

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers I*, 1885 – 1886 Oct 3, '85 to May 29, '86) The original is very badly faded.

Origin Of the New England Town System

December 19 1885

The miniature republics of New England, which, under the name of “towns” have existed at least since 1633, have never ceased to attract attention and compel admiration. Jefferson regretted that his own state had no such institutions, and de Tocqueville seems to have considered them the nurseries of free institutions.

The word town in New England is used in two senses. It is used both as a geographical and a political term. But in the beginning, the word was applied to somewhat indefinitely in its geographical signification, referring rather to a community of people settled in the same neighborhood, the geographical limits of whose sway were determined at a later date.

Therefore, in this paper a little if any attention will be given to the geographical meaning.

So far as I am informed the New England town is sui generis. It has been claimed that all its peculiarities can be found elsewhere. But I have never heard of any other place in which all of these peculiarities are united. So perhaps, to a Western audience I should at the outset explain the principal differences between the New England system and our own. Let me illustrate by the differences between the county government in Ohio and in Vermont. Here, aside from the court officials we have an auditor and treasurer to collect and disburse the finances, a recorder to keep the records, a coroner to look after inquests, a board of infirmity directors to care for the poor, a legislature, composed of the commissioners, and a board of control, to levy taxes, build roads, bridges etc. and generally to conduct the business affairs of the county which is the important division of the state.

In Vermont, the only County officers elected are the sheriff, the bailiff, the prosecutor, and two associate judges. In other words, the County is a judicial rather than a political division. The duties discharged by the Ohio County officers devolve on town officers. It is the town which levies the taxes (other than state and national) and it is the town which collects all the

taxes except the national taxes. The town is responsible for highways and bridges, for the care of the poor, for the keeping of the records, and the town as a corporation is legally responsible for any failure to perform such duties.

In its nature, therefore, it is more like an Ohio city, though its mode of government is greatly different. A city is a republic. Its authority is always lodged in some board or boards. But a New England town is a pure democracy. Of course it must act to a certain extent through the agency of its officials; but at least once a year all the legal voters meet, discuss, and vote upon all important measures. Such meetings may be held as often as is deemed necessary, and in the beginning they were held weekly but it was found in practice too burdensome upon the citizens to be compelled to pass upon every detail of government, and so minor matters of administration have been from time to time delegated. But at the same time the people have been extremely jealous of the power thus delegated, and all important matters are still generally passed upon by the whole body of freemen.

If what I have said seems clear, you will perceive that the whole foundation of the government in New England is wholly unlike our Ohio system; what the influence has been upon the country during two hundred and fifty years of such schools for politicians as these town meetings of New England, it is impossible to determine. But when it is considered that probably one third of all the people in the United States are descendents of the first settlers of New England, we can form some idea of how far-reaching this influence has been. The political activity of the sons of New England in the west is but one evidence.

The universal respect for law and the love of liberty under law, such as can not probably be found outside of this country has evidently grown into the minds of people who were themselves the makers and the administrators of law.

The strongest government in the world is the government which is the most localized; that is, the government which can the quickest reach all the people. What the town governments did for the country during the Revolutionary war has been frequently pointed out. Indeed, it is doubtful if the war would have occurred when it did, or have been successfully maintained, had it not been for the New England towns: – on account of the spirit of liberty then engendered, and also by reason of the administrative aide of these numerous, highly organized communities. Our recent civil war

has also demonstrated the advantage of local governments, ready organized to take hold in an emergency, and to do in a thousand places an aggregate, which one central power could not accomplish in ten times the time.

But I apprehend that the greatest, although the most difficult to measure advantage of the town system has been the development of political character by the training of constant discussions of public affairs and the education administered by the responsibility of power diffused through the whole community.

It may be that my mind exaggerates, but I can not help regard the New England town meeting as the foundation of all that is best in our political life; and it seems to me that the farther Ohio grows away from the habits and traditions its earlier settlers brought away from New England, the less upright is the politics of the state.

A recent writer in the English Review, after discussing the municipal governments of England says, having evidently the New England System in mind: –

“Compare with this the system of the United States whose democratic and local institutions have required a development and ascendancy elsewhere unknown. No doubt a thousand faults may be discovered. The Tammany Ring, the iniquities of the New York municipality, venality and corruption in various forms, may be raked up and combined to form a hideous picture.

“But turn to the other side where is there upon the whole, a more law-abiding people? Where is individual liberty more enjoyed? Where are the rights of conscience and religious equality so well understood? Where is education more valued and encouraged? Where can a community adopt their own course and govern themselves in their own way without interference, as in America. Were, indeed, has the true English principle of local self-government been developed with such success?”

It would seem that the origin of an institution so peculiar to our country and which has been such an important factor in the development of its institutions would have been long since thoroughly investigated and understood. But while the institution itself has been sufficiently studied, discussed, and admired, its genesis has received until recently, but very cursory attention, and the recent discussions seem to be somewhat

unsatisfactory.

Professor Adams, of Johns Hopkins University, in a paper showing great scholarship and research, has attempted to prove that the town system of New England is of Germanic origin, and has come straight down to us from the old German village communities through the English Court lots. He shows that many of the old customs of England and Germany appeared in some of the New England towns, as for example, the custom of holding lands in common, the separation of in lots and out-lots, the three-fold division of lands into tillage, pasture, and meadow lots, the duties of constables and tithing men. The reproduction of these, it seems to me he shows in a most conclusive manner. Indeed, it would be hardly possible that Englishmen, settling in a new country should entirely forget all their old habits and methods of transacting public business.

It was long ago established that municipal institutions are growths, and we could assume, without laborious research that many English and German customs must have been continued in this country. But I think it is doing no injustice to Professor Adams to say that his laborious paper proves no more than this. He does not show why the New England town is so greatly different from the English Court lots and the English municipality, or why the German Agricultural Community has developed into so peculiar and institution as the New England town.

Probably all American municipalities are in one sense developments from the village and agricultural communities of our Teutonic ancestors. That however does not seem to me to be the question. Why the particular development in New England? is the question to be answered. And if the New England town is the natural outcome of the settlement in a new country of those brought up under the Court test, why are not the municipal institutions of Virginia and Maryland also the natural outcome of a colonization by people of the same origin and habits?

These are questions Prof. Adams does not attempt to answer. Indeed, he says that the institutions of Virginia and Maryland do show many of the same customs and survivals. But Virginia and Maryland are not states made up of little independent democracies as are the New England States. It is not merely that in England there are “tons” or “towns” and “parishes,” and that one set of emigrants adopted one name, and the other another. The things themselves are different.

When another set of colonists under a charter from the crown proposed to settle Maine, a Constitution was prepared which made the political divisions townships, hundred, and counties. This certainly was as English, nay as German as the town could be. So that it is evident that the town was not a necessary development of English and German customs.

Judge Joel Parker, in a paper upon "The Origin, organization and influence of the towns of New England," read before the Massachusetts Historical Society in 1865, has given an extremely interesting and clear account of the facts accompanying the first organizations of towns, and he has clearly shown that they are of New England origin, and not founded upon precedent. But he has not shown the cause of their peculiar form, and apparently regards it as somewhat accidental.

It seems to me that both he and Professor Adams unanimously attribute to the early settlers of New England the conduct natural to a half-civilized people thrown together in small scattered communities, and in a blind way obtaining government and order, and also that both forget that before the town, existed the colonial government.

It would have apparently been more natural for the colonial governments to have assumed a more centralized and paternal character. Then too, the early settlers were not ignorant men unaccustomed to government. They were probably the most intelligent body of emigrants the world has ever seen. De Tocqueville says of them: "The settlers who established themselves on the shores of New England all belonged to the more independent classes of their native country. Their union on the soil of America at once prevented the singular phenomenon of a society containing neither lords nor common people, neither rich nor poor.

"These men possessed, in proportion to their number, a greater mass of intelligence than is to be found in any European nation of our own time. All, without a single exception had received a good education, and many of them were known in Europe for their talents and acquirements. The other colonies had been founded by adventurers without family: the emigrants of New England brought with them the best elements of order and morality; they landed in the desert, accompanied by their wives and children.

"But what most especially distinguished them was the aim of their

undertaking. They had not been obliged by necessity to leave their country; the social position they abandoned was one to be regretted, and their means of subsistence were certain. Nor did they cross the Atlantic to improve their situation or to increase their wealth. The call which summoned them from the comfort of their homes was purely intellectual, and in facing the inevitable sufferings of exile, their object was the triumph of an idea.”

Testimony to the majority of these statements so far as they referred to the settlers of the Massachusetts Bay Colony is ample. Since the New England towns are all copies of a few of the first established towns of Massachusetts, it is not necessary in this paper to refer to other colonists. Many of the leaders of these colonists were experienced men in public life. Some of them were familiar with courts. Most of the leaders were graduates of Oxford and Cambridge. It is not likely that such men would have founded a new system of government entirely by accident on the one hand, or on the other hand have blindly followed the customs with which they were most familiar. We have since had, in the formation of the Constitution of the United States an example of how highly educated patriots of the same blood as these settlers of New England went to work to establish new political institutions. How, on the one hand the old English forms and customs, so far as seemed applicable, were carefully preserved, and on the other with what boldness new forms and systems were adopted, when the old seemed inapplicable.

It is reasonable to suppose that men of the same blood and to the same education would reason in a similar manner even when separated by an interval of two centuries. There is, however a more important difference than that occasioned by time between the framers of the Constitution and the early colonists of Massachusetts.

As I have already quoted from de Tocqueville the object of the latter in all their undertakings “was the triumph of an idea.” For it they braved the ocean and the desert; for it they found a state, and for it their lives were spent. When men so overmastered by an idea found a state, it is not entirely unreasonable to suppose that the institutions they found will probably be modified at least by their idea. And if we examine this idea and the men who possessed it, I believe we shall find the true cause of the actual form of government established in New England.

What is now Massachusetts, was, as we all know, settled by two sets

of colonists. The earlier settlement at Plymouth was made by a portion of the members of a small English church in Leyden. They were followers of Robert Brown, a Calvinist divine who had separated from the Church of England. Their form of church government was what is now known as the Congregational, though they were known as Separatists or Brownites. The first of these "Pilgrim Fathers" as we now love to call them reached the bleak New England shore in 1620, and their total number was but a few hundreds. Except that their material wealth was not worth mentioning, they seem to have been about the same kind of people as those of the second emigration. The settlements about Boston were an outgrowth of the great Puritan movement in England, and took place between 1629 and 1640. The number of emigrants during that period was about twenty thousand. It is these last that the language of de Tocqueville which I have quoted describes.

Even if the subject were not familiar time would fail me to attempt any adequate description of the great Puritan struggle in England, a struggle which convulsed England for more than a century, and which has changed all our modern civilization. Its general influence upon this country has been already sufficiently dwelt upon. There are however a few points connected with this movement which are important to our subject.

It is to be remembered that the Protestant reformation in England took a national form. Instead of the supremacy of the pope, local supremacy was insisted upon. The king was the head of the reformed church, and the Church of England was essentially a national church.

Now the spirit of puritanism was wholly opposed to this theory. The Puritan movement resulted from the teachings of Calvin. The English Christians who flocked to Geneva and the Low Countries spread abroad the principles of Calvin until the most mighty intellectual moral and religious revolution known in history had pervaded all England.

The basis of the christian republic with Calvin, was the individual man, elected and called of God. Every Christian man is in himself a priest and every group of such men is a church, self-governing, independent of all save God, and supreme in its authority. Such a church is of necessity democratic. Its spiritual authority comes from God as revealed in the Bible, but it must be exercised as the members determine. Green says:

"Grave as we may count the faults of Calvinism, alien as its temper

may in many ways be from the temper of the modern world, it is in Calvinism that the modern world strikes its roots; for it was Calvinism that first revealed the worth and dignity of man. Called of God and heir of heaven, the trader at his counter, the digger in this field, suddenly rose into equality with the noble and the King.”

Rufus Choate, speaking of the influence of the pupils of Calvin, says: “I ascribe to that five years in Geneva an influence which has changed the history of the world. I seem to myself to trace to it, as an influence upon the English race, a new theology; new politics; another tone of character; the opening of another era of time and of liberty. I seem to myself to trace to it the great civil war of England; the republican constitution formed in the cabin of the Mayflower; the divinity of Jonathan Edwards; the battle of Bunker Hill; the independence of America.”

While this new conception of life was beginning to sway hearts, and minds, the new translation of the Bible brought another wonderful change in the intellectual life of England. When we think of the enormous literature of today, it is difficult to realize the influence of one book, even the greatest of books. But to Englishmen in the sixteenth and seventeenth centuries, the Bible took the place of almost all the writers who rule the world of thought today.

The amount of intellectual impulse these translations gave to the masses of the English people was something never before seen. Every man became a religious philosopher. Every man became a zealous interpreter, and the importance of the most trivial things was magnified to an incredible degree. The things of this world became of comparative insignificance when weighed with the great questions of death and the final judgment.

And then, too, things which before had seemed wholly worldly became invested with some biblical commandment, so that men walked as if continually surrounded with a halo.

If such men were sometimes ridiculous, by their peculiar habit of magnifying trifles, nevertheless there is a sublimity about them which it would be difficult to parallel in the world's history. The Spanish Armada found them invincible, and all Europe bowed before the iron will of Cromwell. They took possession of the universities, and the intelligence of England as well as its wealth was wholly on their side.

It was their parliament which opposed the iron wills of the Tudors and the Stuarts, finally overthrew the latter on numerous battlefields, and handed them to the people of today in England their present Constitution. It was in the midst of these struggles, encouraged by the settlement at Plymouth and discouraged by the earlier successes of Charles the First that the leader of the Puritans established the Massachusetts Bay Company, and made preparations to found upon this side of the water a new commonwealth of which religion and liberty should be the chief corner stones.

In the language of Rufus Choate, "it was just when the nobler and grander traits, the enthusiasm, and piety, and hardihood, and energy of puritanism had attained the highest point of exaltation to which in England it ever mounted up, and the love of liberty had grown to be the great master-passion that fired and guided all the rest;— it was just then that our portion of its disciples filled with the undiluted spirit, glowing with the intellectual fervors of protestantism and republicanism together, came hither and in that elevated and holy and resolved frame began to build the civil and religious structures which you see around you."

That the object to be obtained by the establishment of the new colony was not the hope of advancing the fortunes of the emigrants but was religious and political, could be proved in many ways. The interest taken in the enterprise by a large number of people who never sailed for America, and could have had no hope of gain; the numerous declarations to the contrary made at the time, the conduct of the colonists after their arrival in this country and the fact that emigration from England ceased when the assembly of the Long Parliament gave renewed hopes of supremacy in England; seem conclusive.

When the Puritans left England they were still members of the Church of England, and so far as can be ascertained, had no thought of separating from the communion of that church. They seem to have had a prejudice against the Separatists whom a Puritan parliament had persecuted. But when they reached this country and settled at what is now Salem, they were persuaded by the Plymouth people to adopt the separatist form of church polity and the subsequent emigrants followed their example so that all New England became Separatist or Congregational, — to use a more modern term. The peculiarity about the Separatist organization was that each church was independent of every other, and that each church was a pure democracy, the

members in a body electing all the officers and deciding on important questions.

This was not the precise organization proposed by Calvin, but is evidently a logical outcome of Calvin's teachings. While the change from the Church of England to the Brownites church seems at the first view exceedingly sudden and little considered, what has been said about the views of the Puritans of England shows how well prepared the people were in settling a new country, far away from old associations, to adopt just such a form of church government. No change of doctrine or of life was necessary. Only the outward form had to be modified, and the re-ordination of the ministers was a simple ceremony.

Now it was just after the adoption of this new form of church government that the first New England towns were organized. They were not organized first by the Plymouth colonists. These had had a church government very different from the civil government both in England and Holland. But the settlers in Massachusetts Bay were obliged to form a new church government and a new local civil government at the same time in the new country. We have seen how their ideas of individual liberty and of the dignity of man and been developed by puritanism in England. We have seen how their faith had removed all imaginary distinctions conferred by rank and power, and established a belief that in the brotherhood of Christ all Christians were equal. Was it strange that they adopted the Congregational form of church government? And doesn't seem singular that men imbued with such principles, after having adopted such a system of church organization, – probably as new converts are apt to do, over-estimating its advantages, and full of the beauties of such a system, should have applied the system to the civil government of the little communities just established, and for which some government had to be provided?

If I am not mistaken, that is exactly what they did do. If this is an error, I should like to have some one point out an institution which more closely resembles the town government than the Congregational church. The essential difference between the towns of New England and other municipal institutions is the large independence of each town in the transaction of its business by the body of voters en masse.

This it is which distinguishes the Congregational from other churches. If there is no relation between the two forms the resemblance is certainly

very remarkable; and when we consider the adoption of the two to have been almost simultaneous, this resemblance if due to no relation, becomes miraculous.

It is true that the churches were more independent of each other than the towns. Among a people so homogeneous there was little necessity for interference with the churches from a central authority. The political necessities of a people surrounded by enemies would have compelled the establishment of the central civil authority, even had there been none. But a central civil authority had been provided in Massachusetts before the towns were established. But in New Haven Colony, which was the most theocratic of all the colonies, the towns, at first, preserved as independent an autonomy as the churches. Of course the government of the towns was not precisely the same as that of the churches. The objects were somewhat different, and necessarily the officers were different. Doubtless many of the customs adopted by the early town meetings were those with which the colonists had been familiar in England, and which may have been brought from Germany or Denmark by Heughert and Horsa. Perhaps some of them could be traced back to the democracy of Athens. There was not attempt to throw away old traditions and associations. All that was venerable and at the same time useful, was carefully preserved. But the independence of the town and its democratic form of government were new.

The first town governments of which we know were those of Charlestown and Dorchester established in 1631. It is worthy of note that in Dorchester at least, prior to the organization, the affairs of the plantation were managed by the clergymen, assisted by two magistrates.

Previous to October 1833, every order was voted upon by the freemen, and there was no special town government organized except the appointment of a committee to sign land grants, consisting of the two clergymen and the deacons.

The following is a copy of the earliest record we have of a regular town government.

“Monday, Oct 8 1633 Imprimis. It is ordered that for the general good and well ordering of the affairs of the plantation there shall be every Monday before the court by 8 o'clock a.m. and presently by the beating of the drum, a general meeting of the inhabitants of the plantation at the meeting house,

there to settle and set down such orders as may tend to the general good as aforesaid, and every man to be bound thereby without gainsaying or resistance. It is also agreed that there shall be twelve men selected out of the company that may, or the greatest part of them, meet as aforesaid, to determine, as aforesaid, yet so far as it is desired that the most of the plantation will keep the meeting constantly, and all that are there, though not of the twelve, shall have a free voice as any of the twelve and that the greater vote, both of the twelve and the other, shall be of force and efficiency as aforesaid. And it is likewise ordered that all things concluded as aforesaid, shall stand in force and be obeyed until the next monthly meeting; and afterwards, if it be not contradicted, and otherwise ordered, at said monthly meeting, by the greatest vote of those that are present as aforesaid.”

“It is interesting to notice in this order, the care that was taken to keep the power in the hands of all the voters while at the same time partially delegating it to the selected men or “select men,” as they came to be called.”

The system adopted by Charlestown and Dorchester was followed in other towns, and a few years later, in 1635, the General Court passed a law prescribing the powers and duties of towns. The plantations in the Plymouth Colony soon adopted the same system.

The early town in Massachusetts was a settlement of a few houses around a church. When the ground near the church was all occupied, one of the people moved to a new spot and established a new church, and town. Later, townships were granted to certain persons known as proprietors and these proprietors disposed of the lands, and were the only voters respecting the lands until enough had been disposed of to justify the organization of a regular town government. But in the beginning the towns were established about a church or “meeting house” to use the New England word. Indeed, while the church was not everything to our New England ancestors, and the civil government merely an appendage as Dr. Clark in his “History sketch of the Congregational churches in Massachusetts” claims, it certainly was the most important institution. By law, every one was forbidden to build a house more than half a mile from a church; and the right of suffrage was limited to church members in the Massachusetts colony.

The town and church meetings were often the same, and the early records of the town and church were kept in one book. The town furnished, for the support of the church and the minister just (as for the first time in

history) as it provided for the support of the free school. In the New Haven colony the Mosaic laws were adopted as the criminal code. In fact, it is sometimes difficult to draw the lines between the church and the town. The anti-romian controversy, the treatment of Roger Williams, and of the Quakers and Baptists at a later date, to say nothing of the witchcraft persecutions, all illustrate what an important part religion played even in so-called civil affairs.

Doubtless the fact that there were no rich proprietors of land in Massachusetts as in Virginia and New York, so that the settlements in the former were more compact than the latter, had something to do with the difference in the forms of their governments, but their religions, as has been shown, had much to do with the form of their settlements.

People from the same country, even from the same neighborhoods, — and of the same race, habits, and traditions settled Virginia and Massachusetts. The striking point of difference between them was one of religion. Leaving that question of religious belief out of consideration, it would be natural to suppose that they would form similar political institutions. Are not the differences largely explained by the differences between their churches? The people who settled Virginia were members of the Church of England, and the parishes of Virginia are known to owe their origin to the Episcopal Church.

The settlers of Massachusetts joined the Congregational church. Is it strange that their local organizations should owe their origin to the Congregational church?

I feel warranted in concluding, therefore, that the towns of New England were developed by the modifying influence of Puritanism upon English hearts and customs, and that all that is peculiar in the form is derived from the influence of the Congregational church form of government. If we are to select men who have given the ideas which have worked out into the system to which America is so much indebted, we must render our thanks to Robert Brown and John Calvin.

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