

*Rhode Island*

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GOVERNOR Bradford of the Plymouth colony, seven years after their arrival, in 1627, requested the Dutch to forbear trading with the Indians of Narragansett and Cape Cod Bays. The Dutch replied they had traded there above twenty-six years, by authority of the States General and Prince of Orange. Bradford asserted that the English had traded in those parts forty years, by grants from Queen Elizabeth. [111] There is no record to sustain either of these claims.

Roger Williams, having been condemned by a court of Massachusetts ministers, for heresy and preaching against the royal land system, as stated in the chapter on Massachusetts, was sentenced to banishment. On the verge of seizure for deportation to England, in January, 1636, he sought the wigwams of Massasoit and Canonicus, whom he knew, and of whose language he had some knowledge.

He there found the earlier mentioned William Blackstone, formerly of Boston, apparently the only European in the Narragansett region, who, to escape their religious tyranny, had left Massachusetts upon the arrival of the Puritans.

With no charter or documentary authority from any white man, Williams went into the wilderness to found a government of religious and soul liberty. [158]

Upon his own testimony, his benevolent intentions were in behalf of the Indian occupants of the land, rather than in behalf of any of his countrymen, and to found "a shelter for persons of distressed conscience." He even added, more explicitly, that he

"desired not to be troubled with English company, but out of pity I gave leave to several persons to come along in my company," they being Harris, Smith, Angell and Wickes.

Canonicus and Miantonomo gave verbal assent to Williams to occupy the land. After a winter of great privation in the forests, Williams and his companions founded Providence.

The following year, Canonicus granted Prudence Island in the bay to Williams and John Winthrop. Williams soon disposed of his half-interest to Richard Parker of Boston, a partner of Winthrop; Winthrop gave his half to his son Stephen, who sold it three years afterward for £50 sterling. [124]

Under sentence of banishment from Massachusetts, Anne Hutchinson, and some adherents of her religious sect, left Massachusetts in March, 1638, in quest of a location on Long Island Sound, or the Delaware.

Calling en route on Williams at Narragansett, they received a suggestion that they locate on Acquidneck Island, on which Newport is now situated, which they did. Through Williams, the Indians gave them permission to occupy the island, in consideration of receiving forty fathoms of "peage," equally divided between Canonicus and Miantonomo. Ten coats and twenty hoes were judiciously distributed to the natives, who "shall remove themselves off the island before next Winter." [159]

Thirteen new arrivals came in August and were admitted. They made a settlement on the upper part of the island, which they named Pocasset (Portsmouth). [159] Mrs. Hutchinson, after the death of her husband four years later, left Rhode Island with her children, and settled west of Stamford, which was supposed to be in New Netherland. The following year she and fifteen others were murdered by Indians.

The Indian sachems granted to Williams, as a gift, the Providence and Pawtucket tracts, afterwards designated as the Providence Purchase. [124] The following October, Williams donated this land to the "Towne Fellowship," composed of himself and twelve others.

In the deed by Williams, the granting clause read, "I, Roger Williams, do freely and fully grant and make over equal right and power of enjoying and disposing of the same lands pur-

chased of Canonicus and Miantonomo unto the loving friends and neighbors [designating them, including himself, by name] and such others as the major part of us shall admit into the same fellowship of vote with us." [124]

Presently others were admitted to the Fellowship, increasing the number to fifty-four. Land was assigned to each individual member; five acres for a home lot, six acres for cultivation, and the right to additional land to make up a hundred acres.

A board of five men of the Fellowship was appointed, "to be betruſted with diſpoſal of land," and was to: "give every man a deed of all his lands lying within the bounds of the plantation, to hold it by for after ages," ſubject, however, to forfeiture, if not put to uſe within a ſpecified time.

At Pocasset, a six-acre lot was assigned to each proprietor, but new arrivals were charged 2s per acre. As in Providence, it was provided that, "every man having a house lot ſhould plant, fence or build thereon within one year, or he ſhould loſe it." [124]

The grant of land to Williams by the Indian ſachems gave the right of paſturage of cattle along the upper reaches of certain ſtreams; the proviſion reading: "up ſtreams without limit . . . for uſe of cattle." As the population increased, and land conſequently became more in demand, at increased value, William Harris and ſome of the fellowſhip proprietors, hungering for more land than they could poſſibly uſe, claimed ſuch land "up ſtream" in fee ſimple. Williams proteſted on behalf of the Indians, ſaying: "That monſtrous bound or buſineſs of up ſtream without limit was not thought of." [112]

Thwarted by Williams in his illicit land grabbing, Harris allied himſelf with Connecticut people who were endeavoring to get poſſeſſion of all the land in the entire Narragansett country. [159]

Previous to the ſettling of Newport, nine hundred acres had been "laid forth by the Acquidneck government unto William, Samuel and Francis Hutchinson, and the ſame is ſtill, [in 1640] granted them and their poſterity." [124]

The increasing acquiſitivenes of absentee landlordiſm on Acquidneck Island is apparent in the repeal, only three years after its firſt ſettlement, of the order of two years previously,

that land allotted must be used within one year, or forfeited. With the revocation of this wise provision, it was ordered that, "all men's properties in their lands of the island . . . shall be such and soe free that neyther the state nor any person shall intrude into it . . . and that this tenure and propriety . . . shall be continued to him, or his; or to whomsoever he shall assign it for ever."

Williams was sent to England in 1643, where he obtained, from the Board of Commissioners, a charter of government for Rhode Island in which boundaries were partially defined. But the charter did not include any grant of land.

Fiske [47] said: "This board, the same year, granted to Massachusetts, all the territory on the mainland of Narragansett Bay; and the following March incorporated the townships of Newport and Portsmouth, together with Providence, into an independent colony. Just how far it was intended to cancel the Williams charter nobody could tell, but it afforded conflict of claims."

Williams, returning from England, arrived in Boston in September, 1644, with the Rhode Island charter. His safe conduct through Massachusetts was ordered by the Earl of Warwick, head of the Commission of Foreign Plantations. Thus he was enabled to pass through Massachusetts to Seekonk—the spot of his first location. [124]

The Providence colony comprised the proprietors (of the Fellowship), additional settlers, and those admitted to be freemen. In 1645 they adopted the name Rhode Island. Each one of twenty-eight persons received "a free grant of twenty-five acres, with the right in the commons according to their proportion of land," and those newly admitted agreed "not to claim any right to the purchase of said plantations, or to vote, until we shall be received as freemen."

The United Colonies of New England, which refused to admit Rhode Island as a member, in August, 1645, made war on the Narragansett Indians, and forbade conducting any government of Rhode Island under the charter granted to Williams. [78] The other colonies regarded Rhode Island as an outlaw for discrediting the royal land grants.

John Smith, one of the original settlers in Providence, received

a grant of land on which to erect a mill. [159] The land system of Providence, by distribution of free land, afforded the early settlers an opportunity to become independent.

But all these early land grants were based only on Indian grants, and not on a British monarchical grant. These settlers and their heirs became involved in litigation and great trouble, after the grant by Charles II in 1663.

Samuel Gorton, a London clothier and irregular preacher, arrived in Massachusetts with his wife in 1637, and presently settled in Plymouth, whence he was the following year banished for expressing his opinions on interpretation of the Scriptures.

[124]

In snow knee deep, the Gortons made their way to Portsmouth, on Acquidneck Island. After two years there, falling out with some of the people, he was banished, and went to Providence. There his reputation had preceded him, and he was refused admittance as an inhabitant.

Meanwhile, however, he had converted some people to his religious views. In a controversy which had arisen between the landed proprietors and the landless, he denounced the high-handed encroachment on the public domain, and there was some bloodshed. Thereupon, he moved to Patuxet, within the jurisdiction of Providence, where he acquired land and commenced a settlement. [124]

Some contentious members of the Fellowship, led by William Arnold, in their greed for a larger proportion of land, in January, 1641, induced Saccononocco, a local sachem, to make to them a grant of the same Patuxet tract which, five years previously, the chief sachems had granted to Williams, and was by him transferred to the Fellowship. [124]

The Arnold faction placed themselves, "their families, lands and estates," under the government of the Puritans of Massachusetts Bay—an action the Puritans were happy to accept. Because of this, and because they denied to later arrivals the privilege of the common lands, Gorton quarrelled with the Patuxet proprietors. [124]

Thereupon, Gorton and his followers migrated farther south along the bay to Samoset, where they obtained from Mian-

tonomo a concession of land, made to Gorton and ten others, and began there a settlement which they named Warwick. This tract, from Warwick Neck to Gaspee Point, extended twenty miles inland. [124]

At Warwick, speculation in unused land was not tolerated, as "lots granted must be built upon within six months or revert to the town."

The Atherton group, speculating in the purchase and sale of Indian lands, also participated in the opposition to Gorton. [78] The Gortonists were summoned to Boston to answer trumped-up charges, and were told that if they refused to comply they would be "fitted for the slaughter." [78]

A body of forty white men and Indians was ordered by Governor John Winthrop of Massachusetts to proceed to Warwick to arrest the Gorton settlers and bring them to Boston for trial. [78] The Gortonists withstood the onslaught for several days and frustrated the attempt to set fire to their blockhouse.

To avoid bloodshed, Gorton and nine followers then agreed to go to Boston under safe convoy, but soon found they were prisoners, and that the Massachusetts invaders sent by Winthrop had robbed them of all their cattle. [78]

Upon reaching Boston, Gorton was imprisoned and put on trial for his life. After five months he was released, but not allowed to go to his Warwick home, or to remain within the jurisdiction of Massachusetts. Going thence to Portsmouth, from which he had been previously banished, he was elected a magistrate. [78]

Meantime, the Atherton coterie, with help from Governor Winthrop, had made progress towards gaining possession of the land at Warwick. To checkmate this, Gorton in 1664 obtained a commission from the Narragansett Indians to submit themselves to the British government. This action was hastened by the outrageous murder of their chief Miantonomo, by the Mohicans, with the consent of Winthrop and the Massachusetts elders, whom the Narragansett Indians now feared. [78]

A meeting was held at Portsmouth, in 1644, to protest against that system of close ownership of the common lands by which a relatively few persons were able to appropriate a vast area, as

at Providence, and from which Gorton had suffered so much. Gorton called "for a new disposal" (redistribution) of lands which had been allotted. This was objected to by Elder John Brown of Plymouth, "as if some had too much and some too little, and for no respect of persons, and their lands to be laid aside for after ages—a most vile end." It has been just this "laying aside" of unused desirable land, preventing its use by the rising generation, except by mortgaging their future earnings to pay a speculative price, that has been the basic cause of vast unemployment, widespread distress, and social unrest.

Shortly after the meeting, Gorton, with Randall Holden and one other, sailed from Manhattan in a Dutch ship bound for England by way of Holland. Upon arrival in England they applied for, and obtained from the Earl of Warwick, a grant of the land at Warwick, which guaranteed them possession against all claimants. Holden returned with the grant in 1646. Gorton returned to Warwick two years later. [78] He had an order for his safe conduct through Massachusetts, which was also to protect him in the possession of Shawomet. [47]

Pomham, the local chief, and some of his tribe, lingered about until he was paid £30 in wampum to move away. Gorton died in 1677.

In 1650 it was enacted that, thereafter, land in Providence would be allotted to those who were received as inhabitants, at one shilling per acre for a house lot, and 6*d* per acre for additional land not exceeding twenty-five acres, and that a charge would be made for pasturage on the commons. [159] This was twelve years after the distribution of free land through the Indian grant, and shows the stimulating effect of additional population in creating land values.

Disputes prevailed in Providence for many years between the original proprietors of the Fellowship, under the gift by Williams, and the later-admitted small landholders. Williams sided with the small holders, who contended that the grant by him to the twelve proprietors of the Fellowship was in trust for the community, while some of the proprietors clung to the idea of private ownership of the bulk of the land for themselves. In transferring the land to the Fellowship, Williams had not created a trust, but

he felt it a moral duty to accommodate with land all who came as settlers. [159]

There existed in Providence, by reason of the Fellowship, the very conditions needed for the development of a landed aristocracy. That, in fact, is what resulted from it, in spite of many protests, and efforts at resistance.

The original grantees of the Fellowship, each of whom received a hundred acres, subsequently admitted certain other members, each of whom received twenty-five acres. Staples [141x] said the whole number never exceeded one hundred and one persons. Their successors in the Fellowship were their heirs. Outsiders could become landholders, but they could never become one of the inner council of the Fellowship proprietors, who controlled the land privilege and government. Thus were developed, in conflict with each other, on the one hand an aristocracy based on land, and on the other, a class equally desirous of representation in the government, but studiously kept from attaining the privilege of proprietors. [51]

In 1718, connection between the proprietors of the Fellowship, and the other freemen was severed. Six years later, the Fellowship divided among themselves all the land remaining unallotted therein.

There was a large immigration of Jews from Lisbon to Rhode Island, in 1655. [159]

John Hull and others, of Boston, acquired an Indian grant of land, south of Wickford, known as the Pellaquamscutt purchase.

The Atherton Company was formed in 1659, with Humphrey Atherton, of Boston, John Winthrop, Jr., Edward Hutchinson, Jr., Richard Smith and others, mostly Massachusetts men. They obtained an Indian grant to a large tract north of Kingston. [112]

Elisha Hutchinson, William Hudson, Major Atherton and their associates acquired of the Indians a tract of more than five thousand acres on Boston Neck, above Wickford. Large tracts about Narragansett Bay were held by others on Indian grants. [148]

The Commissioners of the United Colonies, being opposed to Rhode Island, and playing into the hands of the Atherton Company, imposed a heavy fine upon the Niantic Indians, for an



infraction by certain members of that tribe. Whereupon, for profit regardless of ethics, Humphrey Atherton and John Winthrop, Jr., proposed to the Indian sachems that they would pay the fine if the natives would give them a mortgage on their lands in the southwestern part of Rhode Island. This they did, and six months later the land grabbers foreclosed, and took the land. [63]

The location of Westerly was, in 1661, acquired of the Indians by Stanton and others of Newport. [159] Massachusetts and Connecticut people laid claim to land which had been settled on by Rhode Island people. Some of the settlers were arrested and taken to Boston, where they were imprisoned until they paid a fine. The Rhode Island authorities arrested some of their own citizens who favored the Connecticut claimants. [159]

Some Connecticut people obtained from the king, in 1662, a grant of all the land in Rhode Island, but it caused so great a protest by Rhode Island people that it was promptly revoked. Massachusetts and Connecticut officials continued to claim the land west of Narragansett Bay.

One year previous to the grant by Charles II in 1663, confusion in land titles in Rhode Island had become so great that a law was passed vesting the fee in whoever, having possession, should record his claim within thirteen months, if on the spot, or within two years if elsewhere. [3]

Dr. John Clarke being in England representing Rhode Island obtained from Charles II a grant of the Rhode Island land and government, dated July 3, 1663, from which the following are excerpts: [145]

“We do ordaine for us our heirs and successors that Roger Williams, William Codington, Benedict Arnold, Samuel Gorton [and twenty-two others named], and all others who shall be admitted and made free of the company, shall be for ever hereafter a body corporate and politique by the name of The Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England in America: and they and their successors shall have perpetual succession, and to possess lands and the same to lease, grant and sell and dispose of at their pleasure. There shall be one governor, one deputy-gover-

nor and ten assistants, to be elected out of the freemen of said company who shall apply themselves to care for the affairs of and concerning the lands herein granted. Benedict Arnold is appointed the first and present governor.

"And further for us our heirs and successors do give and grant unto the said governor and company and their successors all that part of our domain in New England containing the Narragansett Bay and country, and parts adjacent [bounds as at present], together with all lands, ports, rivers, fishings, mines, minerals, quarries and all other commodities, privileges and franchises whatsoever within said bounds (including Block Island), to have and to hold the same unto said company for ever upon trust for the use and benefit of themselves and their associates, freemen of said colony; their heirs and assigns.

"It shall not be lawful for our Rhode Island colony to invade the Indians within the colony. And it is declared unlawful (they having subjected themselves unto us, and being by us taken into our special protection) without the consent of the governor and company of Rhode Island for other colonies to invade or molest the Indians or any other inhabitants within the Rhode Island colony.

"Paying to us and our heirs, the one-fifth part of all gold and silver obtained; any late grant to the Connecticut colony to the contrary notwithstanding." The population of Rhode Island at that time may have been 2,500.

This grant gave all the land, water and minerals in Rhode Island to the twenty-six named, and all others they might admit to the company, to have and to hold unto the said company for ever upon trust for the benefit of themselves and associates, freemen of the colony.

All Rhode Island colonists were not legally freemen. The grantees named being freemen, this might have been interpreted as indicating that the grant was for the twenty-six named, together with any other freemen they might admit to the company.

However, it seems to have been interpreted as for the benefit of all in the colony, which showed more magnanimity than was ever shown by the royal grantees of land in other colonies. The

Rhode Island charter existed until it became the oldest constitutional charter in the world.

It was both a land grant and authority for establishing a system of government. A general assembly established under it confirmed, in 1682, being nineteen years after the initial settlement, titles to land in Newport, Providence, Portsmouth, Warwick and Westerly which had been previously obtained by Indian grants. Subsequently, early Indian grants in other towns were similarly confirmed.

From this it can be seen that Indian grants alone did not give legal title. Nor have they given legal title anywhere in the United States.

The general assembly stood for the public welfare in respect to land grants in Rhode Island, where Calvert, Penn, Carteret and other royal grantees stood for their personal profit in land grants in their respective proprietary colonies.

The provision in the Rhode Island charter by Charles II respecting protection of the Indians is exclusive with Rhode Island as amongst all the American colonies, and in all probability stemmed from the incessant advocacy by Roger Williams of friendship for the Indians. Such provision does not appear in the grant made by Charles of Connecticut the year previously, or to the Carolinas only three months previous to that of Rhode Island, or in the grant of the vast territory he made to the Duke of York the following year, or by the duke for New Jersey that same year; or by any other British monarch at any time.

Submission of the Narragansett Indians to the British crown apparently did not include submission of the Wampanoags under King Philip.

An "incursion and invasion of Indians" caused the council in Providence to appoint twenty prominent citizens, to command ten men each, to "scout, kill and destroy" them—those natives whom they had driven from their land and thus forced to desperation.

The war between Philip and the white settlers in and beyond Rhode Island, thirty-one years after submission of the Narragansetts, was the most frightful of any of the Indian wars in New England.

Within less than half a century after a wilderness had become a fixed settlement of English pioneers, a monetary value to land developed and squabbling about land ownership increased. There were disputes about titles in Providence and Pawtucket which caused suits, counter-suits and writs of ejectment. Improved land was held at £2 and £3, and unused land at 3s per acre. [12]

The general assembly enacted, in 1684, that all unallotted and common land within Portsmouth and Newport should be deemed to be the property of every freeman of said towns, subject to grant by the freemen in their public meetings. [124]

Upon revocation of the Edict of Nantes large numbers of Huguenots fled to the American colonies, and forty-five such families located at East Greenwich in 1686, on land held by the Atherton Company. Disputes about land titles, however, caused them to go elsewhere; [159] possibly because the Atherton Company held land only by Indian grant not yet confirmed by the assembly.

Sales of land at Pawtucket were made in 1716 at £3 per acre. [159] By 1724, being eighty-eight years after its settlement, practically all the land in Providence except a few desirable sites had been distributed. [124] The smaller landholders—mechanics and tradesmen—were disfranchised unless they possessed land valued at £200 or had an annual income of £10. [28]

Quoting Channing: [28] "The Narragansett country was the scene of the rivalries of two land companies and, besides, for half a century, it was a bone of contention between Connecticut and Rhode Island people. The first land speculators in the field were originally five in number—John Hull, of Boston, among them. They were, with that exception, Rhode Islanders, and they acquired Indian rights to the land about Pettasquamscot Rock with the full countenance of the Rhode Island authorities. Owing to the number of Indians whose consent was necessary they did not obtain a complete Indian title until 1660.

"The second, and most important company was composed of Humphrey Atherton of Boston, John Winthrop, Jr., of Connecticut and associates, who, with few exceptions, were all absentees—residents of Massachusetts or Connecticut.

"Atherton acquired of the Indians the lands about Smith's

trading house in Wickford, and a large tract through foreclosure of the Indian mortgage [previously mentioned]. Due to jurisdiction over the Narragansett country being claimed by both Rhode Island and Connecticut, a long and bitter contest ensued over the first of these purchases.

"But both purchases included the lands bought of Hull and associates and, after much dispute, the matter was amicably settled in 1679. According to a reliable tradition, the Smiths (father and son) owned at one time a tract of land nine miles by three miles, while Thomas Stanton is reputed to have acquired 'a lordship' of some four and a half by two miles and Colonel Champlain, a neighbor of the Stantons, owned two thousand acres. Tracts of five, six and even ten miles square existed.

"The Pettasquamscot purchasers seem to have sold their lands in moderately small parcels. Towards the middle of the eighteenth century land was acquired in one way or another by William Robinson, who is said to have held several thousand acres, while Robert Hazard is estimated by a descendant to have had as much as twelve hundred acres.

"As showing the iron grasp of the landed aristocracy on the government, the real estate of a debtor residing in Rhode Island could not be attached for debt. If a man died intestate his entire realty descended to his eldest son."