

TOWNS

Edward Randolph and his Relation
to the Colony of Massachusetts

History

A. M.

1917

THE UNIVERSITY
OF ILLINOIS
LIBRARY

1917
T66

EDWARD RANDOLPH AND HIS RELATION TO THE
COLONY OF MASSACHUSETTS.

BY

ORLA ALAMON TOWNS
B. A. University of Illinois,
1912.

THESIS

Submitted in Partial Fulfillment of the Requirements for the

Degree of

MASTER OF ARTS

IN HISTORY

IN

THE GRADUATE SCHOOL

OF THE

UNIVERSITY OF ILLINOIS

1917.

THE HISTORY OF THE TOWN OF RANDOLPH
IN THE STATE OF MASSACHUSETTS



Digitized by the Internet Archive
in 2013

1917
T66

UNIVERSITY OF ILLINOIS
THE GRADUATE SCHOOL

August 9 1917

I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPER-
VISION BY ORLA ALAMON TOWNS

ENTITLED Edward Randolph and his Relation to the Colony
of Massachusetts

BE ACCEPTED AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE
DEGREE OF MASTER OF ARTS

Arthur C. Cole

In Charge of Thesis

Evans B. Greene

Head of Department

Recommendation concurred in:*

.....
.....
.....

Committee

on

Final Examination*

*Required for doctor's degree but not for master's.

18 March 17 C. Wiley

THESIS
EDWARD RANDOLPH AND HIS RELATION TO THE COLONY OF MASSACHUSETTS
BY
ORLA ALAMON TOWNS.

0

1917.

CONTENTS

0

CHAPTER I.

INTRODUCTORY.

- I. The colony of Massachusetts.
- II. Royal Commissioners.

CHAPTER II.

RANDOLPH IN AMERICA.

- I. Biographical.
- II. Randolph's report to the Lords of Trade.
- III. Randolph's visit to New Hampshire.
- IV. Agents of New England.

CHAPTER III.

COMMISSIONER OF THE PORT.

- I. Randolph's services in America.
- II. Randolph's return to America.
- III. Randolph's reception in Massachusetts.

CHAPTER IV.

WORK OF THE COMMISSIONER OF THE PORT.

- I. Randolph asks for greater powers.
- II. High misdemeanors.
- III. Agents of New England.
- IV. Complaints.

0

CHAPTER V.

QUO WARRANTO.

- I. Randolph's representations.
- II. Quo warranto issued.

CHAPTER VI.

NEW ENGLAND UNDER ROYAL GOVERNMENT.

- I. Randolph's blunder.
- II. The King's first officials.
- III. Andros.
- IV. Randolph's death.

0

CHAPTER I.

INTRODUCTORY.

THE COLONY OF MASSACHUSETTS.

The population of the English colony of Massachusetts was drawn largely from the discontented religious sects in England. The imperial policy of the Stuart dynasty contrasted sharply with the spirit of tolerance that existed during the latter part of the reign of Elizabeth. Following the reign of Mary there returned to England many dissenters who had fled to the continent in order to escape persecution. Through the fear of a Catholic uprising Elizabeth was led to tolerate dissenters from the Established church to the extent that by 1571 parliament was dominated by a Puritan house of commons.

When James I ascended the throne a reversal came in the attitude of the Crown toward dissenters. James, while he had been brought up in the Calvinistic faith, was a believer in the "divine right" of kings. The liberal national spirit cultivated by the Elizabethan regime prompted the Puritans to appeal directly to him through a petition presented at Hampton Court Conference. With characteristic peevishness James rejected the appeal and started his reign with the determination to make all conform to the Established church or "harrie them out of the land".

Continued oppression drove the Pilgrims to

America in 1620, where, ten years later, they were joined by large numbers of their brethren. The steady growth of New England during the years 1630 to 1660 developed a thriving and populous community. The freedom enjoyed in the colonies had developed a spirit of independence among their people that was reflected in democratic ideas of government. They were so isolated from the mother country, and had had so little attention during the Civil War and the Protectorate, that they had come to feel that they could take care of themselves.

With the Restoration came a change in the economic policy as well as the whole imperial policy of England. Charles II decided on definiteness and systematic experimentation against the haphazard and fitful policy pursued in American colonies in previous years. The first step in this direction was directness of Royal control in colonial government. The navigation acts of 1661 and 1663 made special provisions for the control of colonial commerce. Reports reached England that these laws were being systematically evaded in the American colonies, and especially in the colony of Massachusetts. The attempts made by the King's officials to enforce the laws brought them into conflict with the independent spirit of his Puritan subjects. Various accounts of colonial disobedience had been reported to him, and in order to make himself clear in the matter, he sent, in 1664, four Royal Commissioners to America who were to investigate conditions in the refractory colonies.

ROYAL COMMISSIONERS.*

In 1664 the King dispatched to America four Royal Commissioners who were instructed (publicly) " to obtain information for the King's guidance in his endeavors to advance the well being of his subjects in New England"¹. The information was to consist of the investigation of colonial strife, local jealousies, boundaries, and Indian affairs.

The work of the commissioners was begun in a diplomatic way at Boston by making a proposition to take New Netherland. " It was proposed to raise such a number of men, armed, as they could spare " for this purpose.² This was granted and New Netherlands was subsequently captured and Nichols, one of the commissioners, installed as governor. New Haven colony was discontinued and joined to Connecticut. Rhode Island was given a charter. But Massachusetts remained firm in her claims that she had the right to make and execute her own laws. That the commissioners were convinced on their first visit to the colony that the Massachusetts people would offer stubborn resistance to any interference with their affairs is shown by a letter written to Nichols by Cartwright, another member of the commission, in February

* See also Hubbard's History of New England, 665 . This from the standpoint of New Plymouth. In Neal's History of New England, I, 361, it is said that one of the commissioners, Sir Robert Carr, brought three thousand men with which he captured New Your from the Dutch.

1. Prince Society, XXIV, 25 f. 2. Ibid, 587.

1665. He says " I do think it will be better to begin at Connecticut and dispatch the other three colonies before this (Massachusetts). For if we have good success there it will be strong inducement to these (Massachusetts and Plymouth) to submit also to his Majesty's commission³". This evidence with the secret instructions to the commission which charged it to secure first hand information of private and public affairs, getting in the good graces of the people, and last, but by no means least, secure the appointment of Colonel Nichols as governor and Colonel Cartwright as Major General of the province, shows that Charles II had in mind the making of New England into a Royal province.⁴ The attitude of the people of Massachusetts toward the commissioners was very good evidence that they were shrewd enough to infer the real purpose of these officials despite their protest to the contrary. Aside from a few general agreements in regard to loyalty to the King and laws commonly accepted everywhere little progress⁵ was made by the commissioners in Massachusetts.

Aside from the failure to secure concessions from Massachusetts the commissioners did several things that ~~was~~^{were} particularly aggravating to that colony. Some years before this the heirs of John Mason had laid claims to lands in New Hampshire, basing their claims on the grants made by the Council for New England.⁶ These claims had been adjusted by Massachusetts, but some dissatisfied heirs now took opportu-

3. Ibid, 600. (See note)
II, 583.

4. Palfrey, History of New England,
5. Prince Society, XXIV, 37 f.

nity to refer their claims to the commissioners, who took the matter up to the great dissatisfaction of Massachusetts. The heirs of Gorges proceeded in the same manner with like results in Maine. In this province the commissioners also set up independent government in that part of Maine that was claimed by Massachusetts. In all Charles II could hardly have found a more effective way in which to stir up antipathy in his Puritan colony than that which was worked out by his Royal Commissioners during the year 1664 and 1665.⁷ Owing to the capture of Cartwright by the Dutch on his return to England with the report of the commissioners, it never reached the King. Short reports of the findings of the commissioners had been sent to the King at different times. Carr, one of the commissioners, who died on the day following his arrival in England, carried reports to the King, but aside from these partial reports and a personal report by Cartwright the King had no record of the findings of the commissioners. Reflecting the feeling of Massachusetts in regard to the relationship of the people of that colony to the King one of the assistants wrote in 1666, "in all probability a new cloud is gathering and a new storm⁸ preparing for us which we may expect every day".

The ten years following the work of the commissioners were years of comparative quiet in the relations of New England and the mother country. The people of the colonies in general looked upon the mission of the commissioners

7. Ibid, 38 f.

8. Hutchinson, History of Massachusetts, I, 231.

as an attempt of the King to reduce them to subjugation and felt that the resistance of Massachusetts had been the means of frustrating the attempt.⁹ In fact the notion was common throughout the colonies that Massachusetts was the chief sinner among the opponents of the King's authority in America and," from the Restoration until the vacation of the charter the colony had never stood well with England".¹⁰ In a letter recalling the commissioners the King referred to Massachusetts as the only colony that had not shown them the proper respect, commanded that agents be sent to England, and ordered that the boundary of Maine should not be changed until pending matters had been settled.^{10a} " The defeat and recall of the commissioners made the colonists fear that an attempt would soon be made to coerce them while the effect produced in England was to create a strong feeling that Massachusetts might throw off her allegiance and become an independent state."¹¹

This condition may have been more fancied than real, yet, when it is considered that the existence of both Plymouth and Massachusetts Bay colonies was due to friction with the Stuarts and that they represented the interests that were instrumental in causing the Civil War and the con-

9. Palfrey, History of New England, III, 280. 10. Hutchinson, History of Massachusetts, I, 211. 10a. Prince Society, XXIV, 46. 11. Note: " I send a packet from Boston in New England from Mr. Randolph that at the Committee of Plantations you may make such use of it as may be proper for advancing his Majesty's service there, and for the better ordering of that unruly dissembling people who, when any of them are here pretend great duty to the King and yet they will do nothing tending toward the acknowledging his authority, but still proceed in their own methods". Calendar of State Papers, Domestic, 1679 to 1680, 563.

sequent death of Charles I, besides the continued tenacity with which they opposed encroachments on their authority, there is reasonable probability that the King was personally interested in seeing that they were made to feel the weight of his authority.

Following the period of inactivity in New England affairs, there was begun in 1674 an attempt by the Lords of Trade to find some means by which an adjustment of the differences between New England and the mother country might be reached.¹² The Council had been reorganized, and, prompted by at least two motives the controversy with New England was reopened. The year previous (1673) a law was enacted that required duties to be paid on certain commodities sold from plantation to plantation.¹³ The law provided that the collectors of these duties should reside in the colonies and see to it that the revenues were duly turned into the Royal treasury. In the discussion of ways and means by which these and other matters of disagreement with New England could be adjusted the Lords of Trade at first suggested that commissioners be sent whose duty would be to enquire into the manner in which the navigation acts were obeyed. The Attorney General was at the same time ordered to investigate the claims of the heirs of Gorges and Mason.¹⁴ This latter item to a large extent fixes the responsibility for the interest of the Lords in the matter. Another interest behind the

12. Palfrey, History of New England, III, 271.

13. Ibid.

14. Ibid, 280.

agitation in New England at this time was that of the merchants and manufacturers of England. Led by the Merchant Prince, Sir Josiah Child, they demanded that the colonies be made to shape their industries in such a way that they would be a benefit and not a drawback to English interests. ¹⁵

During the year 1675 and 1676 New England was engaged in a war with some allied tribes of Indians under King Philip. " In the height of distress of this war and whilst the authority was contending with the natives for possession of the soil complaints were making in England which struck at the powers of government. An inquiry was set on foot which was continued from time to time until it finally issued into quo warranto". ¹⁶ The inquiry referred to here is that of the Lords of Trade into the affairs of the colony relating to the claims of heirs to the holdings of Gorges and Mason, and the status of the navigation acts. The report of the Attorney General on the former was to the effect that the heirs had good and legal claim to both New Hampshire and Maine. ¹⁷ In view of this report the Council abandoned the idea of sending five commissioners on account of the expense, and recommended that a copy of the petition of the heirs of Gorges and Mason be sent to America and that Massachusetts be ordered to send agents to England "sufficiently empowered to answer for the colony and receive his Majesty's determination in the matter depending for judgement before him". ¹⁸ This was considered

15. Ibid, 282. 16. Hutchinson, History of Massachusetts, I, 280.

17. Ibid , 281.

18. Ibid, 282.

an opportune time for bringing New England to terms, for two reasons. The colonies were engaged in a war with the Indians which would occupy most of their attention; also the Dutch, who were liable to encourage rebellion against England with the hope of regaining their lost provinces in America, were now engaged in a war with France. With these conditions as a check on New England spirit the Lords of Trade felt that they were equal to the task of coercion. " It was resolved to transmit the King's demands by a special messenger, who should also be charged with making minute inquiries into the condition of the country and reporting the result to the home government!"¹⁹ The man chosen for this mission was Edward Randolph.

Edward Randolph's connection with America was a peculiarly unhappy one so far as any personal relationship was concerned.²⁰ His duty was that of special investigator for the King in all things that were of interest to the King. His place as commissioner first came to him, no doubt through his relationship by marriage to the Mason family, but his work in America was of such value to the Royal cause that he was continued in office throughout a stormy period in both England and America. The conditions that brought about the necessity for the office of commissioner and special investigator for the King, were as we have seen, the outgrowth of a struggle of years against Royal authority. From the Hampton Court Conference to the landing of Edward Randolph in America the Stuart

19. Ibid, 283.

20. See Cotton Mather quoted in last paragraph of chapter VI.

dynasty had found in Puritanism little but irritation. The attempt of the King, in 1664, to enforce navigation laws that were irksome to colonial interests intensified earlier opposition which led finally to the quo warranto proceedings that resulted in the vacation of the charter. Randolph was untiring in his efforts to enforce the King's laws in the colonies and as Massachusetts was most prominent in opposition his activities were largely centered against that colony. Its people considered him their common enemy and throughout the years of his residence in America no epithet was considered too vile for the expression of their hatred.

*** 0 ***

CHAPTER II.

RANDOLPH IN AMERICA.

BIOGRAPHICAL

Information concerning the life of Edward Randolph previous to his association with American affairs is very meager. From his baptismal record we learn that he was born in Canterbury in 1632. He was the son of a physician and came of a family of fifteen children.¹ Of his early life we know nothing. "I took great pains while in England to learn something of the antecedents of Randolph, but without success. I have met with some hint which I cannot now recall leaving me to conjecture that he had been an underling in the office of Williamson, Secretary of State. In a letter to Lord Clarendon, Randolph calls the Duke of York his gracious master from which expression one may infer that he held some post about the Duke".² Randolph studied law at Gray's Inn and was possibly a student at Oxford for a time. "After Mr. Randolph saw me he had me to his house to see the Landscapes^{2a} (landscapes) of Oxford College and Hall".

Sometime before 1660 he was married to Jane Gibbon. His wife's brother married a granddaughter of Captain John Mason, through which remote connection Randolph became intimate with the Mason family in whose interest and through

1. Prince Society, XXIV, 1 f.

New England, III, 284.

28, 1668; Prince Society, XXIV, 4.

2. Palfrey, History of

2a . Diary of Samuel Sewall, March

28, 1668; Prince Society, XXIV, 4.

whose influence he was connected with various enterprises in government circles in England.³ Robert Tufton, who is known as Robert Mason, was a friend of Randolph's and it was through him largely that the government appointments came. "It is, however, certain that he was favorably known to those in power through Mr. Mason, (Robert Tufton) for when it was decided by the King on advice of the Council to send a messenger to Massachusetts bearing a Royal letter and a copy of the petitions and complaints of Mason and Gorges in regard to their territories in New England, Randolph received the appointment".⁴ This was in 1676 and he had been for several years previous in government service.^{4a} In a letter to the Commissioners of the Navy, August 12, 1661, he states that he is going to the wilds of Kent in their service.⁵ This service was presumably to buy timber to be used in the construction of vessels of the Royal navy.

This trip was in all probability not very profitable or the government had been negligent in paying him for his labors. Five years later he writes the Commissioners: "my urgent occasions enforce me to write that which I am ashamed otherwise to relate. I have been enforced to sell my land upon which my timber grew for want of my money and am now fled from my home---. My creditors will forbear no longer so that

3. Prince Society, XXIV, 5f. 4. Ibid, 11. 4a. See Calendar of State Papers, Domestic, 1661 to 1662, 62 ; also Ibid 1666 to 1667, 48. 5. Prince Society, XXV, 187.

I must either fly my country or starve in jail--- .I have no friend or foe to relieve me in this sad condition. Therefore I cast myself at your feet and humbly and earnestly crave your assistance".⁶ The amount due him was 205 pounds,¹⁰ shillings, which was probably paid.⁷ From the letter it may be inferred that he had other land which he was not in a position to sell. The land on which the timber grew may have been taken in part payment for his services to the government. In the days of Charles II it was not uncommon that those who gave their service to the public found themselves ill requited for their labor. We do not find any jail record for Randolph and for this reason it is reasonable to suppose that he secured a settlement that was sufficient to stem the tide of his reverses.

In 1667 Randolph was appointed confidential agent for the Duke of Richmond. This appointment also came through the influence of Robert Mason.⁸ His duty was to procure timber for sale to the Commissioners of the Royal navy.⁹ His previous experience in this kind of work was no doubt of some assistance in securing the position. This work took

6. Prince Society, XXV, 188. 7. Ibid. 8. Prince Society, XXIV, 7. 9. Prince Society, XXIV, 9.

Note: In the Calendar of State Papers, Domestic, March 1, 1677 to February 1, 1678, 275, an entry shows an order that Randolph be paid 79 pounds, 5 shillings, and 10 pence as salary long over due duty as muster master of the Cinque ports. He filled this post about the years 1669 to 1674. Randolph's claims were not relished by the mayors of the Cinque ports. An entry in the Calendar of State Papers, Domestic, 1678, 276, shows William Stokes, mayor of Dover, complains of the pretended claims of Randolph.

him to Scotland. That there were some legal obstructions in the way of a successful management of this business is clear from a letter to his employer June 22, 1668. In this letter he claims to have six thousand trees felled and ready to send to England, but that one Mr. Brown had privileges in the territory that will make trouble and expense unless the Duke is able to get matters arranged so that duties will not be assessed on the cargo. He states that " Mr. Brown has arrested the boards" and asks that immediate action be taken to secure their release.¹¹ The next heard of him is his appointment as special messenger to carry the complaints of Gorges and Mason, and the Royal letters to the Governor of Massachusetts. This appointment was made in March, 1676. "In the selection of a proper and efficient messenger to carry his commands to New England the King was undoubtedly influenced partly by Mr. Mason (Tufton) and partly by the favorable reputation that Mr. Randolph had acquired in the court circle."¹² From our knowledge of his previous experience it would appear that discouragement would not be a new experience to him. From the known hostility of Massachusetts to the King's interests the outlook for anything but opposition on his mission could not have been promising. The friends of the King and the heirs who would profit by the claims of Gorges and Mason would be found friendly, but they were not the source of authority in the colony and, as

10. Ibid.

11. Prince Society, XXV, 191.

12. Ibid, XXIV, 47.

their interests were directly opposed to those of the officials, the King's messenger could count opposition at every turn.

THE KING'S MESSENGER.

Randolph was appointed as the King's messenger to America March 15, 1676. On learning of his appointment he immediately wrote his instructions requesting that the master of the ship in which he was to sail should be empowered to deliver the King's message to the government of Massachusetts in case of death on the voyage. The instructions were issued five days after the appointment and gave directions as to his procedure and inquiry into the King's interests in New England. After reaching Boston he was to order the Council of the colony assembled that it might hear the King's letter read, after which he was to demand an answer within one month and furnish an account of the proceedings to the King at his earliest convenience.^{11a} These instructions Randolph carried out to the letter. On arriving in Boston "he waited on Governor Leverett and announced the cause of his coming and desired that with what convenient speed might be, the magistrates might be assembled to hear his Majesty's letter read".^{12a} On the afternoon of the same day his request was granted. Randolph states in his report to the King that the magistrates did not show proper respect to his Majesty by removing their hats, but is careful to emphasize the fact

11a. Prince Society, XXV, 196.
England, III, 284.

12a. Palfrey, History of New

that he felt constrained to do so himself. After greetings to his trusty and well beloved subjects the King's letter proceeds : " We have been for a long time solicited by the complaints of our trusty and well beloved subjects, Robert Mason and Fernando Gorges, to interpose our Royal authority for their relief in the matter of their claims and the rights pretended by them to the provinces of New Hampshire and Maine in the province of New England. Out of possession of which they have been kept they allege by the violence and strong hand of our subjects, the people of Boston, and others of the Massachusetts colony---- ". Here follows the statement that many complaints have been presented and the King wishes all to be fair and clear between himself and his subjects. The letter continues "we have therefore directed that copies of two petitions be transmitted unto you and that you may see and know the matter they contain ----- . Therefore we do so by the advice of our Council hereby command you to send agents to appear before us in six months after you receive these letters, who, being empowered to answer for you may receive our Royal determination in this matter ----- we have thought fit and do hereby require and demand that this our letter and the afore mentioned petitions ---- be read in public and full Council and that Edward Randolph ---- be admitted into the Council to hear the same read there, he being by us appointed to bring us back the answer".

If the people of Massachusetts had been in any doubt as to the notions of the King regarding his authority in the colony a candid reading of his letter should have removed those doubts forever. Furthermore, it is quite clear who it was that kept the agitation going in England. The elder Gorges and Mason were being ably seconded by their grandsons. "The colony supposed they had acquired by purchase a right to the jurisdiction and considered themselves lords proprietors of Maine, as Lord Baltimore and the Penns were in Maryland and Pennsylvania"¹⁴ This purchase was made later but it was made as a protection and not as a principle. Massachusetts felt that the province was under its protection before the purchase and its attitude was in no way changed thereby. It may be that the people of the colony remembered the ignored letter of 1662, and the unsatisfactory results of the Commissioners of 1666 and 1667. However, it was not in their makeup to proceed without going about it in their own way. Randolph was treated as the agent of Gorges and Mason rather than as a messenger of the King.¹⁵ He was informed that when he was ready to sail a copy of the reply to the King's letter would be delivered to him.¹⁶ This was a thinly veiled attempt to get him out of the colony as soon as possible.

While the Council was slowly making up its mind how to handle the situation Randolph took occasion to make

14. Hutchinson, History of Massachusetts, I, 282 (Note).

15. Prince Society, XXV, 201. 16. Palfrey, History of New England, III, 286.

the acquaintance of the King's friends in the colony and get their point of view on the way matters there had been conducted. "Then(after the Council meeting) I delivered the particular letters of Mr.Mason,which he had written to several of the most important inhabitants of Boston, some whereof are the principal officers of the militia. The letters he wrote were to give them an account of the contents of your Majesty's letters,his own complaints ----- with the occasion of my coming to these parts desiring them to communicate the same to others,the same which soon spread abroad to the great pleasure and satisfaction of all those who were well wishers to your Majesty".¹⁷ These were evidently letters of introduction and those to whom they were addressed were no doubt the source of information for Randolph's first letter to the King through Secretary Coventry.

Dissatisfied at the delay of the Council in furnishing a reply to the King's letter, Randolph,on June 23, wrote the Governor that he "continued to require an answer to his Majesty's letter to be delivered to me at or before the expiration of the time limited".¹⁸ On receipt of this letter the Council was immediately called and an answer delivered to Mr.Randolph on the 26th. This answer reflects the tenacity with which New England had fought all attempts by the King to invade her rights. It assumes a very humble tone and states that Mr.Randolph had been given all of the

17. Prince Society,XXV,217.

18. Ibid, 210.

consideration demanded by the King's letter. That the Council had hastened a reply to the King by sending it on the first out going vessel and that it had offered to supply Randolph with a copy at the moment he was ready to sail. That we "would have you well advised that as the Governor on the reading of his Majesty's letter acquainted you that we thankfully acknowledged his Majesty's respect and tenderness therein expressed therein greatly tendering the peace and tranquility thereof".¹⁹ It was clear that Randolph had received all that would be given at that time.

Previous to this time Randolph had called on the Governor with the complaint that the navigation laws were being disregarded, claiming to have seen "several ships from Spain, France, and other parts of Europe". According to Randolph the Governor replied to this complaint by stating that "the laws made by your Majesty and your parliament obligeth them in nothing but what consists with the interests of the colony, and that all matters in difference are to be concluded by their final determination without appeal to your Majesty".^{19a} This expression of the Governor (if it was really made) could not have been framed better to suit the King's messenger. One of his instructions was to learn the attitude of the colony toward the navigation laws, and here was evidence direct from the Governor on the very point that he was searching for. The attitude of

the Governor and Council assured Randolph that he could not expect compliance with his demands farther than had been done. Despairing of further business with them he departed during the first of July for New Hampshire.

Governor Leverett's reply to the King's letter received at the hands of Randolph June 10, was made three days later. In it is acknowledged the fairness of the King in transmitting the complaints of Mason and Gorges and it states the difficulty in assembling the General Court comes from the danger of the members leaving their families on account of Indian war and an epidemic that was raging. It further states that the Court will be assembled as soon as possible, that the rights of patent had not been exceeded, and declares the people are ready to submit to acts of justice.²⁰ After reaching England and reading the Governor's letter Randolph wrote the King November 17, 1676, that the reasons for not complying fully with the King's letter were "most shameful pretenses and notorious falsehoods". He says that there was no epidemic and that the Indian war was ended, and gives as the opinion of "several of the most important in habitants (of Boston) that no agents will be sent and Royal orders would be generally disobeyed, on hopes that something might intervene to hinder your Majesty from looking towards them and so will hold the government as long as they could".²¹ Whatever may have been the mistakes

and wrong notions gained in other things the latter conclusion in regard to the action of the Council could not have been very far from right. That Randolph would sharply criticise the reply to the King's letter was without doubt anticipated by the Council of Massachusetts, and the fact that matters arising therefrom would evoke further investigation thereby prolonging the settlement of pending matters could scarcely be of disadvantage to the colony in the end. Again, as Randolph states, "something might intervene" as had happened in 1635 and 1667.

In addition to bearing the King's correspondence and letters to the friends of Gorges and Mason in the colony, Randolph was given instructions to investigate rather fully the general conditions existing in New England with special reference to Massachusetts. The King had heard many complaints against that colony and he now proposed to secure information first hand from an agent specially delegated for the purpose. Among the items on which the report was to be made were : laws that were in opposition to those in England, number of people capable of bearing arms, location and equipment of forts, relations among themselves and to other colonies, cause of Indian wars, attitude of colonists toward navigation laws, attitude of the country toward England, and such other inquiries as he saw fit to make. ²² Estimates made by others had been furnished in order that they

might be confirmed or denied. In addition to these inquiries Randolph was instructed to use his discretion in investigating anything that would aid the King in rendering his decision on the misdemeanors of the colonies in general and Massachusetts in particular.

RANDOLPH'S REPORT TO THE LORDS OF TRADE.

Seven days after his arrival in Boston Randolph wrote the Lords of Trade his summary of the conditions in Massachusetts similar to but more comprehensive than that given in his letter to Coventry. As before stated such a knowledge of the conditions in Massachusetts could scarcely have been acquired in so short a period of time without expert assistance from those interested.

In this report Randolph recounts his experience with the Governor and Council and emphasizes the fact that he was refused a reply to the King's letter. He also brings to notice of the Council (in England) that he was regarded as the agent of Mason and Gorges and that the business he was sent to transact had been deferred until the following October by which time he feared that the true import of his errand will be so mutilated by false report that its purpose will be defeated. His first general conclusion relative to the colony is that it would be a small task to bring

it to submission at that time . ^{23a} " This summer would have effected it (the submission) with small trouble and charge, for the least stop on their trade together with their present disturbance with the Indians would turn them all on their magistrates and force them to an humble and ready submission". ²⁴

This statement is in line with a number of others that go to show that Randolph had acquired the notion that the rank and file of the people of Massachusetts were favorable to the King, and that the present attitude of the colony was the result of the dominance of those in power. The representations made to him by the King's friends were in a large measure responsible for this notion and as the representative of a line of kings who espoused the idea of the "divine right" he could not see behind the power that stood in the way of his immediate ends. Furthering this idea in his statement regarding the war footing of the colony, which he gives at about thirty thousand infantry and one thousand cavalry fairly well supplied with ammunition and officers. To subdue this force he says " I am confidentially assured by those that well understood the affairs of the country that three frigates of forty guns with three ketches well manned lying a league or two below Boston would bring them all to his Majesty's own terms and do more in one week's time than all of the orders of the King

23a. Calendar of Treasury Papers, VII, 112.

24. Prince Society, XXV, 203 f.

and his Council in seven years". He felt that the magistrates were the usurpers and that the people were ready to drive them from power at the first show of force made by the King. This erroneous notion was held by the government of England in its relation to the American colonies during the following years and was not fully exploded until the decision was reached on the battlefields of the Revolution.

Continuing his report he stated that numbers of ships were daily arriving in the harbors carrying cargoes in violation of the navigation laws. Some of these he enumerated: from Nantes, a ship of one hundred tons; from France, a ship of seventy tons; from the Canaries, a ship of one hundred and thirty tons; another of the same tonnage; and one from the Straits. These were mostly loaded with wine, brandy, oil, and other commodities. All of this valuable merchandise evading the duty legally due his Majesty's treasury would no doubt impress the Lords of Trade with the necessity for immediate action.

In regard to the government of the colony in Massachusetts he reported that all magistrates and civil officers were church members who formed not more than one sixth of the population. "The most wealthy persons of all professions being men of good principles and well affected toward his Majesty. It is nothing but interest and design that draws most of the people into their church

24a. Ibid; also Calendar of Treasury Papers, VII, 131.

24b. Prince Society, XXV, 203 f.

membership and to think well of that religion and government they thrive under".^{24c} " All persons professing the true christian religion and that shall fly to them for succor they shall be entertained and protected amongst them according to the prudence and power that God shall give them. By which law Whalley and Goffe and other traitors were kindly received and entertained by Mr.Gookins and other magistrates"^{24d}. Regarding this matter it is further stated that " the oaths of allegiance and supremacy are neither taken by the magistrates nor required by the inhabitants only the oath of fidelity (to the colony) is imposed on all persons as well as strangers"^{24e}.

In the section of the report relating to the Indians,Massachusetts is charged with too much friendliness with both the Indians and the French,thereby keeping the inhabitants of Maine and New Hampshire in constant fear that they will be either set upon by hostile Indians or absorbed by the French settlements along the northeast coast. During the Indian war his Majesty's represenative,Governor Andros of New York,was slighted and the horrors of Indian war increased by the refusal of Massachusetts to profit by his advice .^{24f} In the causes of the war Massachusetts was given heavy responsibility. Its people were accused of being over zealous to christianize the Indians and " enjoining them to strict observance of their laws,to which a

24c. Prince Society,XXV,235.
24e. Ibid.

24d. Ibid,233.
24f. Ibid,241.

people so rude and licentious proved intolerable ; and that they "put the laws severely in execution against the Indians for lucre and gain".^{24g} Further, the people of Massachusetts were accused of heaping indignities upon King Philip and at the same time giving the Indians arms and ammunition in exchange for furs.^{24h.}

In regard to the results of the war Randolph stated that about six hundred men and twelve captains were killed "most of them brave and stout persons of loyal principles while the church members had the liberty to stay at home".²⁴ⁱ The losses he estimated at fifteen thousand pounds sterling of which Massachusetts suffered one third, the greater part falling on New Plymouth and Connecticut.*

Regarding the boundaries of Massachusetts he says: "The present limits are as large as the government chooses to make them, having some years since taken in the two entire provinces of New Hampshire and Maine".^{24j} " For the Massachusetts government having preeminence in trade, strength, and riches takes the liberty to claim as far as their convenience directs".^{24k} In this connection he recounts the fact that the Commissioners in 1665 took the government of Maine and New Hampshire out of the hands of Massachusetts but " no sooner than were his Majesty's Commis-

24g. Ibid, 244. 24h. Ibid. 24i. Ibid, 246. 24j. Ibid, 239.
24k. Ibid.

* A number of writers scoff at this statement, but I have failed to find any definite statement of expenses incurred by the war. O.A.T.

sioners returned to England but Mr. Leverett, Mr. Ting, and Captain Pike and some others entered these provinces in a hostile manner and subverted the government settled there by the Commissioners".²⁴¹

In conclusion he gave Massachusetts credit for being the most prosperous of all the colonies, abounding in horses, beeves, sheep, hogs, and goats, also a great plenty of wheat, rye, barley, oats, and fruits of all kinds.

Of the other colonies he made short work. Referring to Connecticut and New Plymouth he said: "They are generally very loyal and good people, and do on all occasions express great love for the person and government of his Majesty, and do heartily wish that his Majesty's government were established in the whole country".²⁵ Referring to this part of the report Palfrey says: "The reputation of Connecticut ought not to suffer materially from this eulogy by Randolph. It does not appear that he had been within the bounds of the colony, though he had probably corresponded with some of its chief men".^{25a} In contradiction to the statement of Randolph, Chamness says: "Less bold because less powerful Connecticut, New Plymouth, and Rhode Island affected to comply with the Commissioners' proposals for reformation. But when the cloud had passed away and danger seemed no longer certain the New Englanders paid little regard to regulations that appear to have been extorted by terror".^{25b}

24 1. Ibid.

25. Prince Society, XXV, 258. 25a. Ibid.

25b. Palfrey, History of New England, III, 302, Note 2; also Chalmers, An Introduction to the Revolt of the American Colonies, I, 1 to 115.

VISIT TO NEW HAMPSHIRE.

During the first of July Randolph made a visit to the province of New Hampshire. This section had been divided by Massachusetts into three counties. Randolph reports that he traveled through several of the most important towns "acquainting the inhabitants with the occasion of my coming into the country which gave them great satisfaction, the whole country complaining of the oppression an usurpation of the magistrates of Boston"²⁷. These people he says, "had been for a long time earnestly expecting to be delivered from the government of Massachusetts Bay, and humbly hope that your Majesty will not permit them any longer to be oppressed"^{27a}. While in Portsmouth Randolph was waited on by leading inhabitants of Maine who gave him a like report.

On his return to Boston he went by invitation to visit Governor Josiah Winslow, of Plymouth, who "in his discourse he expressed his great dislike for the carriage of the magistrates of Boston to your Majesty's Royal person and your subjects under the government"²⁸.

The report of Randolph to his government could scarcely fail to reveal the mission on which he was sent. It was exhaustive and complete as seen by himself and the King's friends in America. That Massachusetts was the center of complaint and the object of the searching inquiry set on foot

27. Prince Society, XXV, 221.

27a. Ibid. 28. Ibid, 222.

by the heirs of Gorges and Mason comes out clear in this report. Randolph was sent to confirm previous reports against the colony, which, owing to his reception there, he proceeded to do with interest and dispatch.

AGENTS OF NEW ENGLAND.

In accordance with the command contained in the King's letter to Massachusetts that agents be sent to answer for the colony before the King, Peter Bulkley and William Stoughton were appointed by the Council to go to England as representatives of colonial interests.^{28a} "Soon after their arrival in England a hearing was had before the Lords of the Committee in Council upon the principle points of their agency and the claims of Gorges and Mason, in both of which the hearing was unsatisfactory. The province of Maine was confirmed to Gorges and his heirs, in both soil and government".²⁹

Aside from the representations they were to make in regard to the claims of Gorges and Mason the agents were instructed that "if they found a sum of money would take them (Gorges and Mason) off from prosecution in their pretensions and that might be a final issue, they should engage in that way as discretion should direct".³⁰ When

28a. Hutchinson, History of Massachusetts, I, 281.

29. Ibid ; also, Palfrey, History of New England, III, 295.

the province of Maine had been confirmed to Gorges and his heirs the time was ripe for action. John Usher, a Boston merchant, went to England and "paid Gorges the sum of 1250 pounds sterling for his patent"³¹. "The King, too, was privately negotiating for the purchase of the province of Maine from Gorges, whose title had been declared valid, for his illegitimate son, the Duke of Monmouth. But not suspecting that he had a rival his movements toward accomplishing his design were slow and had been allowed to drag. At this juncture John Usher, a merchant of Boston, who was acting as agent of Massachusetts, adroitly opened secret negotiations with Gorges and for 1250 pounds sterling succeeded in obtaining a transfer to himself, of the latter's title to the province of Maine and with this title in his possession sailed for New England"^{31a}. This act of the colony while clearly legal was in opposition to the plans of the King and served to center the already developed prejudice against the colony that was impertinent enough to thwart even the personal desires of the King.

The agents made every effort to offset the representations of Randolph and attended many sessions of the Council, deposing, however, that they were commissioned to act only in the matter of Gorges and Mason claims.³² Other charges were revived, the Quakers became active with complaints,

31. Ibid.

31a. Prince Society, XIX, 173.

32. Palfrey, History of New England, VI, 295 f.

Note: The purchase price paid Gorges by John Usher is given both as 1250 and 1200 pounds sterling.

and Andros, Governor of New York, gave color to Randolph's claims by urging restrictions on Massachusetts. ³³ Under these conditions the agents could do little more than present the petition with which they were intrusted. The purchase of the Gorges claims served to incite prejudice by placing the colony in the light of being ready to use any means by which its designs might be advanced.

Randolph's final report was made to the Lords of Trade in May, 1677. The result of the claims against the colony of Massachusetts was on the whole disappointing to the Council. The report of the Crown lawyers in May, 1678, was to the effect that aside from misdemeanors against the colony there was not sufficient matter to annul their charter. Upon receiving this report "their Lordships did thereon order a report to be prepared reciting all things that were passed from the first settlement of New England, the several encroachments and injuries which the colony of Massachusetts had continually practiced upon its neighbors and their contempts and regrets of his Majesty's commands and will offer their opinion that a quo warranto be brought against their charter and new laws framed instead of such as were repugnant to the laws of England". ^{32a} On the 12th of June following it is recommended by the Council that officers of customs be appointed for Massachusetts. This was the first step in the

33. Ibid.

32a. Prince Society, XXVI, 4.

proceedings that ended finally in the appointment of Randolph as Commissioner for the port of Boston. The following year, 1678, acting in accordance with the recommendation of the previous years the Council recommended that Randolph^{33a} be appointed Collector of Customs in New England.

*** 0 ***

CHAPTER III.

COMMISSIONER OF THE PORT.

RANDOLPH'S SERVICES IN AMERICA.

Randolph arrived in England from his first visit to America September 10, 1676, having been in New England as the King's messenger from June 10th until July 30th. During his stay of a month and a half he had kept the colony of Massachusetts in turmoil and won the everlasting hatred of its people. A few ships had been apprehended but the chief source of his influence was the encouragement he gave to the King's friends who felt that he was the instrument through which the charter of Massachusetts was to be annulled, and themselves placed in charge of the affairs of the colony. Randolph's first letter and report, which were in fact an account of their grievances, gave ample proof that they were anxious to get the reins of government in their hands. The tenacity of Puritan purpose had so far kept out of power enough of the opposition that there was small chance of "friends of the King" wielding any very extensive power in government under existing conditions. This fact was apparent to Randolph and his subsequent acts are directed toward clearing away the situation.

Aside from the effect of his presence on the attitude of the people in the colony of Massachusetts the

principal thing accomplished by his first visit was the detailed report made to the Lords of Trade. This report and the personal impressions he received while in New England were the objects for which he had been sent and from the expressions of the Lords of Trade and the subsequent action of the King it appears that they were satisfactory. " I attended (the Council) two years and made good my charge against the Governor (of Massachusetts) and company at the Council chamber. The agents confess the fact and pray his Majesty's pardon and acknowledge his Majesty's right to the government of New Hampshire"¹.

Of his services as the King's messenger the report of the Lords of Trade has to say that " their Lordships agree to report their opinion to his Majesty in favor of Mr.Randolph as a fit person to be Collector of Customs in New England or deserving some other reward for his services"². This report was in March,1678. Two months later "their Lordships agree to recommend Randolph unto my Lord Treasurer for a favorable issue in his pretentions to be employed as Collector of his Majesty's customs in New England in consideration of his zeal and capacity to serve his Majesty therein"³. On the same day the Lord Treasurer reports to

-
1. Prince Society,XXVII,186. 2. Ibid,XXV, 287.
3. Ibid,XXVI,4 f.

the Lords of Trade " we have had more light and information from Mr. Randolph than from any person else and he has attended at all times our meetings in this matter (concerning New England) so that we cannot but acquaint your Lordships of the very good opinion we have of his zeal and capacity to serve his Majesty in that employment if your Lordships shall so think fit and accordingly we recommend him to your Lordships favor".^{3a}

The " Lord Treasurer having received information to this effect (of the capacity and zeal of Randolph) acquainted his Majesty in Council therewith, whereupon, his Majesty declared his approbation of Mr. Randolph for the employment as Collector and directed a commission be issued forthwith unto him accordingly".^{3b}

With these favorable reports of his labors passing, no doubt to his knowledge, among those in power Randolph thought the time ripe to secure payment for the time spent before the Council and Lords of Trade in justifying his charges against the colony of Massachusetts. His salary as the King's messenger was one hundred pounds sterling and the same rate was allowed him from the time of his arrival (out of New England) September 10, 1676, to March 3, 1678. It being considered that his attendance at the meetings of the Council were of value to that extent. The total sum paid him March 3,

3a. Ibid. 3b. Ibid. Note: See also Calendar of Treasury Books, V, 1023. Here it is stated that he received 30 pounds for expenses. Power to appoint deputies is given him and his salary placed at one hundred pounds per year.

1678, was one hundred seventyfive pounds sterling.

Randolph received official information of his appointment on July 9,1678. " We have deputed you to be Collector, Surveyor, and Searcher of all rates ,duties, and impositions in his Majesty's colony of New England, (Massachusetts, Plymouth, Connecticut, Rhode Island, Maine and New Hampshire) and all other of his Majesty's colonies and islands in New England. We do therefore deliver unto you the Book of Rates wherein are the principal laws relating to the management of customs in England and the plantation trade. And you are to conform yourself to the several rules for manageing the customs according to said laws in all things wherein the same may be practicable to you. You are to take the oath of allegiance and supremacy before leaving England, having done so you are forth with to repair to the soil of the colony of New England and settle your residence in Boston. You are to appoint one deputy at least in each of the aforementioned colonies by commission under your hand and seal".⁵

By this letter of information it is seen that the King intended an elaborate system in America that was to operate under its own seal. Randolph as the head of the

4. Prince Society, XXVI, 41 f; also, Calendar of Treasury Books, V, 28 and 150. 5. Prince Society, XXVI, 19 f; Calendar of Treasury Books, V, 963. Note: On October 8, 1678, Randolph was placed on the regular salary pay roll to remain there until the revenue from New England was sufficient to meet this expense.

Note: In regard to the attitude of the Council in England toward Randolph and his work in America the following is significant. " You are to nominate some one for collecting the plantation duty in New England that I may present a fit officer to his Majesty in case of objection to Mr. Randolph

system and as the King's personal representative was to direct operations through deputies located at different points in the colonies comprising New England. The right to appoint "at least one deputy" conferred by inference the right to appoint as many as was needed to carry out the plans for breaking up the smuggling that had been represented by Randolph as being so prevalent. As it does not appear that there was any provision for the payment of salaries of these deputies except through the fines and forfeitures of condemned ships it would stand the deputy collectors in hand to make captures or pay their own bills. The further instructions to Randolph were brief and to the point. (1) No ship should trade except according to the navigation laws of England. (2) No bonds deposited by ship owners and masters should be accepted until they had received a rigid examination. (3) Sufficient safeguards should be taken against fraud. (4) Following Lady Day (March 25) of each year a report of the manufactures and commerce of New England should be made.⁶ (5) "At the end of every six months on the 25th of March and the 29th of September in every year (Randolph) was to make an account of all of the whole management of the business and send the same to us". (6) "To remit money you shall receive for said duties by good bills of exchange or in ready money to Richard Kent Esquire, his Majesty's Cashier of Customs".⁷

as obnoxious to the people of the colony! See Calendar of Treasury Papers, V, 184.

6. Prince Society, XXVI, 19 f.

7. Ibid, 25.

Previous to his appointment as Collector of Customs Randolph made some proposals to the King for changes in the government of Massachusetts that he felt were necessary before he could succeed in his mission. The object he had in view was to remove from office and influence those whom he knew from previous experience would oppose him in his movements in the colonies. Three of these proposals were as follows: (1) That all laws repugnant to the laws of England be declared void, and shall not be valid in the future until after being passed upon by the King's Council. (2) That all inhabitants shall be required to take the oath of allegiance. (3) That certain persons known to be loyal be given posts of influence in the colony.⁸ These are the same in effect as the requests made of the colony by the King's letter of 1662, and are spoken of as having been neglected which was no doubt true. Five days after these proposals were made (February 27, 1678) the Lords of Trade refused to recommend that these reforms be attempted although the opinion was expressed that it ought to be done. Out of the fact that the Commissioners of 1665 failed to accomplish these reforms the Council thought best to wait for a more favorable opportunity. That is, "until his Majesty shall give those his subjects to understand that he is solemnly bent on reformation of the colonies in their government".⁹

8. Prince Society, XXVI, 39.

9. Ibid, 43.

From this statement it is clear that the Lords of Trade had gained in caution from their experience with the leaders in Massachusetts. They could command them to obedience and their commands would be obeyed, tardily sometimes, but in the compliance there was always a shrewdness of purpose which offset the force of their demands.

On October 23, 1679, Randolph was commanded to go to New England by way of New York and proceed from there by way of New Hampshire to Boston. " I shipped all of my goods and household stuff of considerable value on a vessel belonging to New England and all were lost at sea together with his Majesty's picture and Royal arms sent to New Hampshire".¹⁰ " I arrived at New York (December 7, 1679) and traveled thence by land to New Hampshire nigh four hundred miles".^{10a} "I arrived in New Hampshire (December 27th) after great opposition made by the Bostoneers and settled his Majesty's government in that province".^{10b} " On his way eastward he took possession of the Narragansett country for the King, visiting Connecticut, Rhode Island, Plymouth, Boston, and finally reaching Piscataqua December 27th".^{10c} Owing to the influence of Massachusetts in that colony he experienced considerable difficulty in installing the government.

After this charge was executed Randolph proceeded leisurely to Boston where he settled down to the du-

10. Prince Society, XXVII, 187.

10a. Ibid.

10b. Ibid.

10c. Ibid, 121 f.

ties of Collector of the port. His return was anticipated with no small degree of contempt by the people of Boston. The following excerpts from an anonymous poem published at the time will show to some extent to what degree of pleasure he was received.

RANDOLPH WELCOME BACK AGAIN.

Welcome, sir, welcome from the eastern shore
 With a commission stronger than before
 To play the horseleach, rob us of our fleeces,
 To rend the land and tear it all to pieces.
 Welcome now back again, as e'en a whip
 To the fool's back, as water in a ship.
 Boston make room, Randolph's returned, that hector,
 Confirmed at home to be our sharp collector.

When Heaven would Job's patience try
 He gave Hell leave to plot his misery,
 And act it too, according to its will,
 With this exception- don't his body kill.
 So Royal Charles is now about to prove
 Our loyalty, allegiance, and love,
 In giving license to a publican,
 To punish the purse but not hurt the man.
 Patience raised Job to heights of fame
 Let our obedience do for us the same. 11.

Randolph writing of his reception says: " I am received at Boston more like a spy than one of his Majesty's servants"¹² " They kept a day of thanks for the return of their agents but have prepared a welcome for me by a paper of scandalous verses, all persons taking liberty to abuse me in their discourses which I take the more notice of because

11. Ibid, XXVI, 61

12. Ibid, 65.

it reflects on my master who will not forget it.

0

CHAPTER IV.

WORK OF THE COMMISSIONER OF THE PORT.

RANDOLPH ASKS FOR GREATER POWERS.

The Great Seal was attached to Randolph's
commission October 14,1681.¹ Thinking no doubt that his
residence in America would be permanent he was accompanied
on this trip by his family.² The greetings that he received
on his arrival could not otherwise impress those of his
household that their sojourn in Massachusetts would be in-
teresting if not the most pleasant. As for Randolph per-
sonally he had had enough experience with Puritan methods
that surprises in the way of opposition were not likely to
cause more than passing concern. In fact,it was opposition
of the kind that would furnish evidence against the King's
enemies in the colonies that he was looking for. " I arriv-
ed again in Boston (December 17,1681) with his Majesty's
commission appointing me Collector but that commission is
opposed,being looked upon as an encroachment on their charter"³
Two years before when Randolph came to New England as Collect-
or the King notified all colonial officials that " whereas
his Majesty has appointed Edward Randolph etc-----therefore
in his Majesty's name require you and every one of you to

1. Note: The date of attaching the Great Seal to Randolph's
commission is given both as the 14th and 15th of October.
See Prince Society,XXVI, 120 and 124.

2. Ibid,113.

3.Ibid,XXVII,188.

be aiding and assisting Mr. Randolph in the discharge of his duty and trust committed to him when he shall desire or request the same for the seizing of any vessel or goods or securing the same until a trial at law has passed on them--- and will engage to respond (suspend) all costs and damage that may be sustained thereby in case of noncondemnation".⁴ This was the procedure that Randolph failed to enforce and the cause of his urging that the Great Seal of England be placed on his commission. The people of New England were not slow to take advantage of every technicality and from the fact that Randolph's authority was not authorized by the Great Seal they took occasion to profit thereby. Randolph was under the impression that it took authority to impress people who he thought were under the domination of the magistrates, and who he had many times remarked would obey the King on bended knees could they but be impressed with his authority.

Soon after going to America Randolph was convinced that he could not enforce the King's laws without better machinery and more authority. In February 1679 he writes asking for some changes that would be of great assistance to him in his work. (1) An order was needed that no ship enter the port of Boston without a certificate from him showing its right to discharge its cargo. (2) The authority to erect a custom house and have the Great Seal on his

4. Ibid, XXVI, 69

5. Ibid, 68 and 96.

authority. (3) That quo warranto proceedings be brought against the charter of Massachusetts. (4) That he is hampered by lack of authority in all things. (5) He asks for a life commission and again emphasizes the necessity for the Great Seal on his commission.⁵

Some time previous to this he had brought to the attention of the Lords of Trade that it would be highly desirable that all persons in the colonies be required to take the oath of allegiance. This necessity arose from the fact that many people in America, and especially in Massachusetts, were, owing to the remoteness of the mother country, beginning to feel that their first allegiance was to the colonial government rather than to England. This feeling was so pronounced in Massachusetts that Randolph was urgent in his request that they be required to take the oath. " I have pressed that all persons above the age of sixteen years should present their names and give an account of themselves, and also be obliged to take the oath of allegiance".⁶ Eight years earlier (1678) the lords of Trade had recommended that freemen and magistrates be required to take the same oath. Although Randolph tried hard to get the ruling enforced it was not done until after the charter had been annulled by quo warranto. The independence of the colony of Massachusetts was appreciated in England from the time of the rebuff of the Royal Commissioners in 1664. In 1676 is found the following from the Lords of Trade, which, when compared to the

6. Ibid, XXVII, 117.

letters of the King a few years later appears mild, if not an acknowledgement that the King is unable to control the colony. " Their Lordships will further report unto his Majesty that although New England be among the foreign plantations, yet, they have forbore to frame any rules for passes to be granted there in as much as they do not yet conform themselves to the laws by which other plantations do trade, but take the liberty of trading in all manner of places where they think fit. So that until his Majesty comes to a better understanding touching what degrees of independence that government will acknowledge to his Majesty or that his Majesty's officers may be there received and settled to administer what the laws require in respect to trade suitable to the practice of other plantations their Lordships have not thought fit to offer any passes to the place, but conceive it fit for his Majesty's service that some speedy case be taken to come to a settlement in this matter!"^{6a} This situation known and appreciated by the King and his councilors and the Lords of Trade shows the nature of the work cut out for Edward Randolph when he came to America as Commissioner of the port. When a colony could evoke an expression from the King's Council to the effect that it was independent in its relation to the mother country the path of any man who should attempt to curtail that independence was not likely to be strewn with roses. This was

the work of Edward Randolph and the success he attained in finally bringing the rebellious colony of Massachusetts to submission, if only temporarily, is a compliment to his ability.

Up to as late as 1682 the General Court of Massachusetts in the assertion of its independence not hesitate to take steps against the authority of the King. of the King. On the 25th of March 1682, a "written paper" was passed in the colony of Massachusetts which "invaded the power granted to the governor of his Majesty's colony by an act encouraging trade"⁷. The governor here referred to is Randolph himself and he publicly protested against this invasion of his rights which he held under the authority of the King. " And the said Edward Randolph doth further make known that notwithstanding the said paper his Majesty's letters and patents erecting an office of Collector, Surveyor, and Searcher of customs in New England and all of the powers thereby granted to him by said commision are in full force and cannot be made null by any law, order, or written paper of this or any other jurisdiction in New England"^{7a}. To add insult to injury, in the middle of June following, Randolph was ordered to appear before the General Court to be admonished by the Governor of the colony for his reflections of April 3rd. It would appear that the colony of Massachusetts felt secure in her independence.

7. Ibid, XXIV, 125.

7a. Ibid, 119.

HIGH MISDEMEANORS .

In the latter part of 1677 a naval office was established in Boston. James Russell was the deputy placed in charge and all peace officers were ordered to assist the customs officers in enforcing the law.⁸ Two years later Randolph wrote that several vessels had been apprehended but that he had been unable to convict the masters. He further stated that ships passed in and out without his permission, and that when ships were captured ruses were worked by which they were able to get away. Some of his men had been "knocked on the head" while guarding these vessels, and he himself had been threatened with personal violence. He would have been placed in jail but for the interference of the Governor (Bradstreet), yet, when the Governor ordered officers to assist him the orders were not obeyed. He was beset by enemies on every hand and expected hourly to be seized and cast into prison.⁹ In February 1682, a naval office was erected by Massachusetts and there was talk of fortifying adjacent islands. The reason assigned for the fortifications was the fear of war with France, but Randolph had his suspicions that this was not true.¹⁰ "Ships come in from all ports and enter the new office erected by the Bostoneers, he (Randolph) not being permitted to see their clearings from the port from which they came".¹¹

8. Ibid.

9. Ibid, 70

10. Ibid, 170, 171.

11. Ibid.

In March, 1680, the ketch "Industry" of seventy tons was seized off New Hampshire. It was loaded with tobacco bound for Ireland. In the trial it was cleared by the jury and damages charged against Randolph. In May of the same year the "Pink Expedition", of Boston, one hundred tons, imported goods from Cork was seized with like results, and eight hundred pounds sterling was assessed against Randolph. In August two sloops carrying tobacco to a Scotch merchantman in the offing were captured but cleared by the jury. A re-hearing was secured by Randolph, but he was required to put up a bond of one hundred pounds in order to secure it. In November and December of the same year two more ships were seized, with like results. Randolph finding himself each time unable to secure conviction, although he claimed good and sufficient evidence in each case. ¹² From March to December of this year (1680) he reported ten in all seized. These were all taken in New England and possibly represented the greatest period of activity. In June, 1682, Randolph wrote that he had three trials. In the first, the shipmaster was acquitted, in the second, the jury refused to report, and the third, also resulted in acquittal, although Randolph claimed sufficient ¹³ evidence to convict in all of the cases.

The form of procedure against vessels is shown by the following: "Whereas in the statute made in the parliament of our Sovereign Lord and King of England etc, in the

12. Ibid, 84.

13. Ibid, 167.

eleventh year of his reign in the county of Middlesex in the said Kingdom of England amongst other things it is enacted by the authority of the said parliament and from and after the twentyfifth of March, 1664, no ship or vessel coming into any island, plantation, territory, colony, or place to his Majesty belonging, or which shall hereafter belong unto or be in possession of his Majesty, his heirs etc, --- shall lade or unlade any goods or commodities until they have made known to the government of such island etc----- or officer thereof or such other persons authorized, the arrival of the ship and the surname of the master and commander and have shown that she is an English built ship or made good by producing such certificates that she is a ship bona fide belonging to England, Wales, or town of Barwick, and navigated by an English master and threefourths of her mariners Englishmen, have delivered to such governor or officer ---- a true and perfect inventory of her lading together with place and places in which said goods were laded or taken into the ship ---- under pain of the loss of the said ship --- with her guns, tackle, furniture, ammunition, and lading"¹⁴ A perusal of this set of instructions is conclusive evidence that there was a navigation law in England that the colonies were expected to obey. When Randolph went into the colonial ports he was compelled to prove, not one of these but several in order to get a hearing. With the custom house officials and other

officers along with judge and jury friendly to the accused ship it will be seen how difficult was the task he undertook. The trials were usually put off from time to time and while delay was on, the ship would in some manner secure clearance papers and sail away. When the case finally came to trial the shipmaster would attend by proxy feeling safe that he would be cleared in the end, which was generally true. In case he was put to inconvenience or delay in sailing damages would be claimed against Randolph, and were usually allowed.

So much false swearing occurred in these cases and so many subterfuges for disobeying the laws of the King's Court were found that Randolph insisted, April, 1680, that all persons in the colonies be required to take the oath of allegiance. In June of the same year the matter was acted upon by the Council in England. " Nothing appeared in any patent to the contrary and the same being represented by Mr. Randolph as necessary to his Majesty's service, it is ordered that letters be prepared to be presented in Council for his Majesty's signature directing the several colonies to take the oath of allegiance and to observe such rules for the making of freemen and magistrates as are enjoined by his Majesty's last letter to Massachusetts".¹⁵ Chalmers observes that "of all his (the King's) reasonable requisitions none were listened to but that one alone which commanded that

legal proceedings be carried on in the Royal name because this flattering compliance did not impose a burden or give energy to law. A reciprocal jealousy that ended only with the cancellation of their patent and with the period of their existence. It required not his sagacity to perceive that although a compliment had been paid to his power he possessed little more real authority in Massachusetts than in Venice or Holland. On the other hand they saw from his progressive endeavors to retain them to legal submission every chartered privilege taken away".¹⁶

In summing up the high misdemeanors against the King, Randolph declared that the people of Massachusetts had, (1) refused to publish Royal proclamations, (2) refused to honor his (Randolph's) commission, (3) refused to refund several sums of money deposited to secure trial, (4) opposed customs officers in the discharge of their duties, (5) neglected to repeal laws contrary to those of England, (6) collected fines and forfeitures due his Majesty, (7) coined money without consent of the King, (8) executed Quakers, (9) invaded Maine and New Hampshire, (10) and collected rents outside of colonial bounds.¹⁷

" No law was repealed as they pretended in their letter to Secretary Jenkins. The laws were received and some corrected and new laws proposed but the deputies would admit of no alteration of their old law books, but would have their old laws stand".¹⁸ " They have by law of the colony

16. Chalmers, An Introduction to the Revolt of the American Colonies, I, 106.

17. Prince Society, XXVI, 130, 169.

18. Ibid, 169.

appropriated all laws and fines to themselves". As if this was not enough he had to say of the "Bostoneers" that they "have no right either to land or government of New England, but are usurpers"; that they "have formed themselves into a commonwealth denying appeals to England"; that they "have protected the murderers of your Royal father"; that they "imposed the oath of fidelity upon those who inhabit their territories to be true and faithful to their governments"; that they "violate the acts of trade and navigation whereby your Majesty is damified in customs one hundred thousand pounds annually".²⁰

These accusations were among the things that Randolph intended to use against the charter of Massachusetts. The acts of the General Court in seriously questioning his authority, and of the people in many petty persecutions had by this time (1681) caused a personal attitude that determined him to see the fight to the end. His first instructions (1676) had commanded him to give attention to the things that in his judgement would be of service to the King in determining the accusations against the colony of Massachusetts. Five years had served to give him much acquaintance with colonial conditions and the list of misdemeanors credited to the colony, and especially to Boston, shows him to have been a faithful servant.

19. Ibid.

20. Ibid, 78.

AGENTS.

The command of the King to again send agents of the colony to England within six months after the departure of Bulkley and Stoughton (the first agents) in the latter part of 1679 was ignored. A year later the King wrote the colony, and after enumerating a number of their shortcomings and emphasizing the fact that he has nevertheless continued "his marks of grace and favor" and in order "that the due observance of all our commands above mentioned may not be longer pretended we require of you upon receipt hereof forthwith to call a General Court and therein to read these letters and provide for speedy satisfaction in default whereof we shall take the most effective means to procure the same"²¹. The letter had to say in regard to agents "we do hereby command you to send out within three months after the receipt hereof such proper person or persons as you think fit to choose and that you give them sufficient instructions to attend the regulation and settlement of that government"^{21a}. This letter was written September 30, 1680, and read in Council January 4, 1681. Despite this urgent request and command to send agents under penalty of "taking the most effective means to secure the same" little attention more than formal reading of the King's letter was given to the matter. A year later, October 21, 1681, the King again ordered that agents be

21. Prince Society, XXVI, 83.

21a. Ibid.

sent and his order was again ignored. This was about the time when the naval office of the colony was in full operation against the one set up by the King. Also the proceedings against the "person" of the King's Collector, Surveyor, and Searcher etc, as well as other acts of independence were being carried on during the same period.

Randolph was busy in England while the colonists of Massachusetts were enjoying liberty by ignoring the commands of the King and annoying his representative. Early in the year 1682 the news reached the colony that quo warranto proceedings had been started in England against their charter. This was sufficient to arouse them to action and they immediately arranged for the dispatch of agents to look after their interests.²² The agents chosen were Mr. Joseph Dudley and Mr. John Richards. Of these two men Randolph had to say; "the two agents are Dudley and Richards and Dudley is an opposer of the Danforth faction, his fortune is to make . He affects popularity and in case he is sent home with some useful command a useful man will be gained and Captain Richards a bigot against the Governor voted for himself for the agency, he is to justify the proceedings of the government".²³ In the same letter Randolph stated that a new law had been passed that repealed all laws repugnant to England and the agents were to ask for a continuance of their charter on this ground. As soon as Randolph learned that final action had been taken to

22. Ibid ,171.

23. Ibid.

send the agents to England he took great pains to prepare the Lords of Trade for any representation they might make against him. In spite of the fact that his services had been recognized by a recent raise in salary he appeared fearful lest his influence would be undermined . To the Council he wrote that : (1) The General Court had not recognized his Majesty's Collector of customs, (2) the colony had set up a similar officer without the Governor's consent ,(3) Randolph's commission had not been read in court, (4) and that they were all "incensed against me and are combined to misrepresent me " as an enemy to their government for protesting in his Majesty's name against their law. ²⁴ To Sir Lionel Jenkins, Secretary of State he wrote: " Nothing these agents promise may be depended upon if they are suffered both to depart till his Majesty ²⁵ hath full account that all is here regulated as promised". Closing the letter he said:" I went yesterday to seize a ketch a league below the castle and caught such a cold that I am now in extremity of stone and strangury. Should it please God to take me away by this or other accident it would be accounted a blessed return of their prayers". To the Bishop of London he wrote that he would gladly travel to England to disprove anything that the agents may say against him. In this letter he suggested that a sober minister be sent over to baptise hundreds who were waiting for him. " Necessity and not duty hath obliged this government to send over two

24. Prince Society, XXVI, 143.

25. Ibid, 145.

agents to England. They are like the two consuls at Rome, Caesar and Bibulus. Major Dudley is a great opposer of the faction here against which I have just articulated (written) to his Majesty, who if he finds things resolutely managed will cringe and bow to anything. He hath his fortune to make and if his Majesty ---- make him Captain of the Castle of Boston and the forts in the colony his Majesty will gain a popular man²⁶. Subsequent events proved that Randolph's estimate of Dudley was not far wrong.

The agents sailed for England in June, 1682. The last of August they appeared before the Council and delivered a "paper" giving an account of the proceedings of the General Court in obedience to the King's letter calling for agents to be sent over. The delay in sending agents is accounted for by the dangers from the Turks (on the seas), and expenses incident to the Indian war.²⁷ Asked if they have "any commission or powers from their principals to agree upon such regulation of their charter as should be thought fit for rectifying the abuses which appear to have been committed by them" they answered that they "have not brought over any formal concession or powers from their principals but they do not doubt but whatever his Majesty shall command them will be dutifully obeyed".²⁸ After going over colonial matters with the agents the Lords of Trade decided that their powers were not sufficient for the transaction of definite business

26. Ibid, 159.

27. Ibid, 197 f.

28. Ibid, 190 f.

and they were informed that his Majesty would therefore be pleased to order them to procure commissions and powers to that end that, in default thereof his Majesty would cause a quo warranto to be brought against the government and company of that colony for their abuses thereof".²⁹ This occurred in September 1682.

The agents immediately wrote for further powers but these were not received until June of the next year. When the new credentials were examined it was found that the agents could act jointly on certain things but not separately.

In the meantime they had presented the reply of the colony to the many complaints of the King. This reply consisted of answers to the King's questions and accusations showing that all things possible had been done to meet the demands made by the King. After deliberating from August until September, 1682, the Lords of Trade returned the report and ordered that a quo warranto be issued against the charter of Massachusetts. It was this act that hastened action on the part of the agents to secure further powers. At the same time Randolph was ordered to come to England to assist the Council in preparing a quo warranto. Randolph arrived in England in the spring of 1683. His fears that the agents would undermine his influence were unfounded and he had little difficulty in securing the confidence of the Lords of Trade. By the middle of June the order for the quo warranto had been issued, and a month later he was ordered to carry the quo war-

29. Ibid, 203.

ranto to Massachusetts. Randolph arrived in Massachusetts the last of October (the 26th) and proceeded at once to deliver the quo warranto against the Governor and the company. In his letter to Jenkens he said that the agents arrived four days ahead of him and that the General Court had adjourned in order not to hear his report.³⁰ One of the great aims of his sojourn in the colony had been attained. His injuries were in a measure avenged, and he was ready whip in hand to play the tragedy out.

COMPLAINTS.

In keeping the Lords of Trade and through them and others, the King informed of his work in New England Randolph wrote many complaints to England. These refer to his rights as imposed upon by the Governor and Council of Massachusetts, and the liberties they had taken in thwarting his purposes. In the letter of August, 1682, he charged that the magistrates believe that their charter allowed them to choose their own officers to enforce the King's customs laws. For this reason he said that his commission had no force in the colony. Further they have ordered him to return a ship he had seized or pay a fine of one hundred pounds.³¹ In July of the same year he said " that on June 29th he went to Piscatauqua upon the advice of two Jersey men;

30. Ibid, 273 f.

31. Ibid, XXVI, 182.

arrived there and demanding to see their entries Mr. Martin, the naval officer, would not permit him and the president denied the seizure of the ships which he supposed to be of French bottom".³²

In the same letter it is stated "that on the 25th of July a court of trial was held in Boston where in order to secure a trial the said Randolph had preferred two informations against a sloop and a ketch which was deferred while action against himself and his deputies was allowed to proceed. That fourteen pounds damage against him and thirty pounds against his deputies was claimed. And that no time could be procured to try his seizures and that through these discouragements he can get no one to assist him".³³ A year previous he had sent to England one John Purveis, who had been a servant in his household, who alleges that "in the King's service he has suffered much under the abuses of the people of Boston, has been beaten and put under restraint of the guard cage and prisons on purpose to hinder him from doing his duty insomuch that he has gone in danger of his life; that he was lately sent over by Mr. Randolph as evidence of the peoples' disloyalty and unjust practices".³⁴ A result of these and other complaints was to have the custom house moved to his own dwelling in 1682.³⁵

In June 1682 Randolph filed three accusations against the Massachusetts colony. The number of these claims and accusations was no doubt increased by the attack of the

32. Ibid, 189.

33. Ibid. Note: References 31, 32, and 33 are from extracts taken from Randolph's letter.

34. Calendar of Treasury Books, VI, 16.

colony on Randolph personally and the attempt to convict him as a subverter of the Massachusetts government. " Mr.Goggins, the magistrate, did manage a great stock for Goffe and Whalley". (These were two of the regicides excepted in the pardon granted in the Act of Oblivion). " Mr.Benjamin Davis has three hundred pounds of the King's money it being sent from Carolina by Robert Holden who received it there as his Majesty's Collector. Mr.Davis claims that he cannot part with it but to a sufficient attorney"³⁶. " That he (Randolph) is in danger of being punished as a subverter of that government by reason of a petition presented by him against them". "They have revived an old law which makes it death to subvert the government"³⁷. Randolph is under the impression that the King and Council do not appreciate the difficulties and dangers incident to his relation to America.

Much of the violence of the attacks against Randolph may be traced to the hatred he inspired when, early in 1681, he presented a petition to the King asking a quo warranto against the charter of the colony of Massachusetts.³⁸ Sometime in the latter part of the year it became known that this step had been taken and Randolph was made to feel the weight of Puritanic displeasure. On April 11, 1682, he wrote Jenkins that " imprisonment is the least I expect". Holding, however, to his determination to bring the colony to submission

35. Prince Society, XXVI, 120.

36. Ibid, 175.

37. Ibid, 177.

38. Ibid, 91, 95.

he said, "nothing will serve but bringing a quo warranto against their charter which may save my life and reform this government".³⁹ A month later he seemed in better spirits and wrote again: " I have broke the heart of this faction (Danforth et.al.) and if it please God to spare my life shall prepare them to receive his Majesty's commands, his Majesty's quo warranto against their charter, and disable Danforth and his faction from bearing any office civil or military, and make them incapable of voting at future elections will put this government in the hands of honest and prudent gentlemen who will with all duty receive his Majesty's government and laws".⁴⁰

The net was tightening around the charter of the independent and forceful Puritans of Massachusetts. Twenty years of reaction against the King had sufficed to bring his Majesty and his Councilors to the point of finding a way to make final settlement of all the difficulties that had arisen since the beginning of his reign. Randolph as the King's servant in America had builded better than he knew, and the time was not far distant when all of the suffering, all of the insults, all of the petty annoyances would be repaid. by his placing on the desk of the Governor an order vacating the charter and making the colony subject to his Majesty-the King.

0

39. Ibid, 127.

40. Ibid, 144.

CHAPTER V.

QUO WARRANTO.

RANDOLPH'S REPRESENTATIONS.

The province of Maine as the property of Sir Fernando Gorges was the means in 1635 of causing a quo warranto to be brought against Massachusetts. This attempt to annul the charter failed, however, and a review of the proceedings reported May, 1678, says, "upon view of a copy of this record of quo warranto we find that neither the quo warranto was so brought nor the judgement thereupon given as to cause a dissolution of said charter"¹. This opinion was written after Randolph had begun an agitation against the charter of Massachusetts after his appointment as the King's messenger. Early in 1679 Randolph wrote the King that "his Majesty may if he please make short work by bringing a quo warranto against them and then they will beg that on their knees which they will not now thank his Majesty for"².

Randolph was in England in the spring of 1681. During his stay there he took occasion, April 6th, to file a petition for a quo warranto against the colony of Massachusetts. In the petition he states that he has a request from all New England colonies except Massachusetts that his

1. Prince Society, XXVI, 5.

2. Ibid, 67.

Majesty's laws be more strictly enforced. The petition recites the common grievances against Massachusetts, that is, coining money, refusing to send agents to England according to the instructions from the King, denying appeals and so forth - then calls attention to the fact that the charters of Virginia and the Bermudas had been revoked by writ of quo warranto. " And whereas the corporation of Massachusetts has far surpassed them in its unsurpassed misdemeanors and contempts and even in their daily arbitrary actings amounting to no less than high treason to the great dissatisfaction and oppression of the people under its government", the petition humbly prays "your Majesty in the name and in behalf of your Majesty's good subjects to direct your Majesty's Attorney General to bring a writ of quo warranto against the government and corporation in Massachusetts Bay in New England (which your Majesty has never refused in like cases), for vacating their patent, there being no kind of doubt but your Majesty's writ will have its desired effect not only to the great relief of your Majesty's oppressed subjects and bringing that government under due allegiance, but to the certain increase of your Majesty's and revenues here in England".³

This petition was brought before the Council the same day and read in committee two days later. " It is this day ordered by his Majesty in Council that the Right Honorable Committee for Trade and Plantations do meet on Saturday and examine the allegations of this petition and report to this board what their

Lordships think for his Majesty to do thereupon. The report was forth coming on the day following, April 9th. " The opinion of the Attorney General and Mr. Solicitor General as to the misdemeanors objected to against the corporation of Massachusetts Bay in New England in manageing their patent. "We are of the opinion that if the same can be proved to be true and that they were committed since the Act of Oblivion they do contain sufficient matter to avoid the patent, but that otherwise it cannot be done by quo warranto". (The Act of Indemnity and Oblivion was passed in 1662, about the first of August. Its object was to grant full and complete pardon for crimes against the Crown, and indemnity for losses during the Civil War and Commonwealth to all except the judges who condemned Charles I to death, the disguised priests who stood on the scaffold, and a few others. Just why the Attorney General should cite this act in references to the misdemeanors of Massachusetts is not clear. It may be, however, that the act was cited as the most plausible excuse to delay action until evidence of more convincing nature could be secured). Two months later the Attorney General gave an opinion to be read in Massachusetts that showed a more determined toward the colony. " Whereupon their Lordships report that a letter be written to the government of Boston requiring them to pay all said fines(fines for disobeying navigation laws) to his

4. Ibid, 91.

5. Ibid, 96.

6. Statutes of the Realm, V, 12 Car. ch. XI.

Majesty's use and that they comply with the other particulars of the Attorney General's report or that upon their default his Majesty will proceed to question their charter by quo warranto".⁷

Randolph does not hesitate to emphasize the need of a quo warranto on all occasions. In a letter to Jenkens in April, 1681, he argues that legal proceedings would effect the King's purpose much better than a show of force. If force should be sent he argues that the loyal party would be forced to join those who are against the King and would thus lose influence.⁸ This, after we know the lesson of Bunker Hill, was sound common sense, and was well that the King had a man on the ground who could appreciate the temper of the people with whom he was dealing. A year later (August 1682) he is of the same opinion and wrote the King "so that now his letters are no more regarded here than Gazettes, and nothing but quo warranto against their charter will rectify and thereby bring honest and capable gentlemen into the government who are now kept out of all places of credit and trust".⁹ In June of the same year a Royal Governor was appointed for New Hampshire and Randolph took occasion to remark "I am confident that if his Majesty had been pleased at the same time he made Mr. Cranfield Governor (of New Hampshire) to bring a quo warranto against their charter and make him Governor of this colony they would thankfully re-

7. Prince Society, XXVI, 103.

8. Ibid, 95.

9. Ibid, 186.

10. Ibid, 154 f.

10
ceive him".

QUO WARRANTO ISSUED.

The many misdemeanors of the Massachusetts people against the King's representative at last provoked the Council to action. On the 20th of September, 1682, the writ was issued and Mr. Randolph was notified of the fact. In a letter to Governor Hinckley, of Plymouth, he said, " I am to acquaint you that on the 23rd of this instant his Majesty by order of Council of the 20th of September last does bring a quo warranto against this (Massachusetts) charter "¹¹. This letter was written January 22nd, 1683. Immediately following the decision of the Council to issue the writ against the charter Randolph was ordered to come to England to assist in the prosecution of the colony. " Their Lordships being resolved that Mr. Randolph be directed to come over into England in order to attend the further business of New England --- in the prosecution of the quo warranto intended to be brought against the charter of Massachusetts"^{11a}. Randolph must have felt great relief as well as pride in his long struggle against the colony when this message was received. The notion that a quo warranto against the charter was the only means to establish the King's authority had become a passion with him. Every opportunity was embraced to bring that fact before all of those connected in any way with colonial

11. Ibid, 220.

11a. Ibid.

government or interests. The order to return to England to lend his assistance in bringing matters to a close meant that at last his views had been accepted by the King and that he would see his hated enemies (the Danforth faction) driven from power in the colony. To Governor Bradstreet he wrote February 5th, giving a general summary of warning for the collection of grievances that he had gathered against the colony. In regard to the quo warranto he said, " I think it necessary to remind you that his Majesty by signifying to your messengers that if they did not procure larger power from you to the regulation of the affairs in your government he would cause a quo warranto to be brought against your charter, not to be understood that his Majesty cannot proceed to such a regulation without your consent for his Majesty hath many ways to attain good ends whether you send any messengers or not".¹³

Randolph arrived in England the latter part of May, 1683. Being called before the Council he presented to the Lords of Trade of the Council for the colonies in June, 1683, formal articles of high misdemeanors against the corporation, which were inferred from two circumstances too well founded on truth¹⁴. The assuming of powers not warranted by the charter and the opposition to acts of navigation were the charges on which he proposed to substantiate his claims. " A judgement given on a writ of quo warranto in Trinity term

13. Prince Society, XXVI, 224.

14. Chalmers, An Introduction to the Revolt of the American Colonies, I, 134.

1684, put a period to the ancient government of Massachusetts".
 The report that Randolph gave to the Council was to the effect
 that Massachusetts would put up a legal fight to retain the
 charter and the rights claimed under its provisions.¹⁵ His
 long sojourn in the colony had given him high opinion of their
 combativeness and while he felt that the King was able to en-
 force his demands, yet, his attitude is that legal steps and not
 force must accomplish the end sought by the King. In order
 to secure final action in the matter caution was necessary,
 from the fact that if there should be a loophole left by which
 delay could be secured Randolph did not need any coaching to
 know that it would be used by the colonial leaders.

The final action of the Court in issuing the
 quo warranto was taken on July 20th. At the same time Ran-
 dolph was commissioned to carry the writ to New England and
 inform the people of that province of the action of the King.
 Two hundred copies of the writ were printed for distribution
 in the colony that all might know that trifling with the King
 had brought its reward. When Randolph first learned of the
 action taken by the Court he felt that the dignity of such a
 mission would be best signified by a warship specially dele-
 gated to carry him to New England.¹⁶ Later, however, he de-
 cided not to wait for a warship and proceeded to New England
 by a merchantman, on which he arrived in New England October
 26th, bearing with due dignity the notice of quo warranto

14a. Ibid.

15. Prince Society, XXVI, 232.

16. Ibid, 245 f.

against the charter of Massachusetts. The people of the colony had been warned (possibly there was a system of espionage) that final action had been taken against them and were expecting the arrival of Randolph with the message. On the delivery of the writ to the Governor a session of the General Court was immediately called. Randolph had had the pleasure of being before this august body at divers times before, and under divers circumstances. At no time, however, had he appeared with the confidence and satisfaction with which he fulfilled his present mission. He tells us that " Mr. Dudley ---- with the Governor and the major part of the magistrates, nine of the house deputies, and many of their ministers were for submission," but Danforth and his faction would do nothing but trifle away time. The matter was before the Court for five weeks and then an adjournment was taken until 14th of February. " I hear they have drawn up a letter by this shipping (February 14, 1684) only to gain more time supposing troubles may arise in England and thereby all further opposition cease".¹⁷ It was the old game of delay and it may be reasonably inferred that the people of the colony were well informed of the conditions in England. Charles II could not last much longer and while James was ready to take the throne and carry out the policies

17. Prince Society, XXVI, 273 f. Note: Randolph arrived in New England October 26, 1683. He returned to England December 14, and arrived in Plymouth February 14, 1684, after a dangerous voyage. See summary of his labors in Ibid, XXVIII, 188 f.

of his brother the change would effect more delay and who could know what might happen in the meantime. The fact that it did happen in 1689 argues the notion that even three thousand miles away from the scene there may have been some inkling of the undercurrent of affairs in the motherland. Randolph had expected to return to England the first of December 1683 and had even gone so far as to engage passage, but the delay in securing action by the General Court held him in New England until the 14th. In march he wrote that he has all proofs and witnesses ready for prosecution of the colony in the quo warranto proceedings and asked that sufficient funds be allowed from the treasury to defray expense made in securing the evidence and for bringing witnesses to England to appear in the trial.

The proceedings up to April, 1684, had been carried on in the Court of the King's bench. A clerical error in the papers caused a delay at this time and it was thought that the whole matter would have to be done over. Randolph was making arrangements to return to New England with a second notification when another plan was devised by which the procedure could be conducted. The case was changed from the Court of the King's bench to the Chancery Court on a writ of scire facias. This writ was employed against a matter of record only but in this case became the original writ. The second writ was issued May 16th. This proved effective and Randolph and his witnesses were successful

in presenting evidence sufficient to warrant the final decree vacating the charter June 21, 1684. The Keeper of the Seal ordered defenants to appear and plead at the autumn term of the Court. During this time the General Court of Massachusetts had done every thing in its power to check the proceedings. The order to the attorney for the colony, Mr. Humphreys, was to " spin out tha case to the utmost". Palfrey claims that the colony knew nothing of the action of June 21st until September and then " this staggering intelligence reached Massachusetts in a private letter to Dudley". One is inclined to question this statement or doubt the ability of the attorney of the colony (Humphreys). However, at the October meeting of the Court " the counsel for the colony (Mr.Humphreys) moved in the Court of Chancery for the arrest of the proceedings on the ground that time had not been allowed for procuring power of attorney between the issuing of the writ of scire facias and the day appointed for its return. But the Lord Keeper of the Seal replied that corporations ought always to have their attorney in court and ordered final judgement entered for vacating the charter" October 23, 1684. The legal existence of the government of Massachusetts was at an end. Randolph had made good.

19

0

CHAPTER VI.

NEW ENGLAND UNDER ROYAL GOVERNMENT.

RANDOLPH'S BLUNDER.

Edward Randolph's relation to the colony of Massachusetts did not cease with the confirmation of the quo warranto. During the remainder of his life he was connected with America as an officer of the King and for a part of this time was directly concerned with Massachusetts. Aside from the hatred of the people of Massachusetts (except those who were friendly to the King), and the petty annoyances and insults incident thereto his sojourn during the remainder of the Stuarts was peaceful and undisturbed. His recognition by the King came as a reward for his faithfulness in the fight against the independent spirit of the people of Massachusetts expressed by the many infractions of the King's laws. In 1681 Randolph in addition to his work as a customs officer was made auditor of the American colonies.¹ This helped to make his salary worth while. Always in dire need of money he took pains to see that accounts due him were paid.

Final action in the quo warranto proceedings against the charter of Massachusetts was taken by the Court

1. Claendar of Treasury Papers, VII, 273.

November 23, 1684. It was almost a year after this date before even a provisional government was established in Massachusetts by the King. The plan which was completed September, 1685, gave the colony a government consisting of a Governor and seventeen assistants, which was to be followed until the arrival of the Chief Governor. Joseph Dudley was made temporary Governor which will recall the prophecy of Randolph that Dudley would make a useful man to the King if managed aright.

This was not the only occasion on which Randolph exhibited a keen insight into men and things and this ability to form conclusions may have been one of his assets by which he made himself useful to the King. In some cases, however, we find his conclusions to be radically wrong. In the case where he declared that the colonists would fight to the end quo warranto proceedings against their charter, proved to be wrong, or a bluff on the part of Randolph to secure more careful procedure in England. Again, when he made up his mind that the magistrates were usurping rights of the people by force his vision was biased. This may have been, and no doubt was, the result of his association with friends of the King in the colony. Again, the notion was bred into the followers of kings who believed in the divine right of rulers. To them it seemed that power to rule came only from kingship, and if Randolph did make this blunder it was by no means an unusual one. Among the temporary

2. See above.

3. Prince Society, XXVII, 51f.

assistants to the King's Governor are found Simon Bradstreet (who refused to serve) ,William Stoughton(former agent), John Usher (the agent who made the deal with Gorges for the province of Maine), and Edward Randolph.⁴ The latter was made Secretary, which with the office of Auditor gave him large powers in the colony. As if he did not have enough offices and honors at the hands of the King Randolph was made Post Master of New England November 23, 1685. These offices brought him in contact with the people and while he executed his duties with vigor, there was little chance for satisfaction as long as the business was in his hands. As the Secretary of the colony Randolph "claims for himself and his deputy an exclusive right to register wills, deeds, all evidences of contracts, licenses for marriage, and to certify such copies as shall be made by law".⁵ This evidence by Palfrey may be a little biased, but the account he gives is at least more fair minded than that of Cotton Mather who refused to give Randolph credit for anything that is good.

After the King's orders vacating the charter had been presented to the General Court an address of submission was passed in which it was complained that the rule of the colony in prospect under the King's orders was arbitrary and that the rights of Englishmen had been sharply abridged. " Although we cannot give assent thereto we hope to demean ourselves as true and loyal subjects of his Majesty".⁶ This

4. Ibid.
III, 485 note 3.

5. Palfrey, History of Massachusetts,
6. Prince Society, XXVII, 76.

was passed on May 20, 1686, and the colonial machinery of government went out of existence at that time in Massachusetts. To put it in the language of Palfrey "arrangements had been completed for the humiliation of the obnoxious colony". By June 1st the new government was in full charge. " During a twelfth month they governed these refractory provinces with an attention to the prejudices and they engaged their support because, though the house of delegates was laid aside, ancient customs as well as forms remained, which is so essential in every climate. In proportion as they pleased the colonists they offended the Court so difficult it is to serve two masters".⁷ Seeing the impossibility of creating a satisfactory government by a Governor whose home was in the colony the King determined to try sending one from England. In August 1686, Sir Edmund Andros was named for the position.⁸ Andros had been Governor of New York and from his experience with the Puritans and their notions was not strange to the conditions in Massachusetts. He arrived in the colony December 21, 1686, and immediately took over the reins of government. Andros' government lasted two years and six months, or until the fall of the Stuarts in England.

Randolph's troubles did not cease with the abdication of his hated enemies-Danforth and his faction. Joseph Dudley, while he was sharply censured by the people of the colony for accepting service under the King, was withal a man

7. Chalmers, Introduction to the Revolt of the American Colonies, I, 178.

8 Prince Society, XXVII, 119.

who was fair and who was ready to spare the colony whenever he could . The new government had been in operation but a short time until Randolph and Dudley were at outs. Randolph wrote " I am treated by Mr.Dudley worse than by Mr. Danforth " .⁹ Hutchinson has to say that " Mr.Dudley having made Mr.Randolph trumpeter of his attachment to the prerogative soon after began to cool toward him. Randolph in turn has villified Dudley".¹⁰ In 1686 Randolph introduced the worship of the English Church in Boston.^{10a} This act brought down on him the wrath of the orthodox Puritans. Cotton Mather was among the most noisy of Randolph's persecuters, which came likely from a case in court against Mather in which Randolph pressed the prosecution. Mather has to say of Randolph " our annals tell us that the curse of the people followed this Randolph wherever he went, and wrought evil of all the subsequent events of his life, and that its effect would seem likewise in the manner of his death".¹¹

With the fall of the Stuarts the Andros regime came to an end in America. The Governor with his immediate followers, including Randolph, were thrown in jail as soon as the news reached Massachusetts. This occurred April 18,¹² 1689. Despite the fact that the government of the colony was to be continued as a Royal colony, Andros et. al. ,

9. Palfrey, History of New England, III, 499. 10. Hutchinson, History of Massachusetts, I, 314 f. 10a. Massachusetts Historical Collections, seventh series, VII, 133.
 11. Prince Society, XXV, 182 note 368. 12. Palfrey, History of Massachusetts, III, 577.

were not released from imprisonment until February 1690. During this time Randolph's commission as Surveyor, Searcher etc, had been given to another, and on securing his freedom and being sent to England as a prisoner he found himself out of a job. After making his plea before the Council for his freedom he was given another American commission which office was known as Surveyor General.¹³ In this position his duties related more nearly to the whole country than to any one colony. His relation to the colony of Massachusetts from this time forward was indirect, possibly that of an adviser of the customs officer in charge. It may be that the unfriendly attitude of the people there the new regime in England that it would be better to keep him out of the colony. His relation to the colonies as a representative of the King continued until his death in 1703. His last act was a "paper of complaints" against William Penn, who he calls "the pretended Governor of the three lower counties of Delaware".¹⁴

While in England in June, 1702, Randolph made his will in which he stated that he was then starting on his seventeenth trip to America. "And being about to make my seventeenth trip to America do make this my last will and testament in the form following".¹⁵ From the reports appended to his letters giving the records of his trips to and from America it appears that this should read "my seventeenth trip to and from" America. In representation of his services to

13. Prince Society, XXV, 137.

14. Ibid, 181.

15. Ibid, XXVIII, 288.

the Committee of the Council he says he "made eight voyages to New England in nine years"¹⁶. At this time he made application to the Council for employment that would allow him to remain in England. He had reached the age of seventy years and buffeting the rigors of climate and exposure incident to his work as customs officer had told on his vitality. His last work in America was in the colony of Virginia, where he died in 1703. "Colonel Quarry (his successor in Massachusetts) had received information that Edward Randolph Esquire,^{16a} died in April on the eastern shore (of Virginia)". Of him Cotton Mather has to say by way of farewell," of Randolph I said a good while ago that I should have further occasion to mention him. I have now done it, and that I may never mention him any more I will here take my eternal farewell of him with relating that he proved a blasted wretch followed with a sensible curse of God wherever he came; despised, abhorred, unprosperous. Anon he died in Virginia in such miserable circumstances (it is said) he had only two or three negroes to carry him to his grave"¹⁷.

0

16. Hutchinson, History of Massachusetts, I, 297; Prince Society XXVII, 186 f.
 16a. Prince Society, XXVIII, 296 f, XXV, 182.
 17. Ibid,

BIBLIOGRAPHY

0

SOURCE MATERIAL

1. Publications of Prince Society,
John Wilson and Son, Boston,
1898.

2. Great Britain - Master of the Rolls,
Calendar of Treasury Books
1675 to 1703.

3. Great Britain - Master of the Rolls,
Calendar of State Papers
1675 to 1703.

4. Kendall, Elizabeth K. Source Book of English History
New York, 1908.

5. Hart, A.B. American History by Contemporaries
four volumes
1897 to 1901.

6. Gee and Hardy, Documents Illustrative of English
Church History
1896.

7. Thorpe, Francis Newton, The Federal and State Constitutions, Colonial Charters, and other Organic Laws
1909.
8. Great Britain - Statutes of the Realm.
9 volumes,
Volume V only was used in this study.
9. Massachusetts Historical Collections,
fifth series, volume V.

SECONDARY AUTHORITIES.

1. Palfrey, John Gorham, The History of New England during the Stuart Dynasty
5 volumes
1865.
2. Hutchinson, Thomas, The History of Massachusetts from the Earliest Settlement in 1628 to the year 1750
2 volumes
1795.
3. Chalmers, George, An Introduction to the Revolt of the American Colonies
2 volumes
1845.

4. Douglas, James,

New England and New France
1913.

5. Hart, A.B.

The American Nation: A History
27 volumes
1907.
Volume V only was used in
this study.

6. Hubbard, William,

A General History of New England
from its Discovery to 1680
1848.

7. Beer, G.L.

Columbia University - Studies
in History, Economics, and
Public Law
1893.
Volume III only of these studies
was used in this work.

0

****0****

UNIVERSITY OF ILLINOIS-URBANA



3 0112 082199545