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THE RESURRECTION OF THE DEAD.

The first act of Christ on his second advent, at the last day, will be the quickening of all the dead. "I believe in the resurrection of the body" is part of the creed of all Christendom. The doctrine of the resurrection of the dead is neither more nor less an article of faith than the doctrine of the forgiveness of sins. Though much has been said and written in a philosophical way on this subject, particularly with a view of vindicating this doctrine against its assailants from Celsus to the modern materialists, and though most of the arguments advanced by the impugners of this doctrine are such that they can well be met on their own ground and refuted in the light of reason, yet it must be remembered that this article is not, and cannot be, a chapter of philosophy, but must be viewed as a chapter of theology, revealed theology, a doctrine set forth in Scripture and taught and believed wholly and solely, in all its points, on the authority of this book of divine revelation. The records laid down in the book of nature are largely records of death and burial, but present no positive statement of the resurrection of the dead. Neither can this historical event, one

STATE AND CHURCH IN AMERICAN COLONIES.¹⁾

The greatest blessing on earth, next to the Gospel pure and undefiled, is religious liberty, or the freedom of conscience and worship. The first, the pure Gospel, is a gift of the Lutheran Reformation in Germany; the second, the boon of religious liberty and equality, is fully granted and enjoyed in America. It is the result of our complete separation of State and Church the functions of which never clash, when kept within their proper spheres. And this separation of State and Church in America is an ideal conceived by Luther and a remote fruit of his Reformation. Luther clearly saw the fundamental difference between matters temporal and spiritual, civil and religious, political and ecclesiastical. The doctrine of the freedom and independence of both State and Church is not merely implied in, and inferred from, Lutheran conceptions of the secular and ecclesiastical powers, but plainly expressed and emphatically and repeatedly asserted by Luther and our Lutheran confessions.

We read in Article XVIII of the Augsburg Confession: "Inasmuch, then, as the power of the church or of the bishops confers eternal gifts, and is exercised and exerted only by the ministry, it cannot by any means interfere with civil polity and government. For the latter relates to matters entirely different from the Gospel, and protects with its power not the souls of men, but their bodies and possessions against external violence, by the sword and bodily penalties." The Apology of the Augsburg Confession, speaking in Article XVI of the great difference between the civil kingdom and the kingdom of Christ, describes the relation of a Christian toward the state as similar to his relation

1) The Rise of Religious Liberty in America. A History by SANFORD H. COBB. The Macmillan Company. 541 pages. \$4.00 net. — This book, which has suggested our article, and from which we shall freely quote, is replete with facts instructive and interesting to all lovers of religious liberty, as well as to students of its history.

toward the arts of medicine and architecture. As early as 1523 Luther declared that religious belief is a matter of conscience; that civil magistrates should let everybody believe what he chooses; that it is the duty of ministers, and not of magistrates, to protect the people against heresies; and that spiritual effects cannot be produced by physical force, but by the Word of God only. Luther wrote: "Weltliche Gewalt soll lassen glauben sonst oder so, wie man kann und will, und niemand mit Gewalt dringen. . . . Das (den Ketzern wehren, dass sie die Leute mit falscher Lehre nicht verführen) sollen die Bischöfe thun; denen ist solch Amt befohlen und nicht den Fürsten. . . . Ketzerei ist ein geistlich Ding, das kann man mit keinem Eisen hauen, mit keinem Feuer verbrennen, mit keinem Wasser ertränken. Es ist aber allein Gottes Wort da, das thut's, wie Paulus sagt 2 Cor. 10, 4. 5." (Walch, X, 455.) Two years later Luther maintained that civil magistrates have no right to hinder anyone in believing or teaching what he desires, be it Gospel or falsehoods. Says Luther: "Oberkeit soll nicht wehren, was jedermann lehren und glauben will, es sei Evangelium oder Lügen; ist genug, dass sie Aufruhr und Unfried zu lehren wehren." (XIV, 64.) In 1528 Luther remarked that the appointment of church officers was not a duty embraced in the civil power ("weltlicher Obrigkeit") of the Duke of Saxony. (X, 1905.) In the following year Luther declared that the Emperor was not the Head of Christendom, and had no right to interfere in matters of faith. "Des Kaisers Schwert" — says Luther — "hat nichts zu schaffen mit dem Glauben, es gehört in leibliche, weltliche Sachen, auf dass nicht Gott auf uns zornig werde, so wir seine Ordnung verkennen." (XX, 2665.) In one of his letters of 1530 Luther readily admits that a prince has no right to prohibit the Roman Catholic mass: "Fürstlich Amt streckt sich nicht dahin, solches (die Winkelmesse) zu wehren." In another letter of the same year Luther protests that a prince has no right to impose anything upon

the church. He writes: "Episcopus ut episcopus nullam habet potestatem super ecclesiam suam ullius traditionis aut ceremoniae imponendae, nisi consensu ecclesiae vel expresse vel tacito. Episcopus ut *princeps* multo minus potest super ecclesiam imponere quidquam, quia hoc esset prorsus confundere has duas potestates, et tum vere esset allotrioepiscopus, et nos si admitteremus eum, essemus paris sacrilegii rei. Ibi potius est moriendum contra hanc iniquitatem et impietatem." That it is not a privilege of magistrates to appoint ministers Luther maintains in a letter of 1536 saying: "Vocatio et electio ministrorum praedicationis purae non est proprie et principaliter magistratus, sed ecclesiae." A few years later Luther could no longer refrain from expressing his conviction that church government by the state, as already conducted by the princes ("wie sie denn jetzt thun"), would prove disastrous to Christianity. (VII, 1745.) "Wir müssen das Consistorium zerreißen," Luther is reported to have said in his Table Talk. Until his death he protested against ruling the church by civil courts. In a letter of 1543 Luther wrote with respect to the consistories: "Desinant vocationes confundere, suas aulas curent, ecclesias relinquant his, qui ad eas vocati sunt. Distincta volumus officia ecclesiae et aulae. Satan pergit esse satan. Sub papa miscuit ecclesiam politiae, sub nostro tempore vult miscere politiam ecclesiae."

From this it will appear that Mr. Cobb was not sufficiently acquainted with the facts, when he comments on the distinction made by the Augsburg Confession between State and Church: "The chief stress in the distinction is laid upon the impropriety of ecclesiastical interference in civil affairs, which was the special aspect of the question at that day. It fails to warn the state against interference with the Church, though it in no place recognizes that the civil power has a duty against heresy. In these respects the Augsburg Confession was far in advance of the later confessions of the Reformed churches." Mr. Cobb fails

to note that Luther emphatically and persistently opposed state interference in matters ecclesiastical, and that the establishment of consistories and state churches in Lutheran countries was not in keeping with the teaching of Luther and the Lutheran confessions.—Wherever and whenever Lutherans, theoretically or practically, have refused religious liberty and equality to others, they have done so by ignoring or denying their own principles. A true and consistent Lutheran stands, and always must stand, for complete separation of State and Church and for freedom of conscience and worship to all. In America, Lutherans are frequently spoken of as “foreigners;” the truth is, that the spirit and principles of the Lutheran Church are in perfect harmony with the American idea of liberty. And if religious liberty is viewed as an essential characteristic of what has been called the American spirit, then liberty-loving Lutheranism is in perfect agreement with Americanism, which cannot be said of consistent Reformedism or Calvinism, not to speak of Romanism.

The Reformed and Calvinistic spirit has always been, and is to this very day, foreign and inimical to the complete separation of State and Church. The principles and doctrines of the Reformed churches call for establishments of state-churches or church-states, as well as civil suppression of heresy. Wherever and whenever an Episcopalian, a Congregationalist, or a Presbyterian has espoused the cause of religious liberty and equality, he was inconsistent, and proved ignorant of, or untrue and indifferent to, his own teaching. Even to this day the absolute separation of Church and State in America is a matter more of temporary expediency than of principle with Reformed and Catholic churches. This is apparent from their repeated attempts at introducing religious instruction into public schools, from the inimical sectarian attitude toward parochial schools, and the persistent endeavors of Catholics to secure public funds for their private schools and institu-

tions. Whoever is acquainted with the periodical literature of the Methodists, Presbyterians, Congregationalists, and Episcopalians cannot but be impressed by the fact, that, to a great extent, these Reformed bodies regard the absolute separation of Church and State as a detriment rather than a blessing. The Reformed churches are not the bulwark of American liberty they claim to be; their doctrines and principles call for interference, not separation of Church and State. A consistent Calvinist and Reformedist may imagine that he is a true American; in reality, he is a foreigner in the land of liberty and religious equality.

There has been no dissent in the Reformed churches as to the relation of State and Church. Zwinglius was ever ready to appeal to civil and military power. In Zurich, Church and State were practically identical. In Geneva, Calvin explicitly demanded that heresy be suppressed and punished by the civil authorities. For denying the Trinity Servetus was burnt at the stake in 1553, Calvin consenting. The First Helvetic Confession of 1536 declares: "The chief office of the magistrate is to defend religion, and to take care that the Word of God be purely preached." The French Confession of 1559: "God hath put the sword into the hands of magistrates to suppress crimes against the first, as well as the second, table of the law of God." The Belgic Confession of 1561 declared the magistrate vested with power "to remove and destroy all idolatry and false service of God." The Second Helvetic Confession: "We hold also that the care of religion is a first duty of a religious magistrate." The First Confession in Scotland: "To kings, princes, rulers, and magistrates we affirm, that chiefly, and most principally, the conservation and purgation of the religion appertains." The Westminster Confession: "The civil magistrate may not assume to himself the administration of the Word and sacraments, or the power of the keys of the kingdom of heaven; yet he hath authority, and it is his duty to take order that unity and

peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatever is transacted in them be according to the Word of God." The Church of England was "a creation of the civil power and subject for creed, government, and discipline to the final authority of the magistrate." According to Mr. Cobb the elements of the Anglican establishment are: "1. The supremacy of the crown. All high offices in the Church are matters of royal gift. 2. Complete control of parliament over the Church, as to articles of faith, order, worship, and discipline. 3. Membership of bishops in the upper house of legislature. 4. National support of the Church. 5. The broad membership in the Church, conditioned on citizenship, and not on personal faith or character. 6. Patronage in the Church—the right of presentation to livings without regard to the wishes of parishioners."—Religious intolerance and suppression of heresy by civil magistrates was a principle of the Reformed churches in Switzerland, France, Holland, England, and Scotland.

The early Puritan and Episcopalian colonists in America had imbibed the same doctrines, and were imbued with the same spirit of intolerance as their parents and brethren in Europe. And tenaciously they clung to their false ideals, until by sheer force of circumstances they were compelled to give them up reluctantly. True, the Pilgrim Fathers and Puritans sought and obtained freedom to worship God. But they never dreamed of extending the same liberty to others. What they wanted was a state in which their own religious views should be a law to all. They longed for a place where they could be and do what the Episcopal Church was and did in England. In Churchmen the Puritans had

condemned the desire to compel others to conform to Episcopal views. In themselves it seemed a just and holy desire to force on others Puritan views, because—so they reasoned—they stood for truth and the Church of England for error. The great principle that spiritual truths must not, and cannot, be enforced by physical power never entered their minds. Mr. Cobb writes: "We need not be surprised, then, to find the most of the colonists in hearty sympathy with that principle. Some of them, indeed, had suffered through its application; but in their view that suffering was a consequence, not of a vicious principle, but of a wicked application of a principle which was very right and necessary. These men had no doubt as to the propriety of a legal insistence upon a prescribed form of worship, supposing that form to be the true form of worship. The impropriety and wrong of persecution were to be decided, not by any inherent vice of persecution itself, but by the character of the doctrine persecuted. If the doctrine were false, then persecution of it were justified. If the doctrine were true, persecution became wicked. Thus, to the minds of the fathers of Massachusetts it was clear, both that the English authorities were criminal in persecuting them, and that they were right in their measures against the Brownes and Mrs. Hutchinson; because they, both as persecuted and as persecutors, represented the truth."

The teaching of leading Puritans in Massachusetts on religious liberty was in perfect agreement with the utterances already quoted from the Reformed confessions. Mr. Cobb, quoting from Force and Felt, writes: "To the early leaders of Massachusetts, especially the religious leaders, toleration of dissent from the 'established order' of religious worship was as sedition in the state and sin against God. John Cotton declared that 'it was Toleration that made the world anti-Christian.' There are many choice specimens of this repressive spirit in Nathaniel Ward's (1645) 'Simple Cobbler of Aggawam in America.' 'I take upon me,' he says, 'to

proclaim to all Familists, Antinomians (&c.), to keep away from us; and such as will come, to be gone; the sooner the better.' 'Polipietty (a variety of sects) is the greatest impiety in the world.' One other specimen of the Clobber's spirit should not fail of quotation, 'He that is willing to tolerate any unsound opinion, that his own may be tolerated, though never so sound, will for a need hang God's Bible at the Devil's girdle.' This sentiment showed a marvelous tenacity, very slowly yielding to the influences of more liberal thought; and so late as 1673 President Oakes, of Harvard College, said in an election sermon, 'I look upon unbounded Toleration as the first-born of all abominations.' To a letter from England, urging tolerance, Cotton replied: "We believe there is a vast difference between men's inventions and God's instances. We fled from men's inventions, to which we should else have been compelled. We compel none to men's inventions." Cotton argued thus: "It is not right to persecute any for conscience' sake rightly informed. For an erroneous conscience it is not lawful to persecute any, till after admonition once or twice. The Word of God is so clear, that he cannot but be convinced of his error. If such a man still persist in the error of his way, he is persecuted for sinning against his own conscience." Again Nathaniel Ward: "God doth nowhere in His word tolerate Christian States to give 'Tolerations to adversaries of His Truth, if they had power in their hands to prevent them. . . . My heart hath naturally detested Tolerations of divers Religions or of one Religion in segregant shapes. He that unwillingly assents to it, if he examines his heart by daylight, his Conscience will tell him he is either an Atheist, or an Heretick, or an Hypocrite, or at best a captive to some Lust.'" England was liberal compared with Massachusetts. "Old England is becoming New, New England is becoming Old." This was the characteristic subtitle of a pamphlet written 1652, in which Clarke describes the persecutions in Massachusetts.

Compared with other Congregationalists and with Episcopalians the Pilgrim Fathers at *Plymouth* were liberal and tolerant. Their object was "a pure and distinct congregation," and religious liberty which had been denied to them in England. Attempts to force on others their own religious views were few and weak. However, the magistrates interfered in church affairs. Romanists, Jesuits, Socinians, Jews, and others were excluded from the jurisdiction. A law of 1671 ordered that applicants for the franchise must be "orthodox in fundamentals." In 1646 the general court resolved "that something be done to maintain the liberties of the churches." In 1651 Howland was presented by the grand jury "for not frequenting the public assemblage on the Lord's Day." In the Plymouth legislature of 1643 a proposition was made "for a full and free toleration of religion to all men, without exception against Turk, Jew, Papist, Socinian, Familist, or any other,"—but not adopted. A few Quakers were banished, others fined, and one was whipped. The Plymouth Congregationalists disapproved of the severer actions of the Puritans in Boston. Mrs. Hutchinson, banished from Boston, was tolerated by the Plymouth Pilgrims. The Puritans in Boston again criticised the men of Plymouth for too great laxity in religious matters, and in 1656 protested against their tolerance of "Quakers, Ranters, and other notorious heretics." This relative tolerance at Plymouth, however, was more a matter of sentiment and doctrinal indifference than principle. To a great extent it was due to the following causes: 1. the toleration the Pilgrims had enjoyed among Dutch and French Protestants at Leyden; 2. the admonition of their pastor, Robinson, to be liberal and tolerant in America toward "unconformable ministers;" 3. the small and homogeneous population at Plymouth, offering little occasion for severity.

When the Puritans embarked for *Massachusetts*, they bade farewell to England with expressions of love for the Episcopal Church. They were no separatists as the Plym-

outh Pilgrims, but tried to reform the Church of England from within. Endicott, too, who was sent out in advance "to begin this wilderness work," declared before his departure: "We will not say as the Separatists, 'Farewell, Babylon! Farewell, Rome!' But we say, 'Farewell, dear England! Farewell, the Church of God in England!'" On their arrival in Massachusetts, however, the Puritans immediately separated from the Church of England, and "formed themselves into a church state." One of the first articles adopted treats of the "duty and power of the magistrates in matters of religion." John Cotton describes the government of Massachusetts as a theocracy in the commonwealth as well as in the church. The legislative body resolved to build homes and make provision for ministers "at the public expense." In 1638 it was enacted that "all inhabitants are liable to assessment for Church as well as for State." In 1631 a law was passed that members of Congregational churches in good and regular standing only should be admitted as free citizens. In 1665 the unenfranchised population outnumbered the freemen five to one. The "Half-Way Covenant" of 1662 relieved this political condition by widening the doors of the church and admitting "unconverted" baptized members to the communion. To save the Church-state the Church was corrupted. In 1635 it was enacted that no church should be organized without consent of the magistrates, and that members of churches not approved of by the magistrates should not be admitted to the freedom of the commonwealth. Preaching by unauthorized persons and before unauthorized societies was prohibited. In 1641 the following principle was adopted: "It is the duty of the Christian magistrate to take care that the people be fed with wholesome and sound doctrine." Similar declarations were made in 1658, 1660, and 1668. The law of 1692 requires the court to "take care that no town is destitute of a minister." The "Cambridge Platform" of 1648 was ratified by the general court in 1651.

This statute made every attempt to institute another form of worship than Congregationalism a punishable offense. In 1653 the court enacted that no one should preach "without the approbation of the elders of four the next churches, or of the county court." In the following year the general court ordered that all books of John Reeves and Ludowick Muggleton (both Quakers) should be delivered to the magistrates, on pain of £10 fine for failure. In 1659 the observance of Christmas was made a punishable offense.

Mr. Cobb writes: "Under the earlier conditions which the more rigid of the second and third generation strove to maintain, there was much legislation, both to support the Church as an establishment, and to conserve the religious character of the community. Thus, very early, the law of domicile guarded against strangers and required all people to live within easy distance of the meeting-house, so that all could attend worship. In 1646 the Act against Heresy ordained that any person denying the immortality of the soul, or the resurrection, or sin in the regenerate, or the need of repentance, or the redemption by Christ, or justification through Christ, or the morality of the fourth commandment, or the baptism of infants, or 'who shall purposely depart the congregation at the administration of that ordinance,' or shall endeavor to seduce others to any of these heresies, should be banished. In the same year, contemptuous conduct toward the word or preacher was made punishable; for the first offense, by a public reproof from the magistrate and bonds for good behavior; for the second offense, by five shillings fine, or by 'standing on a block four feet high,' having on the breast a placard with the words,— 'An Open and Obstinate Contemner of God's Holy Ordinances.'" "By the same law non-attendance on divine service was punished by a fine of five shillings. In 1656 it was enacted that any person denying any of the books of the Bible should be whipped or fined, and, if obstinate, banished. The law of 1697 against 'Blasphemy and Atheism'

is remarkable both for the ingenuity of its penalties, and as an indication that only a sense of waning religious power in the magistrate could so express itself. In the act, which finds both atheism and blasphemy in 'denying the true God,' various penalties are awarded; surety for good behavior, imprisonment for six months, the pillory, whipping, boring the tongue with a hot iron, and sitting on the gallows with a rope about the neck, at the discretion of the court; provided that not more than two of such penalties be inflicted for one and the same offense. Of course, under the general law Roman Catholics were not suffered to live in the colony. In 1647 Jesuits were forbidden to enter the colony. If any should come, they were at once to be banished; if they returned, to be put to death."

When the Brownes instituted a service according to the Book of Common Prayer, Endicott caused them to be put on a ship and returned to England. The company in England refused to redress these wrongs, and in their Instructions of 1629 encouraged Endicott to suppress errors and differences of opinion. In 1635 Roger Williams, pastor of the Salem Church, was banished, because he had denounced the existing theocracy and interference of magistrates with religious matters. The synod of 1637 condemned the opinions of Mrs. Hutchinson and her brother as heretical, and both were banished by the Boston court in the same year. A little later Gorton was arrested, conveyed to Boston, brought to trial on "twenty-six blasphemous particulars," thrown into prison, and barely escaped death. In 1644 Briscoe was gravely admonished by the general court, because he had published a pamphlet against the church-tax. In 1646 Dr. Robert Child and others petitioned for religious freedom; they were fined for refusing to apologize and withdraw their petition. In 1650 Pyncheon was summoned to answer for a book written by him on atonement. The court ordered that the book be burned and Pyncheon put under bonds of £100 to appear the next May. Disgusted,

Pynchon returned to England. In a similar manner and for similar reasons Rev. Matthews and others were punished. In 1651 Clarke and Holmes, both Baptists, held religious services in a private house in Lynn. For this they were arrested, sent to Boston, thrown in prison, fined £20 each, and Holmes, refusing to pay, was "whipped unmercifully." In 1657 Mr. Dunster, former President of Harvard, was summoned by the court for not having his child baptized. In the preceding year eleven Quaker women were arrested, sent to prison, and their books were burned. The Quakers William Robinson, Marmaduke Stevenson, Mary Dyer, and William Leddra were executed 1659. Mr. Cobb writes of the laws enacted against the Quakers: "At the October session of the general court in 1656 began a series of laws against them, growing more and more severe and culminating, two years after, in the doom of death on persistent return after banishment. Under these statutes Quakers, coming into the colony, and before the commission of any offense besides that of coming, were to be thrown into jail, whipped with twenty stripes, and kept at work until transported or banished. Shipmasters bringing any of the sect were to be fined £100. Any person entertaining, encouraging, or concealing Quakers was to be fined forty shillings 'for each hour of entertainment.' For the poor sectaries themselves, to the fines were added whipping, mutilation, banishment, and death. 'The doom of death 'barely secured enactment by a majority of one,' and this only because of the illness of a deputy from Dorchester."—In 1665 a number of Baptists were imprisoned, because they refused to give up their services. In 1668 the general court of Boston sentenced the sect to banishment. But the law was not enforced, because the church had lost its hold on the people, who were opposed to persecutions.

In *Connecticut* a constitution was adopted in 1639, which declares it the duty of civil government "to maintain the liberty and purity of the gospel." Here, too, Con-

gregationalism was the church established, though not as a theocracy or Church-state, but as a State-church. All inhabitants were assessed for the support of the establishment. Other forms of worship, however, were not excluded. The Saybrook Platform of 1708, adopted by the Saybrook Synod and the general court of Connecticut, reestablishes Congregationalism and gives liberty of worship and discipline to all "who soberly differ or dissent" from the established churches. Religion or church-membership was not a condition of citizenship, which was acquired by inhabitancy, and later by a general vote of the town. Mr. Cobb writes: "What we note, then, in the story of this colonial establishment is, not the spirit of repression toward variant opinion, but a benevolent and fatherly care and watchfulness over the interests of the church. The care was intimate, concerning itself with many minor items: the erection of meeting-houses, the calling and support of ministers, the location and boundary of parishes, the composition of any troubles arising in the affairs of any parish. The care was shown also, not only by the enactment of general laws, but by the action of the general court in an endless number of individual cases. Everything touching church management, any change in church or meeting-house, from one end of the commonwealth to the other, was brought to the legislature for its direction or permission. Any wrong suffered by any individual by way of discipline found its echo in the general court. Any disturbance in a church soon brought the paternal bidding of the court to consider the things which make for peace. To one looking over the colonial records it seems as though there could possibly arise no contingency in church affairs, which did not appear at some time and some place in Connecticut, and find the general court prompt to examine, to advise, and then, if need be, to command."—Church-attendance was compulsory; on absence there was a penalty of five shillings. Acts requiring the celebration of Sunday were passed in 1702,

1712, 1721, 1750, and 1770. In 1714 stringent orders were given to constables to enforce the laws about catechizing, public worship, profane swearing, distribution of Bibles, and the "Act to prevent unseasonable meetings of young people in the evening after the Sundays and other times."

The history of Connecticut does not relate of severe and numerous persecutions. Yet a number of laws enacted reveal intolerance lurking also in this Puritan establishment. Of the laws enacted against the Quakers Mr. Cobb writes: "This sect gave the first occasion for laws of discrimination among religionists. That enthusiastic people appeared about the same time (1656) in all the colonies, all of which except Plymouth and Rhode Island felt called upon to legislate against them. The measures adopted in Connecticut, for repressive character, lagged far behind those of Massachusetts, New Haven, New York, and Virginia. It may be doubted whether the general court would have enacted any laws at all against Quakers, had it not been for the pressure of Massachusetts in the union of the four colonies. As hitherto noted in the sketches of Plymouth and Massachusetts, the Bay colony was anxious for the moral support of the other colonies in its harshness toward that sect. Plymouth declined the action desired, but Connecticut yielded so far as to make a statute of repressive character, but which, like Bottom, 'roared like any sucking dove.' It used terms designedly opprobrious,—'Quakers, Ranters, Adamites, or such like notorious heretiques,' but curiously enough directed the legislation, not against the heretics, but the town entertaining them. The act of 1656 provided that, 'no towne within this Jurisdiction shall entertaine (such persons) above the space of fourteen days, upon penalty of £5 *per* weeke for any towne.' The act further said, 'If the towne please,' it could lodge the Quakers in prison until they could be conveniently sent away. Shipmasters were to be mulcted in £20 for bringing Quakers to the colony. The act of 1657 forbade a town giving any 'un-

necessary entertainment,' and corrected a fault of the previous law by defining that the fine must 'be paid by that inhabitant who gives the entertainment' to the Quakers. It also imposed an equal fine on any 'who shall unnecessarily speak with' the heretics. The next year, the possession of Quaker books was forbidden under penalty of ten shillings to all persons, 'except teaching Elders;' and then the court dismissed the whole matter by leaving 'to the discretion' of town magistrates the treatment of 'any such person found fomenting their wicked Tenets—to punish by fine, imprisonment, or corporeal punishment, as they judge meete.'—In 1708 it was ordained that such as "neglect the public worship and form themselves into separate companies in private houses, shall each for every offense forfeit the sum of twenty shillings." And a person, not a minister, who should dare administer the sacraments should be fined £10 and whipped. In 1742 it was enacted that any person preaching in any parish without invitation of the minister of it, or of the officers, should be fined £100, and that a foreigner so offending should be sent by warrant from constable to constable, out of the colony. Some of the itinerant preachers connected with the Whitefield Awakening were expelled and, returning, were fined £100, and again driven away. In 1743 three Moravian missionaries were arrested and their work among the Indians broken up.

The Puritans in *New Haven* colony identified Church and State and established a theocracy more strict than that of Massachusetts. The Word of God was declared the only rule in ordering the affairs of government. The duty of the general court was: 1. to maintain the purity of religion, and to suppress the contrary; 2. to declare and establish the laws of the Scriptures. Of the spirit of persecution in New Haven Mr. Cobb writes: "The only occasion for the exhibition of a persecuting spirit was furnished by the Quakers. There is no reason to suppose that the pure theocracy of New Haven would have shown much tolerance for dissent

from the established Church, or have suffered a Roman Catholic to remain in the colony. But with such the *Records* do not show the government to have been tried. But the Quaker alarm woke New Haven to a frenzy only second to that of Massachusetts. In 1656 the rumor of the sect's approach brought out the law that 'Quakers shall not be suffered in this jurisdiction.' Then the court was silent on the subject for two years. Meanwhile some of the sect had ventured into the colony, and the general court in 1658 delivered itself of a batch of laws, not a whit less severe than those of the Bay, except in the item of capital punishment. Death was not among the penalties, but the enactments were sufficiently indicative of a frantic and intolerant state of mind. The law declared that 'whoso shall bring Quakers, or other blasphemous hereticks, into this jurisdiction shall forfeit the sum of £50.' If any Quaker should come on business, he might be allowed to despatch it, attended by a guard, and was to be put out of the jurisdiction when the business was concluded. If he refused the guard, or attempted communication with the people, he was to be imprisoned, severely whipped, and kept at work for a term discretionary with the magistrate. If a Quaker having once suffered under this law, should come again, he was to be branded with the letter 'H' on the hand and jailed. For a third offense the other hand should be branded, and the fourth offense was to be punished by boring the tongue with a hot iron. Quakers 'arising from among ourselves' were to be treated as foreign Quakers. Any person bringing Quaker books was fined £5. Entertainment or concealment of a Quaker was punishable by a fine of twenty shillings for every hour's entertainment or concealment. Any person defending the opinions of the Quakers should be fined for the first offense, £2; for the second offense, £4; and for the third offense he should be imprisoned until it was convenient to send him out of the colony. 'Lastly,' whoso reviled magistrates or ministers, 'as it is

usual with Quakers,' should be whipped or pay the sum of £5. Under this comprehensive law a number of Quakers, some foreigners and others, who had 'turned Quakers,' were prosecuted, whipped, imprisoned, and banished. But they were not many.'

The same spirit of religious intolerance was manifested in Virginia, Carolina, New York, and Maryland by the *Episcopalians*. The first *Virginia* charter of 1606 declared that the "presidents, councils, and ministers should provide that the Word of God be preached, planted, and used . . . according to the rites and doctrine of the Church of England." The charter of 1609 licensed the company to take to Virginia persons "who would take the oath of supremacy." In 1612 Governor Sir Thomas Dale issued a code of "Laws Divine, Moral, and Martial" of which Mr. Cobb notes the following: "1. To speak impiously of the Trinity or one of the Divine Persons, or against articles of Christian faith, was punishable with death. 2. The same penalty was to avenge 'blaspheming God's holy Name.' 3. To curse or 'banne'—for the first offense some severe punishment; for the second a 'bodkin should be thrust through the tongue;' if the culprit was incorrigible, he should suffer death. 4. To say or do anything 'to the derision or dispiht of God's holy word,' or in disrespect to any Minister, exposed the offender to be 'openly whipt 3 times, and to ask public forgiveness in the assembly of the congregation, 3 several Saboth daies.' 5. Non-attendance on religious services entailed a penalty, for the first offense, of the stoppage of allowance; for the second, whipping; for the third, the galleys for six months. 6. For Sabbath-breaking the first offense brought the stoppage of allowance; the second, whipping; and the third, death. 7. Preachers and ministers were enjoined to faithfulness in the conduct of regular services on pain 'of losing their entertainment.' 8. Every person in the colony, or who should come into it, was required to repair to the Minister for examination in the faith. If he should be unsound, he

was to be instructed. If any refused to go to the minister, he should be whipt; on a second refusal he should be whipt twice and compelled to 'acknowledge his fault on Saboth day in the assembly of the congregation;' for a third refusal he should be 'whipt every day until he makes acknowledgment.'" Even the severer punishments of Dale's Code were made use of by his successor Argal. The penalty for absence of one Sunday from church was five pounds of tobacco, and for speaking disparagingly of any minister without proof, five hundred pounds of tobacco. The people were forbidden to sell any tobacco or corn until the minister was paid of the best of both crops. In 1634 Henry Coleman was excommunicated for forty days by the civil power "for using scornful speeches and putting on his hat in church." For ridiculing Archbishop Laud Stephen Reek was pilloried for two hours, fined £50, and jailed at the governor's pleasure. In 1631 absentees from church services were fined one shilling for each offense.

The Virginia Assembly of 1623 enacted that there should be a "uniformity in our Church as near as may be to the Canons in England." In 1629 it was ordered that "all ministers conform themselves to the canons of the Church of England." The assembly of 1631 ordained that every minister should preach one sermon every Sunday, instruct the youth half an hour before every service, visit the "dangerously sick," administer the sacrament thrice in the year, etc. In 1628 Lord Baltimore was not allowed to remain in the colony, even temporarily, because he refused to take the oath of supremacy. Against Puritans and Romanists a law was enacted 1642, by which Catholics were to be disfranchised, priests expelled within five days, and Puritans prevented from reaching the colony. Governor Berkeley had a law passed which demanded the expulsion of all Nonconformists. In 1645 a law was enacted fining such clergymen as should "refuse to conduct service according to the Church of England" five hundred pounds of

tobacco. In 1661 it was ordained that the whole liturgy of the Church of England should be read every Sunday; that the catechism appointed by the canons alone be used; that ministers not ordained by some bishop in England be banished from the colony; and that children are illegitimate, when their parents were married by a minister not belonging to the Church of England.

Mr. Cobb writes of the persecutions against the Quakers: "The strange zeal which brought the early followers of Fox into every place where a chance of persecution offered, led some of their number to Virginia, where at once they were proscribed. We have no such detailed account of proceedings against them as exists in the annals of Massachusetts, but the laws to suppress them were surpassed in severity by the northern colony only in its imposition of the death penalty. In 1659 the legislature enacted its first law against the sect. Not anticipating their coming, as did Massachusetts, Virginia waited until the arrival of the dreaded agitators. Then the house of burgesses proceeded against 'that unreasonable and turbulent sort of people, comonly called Quakers.' Shipmasters were forbidden to bring them to the colony under a penalty of £100. The same penalty was ordered for any person 'entertaining' any Quaker. No person could publish or dispose of their books. All members of the sect in the colony were to be arrested and imprisoned until 'they abjure the country,' and then were to depart with all speed and not return again. If banished Quakers should return, they were to be punished as 'contemners of the law and magistrates,' and if they should be 'a third time so audacious and impudent as to return hither,' they were 'to be proceeded against as felons.'"—In 1722 Mosley and Shelton, for baptizing a child, were thrown into jail and condemned to suffer thirty-one stripes, "16 in the evening and 15 in the morning." In 1768 Waller, Craig, and Childs, all three Baptist preachers, were imprisoned, being charged with "preaching the gospel contrary to law." The prose-

cuting attorney testified to their zeal, saying: "They cannot meet a man upon the road, but they must ram a text of Scripture down his throat." Patrick Henry secured the immediate discharge of all three by showing how foolish and wicked it was "to punish a man for preaching the gospel of the Son of God." In 1770 two other Baptist preachers, Webber and Anthony, were thrown into jail, where "they did much execution by preaching through the grates of their windows."

The charter of the *Carolinas*, though establishing the Church of England, accorded a larger measure of liberty to Nonconformists. The proprietaries of the charter promised to emigrants inviolable freedom and liberty of conscience in all religious and spiritual things, in as ample a manner as desired. An agreement of 1664 declared: "No person shall be any ways molested, punished, or called in question, for any difference in opinion or practice in matters of religious concernment." The "Fundamental Constitution" 1. excludes from Carolina atheists, who do not acknowledge a God, and irreligionists, who deny that God is publicly and solemnly to be worshiped; 2. enjoins upon parliament "the building of churches and the maintenance of divines of the Church of England;" 3. grants religious liberty to all other sects, Jews and heathens not excluded. In 1704, however, the intolerant Episcopalian party, plotting against the liberties of dissenters, passed a law "that all members of the legislature should be of the Church of England and have taken the sacrament in that church, at least once in the year past." Two years later this law was voided by the Queen in Council. In 1720 John Hassell was fined £25 for saying that he "had never been beholden to God for anything." Two years later the parson was authorized to sue the receiver-general, if his stipend of £100 was not paid within twenty-one days.—Thus the Puritans persecuted in order to "preserve the true religion in its purity," and Episcopalians, because they viewed dissent "as civil disorder and insubordination to the State,"

of which the Church of England was a department. The Puritans persecuted to make good Christians, the Episcopalians, to make good citizens. Both failed to see that persecution is subversive of true Christianity as well as good citizenship.

In *New York* the Dutch West India Company established the national Church of Holland in the "Articles for Colonization" of 1638. A very exclusive article on religion was adopted 1640, which declared: "No other religion shall be publicly admitted in New Netherland except the Reformed, as it is at present preached and practiced by public authority in the United Netherlands." In 1658 a Catholic and two Englishmen, who did not understand Dutch, were fined 12 guilders each for refusing to pay 6 guilders each toward the support of the Dutch minister in Brooklyn. About the same time the magistrates of Hempstead were authorized to "constrain and punish" such as refused to pay toward the minister's support. An ordinance of 1651 declared that the judges must be "promoters and professors of the Reformed Religion." When, in 1673 and 1674, the Dutch had regained their power in New York the following law was enacted: "Whosoever blasphemes the name of the Lord, or His holy Word, shall be, for the first offense, fined and committed three days to prison on bread and water; and, for the second offense, shall have his tongue bored with a red hot iron, and he shall furthermore be banished out of this government and the United Provinces, as a villain."

Of the tyranny of Governor Stuyvesant against the Lutherans Mr. Cobb writes: "The first dissenters subjected to his annoyance were the Lutherans. Many of these religionists had been attracted to New Amsterdam, and in 1653 petitioned the governor and council for liberty of worship and permission to send for a Lutheran minister. The petition was opposed by the Dutch clergy, and referred to the company in Holland, who, in 1654, replied: 'We have decided

absolutely to deny the request made by some of our inhabitants, adherents of the Augsburg Confession, for a preacher and free exercise of their religion, pursuant to the custom hitherto observed by us and the East India Company, on account of the consequences arising therefrom; and we recommend to you also not to receive any similar petitions, but rather to turn them off in the most civil and least offensive way, and to employ all possible, but moderate, means to induce them to listen and finally join the Reformed Church.' Notwithstanding this rebuff, the Lutherans persisted in their desire, and held religious services in their houses without a minister, by which they excited the governor's wrath, made specially severe by the Lutheran assertion that 'Heaven was above law.' Some of the offenders he threw into prison, and posted up an 'edict' prohibiting any more attempts at their dissenting worship.' The law required that all children should be baptized by Reformed ministers and in Reformed churches only. In 1658 John Goetwater, a Lutheran minister, who had attempted ministerial functions, was banished by Stuyvesant.

In 1656 a law was enacted prohibiting "all conventicles and meetings, whether public or private, differing from the meetings of the Reformed Divine Service." Transgressors were to be fined, if preachers £100, if attendants £25. W. Hallett of Flushing was fined £50 for allowing a forbidden religious meeting in his house. H. Townsend of Rustdrop was fined £8 for holding a "prayer meeting in his house." For a similar transgression Wickendam, a preacher, was fined £100, and banished. In 1657 ten Quakers arrived from Boston, and were immediately imprisoned. One of the ten Quakers, Hodsham, escaped; was arrested in Hempstead; taken to New Amsterdam; condemned to two years' hard labor "at the wheel-barrow with a negro; beaten unmercifully and strung up by his hands with a log tied to his feet." For continuing his prayer meetings and joining the Quakers H. Townsend was "cast into a miry

dungeon." In 1661 Tilton, Henry Townsend, and his brother John were banished for "harboring Quakers." Of the measures taken 1662 Mr. Cobb writes: "A proclamation was issued forbidding the public exercise of any other than the Reformed religion, 'either in houses, barns, ships, or yachts; in the woods or fields,' under penalty; for the first offense, of 50 guilders fine; for the second offense, 100 guilders; and for the third, 200 guilders fine, with 'arbitrary correction.' To import or distribute Quaker books was punishable by a fine of 150 guilders, while to receive such books subjected the recipient to a fine of 50 guilders. All persons arriving at New Amsterdam were to register and take the oath of allegiance, under the penalty of 50 guilders fine and 'arbitrary correction.' All magistrates conniving at a violation of this ordinance were to be degraded and made incapable of holding office. The climax to these high-handed measures was reached through the action and experience of John Bowne of Flushing. He announced himself a Quaker, and made his house a home for any of the persecuted sect who might come to the town. On this he was arrested and fined £25. He refused to pay and was thrown into prison. He lay in prison several months, and was then sent by the governor to Holland. On arrival in Holland, Bowne at once appealed to the West India Company with the statement of his own wrongs and the sufferings of his fellow-religionists, securing from the company a sharp rebuke to Stuyvesant and a disallowance of all his persecuting measures."

In 1664 New Netherland was conquered by the British and the Reformed Church disestablished. It was, however, agreed that the Dutch should enjoy liberty of worship and discipline. At the same time "liberty of conscience" was granted by the Duke of York to all other dissenters. A similar proclamation was made by King James in 1674 promising tolerance to "all persons of what religion soever." The assembly of 1683 ordained: "No person professing faith in

God by Jesus is to be molested or called in question for any difference of opinion in matters of religion." The law indeed prescribed a church in every town, but not a church of a particular denomination. The Episcopalian governors, however, goaded on by the Episcopalian clergy, did not refrain from repeated attempts at establishing the Church of England and tyrannical interference with the churches. Thus Governor Andros commanded the Reformed church and pastor of Albany to receive Van Rensselaer as a co-pastor, but could not enforce his will. In 1679 Andros ordered the Dutch clergy of New York to ordain Tesschenmacker to the ministry. In this he was successful, although according to the Reformed church-polity the power to ordain did not belong to ministers as such, but to the classis, in this instance to the classis at Amsterdam. Thirty years later two Dutch ministers flatly refused to ordain Van Vleck at the governor's bidding. In 1686 Governor Dongan made attempts to enforce the following instructions given him by King James: "You shall take care that God Almighty bee devoutly and duely served throughout your Government, the Book of Common Prayer read each Sunday and Holy day, and the Blessed Sacrament be administered according to the Rites of the Church of England." Governor Fletcher issued a demand to the legislatures of 1692 and of 1693 to establish the Church of England. Of the act secured by Fletcher Mr. Cobb remarks: "What in legal construction it did, was to establish, not a church at all, but six Protestant ministers in places named, and these ministers of no specified denomination, save that they must be Protestants." When, in 1703, Episcopalians had treacherously taken possession of a fine stone church in Jamaica, belonging to the Presbyterians, Governor Cornbury confirmed the property in the hands of the Episcopalians, because it had been built "by a public tax." In 1707 Mackemie, a Presbyterian minister, was imprisoned by Cornbury for preaching in New York in a house, "with open doors," but unanimously acquitted

by the jury. In 1744 the Moravians were banished from New York by an act ordaining that "no vagrant preacher, Moravian, or disguised Papist, shall preach or teach, either in public or private, without first taking the oaths appointed by this act and obtaining a license from the Governor or Commissioner in Church for the time being."

In *Maryland* the assembly of 1637, all Romanists, enacted: "Holy church within this province shall have and enjoy all her rights, liberties and franchises wholly and without blemish." In the preceding year Lord Baltimore, a very wily or very inconsistent Romanist, required all officers to take the oath: "I will not, by myself or any other, directly or indirectly, trouble, molest, or discountenance any person, professing to believe in Jesus Christ, for, or in respect of, religion; but merely as they shall be found faithful and well-deserving; my aim shall be public unity, and if any person or officer shall molest any person, professing to believe in Jesus Christ, on account of his religion, I will protect the person molested and punish the offender." The assembly of 1638 refused canonical exemption to the Jesuits, enacting that the laws should be equally enforced "without distinction, exemption, or privilege of any." All Romanists were freemen, of Protestants only a small minority, though as early as 1641 the Protestants outnumbered the Catholics three to one, and twelve to one in 1675. This, together with the fact that Baltimore's appointments were from among the Romanists, was the cause of great dissatisfaction. To redress this grievance Baltimore, in 1648, appointed a majority of Protestant officials, thus placing the local government into Protestant hands. The "Toleration Act" of 1649 provided, that no person "professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested, or discountenanced for, or in respect to, his or her religion, nor in the free exercise thereof within this province, or the islands thereunto belonging, nor in any way compelled to believe or exercise any other religion

against his or her consent, so that they be not unfaithful to the lord proprietary, or molest or conspire against the civil government." Thus Unitarians, Jews, infidels, and pagans were excluded from the jurisdiction of Maryland. In the same act it was ordained that blasphemy and denial of the Trinity should be punished by death; "reproachful words of the Virgin Mary, the apostles or evangelists" by a fine of £5; and calling any person by "such opprobrious terms as, Heretic, Schismatic, Idolater, Puritan, Independent, Presbyterian, Popish priest, Jesuit, Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, and Separatist"—by a fine of ten shillings. In 1650 every resident was required to declare by oath "for liberty of conscience in point of religion to himself and all other persons." Under Lord Baltimore there was no State Church in Maryland and hence no church-rates.

In 1652, however, the Protestant party took possession of the government. Two years later the "Toleration Act" of 1649 was repealed and the "Popish Religion" excluded from the protection of the colony; but Cromwell commanded to leave the act of 1649 unchanged. In 1692 Baltimore's charter was voided by King William, and Governor Copley summoned an assembly, which established the Church of England in Maryland. The Quakers alone protested against church-rates "as a burden to their consciences and estates." The public exercise of the Catholic religion was prohibited. Non-episcopal worship of Protestants was barely tolerated. Nonconformists were vexed, and various efforts were made to increase the power of the Established Church. In 1700 the Church party enacted a law ordering "that the Book of Common Prayer be read by every minister or reader in every church, or other place of public worship." But this and other tyrannical acts were disallowed by the King. In the same year it was enacted that every minister of the Established Church should be appointed by the Governor. The parishes complained of incompetent and immoral min-

isters, but were told that all the parishes in Maryland were donatives and beyond the control of any bishop in England.

As to persecutions of Nonconformists in Maryland Mr. Cobb writes: "I have found no records of severe persecution of persons of any faith, though the earlier years of the establishment were full of annoyance. The majority of the population was so overwhelmingly non-episcopal—Baptist, Presbyterian, Huguenot, Methodist, German Reformed—that the legislature never ventured to interfere with their right of worship, though compelling their contributions to the support of the Established Church. The Quakers and Roman Catholics were the special objects of animosity, and of these the former found early relief from trouble. The lot of the Romanists was much more vexatious. They were not driven out of the province; they were not imprisoned or beaten. But they were deprived of all civil rights, prohibited the free exercise of their worship, and fined on any violation of the narrowing laws. Some of the legislation evinces a peculiar malignity of spirit against them. Thus, the law of 1704, 'An Act to Prevent the Growth of Popery,' forbade a 'popish bishop or priest' to exercise his functions in any public service, under a penalty of £50 fine, or six months' imprisonment. If one, once convicted, should be guilty of a second offense, he was to be sent to England for punishment. The only service permitted to the Romanist was within the limits of a 'private family of the Romish communion.' The same act laid a tax of twenty shillings on every Irish servant imported, to 'prevent the entrance of papists.' This provision was renewed in 1714; a fine of £5 was imposed for concealing such importation, and certain oaths were ordered for persons on incoming ships, to discover their religious opinions. In 1715 it was enacted that children of a Protestant father and Roman Catholic mother could, in case of the father's death, be taken from the mother. In case a son in a Romanist family became a Protestant, the father lost control of him and must be com-

pelled to support him. The act of 1716 required the oath of abjuration for all persons elected to office; and that of 1718 denied the ballot to Romanists unless they abjured their faith."¹⁾

Such were the acts of persecution, tyranny, and religious intolerance perpetrated in the name of religion by zealous Puritans and Episcopalians imbued with the Reformed theories of Church and State and mistaking these errors for divine truths. Our Colonial History proves beyond cavil that America does not owe its religious liberty to Reformedism and Calvinism.

F. BENTE.

1) In the West of *New Jersey* the Quakers predominated, making no restrictions whatever on religious liberty. In the East of New Jersey the Presbyterians were numerous, limiting liberty and citizenship to persons "acknowledging one Almighty and Eternal God, and professing faith in Christ Jesus." When, in 1702, Queen Anne assumed the government of New Jersey the Episcopalian governors of New York made repeated, but futile attempts at abrogating religious liberty and establishing the Church of England.—The Quakers in *Pennsylvania* refused to tolerate atheists and irreligionists. In 1682 it was provided that all officials "shall be such as profess faith in Jesus Christ," and that no person shall be molested who acknowledges "the one Almighty and Eternal God to be the Creator, Upholder and Ruler of the world." The assembly of 1696, however, passed "A New Act of Settlement" which excluded Catholics, Socinians, and Jews from office.—The charter of *Rhode Island*, issued in 1663, declared that no person shall be molested "for any difference of opinion in matters of religion." In 1665, however, the Quakers were outlawed, because they would not bear arms. Another law, which Bancroft declares interpolated, denied citizenship to Roman Catholics.
