

THREE EPISODES OF MASSACHUSETTS HISTORY

THE SETTLEMENT OF BOSTON BAY
THE ANTINOMIAN CONTROVERSY
A STUDY OF CHURCH AND TOWN GOVERNMENT

BY

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In 1690 came the French war, and Braintree was called upon to furnish thirteen men for the ill-fated Quebec expedition under Sir William Phipps. The fate of these men was hard. The town records tell it in a way not to be improved upon : —

“ The 9th of August there went soldiers to Canada, in the year 1690, and the smallpox was aboard, and they died six of it ; four thrown overboard at Cape Ann, Corporal John Parmenter, Isaak Thayer, Ephraim Copeland and Ebenezer Owen, they ; and Samuel Bas and John Cheny was thrown overboard at Nantaskett.”

Two more of the thirteen, making eight in all, died shortly after reaching home : yet, according to the Rev. Cotton Mather, “ during the absence of the forces the wheels of prayer in New England had been continually going round.” From the beginning this expedition had not been popular in Braintree. The young men refused to be impressed, and Col. Edmund Quincy, on whom had fallen the duty of supplying the contingent called for, had been forced to write to old Governor Bradstreet, then the head of the provisional government, that there were among those impressed in Braintree “ but two or three who will go. I can do no more, without there be some sent for, and made example to the rest. To behold such a spirit is of an awful consideration.”

The French and Indian war was followed by a long period of quiet ; and after the division of the Braintree church had been effected there was little about which

and in 1683, it consisted of “ about ninety or hundred families at the most ” — a levy of nineteen men in that year would have been equivalent to a levy of 256 men from Quincy alone in 1861-5, when the population was returned at 6,748. The largest number of men who enlisted from Quincy in any one year of the Rebellion was 304 in 1861.

the town was under any call to agitate itself, though in point of fact there was one matter which seems to have stirred the local waters to their lowest depth : indeed it may well be questioned whether during the ninety years which elapsed between the close of King Philip's war and the passage of the Stamp Act Braintree was ever so excited over any emergency in public affairs, as it was in 1736, over a controversy with one Thomas Vinton concerning the obstruction caused to the passage of alewives up into the Braintree ponds by the dam in the Monatiquot at the old iron-works. Vinton had, in 1720, purchased the land on which the iron-works stood. The attempt to manufacture iron there had years before been finally abandoned as unprofitable ; but the dam which furnished water-power was still standing, and it seems to have obstructed for no sufficient cause the passage of the fish up the river during the spawning season. It is singular now in studying the course of earlier town-life on the Massachusetts seaboard, to notice the importance of the alewives. "Their annual return 'with such longing desire after the fresh-water ponds' — as an old chronicler writes — was the most important event of the year."¹ Long now unheard of and unthought of in Braintree, a century and a half ago these "historic fishes" not only vexed town-meetings, but because of them the whole community was wrought to such a pitch of excitement that it took the law into its own hands. There was never any other similar experience in the town's history. The matter must long have been under discussion among the people, and there was much feeling in regard to this vested private right which ran counter to a public right in no way

¹ Bliss, *Colonial Times on Buzzard's Bay*, 196-9.

less vested. At last the issue was brought up for action by an article in the warrant for a town-meeting called for the 10th of March, 1736. The article read:—“To consider and determine on some effectual means of giving the **Fish** free passage up the River at the Iron works &c;” and, after warm debate, a committee was appointed to treat with Mr. Vinton for the surrender of his rights. At a special meeting called a month later to receive the report of this committee, its chairman, Lieut. Joseph Crosby, stated verbally:—

“That they had been with Mr. Thomas Vinton and had asked of him, on what terms he would quit his Claim to the River aforesaid, To which (they said) he made no answer, and Mr. Vinton being present at the meeting, The moderator [Benjamin Neal] put the Question to him, whether he would part with his Right in the River, To which he made answer, that he would not sell his Right therein on any terms whatsoever. The moderator then put the Question to the meeting whether they would defend their Rights in said River against the claims of all persons, whatsoever, It passed in the affirmative, against which John Hunt entered dissent. Then the Question was put Whether they would raise money to defrey the charge that may arise in defending their Rights, It passed in the affirmative, against which Ensign John Hunt and Benjamin Ludden dissented.

“Then Voted, That One Hundred Pounds shall be assessed on the Town (if need be) to defrey the charge of defending their Rights abovesaid.

“Then the Question was put, whether they would chuse a Committee To Take care that the River be kept clear of all obstructions to the passage of the **Fish**, and to prosecute in the Law all such as shall hinder or obstruct their passage in Said River. It passed in the affirmative.”

The committee now appointed was especially au-

thorized to submit the whole matter in dispute to a reference of "indifferent men," if Vinton would consent to so doing. He would come to no terms; and apparently the committee was afraid to do anything. In any event, its action certainly was not energetic enough to meet the views of the townsmen, and another meeting was held on the 23d of August. A vote was then passed that "all such things as obstruct the Passage in Monaticut River, in any part thereof be removed." It was further voted not to continue the former committee, nor to add to it other "meet Persons;" but a wholly new committee was chosen, at the head of which was "The Honble. Leonard Vassal, Esq." This committee appears to have had recourse at once to high-handed measures. They pulled the dam down; thus summarily abating what the town regarded as a public nuisance. In consequence of this action another town-meeting was held on the 14th of September, at which Mr. Benjamin Neal, a member of the committee, was chosen moderator. It was then voted that the committee should be empowered to defend all individuals against any action which Mr. Vinton might bring, "excepting any charge Mr. Vinton shall or may recover of any person or persons by making out a Riot."

Three weeks later still another special meeting was called, and a vote was passed offering Vinton three hundred pounds in bills of credit if he would quit-claim to the town all his right in the river, and discontinue legal proceedings against those who had been concerned in the pulling down of the dam. "Mr. Vinton being present, declared his acceptance of the Towns offer, and promised to comply with their demands, concerning a Deed of his Right in said River."

It was then voted that, after the committee had done what they should see cause to do about clearing the river, Mr. Vinton should be at "liberty to take away the remainder of the stuff, at any time at his leisure."

Yet another meeting was held before this matter was fully disposed of. There seems to have been a strong feeling that the town had dealt too liberally with Vinton. Accordingly, the meeting had hardly come to order and chosen its moderator when "Peter Marquand appeared and declared that he had no warning to the meeting, and therefore desired his dissent might be entered against the meeting and all that might be therein Transacted." Nevertheless, the town proceeded to tax itself to the amount of the three hundred pounds which it had agreed to pay Mr. Vinton. But its action did not pass without a strong protest from the minority. No less than twenty-four persons insisted upon having their names recorded in opposition.

In the record for the year 1757 there is another passage which shows in a curious way how thoroughly the parliamentary system had become a part of political habit. In the rough town-meeting they evinced as much respect for precedent as was shown at Westminster. They had their customs, with all the force of law. The question was on the election of selectmen. The record is as follows: —

"The votes being called for brot in and examined it appeared that Coll. Josiah Quincy, Mr. Jonathan Allen, Mr. Benjamin Porter were chosen by a majority of votes, Capt. Richard Brackett and Capt. Eben Thayer, Junr., were chosen according to the usual custom of said Town as having more votes than any others, and were Declared Selectmen by the Moderator according to the custom of said