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REMARKS

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THE MASSACHUSETTS HISTORICAL SOCIETY,

JUNE 11, 1891.

BY

WILLIAM S. APPLETON.



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## THE LOYAL PETITIONS OF 1666.

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MINORITIES, in religion, in politics, in science, have seldom gained much credit ; and as a rule, have with difficulty obtained justice from their opponents at the time, and from historians afterward, unless events have clearly shown them to be right. There is one minority, in which I feel a strong personal interest, and whose case I have long wished to restate. It is that of 1666 in Massachusetts. It consisted of 171 persons, of whom I claim eight as ancestors ; and the principal figure in it was John Appleton, a relative but not an ancestor.

In the summer of 1666 the authorities of Massachusetts received a letter from King Charles II. by Secretary Morrice, dated April 10. In it the king acknowledged the receipt of the Report of his Commissioners and the account sent to England by the Governor, and wrote that "it is very evident to his Majesty . . . that those who govern the collony of the Masachusetts doe . . . beleive that his Majesty hath noe jurisdiction over them," and that therefore there was no right of appeal to his Majesty ; he further recalled his Commissioners, and ordered the Governor and Council to send five or four persons to England, of whom Bellingham and Hathorn to be two ; he ordered all persons imprisoned for petitioning the Commissioners to be set free, and the question of bounds to be reserved for his Majesty's determination.

The General Court met to consider this on September 11. and by way of preparation devoted the whole of the next forenoon to prayer. The Court then approved a letter to Secretary Morrice, in answer to two separate letters from the king, declaring that reasons had been given (August 1, 1665) why they could not submit to the Commissioners, that they have nothing to add, and "therefore cannot expect that the ablest persons among us could bee in a capacity to declare our cause more fully." Palfrey rightly says that "This conclusion was

not reached with entire unanimity," and adds that "the sordid and short-sighted timidity of commercial politics interposed; for already there was commercial prosperity enough to conflict with the ancient strictness of public morality."

These fine-sounding words refer to the views of the minority; for the General Court at this same session had to deal with petitions from Boston, Salem, Newbury, and Ipswich, in which the petitioners "desire that seeing his Majestie hath already taken no little displeasure against us as if we disowned his Majesties jurisdiction over us, effectual care may be taken lest by refusing to attend his Majesties orders for clearing pretences unto right and favour in that particular, we should plunge ourselves into greater disfavour and danger"; suggest that "The doubtful interpretation of the words of a patent, which there can be no reason to hope should ever be construed to the divesting of a sovereign prince of his royall power over his naturall subjects and liege people, is too frail a foundation to build such a transcendent immunity and privilege upon"; and entreat "that application be made to his Majestie by meet persons immediately to be sent for that end, to clear the transactions of them that govern this colony from any such construction, least otherwise that, which duly improved, might have been as a cloud of the latter rain, be turned into that which in the conclusion may be more terrible than the roaring of a lyon."

This petition is printed, with no names attached, in Hutchinson's Collection of Original Papers, and with the signers' names among the Danforth Papers in Vol. XVIII. of the Publications of this Society; and Mr. Savage, for the Publishing Committee of that volume, gives as one reason for reprinting it, that in it "the minority of our fathers have exhibited so much good sense and sound policy." Two copies of it are among the English State Papers, bearing a note to the effect that because of it "those gentlemen received a severe check, the petition voted scandalous, they styled betrayers of the liberties of the country, are still reputed ill affected to the Government, and not suffered to be chosen into any office of magistracy." The number of signers was, from Boston, 26, Salem, 33, Newbury, 39, and Ipswich, 73,—which last I take to have been more than one fourth of the adult male inhabitants of the town. Palfrey calls the petition "unpatriotic,"



and is very sarcastic about the signers, saying: "Of those of them who can be identified, some were of that class of persons who establish a certain consequence by building up fortunes, though their fabric would scarcely rise above the ground unless protected by the public spirit of the braver men whom they embarrass."

Anything more unjust has seldom been written in the name of history. The signers were neither actuated by fear for newly acquired wealth, nor by the timid conservatism of old age. All ranks and all ages were represented by the signers. Among those of Boston were John Winslow, Thomas Brattle, and Simon Lynde; among those of Newbury were Thomas Parker, John and Benjamin Woodbridge, William Gerrish, Richard, Percival and Samuel Lowle, Thomas Hale, Sen., Anthony and Abiel Somerby, Tristram Coffin, John Knight, Sen. and Jr., and Richard Knight; and those of Ipswich were headed by John Appleton, William Norton, George Gittings, John Baker, Sen., Francis Wainwright; while among them are found, generally more than once, the names of Dennison, Hubbard, Perkins, Rogers, Whipple, Kimball. But the best evidence of the character of the signers is seen in the vote of the General Court, which "finding that the petitioners doe therein unjustly charge, threaten, & reflect upon this Court, to the dishonor of the members thereof," ordered that Capt. William Gerrish of Newbury, Capt. John Appleton of Ipswich, Mr. Edmond Batter of Salem, Capt. Thomas Savage, Mr. Thomas Brattle, Mr. Habbacuek Glover, and Mr. Thomas Deane, all of Boston, "all of them principall persons in the said petitions, some of them persons in publicke trust, all save one freemen of this colony & members of churches, be by the secretary warned to attend this Court in October next, to answer for the same."

Two letters among the English State Papers testify to the same effect. Colonel Nicolls, one of the King's Commissioners, wrote to Secretary Morrice, Oct. 24, 1666: "Most of the considerable Merchants & men of estates in the countrey petitioned the generall Court to comply with His Ma<sup>ties</sup> commands, but they are now to be question'd before another Court as seditious Persons." Samuel Mavericke wrote to Lord Arlington, August 25, 1668, saying that on August 6, 1666, the ship arrived with the King's letter, that the Council was not called

together for six weeks, and that the General Court voted not to send Bellingham and Hathorne, "which when known, many of the considerablest persons within the government (some of them Deputyes of that Court and Captaines of Companies) petitioned to the Court that his Ma<sup>ties</sup> command might be obeyed; but in stead of granting their request they summoned them to appeare before them, where they receiv'd a sharp reproofe for their presumption as they termed it."

The General Court met again on October 10; and now we have a very curious fact. The Court approved exactly the same letter as before to Secretary Morrice, but only the first half of it, answering the earlier letter of the king, but making no reference at all to his Majesty's letter of April 10. Why this was done I cannot say. The printed "Calendar of State Papers" shows that the September letter was sent and received.

All the documents, which I have so far quoted, are in print; but the matter now becomes more personal, and I make use of manuscript papers at the State House, all in Vol. 106 of the Archives, being, so to speak, matters of secret session. On October 17 Capt. John Appleton appeared before the General Court, armed with the following document:—

The Answar of us whose names are heareto Subscribed to what Is charged upon us by y<sup>e</sup> honored Generall Court As by ther Summons Appeares.

(1) As to y<sup>e</sup> Substance & purport of y<sup>e</sup> petition for w<sup>ch</sup> you<sup>r</sup> petitioners are In question they must proffess they neyther doe nor can dare recede from It. besides other obligations of contience & prudence Some of y<sup>m</sup> have taken y<sup>e</sup> oath of alleageance with many other y<sup>e</sup> members of y<sup>e</sup> honored General Corte Soe little while since cannot be forgotten by them nor can y<sup>t</sup> be of noe Signification to y<sup>m</sup> you<sup>r</sup> petitioners can avouche y<sup>t</sup> according to ther Contiens And best perswasion ther reall desire of y<sup>e</sup> good of y<sup>e</sup> Generall Court & every Member of it, of y<sup>e</sup> whole Contry & Collony as of y<sup>e</sup> Continuance of o<sup>r</sup> Libertys Granted by his Majestie in o<sup>r</sup> Charter was y<sup>e</sup> Sole Reason why they have petitioned & upon y<sup>e</sup> Same Grounds cannot recall it.

(2) You<sup>r</sup> petitioners doe most Seriously profess it to be contrary to their Judgem<sup>nt</sup> & intent in ther petition to cast any aspersion upon y<sup>e</sup> honored Generall Court or any member therof o<sup>r</sup> to Express y<sup>e</sup> least disrespect or disafection to y<sup>e</sup> whole or any of it being sensible of y<sup>e</sup> duty to Authority And therefore pleade not Guilty as to their

designe in ther petition, yet being Serieuse: as to y<sup>e</sup> matter of y<sup>e</sup> petition and scoape therof as y<sup>e</sup> Case Requires: you<sup>r</sup> petitioners were more Carefull therabout then Curious as for Any Gramaticall Criticisms w<sup>ch</sup> they might presume the Generall Court would not be most observant of at such a tyme & in such a Case, whearein y<sup>e</sup> matt<sup>r</sup> abundantly swallowes up any Circumstance and therefore pleade for y<sup>e</sup> Candor of y<sup>e</sup> Generall Court in over looking what you<sup>r</sup> petitioners might not see narrowly looke into upon y<sup>e</sup> acco<sup>t</sup> already given & that they would not Strein Expressions to Enfore a bad Construction from y<sup>m</sup> no<sup>r</sup> yet would you<sup>r</sup> petitioners be understood to acknowledge Guilt As to y<sup>e</sup> Expressions more then in thir Intentions, they can but Guess at what maye be anything capable of harsh Interpretation & therefore shall give ther owne in all y<sup>e</sup> passages which maye to any seeme Suspitiouse upon w<sup>ch</sup> y<sup>e</sup> Charge Contained in y<sup>e</sup> Summons maye possibly Be Grounded.

(3) As to y<sup>e</sup> Expressions following viz Being Involved by ther Silence In the dangerouse mistakes of psons otherwise well mynded Inclined to unsafe if not disloyall principalls &c<sup>a</sup> And agayne desire y<sup>t</sup> noe pty will see Irresistably carry on any dessighne of soe dangerouse Consequence In Answar heareunto you<sup>r</sup> petitioners Crave y<sup>e</sup> mentioning of thos many petitions y<sup>e</sup> Scoape wheareof y<sup>e</sup> Generall Court Cannot forgett, presented In October 1664<sup>1</sup> besides y<sup>e</sup> fame ther was of Croudes of petitions then ready to be Exhibeted to this Court of y<sup>e</sup> same tenno<sup>r</sup> with thos & you<sup>r</sup> petitioners desire this honored Court to understand Thos passages mentioned o<sup>r</sup> any of y<sup>e</sup> like nature in y<sup>e</sup> petition to have Reffrece unto such petitions o<sup>r</sup> petioners whome although they honor & Respect yet they cannot concurr with y<sup>m</sup> in ther apprehension of y<sup>e</sup> p<sup>s</sup>ent Case & not to y<sup>e</sup> Generall Court; & that you maye be pleased with good Reason soe to understand you<sup>r</sup> petitioners begg of y<sup>e</sup> honored Court not to allow such an interpretation of y<sup>e</sup> petition as should make it Controdict it selfe And to weigh with thos former this Expression Necessaryly referring to y<sup>e</sup> Courte viz That they would not be wanting in with holding any due Encouragem<sup>nt</sup> y<sup>t</sup> their concurrence might afforde in soe arduouse A matter you<sup>r</sup> petioners Conceave a Concurrence w<sup>th</sup> y<sup>e</sup> Generall Courte Intended is inconsistant w<sup>th</sup> A Charging of it o<sup>r</sup> reflecting upon it. further you<sup>r</sup> petitioners make their address to y<sup>e</sup> Generall Courte as Supplicants & therefore it maye be improbable y<sup>t</sup> should be Charged on y<sup>m</sup> w<sup>ch</sup> was sued unto by them.

[4] As to y<sup>t</sup> in y<sup>e</sup> petition upon w<sup>ch</sup> y<sup>e</sup> Charge of threatening must be Grounded namely necessitating their brethren & Equally Engaged w<sup>th</sup> them, &<sup>a</sup> You<sup>r</sup> petitioners answar Is y<sup>t</sup> it is impropper for thos

<sup>1</sup> See printed Records of the Colony of Massachusetts, vol. iv. part ii. pp. 136, 137.

y<sup>t</sup> speake Supplications to Intend threatenings y<sup>e</sup> Sollicitousness in y<sup>e</sup> petition to avoide inconveniency not desired but y<sup>t</sup> maye in case be Judged necessary is noe Comination; faithfull advertisement<sup>nts</sup> of danger argues noe will or purpose of procuring but preventing it; your petitioners in those words doe butt suppose what necessity y<sup>e</sup> highest of Lawes maye Enforce & affirme what themselves are unwilling to w<sup>ch</sup> can be noe threatening Your petitioners with others need not have been at y<sup>e</sup> trouble of troubling this honored Court but have waited y<sup>e</sup> proceedings of it, and accordingly have acted privately in such a waye as Is specified withoute y<sup>e</sup> proposing of such a danger to y<sup>e</sup> Consideration of y<sup>e</sup> Courte w<sup>ch</sup> their Ingenuity & respect to y<sup>e</sup> publike good & Interest of y<sup>e</sup> whole would not allow for w<sup>ch</sup> your petitioners presume they may not suffer.

17 Octobe<sup>r</sup> 1666.

Capt. Jno Appleton Gave in this as his pticular  
 Ans. tho it be writt in the plurall number  
 it being so Intended then but now he gives  
 it in his singular Capacity and to that he  
 he desires to stand unto.

E. R. S.

The substance of the document is better than the spelling, to which I should be sorry to think that Captain Appleton would "stand unto." All the persons warned to attend were discharged, the Court ordering the papers to be put on file, but not recorded. This, however, was not quite the end. Capt. John Appleton retained the confidence of his fellow-townsmen at Ipswich so fully that they sent him Deputy to the General Court of May 15, 1667. He appeared to take his seat; but the next day the question of his right to it came up, and was the cause of three papers, all only found on file.

May 16. 1667. The deputies of the gen<sup>l</sup> Court findinge Cap<sup>t</sup> John Appleton to be returned as a deputye for the Towne of Ipswich, & that upon his presentation thereunto, some question is made of his capacitye for that service, by reason of some expressions, in the petition by him signed the tendency whereof have manifestly breathed forth some un-faythfullnes to the Government here established, as by the generall courts result on examination thereof may appeare, & that in the managment thereof he hath not retracted the sd offensive expressions, but Justified himselfe under p<sup>t</sup>ence of his good Intentions, nor hath he here in the debate thereof taken any blame to himselfe, but rather Impute blame to this howse, Justifyinge himselfe in all by his good Intentions as afforesd, the p<sup>m</sup>ises considered, the deputies doe hereby declare the sd Cap<sup>t</sup> Appleton to be no fitt Member of their body, & that the freemen of Ipswich may on a legall warninge proceede to the choyce of

another, whereby the liberties of the freemen may not be Infringed nor the priviledges of this howse Invaded.

Voted by the deputs by way of answer  
to the freemen of Ipswich.

WILLIAM TORREY *Cleric.*

Capt. John Appleton had his "vindication" from his constituents, as follows: —

The humble Petition of the ffreemen of the Towne of Ipsw<sup>ch</sup> to the  
hon<sup>rd</sup> Gen<sup>ll</sup> Court now assembled at Boston.

May it please this hon<sup>rd</sup> Court to understand that wheras according to o<sup>r</sup> allowed p<sup>r</sup>iviledges and stated liberties, and in attendance unto, and p<sup>r</sup>suance of o<sup>r</sup> lawes specified in the 25<sup>th</sup> page of o<sup>r</sup> Booke of Lawes: Wee the ffreemen of Ipsw<sup>ch</sup> have orderly & formally Elected Cap<sup>t</sup> Jn<sup>o</sup> Appleton (ffor that hee hath allwayes app<sup>r</sup>ved himselfe unto us a Gentleman fully orthodox in his judgm<sup>t</sup> as to matters of fayth and points of Religion, p<sup>r</sup>essed amongst us Right good, honest pious and prudent in his conversation true & firmly faithfull as to the interest of the Colony and Governm<sup>t</sup> therof) to negotiate for us in these publicke affaires wherin o<sup>r</sup>selves as others are concerned, as a member of y<sup>e</sup> house of Deputyes, And wheras y<sup>e</sup> sayd Cap<sup>t</sup> Appleton (although not forward yet) was pleased to Gratify us w<sup>th</sup> the suscepcion of the burthen of such service & trust and accordingly to that End Repayred to y<sup>e</sup> Hon<sup>rd</sup> Co<sup>t</sup> and was there disaccepted, and thence dismissed unto o<sup>r</sup> great grief (if not to o<sup>r</sup> damage, by virtue of the second Law referring to y<sup>e</sup> choyce of Deputyes in the 25<sup>th</sup> page of y<sup>e</sup> booke) especially for that wee cannot understand what y<sup>e</sup> reasons of such rejection were, nor that it was y<sup>e</sup> act of the Co<sup>t</sup> entire according to w<sup>h</sup> is intimated as requisit in y<sup>e</sup> Law abovesd. Yo<sup>r</sup> Petition<sup>rs</sup> are bold humbly to crave of this hon<sup>rd</sup> Co<sup>t</sup> that y<sup>e</sup> sd Cap<sup>t</sup> Appleton may yet have his Admission as a member of the house of Deputyes for us, therein to discharge the trust committed to him by us, But if there bee cause to y<sup>e</sup> contrary appearing to y<sup>e</sup> hon<sup>rd</sup> Co<sup>t</sup> to whose determination wee are bound to submitt, Yet to y<sup>e</sup> End wee may not bee in any capacity of jealousyes (w<sup>ch</sup> wee would most Religio<sup>sly</sup> decline) of any disregard to us, partiality or non attendance to y<sup>e</sup> Lawes established amongst us, that wee looke upon as o<sup>r</sup> sanctuary of safety, & a mutuall bond unto all, w<sup>ch</sup> upon no pretext, or interest w<sup>e</sup>ver, may be violat<sup>e</sup>; Wee fffurther therefore most humbly entreat of this hon<sup>rd</sup> Co<sup>t</sup> that y<sup>e</sup> would bee pleased to favo<sup>r</sup> us, w<sup>th</sup> the information of the grounds of the procedure in this case, And yo<sup>r</sup> petitioners shall be bound ever to pray &c.

Voted at a meeting of the ffreemen on the 27<sup>th</sup>  
of May 1667 that this petition be sent unto  
the Gen<sup>ll</sup> Court. As attest ROBERT LORD *clerke.*

In Answ<sup>r</sup> to this Peticōn, The mag<sup>ts</sup> App<sup>h</sup>end its meet that Cap<sup>t</sup> Jno. Appleton be admitted or continued in his trust as a Deputy of this Court, in behalfe of the ffreemen of Ipswich, or that a just reason of his exclusion be rendred to the Court, that so there may be no just ground of dissatisfacōn given by this court to the freemen of this Jurisdiceon. The magist<sup>s</sup> have past this their brethren the deputy<sup>s</sup> hereto consenting.

EDW. RAWSON, *Secret.*

The deputyes consent not hereto

WILLIAM TORREY *Cleric.*

28: 3<sup>d</sup> 67.

I find nothing more relating to the case, and think that Capt. John Appleton was allowed to retain his seat, though I cannot positively say so. If not, his name would hardly have been left on the roll of Deputies, where it certainly is. The incident, however, was thought of sufficient importance to be mentioned by Samuel Mavericke in a letter to Lord Arlington, Oct. 16, 1667. Writing of the session of the General Court, he says: "The first act they did was the expelling Capt<sup>n</sup> Appleton of Ipswich who was chosen Deputy for that Towne; the crime laid to his charge was the subscription (to) that Loyall Peticōn presented to the last Court of which copies have been sent to your Lordp<sup>y</sup>" If he failed to approve himself to Dr. Palfrey the historian, he yet was held in high esteem by Samuel Sewall the diarist, who wrote thus: "1699. Seventh-day, Nov<sup>r</sup> 4. Capt. Apleton of Ipswich dies. He was an Israelite indeed a great Ornament of y<sup>e</sup> Ch. & Town. Died of y<sup>e</sup> Jaundies. 77 years." Of course this incident is not one of great importance in the history of Massachusetts; but I think it is of some interest as bringing together the king, the Colony, the General Court, the freemen of a town, and a single deputy, each and all, as by a common impulse, resisting real or fancied invasion of those rights which were regarded as of too much value to allow the least suspicion of infringement or change. I have thought it worthy of a hearing by this Society for this reason, as well as because of the opportunity of putting in print three documents from the rich and valuable archives at the State House, now exposed to all the risks inseparable from ancient manuscript volumes.









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