Records*, vol. 1, pp. 156-157.

² *Mass Col. Rec.*, vol. 2, p. 262.

³ *Ibid.*, vol. 3, p. 379.

school and the bridge, and also to pay their share of the expenses of the deputy to the general court.¹ With these concessions the petitioners were not satisfied, and, in 1678, they again laid the matter before the General Court, stating that the tax upon them to maintain the school and minister was too great owing to their losses during the late war.² Cambridge again argued against the separation, calling the charges absurd and maintaining that the petitioners had no ground for complaint since they knew that the land belonged to Cambridge before they settled there. In spite of the protests of Cambridge, however, the petition was granted in the following year, when the town of Newton was formed, "there being at that time sixty families there." The boundaries between the two towns were settled by committees from both towns and the court incorporated the town, January 11, 1688.

The separation of the Shawshin grant from Cambridge is also a good illustration of the formation of one town from another. Various conditions had from time to time been attached to the acceptance of this land but it had been finally accepted by Cambridge in 1643-44 with the condition that "the church and present elders continue at Cambridge."³ By 1654, its inhabitants had become dissatisfied with the rule of Cambridge and that year sent a letter to Cambridge desiring that the tract of land upon which they dwelt "might be made one entire body of itself," at the same time petitioning the General Court to the same effect.⁴ Cambridge appointed a committee of five men "to treat & conclude with the inhabitants of Shawshin Concerning this request,"⁵ which committee on January 29,

¹ *Mass. Col. Rec.*, vol. 4, pt. 2, p. 555.

² *Mass. Arch.*, vol. 112, p. 253.

³ *Mass. Col. Rec.* vol. 2, p. 62.

⁴ *Cambridge Town Records*, p. 106.

⁵ *Ibid.*

1654 presented to the town assembled in the public town meeting the following proposition: first, That all land in Shawshine acquired by whatever means should be freed from charges to Cambridge; second, that all inhabitants of Cambridge owning property in Shawshine should pay due charges when improvements to the property were made; third, that the inhabitants of Shawshine should release all inhabitants of Cambridge from "all charges, rates, and dues." Then followed two minor terms. All these were approved by Shawshine and by Cambridge and, by mutual consent of the inhabitants of Cambridge and of Shawshine and, with the sanction of the general court Shawshine separated from Cambridge and became the township of Bellerica.¹

In 1661 "Upon the request of several of the inhabitants of Dorchester for to erect a vilage at Toleplaine or thereabouts," Dorchester voted that it was willing "to grant sufficient land at the place aforesaid (if it be ther) to accommodate twenty or thirty families if so many appear sufficient to cary on Church and Common wealth worke and that they state their tearms and agree with such as the town shall appoint for that end." The parties desiring the vilage aforesaid were directed to repair to the selectmen at a convenient time and state their terms, to which the selectmen were desired to attend and to propose to the town for full confirmation any thing upon which they decided.²

The desire for separation from the parent town can usually be traced to the inconvenience caused by living at too great a distance from the meeting house,—the centre of town life,—to poor communication, and to oppressive taxation for purposes not beneficial to those living in the more remote parts of the town. The petition sent to the general court,

¹ *Mass. Col. Rec.*, vol. 3, pp. 390-391.

² *Dorchester Town Records*, p. 109.

May 9, 1659, by the inhabitants of Beverly asking permission to separate from Salem voices the general complaint: "The petition of the inhabitants of that part of Salem upon the north side of the ferry toward Ipswich. We, upwards of sixty families, find worship at Salem very troublesome and dangerous. . . We have supported a minister for five years and upwards" but we find that we cannot continue in this way for "if any one should through dissatisfaction to us or unsoundness in judgment or otherwise fall off from us and their covenant, we by this gap should be broken to pieces. These considerations move us humbly to pray permission of the court that we be made a township or village of & by ourselves."¹ Milton, in petitioning to be a township, gave for its reasons that distance kept its settlers from church and made even Dorchester acknowledge some necessity of procuring and settling a public ministry among them.² Salem village, wishing to separate from Salem, was allowed a minister from 1671-72, and was released from paying the Salem minister although required to pay all other town charges; a concession which induced the inhabitants of the village to postpone their attempt to separate from the town for a while, though they soon insisted upon separation for the reasons given above.^x Cambridge farms, remote from the meeting house, asked permission in 1682 to call a minister to reside among them and to hold service there since the bad weather and the distance kept them from attending the church at Cambridge. Cambridge replied that it was unwilling to grant this permission as in bad weather the inhabitants of the farms could go to Concord. The petition was, however, granted by the General Court.³ x

¹ *Essex Institutes*, vol. 34, pp. 232-234.

² *Mass. Arch.*, vol. 112, pp. 140-141.

³ *Mass. Arch.*, vol. 24, p. 28.

✕ The settlement of Dorchester, Roxbury, Salem, Cambridge, and Watertown illustrates the fact that settlements in Massachusetts were made by groups, "by congregations, by neighborhoods, by families."¹ Watertown became the home of a congregation from Boxford, Essex County, England, who led by their minister Mr. Phillips, decided "to transplant themselves and their families into the desert of America."² Dorchester was settled by a group of "west country" men, who resolved to live together in the new land and who formed a church before leaving Plymouth, England;³ Roxbury by a group of men the majority of whom came from London and its vicinity, particularly from Mazing, Essex County, in which place the names of many of the original settlers of Roxbury may be found on the church role of the parish church;⁴ and Cambridge became the home "of the Braintree Company which—was August 14, 1632 ordered to remove to New Towne," and later, of a company led by Mr. Shepard. One of the reasons which Mr. Shepard gives for coming to New England is that, "Divers people in Old England, of my dear friends, desired me to go to New-England there to live together; and some went before, and writ to me of providing a place for a company of us; one of which was John Bright; and I saw divers of my Christian friends who were resolved to go thither with me." He described the arrival at Cambridge in 1635 as follows, "When we had been here two days, upon the Monday, October 5, we came, (being sent for by friends at Newtowne) to them, to my brother Mr.

¹ Osgood, *American Colonies in the Seventeenth Century*, vol. 1, p. 425.

² Mather, *Magnalia*, vol. 1, p. 340.

³ Young's *Chronicles*, p. 345.

⁴ *Report of Boston Record Commissioners*, vol. 34, pp. 9-10.

Stone's house. And that congregation being upon their removal to Hartford at Connecticut, myself and those that came with me found many houses empty and many persons willing to sell; and hence our companions bought off their houses to dwell in until he should see another place fit to remove into. But having here some time, divers of our brethren did desire to set still and not to remove further."¹ Salem was so different in origin, that the nature of its settlement cannot be so easily classified. Its inhabitants came from many quarters,—the fisherman from Cape Ann, Conant and his followers, Endicott and the men who came from England with him, the three hundred settlers sent out by the Massachusetts Company, and finally, some members of the company that came over with Winthrop. These different groups, however, from the time of the fishermen until Winthrop's company came were formed of men more or less acquainted, so that this settlement differs only slightly from the one just mentioned.

The first inhabitants of Salem settled on the "middle neck of land" where they were very pleasantly situated having "A South river on the one side, and a North river on the other side."² The soil was sandy, but produced good crops: "for seven years together it hath brought forth exceeding good corne by being fished but every three years," wrote a visitor in the early years of the colony. There were two good harbors, "a store of fish, and good timber in places."³ This original site of the town has "ever remained its nucleus and central body."⁴ The early settlers

¹ Savage's *Winthrop*, vol. 1, p. 87, and also, Young's *Chronicles*, pp. 529-545.

² Wood's, *New Eng. Prospect* in Young's *Chronicles*, p. 409.

³ *Ibid.*, pp. 409-410.

⁴ *Essex Institute*, vol. 19, p. 168.

lived somewhat scattered, their home lots facing the North and South rivers,—turning their backs to each other. On the bank of each river was a highway which was “maintained by all such as have houses and house lots next the water side,” and which was required to be “at least 8 foote broad.” At that point where the rivers came nearest together the highways were connected by a way called School-house lane (the present Washington Street) and perhaps by a second lane.¹ In the rear of the home lots separating those facing the North river from those facing the South river was a highway called Main Street, probably the present Essex Street.²

The first settlers of Dorchester “took up every one his spot to set down upon pretty thick together at ye northerly end of ye towne next to ye aforesaid neck of Land and on ye Easterly side next to the sea leaving many intervening spots of land between their settlements.”³ This site is now in South Boston on the rising ground south of Old Harbor. The first meeting house, always near the center of the town, was at the northern end of the plain now called Pleasant Street, and close by it was the first place of burial, of which no trace remains. The first road was the present Pleasant St., from Staughton to Cottage St.⁴ By 1633 Dorchester had become in extent the largest town in New England, well wooded and watered, having good arable ground, fair corn fields, and pleasant gardens.⁵

¹ Webber and Nevins, *Old Naumkeag*, p. 28.

² Felt, *Annals of Salem*, vol. I, p. 283, and *Essex Institute*, vol. 19, p. 168.

³ *Annals of Dorchester*, p. 10.

⁴ Edward Everett, Oration delivered on the Fourth of July, 1855, p. 27 *et seq.*

⁵ Young's *Chronicles*, p. 395, and *Memorial History of Boston*, vol. I, p. 435.

The land around Mt. Auburn—east, north and south—is undoubtedly the place of the early settlement of Watertown and was called “the town” at an early date. It is conjectured that the lot of Mr. Phillips opposite the old burial ground was the centre of the town and that the first meeting house was there.¹ The home lots were scattered around the eastern part of the grant between the Charles river and the Cambridge line and were surrounded on the north and northwest by the “Great Dividents” or pasture lands and on the southwest by Beaver Brook plough lands. The eastern boundary is supposed to have corresponded very nearly with the present Vassal land and Sparks Street, Cambridge, beginning at the southeast side of East Bay, Fresh Pond, and running to the most northerly part in the bend of the river.^{2x} By 1631 there were one hundred and sixty families in the town and “neere vpon 1800 Acres in tillage.”³ The town was very straggling having one main street called Mill Street, now Mt. Auburn,⁴ running from east to west almost through its centre and many less important roads branching from this in all directions. Only two other streets seemed to have been named—Hill and Spring—both running parallel to each other in a northerly direction starting from Main St., nearly in the centre of the easterly part of the town where the home lots were.

The original settlement in Roxbury was made in the eastern section of the town, east of the site of the present First Church. From the town street, now called Roxbury Street, settlers gradually wandered off in all directions toward the neighboring towns.⁵ In the seventeenth century Roxbury

¹ Drake, *op. cit.*

² *Ibid.*, p. 435.

³ *Wonder Working Providence*, p. 46.

⁴ Drake, *op. cit.*

⁵ *Report of the Boston Record Commissioners*, vol. 34, p. 11.

was a "fair and handsome country town" the inhabitants of which had fair houses, a store of cattle, impaled corn fields, and fruitful gardens.¹

X Houses in these seventeenth century towns were placed within a reasonable distance of each other, care being taken that all available locations within the town limits were occupied before settlers were allowed to scatter. Cambridge, in 1632, agreed "by a joynt Consent" that the "Towne shall not bee Inlarged until all the place be filled with houses;"² and Watertown, in 1638, declared that it was their "reall intent to sitt down there close together," that is, near the "Towne plot."³ Houses were built of wood and, at first, were roofed with thatch. This however soon proved too dangerous and the towns ordered other material to be used, Cambridge in 1632 ruling that all houses within her bounds must be "covered with slate or board."⁴ This change in roofing was due to a disastrous fire that occurred in Boston, which also caused the town to forbid any child under ten years of age to carry fire from one house to another and anyone else to carry it unless the fire were covered.⁵ The towns were kept in good order. Fences were kept up, animals were not allowed to run at large through the streets, lots within the town limits were not allowed to remain unimproved and streets were kept in good repair and clean. Cambridge ordered that, "Every Inhabitant in the Towne shall keep the highway Cleane from wood and all other things against his owne Ground, and whosoever shall haue anythinge lye in the street" shall be fined.⁶ Houses were built with some reference to the

¹ Wood, *New Eng. Prospect*; Young's *Chronicles*, p. 396; *Memorial History of Boston*, vol. I, p. 401.

² *Cambridge Town Records*, p. 4. ³ *Watertown Town Records*, p. 4.

⁴ *Cambridge Town Records*, p. 4.

⁵ *Ib.*, p. 23.

⁶ *Ibid.*, pp. 4-10.

appearance of the town. Cambridge agreed upon a building line and compelled all those building within its limits to abide by it;—houses shall “Range even and stand Just six” feet in their “Owne ground from the street.”¹

Disagreements between different towns came within the jurisdiction of the General Court and were settled by that body, usually through committees appointed for that purpose. However, if the decision reached by such committees did not meet with the approval of the towns, the case could be referred again to the court. In 1639 the court appointed three men to “view the difference between Dorchester and Boston . . . and to give their advise which, if it satisfy not, may be returned to the court, and if the other party be grieved to prosecute his suit & have it tryed by a jury & this committee to give evidence.”² In 1655 the court appointed a committee to adjust the difference between Cambridge and “some farmes on the south side of the riuier,”³ and in 1659 a committee to settle the trouble between Newtown and Watertown over their boundaries.⁴

Each town had its share in governing the colony through the deputies which it sent yearly to the general court. This privilege was granted the towns, May 14, 1634, when the general court ordered, “that it shall be lawfull for the freemen of every plantation to chuse two or three of each towne before every Generall Court to confer of & prepare such public business as by them shalle be thought fit to consider of at the next Generall Court . . . to have full power & voice of all the said freemen . . . for the making & establishing of lawes, granting of lands, and to deal in all other affairs of the commonwealth wherein the freemen have to do,

¹ *Cambridge Town Records*, p. 4.

² *Mass. Col. Rec.*, vol. 1, p. 260.

³ *Ibid.*, vol. 3, p. 396.

⁴ *Mass. Arch.*, vol. 112, p. 4.

the matter of election of magistrates & other officers only excepted wherein every freemen is to give his own voice.”¹ In 1636 the court decided that the deputies from the town should be proportioned as follows: every town containing from ten to twenty freemen should send one deputy; every town containing between twenty and forty freemen should send two deputies; and every town containing more than forty freemen should send three; those having less than ten freemen could not send a deputy.² In 1638 the court changed this ruling and decided that no town should send more than two deputies. Some of the towns considered this number excessive, probably on account of the expense, and a controversy arose which was settled in 1647-1648 by allowing each town to send one or more deputies as it pleased.³ Salem sent sometimes one, sometimes two⁴ deputies; Dorchester, usually two; Watertown and Roxbury, usually two and Cambridge sometimes one and again two. There was a tendency in all towns to reappoint the same men as deputies year after year. Dorchester sent a certain Mr. Atherton in 1645-1646 and 1648; Salem, a certain Mr. Hawthorne during these same years; and Roxbury, a certain Mr. Johnson and a certain Mr. Parkes; but Cambridge and Watertown during these years changed their deputies annually.⁵

The deputies were paid by the towns sending them. The General Court in 1638 ordered that the towns should pay 3s-6d per day for a magistrate and 2s-6d for a deputy, “from the time of their going out to the court untill their

¹ *Mass. Col. Rec.*, vol. 1, p. 118.

² *Ibid.*, vol. 1, p. 178.

³ *Ibid.*, vol. 1, p. 254; vol. 2, p. 217.

⁴ *Ibid.*, vol. 3, pp. 422-9-62.

⁵ *Ibid.*, vol. 3, pp. 9-62.

returne.”¹ Roxbury, in 1665, ordered that each should have three shillings per day, but in 1689-90 allowed them only eighteen pence per day.² Both the town and the colony endeavored to keep the expense of sending the deputies as small as possible.³

Deputies were elected by the town meeting, that is by the town meeting composed of freemen alone. The warrant for the election of deputies was sent to the constable of the town and he called the town meeting to choose these officers. In 1660 the following warrant was sent to the constable of Roxbury:

“To the constable of Roxbury:—

You are by virtue of an order of the Councile of this Jurisdiction, Assembled at Boston this 7th of December 1660 hereby required on sight thereof to Assemble the Freemen, of the Towne together & signify to them that they are by virtue of the above mentioned order required to choose according to law Entitled Deputies, page 25 new book, & send their Deputy or Deputies to meet at Boston ye 19th of this instant, December, at one of ye clock in ye afternoon.”⁴

Whenever possible, the town purchased from its Indian owners the title to the land upon which it settled. This indeed was a general policy of the colony. Higginson says, “I did certainly know that from the beginning our fathers entered upon the land partly as a wilderness and partly by the consent of the Indians and therefore care was taken to treat with them and to gain their consent.”⁵ It is not

¹ *Mass. Col. Rec.*, vol. 1, p. 228.

² *Roxbury Town Records*, p. 144.

³ *Mass. Arch.*, vol. 48, p. 29.

⁴ *Ibid.*, vol. 106, p. 27.

⁵ *Revolution of New Eng. Justified*, p. 19; Felt, *Annals of Salem*, vol. 1, p. 24.

necessary to give here other quotations to substantiate this statement, as it can be proved by reference to any history of Massachusetts. The towns followed this rule carefully. Dorchester in 1636 bought from the Indian Sachem, Kitchamakin, the land "beyond the mill to the remotest part" receiving from him a deed for the property.¹ This deed reads as follows: "This Indenture made the 8th of October in the year 1636 betwixt Richard Collecott and Kitchamakin sachem of Massachusetts witnesseth their presents that I Kitchanakin do covenant grant, and sell unto Richard Collicott of Dorchester all that parcel of Land beyond the Mill within the bound of Dorchester to the utmost extent for the use of the plantation of Dorchester for they and their heirs for ever only reserving for my own use and my men forty acres where I like best and in case I and they leave it the same also to belonge unto Dorchester giving some Consideration for the Paines bestowed about it—and I the said Kitchamakin do acknowledge to have received the value of 411 Twenty eight Fathoms of Wampam being the Full Payment of the . . . and I the said Kitchamakin do acknowledge myself satisfied as witness whereof the present Indenture I have sett my hand the Daye and years aboue written." ²

the mark of Kitchamakin.

The original indenture was not kept with much care, and by 1649 it was scarcely legible; so in order to have a fair copy the above indenture was drawn up and signed voluntarily by Kitchamakin.³ By 1663 there was trouble with the Indians, the successors of Kitchamakin, and Dorchester appointed four men to meet with the then sachem

¹ *Mass. Arch.*, vol. 30, p. 15.

² *Dorchester Town Records*, pp. 142-143.

³ *Ibid.*, p. 143.

Josiah "and others on the 26th of this Instant and to treat with him, to see what they demanded; as respecting any of Dorchester Land; and to make full and complete agreement, if they see their demands be but reason; and for that end they take copies of the Deed from Kitsamichin and other writing; and whatever helps they shall think needful to call with them to further the business; and if they see not cause to issue the matter, then to make report to the Towne for further consideration."¹ No report was made to the town, so the committee evidently settled the matter.

When the settlers arrived at Salem very few Indians were found in its vicinity. Those that were there "were very glad that we came to dwell among them," says William Dixy, who came to America in 1629.² This pleasure Dixy ascribes to the fear which the Indians on the coast felt towards those farther inland. These Indians gave the English settlers full liberty to take possession of the land, the English in return giving them full satisfaction for whatever land they occupied. From them, Salem, in 1688, secured a deed for the land upon which the town was situated, paying twenty pounds for all the land included in the township of Salem—"all that tract of land lying to the west of Naumkeag River and along it to the sea."³

Roxbury voted in 1685-86 to secure from the grandson "Charles Josiah" of Chickatabut the Indian sachem "of these parts of the country" a title for the land occupied by the town.⁴ A committee was appointed to see that this was done and, January 13, 1689-90, the deeds for Roxbury and New Roxbury were taken from the keeping of private in-

¹ *Dorchester Town Records*, p. 126.

² Felt, *Annals of Salem*, vol. 1, pp. 120-121.

³ *Ibid.*, vol. 1, p. 28, *et. seq.*

⁴ *Roxbury Town Records*, p. 126.

dividuals and given into the custody of the town clerk.¹ Roxbury showed the same care in securing a title from the Indians for the settlement it made among the Nipniucks. A committee of the general court in 1681 investigated the claims which the Indians had to that part of the country, calling a general meeting of all the Indians interested. So many conflicting claims were found that the Indians were dismissed and given time to adjust these claims among themselves. When they had done this, they appeared again before the committee of the General Court which found some of their claims against the colony just and thereupon paid the claimants.² The Indian claims to the lands upon which Cambridge and Watertown were situated were settled in 1638 by order of the General Court. In that year the court desired a certain Mr. Gibson "to agree with the Indians for the lands within the bounds of Watertown, Cambridge and Boston."³ This he did by paying to the Indians 28£-8s-6d, which sum the towns returned to him in obedience to an order of the court passed May 13, 1640, Watertown paying 13£-8s-6d and Cambridge 10£ and in addition a "coat to Squa Sachem every winter while she liveth."⁴

¹ *Roxbury Town Records*, p. 145.

² *Mass. Arch.*, vol. 70, p. 264.

³ *Mass. Col. Rec.*, vol. 1, p. 254.

⁴ *Ibid.*

CHAPTER II

TOWN COURTS

THE judicial system of the seventeenth century town was so interwoven with that of the colony that the one cannot be separated from the other. Then the town did not have the same control over the administration of justice within its bounds which it possessed in the other departments of town life. The authority to punish offenders against town orders or the law of the colony came from the General Court, while the power to establish local courts and to appoint judicial officers remained with that body throughout the century. The only power given the towns was that of nominating to these positions men whom they thought worthy to fill them. Even in determining the punishment to be inflicted, the town had very little power, for, after establishing local courts, the General Courts defined carefully what cases lay within their jurisdiction and limited the punishments they could impose.

The entire judicial system of the colony was developed gradually. The charter of the company gave it no power to establish courts or to try offenders against its orders. But the authorities of the company assumed this power and courts were established and officers with judicial power appointed whenever and wherever the welfare of the colony demanded them. During the few years immediately following the settlement of the towns, there were no local courts. The towns were so small and were situated in such close proximity to each other and to Boston, that cases arising

in them were easily carried to that town for trial. During this time the General Court and the Court of Assistants were the only courts in the colony. Of these, the latter soon became the most important, as the former developed more and more into a purely legislative body after the introduction into it of deputies in 1634. Throughout the seventeenth century, the Court of Assistants remained the highest regular judicial court of the colony.¹ Until 1649 it met four times annually, in June, September, December and March, and after that held two regular sessions, one in the spring and one in the fall.²

In 1635 four other courts were created. These met at Ipswich, Salem, New Towne,—to which jurisdiction Watertown belonged,—and Boston. To the last named jurisdiction Roxbury belonged. They were kept by “such magistrates as dwelt in or near the said towns, and by such other persons of worth as were from time to time appointed by the General Court, provided that no Court were kept without one magistrate at the least.” From men nominated by the several towns within the jurisdiction of the court the magistrate who was to hold the court chose his associates. The number chosen had to be large enough to admit of there being five in each court. Any three, of whom one was a magistrate, could hold court.³ These courts had jurisdiction over all civil cases whereof the debt or damage did not exceed ten pounds, and all criminal cases “not concerning life member or banishment.” Cases could be appealed from them to the “great quarter courts.” They met “the 1, the last Tuesday in June, and the rest the last Tuesday in euy of the said moneths,”—September, December, and March.

¹ Osgood, *American Colonies in the Seventeenth Century*, vol. 1, p. 185.

² *Mass. Col. Rec.*, vol. 1, p. 169.

³ *Ibid.*, vol. 1, p. 175.

In 1639, when four counties were formed, — Suffolk, Middlesex, Essex, and Norfolk—a court was established in each. Each of these was held by a magistrate living within the county or by magistrates appointed from time to time by the General Court, together with men nominated by the freemen of the towns and appointed by the General Court. These were like the Quarter Sessions in England. They looked out for the welfare of the county, supervising the laying out of highways, licensing houses of entertainment, and inquiring into the ministers' support.¹ Cases could be appealed from these courts to the Court of Assistants.

At first there were no written laws upon which the judges could base their decision. An order of 1636 describes the way in which the magistrates at this time decided cases. This states that they heard and decided cases according to English law, and when that law did not cover the case in question they decided it "as near the law of God as they could."² But Englishmen, with the traditions of centuries back of them, were not the people to submit to laws made by the judges who also tried violations of them and therefore an agitation was begun which culminated in 1641 in the framing of the code of laws known as the Body of Liberties.

The colonial courts, however, were soon so overworked with the number of cases coming before them, that the administration of justice was hindered. In order to secure more swift punishment for crime new courts were established. From the beginning of the colony, each Assistant had had the power of a magistrate in the town where he lived, but by this time not every town was fortunate enough to have an Assistant among its inhabitants. Therefore

¹ Washburn, *Judicial History of Massachusetts*, p. 30; Osgood, *op. cit.* vol. 1, p. 191.

² *Mass. Col. Rec.*, vol. 1, p. 174.

inferior judicial officers were appointed in 1636 to try minor offences in the towns where they were committed, and at the same time, the selectmen of each town were empowered to try offences against the bylaws of the town when the penalty did not exceed twenty shillings. Their power, however, could not extend to any criminal offense.¹ The first Court of Assistants, on August 23, 1630, had appointed some minor officers called justices of the peace, but this seems to have been the only time this was done. This court at the same time, however, ordered that the governor and the deputy governor should "always be justices of ye peace;" and defined the power of this officer as follows—"in all things to have like power as justices of peace have in England for reformation of abuses and punishing of offenders, and that any justice of the peace may imprison an offender but not inflict any corporal punishment without presence & consent of some one of the Assistants."²

After the power of trying and punishing offences against the by-laws of the town was bestowed upon the selectmen, the records of their meetings read like the records of a police court. This however is not true to an equal degree of all towns. The selectmen of Cambridge devoted a large part of each meeting to this duty, while the selectment of Dorchester and Salem punished only an occasional offense. This activity of the selectmen of Cambridge was probably due to the fact that that town expressly instructed its selectmen to punish any violation of the town orders. In 1652 the town meeting, in delegating certain powers to the selectmen, instructed them among other things "to make such wholesome orders and impose such penalties and duly punish and execute the same as may best affect" the welfare of the town.³

¹ *Mass. Col. Rec.*, vol. 1, p. 172.

² *Ibid.*, p. 74.

³ *Cambridge Town Records*, p. 100.

Cases coming before the selectmen for trial included offenses against town orders, such as gathering wood in forbidden places, pasturing cattle in places not opened by town order, violating the order regulating the common herd, or failing to repair fences or highways when notified to do so. The following record of a selectmen's meeting in Cambridge is typical of that phase of the selectmen's duty. "At a meeting of the selectmen in 1646 several men fined for breaking the order concerning oxen and hogs.

| | s | d |
|---|----|----|
| Bro: Cooper fined for 4 oxen once & 3 another..... | 02 | 00 |
| Bro: Winthrop: fined for 4 oxen twice & his hogs..... | 03 | 00 |
| Will: Man, for one hog twice without keeper..... | 00 | 06 |

and so on through the list of punishments meted out to thirty-five men.¹ In Watertown, in 1649, the selectmen fined one Joseph Bennet, "for felling of twelve trees upon the common and highway, three pounds;"² and a certain man for "not attending his service in the highways."³

Occasionally the selectmen seemed to feel themselves inadequate to deal with a case. They then left it to the consideration of the whole town. The selectmen of Watertown, in 1663, in the case of one Joseph Tainter who was complained of "for taking in of 5 or 6 foot of the highway both of the south and east side of his house," refused to decide the case and left it to the town.⁴ In 1662, when an inhabitant of Dorchester, one John Plumbs, was fined by the selectmen for "felling trees in the 500 acres" and he objected to paying this fine, the selectmen referred the case to the town.⁵ In Roxbury, in 1661, the freemen of the

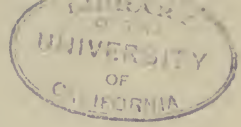
¹ *Cambridge Town Records*, p. 54.

² *Watertown Town Records*, p. 19.

³ *Ibid.*, p. 33; *Dorchester Town Records*, pp. 168-169.

⁴ *Watertown Town Records*, p. 76.

⁵ *Dorchester Town Records*, p. 114.



town were called upon to settle a case between the selectmen and the inhabitants about a highway at the further side of the great lots;¹ and Cambridge, in 1649, was called upon to settle a dispute between the townsmen and a certain Christopher Gore, referring the matter "to the hearing and determination" of two men appointed for that purpose.²

When punishing a misdemeanor, not only against a town ordinance but against a colony law, the selectmen frequently enforced their decisions by threatening the offender with the authority of a higher tribunal. Dorchester, in 1672, when ordering a certain woman to leave the town because she threatened to become a burden upon its charity advised her to hasten, upon the "penalty by the town orders in that Case provided of being complained of further to Authority."³

The first purely local judicial office to be created was that of the commissioners of small causes, in May, 1636. These commissioners had power to hear and determine criminal cases and other offenses, such as absence from church, drunkenness, "lyers, swearing, sabbath breaking, and to give oath to any officer in the town." In 1638 the General Court decided how these commissioners of small causes should be appointed, ordering that "in such towns where no magistrate dwells, the general court shall from time to time nominate three men, . . . two of whom shall have power to hear and determine such actions under twenty shillings,—later under 40. Cases may be appealed from their decision to the next quarter court or to the court of assistance." The town presented to the general court the names of those it wished appointed to this office. The

¹ *Roxbury Town Records*, p. 32.

² *Cambridge Town Records*, p. 83.

³ *Dorchester Town Records*, p. 185.

form of the petition was as follows: "The town of—desires that the three persons named . . . may order small causes for the year ensuing."¹ To their original duties others were occasionally added. Dorchester, in 1661, sent the following request to the General Court; "The inhabitants of Dorchester have chosen certain three men Commissioners to end small causes in Dorchester and their humble request is that the honored court would authorize one of the three said persons to join persons for marriage for the said town."² When one of the commissioners was a party in a case, the selectmen were authorized to act as judges. The jurisdiction of the commissioners of small causes was confined to their own towns, but when the parties to a suit lived in different towns the plaintiff had the right to choose the town in which the trial should be held.³ They could not enforce any judgment by imprisonment, and when the offender had no property they could only remit the case to the county court.⁴

Commissioners of small causes are not mentioned in the history of Cambridge until 1641, and then the General Court appointed three for the town. The first mention of them in the town records is in 1648, but after that time they were chosen annually in town meeting. In Watertown they were elected by the "bodie of the freemen," and in 1659 held four meetings during the year,—on the first Monday of May, of August, of November, and of February.⁵ The commissioners of small causes in Dorchester agreed in 1661 "to meet for the Clearing of causes if any appear in the days following viz.: the first sixth day in the Second moneth, the first sixth day in the fifth month, the

¹ *Mass. Arch.*, vol. B. 38, p. 9.

² *Ibid.*, vol. 39, p. 140.

³ Osgood, *op. cit.*, vol. 1, p. 191.

⁴ *Ibid.*, vol. 1, p. 192.

⁵ *Watertown Town Records*, p. 61.

first sixth day of the eighth month, the first sixth day of the eleventh month and the place of Meeting to be at Thomas Swifts, Sr.”¹ In the Records of Salem the commissioners are first mentioned in 1653, although they were chosen by the General Court for the town for many years previous to that date. After this time they were elected annually in town meeting for the term of one year.

Another local judicial officer was the Clerk of the Writs. This office was created by the General Court in 1641. There was a clerk of the writs in each town nominated for the position by the town and appointed by the General Court. A petition similar in form to that sent to nominate the commissioners of small causes was used in presenting his name to the court: “It is the desire of the Towne of Cambridge that the Honored Court would appoint Mr. John ——— to be clerk of the Writs there.”² After 1647 this official was appointed by the court of the shire in which he lived.³ His term of office was one year and it was his duty to grant summons and attachments in all civil actions and to record births and deaths. His fees were prescribed:—for every warrant, two pence, for a replevin or attachment three pence, and for a bond four pence.

The regular English jury system existed in Massachusetts,—the jury finding the facts and the court declaring the law or directing “the jury to find according to the law.”⁴ A law of the colony, passed in 1651, provided that jurymen should be summoned by the clerk of the court, “on warrant issued to the Constables of the several towns of the jurisdiction of that Court proportionable to the in-

¹ *Dorchester Town Records*, pp. 110, 115, 119.

² *Mass. Arch.*, vol. B. 38, pp. 18-19.

³ Washburn's *Judicial History of Mass.*, p. 40.

⁴ *Mass. Col. Rec.*, vol. 2, p. 21.

habitants of each town." Care was taken that the duty of serving on the jury should not be divided unequally among the towns. When complaint was made that the towns were unevenly burdened with this duty, the court repeated the order just mentioned, stating moreover that henceforth the secretary of the court must in all warrants for the jury-men, "have respect unto the number of the inhabitants of each town."¹ After receiving the warrant the constable notified the freemen to "choose so many able and discreet men as the warrant required, each man so chosen he shall name to attend the Court where unto they are appointed and shall make return of the warrant to the clerk aforesaid." Both grand and petty juries were chosen in this way. Salem, in 1643, chose eight men to be grand jurymen and the same year the selectmen appointed eight men to act on the petty jury. The grand jury was chosen for one year. The number chosen from each town can not be ascertained, but Salem furnished from six to nine men for the grand jury and for the petty jury from six to twelve. The last mentioned jury was chosen for only one term of the court.

The towns furnished jurymen not only for the county court but also for the Court of Assistants. This was done in a manner similar to the one already described. In 1673 the secretary of the General Court sent to the constables of Watertown, Dorchester, Cambridge, and Charlestown warrants requiring them to assemble the freemen of their respective towns and signify to them that they were required to select six "able and discreet men to serve for the Grand Jury and four for the trial jury at the Court of the Assistants . . . and make return thereof to the secretary" before a given date.² It was one of the duties of the constables to

¹ *Mass. Col. Rec.*, vol. 1, p. 175 and vol. 2, p. 285.

² *Mass. Arch.* vol. 39, p. 439.

see that the men thus chosen appeared at the appointed place on the day mentioned in the warrant.¹ In 1667 the constables were "required to warn ye Grand jury men that have been impaneled at ye court of assistants now sitting in Boston that they appear ye 8th of this Instant at 8 of ye clock."²

Justice was administered to all fairly and without favor. Many disputes were settled out of court, particularly disputes over land or highways. This was usually done through the appointment of commissioners to "view and determine the matter in difference between the neighbours," or by the parties interested, who chose arbitrators by whose decision they promise to abide.³

Disputes between inhabitants of different towns were adjusted either by arbitrators chosen by the towns or were tried before the commissioner of small causes. For instance, in 1653, a case between Watertown and an inhabitant of Sudbury was tried before the commissioner of Watertown, the selectmen of the town choosing a certain man to prosecute the case on the town's behalf.⁴

Punishments were not unduly severe, fines being the usual punishment imposed by the town. Stocks and the whipping post were in use, and Salem, in 1640, recommended to the court that whipping should be the penalty imposed for not paying the fines of twenty shillings for pulling down fences without the owner's consent. Prisoners were first sent to the Boston jail, but gradually the towns built their own houses of detention. In 1645 Salem began to erect a "house of correction," and one must have been built in Watertown before 1656 for in that year a rate was raised for its support.⁵

¹ *Mass. Arch.* vol. 39, p. 455.

² *Ibid.*, vol. 39, pp. 557-562.

³ *Cambridge Town Records*, pp. 124-156-260.

⁴ *Watertown Town Records*, p. 32.

⁵ *Ibid.*, p. 47.



Every inhabitant of the seventeenth century town must have been fairly well versed in colonial law, judging from the number of law books purchased by each town. The constable of Watertown in 1660 was given thirty-five law books to "sell for the townes use at two shillings six pence per booke;" and every selectman of that town, as well as the two constables, had his own copy "of the lawes in print" for his "use for the time being . . . which books in the Cunstables hands were to be delivered to the next that are Chosen & those in the 7 mens hands to be also deliuered to the next that are Chosen."¹ By 1674 every man in Watertown was supposed to have in his house a copy of the laws, which was supplied him at the town's expense.² In 1675 the surplus of the country rate was used to buy a law book, and in 1679 the selectmen decided to procure two hundred copies of the laws "respecting ye worke of ye tithingmen" and give them to "ye several Inhabitants."³ Both the town and the colony insisted that the children should be taught some of the laws of the land. In 1668 the General Court ordered the clerk of each shire court "to acquaint the selectmen of your Towne that the court doth expect and will require that" the selectmen should see that all children know the capital laws.⁴ The selectmen, in their visitations throughout the towns, inquired how parents were attending to this phase of the children's education. The selectmen of Watertown in 1665 agreed "to goe throw the towne to examin how children are taught . . . the Capitall laws."⁵

¹ *Watertown Town Records*, p. 95.

² *Ibid.*, p. 121.

³ *Ibid.*, pp. 123-144.

⁴ *Mass. Arch.*, vol. 9, p. 48.

⁵ *Watertown Town Records*, pp. 86-104.

CHAPTER III

TOWN FINANCES

THE financial system of a Massachusetts town of the seventeenth century was peculiar. It gave to the citizens of the town a control over the raising and expenditure of revenue much more complete and immediate than that permitted by the systems of to-day. In fact, during the early years of the towns there was no regular method for levying town taxes, nor was there any system of estimating the amount of money needed for the yearly expenses of the town, or for expending that sum for town expenses in general. On the contrary, when the citizens of the town realized that money was needed for its running expenses or for any purpose whatsoever, they assembled in the town meeting, discussed the need for money, decided whether the need should be met, and if so, how much money would be required, and ordered the amount raised for that specific purpose and expended for that purpose only. Was a highway to be made, the town meeting voted that a certain sum be raised to pay for it; was a bridge to be built, the meeting house to be repaired, or the schoolmaster's salary to be paid, the same thing was done. Whatever the reason for the tax, its purpose and amount were specified. Sometimes this was done in direct obedience to a town ordinance, sometimes it seems to have been required only by custom. For example, Watertown, in 1641, ordered "That when any Rate is made by ye Towne or country that it shall be speci-

fied wherefore it is made and what the sum is.”¹ Dorchester, Roxbury, Salem and Cambridge, while following the same rule, passed no order directly requiring it. Watertown, “at a public towne meeting in 1647 ordered that the seven men should make a rate of twenty pounds for the bridge over the river at the mill, and for such debts as were due and to relieve the poor.”² In 1666 it ordered a rate of 140£ “for pastor Sherman for this year,”³ and “granted a town rate of 74£ for payment of towne debts whereof 20£ was to release such poor as were in necessity and for the finishing of Charles Stearne’s house so far as it might.” Dorchester, in town meeting in 1633, ordered “a general rate through out the Plantation to the making and maintaining gates and fences of the Plantation and bridges;”⁴ and in 1637, “by a general vote of all the Plantation the town agreed that one hundred pounds should be levied by a rate for the building” of the meeting house.⁵ It is not worth while to multiply these examples; they are to be found on almost every page of the town records.⁶ Cambridge, in 1687, voted at a meeting of the inhabitants “that the selectmen then in being should levy a rate of one hundred and two pounds ten shillings for defraying the charge of the town for the Ensuing Year;”⁷ Roxbury, in 1658, made an appropriation “for the repairing of the Meeting House and the sum amounteth to the capital sum of 61 pounds and 11 pence.”⁸

¹ *Watertown Town Records*, p. 7.

² *Ibid.*, p. 12.

³ *Ibid.*, p. 88.

⁴ *Dorchester Town Records*, p. 4.

⁵ *Ibid.*, p. 25.

⁶ *Ibid.*, pp. 35, 41, 52, 57, 112 etc.

⁷ *Cambridge Town Records*, p. 286.

⁸ *Roxbury Town Records*, p. 27.

As time passed, however, and the colonists became more inclined to entrust the ordinary affairs of town life to those chosen to manage them, it became customary to estimate more or less roughly the money which the town would require for the year, and to raise this under the name of the "town rate." This was still a very indefinite term; it seldom included all the expenses which the town must bear, and it did not entirely do away with the former custom of raising in the town meeting a certain sum for a specific purpose.

It is interesting to notice how the different towns planned their town rates, some including in them all necessary expenses for the year, while others passed them for definite purposes and then, from time to time, ordered other rates to be made. In Cambridge, as a rule, every item of expense connected with town management was included in the town rate, very few special rates being levied, and the town rates being usually large. In 1686 the town rate was one hundred pounds;¹ in 1687, 102 pounds, 10 shillings; and earlier in the history of the town the town rate equalled the country rate,² or was three times the country rate.³ This rate was levied annually and usually included everything but the minister's and teacher's salaries. Watertown and Dorchester levied smaller town rates and frequently voted special rates for specific purposes. In 1680 the Dorchester town rate was only 23£, 12s, 10d,⁴ and, in 1672, 20£, 8s, 7d;⁵ Watertown, in 1656, voted a town rate of only 42 pounds but at the same time ordered a rate of 22 pounds "for the brig;"⁶ and, in 1661, the town rate was only 60 pounds.⁷

¹ *Cambridge Town Records*, pp. 281, 286.

² *Ibid.*, p. 77.

³ *Ibid.*, p. 141.

⁴ *Dorchester Town Records*, p. 245.

⁵ *Ibid.*, p. 174.

⁶ *Watertown Town Records*, p. 51.

⁷ *Ibid.*, p. 74.

In all towns the tendency was to do away with special rates and to make the town rate include everything.

In making the town rate, the statement of the amount of money needed, and the purposes for which it was to be expended was drawn up by the selectmen and presented to the town meeting for confirmation. The following illustration from the Salem Town Records will show the usual items included in such a rate:

The seuall p'ticulars for a towne Rate for ye year ensuing-

| | £ | s | d |
|---|-------|----|----|
| ffor Mr. Whitney's house..... | 13 | 00 | 00 |
| ffor Repayering of highways..... | 17 | 10 | 00 |
| ffor Elders wood..... | 20 | 00 | 00 |
| ffor Mrs. Sharpe..... | 07 | 00 | 00 |
| ffor Alice Chichester's sending away..... | 07 | 00 | 00 |
| ffor the Drumer..... | 02 | 00 | 00 |
| ffor the mending of meeting house..... | 00 | 12 | 00 |
| ffor the bell ringer..... | 05 | 00 | 00 |
| <i>Widow dense</i> | 08 | 00 | 00 |
| | <hr/> | | |
| | 80 | 12 | 00 |
| to Daniel Thomas..... | 05 | 00 | 00 |
| To the Chardges of Deputys voted..... | 11 | 00 | 00 |

To be paid in kind and price according to rate order of country.

Although the seventeenth century town never wholly resigned its control over the local finances, and although the method of raising and appropriating money by the town meeting was never given up, yet the selectmen came gradually to exercise more and more power over this department of the city government. In 1645 Dorchester, by a vote of the town, gave the selectmen "power to charge the towne with such sum or sums of money from time to time as they shall have need of for the prudent and orderly managing of such things as fall out in their times, provided that one Rate be not above twenty pounds and that they make faithful collection and also disbursement thereof to be recorded before

another Rate be made.”¹ This restriction as to the amount of the rate which they could raise proved so burdensome to the selectmen that the town meeting in 1667 allowed them greater liberty, permitting them “to make such rates for the townes use as they in their discretion shall think fit.”² While allowing the selectmen this discretion in making the town rate, the town meeting kept to itself the power of making the minister’s rate;—in 1661, it made a rate of 100£ for Mr. Mather and, in 1672, “80 pounds for the Minister.”³

Cambridge, in 1652, authorized its selectmen to raise money for the town expenses. In the instructions given the selectmen that year the town decreed, “That the necessary charges for the maintenance and reparation and well ordering of all such things wherein the Town hath a common interest should be yearly discharged by one equall rate, made by the townsmen and levied by the constable on the severall Inhabitants.”⁴ This power the selectmen kept during the succeeding years; in 1661, for example, ordering “that the Constables do levy a rate on the inhabitants, each person the one half of his Country Rates;”⁵ and in 1662, “that the charges for the highwayes & causeway be defrayed by a rate on the Inhabitants & for that end that a rate be forth with levied to ye quantity of three Single Country rates.”⁶

Even before they were directly authorized to do so, the selectmen often made the town rates. In Cambridge, after 1648,—the date of the first record of raising a town rate,—the selectmen did this occasionally.⁷ However, as has

¹ *Dorchester Town Records*, p. 291.

² *Ibid.*, p. 220.

³ *Ibid.*, p. 188.

⁴ *Cambridge Town Records*, p. 100.

⁵ *Ibid.*, p. 138.

⁶ *Ibid.*, p. 141.

⁷ *Ibid.*, pp. 77, 281.

been said—the town meeting never resigned completely to the selectmen its power of raising the town rate, even after it had given the selectmen that power it frequently took the matter into its own control again.¹

Watertown never directly conferred this power upon its selectmen. They sometimes exercised it, but generally the town meeting ordered the rate levied and stated definitely its use. As late as 1650, by which time other towns were granting this privilege to the selectmen, the town meeting ordered a rate of 30 pounds “for the poor and the turrett & for the payment of John Shearmean, and Mr. Browne & the following of Sudbury business;”² and, in 1666, a rate of 74 pounds “for payment of Town debts; whereof 20£ is to release such poor as are in necessity.”³ In Roxbury and Salem the selectmen often made the town rates, but they were not directly authorized to do so. This happened in Roxbury in 1659, 1643, and in several other years.⁴

Before discussing the method of collecting the rate after its appropriation by the town meeting or the selectmen, it is well to know exactly what an inhabitant of one of these towns meant when he voted “to make a rate.” To any New England man of that century, a rate meant a general property tax assessed upon the entire property of those liable to the tax. The value of the property to be taxed was determined by a fixed scale, made either by the colony or by the town. Lists of the taxable property owned by the inhabitants were made and the property of every inhabitant, whether freemen or non-freemen, was levied upon according to that valuation. Watertown, in 1642, ordered “That all lands granted by ye town” should be rated as follows:

¹ *Cambridge Town Records*, p. 235.

² *Watertown Town Records*, p. 22.

³ *Ibid.*, p. 88.

⁴ *Roxbury Town Records*, pp. 54, 55, 58.

| | £ | s | d |
|--|---|----|---|
| Land broken up shall pay ye Acre..... | 2 | 10 | |
| Land inclosed not broken up ye Acre..... | | 10 | |
| The further Plaine shall pay upon ye Acre..... | | 5 | |
| The dividents, ye remote meddows & ye hither Plaine,.. | | 10 | |
| The land in lieu of ye Towne Plott ye Acre..... | | 1 | |
| The Farmes shall pay upon ye Acre..... | | 6 | |
| The home meddows shall pay ye Acre..... | 1 | 10 | |
| Mares, Steeres, and Cowes are rated at..... | | 5 | |
| Heifers, 2 years old, at..... | | 3 | |
| Calves, one year old, at..... | 1 | 10 | |
| Calves under a year at..... | 1 | | |
| Goats at | | 10 | |
| Sheep at..... | 2 | | |
| Hogs a year old at..... | 1 | | |
| Pigs three months old at..... | | 6 | 8 |
| Colts at..... | 2 | 17 | 6 |
| Lambs at..... | | 5 | |
| Kids at..... | 2 | 8 | 1 |

In 1647 the town ordered "all broken up land shall be rated at 20 shillings the acre provided that some that is very bad shall go at 15 shillings, unbroken land at 10 shillings, all medow at 20 shillings."² But a few years later the town agreed to abide by the law of the colony, and in 1663 and 1664 ordered "that the Law of the General Court for the Assessment of estates to pay the rates for publique Charges shall be the rule to asseesse the estates of the inhabitants for all town rates; poll money excepted."³ This law, passed by the General Court in 1664, made a uniform valuation for "all public rates till this court take further order therein all sorts of cattle shalbe valued as hereafter exprest"—(the list being given,)—"houses, lands of all sorts, marchantable goods, mills, ships, lesser vessels & boats . . to be valued in ye several towns according to their worth in ye said place where they are."⁴ At other times the value

¹ *Watertown Town Records*, p. 8.

² *Ibid.*, p. 14.

³ *Ibid.*, pp. 80, 84.

⁴ *Mass. Col. Rec.* vol. 2, p. 174.

placed upon different kinds of property by the commissioners for the county, meeting in the shire town, was accepted as the basis of taxation in the town. In 1668 this was declared to be "10s per acre for all arable and meadow land and 5s for pasture."¹

The rate was levied upon everyone,—non-freemen as well as freemen,—with the occasional exception of magistrates, ministers, and those excused for special reasons. It was enforced by both colony law and town ordinance. Watertown, in 1636, made the order that "all charges arising either for the country's service or for the Towne service should be levied both of Freemen and foreigners;"² and, in 1638, the General Court itself ordered that every inhabitant of a town should contribute to town charges.³

It was but seldom that anyone was excused from paying the rate, but such exemptions are found. Dorchester, in 1684, abated "two-thirds of the rate" of a certain man to the ministry, "and because of his remote living from the meeting" freed a certain Harry White "from paying to the ministry by way of Rate for the yeare insuing and until the town see cause to alter it." In 1681 this town freed one John Browne from all "Town Rates Excepting only such Rates as shall be made for the ministry, provided the town be at no charges toward the maintenances of his father or mother except it be in case of sickness or any extraordinary emergency; but in the case the constable do Require of him his country Rates he shall then be allowed the same out of the town Rates."⁴

Cambridge, in 1649, granted the request of a citizen of

¹ *Dorchester Town Records*, p. 159.

² *Watertown Town Records*, p. 3.

³ *Mass. Col. Rec.*, vol. 4, pt. 1, p. 247.

⁴ *Dorchester Town Records*, pp. 270, 275, 260.

the town "to remit the present town-rate on account of God's vissitation by sickness on himself and family."¹ Ministers were occasionally excused from paying. Dorchester, in 1667, voted that her ministers, Mr. Mather and Mr. Stoughton, be freed from the town and country rate for that year,² and Watertown allowed its constables immunity from certain rates until 1652, when it decided to have them "pay ther proportion to all rates," and, instead of granting them this immunity, to pay them a fixed salary for gathering the town rates and fines.³

In order to secure a basis for making the rate, invoices of the amount of property owned by each man and the value of it were taken frequently. In some towns this was done according to a method prescribed by the General Court of 1646,—namely, that the freemen of every town should choose one of their number who, with the selectmen, should take "ye just number of their males, and also make a true valuation of all things rateable."⁴ Watertown, in obedience to this order was accustomed to choose by vote at its town-meeting a commissioner who, together with the selectmen drew up the list of taxable property. This was done very frequently in that town, as it is mentioned in 1649, 1655, 1656, 1661.⁵ The town used the same invoice for the country, county, town and ministry rates.⁶ To insure perfect justice in apportioning the rate, Watertown, in 1647, agreed upon the following plan for taking and keeping this invoice, owing to complaints be-

¹ *Cambridge Town Records*, p. 85.

² *Dorchester Town Records*, p. 145.

³ *Watertown Town Records*, p. 30.

⁴ *Mass. Col. Rec.*, vol. 2, p. 174.

⁵ *Watertown Town Records*, pp. 18, 42, 47, 72.

⁶ *Ibid.*, pp. 10, 18, 47.

ing made, "that wrong had been done to men in rating, some through mistake in the invoice, some in the draught of the rate, and may be to all as may happen when accounts are not truly given and kept; for the prevention whereof, and that all men whom it concerns may have just satisfaction, and the town's money laid out to the end the town appoints: it is ordered the invoice shall from time to time be taken, in two or three sheets of paper fixed together, and drawn into squares; and that in the margin on the left hand the names of the persons concerned in the rate should be put in alphabetical order, and in the uppermost margin the particulars to be rated, with their values, and underneath right against every man's name the particular sum he hath of every kind; and against that the total sum of every man's estate; and after that the sum of every man's rate."¹ This list was to be kept in some house convenient to all where men could easily consult it. At the same time, it was ordered that two men should be chosen to take account of all rates made and gathered and to enter them in a "book of white paper" specifying the sum of every rate and "the particulars how it was disposed that so every rate may go to the end the town intended." These two men, so chosen, had power to call to account all men to whom the town had delivered any rate, or any other who might in any way be possessed of any of the town's stock. It was also ordered that all rates should be made with as little surplusage as possible, and that what was over should be added to the next rate.² Roxbury, at times, followed a slightly different plan in making its invoice. It required all its inhabitants upon due notice to bring to the selectmen, in August of every year, "a list of their estates rateable to the country, to the town, and to the church," from which lists the selectmen were required

¹ *Watertown Town Records*, p. 13.

² *Ibid.*

to make "all their rates for that year."¹ Failure to bring this note was punished by a fine of five shillings.² At other times, however, the town followed the usual custom of choosing a commissioner who, together with the selectmen, made "a list of the real and personal estate of each inhabitant."³

Dorchester also drew up its list of taxable property in a way different from that prescribed by the General Court. It elected in town meeting a number of men called "Raters" or commissioners, at first whenever a rate was made, but later annually.⁴ It was their duty to make the list of the rateable estates of the town. There was, however, no prescribed method for them to follow prior to 1658. Then the town agreed, "that all persons should give in a true and perfect account of all their ratable estates to the Raters by the thirtieth day of this present month and so by every thirtieth day of the tenth month from time to time, and also to bring in a true and perfect account of their ratable estate unto the selectmen by the thirtieth day of the fifth month next and so by the thirtieth day of the fifth month from time to time upon the penalty of five shillings for their neglect of each, and also to abide the will and doom of the selectmen and raters of them, the fine or penalty to be put into, or added unto the town rate."⁵

It is impossible to decide how Cambridge made up its list of taxable property, as very few records of its financial affairs remain. However, since there is no record of any deviation from the method prescribed by the General Court, it is probable that Cambridge followed that entirely. The same is true of Salem. Here the only variation is found

¹ *Roxbury Town Records*, p. 65.

² *Ibid.*, p. 45.

³ *Ibid.*, pp. 142, 212.

⁴ *Dorchester Town Records*, pp. 52, 69, 73, 83, etc. ⁵ *Ibid.*, p. 93.

in the number of men chosen to make the list, some times as many as eighteen being chosen.

Some idea of the value of the property of the seventeenth century town may be gained from the invoices of Watertown which were sent by their commissioners to the shire town. In 1647 her commissioners reported that their last invoice was 5407£, 04s, 06d,¹ and, in 1658, 7298£.²

The commissioners were paid. Watertown gave hers ten shillings or occasionally one pound.³ They were elected by the freemen only, a discrimination which seemed very unfair to the other inhabitants; so much⁴ so that, in 1659, the non-freemen of Roxbury chose a certain Edward Denison "to see at the next General Court whether the non-freemen might not have a vote to choose commissioners."⁵

During the earlier years of the town, it was comparatively easy to make the lists of the taxable property of every inhabitant, as every one's possessions were either in land or animals. But as the towns grew, many workmen came into them who owned no taxable property while other men began to make incomes from different trades which were not taxed. It therefore became apparent to the colony and to the towns that the owners of real estate were paying more than their share for the support of the government. Laws were passed to correct this. The colony in 1646 began to tax the income of laborers as well as the estates of other men. By a law passed that year, laborers who received eighteen pence per day in the summer time were compelled to pay three shillings four pence annually in excess of their poll tax,⁶

¹ *Watertown Town Records*, p. 15.

² *Ibid.*, p. 56

³ *Ibid.*, p. 14.

⁴ *Dorchester Town Records*, p. 256.

⁵ *Mass. Col. Rec.* vol. 2, p. 173.

⁶ *Roxbury Town Records*, p. 28.

and "all such persons as, by advantage of their arts and trade, were more able to help bear the public charge, ye common laborers, workmen, as butchers, bakers, brewers, smiths, carpenters, tailors," should pay in proportion to their incomes.¹ Of the five towns here discussed, Watertown seems to have been most insistent upon this point. In 1653 it ordered "that all single persons that live at their own hands and have not 15£ visible estate shall be rated to the ministry and town charges at 15£ estate," and "that all persons that have 15£ estate and yet have advantage by following trades or other labor and are not disabled by sickness or otherwise, shall be rated at 15£ estate."² At the same time, it rated the mill of the town at a "hundred and forty pounds."³ Again, in 1664, the selectmen ordered that several of the inhabitants who were making a fair income by trade should pay their due proportion toward the town's expenses.⁴ This was done, but it caused such great complaint from those affected by it,⁵ that the selectmen, not being able "with satisfaction to all the seven men . . . to rate men for their trades," left the whole matter to the town,⁶ and the town thereupon "declared by vote that it expected that men should be rated for their trades (in town rates) according to the order of the General Court." The selectmen were required to put this order into execution.⁷

It has been shown that either the town meeting or the selectmen decided the amount and purpose of the rate, and that this rate was based upon an invoice of the taxable property of all the inhabitants of the town estimated in terms of a fixed scale of values. The next step in raising

¹ *Mass. Col. Rec.* vol. 2, p. 213.

² *Watertown Town Records*, p. 33.

⁴ *Ibid.*, p. 84.

⁶ *Ibid.*, p. 91.

³ *Ibid.*

⁵ *Ibid.*, p. 89.

⁷ *Ibid.*, p. 92.

the rate was to proportion to each man his due share and then to gather it. This was left to the selectmen. In some instances they themselves made the rate and gave the one for the town to the constable to collect,¹ and that for the minister to the deacons;² while in other cases they appointed different men to make the rate³ and entrusted it to the constables to be gathered. In still other instances also they issued warrants to the "raters to make the rate, and ordered the bailiff to gather it."⁴ The minister's rate was often made by the deacons, as well as by the town raters. "It is voted the said 28 day of the 9mo that our Teacher Mr. Mather shall have a hundred pounds for this year and that the deacons shall join with the rates now chosen to proportion every man according to the rule of proportion."⁵ In some cases the constables had even greater powers over the rate. In Cambridge, in 1647, they both made and gathered the rate;⁶ in Dorchester, in 1666, they not only gathered the rate but also expended it for town purposes. In Cambridge, it was customary to divide the rate, giving to one constable the collection of the town rate and to the other the collection of the country and county rate. This was also true in Roxbury.⁷ From instances given in the records of Watertown and Dorchester the method of making and collecting the rate in those towns can be seen. "The Rates for the Ministry, and for the towne were returned

¹ *Watertown Town Records*, p. 30.

² *Ibid.*, p. 113 and *Dorchester Town Records*, p. 138.

³ *Watertown Town Records*, p. 31.

⁴ *Dorchester Town Records*, pp. 63, 137, 162. "That same day there was a warrant delivered for the Raters to make a Rate for the ministry of 130-0-0£ and a Towne Rate of 45-0-0£."

⁵ *Ibid.*, p. 63.

⁶ *Cambridge Town Records*, p. 63.

⁷ *Roxbury Town Records*, p. 104.

and brought in to the select-men by the Raters, John Capen, Richard Hall, and Willi Pond, signed by thier hands

| | £ | s | d |
|---------------------------------------|-----|----|----|
| The Rate for the Ministry..... | 130 | 00 | 05 |
| The Rate for the Towne & schoole..... | 057 | 05 | 63 |

Also the same day was granted to the Constables a Warrant for the gathering of the Towne Rate.”¹ In Watertown, in 1647, “At a meeting of the seven men at Mr. Wheetnys the list of all the estates being taken in by the seauen men and the Comissionier: (before chosen) the town chose John Sherman to Draw up a Rate for ye constable to gather by, and also to send a list to the Treasurer of the just sum of the whole estates of the Town.”²

The constables not only gathered the rate but also expended it according to instructions given them either by the town or the selectmen. They were compelled to keep a strict account of money received and expended, rendering “the account of their constableness both of the country rate or whatever they gathered” to the selectmen, who were responsible to the town. For example, on the 17th day of September 1657, Henry Woodward and Richard Hall, the constables of Dorchester, came to the selectmen and gave an account of all the money they had gathered in, in the years 1656 and 1657.³ Dorchester, however, restricted the power of the constables after 1672. In the tenth month of that year the town voted to elect annually a treasurer, whose work or office should be to take all accounts from the constables for rates or fines or any other accounts which might belong to the town, and to make disbursements for the

¹ *Dorchester Town Records*, p. 130.

² *Watertown Town Record*, p. 10.

³ *Cambridge Town Records*, p. 229.

town's use, and in case of non-payment by any, to issue warrants to the constables to distrain. This treasurer was compelled to give an account to the selectmen at the end of the year, or at any other time that the selectmen might require it, and by them was discharged.¹ Cambridge compelled its constables "to give in a yearly account of what they received of the public stock of the town by rate or otherwise, and how they had disbursed the same, annually before the yearly election of the townsmen." This account was kept upon record in a book "fairly written." In case the constables failed to account for all the money, they were continued in their office another year, "unless the town saw meet otherwise to dispose."² Watertown voted in 1669, that "henceforth all constables, before they go off their office shall give their accounts of all rates they have under their hand;"³ and in 1666 the town amended this order so that all accounts must be closed by September 1, "upon penalty of twenty shillings a month."⁴ This was also the rule in Roxbury. There the selectmen went over the constables' accounts and, if they found them correct, gave the constables a discharge.⁵ If the constables refused to give an account of the town rate, as happened in Roxbury in 1690, the case between the town and the constables was taken to the General Court, which compelled the constables to settle their accounts.⁶ If they did not bring in their accounts by the appointed day, they were fined:—"Wheras there was an order given to Thomas Tolman and Enoch Wiswall, constables for the year 1661, that they

¹ *Dorchester Town Records*, p. 187.

² *Cambridge Town Records*, p. 100.

³ *Watertown Town Records*, p. 65.

⁴ *Ibid.*, p. 89.

⁵ *Roxbury Town Records*, pp. 17, 22, 89.

⁶ *Mass. Arch.*, vol. 36, p. 381.

should bring in their accounts of the rates they received unto the selectmen the 9(7) 62: Thomas Tolman came unto the select men the 10(9) 62: and by reason Enoch Wiswall did not appear, therefore there could no account be given, therefore the selectmen doth lay the penalty of 13s, 4d upon Enoch Wiswall for his neglect.”¹ The selectmen, after receiving the report of the constables, reported to the town how the money had been expended. At the general town meeting of Dorchester, in 1670, “after the directory was read, the accounts of the rats was delivered to the towne.”²

The constables were paid officials. Salem, as early as 1635, paid her constable twenty shillings for “his pains in gathering such of the town rates as is committed to him;” but this seems to have been unusual so early in the history of the town. It is probable that they were at first paid by being allowed exemption from certain rates and that the custom of direct payment began later in the century. Dorchester began the custom of paying its constable in 1652, Cambridge did the same in 1676 “the select men taking into consideration the inequality of abating the Constables their particular towne rate for their service in that office, since it often happens that they that do the greatest part of the service have the least rates, the selectmen do therefor agree to allow our four Constables this year for their service fifty shillings out of the town rate and the two constables in the town to have two thirds of it and the other two constables to have one third of it between them.”³

All rates not promptly paid could be collected by distraint. This was done by the constable, acting under the authority of a warrant from the selectmen or the town treasurer. In

¹ *Dorchester Town Records*, p. 111.

² *Ibid.*, p. 170.

³ *Cambridge Town Records*, p. 229.

the early years of Dorchester the bailiff also had this power over the minister's rates. In 1653 the selectmen required the bailiff "to ask and receive of the several persons presented to you such sum or sums as you shall find them charged with all and upon their default of payment upon demand, these presents shall enable you to distrain and make sale according unto order of court."¹ But, in 1657, the constable helped the bailiff of the previous year to gather the sums not paid him, and after that the bailiff appears no more in that connection.

Rates were paid partly in money and partly in kind,—oats, rye, wheat, pease, and even horses and cattle being taken in payment. Cattle, when taken as part of the country rate, were valued by two indifferent men.² In making a rate the proportion to be paid in kind and the value of the articles to be received in payment were usually specified.

Dorchester, in 1674, paid a certain Nicholas George for services rendered the town 2£, 12s, in money; "the other 20s he had in malt." At the same time it paid another man "2£ and 20s he had in clapboards."³

Dorchester, in voting Mr. Flint eighty pounds, "for his labour in the ministry" for the year 1671, ordered "one-fourth part to be in money" and the remainder in kind,⁴ valuing Indian corn at three shillings a bushel, pease at three shillings six pence, rye at four shillings and wheat at five shillings, and, in 1677, in making a rate of two hundred pounds for carrying on the work of the meeting house, the town ordered "that one-third should be paid in money

¹ *Dorchester Town Records*, pp. 63, 64, 69, 131.

² *Mass. Col. Rec.*, vol. 3, p. 27.

³ *Dorchester Town Records*, p. 202.

⁴ *Ibid.*, p. 188.

and the other two-thirds in current country pay.”¹ Watertown, in gathering the town rate for 1648, agreed that “Indian Corne should be redeemed at three shillings per bushel, rye at four shillings, and pease at four shillings; wheat and barley at five shillings a bushel.”² Roxbury, in raising its town rate for 1667, ordered that “corn amongst ourselves who are inhabitants of Roxbury shall pass current as follows: Indian corn, three shillings per bushel, pease, at three shillings eight pence, barley and malt at four shillings, six pence, rye four shillings.”³ The value of the grains received in payment varied almost every year. The following year, 1668, Roxbury valued barley and malt at only four shillings but left the other grains at the same valuation.⁴ Frequently, the town simply specified that the price of corn, for the payment of the town rate, should be the same as that received for the country rate for the corresponding year,⁵ though the value placed upon grain by the town was not always the same as that placed upon it by the colony.

In paying the town debts, the same plan of using partly money and partly produce was followed. In 1655 the selectmen of Dorchester agreed to pay the school teacher twenty-five pounds for that year, “two-thirds in wheat, pease or barley, and one-third in Indian corn,” valued “at the price which the General Court should from time to time appoint.”⁶ Watertown, in 1651, paid the cow keeper twenty-five pounds, “one half in English corn, and the other half in Indian corn—the English corn when the cattle are delivered home and the Indian at the last of Novem-

¹ *Dorchester Town Records*, p. 220.

² *Watertown Town Records*, p. 16.

³ *Roxbury Town Records*, p. 65.

⁵ *Cambridge Town Records*, p. 168.

⁶ *Dorchester Town Records*, p. 7.

⁴ *Ibid.*, p. 69.

ber.”¹ In 1668 three bushels of corn were received by Dorchester “for rent for the remote meadows,” and were paid “into the hands of John Minot towards the work done about the school house.”²

This method of payment sometimes occasioned loss to those receiving the grain through the decline in its value. In 1660 Dorchester ordered the constable to pay Thomas Wiswall, the school teacher, “eighteen shillings and six pence in satisfaction for losses he sustained by reason of the loss of the price of Indian corne which he receive for that which was due him.”

We have hitherto discussed the financial affairs of the town only in so far as raising money for town purposes was concerned. Our discussion will not be complete without an account of the way in which the town contributed through its county and country rate to the support of the colony,—a matter as vital to the town as was the support of the town itself.

In the Massachusetts colony, the town was the unit for levying both country and county taxes. From the earliest days of the colony, the Court of Assistants, and then the General Court, looked to the towns to raise the money needed for colonial expenses. The original way of raising this revenue was to determine the amount needed and then to assign quotas to the different towns, allowing each of these the liberty of raising the required amount in any way it chose. September 25th, 1634, the court ordered six hundred pounds “levyed out of the several plantations for public uses, the one half to be levied forthwith and the other half before the next General Court.” Of this sum Dorchester was to pay eighty pounds, Roxbury seventy pounds, New

¹ *Watertown Town Records*, p. 23.

² *Dorchester Town Records*, p. 154.

Towne eighty pounds, and Salem forty-five pounds.¹ In 1635 the court ordered two hundred pounds to be levied, of which 27£, 6s, 8d was assessed upon Dorchester, the same amount upon Boston and Cambridge, 20£ upon Roxbury and Watertown, and 16£ upon Salem.² In assigning these quotas the court endeavored to be fair, inquiring frequently what the town rates were and using these to determine the wealth of the town. In 1634 it ordered every constable to give to the deputies to the General Court a copy of the town rates, "to be considered of by them" for the purpose of judging if any were overrated and to equalize the rate for the future.³ In assigning the quotas for 1636 it appointed a committee of thirteen, "to require the last rates of each town in the plantation," and to find out "thereby, and by all other means they can according to the best of their discretion, the true value of every town and so to make an equal rate for the one hundred pounds now granted to be levied."⁴

Massachusetts, in 1646, abandoned the quota system. Henceforth the colony tax was fixed at a penny in the pound "on all visible estates in the colony," and was collected by the colony treasurer, who sent to the selectmen of each town a warrant for the rate due from that town, which rate was based upon the latest inventory of the ratable estates of the town. After 1647 the treasurer of the colony sent "in ye fifth month a warrant to the constables to call together the inhabitants of the towne," to choose a commissioner who, with the selectmen, made a list of the males between sixteen and sixty years old for the poll tax, and also a valuation of the property of the town both real and personal. On the fourth of the seventh month these

¹ *Mass. Col. Rec.*, vol. 1, p. 129.

² *Ibid.*, vol. 1, p. 149.

³ *Ibid.*, vol. 1, p. 138.

⁴ *Ibid.*, vol. 1, pp. 175, 180.

commissioners met at the shire town, and there corrected the lists each one brought with him. When this was completed the treasurer sent a warrant to each town to gather the rate based upon the lists brought from that town.¹ Sometimes, however, the list "of the just sum of the whole estate of the Towne" was sent direct to the province treasurer.² An idea of the report made at the shire town may be gained by noticing the report handed in by Watertown in 1664,

"Return to the shire town according to court order as followeth:

| | £ | s |
|---|------|----|
| The value of housing, land & cattel Amounteth unto..... | 7572 | 18 |
| The numbers of heads..... | 0154 | |
| Tradesmen with their trades and income thereby..... | 0347 | |

trades with this proviso that the County Did the like with all tradesmen."³

The amount of the rate due the colony from the town was proportioned among the inhabitants of the town by the selectmen and the commissioner and was then given by the selectmen into the hands of the constable to be collected and to be paid to the treasurer of the colony. For example, "Dorchester in 1657 made the rate for the use of the country by the selectmen and the Commissioner chosen for that end 24£ 6s."⁴ And in Roxbury in 1698, "by virtue of a warrant from the Province Treasurer requiring the same, the selectmen met upon the 9th day of November . . . and assessed upon each of the Inhabitants of said town their respective proportion of ninety and six pounds and delivered the lists thereof unto the constables of said town to collect and carry in to said Treasurer as the Law required,

¹ *Mass. Col. Rec.*, vol. 2, p. 213; *Watertown Town Records*, pp. 130, 139.

² *Watertown Town Records*, p. 10.

³ *Ibid.*, p. 82.

⁴ *Dorchester Town Records*, p. 88.

of which sum Constable Joseph Warren was to collect the sum of forty and six pounds and Constable John Griggs the sum of fifty pounds.”¹

The province treasurer sometimes addressed the warrant for the collection of the taxes to the selectmen, and sometimes to the assessors, who are usually the selectmen and the commissioner.²

The rate must be paid in to the colony treasurer by the 20th of the 9th month.³

With the country rate a poll tax was always combined. In 1646 the colony ordered this to be 20d yearly, and directed that it should be collected from “every male within this jurisdiction, servant or other, of the age of sixteen years and upward.”⁴ The amount was increased in 1647 to 2s, 6d, but the former rate was restored in 1653.⁵ There is no record of any change being made in the colony rate by these towns except by the town of Roxbury. That town ordered in 1697 $\frac{3}{8}$ that all males over sixteen, except those exempted by the General Court, should be assessed at 4s per head.

It would be interesting to note the amount of money contributed yearly by these towns to the colony, but it is impossible to find the exact amount contributed by any except Watertown and Dorchester. In 1661 the Dorchester county rate was a trifle over sixty-three pounds,⁶ while Watertown's was a trifle over sixty pounds.⁷ In 1648 Watertown paid forty-four pounds, while in 1657 Dorchester paid seventy-eight pounds.

¹ *Roxbury Town Records*, pp. 160, 192.

² *Ibid.*, pp. 193, 209.

³ *Mass. Col. Rec.*, vol. 2, p. 213.

⁴ *Ibid.*, vol. 2, p. 173.

⁵ Osgood, *American Colonies in the Seventeenth Century*, vol. I, p. 472.

⁶ *Dorchester Town Records*, p. 107.

⁷ *Ibid.*

As the rate was fixed at a penny in the pound, the colony had a more or less definite revenue to depend upon. When a small amount of money was needed, one half or three quarters of a rate was ordered to be raised. In 1670, for instance, "The sum of the country rate for Dorchester was 28£, 12s, 11d, being three-quarters of a single rate."¹

The county rate was raised on the same principle and gathered according to the same rule as that of the country. It was not levied with such regularity nor was it so large as the country rate. Watertown, in 1657, paid no country rate, and in 1658 paid only 8£-12s-8d, while its country rate was 71£-5s-6d. Dorchester raised no county rate in 1657, 1659, 1662, 1670,—unless it was combined with the country rate, as was done in 1665,² while in 1666 it paid to the country treasurer 64£-00s-3d and to the county only 13£-06s-8d.³ Cambridge does not mention paying a county rate in 1648 and 1649.⁴

The constables were the officers in charge of the country and county rates, as they were of the town rates. They were compelled to send all country and county rates called for by the warrant to the respective treasurers. This had to be done promptly and the constables were compelled to receive from the treasurer receipts for the full amount sent in order to be discharged by the selectmen from all responsibility.⁵ An example of the receipt received by a constable from the country and county treasurer is given in the Dorchester records:

"Received the 17th of April, 1666, of Mr. Stephen Minot, Constable

¹ *Dorchester Town Records*, p. 172.

² *Ibid.*, pp. 95, 97, 101, 113, 129.

³ *Ibid.*, p. 133 and *Roxbury Town Records*, p. 104.

⁴ *Cambridge Town Records*, pp. 77, 84.

⁵ *Roxbury Town Records*, p. 104; *Watertown Town Records*, pp. 72, 53; *Mass. Col. Rec.*, vol. 1, p. 172.

of Dorchester in full of their rate due to the country for the year past the sum of sixty-four pounds, three pence. I say received as above.

According to my warrant.

Richard Russell, Treasurer."

"Received the 9th of May, 1666 of Mr. Steven Minott, in full of a county rate, due from the town of Dorchester, the Sum of thirteen pounds six shillings, eight pence. I say Received

Edward Tyng,
Treasurer for the County of Suffolk." ¹

In 1636 the General Court ordered that any constable who did not pay to the treasurer the sum called for in the warrant within one month after receiving the warrant, and not sending any excuse satisfactory to the Treasurer, could be sued for the required amount by the Treasurer." ²

In raising both country and county rates a larger sum was gathered than was called for in the warrants. In 1666 the country rate of Dorchester was 91£-05s-11d,⁷ of which amount the treasurer was to have 85£-10s-00d, the deputies, 5£-10s-00d. In 1667 the amount raised was 80£-2s-00d, of which only 64£-19s-00d went to the country treasurer. Of the remainder, 4£ was given to each of the deputies, and 3£ to Nicholas George, "who kept a house of common entertainment" in Dorchester, leaving a balance of 4£-3s-00d.⁴ Dorchester, as a rule, seems to have included in its country rate the expenses of the deputies.⁵ Roxbury, too, always raised a larger rate than it paid to the treasurer. The following statement of the selectmen of that town in levying the three rates in 1692 explains this: "There is a considerable surplus in the whole of these three rates for making good what may fall short on any account and not to be obtained by the Constables." ⁶

¹ *Dorchester Town Records*, p. 133. ² *Mass. Col. Rec.*, vol. 1, p. 179.

³ *Dorchester Town Records*, p. 137.

⁴ *Ibid.*, p. 140.

⁵ *Ibid.*, pp. 163, 169, 186.

⁶ *Roxbury Town Records*, p. 154.

This seems to have been a wise step on the part of the selectmen of Roxbury, for in Salem it was often difficult to raise the amount called for by the warrant. When such a deficit occurred, some public-spirited citizen of Salem loaned to the town money sufficient to make up the amount called for by the warrant, which sum was repaid him from the next rate. In 1643 it was "agreed that whereas Mr. Hathorne allowed to the constables 40s to make up their account to the Treasurer wch was due unto him vpon account of the town in this last account, That, Therefore, these Cunstables would forthwith pay vnto Mr. Hawthor[ne] the said 40s out of the rate they are now gathering." Watertown made its rates "with as little surplusage as possible," and any sum remaining after the payment of the rate was added to the next rate or used for some town purpose, as, in July 1675, to buy bullets and a law book for the town.¹

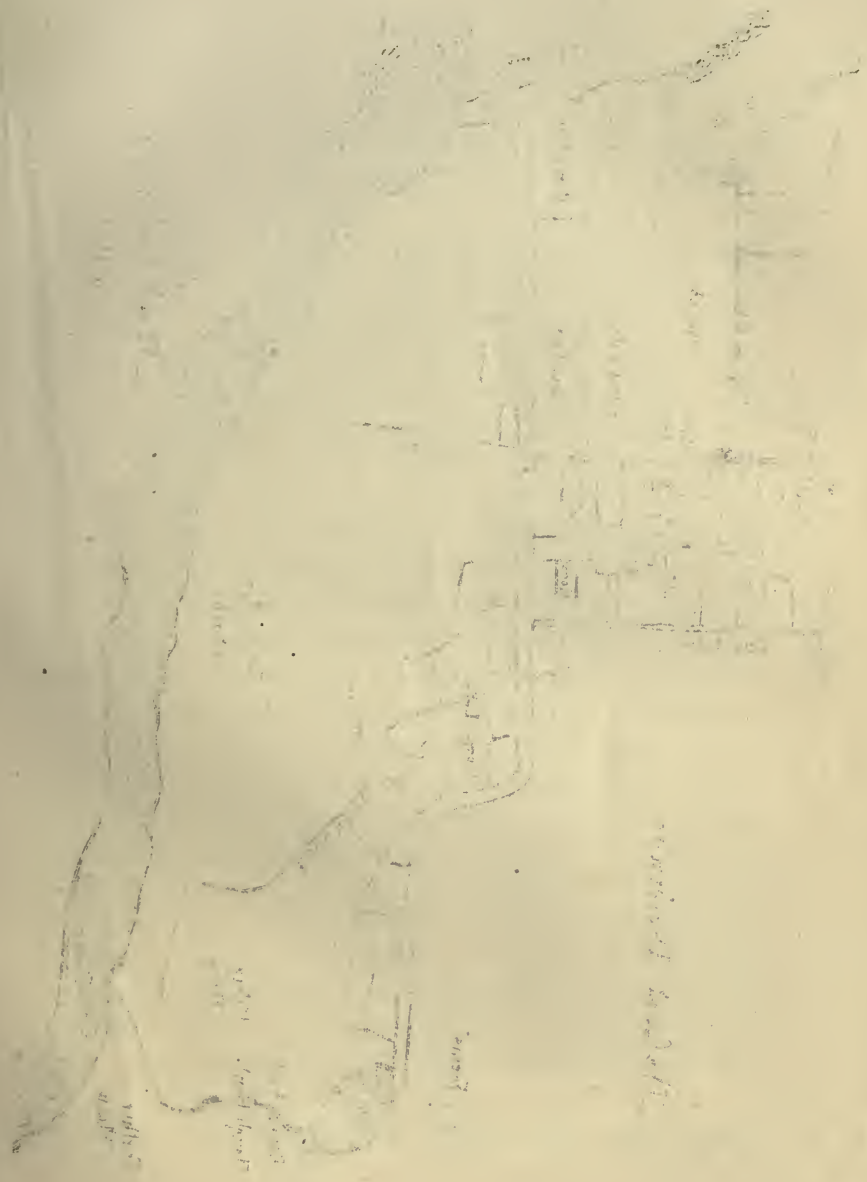
An illustration of the many expenses met out of the country rate is given in an order from the selectmen of Dorchester to the Constable in 1670:

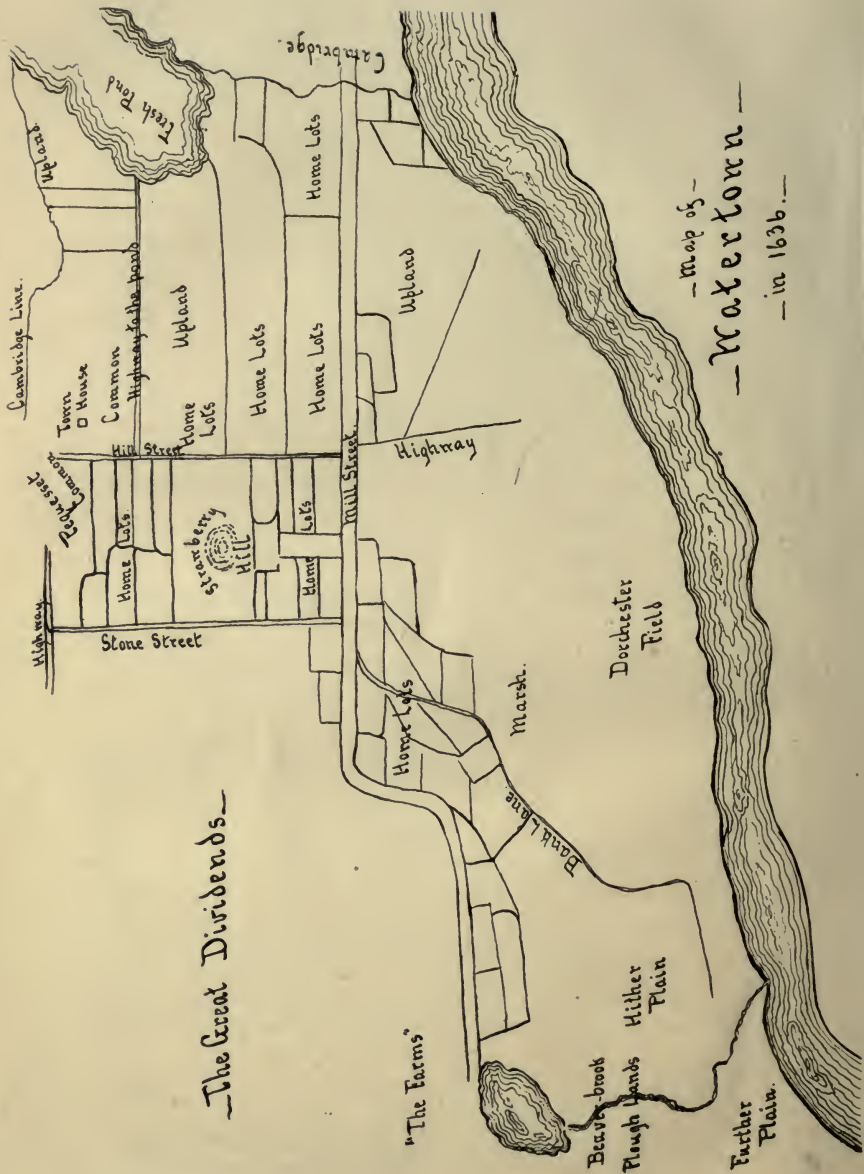
"The same day ther was order given out to the Constable to pay out of the Country Rate as followeth.

| | £ | s. | d. |
|--|-------|----|----|
| Imp. to the Treasurer or his order..... | 22 | 08 | 10 |
| It. to Nicholas Bolton for part of his labor..... | 01 | 00 | 00 |
| It. to Capt: Foster as deputy..... | 02 | 00 | 00 |
| It. to William Summer as deputy..... | 02 | 00 | 00 |
| It. to Tho. Tolman Sen. for pay of his work about wheels | 00 | 05 | 00 |
| It. to Jn Tolman for the like worke..... | 00 | 01 | 08 |
| It. to Nichols George pay of what is due to him for ex- penses the last year..... | 00 | 10 | 00 |
| It. Tho. Moadsly his rate not pay being poor..... | 00 | 02 | 06 |
| It. Samuell Minot's rate not pay..... | 00 | 01 | 00 |
| | <hr/> | | |
| | 28 | 09 | 00 |
| Rest due | 00 | 03 | 10 |

¹ *Watertown Town Records*, p. 137.

² *Dorchester Town Records*, p. 172.





The Great Dividends

Map of
Waterbury
in 1836.

CHAPTER IV

TOWN LANDS

THE most characteristic feature of a New England town was its land system. This was a curious combination of land owned in severalty and land held in common,—a complicated arrangement but one which seemed perfectly natural to the New England settler, since it included so many of the features in the management of land to which he had always been accustomed in England. By this system, the home lots and planting fields were owned in severalty though the latter were subject to common regulations as to choice of crops, manner of fencing, and reservation of herbage, and were, moreover, common from the time the crops were gathered until it was time to sow again, while the pasture fields, the woods, and meadows were held absolutely in common and were regulated by town ordinances.

The land for the town was usually granted by the General Court to a group of men who formed the nucleus of the little settlement and who divided the grant into home lots, assigned the planting fields, and designated the pasture and meadow lands. Though the settlers of Salem, Dorchester, Roxbury, Cambridge, and Watertown did not wait for any grant from the company but settled wherever the land seemed best suited for their purposes, they followed the prevailing custom in dividing the land, in deciding upon streets, in assigning home lots, and in designating the pasture and meadow lands.

Naturally home lots were granted first. These con-

sisted of a plot of ground large enough for a house and out-buildings, a garden, and usually an inclosure for feeding cattle and raising corn.¹ These lots were usually small. In Salem, until 1635, they were two acres and after that date only one.² In Roxbury, they varied from two to five acres, though occasionally nine and one half acres were granted.³ In Cambridge, they were even smaller than in Salem,—the usual size being one acre while some were only one-quarter of an acre.⁴ In Dorchester, home lots were usually four acres;⁵ and in Watertown, they were about the same size. In Salem, the home lots were the only land granted to a certain class of inhabitants,—namely those wishing to live in Salem for the fisheries. Men engaged in this occupation usually wished to be near their work, so home lots were granted to them not in the body of the town but on either the neck of land connecting Winter's Island with the main land or at Marblehead. To such inhabitants "no other accommodation of land" was given than a house lot and a garden lot or ground "for placing of their flakes" and common of the wood near adjoining.⁶ Even these lots were given them only for a time, the grant being made during the pleasure of the town and reverting to the town when the fishermen left.⁷

After the home lots had been assigned, the arable land and the meadow were allotted to the several inhabitants.

¹ H. B. Adams, *Village Communities of Cape Ann and Salem*, J. H. U. Studies, vol. 1, p. 31.

² *Salem Town Records, Colls. of Essex Inst.*, vol. IX, pp. 9, 11, 27, 33.

³ *Report of Boston Record Commissioners*, vol. 6, pp. 37, 34, 35.

⁴ *Proprietor's Records of Cambridge*, p. 7 *et seq.*

⁵ *Dorchester Town Records*, p. 2.

⁶ *Salem Town Records*, p. 28.

⁷ *Colls. of Essex Institute*, vol. 34, p. 95.

The size of these allotments varied greatly not only in different towns but within the borders of each town. In Salem, in 1634, it was ordered that "the least family shall have 10 A but greater families may have more according to their numbers."¹ These ten-acre lots consisted of arable ground and meadow, the latter of which if left to the use of the town was replaced by "more arable ground" for the owner's use.² Any person taking more than his allotted share of ground was not only punished by the town but was forced to throw open again whatever he had taken in excess of his grant. These lots were granted to heads of families irrespective of sex:—"Tom Moore's widow" had ten acres assigned her and "Mistress Fellows and Son, twenty A." After 1636 this regulation concerning ten-acre lots was no longer in force, the amount of land granted each inhabitant being left to the selectmen. However, even before this, grants of land were not limited in size to ten acres. Larger grants were frequently made sometimes including two hundred or three hundred acres. Grants of this size were usually remote from the town,—“on the north side of the river” or “at the head of Bass River.”

Every settler of Dorchester was given in addition to his home lot "a great lot" of sixteen to twenty acres,³ near Naponset river or, when the land there was exhausted, near Roxbury. These great lots were usually meadow land. They were laid out by men appointed for that purpose and were given to those who manifested at the monthly meeting a desire to have them if this desire met with the approval of the meeting.⁴ When there was no more room in these quarters for the assignment of lots, land was granted

¹ *Salem Town Records*, p. 14.

² *Ibid.*, p. 15.

³ *Dorchester Town Records*, pp. 4, 18, 1.

⁴ *Ibid.*, p. 4.

in different sections of the town so that by 1633 there were five great fields in Dorchester, namely the great lots, the West field, the South field, the East field, and the North field.¹

In Watertown, no account is given of the assignment of the home lots or, as they were called there, "these small lots," but there is a very complete record of the allotment of the large pasture fields i. e. all the land lying west of the small lots which land was at that time called "the Great Dividents." By July, 1636, this land was divided into four parts, each part being one hundred and sixty rods in breadth, beginning next the small lots which lay toward the Cambridge line on the east, and bounded by the Cambridge line on the north and the plough lands on the south. These were laid out "successively one after another (all the meadows and cartways only being excepted) for them to inclose in common,"² and the freemen allotted shares of this land to "all the Townsmen then inhabiting" being one hundred and twenty in number. The first "divident," containing about one thousand and ninety acres, was divided among thirty-one men in lots ranging in size from twenty to seventy acres; the second, consisting of twelve hundred and seventy-five acres, was given thirty men each one receiving on an average thirty-five acres though Mr. Phillips' share of this allotment was eighty acres; the third, consisting of eleven hundred and five acres, to thirty people, among whom was Sir Richard Saltonstall. These allotments varied from one hundred to twenty acres. The fourth, was given twenty-nine people in lots ranging from twenty to sixty acres.

Before these lands were divided the "plow lands at

¹ *Dorchester Town Records*, pp. 1, 3, 10.

² *Watertown, Book of Lands, Grants, and Possessions*, p. 3.

Beverbrook Plain" were granted to the different inhabitants of Watertown. Only one hundred and six persons shared in this division as these were "all the freemen then inhabiting." These plow lands began next "to the small lots beyond the weir on Charles river in the south-western part of the town" and were bounded with the great lots on the north side and Charles River on the South, divided by a cartway in the midst. The first lot was next the river, the second on the north side of the cartway, and so on until all the lots were ended. About six hundred and ninety-seven acres were included in these plow lands and the lots assigned there varied from one to forty acres, the latter amount being given to Mr. Phillips only.

Division of one kind of land was followed soon after by the division of another kind. In February of the following year, 1637, the town passed an ordinance "that all town land should be divided," in obedience to which order, the "Remote or West Pine meadows" containing about seven hundred and fifty acres were allotted "all the townsmen then inhabiting being 113 in number." A new rule was adopted in dividing these lands, namely, that one acre was allowed each townsman and one additional acre was added for every head of cattle valued at twenty pounds to the head. The lots were to begin "next to Plain Meadow and so to go on until the lots be ended." The grants made according to this rule varied in size from one to forty acres. On April 9th, 1638, the division of the town plot was determined upon, the selectmen being ordered to divide it among about forty persons "who lived more remote from the meeting house and dwelt most scattered." The recipients of these grants were obliged "to build and dwell upon them and were forbidden to sell or exchange them to any foreigner." In 1642, "all townsmen that had not Farms laid out formerly" were ordered to take them "by ten in the

division and to cast lots for the several divisions allowing 13 A of upland for every head of person and cattle."

— In Cambridge, home lots, plow lands, pasture, and meadow lands were granted almost simultaneously. There is no record to show how this was done, only the completed grants recorded in the proprietors' records remaining. The land originally left common to the whole town, was soon divided in its turn into lots and given new inhabitants. In 1635, Fresh Pond meadow west of the town was divided among the inhabitants each one receiving a share, though the shares varied in size. In the same year, the land between the common and Charlestown Plain was given eighteen men in lots containing from two to nine acres; in 1689, the cow common "and other parcels of land lying among the small farms from Watertown line to Concord Road" were divided. In this allotment, those inhabitants who had "no rights in the land but who had settled there were to have a share amounting to twelve acres more or less apiece."

— As a result of this method of allotting land, the estate of each individual was composed of several small tracts of land lying in the different quarters of the town, at a greater or less distance from the homes, and home lots which were grouped within a comparatively small area, usually near the center of the settlement. In Watertown, the list of the lands owned by one man was as follows: "A homestead of six acres, one⁴ acre and a half of planting ground, one acre of plowland in the further plain and nine⁴ acres of upland beyond the further plain."¹

— In determining the amount of land to be given each settler the town followed no definite rule, except that a larger grant was usually given to the minister and to the leaders

¹ *Watertown Town Records*, p. 130.

of the enterprise. Watertown gave Sir Richard Saltonstall one hundred acres when dividing the Great Dividents, and George Phillips twelve acres when dividing the town plot—the largest grants made to any one.

A ~~second result~~ of this method of dividing the land was the development of the system of common fields, that is, of fields owned in common and cultivated in common by groups of men called proprietors, each of whom might be a proprietor in several fields since his holdings were scattered among many fields.¹

By 1640, there were in Salem ten of these common fields of which the two best known were the North and South fields which continued as common fields until the middle of the eighteenth century.² North field was north of the north river. It contained about four hundred and ninety acres laid out in ten acre lots. South field lay between Forest and South rivers. It contained six hundred acres part of which was soft marsh and swamp. Other fields of Salem only less celebrated than the ones just mentioned were "Glass House field" and "Old Planters'" meadow where Mr. Conant, John Balch, and Mr. Woodberry had holdings.

Common fields are one of the features of Dorchester though more is learned of them from the regulations made to govern them than from any mention of them by name. One common field was situated near Rocky Hill for, in 1636, this land was granted six men "in community amongst them." This was rather an unusual grant in that definite conditions were attached to it:—the passage of people, carts and cattle across it could not be hindered, and any inhabitant was free to "fetch stones for building or other

¹ Cambridge, *Proprietors' Records*, pp. 5, 68.

² H. B. Adams, *Common Fields of Salem*, p. 8.

use" from Rocky Hill itself.¹ Other well known fields in Dorchester were the "Great Lots" and the "Six Acre Lots. By 1659, the common fields of the town were "the neck of land, the field behind Mrs. Stoughton's, the great lots, the twenty acre lots, the lot behind Mr. Jones, the field behind Mr. Mather, the eight acre lots, and the field about Neponset river. Watertown also had many common fields. In 1636, as has been shown, four common fields were made out of the "great dividents" and in 1640 the hither and further plains were made common fields.

From the beginning, common fields, though owned and regulated by the proprietors, were supervised and controlled by the town acting usually through the selectmen. At no time in the history of the town were they allowed to pass beyond the town's control. Regulations about fencing were made by the town and enforced by the town. In Watertown, when the hither and further plains were made common fields, every owner of a lot there was ordered to make his fence by the 10th of May, upon pain of forfeiting his lot to the town. This was no exceptional ordinance. Every common field, according to a by-law of the town, must be fenced in by the proprietors of the field, "each doing his portion." Any individual failing to live up to this regulation was liable to be summoned before the selectmen to answer for his neglect, and if the entire body of the proprietors failed, they all might be "warned to the next meeting of the seven men to show cause why they should not fence according to proportion." In 1659, for instance, "the possessors of the Common field between the highway, mill, river, and Dorchester field" were summoned to give reasons for refusing to fence. If this interview produced no result, the fence viewers were empowered by the selectmen

¹ *Dorchester Town Records*, p. 36.

to have the fence built, the selectmen engaging to see that they were reimbursed. An ordinance of 1653 defined carefully the relation between the owners of the common fields and the town of Watertown. It decreed that all general fields that had been inclosed by the initial act of the commoners, by planting and fencing together, were accounted by the town general fields. As such, the bounds must continue to be as first inclosed, and every commoner was required to fence in all his planting land, meadow, or pasture land, unless he gave notice to the other commoners seven months before any summer grain was sown or planted that he would not improve his land any longer. Even the height of the fences around a common field was determined by law. They were required to be four rails, three feet and a half high, and must be up by April first and stay up until the summer grain was in and, in fields where English grain was sown, fences must be kept up in winter as well as in summer. Roxbury and Dorchester also passed ordinances for the regulating of their common fields. In Dorchester some of the fences had to be six feet high: "the great lots" must be inclosed "by a good sufficient fence six feet long and the rails not above ten feet between the posts;"¹ while in Roxbury fences had to be sufficient for the "safeguard of corn." Men owning adjoining lots some times agreed to maintain the fence between their two lots jointly. In 1642 Elder Heath and Captain Joseph Weld of Roxbury agreed that Heath "should make and maintain all the outside fence from his house to the top of the lane leading up to the meeting-house and so to Jasper Rawlin's orchard, and Captain Joseph Weld to make and maintain the fences between him and Isaac Heath quite through between their two lots."²

¹ *Dorchester Town Records*, p. 5. ² *Roxbury Town Records*, p. 10.

Since the fencing of fields was so important for the prosperity of the town, it was necessary to have officials whose duty it was to see that this was properly done. Hence fence viewers are prominent officials of all seventeenth century towns. These were sometimes elected by the towns in the annual town meeting, sometimes appointed by the selectmen, and sometimes named by the proprietors themselves at the request of the selectmen, as happened in Dorchester in 1653 when the selectmen, hearing of the damage being caused by defective fences, desired "that the proprietors of each field that it concerns would of themselves appoint two or more as they shall see meet to view all such places."¹ The fences these officials were to inspect were usually designated when they were elected or appointed, as in Dorchester in 1662 when fence viewers were appointed "for the necke of land, for the great lot, and for the twenty-acre lot." In Dorchester the method of procedure to be followed by the fence viewers was carefully regulated by town ordinances:—when a fence was found defective they were required to view it twice before calling the attention of the selectmen to it, once when it was found defective, and again six days after giving notice of its condition to the owner. When they had reported it to the selectmen, their duty was done and further action remained with the selectmen, who were required to summon the owner before them to answer for his neglect.

All questions of cultivating and planting common fields were settled by the proprietors of each field, when they could agree in what manner this was to be done. This privilege was allowed them by both town and colony, but "where the commoners could not agree about the manner

¹*Dorchester Town Records*, pp. 64, 66, 114, and *Roxbury Town Records*, p. 137.

of improving of their fields, the kind of grain to be sown, or the manner of feeding the herbage thereof," the selectmen were empowered by the General Court in 1643 "to order the same, and, where no such are, the major part" of the freemen were allowed to "decide and settle any difference."¹ However, the commoners usually settled such matters among themselves and only occasionally appealed to the selectmen. The towns themselves passed ordinances allowing the proprietors of the common fields the privilege of managing their own fields. Salem, in 1684, allowed the proprietors of the north field to make such orders as they might from time to time find necessary for the fencing and improving the field, providing these orders were first approved of by the selectmen.

The organization of a body of proprietors is seen most clearly in the case of the proprietors of the South field of Salem. These met on the "last day in February in every year for the making of such orders as may be needful for the good of the South Field." They were definitely organized and had two officers, the moderator and the clerk, whose duty it was to appoint the place of meeting and notify the proprietors to attend. Attendance upon the meeting of the proprietors was compulsory, a fine being imposed for non-attendance. The meeting was conducted according to parliamentary rules, minutes were kept, and by this meeting several minor officials were appointed,—the surveyors of fences for the field and the Haward or, "watchman upon the walls of the pasture," whose duty it was to repair gates, impound horses and cattle running at large, drive out all animals in the spring and break down barriers in the fall. While it is hardly probable that all bodies of proprietors of common fields were so definitely organized, all must

¹ *Mass. Arch.*, vol. 45, p. 8.

have had some kind of organization more or less resembling that of the proprietors of the South Field. There is no mention of officers being chosen by any other body of proprietors, and it seems more probable that they met whenever they had business to discuss and appointed some one of their number to carry into effect the measures they decided upon.

At first every proprietor of a common field was at liberty to pasture on any field in which he owned a share or in the common pasture fields of the town an unlimited number of animals. This privilege, however, was soon withdrawn. Dorchester, as early as 1638, ordered that every person who put any cattle of any kind whatsoever into the great neck should give a note of how many he put in and if it was found that any man was putting in "more than his stint" he should "forfeit twenty shillings for every cow or other cattle so put in above his stint."¹ And that same year the "great lots" were stinted to "6 acres a cow, the meadow and eight acre lots the like, the twenty acre lots at ten acres a cow."² Salem, in 1680, decided that each proprietor who owned ten acres could pasture six cows, four oxen, three horses, or twelve yearling or twenty-four calves, and so on in proportion as he held a greater or less number of acres.

Proprietors of common fields had certain privileges in harvest time. If they needed help at that time they could secure it from the "artificers or handicrafters men" by applying to the constable who, under the authority given him by a colony law passed in 1646, could require "artificers or handicrafts men . . . to labour and to worke by ye day for their neighbors needing help in mowing and reaping" provided those whom they helped should duly pay for the work.³

¹ *Dorchester Town Records*, pp. 37, 84.

² *Ibid.*, p. 38.

³ H. B. Adams, *Common Fields of Salem Essex Institute*, vol. 19, p. 241 *et. seq.*

In addition to these fields owned and worked by groups of proprietors, each town throughout the seventeenth century contained land absolutely common to all, namely, the town common, the pasture fields, the woodland, and the meadow as yet undivided. In Salem a very important field of this kind was the cow pasture or "Cattle Range," since called the great pasture. This began at "Forest head where the first waterfall was and where the salt water flowed at high water mark southward and up to Mr. Humphrey's farm and thence to the pond and so about to Brooksby." The town decreed in 1640 that "none of the land within the cattle range shall be granted to any man for his particular use;" but this order was afterwards repealed and its four thousand acres were divided, causing much confusion in Salem.¹ In Dorchester, also, a common cow pasture is frequently mentioned.² This common land was under the control of the town which, however, frequently allowed the selectmen to make orders for its regulation. In Cambridge, for instance, the selectmen often allowed men to fence in and use ungranted land during their pleasure, and, some times, rented it at a fixed price for the erection of building, such as barns or shops.³ In April, 1656, the selectmen then in power allowed "Ed Jacson to take and fence in the highways and common land near his meadow during the pleasure of the townsmen." The selectmen of Roxbury, in 1652, granted the use of the woodland and permitted the fencing in of watering places and, in 1698, a town meeting called to decide the question directed the selectmen "to let out the common land belonging to the town over Rocky Swamp for ten or twenty years unto any that shall appear and desire

¹ Felt, *Annals of Salem*.

² *Dorchester Town Records*, p. 53.

³ *Cambridge Town Records*, p. 47.

to hire the same.”¹ Dorchester granted the use of the common land for various purposes as, in 1652, “to set a house on for a sap house.”²

As the town increased in numbers and more home lots were assigned, the common undivided land became less and less, finally disappearing almost entirely. Grants made from this town land were often given only upon the fulfilment of certain conditions. In Salem the grantee was compelled to promise that, if he ever sold the property, the town of Salem should have the option of buying it, or, if the grant were in the neck, that the grantee would follow fishing,³ or that he would use the the land for some specific purpose, the non-fulfilment of which nullified the grant. The condition usually attached to a grant of land in Cambridge was that the grant must be improved within a certain time, while the right to open up highways through the grant was always retained by the town. Moreover, in this town the land and any buildings erected upon it could be rented only to such persons as the townsmen then in office approved of, as no sale could be made without their consent.⁴ Here, too, grants from the common land were often made to compensate for some deficiency in a former grant. Roxbury used her common land for the same purposes. In 1653 she gave a certain man a grant of land in “place of that which he fall short that his father should have had on meeting house hill,”⁵ and, in 1662, gave six acres to a certain

¹ *Roxbury Town Records*, pp. 4, 185.

² *Dorchester Town Records*, p. 63.

³ *Salem Town Records*, p. 62. This way of granting land was used to increase the industries of the town. In 1639, for example, Salem granted land to be used to make tan-pits and to dress goats' skins, provided that the place, if not used for that purpose, should be returned to the town.

⁴ *Cambridge Town Records*, pp. 32, 33, 50.

⁵ *Roxbury Town Records*, p. 12.

man as a pure act of justice, "he being formerly neglected and forgotten."¹ In Dorchester, too, such injustice in assigning land was corrected again and again. For instance, a certain man was given "two acres of marsh towards Fox Point in place of some land taken from him for making the way to the neck, and another two and a half acres" of dry ground adjoining to his meadow ground in the Little Neck as satisfaction for what he lacked in his home lot.²

As these town fields were divided, a certain number of the inhabitants of the town profited by each division. Dorchester, in 1637, ordered all the land in common within the town on both sides the River Naponset to be divided among all the inhabitants, and, in 1638, the land "last given by the Court beyond the line from Roxbury bounds to the Blue Hills" to be divided among all the freemen. Roxbury, in 1662, realized the necessity of keeping some land in common for the use of the town and she, therefore, ordered that "no more land should be given away but kept for the use of the town."³ Watertown and Salem began in 1636 and 1639 to divide their common land. In the latter year Salem measured all her marsh and meadow land and apportioned it to the inhabitants of the town, "provided that none sell his meadow nor lease it for more than three years without at the same time leasing his house."

Commonage of woods, as well as of land, was the custom in these towns. In 1636 the selectmen of Salem set aside all the land "along the shore on Darby's fort side up to Mr. Humphrey's land and so to run along toward Marble Head 1120 pole into the land for the commoners of the town to serve them for wood and timber."⁴ Dorchester

¹ *Roxbury Town Records*, p. 38.

² *Dorchester Town Records*, pp. 12, 40.

³ *Roxbury Town Records*, p. 39. ⁴ *Salem Town Records*, p. 34.

required those wishing to gather wood from the commons to first obtain permission from the selectmen:—for instance, they allowed a certain individual to take “three thousand of clapboard of the common swamp belonging to Dorchester.”¹

No non-commoner was allowed by Dorchester to “fell any trees for timber on penalty of five pence for every tree so felled.”² Later, however, certainly by 1662, five hundred acres of the common land were set aside for the exclusive use of the non-commoners.³ This land was also under the control of the selectmen, who were authorized to grant permission to gather timber from it and to impose fines upon those who gathered wood there without their permission. This power was taken from the selectmen in 1657, in which year three men were appointed to have charge of the cutting of the wood, any two of whom could grant permission to cut wood. But at the same time the town decreed that no persons whatever, whether freemen or non-freemen, commoners or non-commoners, should “fall or cut, or carry away any timber or wood that is standing or fallen from off the commons or any part of the land undivided—or from the highway—except such as have liberty from those appointed to grant liberty for cutting timber.”

Over the common pasture fields roamed the village herds watched over by the village herdsmen. These herdsmen were appointed yearly by the selectmen, and were paid by the owners of the cattle a salary decided upon by the selectmen. In Cambridge the keeper of the cattle had charge of one hundred animals, which he drove “out at 6 A. M.” and brought “into the town from the town common one-half hour before the sun goes over night.” No new animal could be added to his herd without the con-

¹ *Dorchester Town Records*, pp. 41-219.

² *Ibid.*, p. 41.

³ *Ibid.*, pp. 112-113.



sent of the selectmen, but every inhabitant was required to entrust his cattle "into his keeping" or "shut them up."¹ In Dorchester the great neck of land was one of the cow pastures, and for every animal pastured there the owner paid two shillings. In 1635 two men were appointed to keep the cows "for the space of seven months to begin the fifteenth of April," but at other times the cattle reeves were appointed for a year. The salary paid them was 31£-10s. They drove the cattle forth, gathering them into a herd from certain specified points whither their owners had driven them, watched them during the day and brought them back at night to these same points, where their owners again took charge of them. Any cattle remaining at large and doing any damage were impounded,—the pound being kept by a man appointed by the town, who was paid a certain sum for each animal. The inhabitants were very loath to comply with the regulations concerning the herd, and their failure to do so caused so much trouble in the town that the selectmen in 1653 passed very stringent orders upon the subject, fining for leaving gates open, for allowing a beast to trespass, and for not following diligently if compelled to drive cattle through a corn field.

Watertown, in 1649, provided a "convenient habitation for the herdsmen" and required every one in the town who owned cattle to pay him three shillings a head whether their cattle were under his care or not.² Cattle from any other town wandering within Dorchester limits were impounded and were not released until a fine of six pence a head was paid. Dorchester had great trouble with its cattle. The complaints against them finally grew so numerous that the town ordered that there should be within the town but three

¹ *Cambridge Town Records*, p. 19.

² *Watertown Town Records*, p. 21.

herds and that every inhabitant must send his cattle to one of the three. The number of herds was afterwards increased to four, but even this increase did not induce every inhabitant of the town to comply with the law, and so many violations were reported that, in 1670-71, ordinances were passed imposing large fines upon the owners of all cattle found without a keeper. In Salem the herdsman was appointed by the selectmen for a certain number of months, sometimes six, sometimes seven. He was paid by those owning the cattle of which he had charge.

Highways within the town were the property of the town weherin they lay, and were kept in order by the inhabitants working under the direction of the surveyors of the highways,—officials elected in town meeting for the purpose of supervising this work. These officers could compel the presence of all the inhabitants of the town to work upon the highway and could require any inhabitant to loan his team for this purpose. In Cambridge the surveyor sent each man a notice whether it was he or his team that was required, and “any one refusing or neglecting to do as directed”—that is, either to come himself or to send his team,—was required to “forfeit to the use of the town double the price of such labor as he had warning to send.” In Roxbury, also, men were forced to labor on the highways and to lend their teams when they were called for. Those neglecting to do so were fined, the constable collecting all such fines by distraint, if necessary.¹ But the town excused men from their share of this labor if they could give a good reason for their refusal to work.² In 1663 the highways of Roxbury were thoroughly inspected by a commissioner. Some were made broader, some two rods and some four

¹ *Roxbury Town Records*, p. 144.

² *Ibid.*, pp. 52, 189.

as the "highway from the upper end of the lane toward the meeting house and so down to the old mill and so forward to Muddy River;" houses were moved back, fences drawn in, and new highways recommended.¹ In Dorchester there was no direct town supervision of the highways until 1640, in which year the town passed the ordinance that "henceforth there should be yearly chosen two officers by the name of supervisors of the highways, who should oversee the making or mending such highways as are defective within the plantation." They were empowered to take any man's team or servant or "other workman or money to the effecting of such work as they have to do," proportionally to the amount of land owned by the men "where such ways lie." Refusal to "afford such help" was thereafter punished by a fine of three shillings per day for a man's work and six shillings eight pence for the work of the team.² And if any one sent any workman under sixteen years of age, he was not accepted, but the one sending him was liable to a fine of two shillings for his neglect. The selectmen were given authority to direct supervisors, giving them orders to make "good and sufficient the highways" and calling their especial attention to those which seemed most in need of repair.³ An exact statement of those helping was kept by the surveyors and was passed by those going out of office to those coming in, thus preventing any injustice through requiring more work from one man than from another. Surveyors in Dorchester were elected annually by the town meeting, three being usually chosen.

For the important duty of making a new highway a special committee was sometimes appointed by the select-

¹ *Roxbury Town Records*, pp. 45-49.

² *Dorchester Town Records*, p. 113.

³ *Ibid.*, p. 97.

men. In 1660 the selectmen of Dorchester chose two men to view a place "for a highway that may be convenient . . . and to make their return unto the selectmen;"¹ and, a little later, they appointed three men "to lay out the way from the landing place by the mill through Robert Vose's farme."² In all towns new highways were made by the selectmen upon the request of a number of inhabitants. For instance, in Dorchester, "at a meeting of the selectmen the 10th day of June, 1661, William Robinson, Thomas Traft and the rest of the neighbors there desired that the way from the river unto the country highway might be laid out."³ When this was done, a report was made to the selectmen as follows: "We whose names are here underwritten, being appointed to lay out a highway from the country highway, leading to the Fresh marsh, we met the 15th of the 1st mo: 1663, and laid out two rods wide from the country highway in breadth, by Visilla Batten's pasture fence, to the brow of a hill, by a rock lying on the East side of the way of the hill, and from thence crossing over to the way that now is."⁴ At times the selectmen themselves were appointed by the town meeting to view a highway, "to determine the breadth and course of it;"⁵ and, at times, the question of continuing a highway or making a new one was referred by the selectmen to the town.⁶

Highways between different towns were laid out by committees from the towns concerned, which committees were appointed by the town meetings. In Dorchester, at a general town meeting in 1663-4, it was voted that a certain John Smith and William Robinson should be appointed to join with some men of Boston to lay out a highway from

¹ *Dorchester Town Records*, p. 100.

² *Ibid.*, p. 102.

³ *Ibid.*, pp. 101-104.

⁴ *Ibid.*, p. 117.

⁵ *Ibid.*, p. 108.

⁶ *Ibid.*, p. 114.

Boston unto the marsh across the pastures.¹ However, the making of highways between different towns lay within the province of the General Court and it frequently exercised this prerogative. For instance, in 1645, it appointed a committee to lay out a highway "through Roxbury lots to Boston," and gave the committee power to "impress an equal part upon all such of Boston or other towns as shall have benefit of such way," in order to pay the proprietors of the lots through which the highway was to pass.²

In 1661-2, the selectmen of Roxbury made an agreement with three men of the town to keep the highway to Dedham in repair for three years, agreeing to pay them three pounds ten shillings and twelve days of highway work.³

In addition to these public highways there were in every town, particularly in Roxbury, private ways which individuals were required to keep in order. These were especially numerous in Roxbury, because that town required every man to have a highway in his own lot, to accomplish which "when the lotts were first layd they ware ordered and contrived to reach to the common road."⁴

As a result of this peculiar land system, there were in every town two distinct classes of inhabitants,—commoners or proprietors and non-commoners or non-proprietors. The first of these terms—that is commoners or proprietors—has two meanings. Originally, it referred to those inhabitants of the town to whom had been given the original grant of land for the town settlement and to those whom the original grantees admitted into their membership. Very soon, however, the name came to have an additional significance. As the town lands were divided and large fields were

¹ *Dorchester Town Records*, p. 119.

² *Mass. Arch.*, vol. 121, p. 29.

³ *Roxbury Town Records*, p. 36.

⁴ *Ibid.*, p. 27.

given to different groups of men, the name, commoners or proprietors, was used to designate the men having shares in any of these common fields. It is used throughout the entire history of the New England town with these two meanings. The second term, non-commoners or non-proprietors, is the name given to those inhabitants of the town who came to live within its bounds after the original settlement had been made and who were excluded from all ownership in the common undivided lands belonging to the town as a whole and from all ownership in the common fields. Before many years passed this class of inhabitants far exceeded the proprietors.

The number of proprietors was soon limited by the towns. In Dorchester no inhabitant could become a commoner after January 18th, 1635. It was then ordered "that all the home lots within Dorchester Plantation which have been granted before this present day shall have right to be commoners and no other lots that are granted hereafter to be commoners: Also that two men shall not common for one home lot."¹ In Salem, when a man was received as an inhabitant he "purchased accommodation" and had no "other land but what he purchaseth except some planting ground." Here the class of non-commoners was always large, owing to the presence of so many fisherman who had either rented land in the Neck upon which to build their houses and fishing places or to whom had been given home lots only in Marblehead,² and, to the presence of so many "squatters," that is, inhabitants of the town who lived upon the undivided land without having any right or ownership in it. Many of this latter class had been servants who gradually acquiring a little money, obtained from the town

¹ *Dorchester Town Records*, p. 14.

² *Salem Town Records*, p. 28.

the privilege of building upon the undivided land by paying to the town a small rent. This class gradually grew in strength and before long demanded admittance to the privileges of the commoners. This request was the cause of a long and bitter fight in Salem, for many rich people had by this time come into Salem and had bought house rights there, and these joined forces with the old cottagers, or squatters, against the proprietors. This question occupied the attention of the proprietors of Salem far more than did the excitement over witchcraft. The question of admitting them to the privilege of commoners was taken up by the General Court, which decreed in 1660 that no cottage or mere dwelling house, except such as were already in existence or that should be erected by the town's consent, should admit the owner to the right of commonage.¹ In spite of this order, however, the cottagers of Salem, in 1678, attempted to call a meeting of those of their number who had been cottagers before 1660 to demand a share in the commonage of the town. This meeting the selectmen forbade, but the agitation was continued by the cottagers and finally grew to such proportions that the commoners were forced to yield. In 1702 they decided that "For ye encouragement and growth of this town, that all freeholders of the town, viz.—every one that hath a dwelling-house and land of his own proper estate in fee simple, shall have and is hereby admitted into ye privilege of commonage." At the same time, however, the commoners provided that all questions relating to the divisions of land, to fencing, or to the disposal of the commons, should be brought before the town meeting and there settled, and, as the commoners always controlled those meetings either by numbers or influence, the regulation of the commonage still remained in

¹ *Mass. Col. Rec.*, vol. 4, pt. 1, p. 417.

S
B. 2000

their hands.¹ The whole question was finally settled in 1714, by setting aside certain portions for the perpetual use of the town, and, in 1722, by dividing the remainder,—over four thousand acres,—among the one thousand one hundred and thirty-two claimants.²

In Cambridge the land community and the political community was sharply divided, the land being managed solely by the commoners. But, in addition to the common land owned and managed by the commoners, there was in this town common land belonging to all the inhabitants of the town, whether original settlers or not. This was disposed of and managed by all the inhabitants in the regular town meeting, called for political purposes. For instance, in 1695, the inhabitants of the town returned “unto a certain Joseph Bartlett the sum of money it had received of him five years ago for a small parcell of land sold unto him then.”³ Many similar cases are found in the records of the town. The land, so managed, may have been land forfeited to the town at different times through failure of its owners to comply with the town regulations or land seized in payment of debt. This suggestion is supported by an entry in the proprietors’ records for June 7th, 1648:—“These present do witness that Thomas Brigham having a parcel of land about three acres more or less . . . he does fully resign all his rights of the same into the hands of the townsmen from him and his forever;”⁴ by another, settling the bounds of some land “belonging to the town by an execution obtained against a certain widow of the aforesaid

¹ H. B. Adams, *Great Pastures of Salem*, p. 168.

² *Essex Institutes*, vol. 20, p. 178. The report of the Proprietors’ meeting Nov. 22, 1714.

³ *Proprietors’ Records of Cambridge*, pp. 157 and 206; *Town Records*, pp. 66, 67, 69.

⁴ *Proprietors’ Records of Cambridge*, p. 154.

town;"¹ and by a third entry for Sept. 7th, 1650, mentioning land on the south side of the Charles River as land "assigned unto the town for payment of a debt due to the town."² Or, this common land may have been part of the land given Cambridge when the original grant to the town became too small, owing to the arrival there of new settlers. The following quotations seem to support this conclusion: in 1647, the "town granted land upon the head of the eight mile line," the territory which was added to the original grant in 1636, and land on the "Menotomy River" also an additional grant. In whatever way these lands were acquired, they were controlled by the town and were granted to the inhabitants at the pleasure of the town.³

Every town had control over the streams within its bounds and granted the use of them to men who requested the privilege. Dorchester, in 1633, granted to a Mr. Israel Stoughton "the privilege of a weir at Naponset adjoining to his mills . . . that none shall cross the river with a net or other weir to the prejudice of the said weir."⁴ Salem, in 1636, granted a certain John Stone permission to keep a ferry between North Point and Cape Ann Side for three years, requiring him to charge all inhabitants one penny for every trip, and strangers, two pence. In 1637 permission was granted to another man to keep the ferry between Salem and Marblehead.⁵ Cambridge, in 1635, allowed a Mr. Cooke to keep the ferry, ordering that he should have "a penny over and a half penny on lecture days."⁶

¹ *Proprietors' Records of Cambridge*, p. 207.

² *Cambridge Town Records*, p. 87.

³ *Ibid.*, p. 67.

⁴ *Dorchester Town Records*, p. 5.

⁵ Felt, *Annals of Salem*, vol. 1, p. 299.

⁶ *Cambridge Town Records*, p. 15.

CHAPTER V

TOWN GOVERNMENT

FOR the first few years after the founding of the Massachusetts Bay Colony, the only organ of government in the towns within its limits was the town meeting or general assembly of all the male inhabitants of the town. Even this body had legally no governmental authority, but was an extra-legal assembly made necessary by the circumstances which forced the early colonists under the leadership of Winthrop to separate into different groups and form several small settlements, instead of one large plantation as had been planned. To regulate the affairs of each of these settlements, some kind of local government was necessary, and this the settlers themselves created by meeting together to plan and carry into effect the necessary measures. The charter, under which the colony was planted, said nothing about towns and, consequently, authorized no form of town government. On the contrary, it mentioned only one governmental body—the eighteen assistants—which, with the governor and deputy-governor, was to govern the colony.

It placed the government of the company in their hands, and they might have continued to govern—at least for a time—if the original plan of settlement could have been carried out. But the failure of the latter caused the failure of the former. Conditions had to be met for which no provisions were made in the charter, and these the colonists

met in their own way;—at first by the members of each group meeting in a body, discussing ways and means, deciding upon a definite course of action and appointing men to carry this into effect. This seems a natural course for men to pursue who were making settlements in an unknown country, under circumstances which required for success harmony and unity of action, where no form of government was prescribed. It was the only form of government in force in all towns until they grew so large that they found other organs of government necessary.

The town meeting at first was not only an extra-legal body, but had, moreover, for some time, no organization, no regular time of meeting, no specified number of meetings, no definite duties, and no requirement about attendance. These, however, were soon adopted by action of the towns themselves, in which action the General Court concurred, because it recognized the necessity of allowing the freemen of each town to regulate and manage their local affairs. Cambridge, as early as 1632, began this movement, making an agreement by a general conference for a monthly meeting. "Agreed that every person under subscribed shall meet every second Monday in every month within the meeting-house in the afternoon within half an hour after the ringing of the bell and that every one that make not his personal appearance there and continue there without leave until the meeting be ended shall for every default pay twelve pence and if it be not paid, the meeting then to double it and so on until it is paid."¹ Dorchester followed in 1633, ordering for the general good and well ordering of the affairs of the plantation a "general meeting of the inhabitants of the plantation at the meeting-house" every Monday at eight o'clock, "there to settle and

¹ *Cambridge Town Records*, p. 4.

set down such orders as may tend to the general good as aforesaid; and every man to be bound thereby without gain-saying or resistance.”¹

The central government sanctioned this action of the local government, recognizing the town meeting as a part of the government of the colony, March 3rd, 1635-6, in the following order, passed by the General Court: “Whereas particular towns have many things which concern only themselves, and the ordering of their own affairs, and disposing of business in their own town, it is therefore ordered, that the freemen of every town, or, the major part of them shall only have power to dispose of their own lands, and woods, with all these privileges and appurtenances of the said towns, to grant lots, and to make such orders as may concern the well ordering of their own towns not repugnant to the laws and orders here established by the General Court; as also to lay fines and penalties for the breach of their orders, and to levy and distrain the same not exceeding the sum of twenty shillings; and also to chose their own particular officers as constables, surveyors for the highways and the like.”²

The town meeting, however, soon proved inadequate to meet all the requirements of local government; therefore, to it were added other governmental organs,—executive officials who were appointed to carry out the orders of the town-meeting which still kept the final authority in its own hands. Of these officers the most important were the townsmen or selectmen, a body of men,—five, seven, or nine,—chosen annually or semi-annually by the town-meeting to manage all town affairs. Their duties and powers, as well as those of the other town officials, will be discussed later.

¹ *Dorchester Town Records*, p. 3.

² *Mass. Col. Rec.*, vol. 1, p. 172.

After the formation of the executive branches of government, though still keeping ultimate authority in its own hands, the town meeting met less frequently. It held only one regular meeting annually, that for the election of the town officials. However, it actually met many other times during the year, as it could be called together as often as was necessary. The regular yearly meeting in Cambridge during the early years of the town was held on the first Monday in November, but when the General Court reserved the day for the use of the military companies, Cambridge held its town meeting on the second Monday in November.¹ Until October 19, 1652, Salem held its yearly meeting the last week in March, when the General Court ordered it changed to the second week in that month, "in order to have votes for magistrates and associates of county court which had lain over from November to the annual meetings of towns sooner confirmed." Watertown held its annual town meeting in the tenth month until 1663 and after that in the ninth month,—“ye first Monday of ninth month annually there shall be a public town-meeting,” at which the “pastor’s maintenance shall be agreed upon and a rate for town charges (if any be needful) granted,” and the officers chosen.² Until 1690 Roxbury held its annual meeting in January when the time of meeting was changed to the first Monday in March.³

Dorchester decided, in 1645, that the inhabitants of the town should meet every year on the first second day of the tenth month, upon due notice from the selectmen, to elect seven or more good and prudent men to manage the affairs

¹ *Cambridge Town Records*, p. 45. The general court after 1639 kept the first Monday of each month for the use of the military company at Boston. *Cambridge Town Records*, p. 37.

² *Watertown Town Records*, p. 78.

³ *Roxbury Town Records*, p. 144.

of the town for the ensuing year, as well as all other town officers—bailiff, supervisors and raters. All such elections were conducted in an orderly manner; the voting was by ballot, and was carefully regulated. At this annual meeting changes were made in the by-laws of the town, new by-laws were made, and any grievances about which complaint had been made were redressed.¹

At the annual meeting were elected townsmen, constables, surveyors of highways, raters, tithingmen, cattle reeves, ministers, school teachers and many special officers. The freemen were summoned to the meeting by a "call for the meeting," which was "read at the lecture before," or "posted on the meeting house door;" or by a warning for the meeting, which was given "from house to house" twice before the meeting was held.² Attendance upon the meeting was compulsory and no one could leave without permission from the selectmen.³ In Watertown, after 1639, any freeman who after being sufficiently warned stayed away from any "Public town meeting at the time appointed" forfeited for every time "to ye towne 2s-6d," which fine was increased in 1641 to 5s for every such offense.⁴ Salem, after 1634, fined any absence from town meeting 18d:—"all those persons that shall not . . . attend town meetings either by their persons or by proxy for every such offence after due warning shall pay eighteen pence to be levied by the constable." Two-thirds of each fine went to the constable and one-third to the town. Reasonable excuses were accepted.

✓ In addition to the annual town-meeting, many special ones were held. These were called by the selectmen, and

¹ *Dorchester Town Records*, p. 289.

² *Ibid.*, p. 171.

³ *Ibid.*, p. 292.

⁴ *Watertown Town Records*, p. 5.

to them the inhabitants were summoned in the same manner as to the annual meeting. In the call for the meeting its purpose was always mentioned. The selectmen of Roxbury, on December 10, 1672, called a town meeting to consult about repairing the meeting house.¹ The selectmen of Cambridge, on the 24th of the 9th month, called one to meet on the 8th of the 10th month to discuss means for the preservation of the wood of the town, to consult about the common fences, and to inquire into the "improvement of the families in spinning and clothing."²

In every town, the town meeting was probably presided over by a moderator, who was either one of the selectmen chosen by that body before the meeting to preside over that particular meeting or one of the members of the town meeting chosen by it after it had assembled.³ "Watertown, in 1667, ordered "that when the selectmen called the town together they should appoint one of themselves as moderator to carry on the work & business of the day."

In Salem, at least, and probably in all towns, a quorum was necessary for the transaction of business. The number constituting this quorum was very small. In 1639 it was ordered by Salem that six people should compose a quorum of the town meeting for the transaction of town business; "if the whole town be lawfully warned and the special occasion manifested together with the warning which has been given a day before the meeting, that it shall be in the power of such as meet being above the number of six persons to transact all such occasions & make such orders therein as they shall judge meet & the said orders & determinations to be as authentical as if the whole towne met:

¹ *Roxbury Town Records*, p. 82.

² *Cambridge Town Records*, p. 112.

³ *Watertown Town Records*, pp. 64, 91.

provided the said persons have been together or have stayed an hour after the time first appointed."

After the meeting opened,—which was done in Dorchester by reading the Directory, which was a set of rules for the guidance of the town meeting,—the selectmen presented the business of the day to the consideration of the members present. Any question of public interest could be brought before the meeting, any of the inhabitants being privileged to do this, and opportunity being given to all to discuss the questions presented. It is probable, however, that the selectmen, knowing the purpose for which they had called the meeting, usually presented to the meeting the business which had brought them together. They often made memoranda of the objects which they wished the town meeting to consider. In Dorchester, in 1652, for example, the selectmen made the following memorandum: "That we call the town together to choose a Commissioner to join with the selectmen to make a rate for the country;" and "that the towne be spoken to for Robt. Stanton's pay according to order."¹ In Watertown all motions were read "twice publicly and audibly" and then voted upon. An exception to this general freedom of speech occurred in Dorchester in 1642, when the selectmen ordered that thereafter "no question could be presented to the town meeting until considered and approved of by at least two selectmen." This restriction was found necessary, inasmuch as the confusion and disorder in the town meeting caused by the presentation of divers resolutions at once had become unbearable. Any person who was guilty of disobedience, or of any interruption of the orderly proceedings of the town meeting, was thereafter fined 6d. But this restriction was resented by the town so bitterly, that in 1645 the regulation was interpreted

¹ *Dorchester Town Records*, p. 309.

to mean that, "in case the seven men should refuse to propound any man's motion, he should after some time of patience and forbearance have liberty to propound his own cause for hearing at some meeting, provided all disturbance and confusion be avoided."¹

As this regulation suggests, the town meetings were not always orderly gatherings. In Dorchester, especially, the selectmen had great difficulty in maintaining order, to accomplish which they found it necessary from time to time to pass very stringent rules for the guidance of the meeting. The most strict of these were those passed in 1645, by which time the confusion was so great that some drastic measures were necessary. To redress the evils complained of,—the heated arguments, the untimely departure from the meetings, and the presentation of ill-considered motions,—the selectmen drew up the following orders which were accepted by the town meeting: first, that every man, when properly notified by the selectmen of the hour, must attend the town meetings upon pain of being fined six pence for every absence unless an excuse offered by him had been accepted by the selectmen; second, that when the meeting had begun, all should attend to the business before the meeting and not gather in groups of three or four quarreling over that or other matters. If this were done, every one should in due time be given an opportunity to speak, but all motions must be addressed to the moderator whom the selectmen would appoint before every meeting; third, that no motions should be propounded unless they were first submitted to the selectmen and approved by them; and fourth, that no man should leave the meeting without giving due notice to the moderator and presenting an excuse acceptable to him, upon penalty of being fined twelve pence.²

¹ *Dorchester Town Records*, p. 293.

² *Ibid.*, p. 293.

There were no restrictions upon the power of the town meeting to pass town ordinances, except that they must not conflict with the laws of the colony.¹ The usual time for making new town orders, as well as amendments to former ones, was at the annual town meeting. Roxbury, in 1650, decided that the annual orders drawn up by the selectmen and accepted by the town should be entered in the town book and should be presented to the "body" of the town annually when the town met for the election of officers. If the assembly approved of these orders, they should remain in force for the ensuing year; but if the assembly wished, it could amend or annul them at pleasure, and pass new ones.²

When we speak of the government of the seventeenth century towns being carried on by a town meeting, we are apt to think that the form of government found there must have been as democratic as any that the world has seen;—every inhabitant apparently having an equal voice in the making of orders, the appropriation and expenditure of money, and in the choice of officials. But this was far from being the case. On the contrary, comparatively few of the inhabitants of these towns had any share in its government. Only those inhabitants who were freemen,—that is, members in good and regular standing of a duly recognized church,—were considered citizens of the colony and town and as such allowed to vote. The other inhabitants of the town,—the non-freemen,—could attend the meetings called to settle town affairs, and could discuss all question, but could not vote except in certain specified instances. Hence, the towns were in the habit of holding two different meetings, one composed of all the inhabitants of the town and the other of freemen only. The difference in the nature and

¹ *Mass. Col. Rec.*, vol. 1, p. 172.

² *Roxbury Town Records*, p. 82.

duties of these town meetings is shown by the call issued for a meeting in Dorchester in 1669: "It is ordered that a warrant should be issued out to the constable to warn a meeting of the freemen to meet the last week in March to bring in votes for nomination of magistrates and to choose deputies and commissioners; and the rest of the inhabitants also to choose constables and county Treasurer and other business that may be done."¹

And again, in 1670 and 1672, the warrant for the meeting reads; "for the freemen to meet . . . to bring in votes for the nomination of Magistrates and County Treasurer"² and for the other inhabitants "to vote on other business."³ It is probable that the freemen of the town met at an earlier hour than the non-freemen, who joined them when it came time to take up town business. In 1672 the freemen of Dorchester met at ten o'clock in the morning, and the inhabitants joined them about twelve. "The same day it was agreed that the Constables should give notice to the freemen to bring in their votes for the nomination of magistrates and for the choice of other officers as shall then be done on the 14th of March by ten of the clock, and the inhabitants to meet about twelve of the clock to give their approbation or dislike of the place pitched upon by the committee for the meeting-house on Rock Hill."⁴ In Salem, whenever the election of a deputy to the general court is mentioned, the record reads "a town meeting of the freemen,"⁵ while the records of town meetings called for local affairs read, "a general town meeting of freemen and townsmen." The different character of the town meetings is also shown by an order of the town, made in 1649, when

¹ *Dorchester Town Records*, p. 163.

² *Ibid.*, p. 183.

³ *Ibid.*, p. 190.

⁴ *Ibid.*, p. 190.

⁵ *Salem Town Records*, pp. 142, 183, 198.

it was decreed that a warning by the constable on lecture day should be legal warning for "all public meetings that concerned the town in general or the freemen of the town."¹ The two meetings—the "general town meeting," and the "town meeting of the freemen"—are spoken of throughout the Salem records. [Cambridge decided in 1656, that only "free inhabitants could nominate and elect magistrates, county treasurer and deputy to the general court,"² these being the powers usually conferred upon the town meeting of the freemen by all the towns. Cambridge also ordered in 1656, "by a joint vote of the town," that thereafter there should be annually two regular town meetings: the one, "the second Monday in March, by nine of the clock in the morning . . . for the bringing in of votes by ye fremen of this town for ye nomination of magistrates, choice of County Treasurer, and a choice of deputies for the General Court;" and the second, "the second Monday in November at ye aforesaid time in the morning . . . for election of all town officers."³

A law of the colony allowed non-freemen to attend any town meeting and to speak in favor of or against any motion and, after 1647, permitted them to be jurymen and to vote for selectmen, and on other town business, provided the majority of the selectmen were frequent; but the towns evidently did not summon them to the town meetings devoted to the discussion of questions upon which they were not allowed to vote.

The most important of all the town officials were the selectmen, who were elected by the inhabitants of the town, "to do the whole business of the town, whatsoever they might do, to stand in as full force as if the whole town

¹ *Salem Town Records*, p. 168.

² *Cambridge Town Records*, p. 112.

³ *Ibid.*

did the same, even for making of new orders or altering of old." ¹ They were usually elected for the term of one year, but could be re-elected indefinitely. Dorchester and Salem, in their earliest years, elected their selectmen every six months, ² but soon changed the length of the term to one year. The number elected varied, but, by the end of the century, had become seven in nearly all the town. Of this number five were usually the selectmen proper and the other two the constables, who were a recognized part of the board of selectmen. Cambridge began by choosing seven selectmen; then, in 1635, it elected nine—probably adding to the original seven the two constables—but the next year returned to seven, five selectmen and two constables. ³ Watertown chose at first eleven, ⁴ then twelve, ⁵ and nine, and finally seven. Salem, also, began with a large number,—thirteen,—and afterwards varied between seven, five, and, finally, seven. ⁶ Dorchester had twelve, and then nine, ⁷ then five, with whom the two constables were joined, making the usual number seven. ⁸ Roxbury, on the other hand, always speaks of her "five men."

At first, the powers and duties of the ^{Committee} selectmen were rather indefinite, but the towns gradually defined them clearly and distinctly. Cambridge, on October 4, 1652, declared that they were to carry out the orders of the court laid upon the town; that they were to give public notice

¹ *Cambridge Town Records*, p. 11.

² *Dorchester Town Records*, pp. 13, 47.

³ *Cambridge Town Records*, pp. 36, 99, 101.

⁴ *Watertown Town Records*, pp. 1, 4, 13.

⁵ *Ibid.*, pp. 5, 7.

⁶ *Salem Town Records*, p. 137.

⁷ *Dorchester Town Records*, p. 13.

⁸ *Ibid.*, p. 213.

of all the meetings of the inhabitants; and to faithfully carry out whatever might be determined upon by the town; that they were to prevent and remove any damage that they thought might have become a burden through "any person taking more than his share in the common lands, woods, or other public stocks, liberties, or interest of the town;" that they were to portion an equal rate among the inhabitants of the town necessary to carry into effect these laws, which rate was to be levied by the constables on all the inhabitants.¹ Dorchester, in 1645, gave them full power and liberty to order all the prudential affairs within the town of Dorchester, with these limitations; first, that they should not meddle with the giving or disposing of any of the town land without the consent and good will of the town first obtained; and, second, that they should not take upon them to alter any parcel of land from the present ownership, without the consent of the proprietors. Nevertheless, they should have all accustomed liberty in regulating common lands in fence and also the town lots and they should have power to enjoin the several proprietors to make and repair their fences in proportion, and upon default therein to charge such penalty upon them as they should see meet. They should order the ringing and yoking of hogs, the keeping of the cows in the pen, stinting the cow-walk, baring the woods in season, and the regulating of the common; "as concerns the wood and timber;" they should faithfully and prudently oversee all the business of the town that was committed to them and carefully and peaceably execute it and they should take care of all inferior officers, seeing that they discharged their places faithfully and should take account from them and make faithful and punctual record in their town book so that satisfaction might

¹ *Cambridge Town Records*, p. 100.

be given in any doubt upon demand, and, also, that all delinquencies and mistakes in rates taxed upon the town by the General Court or otherwise might be discharged; they should "tenderly and prudently" provide that all abuses in the disorderly jarring of the meetings and the intemperate clashing and hasty, indigested, and rash votes might be prevented by requiring that motions of any importance should be first drawn up in writing and then deliberately published two or three times and then discussed; they should be careful to meet eight times in the year, viz. :—the second Monday of every month in the year except in the second, fifth, sixth and eighth months at some place known unto all the town and they should hold their meeting from nine o'clock in the forenoon to three o'clock in the afternoon, so that "all such as had any complaints or requests to make or any information to give or anything whatsoever to do with them should certainly find all or five of them at the least." Failure to do this should be punished by a fine and also by loss of position if good excuse could not be given. Finally, they should receive all complaints, requests, or informations and "speedily and seasonably apply themselves to issue all such business in a fair, peaceable, and quiet manner and thereof to make a fair and plain record in the town book." For the encouragement of the selectmen it was agreed that it should not be lawful for "any one of Dorchester to slight either the persons or order of the seven men for the time being but that all their orders for prudential order should stand ratified by this power given them, and whosoever should refuse to obey either them or their orders should be punished." The freemen of Dorchester agreed to these regulations and promised to keep them inviolable, to that end appointing a certain John Wiswall "to record the same to be a rule for them and their suc-

cessors except God should put into our or their hearts some more profitable and prudent way.”¹

In Salem selectmen are not mentioned until 1635, but, as the town records do not begin until 1634, and, as the first record speaking of selectmen is a statement of some transaction of theirs and not of their election, it seems probable that Salem elected selectmen before this date. The next entry mentioning them is in 1636, but there is no mention of their election until 1637. On the 19th of the fourth month of that year the town in general voted, “that men should be chosen for managing the affairs of the town.” Twelve men were then elected, one of whom was appointed to “enter all the orders that the twelve shall make for the town, gratis.” Their term of office was six months. No other election is mentioned until 1638, in which year at a general town-meeting “seven men were chosen for a twelfth month.” This number was elected annually until 1657, when only five were elected.² Salem seems to have given its magistrate the power of acting with the selectmen. This was true, at least until 1640, for the town then ordered that six selectmen without a magistrate, or any four with one, “might do any thing or act and had power to do as fully as if all were together.” After 1640 the requirement about the magistrate’s acting with the four selectmen was withdrawn. It was then agreed that, “what grants or other orders have been made by the greatest part of the seven men that they shall stand firm.”

Watertown chose selectmen for the first time on August 23, 1634, when it was agreed by the consent of the freemen that there should be chosen three persons to see to the “or-

¹ *Dorchester Town Records*, pp. 290, 291.

² *Salem Town Records*, p. 137.

dering of the civil affairs in the town, one of them to serve as town clerk, who should keep the records and acts of the Town.”¹ This number was enlarged the following year to eleven, which number was chosen annually until 1639; then twelve were chosen, seven of whom “could make any order.”² In 1648 the number dropped to nine, and, in 1647, to seven, which number was chosen annually thereafter.

Selectmen may have been chosen in Dorchester as early as 1633. This seems probable as, in an order made in 1634 for the election of ten men to order all the affairs of the plantation, all the inhabitants were required “to stand bound by the orders so made as aforesaid according to the scope of a former order in May 11th, 1631.”³ On Monday, October 8th, 1633, their election is specifically mentioned. The town then ordered that twelve men should be chosen to join with the inhabitants “to settle such orders as may tend to the general good;” and, on October 28th, 1634, the men thus chosen—ten in number—were set aside from the town meeting and given specific duties as follows:—“It is agreed that there shall be ten men chosen to order all the affairs of the plantation, to continue for one year and to meet monthly according to the order October 8, 1633, and no order to be established without seven of them at the least and concluded by the major part of these seven of them, and all the inhabitants to be bound by the orders so made.”³

Selectmen are mentioned on the first page of the Roxbury town records, but as that is an undated record, it is impossible to tell when they were first chosen. This record mentions the election of five and states that they were chosen

¹ *Watertown Town Records*, p. 1.

² *Dorchester Town Records*, p. 7.

³ *Ibid.*

“to order town affairs for ye year ensuing.” They were elected by “papers,” and had “full power to make and execute such orders as they in their apprehension should think to be conducing to ye best good of ye town.”¹

The selectmen were required by town ordinances to attend the regular monthly meetings of that body. Watertown, in 1639, declared that “any freeman deputed to order the civil affairs of the town” who absented himself from the place of meeting should be fined 2s-6d.² Dorchester required promptness in addition to regularity of attendance, imposing a fine of 6d.—later 12d.—for arrival at any meeting after 8 A. M., 12d. for arrival after noon and 2s. for non-attendance.³ Salem, in 1634, ordered its selectmen to meet on the second day of the week monthly, “upon the penalty of ten shillings to be levied on the whole or upon such as are absent without just grounds.” Cambridge not only fined for absence, but, after 1648, decreed that any one not present within half an hour of the ringing of the bell (11:30) not only lost his dinner,—an “eight-penny ordinary” provided by the town for the selectmen—but was, in addition, compelled to pay to those present a pint of sack or its equivalent.⁴

The selectmen were more than mere executive officials. Just as important as the execution of orders given them by the town were their other functions. These were both legislative and judicial in character. Many of their meetings seem like police courts, while others resemble almost as closely the meetings of a legislative body,—subject, of course, to the control of the town meeting. The select-

¹ *Roxbury Town Records*, p. 1

² *Watertown Town Records*, p. 5.

³ *Dorchester Town Records*, p. 8.

⁴ *Cambridge Town Records*, p. 78.

men made new town orders and altered old ones. In Watertown, in 1666, they ordered that the constables should "yearly clear their accounts with the town for all sums committed to them to gather;"¹ and, in 1669, they ordered that thereafter only three herds could be kept in the town, and limited the range of each.² In Dorchester they ordered that no inhabitant of the town should mow any grass in salt or fresh marsh before the last of the fifth month,³ and also that owners of all horses must "set an ear mark upon his or their beast" and have it recorded.⁴ In Cambridge they forbade the cutting down of trees,⁵ and made the order that "who ever turns any sheep into our common, that is not an inhabitant of the town, shall pay five shillings a head for the summer feed thereof."⁶ In Roxbury, in 1672, they ordered that no stranger could be admitted into any family for more than one week unless permission was given by the selectmen.⁷

All acts of the selectmen, however, were subject to revision or rejection by the town meeting. Dorchester provided for this supervision by a town ordinance passed in 1636, that "all acts decided upon by the major part of those present, which be seven at least," must be "upon the next lecture day after lecture read to the company of freemen who are to be warned . . . to stay. And then all acts and conclusions as shall not be contradicted by the major part of the freemen present shall stand for orders and bind the plantation and every inhabitant thereof."⁸ While none of the other towns passed similar orders, all exercised the power

¹ *Watertown Town Records*, p. 89.

² *Ibid.*, p. 94.

³ *Dorchester Town Records*, p. 50.

⁴ *Ibid.*, p. 208.

⁵ *Cambridge Town Records*, p. 114.

⁶ *Ibid.*, p. 130.

⁷ *Roxbury Town Records*, p. 72.

⁸ *Dorchester Town Records*, p. 21.

of annulling any ordinance passed by the selectmen. Cambridge, for instance, refused to allow the selectmen the power of admitting new inhabitants. This the selectmen had decided to be their prerogative, but the town meeting put it on record that the selectmen could possess no such power, for no one could admit new inhabitants but the "free Inhabitants of ye towne."¹ The town meeting of Watertown, in 1667, "declared by vote that they would not alter what the selectmen had done about the sale of the land . . . or about the bridge at the mill,"—implying that they had power to do so.² But orders passed by the selectmen, unless expressly repealed by the town, were as binding upon all the inhabitants as if passed by the town meeting itself. In 1645 Dorchester stated this in the meeting of the town:—"it shall not be lawful for any of Dorchester whatsoever to slight either the persons or orders of the seven men for the time being but that all their orders for prudential order shall stand ratified from the liberty afore given."³

The town meeting not only supervised and confirmed or annulled the acts of the selectmen, but it also called to their attention certain things which they should do for the benefit of the town. Salem, in 1657, ordered its selectmen not to receive strangers within the town unless the town's consent was asked and given, and "to take care to pay such necessaries for the entertainment of Mr. Whitney until further orders." Roxbury, in 1654, took from the selectmen the authority to grant permission to anyone to "lapp or girdle any of the trees in the common," and, January 15th, 1665, took the unusual step of appointing three men "to give the

¹ *Cambridge Town Records*, p. 121.

² *Watertown Town Records*, p. 92.

³ *Dorchester Town Records*, p. 291.

selectmen orders that might be thought of by them for the selectmen to consider of and establish for the good of the town."¹ Cambridge, in 1652, appointed five men to "draw up instructions for the townsmen and present the same to the Towne."² Watertown, in 1679, ordered its selectmen "to procure two hundred copies of those several laws respecting the work of the tithingmen and their work which the law requires of them," and to distribute them "for ye several inhabitants' use."³ Dorchester ordered its selectmen "to persecute the trial" to "get Tomson's Island for the town of Dorchester."⁴

It was not customary to pay the selectmen for the time they spent in the service of the town. Roxbury seems to be the only town that did so. There, on January 15, 1665, in "a full town meeting" before the selectmen were chosen there was a vote past that they would allow the five men toward their loss of time and expense five pounds a year. This was not paid in a lump sum but in instalments,—during 1681 at one time six shillings, at another fifteen, and at a third one pound two shillings.⁵ This salary was later reduced to fifty shillings per year, and, in 1679, was withdrawn altogether.⁶ Dorchester, while allowing the selectmen no salary, paid their expenses. Among the items mentioned by the constable in returning an account of the town rate for 1662 is this:—"part of selectmen's expenses 1£-00s-00d."⁷ This town also allowed them twelve pence apiece for their dinners at the ordinary.⁸

¹ *Roxbury Town Records*, pp. 13, 57.

² *Cambridge Town Records*, p. 99.

³ *Watertown Town Records*; p. 144.

⁴ *Dorchester Town Records*, p. 96.

⁵ *Roxbury Town Records*, p. 57.

⁷ *Dorchester Town Records*, p. 116.

⁶ *Ibid.*, pp. 68, 94.

⁸ *Ibid.*, p. 291.

Cambridge provided for them "an eight peny ordinary—vppon their meeting day," paid for out of the town rate.¹

The town officials who stood next in importance to the selectmen were the constables, two of whom are found in every town. Their powers and duties, as defined by the General Court in 1634, were, first, to set forth the "hue and cry" after murderers and all criminals, if no magistrate were near; second, to apprehend without warrant all vagrants and persons overtaken with drink, who were caught swearing, breaking the Sabbath, or lying, provided they were taken in their crime in the "sight of the constables or by present information from others." All persons were commanded to assist them in the discharge of their duty and could be fined for neglecting to do so. In entering upon their office they took an oath before the magistrate,²—probably one very similar to the one prescribed by the General Court:—"you do here swear by the great name of Almighty God, that you will carefully intend the preservation of the peace, the discovery and preventing all attempts against the same; you shall duly execute all warrents which shall be sent unto you from lawfull authority here established, and shall faithfully execute all such orders of court as are committed to your care, and in all things you shall deal seriously and faithfully while you shall be in office without any sinister respect of favor or displeasure."³

In addition to the financial duties connected with the constable's office, which have been discussed in the chapter on finance, and to those assigned to the constables by the General Court, they were called upon apparently to do anything that

¹ *Cambridge Town Records*, p. 78.

² *Dorchester Town Records*, p. 139.

³ *Mass. Col. Rec.*, vol. 1, p. 252.

the town or selectmen wished done. For example, they gave notice of the town meetings,—sometimes by announcing them on the Sunday preceding in the meeting house, sometimes by going from door to door; they enforced ordinances passed by the town meeting or by the selectmen; they served all warrants from the selectmen,¹ and attended their meetings to perform “such services as they had for them;”² they took charge of boys on the Sabbath day; they looked after the repairs of the meeting house, school house, and bridges;³ and, in 1637, Cambridge considered it their duty to survey new lands.⁴

In order that no man might be able to plead ignorance when a constable required his assistance, it was necessary to provide these officials with a badge of office to distinguish them from other men. The General Court, therefore, ordered that the towns should provide every constable with a staff as a sign of his office, which staff he should take whenever he went forth to discharge “any part of his office.” This staff was “black and about some five-foot, or five & a half foot long, being tipped at ye upper end five or six inches with brass.”⁵

The constables were paid officials. In Watertown they had a fixed salary of two pounds per year and, in addition, fees for certain duties. In 1667 they were allowed by the town one shilling for “taking distress for rates or fines,” and also “all just damage for any transporting of rates or fines” to places where they should have been paid. In Cambridge they were paid out of the town rate, in 1676, fifty shillings, two-thirds of which went to the town constables and the other third was divided between the two

¹ *Mass. Arch.*, vol. 39, p. 410. ² *Dorchester Town Records*, p. 187.

³ *Cambridge Town Records*, pp. 112, 173. ⁴ *Ibid.*, p. 29.

⁵ *Ibid.*, p. 351.

country constables. In Dorchester they were paid by receiving a certain fee levied in proportion to the offence. In 1670 it was ordered, "that whereas Constable Thomas Davenport had taken a gun of Joseph Long's for a fine for his defective fence at the great lots that he should deliver him his gun again upon payment of six shillings besides the Constable's fee."¹

The regular term of office for the constables was one year. They were elected at the annual town meeting, when the other town officials were chosen. It was customary to have two of those officers in each town, but there are some exceptions to this. In Salem, until 1655, it is difficult to tell how many there were. Only one was elected at any town meeting, but at successive town meetings during any one year, different constables were elected without any apparent vacancy having occurred since the last election. For instance, in 1645, Henry Harwood was chosen constable in the second month, Michael Schaffin in the eleventh month and Jeffery Massy in the twelfth; in 1665, the town meeting chose two constables for Salem and one for "Cape Anne Syde," but in 1657 only one for the town, one for Cape Anne Syde" and one for the "Lots and farms." In Cambridge there were at first two constables but, as the town grew, the number was increased to four,—two for the town, one for the farms, and one for the village. In Watertown there were only two and in Dorchester two.² There is an unusual item about the constables in the Dorchester records for 1663-4,— "it was voted. . . that Thomas Bird should be exempted from being chosen as constable for Dorchester, for the space of seven years ensuing, in regard of much trouble and losses he sustained in the year when he was bailiff, which he was contented to remit to the Town."³

¹ *Dorchester Town Records*, p. 168.

² *Ibid.* pp. 164, 170, 174.

³ *Ibid.*, p. 119.

Of the minor town officials, the tithingman is perhaps the best known. His duties were very varied in nature:—to preserve order in the meeting-house, to see that every one went to church, to stop all unnecessary riding and driving on Sunday, to inspect all licensed inns, and, in all respects, to guard the public morals.¹ This official does not appear in the early years of the town. The office was created by the General Court, October 31, 1679, when the towns were ordered to choose tithingmen annually from the “most prudent and discreet inhabitants,” and to swear them in before a magistrate or a commissioner of small causes or, where there was neither of these officials, before the selectmen.² Tithingmen are not mentioned in Cambridge until 1683, but then the selectmen chose ten,—three for the town, three for the common, two for the south side of the river, and two for the farms. However, after this date, Cambridge elected its tithingmen annually in town-meeting for a term of one year. Their numbers varied, sometimes decreasing to eight, as in 1694, and sometimes being increased by the addition of one elected for a special place, as in 1698 “for ye lane to Watertown” and “for ye Plaine.” By 1700 their number had increased to seventeen.

In Salem tithingmen are not mentioned until 1677, when twenty-five were appointed by the town; in Watertown, tithingmen are mentioned in the year 1677-78; in Roxbury, in 1679, when the selectmen chose ten for the ensuing year. Apparently the selectmen always chose them in Roxbury for their doing so is recorded in 1680, 1682, and 1683.³ Before the creation of this office, the same duties had been performed by men chosen for that purpose. Salem, as

¹ *Mass. Col. Rec.*, vol. 1, pp. 155, 329.

² *Mass. Arch.*, vol. 112, pp. 309-312.

³ *Roxbury Town Records*, pp. 95, 100, 104.

early as 1664, appointed men "to walk . . . every Lord's day in the time of God's worship to take notice of such as either lie about the meeting-house without attending to the word or ordinances, or that lie at home or in the fields."¹ Dorchester laid an additional duty upon its tithingmen in 1678. The selectmen of that year ordered them, "to inspect all inmates that do come into each of their precincts, either single persons or families and to give speedy information therof unto the selectmen from time to time or to some of them that order may be taken about them."²

Other town officers were the surveyors of the highways, the raters, the drummer, the bell ringer and sexton, and the cattle, swine and goat reeves. In Salem the duties of each of the minor officers were carefully specified, and it is probable that each performed similar duties in the other towns. The drummer was ordered, "to beat the drum for their train band whenever they needed him," receiving for each training day sixteen shillings. The sexton was also the bell-ringer and the grave digger, for the latter office being paid in Salem eighteen pence "per grave for digging."³

The surveyors of highways were among the most important of the minor town official, but their duties and method of election have been discussed in the chapter on the town land.

In Dorchester an officers is mentioned who seems peculiar to that town. This is the bailiff. His duties, as they were prescribed in 1635, were very similar to those performed by the constables:—"He shall levy all rates, fines or emercements for the plantation by impounding the of-

¹ *Salem Town Records*, p. 130.

² *Dorchester Town Records*, p. 223.

³ Felt, *Annals of Salem*, vol. 1, p. 335.

fendor's goods, and there to detain them till satisfaction be made, and if the owner of the goods, do not make satisfaction within four days, it shall be lawful for him to sell the goods and return the over-plus to the party offending, and be allowed twelve pence for every distress."¹ Only one bailiff was elected yearly. His term of office was at first half a year and later a year.² In addition to the duties already mentioned, he viewed fences and collected taxes.³ In 1656, he was ordered to see that "swine be yoked and ringed according to order."⁴ However, he appears less and less frequently in the town records, his duties being assigned to the constable.

In Watertown, Cambridge, Dorchester, and Salem, and probably in Roxbury, there was a town clerk, called the recorder, chosen, "to keep the records and acts of the town."⁵ Dorchester, in 1656 in the general town meeting chose "Brother William Blake the elder . . . recorder for the town of Dorchester and to attend to the selectmen from time to time to scribe and transcribe such orders and records as should by them be committed unto him, and for that end the said William Blake shall take the town books or book into his hands and keeping as likewise the map or maps concerning the town and keep them securely and not deliver the same to any but by order from some of the selectmen."⁶

As has been seen, town orders were made either by the selectmen or by the town meeting, both being equally binding upon the inhabitants. But the problem was, how to let the people know what orders had been passed by these bodies, so that they could be held responsible for obeying them. This was done at first by reading all new orders on

¹ *Dorchester Town Records*, p. 13.

² *Ibid.*, pp. 93, 108, 162.

³ *Ibid.*, p. 96.

⁴ *Ibid.*, p. 85.

⁵ *Watertown Town Records*, p. 1. ⁶ *Dorchester Town Records*, p. 84.

the next lecture day after their adoption or by fixing them "upon some observable place, so that the offenders may have no excuse or pretence." This method was soon felt to be inadequate, Salem, as early as 1638, lamenting the lack of a "print house" to print the town ordinances. To compensate for the lack of that and, in order that every inhabitant of that town should know the town orders, Salem adopted the plan of ordering them to visit the keeper of the town records and there to "satisfy themselves concerning the ordinances to avoid any breach thereof." Roxbury entered her town orders in her town book, and, when the town assembled to elect officers, they were read to the inhabitants, who could change them if they so desired.

It was no easy matter to become an inhabitant of a seventeenth century town. No one, man, woman, or child, was wanted there unless he could give a satisfactory reason for coming and could prove that he would not be a burden upon the community. The General Court itself was very careful about admitting strangers. In 1637, 1638, and 1647 it forbade any town to receive any stranger "resorting hither with intent to reside in the jurisdiction," or "to allow any one a lot or habitation," or to entertain any "above three weeks, without the consent of a magistrate or the selectmen." Salem, in 1657, found occasion to caution its inhabitants to keep this law, under penalty of a fine of twenty shillings a week during the time it was broken. Several fines were imposed, and finally, in 1670, an officer was appointed to go from house to house about the town once a month to inquire what strangers "had come or had privily thrust themselves into the town, and to give notice to the selectmen in being from time to time, and he shall have the fines for his pains."¹ Security for good behavior and

¹ *Dorchester Town Records*, p. 291.

capacity for self-support on the part of the new comer was often required. The form of the security was as follows: "Whereas Samuel Hicks of Cambridge hath mentioned his desire unto the selectmen of Dorchester to be received for an inhabitant into the towne they in the name and behalf of the town, have so farforth granted his request, as that he give sufficient security, whereby the town, may be freed and secured from all such costs and charges, as there by come upon it. Therefore,

I, Zacchary Hicks of Cambridge, his brother on the behalf of the above said Samuel Hicks, as his security, by these presents do bind myself in a bond of twenty pounds unto Mr William Pope, Recorder, of the town, in the name, and on the behalf of the selectmen, to secure the towne of whatsoever charges or damages may ensue or follow thereupon during his abode in the towne of Dorchester. And herevnto I have set my hand, this ninth day of January 1665 and delivered it as my act and deed." ¹

The selectmen of one town frequently asked permission from the selectmen of another town for an inhabitant of the one to visit in the second. "At a meeting of the selectmen of Dorchester, in 1665," there was presented unto them "a note from the selectmen of Boston, containing a request from them, that the Widow Collins might be permitted to pass the winter here in our town and thereby engaging themselves, that her reception should not disoblige them from the duty they owe her as one of their inhabitants. A Copy whereof is here inserted.

To the Selectmen of Dorchester.

These are to advise, that if the Widow Collins be permitted by you to pass the winter in your towne, that your reception of her shall not be to disoblige us from the duty which we owe unto her as one of our inhabitants.

¹ *Dorchester Town Records*, p. 130.

The Selectment of Dorchester do accept of the request of the Selectmen of Boston on the behalf of the Widow Collins, and do grant her liberty to remain and reside here amongst us till the 1. day of May, 1666.”¹

Those who did not give security to the selectmen and those who came into the town without permission, were notified by the constable, acting under orders from the selectmen, to “get some person to give security to the selectmen for their abiding in the town or to depart the town.”² In other cases, they and their entertainers were fined for their coming as an inhabitant into the town without permission, or were ordered to leave the town, or were summoned before the selectmen and compelled to give security. For example, at a meeting of the selectmen of Watertown at the house of Joseph Tainter’s in 1680, Joseph Underwood appeared before the selectmen by warrant to answer for entertaining one of his sisters who was newly married. He at once, “for himself, heirs, executors, and assigns,” gave a bond of forty pounds unto the town in behalf of his sister and her husband that they should not be chargeable to the town.³

Every town was responsible for its inhabitants and was not allowed to permit them to become a burden upon another town. On June 3rd, 1634, the General Court ordered that, “Whereas Thomas Lane, late servant to John Burslyn, by the providence of God is fallen lame and impotent & hath since remained at Dorchester, where he hath been chargeable to that plantation & like so to continue, it is therefore ordered that the inhabitants of Wessaguscus shall send to Dorchester to the said Thomas Lane, & shall pay for all the

¹ *Dorchester Town Records*, pp. 130-131.

² *Ibid.*, p. 212.

³ *Watertown Town Records*, p. 148; *Cambridge Town Records*, pp. 108, 155, 193.

charges they have been at in keeping him during his abode at Dorchester.¹

Before receiving a new inhabitant, many towns required as a guarantee of good citizenship a certificate of character, signed by a well-known citizen of the place from which he came. Salem, Roxbury, and Watertown were very strict in this matter,² Roxbury ordering in 1672 that no person, new to the town, should be admitted to any family for more than one week without permission from the selectmen under a penalty of twenty shillings.³ Dorchester, in 1671, fined an inhabitant for entertaining his brother-in-law without permission from the selectmen.⁴

Some town regulations were of a very personal character. In Watertown only certain favored inhabitants could "weare silk goods, or silk scarfs, gold or silver lace or buttons," while every one was inspected by the selectmen with a view to the "improvement of their times both concerning their souls as of their bodies."⁵ The selectmen forced every man and woman to enter some profitable employment, and, when parents did not provide for their children, they gave them into the care of some one able to support them. In 1671 the selectmen of Dorchester gave a certain Steven and John Hoppen a "fortnight's time for to provide them some masters, such as the selectmen shall approve of."⁶ Shortly after this order had been given, the said Steven Hoppen reported to the selectmen that he "had agreed with Joseph Long to attend his boat." This occupation,

¹ *Mass. Col. Rec.*, vol. 1, p. 121.

² *Cambridge Town Records*, pp. 50, 112; *Roxbury Town Records*, p. 147.

³ *Roxbury Town Records*, p. 72.

⁴ *Dorchester Town Records*, p. 177.

⁵ *Watertown Town Records*, p. 73.

⁶ *Dorchester Town Records*, p. 177.

however, was not approved of by the selectmen, and he promised by the last day of the week to set himself under another man, permission being granted him to do so, provided he brought to the selectmen "under the hand of the man that he agrees with that he have so done, and to such a man as the selectmen shall approve of."¹

✓ The selectmen allowed no one to destroy the peace of the town. In Dorchester, in 1674, they instructed the constable to give a certain man "notice that complaint is made of some abuse that is committed at or about his house by playing at kittle-pins and expending of time idly, and therefore that he reform such abuse or further action will be taken."²

✓ The towns were very particular about allowing within their bounds inns where liquor was sold. All such places were licensed by the county courts, usually upon the recommendation of the selectmen of the town where the inn was to be. In 1666 the selectmen of Dorchester recommended to the county court of Suffolk that a license be granted to a certain Nicholas George, who "for diverse years kept a house of common entertainment" in the town. There had been many complaints about the character of this house, but the selectmen, who had "indeavored by their best wisdome to find out the truth of such reports" and had found them groundless,³ endorsed his application for the license.

¹ *Dorchester Town Records*, p. 177.

² *Ibid.*, p. 199.

³ *Ibid.*, pp. 140-141.

CHAPTER VI

THE CHURCH

The fact that the settlers of Massachusetts came to America to put into practice a definite religious system explains many features peculiar to the colony which they established after reaching this side of the Atlantic. Particularly does it account for that close union between church and state which made the Massachusetts church of the seventeenth century the particular care of the civil authorities, which gave to the church officers such influence in civil affairs, which required the civil magistrates to punish moral and religious offenses, and which made even citizenship in the colony depend upon membership in the church. For men founding a state with this purpose in view must necessarily watch over the welfare of the church, heed its advice, punish violations of its laws, and allow only those who agreed with the doctrines it taught to become citizens of the commonwealth they were seeking to establish.

From the very inception of the colony, the importance of the minister was recognized and his support provided for. At first, this was looked after by the company which sent ministers to its plantation in America. But after the removal of the company to this country, the support of the minister became one of the functions of the local government, though the central government watched carefully to see that the support was adequate. The assistants at their first meeting, August 23, 1630, discussed the question of the support

of the ministers and resolved that houses should be built for them with all possible speed at the public charge, Sir Richard Saltonstall, undertaking to see that this was done at his plantation for Mr. Phillips and the governor at the other plantation for Mr. Wilson, and that they should be allowed provision enough to support them. Mr. Phillips was given three hogsheads of meal, one of meat, four bushels of Indian corn, one bushel of oatmeal and half a hundred of salt fish, as well as other provisions too numerous to mention; or, if he preferred, he was allowed twenty-one pounds in money from which he must provide for himself. Mr Wilson was allowed twenty-four pounds per annum until his wife should come over. All this was to be done at the common charge, Salem and Mattapan—afterward Dorchester—being the only settlements not called upon to contribute.¹ Again, on November 30th, 1630, the court of assistants ordered that sixty pounds should be collected from the several plantations for the maintenance of Mr. Wilson and Mr. Phillips, of which sum Boston was required to pay twenty pounds, Watertown twenty pounds, and Roxbury six pounds.²

The first ministers sent to the Massachusetts Bay Colony, Higginson, Skelton, and Bright who were sent to Salem in 1629, came under a definite contract made with the company, by which contract they were guaranteed support. Mr. Higginson agreed to come to America, provided he was allowed thirty pounds to buy apparel and other necessary articles, ten pounds for books, and free passages for himself, wife and children. A salary of thirty pounds a year was promised him and a house, land, firewood and food were guaranteed him for three years—the house and appurtenances to be a parsonage for him and his successors.

¹ *Mass. Col. Rec.*, vol. 1, p. 73.

² *Ibid.*, p. 82.

At the end of the three years he was to have on hundred acres of land, and, at the end of seven years, an additional one hundred. If he died within that time, his wife, while she remained a widow, and his children were to be supported in the plantation. If he went back to England at the end of the three years, he was to have free passage for all his family as well as for himself. Similar contracts were made with Skelton and Bright.¹

Since the settlers of Massachusetts came to this country "to walk in the faith of the gospel—according to the order of the gospel," their first thought after landing here was to gather into churches as the best means for promoting this end. The Salem church was the first one organized in the colony. It is interesting to notice the exact steps taken in its formation, for the organization of a church, in the eyes of the Puritans was a solemn act and one to be performed only after due deliberation. The method pursued at Salem was this,—after Mr. Higginson arrived, "the settlers at Salem considered with their brethren at Plymouth what steps to take for the more exact acquaintance with the written word," and, having the concurrence and countenance of their deputy-governor, John Endicott, and the approving presence of the messengers from the church at Plymouth, they set aside the first day of August "for fasting and prayer for the settling of a church state among them and for their making a confession of their faith and entering into a holy covenant whereby that church state was founded." Mr. Higginson then became their teacher and Mr. Skelton their pastor and "one Mr. Houghton ruling elder." "They lived very peaceably in Salem together until the death of Mr. Higginson which was about a twelvemonth after and then of Mr. Skelton who did not long survive him. So you

¹ Hazard, *Coll.*, vol. 1, p. 256.

have seen the nativity of the first church in the Massachusetts colony," Mather adds quaintly.¹

The churches of the other towns under discussion were organized in a similar fashion. As soon as the many details connected with founding a town in a new land were attended to, the settlers met in a body, confessed their sins, professed their faith, and united in church membership. The only exception to this is the church at Dorchester, which was organized before the settlers of that town left England and the ministers of which, Mr. Warham and Mr. Maverick, were chosen at the same time.² But even this church was reorganized after its members reached America for Mather tells us of the gathering of a church at Dorchester shortly after the founding of one at Charlestown, on August 27th, 1630.³

The church of Watertown was organized immediately after the leaders of that group of settlers,—Saltonstall and Phillips—had decided to settle upon the present site of Watertown. They "resolved that they would combine into a church fellowship there as their first work and build the house of God before they could build many houses for themselves." This was in the month after they landed, July 30, 1630. They drew up a holy covenant to which forty men subscribed their names. In it, they thanked God for their "escape from the pollutions of the world" and gave their reasons for coming to America, namely, "to serve God without fear in holiness and righteousness all the days of their lives." Then they took an oath to serve the Lord faithfully, "to cleave unto his worship, administrations, ministry, and government . . . as unto the most clear sight and infallible rule and all sufficient canon."⁴

¹ Mather, *Magnalia*, vol. 1, p. 66.

² Young's *Chronicles*, p. 345.

³ Mather, *op. cit.*, vol. 1, p. 73.

⁴ Mather, *Magnalia*, vol. 1, p. 341.

In Cambridge contrary to the usual custom no church was formed for some years after the founding of that town. This was due probably to the peculiar circumstances of its origin and to the fact that so few people lived there during the first year of its existence. Prince says, "Master Thomas Dudley and others had no settled minister until Mr. Hooker came in 1633;"¹ and an entry in Winthrop's journal, dated October 11th, 1633, reads, "to-day a fast at New Towne where Mr. Hooker was chosen pastor and Mr. Stone Teacher in such manner as before at Boston."² The church at Roxbury was organized before 1632. John Eliot, who came to New England in 1631, became its pastor, November 5th, 1632, after having been with the Boston church about a year.³

Before organizing a new church, it was necessary to secure the approval of the churches already organized and the sanction of the magistrates. "Forasmuch as it hath been found by sad experience that much trouble and disturbance hath happened both to the church and to the civil state by the officers and members of some churches, which have been gathered within the limits of this jurisdiction in an undue manner, and not with such public approbation as were meet, it is therefore ordered that all persons are to take notice that this Court doth not, nor will hereafter, approve of any such companies of men as shall henceforth join in any pretended way of church fellowship, without they shall first acquaint the magistrates, and the elders of the greater part of the churches in this jurisdiction, with their intentions, and have their approbation therein. And, ffurther it is ordered, that

¹ Prince, *Annals*, p. 597.

² Savage's *Winthrop*, vol., I p. 137.

³ *Ibid.*, vol. I, p. 111; *Magnalia*, vol. I, p. 48. For a full account of the order in which churches were organized in Massachusetts, see Savage's *Winthrop*, vol. I, p. 114.

no person, being a member of any churches which shall hereafter be gathered without the approbation of the magistrates and the greater part of the said churches, shall be admitted to the freedom of this commonwealth."¹ This approbation was never given without due examination of the members wishing to form the new congregation, and was withheld if the examination did not prove satisfactory. In 1636, "Mr. Mather and others of Dorchester, intending to begin a new church there (a great part of the old one being gone to Connecticut), desired the approbation of the other churches and of the Magistrates; and accordingly they assembled this day," April 1, 1636, "for examination." But the proofs of "the work of God's grace" in them did not satisfy the elders and magistrates assembled to examine the would-be members, and, therefore, they decided they were "not meet at present to be the foundation of a church." The reasons for this refusal were, that "most of them (Mr. Mather and one other excepted) had builded their comfort upon unsound grounds, some upon dreams, some upon reformation of their lives, and others upon duties."²

During the seventeenth century, it was the custom in a Massachusetts town for the church to have two ministers or elders—the pastor and the teacher. To these was added a layman called the "ruling elder," who assisted in the administration of the church's affairs, called meetings, presided over them, prepared business to be laid before them, and in all possible ways aided the ministers. The distinction between the two ministers is not very clear, and, at times, the functions of the two were combined in one. Cotton says that the difference between pastor and teacher was found in Romans 12:7, but he advises that if a man have

¹ *Mass. Col. Rec.*, vol. 1, p. 168.

² *Savage's Winthrop*, vol. 1, pp. 218-219.

the gifts of both let him use them.¹ However, it is probable that the special work of the pastor was "practical exhortation to right living," while that of the teacher was "inculcation of doctrine."²

While in theory the church of each town was independent and at liberty to choose its own officers, in reality its choice was carefully supervised by the colony acting through the colonial magistrates and the pastors of the other churches, among which Boston seems to have been most important. The trouble at Watertown, in 1631, is a good illustration of this careful supervision. In that year, "the congregation at Watertown chose one Richard Brown for their elder, though he persisted in his opinion of the Romish church and was a man of very violent spirit." The General Court wrote to the pastor and people begging them to consider the faults above mentioned before electing him. In reply, the Watertown congregation demanded proof of the charges made against Mr. Brown; these were given and, although all were not persuaded, many were so far influenced by the accusations that the church became "much divided about the elder," and, finally, asked the advice of Governor Winthrop. He went to Watertown, and the "matter was debated before many of both congregations, and by the approbation of all the assembly except three was concluded an error."³ But this did not quiet the strife, many continuing to hold the forbidden opinion in favor of the elder and the Romish church. Finally, in the following year, 1632, the "Separatists were given a day to come in, whereupon they all submitted," and the elder, Richard Brown, was discharged "for his unfit-

¹ *Mass. Arch.*, vol. 240, p. 3.

² *Platform of Church Discipline*, chaps. 6 and 7.

³ Savage's *Winthrop*, vol. 1, pp. 70-80.

ness in regard of his passions and distemper in spirit.”¹ Salem offers another good illustration of the careful supervision exercised by the colony over the choice of a man to preach the gospel. In 1634, the General Court, hearing that the Salem church “had called Mr. Williams to have the office of teacher,” wrote to Mr. Endicott asking the town to consider the matter further, as, in the opinion of the Court, Roger Williams was not worthy of that office. Salem disregarded this request, and installed Mr. Williams, whereupon the Court punished the town by refusing, in 1635, to give to it a certain amount of land at Marblehead, which land Salem greatly desired. In spite of this punishment, Salem remained obdurate, and, moreover, sought the support of her sister churches by sending to them a circular letter stating her grievances. For this act of defiance, the General Court refused to admit the Salem deputies to the next session of that body until they gave satisfaction for the letter. This they were loath to do, but after being disciplined further, they finally submitted.

Dorchester furnishes us with an illustration of the fact that, in case of trouble in a church which its members were unable to settle, appeal was made to the judgment of the other churches. In 1640, “the church of Dorchester being furnished with an very godly and able pastor, one Mr. Mather,” invited Mr. Burr to become their other pastor. Before he accepted, he was heard to utter sentiments “savoring of familism.” This led to an argument between him and Mather and to a division in the Dorchester church, part of the congregation favoring Mather and part Burr. Finally, unable to come to any agreement, they appealed to the other churches, and the governor, deputy-governor, a magistrate, and about ten elders from other churches, came

¹ Savage's *Winthrop*, vol. 1, pp. 113-114.

to settle the dispute. They spent four days in discussing the relative merits of the question, after which both Burr and Mather yielded sufficiently to effect a reconciliation.¹

The ministers were frequently corrected for making remarks which did not please the other ministers or the magistrates. In 1634 Mr. Eliot, of Roxbury, in a sermon criticised the ministry for making peace with the Pequods without the consent of the people. When this remark became known to the governor and council, three men were appointed "to deal with him, to bring him to see his error." This they did so effectively that Mr. Eliot confessed that he had misjudged the authorities, admitted that they could make peace alone, and so expressed himself in the pulpit the following Sunday.²

This supervision was not approved of by many of the churches, and petitions were frequently sent to the General Court asking that more freedom be allowed the individual churches. Salem petitioned the Court against an order which it passed that no church could call a minister "unless approved of by ye four next adjoining eiders or congregations," giving as the reason of this request that such an order encroached upon the liberties of the church.³

During the seventeenth century, the minister of a Massachusetts church was a town official elected by the inhabitants in the town meeting as was any other officer of the town—selectman, constable, surveyor, or tithingman. He differed from these, however, in holding office for life, while they were elected annually. In many towns, of course, the minister who remained in office during the greater part of the century came from England with the congregation, being,

¹ Savage's *Winthrop*, vol. 2, p. 26 *et seq.*

² *Ibid.*, vol. 1, p. 179 *et seq.*

³ *Mass. Arch.*, vol. 10, p. 84.

in many cases, the leader of the enterprise. But, where this was not the case, or where the death or the removal of the minister who accompanied the congregation to America compelled the choice of a new one, this held true. The ministers of Watertown for the greater part of the century were Mr. Sherman and Mr. Knowles, but in 1674 the town voted that it desired "Mr. Thomas Clark to be helpful to Mr. Shearman in the preaching of the word amongst vs,"¹ declaring this by a full vote of the inhabitants of the town. In 1669 there was public meeting of the inhabitants of the town of Cambridge to "consider of a supply for the ministry . . . to take up the breach that God's afflicting providence had made in that place."²

All expenses connected with the church and the minister were born by the town, every inhabitant of which, whether a church member or not, being required to contribute for this purpose. Watertown supported its minister by a "rate justly levied upon every man proportionably unto his estate,"³ and prevented any one's escaping this tax by ordering that "all single persons that live at their own hands and have not fifteen pounds visable estate" should be rated for the ministry at fifteen pounds, while all those who had an income from trade equal to that sum should be rated at the same amount.⁴ Roxbury and Cambridge raised the money necessary for the minister and the church by a tax "born by all the inhabitants in an equal proportion."⁵ Salem, which at first seemed rather disinclined to tax those who were not members of the church for the support of the min-

¹ *Watertown Town Records*, p. 119.

² *Cambridge Town Records*, p. 179.

³ *Watertown Town Records*, p. 1.

⁴ *Ibid.*, p. 33.

⁵ *Roxbury Town Records*, p. 11; *Cambridge Town Records*, pp. 85, 130.

ister and the church, decided, in 1645, that "non-members of that congregation should be rated for the helping and the supporting of some of the public ordinances of the church, as, namely, the preaching of the word."¹

Over this question of the minister's support the General Court exercised constant supervision, noting with jealous eye the provision made for him by each town. In 1630 it ordered houses to be built for them at the expense of the colony.² In 1654 rumor reached the Court that the towns were not properly paying the ministers, whereupon it ordered the county courts to investigate the matter and to decide "what maintenance should be allowed to the ministers . . . and issue warrents to the selectmen to assess and constables to collect same;" and, in 1657, it ordered an inquiry to be made to see which towns were not paying them living salaries.³ The committee appointed to investigate this matter in the towns of Suffolk County reported that Dorchester, then a town of one hundred and twenty families, was paying the minister one hundred pounds and that Roxbury, composed of eighty families, was giving each of its two ministers sixty pounds.⁴ Again, in 1660, the General Court turned its attention to the question of providing adequate salaries for the ministers, this time ordering the county courts to look after the ministers from time to time to assure themselves that "the charge of their procuring and settling be levied on the inhabitants, as the law for maintenance of ministers directs."⁵

The ministers were well paid, considering the conditions

¹ *Salem Town Records*, p. 140.

² *Mass. Col. Rec.*, vol. 1, p. 73.

³ *Ibid.*, vol. 3, p. 424.

⁴ *Mass. Arch.*, vol. 421, pp. 215, 216.

⁵ *Mass. Col. Rec.*, vol. 4, pt. 1, p. 417.

in the towns, though Mather says that the churches "preferred them to be like stars rather than like lamps of the church provided, like the stars, they would shine without the supply of any earthly contribution to them."¹ However, the amount of actual money granted them yearly was small, Watertown, in 1642, paid one minister for half a year 33£, 6s, 8d, and the other, 20£.² In 1648 it allowed each pastor sixty³ pounds; in 1650, each "four-score pounds."⁴ Dorchester paid Mr. Mather eighty pounds and Mr. Stoughton thirty pounds per annum.⁵ After Mr. Mather's death, Mr. Stoughton was given seventy pounds;⁶ and, after Mr. Flint was chosen pastor, his salary varied from seventy to ninety pounds.⁷ Cambridge, in 1657, ordered the deacons to "make a levy of two hundred and forty pounds for the maintenance this year and for the payment of the debts of our Reverend Pastor Mr. Michell;"⁸ and in 1696 it appropriated ninety pounds for this purpose.

But in addition to the money paid the minister annually, the town frequently set aside a certain amount of land, the income from which was devoted to the support of the minister and the church. Cambridge, in 1648, set aside 1,000 acres "for a public stock to be improved for the good of the church," and, in 1682, an additional 500 acres was appropriated for "the use of the ministry of the town forever." In 1662 Roxbury gave twenty acres of the common land to be used forever by the ministry, carefully specifying,

¹ *Magnalia*, vol. 2, p. 427.

² *Watertown Town Records*, p. 9.

³ *Ibid.*, p. 15.

⁴ *Ibid.*, p. 21.

⁵ *Dorchester Town Records*, pp. 123, 130, 145, 155.

⁶ *Ibid.*, pp. 163 and 170.

⁷ *Ibid.*, pp. 180, 188, 196.

⁸ *Cambridge Town Records*, p. 121.

however, that only the use of it was granted them, and that they did not own the land and had no privilege of selling an acre.¹ Moreover, the town usually provided a house for the minister—Cambridge and Dorchester both did this. Dorchester, in a town meeting in 1669, voted to build a house for the minister, “to remain to the town for such an end and the house to be 38 foot in length and 20 foot wide and 14 foot between joints.”² This plan was given up later, and during 1670 and 1671 there were various attempts made to buy different houses.³ Finally, in 1671, a rate of one hundred pounds was made for “procuring a comfortable habitation for a minister.” Although there was some difficulty in collecting the entire amount, all of it not being paid in until 1674, the house for the minister was built.⁴ In 1681 this plan was again discussed, and one hundred pounds was again appropriated to buy a house,⁵ no reason, however, being given for the renewed activity in this direction.

The minister received no stated salary, but was paid each year what the town could afford. The usual method followed by the town was to decide in town meeting what salary should be allowed for the coming year, to proportion this among the inhabitants, and to order the deacons to collect it. Roxbury resolved, February 1st, 1663, in a town meeting called to regulate the matter, that the inhabitants of the town were to decide yearly upon the salary; that they should then choose by vote those who “shall make the proportion for the raising that sum;” that these should be the deacons, together with the selectmen and whom else the body should please, and that the rate should be paid the dea-

¹ *Roxbury Town Records*, p. 38.

² *Dorchester Town Records*, p. 162.

⁴ *Ibid.*, p. 208.

³ *Ibid.*, pp. 171 and 174.

⁵ *Ibid.*, pp. 257 and 267.

cons quarterly. At the end of the quarter the names of those not paying were to be given by the deacons "to the selectmen or those legally empowered that so he may be freed and the towns estate gatherd in."¹ Salem, in its early years, seems to have used two methods of raising a salary for the minister, namely, voluntary subscription—one of the methods mentioned by Cotton Mather²—and taxation. In 1639, the first time that the minister's salary is mentioned in the town records, there was a voluntary town contribution toward the maintenance of the ministry, which was paid quarterly.³ In 1656, "it was voted and agreed by the town that they voluntarily yeald up themselves to be rated by those whom they shall choose for the raising of maintenance for the ministry when need shall require." But the following year, 1657, they returned to their original plan, voting that the elder's maintenance should be raised by subscription. This plan proved unsuccessful, many refusing to contribute, therefore, in the next year, 1658, it was decided to try a combination of the two methods, and it was agreed that "all those persons that will not subscribe nor contribute toward the maintenance of the ministry shall be rated and the selectmen to rate them."

Dorchester followed the usual plan in paying its ministers. The town decided in town meeting what the salary should be, the selectmen or "raters" made the rate, the deacons gathered it, returning to the selectmen the names of those who did not pay; and the selectmen issued warrants to the constables to collect these sums, by distress if necessary.⁴ In 1674, as a means of shaming the delinquents into paying, it was decided that at the general town meeting in the tenth

¹ *Roxbury Town Records*, p. 44.

² *Magnalia*, vol. 2, p. 427.

³ *Salem Town Records*, p. 93.

⁴ *Dorchester Town Records*, pp. 187, 188, 211.

month from year to year the names of those that had not paid their proportions to the ministry for the year past should published.¹ A change in this order was made in 1677. The town then voted, "that for the year following the minister's pay should be paid by weekly contribution each Lord's day and that those that did not contribute should be rated according to former proportion."² Dorchester made up any deficiency in the minister's salary caused by the refusal of any one to pay. In 1679 a list of "the desperate debts of what should have been paid to Mr. Flint for the several years," 1672 to 1678, was made out, and the town ordered that these debts must "be paid or made good to Mr. Flint some other way."³ These "desperate debts" amounted to 7£, 4s, and 11d, and were partly made-up to Mr. Flint by an extra 3£, 11s, 3d, which had been paid him in 1671, also by a "load of clapboard" which had been paid him in 1671, also by a "load of clapboard which he had of Samuel Trescot being part of his rent for the ministry land," and by the "overplus of those rats in the several years" which came to "6 pounds and 10 pence." There were still due Mr. Flint at the end of the year 1678 about three pounds.⁴ Watertown required dues to be paid by all men "at or before the last of June yearly."⁵ These were assessed and collected in the same manner as in the other towns.

The minister's salary was often paid partly in money and partly in produce, the town meeting in deciding upon the amount of the salary fixing the proportion of each. Cambridge ordered its minister paid partly in money and partly "in such pay as is suitable to the end intended."⁶ Dor-

¹ *Dorchester Town Records*, p. 203.

² *Ibid.*, p. 221.

³ *Ibid.*, p. 237.

⁴ *Ibid.*, pp. 238 and 239.

⁵ *Watertown Town Records*, p. 94.

⁶ *Cambridge Town Records*, p. 196.

chester, in 1682, appointed three days for "bringing in and receiving of that part of the minister's salary which is to be paid in country pay . . . viz. the first Monday and third Monday in February and the first Monday in March."¹ Thenceforth, a collector was chosen annually by the town meeting, to be present on those three days to take account of those bringing their share and of those failing to do so. In 1684 the collector, Deacon Blake, makes the following report, "Received of the rate made for the use of the ministry of Dorchester for the year one thousand six hundred eighty and four the full sum of forty-nine pounds three shillings and eight penny in new English money or otherwise to my content. As also forty and nine pounds three shillings and a penny in country pay or the value thereof to content: as also four and thirty shillings worth of iron of Elder Withington's gift to the ministry of Dorchester; . . . so that the total sum delivered to me and received by me is an hundred pounds."² In spite of all these precautions, there were many who failed to pay their share of the minister's rate. Pastor Danforth of Dorchester in giving a discharge to the deacon in 1691 said, that he had reckoned with Deacon Capin again on the 4th of December and "all the above mentioned parcels whether of wood or money, being reckoned as part of the pay for the years eighty-six, eighty-seven and eighty-eight, yet not withstanding there was due to him for his salary for those three years more than twenty pounds. But considering the frowns of providence upon his people here, he was willing to give that in, and so did acknowledge himself satisfied and acquitted the towne of Dorchester for all further demands of any salary for those three years."³

¹ *Dorchester Town Records*, p. 266.

² *Ibid.*, p. 278.

³ *Ibid.*, p. 320.

As the church was an integral part of the town, there was naturally at first only one meeting-house in the town, as there was only one town-house or one watch-house. This was large enough to accommodate all the inhabitants of the town and, as the population grew, the meeting-house was either enlarged or, if that were not possible, a new one was built capable of accommodating the increased population. As has been shown in the discussion of the formation of new towns, the building of additional meeting-houses and the separation of the inhabitants into different congregations led almost invariably to the formation of new settlements from the original town. Cambridge had only one meeting-house in which all its inhabitants met as one congregation until 1659, in which year "the remote inhabitants on the south side of the river were abated the one-half of their proportion to the minister's allowance during the time they were provided with an able minister according to law,"¹ a favor which Cambridge had refused them in the year 1654 lest "the fraction might prove destructive to the whole body." What they feared came to pass. The new congregation, thus formed, soon expressed a desire to be entirely separate from that of Cambridge, and from it developed Newton.² Lexington separated from Cambridge in the same way. As the so-called Cambridge farms, it first asked the privilege of building its own meeting-house, then signified its willingness to pay its own minister, and finally asked to be released from union with Cambridge as well.

The meeting-house was town property and was managed by and through the town meeting. In that assembly repairs were discussed, plans for seating people were formed,

¹ *Cambridge Town Records*, p. 130.

² Paige, *History of Cambridge*, p. 264.

additions were ordered made, and when necessary a new meeting-house was ordered to be built. The execution of the plans formed by the town meeting was left either to the selectmen, to the deacons, or to committees chosen for various purposes. In 1658 Roxbury agreed that the meeting-house "should be repaired for the warmth and comfort of the people,"¹ and empowered the selectmen to see that this was done. It was to be shingled and plastered, two galleries were to be added, and the bell was to be hung conveniently. In 1665 and 1666, it was again repaired, this time another seat being added in the men's gallery. In 1672 the town voted to build a new meeting-house, as near the old one as possible, and chose a committee of seven men to give out the contracts and to dispose of the old meeting-house.² Cambridge, in 1649, voted to build a new meeting-house "about forty feet square and covered with shingle." Salem, in 1634, ordered a new meeting-house built, at a cost not to exceed the sum of one hundred pounds,³ and meetings were probably held in a private house until this was finished. By 1638 this meeting-house had become too small, and, December 31st of that year, the town ordered an addition made to it "25 feet long, the breadth of the old building, with a gallery answerable to the former, one catted chimney of twelve feet long, and four feet in height about the top of the building," . . . six sufficient windows, and stairs to the gallery.⁴ This was the only meeting-house in Salem until 1670. Then a new one was built, at the west end "of the old meeting-house toward the prison," and the material from the old meeting-house was used to "build a school-house and a watch-house."

¹ *Roxbury Town Records*, p. 26.

² *Ibid.*, p. 82.

³ *Colls. Essex Institute*, vol. 2, p. 145.

⁴ For a complete discussion of the Salem meeting-house, see *Essex Institute*, vol. 2, p. 145, and vol. 39, p. 216.

There was only one meeting-house and one ecclesiastical organization in Watertown during the seventeenth century. Tradition says that there was a meeting-house there from the very first, and that it stood east of Mount Auburn. However this may be, a new one was built in 1635 at a cost of eighty pounds. This was improved in 1649 by adding a gallery, and by 1654 had become too small for the congregation. That year the town, after considering the question of repairing and enlarging it, decided that it would be better to build a new one. This was left to the selectmen, who were to take the Cambridge meeting-house "for the pattern in all points."

Seats in the meeting-house were assigned to the different members of the congregation by the town, acting through the elders, selectmen, deacons, or committees chosen for the purpose. Roxbury, in 1680, left the seating in the meeting-house to the elders, deacons and selectmen.¹ In 1691, however, the town meeting decided that a committee of three be appointed every year, in March, to seat people in the meeting house.² But, in 1692, the town returned to the original plan of allowing the selectmen and church officials to do this.³ Cambridge, in 1658, voted that "the Elders, Deacons, and Selectmen for the time being shall be a constant and settled power for regulating the seating of persons in the meeting-house."⁴ In Salem, the selectmen usually assigned the pews, "to continue during the town's pleasure." One seat was always kept for the magistrates, called after them the magistrates' seat. Watertown allowed the deacons, and others appointed by the town for that purpose, to assign the seats. In 1656 the order in which they were assigned was determined by the following rules,—“ 1. office. 2. age.

¹ *Roxbury Town Records*, p. 99.

² *Ibid.*, p. 149.

³ *Ibid.*, p. 153.

⁴ *Salem Town Records*, p. 127.

3. state. 4. gifts.”¹ Those not taking the seats assigned them were fined “two shillings six pence for every defect and the constable to receive it.”²

However, Watertown, in 1663 appointed a committee to “order the setting of people in the meeting-house.”³ This committee “made their return of what they had jointly agreed upon” to the town meeting, by which body it was accepted.⁴ Every one was ordered to take the seat appointed him on the following Sunday. Persons who refused to do so were visited with a reproof from the deacon, and on a second offense they were fined two shillings six pence.⁵ After this a standing committee had the matter in charge.⁶

Though the meeting-house was a public building under the control of the town, permission was occasionally given private individuals to make additions to it, such as galleries or pews. Cambridge, in 1660, granted liberty to “Sundry young men . . . to build a gallery on the South beam, on condition that they should not dispose of their seats therein to any other, but leave them to the order of those that are appointed to regulate the sitting of persons in the meeting-house.”⁷ The selectmen of this town, in 1673, allowed twelve men “to build a gallery upon the beam from the gallery on the east beam to the west end of the meeting-house so far as the rooffe did not hinder and to make it like that on the east end. . . and make a pair of stairs to it. . . and if it appear that there was more room than for those twelve expressed that then the selectmen should place in there whom they pleased.” Dorchester, in 1678, granted per-

¹ *Watertown Town Records*, p. 47.

² *Ibid.*, pp. 58 and 59.

³ *Watertown Town Records*, p. 78.

⁴ *Ibid.*, p. 80.

⁵ *Ibid.*, p. 81.

⁶ *Ibid.*, p. 84.

⁷ *Cambridge Town Records*, p. 134.

mission to several men "to build a seat in the new meeting-house," and, in 1665, called to account those persons who had "lately set up a new gallery in the Meeting-house . . . without leave from the town or the Selectmen," saying it cut off the light.¹ As a punishment for building without the necessary permission, none of the offenders were allowed to sit in the gallery until the town's pleasure was ascertained. Permission to enjoy their new seat was granted them after due acknowledgement on their part that they had done wrong in making the seat "without more clear and full approbation of the town and Selectmen thereof," and after promising that, if the seat should be allowed them, they would not "give up or sell any of their places in that seat to any person or persons, but whom the Elders should approve of, or such as should have power to place men in seats in the assembly."²

In a Massachusetts town of the seventeenth century, the minister was a man of the utmost importance, and was treated with the greatest respect and deference by all. A few illustrations of this feeling have found their way into the town records. Cambridge, in 1671, held a joint meeting "of the church and town" on July 17th "to acknowledge thankfulness to Mr. Oakes for his great love, and self-denial in parting with his friends and concerns in England to come over to us; to manifest unto him the continuance of the earnest and affectionate desires of the Church and people that as soon as well may be he would please to join in fellowship heer in order to his settlement and becoming a pastor to this Church; . . . to intreat him forthwith to remove himself and family into the house prepared for the ministry; to instruct the deacons to furnish and to provide for his accomadation at the charge of the church

¹ *Dorchester Town Records*, p. 229.

² *Ibid.*, p. 127.

and town and to distribute the same seasonably for the comfort of him and his family; and to order that half a year's payment forthwith be made by every one according to this yearly payment to the ministry." ¹ Dorchester, in 1669, voted in town-meeting to grant Mr. Timothy Mather "ten pounds towards the funeral expenses and the erecting of a pillar on his father's tomb." ²

Religious instruction in these towns was not confined to stated places or times, nor was man, woman, or child allowed to decide whether or not he wished to be instructed in church doctrine. The arm of the church followed every one every where, and any failure to conform to its teachings or to neglect its service brought upon the offender a penalty imposed by the civil power. In order to enforce religious discipline and to see that the inhabitants were properly instructed in the truth, a town was often divided into districts, each of which was entrusted to one of the deacons or selectmen, whose duty it was to see that every inhabitant conformed to these requirements. In 1660 the selectmen of Watertown "agreed (in reference to the well ordering of the inhabitants of Watertown,) that the Selectmen should divide themselves and take a survey of the several families, and take notice . . . of their improvement of their times both concerning their souls, as of their bodies;" ³ and, in 1674, they appointed three men to "go about the town to see that the children were taught to read the English tongue and that they were taught some orthodox catechism." ⁴ The young people of the town were frequently gathered together by the pastor in the meeting-house, or were called by an elder to some public place and there catechised. None

¹ *Cambridge Town Records*, pp. 195, 196.

² *Dorchester Town Records*, p. 162.

³ *Watertown Town Records*, p. 70.

⁴ *Ibid.*, p. 121.

could escape the ordeal; "all youths from ten years old unto twenty years old" were included.¹ In 1681 the town of Dorchester "did by vote desire Elder Humphry to catechise the youth and children that he should call to him when and where he should appoint."² Cambridge sent men by twos and threes throughout the town to catechise the youth. In 1668 and 1670 the town ordered eighteen men to go about for the purpose of "catechiseing the youth of this town."³ The parents of those children whom this catechizing found deficient were called before the selectmen to answer for their failure to properly instruct their children. In Dorchester, in 1675, "John Pope appeared before the Selectmen to give an account of the education of his children by way of catechising who promised to endeavor for time to come to be more diligent that way to attain instruction for them."⁴ And, in 1671, the selectmen agreed that a warrant should be directed to the constable to summon Timothy Wales and his wife and his two smaller boys to appear before the selectmen at their next meeting, to be questioned as to "the way they were being educated."⁵ The selectmen of Watertown, in 1660, reported that they had taken "a survey of the inhabitants of the town with reference to the answering of that law which required the learning of some catechism;"⁶ and, in 1674, the selectmen appointed two men to see that the children were taught some catechism.

Attendance upon church was compulsory. Cambridge, in 1669, "upon the complaint of some of idleness and care-

¹ *Watertown Town Records*, p. 137.

² *Dorchester Town Records*, p. 255.

³ *Cambridge Town Records*, pp. 175, 188.

⁴ *Dorchester Town Records*, pp. 200, 209.

⁵ *Ibid.*, p. 181.

⁶ *Watertown Town Records*, p. 71.

lessness of sundry persons in the time of public worship," ordered the constables to "set a watch of one man during the time of public worship, one in the forenoon and another in the afternoon to look after such persons that they do attend upon the public worship of God."¹ The town appointed certain men, "to look to the youth in time of public worship . . . and to inform against such as he found disorderly."² Dorchester appointed men "to look after the boys in the meeting-house on the Lord's day . . . each to take the care of the boys' orderly behavior in the public meeting, each of them a quarter of a year."³ This was the more easily done, since all the boys of Dorchester were seated together in the west gallery, which the town ordered in 1667 "to be brought into such a form that all these boys may be there seated and so ordered that they may be prevented from profaning the Lord's day."⁴

Not only were the parents required to teach the children the catechism but they were also expected to see that all their servants were instructed in its truths. Dorchester, in 1665, ordered "all masters and any that have the charge and oversight of any youth within the Plantation to be diligent to observe this injunction to catechize their servants and others within there several charge in some sound and orthodox catechism that they might be able to render an account thereof when they should be hereunto required either in the Church or privatly as upon advice shall be judged most conducing to the generall good of all men."⁵

¹ *Cambridge Town Records*, p. 178.

² *Ibid.*, p. 164.

³ *Dorchester Town Records*, p. 230.

⁴ *Ibid.*, p. 146.

⁵ *Ibid.*, p. 73.

CHAPTER VII

THE SCHOOLS

As was natural in a colony whose very existence depended upon teaching the coming generation the fundamental truths upon which the colony was founded, Massachusetts paid great attention to the education of the children. "After God had carried us safe to New England," said one old settler, "and we had builded our houses, provided necessaries for our livelihood, reared convenient places for God's worship, and settled the civil government, one of the next things we longed for and looked after, was to advance learning, and to perpetuate it to posterity; dreading to leave an illiterate ministry to the churches, when our present ministers shall be in the dust."¹ This, like the religious system, was not a private but a public, a colonial and municipal, affair. The choice of a schoolmaster, the salary to be paid him, the location of the school house, and its need of repairs, the subjects to be taught, and the hours for the school sessions were all discussed and settled in town meeting. Parents were required by law to send their children to school, and those not complying were called before the selectmen to answer for "not learning their Children to read the English tongue,"² while to enforce this order the selectmen made house-to-house visitations, "to make trial whether children and servants be educated

¹ *New England First Fruits*, p. 12.

² *Watertown Town Records*, p. 103.

in learning to read the English tongue and in the knowledge of the capital laws according to the law of the country.”¹

Schools were free, in the sense that any one might attend them, but not in the sense that the pupils paid no tuition. On the contrary each pupil paid, if able to do so, but none were excluded through inability to pay, as in this case, the town made up the deficiency from the town rate. In an order passed by the General Court, in 1647, establishing certain schools, it said, “the wages,”—of the teacher,—“shall be paid either by the parents or masters of such children” as attended school “or by the inhabitants in generall.”² Salem, in a town meeting, September 30th, 1634, ordered a note “published on the next lecture day that such as had children to be kept at school would bring in their names and what they will give for one whole year, and also if any poor body hath children or a child to be put to school and not able to pay for their school that the town will pay it by a rate.” This continued to be the rule in Salem until 1768.³ In 1674 each child that was able paid “five pence at the grammar school,” and in 1677, twelve pence.

In Watertown the amount of tuition paid depended upon the subjects studied, the pupils studying English paying only three pence per week, while those learning to write Latin paid four pence. All the tuition went toward paying the teacher’s salary, and, as attendance at school was very irregular, the teacher was required to “keep a strict account of the number of weeks that every one doth continue,” and to send bills twice yearly to those having children in attendance. If these were not paid within a reasonable time, the

¹ *Watertown Town Records*, p. 104. ² *Mass. Col. Rec.*, vol. 2, p. 203.

³ Felt, *Annals of Salem*, vol. 1, p. 428.

schoolmaster reported the matter to the selectmen, who were "required to take some speedy course" to secure him his due.¹ If the tuition paid in failed to reach thirty pounds or whatever amount was specified for the teacher's salary, the deficiency was made up by the town through a rate levied for that purpose. Out-of-town pupils paid larger tuition. In 1663 they paid twenty-five shillings per year,² three pounds of which amount was added to the teacher's salary, while all the remainder went to the town.³ However, in 1667, Watertown changed its educational system. After that year the school was free to the children of all the "settled inhabitants," only those from a distance continuing to pay and their tuition being used exclusively for the teacher's salary. The town was now responsible only for that deficiency in the teacher's salary which remained after the out-of-town pupils had paid. This it made up as before by a town rate.⁴ In addition to the tuition required, parents having children in the school were frequently compelled to provide wood for the use of the school. In 1670, to prevent the school from closing on account of the cold, the selectmen of Watertown ordered every inhabitant having a child in the school to send there a quarter of a cord of wood by December 15th, or, if they failed to send the wood, to send two pence to buy it.⁵ If this order were not obeyed, the child of the delinquent parents could not attend school from November until April.⁶ This was also the rule in Dorchester. That town ordered "in respect to the school, that those that send their children to school should in the winter time bring for each child a load of wood or half a cord of wood," and those that

¹ *Watertown Town Records*, p. 26.

³ *Ibid.*, p. 36.

⁵ *Ibid.*, p. 103.

² *Ibid.*, p. 34.

⁴ *Ibid.*, pp. 91, 93, 96, 102.

⁶ *Ibid.*, p. 110.

brought it in the form of logs should cut it after it come to the school house, and for those boys that went but a part of the winter the masters "should appoint the proportion for such."¹ Dorchester also required that tuition should be paid by those attending school. In 1658 the selectmen ordered a Mr. Patten to "looke up what notes and papers he hath that concerns the accounts of the scholars for the two years past and bring them to the selectmen."² Upon receiving these, the selectmen issued a warrant to the constable to gather from those parents and masters that sent their children or servants to the free school those sums that were in his list.³ Cambridge also required its pupils to pay if able and, as in Watertown, the town made up any deficiency in the teacher's salary. In 1662 the townsmen paid Mr. Corlett, the teacher at that time, out of the public stock of the town ten pounds "on account of his present necessities and by reason of the fewness of his scholars."⁴ But Cambridge apparently paid the teacher by raising a rate for that purpose more frequently than did the other towns. In 1648, "it was agreed at a meeting of the whole town, that there should be lands sold of the Common for the gratifying of Mr. Corlet, for his pains in keeping a school in the Town," and in 1654 the town levied twenty pounds upon the several inhabitants for the same purpose.⁵ In 1691 it was agreed that there "should be given by the town in Common pay annually to a schoolmaster twelve pound."

Education, however, was considered such a vital matter that many towns as corporate bodies sought to provide it for all those who could not pay. There were two principal ways of doing this,—either some town land was set aside,

¹ *Dorchester Town Records*, p. 151.

² *Ibid.*, p. 94.

³ *Ibid.*, p. 96.

⁴ *Cambridge Town Records*, p. 138.

⁵ *Ibid.*, pp. 77, 293, 296.

the income from which must be used for the support of the school and the schoolmaster, or "every inhabitant bound some house or land for a year's allowance forever" for this purpose.¹ Roxbury, "not being able to live quietly without a free school,"² adopted the method last mentioned immediately after its founding. About sixty of its inhabitants, i. e. practically all the town, agreed in the early years of the town to form a school, and each one of those so agreeing, "gave a small rent forever out of their several habitations and homesteads," making at the same time a perpetual succession of officers called "feoffees" to gather and impress this rate.³ This was collected for years without any difficulty, but trouble arose later over the amount to be collected, as the book and charter containing the original agreement was lost and the feoffees could not estimate what was due the town nor what proportion each inhabitant should pay. They, therefore, petitioned the General Court, in 1669, to ratify and confirm the school's title to certain habitations and homesteads, and to empower the feoffees to gather the rent from these.⁴ The income from this source not proving adequate for the support of the school, the town also adopted the second plan mentioned above, i. e. setting aside some land for the use of the school. In 1660 500 acres were thus granted "the Roxbury Free School," which grant was confirmed in 1718.⁵ Dorchester relied upon the rent obtained from Thomson's Island for the maintenance of its school. This was an island in Boston harbor, settled by David Thomson in 1626 but taken from his son and given to Dorchester by

¹ Savage, *Winthrop*, vol. 2, p. 264.

² *Magnalia*, vol. 1, p. 498.

³ *Mass. Arch.*, vol. 58, p. 63.

⁴ *Ibid.*

⁵ *Mass. Arch.*, vol. 5, p. 16. Here a map of the grant is given. *Mass. Col. Rec.*, vol. 4, pt. 1, p. 438.

the General Court in 1634. As early as 1639, when a school is first mentioned in the Dorchester records, twenty pounds was levied upon those owning property in Thomson's Island for the use of the school, the said twenty pounds to be the salary of the schoolmaster. In 1641 the elders, Mr. Stoughton and Mr. Glover, were entrusted by the town to rent "Tomson's Island" for the best benefit of the school,¹ and the seventh day of the twelfth month of that same year, 1641, the inhabitants of Dorchester set aside the island for the use of the town forever. This was found necessary, owing to the great labor and difficulty experienced in collecting the rent from "so many several persons as ought to pay according to their several proportions," this number being no less than "six score or thereabout" and, also, because the rent of twenty pounds, even when collected, was not of itself sufficient maintenance for the school. Therefore, all the inhabitants of Dorchester agreed for "themselves and their heirs" that from henceforth the said island and all the "benefits and profits thereof and all their rights and interests in the same should be wholly and forever bequeathed and given away from themselves and their heirs unto the town of Dorchester for the instructing and teaching of children and youth in good literature and learning." The money from the island was raised by renting out all the land there for such yearly rents as amounted in the common estimation to the full value of the said island. Every one wishing to rent land there was compelled to secure the payment of the rent thereof by land or otherwise before the privilege was granted him. The number of tenants was restricted to ten, in order to avoid all trouble in collecting the rent. If any vacancy occurred in the school, the rents from the island could not

¹ *Dorchester Town Records*, p. 44.

be used for any other purpose, but must be put aside to "augment the stipend" when the vacancy was filled or for some other school use.¹

The agreement, however, did not long affect Dorchester, for in 1648 the island was given back to the younger Thomson, who, since its grant to Dorchester in 1634, had been trying to induce the General Court to return it to him. Dorchester did not give up her claim to the island without a struggle, but, after hearing her side of the case, the General Court decided in favor of Thomson.² Thereupon, Dorchester demanded compensation and the General Court gave the town 1,000 acres of land in place of the island. This, however, did not satisfy the town, which continued its efforts to regain the island, voting as late as 1659 "that the inhabitants would have a trial at the charge of the town for to get Tomson's Island for the town of Dorchester as they supposed that it is theirs by right and it was also voted the same day that the selectmen are desired and impowered to prosecute the trial in the best way and manner as they shall think best and most convenient for the obtaining of it."³ This attempt was unsuccessful, and Thomson's island was not given back to Dorchester, that town contenting itself with the gift of 1,000 acres made it by the General Court. This land became known as the school farm. It was carefully tended by the town and in 1667, by vote of the entire town, was set aside "for the maintenance of a free schole in Dorchester forever."⁴

Cambridge also set aside common land, the income from which was used for the support of the school. The General Court, in 1659, gave that town 1,000 acres for this purpose.⁵

¹ *Dorchester Town Records*, p. 45. ² *Mass. Coll. Rec.*, vol. 2, p. 245.

³ *Dorchester Town Records*, p. 96. ⁴ *Ibid.*, p. 146.

⁵ *Mass. Col. Rec.*, vol. 5, pt. 1, p. 400.

It was customary for the town, either directly or through the selectmen, to attend to all school affairs. Nothing connected with the school was too trivial to bring to the notice of the town. It was deeply interested in the choice of the schoolmaster and, though it often entrusted this temporarily to the selectmen, it never resigned the power of appointing to this position. The selectmen of Watertown, in 1650, made this agreement with the schoolmaster,—“it was voted and agreed that Mr. Richard Norcross was chosen schoolmaster, for the teaching of children to read and write and so much of Latin, according to an order of Court, and also if any of the said town have any maidens that have a desire to learn to write that the said Richard should attend them for the learning of them, and also that he teach such as desire to cast accounts, and that the town should allow the said Richard for his imployment thirty pounds for this year;”¹ but, in 1675, the town meeting engaged the teacher to keep school for one year at the same salary—thirty pounds—and a “fortnight’s time in hay time.”² The selectmen of Watertown, however, usually made the agreement with the teacher. In 1674 they empowered one of their members to treat with Mr. Goddard about keeping school, and in 1678 they dismissed the teacher “as they had agreed with another to keep the school.” The town meeting of Salem, in 1640, chose the teacher but, in 1670, a general town meeting called to consider about engaging a grammar school master, ordered the selectmen to “take care to provide one and to agree with him for his maintenance.”³ Instances similar to these could be given indefinitely.

The only deviation from this rule about the management

¹ *Dorchester Town Records*, p. 21.

² *Ibid.*, p. 123.

³ Felt, *Annals of Salem*, vol. 1, p. 432.

of the schools is found in Roxbury and Dorchester, in which towns the first signs of regular school boards are found. In the former town a body of men called "Foeffees" was appointed to manage the school. This was a perpetual board, whose chief duty was to gather the rate promised by the original sixty families for the use of the school and the additional rate raised by the town.¹ These officers are not very often mentioned in the Roxbury Records and I can find no definite statement of their duties, though, in 1666, they were appointed to join with the selectmen in choosing a convenient place for the school house, showing that their duties were not confined to gathering the rate. In Dorchester the records of the school board are more complete, and it is possible to gain a very adequate idea of their powers and duties. In 1645 the inhabitants of Dorchester adopted the following rules and orders concerning the management of the school:

First it was ordered that three able and sufficient men of the Plantation should be chosen to be wardens or overseers of the school. These should have the charge and ordering of the school and of all things concerning it in such manner as was afterward expressed and should continue in their office and place for the term of their lives respectively, "unless, by reason of any of them removing his habitation out of the towne, or, for any other weighty reason, the inhabitants should see cause to elect or choose others in their room in which cases, and upon the death of any of the said wardens, the inhabitants should make a new election and choice of others."

Secondly, these Wardens should have full power to dispose of the school stock, "whether the same be in land or otherwise, both such as is already in being and such as may by any good means hereafter be added," and they should

¹ *Mass. Arch.*, vol. 58, p. 63.

collect and receive the rents, and profits "arising and growing of and from the said stock," which they "should employ and lay out only for the best behoof, and advantage of the said school and the furtherance of learning thereby, and should give a faithful and true account of their receipts and disbursements so often as they might be required by the inhabitants or the major part of them."

Thirdly, the said Wardens should take "care and do their utmost and best endeavor that the said schools were from time to time supplied with an able and sufficient schoolmaster, who nevertheless was not to be admitted into the place of schoolmaster without the general consent of the inhabitants or the major part of them."

Fourthly, as often as the said school was supplied with a schoolmaster, the wardens should from time to time pay or cause to be paid unto the said schoolmaster such wages out of the rents and profits of the school stock as should come due to be paid.

Fifthly, the said wardens should from time to time see that the school house was kept in good and sufficient repair, the charge of which was to be defrayed and paid out of the rents of the school stock, if they were sufficient, or else from such rents as might "arise and grow in the time of the vacancy of the school . . . if there be any such, and, in defect of such vacancy, the wardens should repair to the seven men of the town who should have power to tax the town with such sums as should be requisite for the repairing of the school house as aforesaid."

Sixthly, the said wardens were instructed to see that every year, at or before the end of the ninth month, there was brought to the schoolhouse twelve sufficient cart- or wagon-loads of wood for fuel, to be for the use of the schoolmaster and the scholars for the time being, who should be taxed for the purpose at the discretion of the said wardens.

Lastly, the said wardens were to take care that the schoolmaster for the time being faithfully performed his duty in his place, "as a schoolmaster ought to do as well in other things as in these which are hereafter expressed," viz.:

First, that he diligently attended his school and did "his utmost endeavor for benefiting his scholars according to his best discretion without unnecessarily absenting himself to the prejudice of his scholars, and hindering their learning."¹

Despite the complete powers given by this document to the wardens, they do not seem to have exercised much power over the school at Dorchester. The selectmen and the town meeting continued to engage the teacher, to supervise the education of the children, and to see that the teacher was paid. In 1651 Deacon Wiswall, one of the wardens chosen in 1645, was appointed by the town to act with the selectmen and a Mr. Jones "to treat and agree with Mr. Butler for to teach schoole."² In 1652, 1660, 1661, 1670 and 1675, the selectmen again engaged the teacher.³ In 1666 the town meeting discussed the question of engaging the teacher, and, "after some agitation," it was decided to engage one and to leave the matter in the hands of a committee, who were "Master Mather and Lieutenant Foster and John Minot."⁴ In 1669 the town dismissed the teacher and again chose a committee—not the wardens—"to look out for and agree with a schoolmaster for to teach school in Dorchester."⁵ This happened again in 1682.⁶ Moreover, the wardens seem to have taken no part in paying the teacher his salary. In 1658 the selectmen took this matter in hand, asking one of their number who was not a

¹ *Dorchester Town Records*, pp. 54, 55.

² *Ibid.*, pp. 102, 171, 210, 313.

³ *Ibid.*, p. 159.

⁴ *Ibid.*, p. 304.

⁵ *Ibid.*, p. 136.

⁶ *Ibid.*, p. 266.

warden "to look up what notes and papers he hath that concern the accounts of the scholars for the two years, 1656 and 1657, and bring them to the selectmen."¹ During the years mentioned there was nothing to prevent the three wardens chosen when the agreement about the school was made from performing their duties, these three men being "Mr. Haward, Deacon Wiswall, and Mr. Atherton." They were alive and so prominent in town affairs that it seems impossible that they could have been removed for any of the reasons mentioned in the agreement. Some of the instances in which these men played a prominent part in the life of the town may be learned from the town records. For example, Deacon Wiswall was chosen in 1653 as one of the two commissioners to "treat with a committee chosen by the General Court to view a plantation at Naticke;"² in 1665, to "make an agreement with two men about renting some meadow in Dorchester;"³ in 1667, as deputy to the General Court;⁴ in 1662, to lay out "land on both sides of the river;" and, in 1665, to treat with the Indians.⁵ The second warden, Humphrey Atherton, was captain or major of the town band,⁶ and also filled many other positions of trust. In 1649, for instance, he was one of those who induced Kitchamakin to voluntarily sign the indenture giving the land upon which Dorchester was situated to the town; while, in 1658, 1659, and 1660 he was a selectman.⁷ He died before 1672,⁸ and there is no mention of any one's being chosen to fill his place, as was enjoined upon the town by the agreement in question. The third warden, Mr. Haward, is more difficult to identify. There were

¹ *Dorchester Town Records*, p. 94.

³ *Ibid.*, p. 70.

⁵ *Ibid.*, p. 126.

⁷ *Ibid.*, pp. 93, 98, 102.

² *Ibid.*, p. 68.

⁴ *Ibid.*, p. 81.

⁶ *Ibid.*, pp. 63, 94.

⁸ *Ibid.*, p. 237.

three men of that name prominent in Dorchester, Jonathan, Ephraim and Robert, and it is impossible to say definitely which of these was the warden. However, that is unessential, for all were men of standing in the community; Robert being a selectmen in 1652 and 1653, and clerk of the writs during Deacon Wiswall's absence in Europe in 1652;¹ while Jonathan and Ephraim are frequently mentioned in the town records as well-known citizens.

From this survey of the wardens and their activity in school matters and of the attention still paid to the school by the selectmen and the town, it seems probable that the latter had fully as much control over education in Dorchester as did the selectmen and town anywhere else in Massachusetts. This, however, may not be so in the matter of repairing the school house and attending to the school funds. Over these the wardens seem to have exercised full control, for questions concerning them were never discussed in the town meetings or in the selectmen's meeting, except when additional money was needed, which the selectmen were required to furnish by a rate. This happened frequently. The "school stock" of Dorchester was evidently not sufficient to meet the needs of the school, and the selectmen frequently authorized the levying of a school rate.² In 1686 17 pounds were raised,³ in 1682, thirty-two pounds "for the use of the town and to pay for the school master's diet;"⁴ and, in 1670, forty-five pounds for the town and school.⁵ There is also an indication that the sole control of the school fund remained in the hands of the wardens, in an entry in 1680 which says "Lieutenant Capen and William Summer (feoffees for the school land and min-

¹ *Dorchester Town Records*, pp. 62, 313.

² *Ibid.*, pp. 271, 267.

³ *Ibid.*, p. 280.

⁴ *Ibid.*, p. 267.

⁵ *Ibid.*, p. 264.

istry land) asked to be dismissed from that work." This was granted and others were chosen for the position.¹

From the accounts given in the town records, it is rather difficult to determine the exact character of the schools in these towns. The colony required each town of fifty families to have a school where reading and writing were taught, and each town of one hundred families to add to this curriculum the study of Latin. As has been said, the entire management of the school was supervised by the town, and while these towns paid great attention to the selection of a teacher and while they forced the people to attend the school, the question of a curriculum does not seem to have troubled them at all. They relied upon the judgment of the General Court in choosing reading, writing and Latin as the subjects best suited for a complete education and troubled themselves very little about anything further.

In Watertown, in 1650, the teacher was engaged to teach the children of the town, both boys and girls, at the meeting house. In 1651 he was "to use his best endeavors to instruct all such persons as shall be sent unto him in English, writing, or Latin according to the capacity of the persons;" and again, in 1678, the teacher was to teach Latin and English except during May, June, July, and August, during which time he was to teach "only Latin pupils and writers and them at his own house." The meeting place was changed later and the school house was used all the year. This regulation about studies existed in Watertown for years.

Dorchester required its teacher "to diligently instruct such as shall be committed to him as they shall be able to learn both in humane learning, and good literature, and

¹ *Dorchester Town Records*, p. 251.

likewise in point of good manners, and dutiful behaviour towards all specially their superiors as they shall have occasion to be in their presence whether by meeting in the street or otherwise.”¹ In 1655 Dorchester added to this curriculum Greek and writing. Cambridge, in 1691, required its teacher to teach Latin, English, writing and “to cipher.” Dorchester, in 1665, made elaborate rules to guide its schoolmaster;—from the beginning of the first month until the end of the seventh he should begin to teach at seven o’clock in the morning and dismiss his scholars at five in the afternoon, and for the other five months—that is from the beginning of the eighth month, until the end of the twelfth—he should begin at eight o’clock in the morning and end at four in the afternoon, allowing a recess at noon from eleven until one. Every second day in the week he should call his pupils together between twelve and one o’clock to examine them about what they had learned on the Sabbath day preceding, and to correct them for any misdemeanor or disorder that any of them committed on the Sabbath. At this examination any inhabitant of Dorchester could be present. He should “equally and impartially receive and instruct such as should be sent and committed to him for that end whether their parents were poor or rich, not refusing any who have right and interest in the School,” and should instruct them as they were able to learn. Every sixth day of the week at two o’clock in the afternoon, he should catechise his scholars in the principles of the Christian religion, either in some catechism which the wardens provided, or, in defect thereof, in some other; and “because all man’s endeavors without the blessing of God must needs be fruitless and unsuccessful,” it was the chief part of the school-

¹ *Dorchester Town Records*, p. 55.

master's duty to "commend his scholars and his labours amongst them unto God by prayer, morning and even, taking care that his pupils did attend during the same." And, because the "rod of correction is an ordinance of God necessary sometimes to be dispenced unto children," but one that may easily be abused by too much severity and rigor on the one hand, or by overmuch indulgence and lenity on the other, he was given full power to minister correction to all or any of his scholars without respect of persons according as the nature and quality of the offence should require, and "whereto all his scholars were required duly to submit and no parent or other of the inhabitants could hinder or go about to hinder the master therein." However, any parent or others who thought there was a just cause of complaint against the master for too much severity, could expostulate with him. If they could not agree, the matter might then be referred to the wardens to decide between the master and such complainants. If it appeared to the wardens that the parent had made causeless complaints against the master, and if he should persist in doing so the wardens had power to request the parent to remove such children. But, if the "thing complained of was true and if the master continued to exercise undue severity," notwithstanding that they had advised him otherwise, in such case, as also in the case of too much lenity, or any other great neglect of duty in his place, the wardens were required to call the inhabitants together, "to consider whether it would not be meet to discharge the master of his place that so some other more desirable may be appointed." And because it was difficult, if not impossible, to give particular rules that should reach all cases which occurred, therefore it was ordered, in general, that where particular rules were wanting, there it should be part of the office and duty of the wardens to order and dispose of all things that concerned the

school in such sort as in their wisdom and discretion they should judge most conducive "for the glory of God, and the training up of the children of the town in religion, learning and civility." These orders were to be continued till the major part of the town should see cause to alter them.¹

In 1650 Watertown made a difference between the subjects to be taught boys and those to be taught girls. When engaging the teacher for that year, the town meeting directed that "if any of the said town have any maidens that have a desire to learn to write that the said Richard should attend them for the learning of them and also to teach such as desire to cast accounts."

In the seventeenth century the school session was long. Watertown ordered its school to be open eight hours daily, from May first to August thirty-first, beginning at seven A. M. and closing at five P. M.; and six hours daily from the last of August to the last of October and during March and April; while during the four winter months school opened at ten A. M. and closed at two P. M. In Salem, in 1669, the selectmen, in obedience to an order from the town, passed an ordinance decreeing that the "school bell be rung at seven of the clock in the morning and five in the afternoon from the first day of March to the first day of November, and at eight of the clock in the morning and four in the afternoon from the first day of November to the first day of March annually and the session to begin and end accordingly." These same hours were kept in Dorchester, but here the length of the noon hour was also specified,—from eleven to one daily.

During the earliest years of these towns the school met in the meeting house, as it was then the only public build-

¹ *Dorchester Town Records*, pp. 55, 56.

ing and was used for a variety of purposes. Salem makes no mention of a school house until 1655. Then two men were appointed by the selectmen to "get materials and workmen to repair the town house for the school and watch." The school in Cambridge may have met in the house of Mr. Henry Dunster, on the site of which the school-house was later built, as early as 1652;¹ but no school-house is mentioned in her records until 1648. The first school-house was built by a loan made by some public-spirited citizens, amongst whom was Henry Dunster, President of Harvard College.² The first school house mentioned in Dorchester was begun in 1638-39, but remained for years in an unfinished condition. "It is supposed to have stood near the meeting-house; and was in the form of an oblong, the end set against a rock that stands perpendicular, which said rock served as a back for to build a fire against."³ The first mention of the school in Roxbury is in 1645,⁴ but as late as 1666, the town meeting voted to meet "to agitate about the setting of the school."⁵ The school house was first mentioned in Watertown in 1649, when nine pounds were levied to build a school house.⁶ The following month the selectmen appointed John Sherman "to procure the school-house built . . . and to have it 22 foote long; and 14 ft. wide and 9 feet between Joynts."⁷ Before this time the school here, as elsewhere, had been held in the meeting house.⁸

¹ Paige, *History of Cambridge*, p. 370.

² *Cambridge Town Records*, p. 109.

³ *Dorchester Book*, p. 24.

⁴ See the "Free School of Roxbury," by Dillaway, for a full discussion of the school of Roxbury.

⁵ *Roxbury Town Records*, p. 61.

⁶ *Watertown Town Records*, p. 18.

⁷ *Ibid.*, p. 18.

⁸ *Ibid.*, p. 21.

The schoolmaster was one of the few officials of the seventeenth century town who received a salary. Even he did not receive a stated salary, but, like the minister, received annually what the town thought it could afford. The amount to be paid him was decided upon by the town meeting, or occasionally by the selectmen. It seldom exceeded thirty or forty pounds a year, and, as has been shown, was received partly from the tuition paid by the scholars and partly by a rate raised by the town. Salem, in 1670, paid its teacher twenty pounds and "half pay for all scholars of the town and whole pay from strangers," making his salary for that year about sixty pounds,—an unusually large sum. Watertown, in a town meeting in 1650, chose the teacher, agreeing to pay him "for his employment thirty pounds for this year;" while in 1652 the town meeting agreed that "Mr. Norcross was to keep a school upon the same pay and the same privilege as he had the last year." In 1654 Cambridge voted "at a meeting of the town that the Townsmen shall levy about forty pounds for the encouragement of the grammar school master;" and in 1691, that twelve pounds of the teacher's pay should be "in common pay annually." In engaging a teacher, however, the agreement was sometimes made for a period of years. Thus Dorchester, in 1655, made an agreement with a certain Ichabod Crane for "three full years." In this agreement it was expressly stated that during the time for which the agreement was made the school house must be kept in good order, "comfortable for a man to abide in both summer and winter," by providing fire in season so that it should not be "prejudicial neither to master or scholar." In case of neglect, the agreement should not bind the master to "endanger his health." It was also agreed that the selectmen of Dorchester should, during this time, pay to the said Ichabod the full sum of twenty-five pounds every year, two-

thirds in wheat or barley and one-third in Indian corn, on or before the first day of March yearly at the price current, "which was to be understood to mean the price which the General Court should from time to time appoint."¹

In 1677 Watertown agreed with Lieutenant Sherman to "allow him twenty pounds in the town rate that should be raised in that year," and made the agreement that, if he wished to lay down his employment at the year's end, he should give the town three months' warning, the town agreeing to do the same if it wished to end the engagement.²

The towns did not confine their care for the education of the children to providing a teacher and a school which all were allowed to attend. To assure themselves that the children were profiting by the educational means provided for them, the town officials visited the different families of the town to examine the children; called before them for reproof or even punishment any parents who neglected to send their children to school; and compelled the attendance of all children upon school. Cambridge, in 1642, appointed a committee to visit from house to house in the town to see how its orders concerning education, as well as those passed by the General Court, were being obeyed. The town was divided into eight districts, and to each was assigned a visitor to "take care of all the families" in that part of the town.³ In 1671 it came to the knowledge of the selectmen of Watertown that "a child of William Knop" was being neglected in being "learned in the English tongue," and they at once appointed a certain man "to warn William Knop to their meeting."⁴ Again, in 1674,

¹ *Dorchester Town Records*, pp. 73-74.

² *Watertown Town Records*, p. 129.

³ *Cambridge Town Records*, p. 47.

⁴ *Watertown Town Records*, p. 107.

when the committee who had been visiting in the interest of education reported one John Fisk as being "wholly negligent in educating his children in reading," the selectmen "agreed that Joseph Bemus should warn him in to an answer for his neglect at the next meeting of the selectmen."¹

The similarity in the institutions and the institutional development of the early New England towns is striking. The ideas and ambitions of their settlers, when adapted to their new environment, produced a type of town, of which Dorchester, Salem, Watertown, Roxbury, and Cambridge are good illustrations. Over the institutional development of the towns, however, the General Court kept a guiding hand, and to its efforts must be ascribed a great part of the uniformity which is noticeable. From the fact that these institutions appear well developed very early in the history of the towns, it is clear that the settlers brought with them the germs from which they sprang. By the middle of the century, they are found in the form which they kept, with only slight modifications, throughout the colonial period, and in some cases, even until to-day. These towns are examples of the ease with which a transplanted civilization adapts itself to new conditions, making the changes necessary for its progress.

¹ *Watertown Town Records*, p. 122.



V I T A

THE author of this monograph, Anne Bush MacLear, was born in Wilmington, Delaware. Her early education was received in the private schools of that town. After graduating in 1891, she spent some years in special study and then entered Teachers College, from which she graduated in 1901 with the degree of B. S. She taught for one year in the Horace Mann School, New York City, as "honor student," and for two years in the Calvert School, Baltimore, Maryland, resigning that position to study at Columbia University. There she did work in history, English, sociology, and education, studying with Dr. H. L. Osgood, Dr. Shepherd, Dr. Robinson, Dr. Dunning, Dr. Giddings, and Dr. Farrand, and attending the seminars in American Revolutionary History and Seventeenth Century Colonial History. She took her Master's degree in history and English in 1905, and passed the examination for the degree of Doctor of Philosophy in the spring of 1906. At present, she is a teacher of history in the Normal College of the City of New York.



RETURN CIRCULATION DEPARTMENT
TO → 202 Main Library

| | | |
|-----------------|---|---|
| LOAN PERIOD 1 | 2 | 3 |
| HOME USE | | |
| 4 | 5 | 6 |

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

RENEWALS AND RECHARGES MAY BE MADE 4 DAYS PRIOR TO DUE DATE.

LOAN PERIODS ARE 1-MONTH, 3-MONTHS, AND 1-YEAR.

RENEWALS. CALL (415) 642-3405

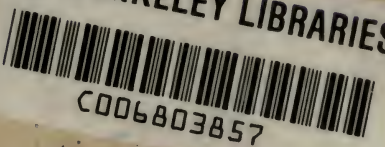
DUE AS STAMPED BELOW

| | | |
|-----------------------|--|--|
| AUTO DISC OCT 30 1989 | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

UNIVERSITY OF CALIFORNIA, BERKELEY
FORM NO. DD6, 60m, 1/83 BERKELEY, CA 94720

YC 393

U.C. BERKELEY LIBRARIES



C006803857

188866

JS

313

M4M3

THE UNIVERSITY OF CALIFORNIA LIBRARY

