



From Meeting House to Church and Town House

How church and town, once almost identical,
became separate in an earlier Falmouth.

Frederick T. Turkington

The Village Green and the First Congregational Church after 1857 when the frame of the church was rolled north across the Green and placed in its present location on land donated by Baalis Shiverick. The photo was made from a stereoscopic slide. Courtesy Falmouth Historical Society.

This is a time of centennials. One year after the joyous celebration of the Town of Falmouth's 300th birthday, the First Congregational Church by the Village Green is celebrating its tricentennial.

On June 6, 1687, the inhabitants of Suckanesset, then incorporated as a township for just one year and not yet having adopted the name of Falmouth, met to set aside land and a dwelling house "for the help and encouragement of any fit person that is, or may be, employed in teaching the good word of God among us, or our posterity after us."

The history of the Old First Church, through five meeting houses, 26 ministers and thousands of members, is irrevocably tied to the history of the town.

An appropriate time to take a look at that relationship is this bicentennial year of the Constitution of the United States of America, which introduced something we have taken for granted all our lives, the deliberate separation of church and state. That was not the case when Falmouth was a small farming town on the fringes of a colony of English speakers set down in a wilderness.

Part 1. The Church and the Province

Before there was a Falmouth or before there was a church here, there was requirement that the future town would support the future church and its ministry.

A 1681 order of the Plymouth court, signed by Nathaniel Morton, secretary, spelled out the dividing line between the Township of Sandwich and Suckanesset Village to its south: "And it is also ordered and hereby granted that ye People and Society of Suckanesset do set apart about 30 acres of upland for ye help and encouragement of such fit persons as doth or may be helpful to them in teaching the good word of God among them and by perpetually for such an end successively."¹

Families from Sandwich and Barnstable having become permanently located at Suckanesset, the tract was incorporated by the province court at Plymouth in 1686. It became known as Falmouth after 1693. Barnstable county was established in 1685.

Well before then, firm backing by the civil government for orthodox religion had been established in the New England colonies.

Historically, a similar linking of church and state, of priests and rulers, can be found since the dawn of history, carried on by the Greeks and Romans. In Europe, prior to the Reformation, there was only one established church. National sovereigns might vary in their obedience to Catholic church precepts or instructions, but there was only one church to deal with. That situation changed with Luther and Henry VIII.

To settle the religious conflicts arising from the Reformation, the rulers and churchmen of the Holy Roman Empire agreed on the Peace of Augsburg in

1555. Each prince, it was agreed, was to determine if Catholicism or Lutheranism was to prevail in his lands. Calvinists and others were ignored. Dissenters could emigrate. The established church and the state were indissolubly bound together.²

The U.S. Supreme Court in a 1947 decision touched on this background:

"These practices of the old world were transplanted to and began to thrive in the soil of the new America. The very charters granted by the English Crown to the individuals and companies designated to make the laws which would control the destinies of the colonials authorized these individuals and companies to erect religious establishments which all, whether believers or nonbelievers, would be required to support and attend . . . and all of these dissenters were compelled to pay tithes and taxes to support government-sponsored churches whose ministers preached inflammatory sermons designed to strengthen and consolidate the established faith by generating a burning hatred against dissenters."³

The first organized English settlers in New England were the Pilgrims. Separatists from the Church of England, their relative religious liberality may have been due to their stay in tolerant Holland where diverse sects lived together in peace and harmony.⁴

For the first generation of settlers in Plymouth, there was no established church. The Plymouth colony never hanged any Quakers. But there was no doubt about how the colonial government viewed one's obligation to the church.

In 1651 the Plymouth court decreed that "if any lazy, slothful or profane persons in any of the towns, neglect to attend public worship, they shall pay for each offense ten shillings or be publicly whipped."⁵



From an early stereoscopic slide of the Village Green, ca. 1857, after the First Congregational Church was moved and before the roads were paved. Elija Swift planted the trees and built the fence around the Green at his own expense in 1832-33. Courtesy Falmouth Historical Society.

In 1655 the Plymouth court ordered that "no Quaker be entertained by any person or persons within this Government under penalty of five pounds for every such default, or be whipped."⁶ A 1656 law provided that "no public meeting but such as the government shall approve shall be set up."

Freeman⁷ records that a new law was adopted in 1658 that none were to vote in any election, or to fill any place of trust, who did not take the oath of fidelity to the Crown. That same year fourteen residents of Sandwich were summoned to court to give a reason for not having taken the oath. This was a religious test. They maintained that they "held it to be unlawful to take the oath." None were then professed Quakers, though several afterwards became such. Eleven were fined five pounds each, "for the colony's use."

By an act of 1666, selectmen of each town were required to present to the court the names of all persons who absented themselves from religious worship. Towns that neglected to have a minister were to be taxed by the court to support public worship.

In 1670 came the strongest Plymouth law on this: Each town was required to be constantly provided with an "able, learned and orthodox minister, of good conversation, to dispense the word of God," to be "suitably encouraged and sufficiently supported and maintained" by the inhabitants. If any neglected to do this more than six months, the court was to enforce the law at the town's expense.

Massachusetts Bay colony had already enacted laws to curb the spread of the Religious Society of Friends, or Quakers, and other dissenters, laws that were more stringent than those of Plymouth colony. Four Quakers had been hanged in Boston, others had had their ears cropped, their tongues bored, had been flogged, fined and imprisoned.

For a sect which had but recently been subject to penalties for nonconformity with the established church in England, this Puritan reaction to Christian newcomers of another persuasion seems drastic. But the Quakers of the 17th century were not the mild, philosophical Friends of today. They were religious radicals, who shouted down preachers, disrupted religious services, and whose new and fast-growing belief posed a threat to the public order as the Puritans meant it to be.⁸

The Baptists posed a similar threat to the established church and at first received similar treatment from the government. In 1651 three Rhode Island Baptists visited Lynn in Massachusetts, at the request of a former member of the Newport church, to hold a worship service. All three were arrested, one was given 30 lashes, another fined.

The Puritans, who began settling in the Massachusetts Bay colony in 1628, had brought with them the principles of theocratic church-state relations which Calvin had put into effect in Geneva.

In 1636, the General Court assumed the power of regulating the affairs of the local churches. A principle was formally adopted by the General Court in 1641: "The civil authority hath power and liberty to see the peace, ordinances and rules of Christ observed in every Church, according to His word . . . It is the duty of the Christian magistrate to take care that the people be fed with wholesome and sound doctrine."⁹

"On the eve of the Quaker invasion of Massachusetts Bay," in the 1650s, writes Jonathan M. Chu in *Neighbors, Friends and Madmen*, "Puritans believed that they had developed an effective balance between ecclesiastical and temporal power in a way that maintained peace and orthodoxy. Crucial to the Puritan enterprise in the New World had been the

attempt to balance church and state. Scarred by their recent experience in England with Charles I and Bishop William Laud, Puritans in Massachusetts Bay established ecclesiastical and civil institutions with separate, limited areas of jurisdiction. . . . There was one exception, magistrates were supposed to suppress corrupt forms of religious worship.¹⁰

"During the first half of the seventeenth century, few Englishmen questioned that, despite all the religious controversy of the time, there could be only one true church, and that the state had to support its demands for conformity."¹¹

To remove their own brand of religious suppression here from the view of England, the Puritans delegated enforcement from General Court to county courts. But county courts did not always view Quakers and Baptists as cause of sedition or even of petty disorder. These religious dissenters were their neighbors. When county courts found no threat to the community, the superior courts had difficulty in purging Quaker or Baptist heterodoxy.

Two founders of a Baptist church in Charlestown in 1665 were imprisoned for a year and in 1668 the Court ordered them banished. Then when 66 persons signed a petition, the Court relented. In 1679 the Baptists were able to build a meeting house in Boston.¹²

By choosing the civil criteria, the General Court and Massachusetts Bay allowed the rise of a rudimentary form of religious toleration.

Studying taxes and fines in Salem, 1658-70, Professor Chu finds that the fines actually paid were comparable to amounts Quakers might have had to contribute to the orthodox church. They average 12 shillings annually for each household; annual per household rate for the ministry was also about 12 shillings.¹³

In 1692 a new charter for the colony was granted by William and Mary who had acceded to the throne of England following the Glorious Revolution. Plymouth was joined in the Massachusetts Bay colony, with its legislature, the General Court, located in Boston.

That 1692 charter spelled out that "there shall be liberty of Conscience allowed in the Worship of God to all Christians (except Papists) inhabiting or which shall inhabit or be residents within our said province or Territory."

The Bay colony churchmen's interpretation of this was that the province charter was attempting to bring to the nonconformists of New England a full assurance that they should suffer no interference in their method of worship by the state church of England. They saw no local application.

Dr. Increase Mather wrote, on the new charter, "Religion is secured; for liberty is granted to all men to worship God after the manner which in their consciences, they shall be persuaded is the most scriptural way. The General Court may, by laws, encourage and protect that religion which is the general profession of the inhabitants."¹⁴

According to Freeman, at the first General Court session following, in 1693, the former platform of church discipline was re-established. This law was disapproved in England.

In the ensuing decades religious controversy simmered rather than boiled, and more often than not involved Catholicism. Public attention turned to building a nation, settling the West and gaining independence.

It was adoption of the United States Constitution which put an end to debate over the separation of church and state. Suddenly, they were separated.

Article VI of the Constitution spells it out: "No religious test shall ever be required as a Qualification to any Office or Public Trust under the United States."

Among the first ten amendments to the federal Constitution, ratified and effective in 1791 and known as the Bill of Rights, the first amendment reads, in part: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

In Massachusetts, the break was not quite so clean.

Article III of the Constitution of the Commonwealth of Massachusetts still reads: "It is the right as well as the duty of all men in society, publicly and at stated season, to worship the SUPREME BEING, the great Creator and Preserver of the nation, and no subject shall be hurt, molested, or restrained in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments, provided he doth not disturb the public peace or obstruct others in their religious worship."

This Commonwealth was earlier even more reluctant to dissociate itself completely from the exercise of religion. There was an echo of the ancient debate in the Article III which was effective until 1833, more than four decades after ratification of the U.S. Bill of Rights. Its provisions included that the legislature had the power to authorize and require "the several towns, parishes, precincts and other bodies politic or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily."

S. Paul Schilling summed up the long battle in his chapter on religion in *Three Centuries of a Cape Cod County*, published in 1985 to mark the tercentennial of Barnstable county:

"The transition (was) from a state church to religious pluralism, from enforced conformity to freedom of belief, worship and practice. In the early days there was almost no distinction between ecclesiastical and civil government. With the influx of Quakers, Baptists, Methodists and others, this monolithic structure was shattered. The sheer weight of numbers of people of diverse backgrounds compelled the abandonment of intolerance and the extension of full religious liberty to all."¹⁵

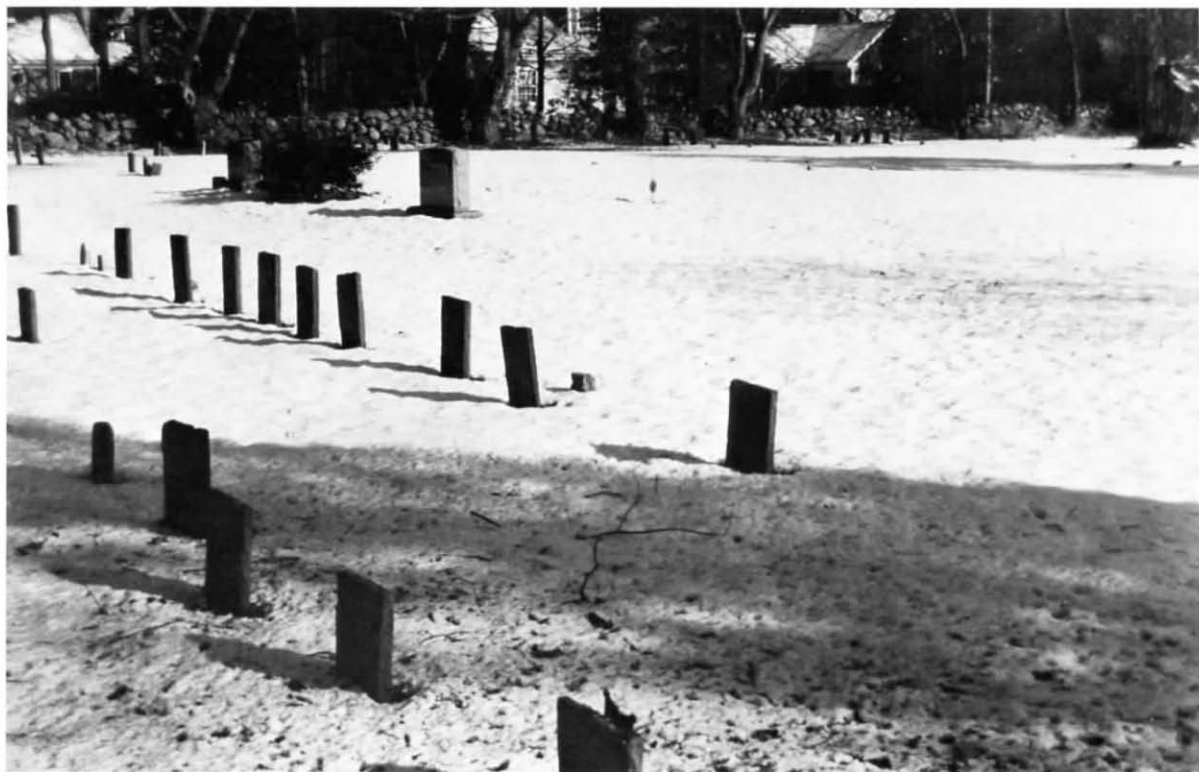
Part 2. The Church and The Town

In his 1843 lectures on the early history of Falmouth, Charles W. Jenkins observes that "In the absence of all allusions in the early records of such occurrences, we must conclude that, if the Quakers were persecuted in this town, it must have been on the authority and in obedience to the laws of the General Court established in Plymouth, and not as a result of a persecuting spirit on the part of our own inhabitants."¹⁶

Another historian, Deyo, records that there are traditions that Friends were made to suffer even here on orders from Plymouth, that Daniel Butler was "tied to a cart and whipped through the town."

Province-wide, the Cart Tail Ordinance was enacted in 1661, authorizing and directing constables to tie Quakers to a cart and whip them to the borders of the next town, where another constable was to take over, until the borders of the colony were reached.

But Deyo also notes that Falmouth records show an application from "the persecuted Quaker Daniel But-



ler" to be "reduced from liabilities to the ministry on account of his being a Friend." The request was granted by the town.¹⁷

There was often this difference between colonial policy and its actual application in such outlying towns as those on Cape Cod. Plymouth Court said in 1672 that it would grant new commons (open land) to Sandwich settlers, but only to those helpful in support of the ministry. Sandwich town meeting voted in 1675 on a list of persons who had the privileges of the town, and this included all of the Quakers.¹⁸ Quakers were elected highway surveyor (1663) and assessor of taxes (from 1667) in Sandwich.

There are glimpses in the monthly meeting minutes of Quaker protests against discrimination: "At our men's meeting at William Allens ye 7 day of 3 month 1680 ffriends did appoynt William Newland and Edw Perry to draw up a writing to send to ye

Old Burying Ground showing purported site of the first Meeting House built ca. 1690. Photo by Bruce Chalmers.

Govnor concerning their debarring or prohibiting of friends by their law from our common rites and privileges as voaters in towne meetings."

It is hard to tell what came of this. In May that year, "Friends have made choyce of William Allen to give to ye Court and if he see cause to speak to ye Court concerning ye prohibiting of us of our priviledges." At the June meeting: "At this meeting William Allen gave in to friends ye court's answer regarding their former actings against us."

It was taxation to support the ministry which caused most of the friction between Quakers and the government.

At Sandwich and Falmouth Quakers resisted the collection for many years, and were regularly distrained of their goods in conformity with the law, according to the Sandwich Monthly Meeting records.

Deyo notes that Cape towns elected Friends to responsible offices even while the sect seemed outlawed by the Plymouth court. In 1691 Isaac Robinson Jr., a Quaker, was elected Falmouth's deputy to the Plymouth court.

In Falmouth, Thomas Bowerman Jr., who built the ship's bottom roof house in West Falmouth, was elected selectman in 1701, serving four consecutive years. Beginning in 1703, Thomas Bowerman Jr. was also elected town clerk, again serving four years.¹⁹

In the winter of 1704-05, Sandwich Monthly Meeting records show that the meeting sent "a bed and bedding to Thomas Bowerman 2nd, he being a prisoner (in Barnstable) for the priest's rate."²⁰ He had earlier been jailed twice.

In succeeding years, the constable seized his cows, calves and swine, to be sold to pay fines for his refusal to pay for support of a minister.

Apparently it was a belief which ran strongly in the family. Sandwich Monthly Meeting on Dec. 17, 1729, records: "This meeting agrees to pay 2 thirds of four pounds to pay the charge of Sending to Boston to get Steven and Samuel Bowerman released out of prison who were put in for the Priests rate."²¹ They were sons of Thomas, Jr.

Falmouth for years maintained the tradition of having one Friend among the town's three selectmen. Town records show that ten of them followed Thomas Bowerman for terms of up to 14 years, until the middle of the 19th century.²² Other Friends were chosen for less exalted town positions. Some humor in town records is suggested by the successive titles given William Gifford in the early 18th century. Mr. Gifford's land included an island in West Falmouth, now Chapoquoit, then known as Hog island. Town election records list his jobs and those of his sons as "to look after the swine," then as Hog Reeve, Hog Constable and Hog Governor.²³

Falmouth and Sandwich were still fining dissenters in the early 18th century. Apparently the towns' support of the established church was otherwise inadequate. When in 1707 the General Sessions of Barnstable County discovered that these two towns were "defective in respect to the ministry," they gave orders according to the 1706 law on support of the church, but enforcement was difficult. When the matter reached the General Court, that body voted 20 pounds from the province treasury for the ministry at Falmouth,²⁴ by this act setting a precedent for future years. The year 1713 saw the sum of 40 pounds held out as an inducement for the town to build a meeting house in Falmouth.²⁵

Later the General Court came to the assistance of Joseph Metcalf, the minister, when Falmouth refused to take into account the depreciation of the currency when paying his salary (a common prob-

Extract from *The Treasured Heritage of the First Congregational Church of Falmouth*. Margaret G. Long, 1958.

lem). Mr. Metcalf was author of a work on "enforced maintenance" in which he argued strongly in favor of the system. The work has not survived but apparently can be followed closely in the reply to it by a Quaker, Thomas Chalkley, *Answer to Metcalf*.

In 1719 Mr. Metcalf's case was turned over to "the Committee that received the Charity of this Province Collected the last year, upon a brief issued by this Government for the Propagating of the Gospel."²⁶

The next decade marked the end of funds from the public tax collection to the ministry. Legislative efforts toward relief for conscientious objectors to taxation for the church began with the law of June 29, 1728.²⁷ The General Court decreed that on refusal to pay taxes for support of the ministry: "alleging a scruple of conscience for such their refusal," that hereafter any belonging to a society of Anabaptists or Quakers should be exempt from having their polls taxed for such an object, "nor shall their bodies be at any time taken in execution to satisfy any such ministerial rate or tax assessed upon their estates or faculty" provided such persons were in the habit of attending their own meeting on the Lord's Day and lived within five miles of a place of worship.

Governor Jonathan Belcher, appointed in 1730, was a friend of the Quakers, and was influential in securing passage of the law of Dec. 24, 1731, which set up a new method of determining who was a Quaker, and "exempt from taxes for the support of the ministry or for building meeting houses."

The 1732 session of New England Yearly Meeting of Friends was the last to record "sufferings for priests rates" among Quakers.

Quoting from the Harvard University transcript of Mr. Metcalf's record, "The Falmouth parish was not an easy one, both because of its poverty and the Quakerish inclinations of a good number of its inhabitants." The Quakers did not believe in a hired ministry, and they resented having to pay taxes to support it. Hence, it was especially difficult for a minister to get a raise in his salary, though he might be half-starving on the pittance he was allowed.

Sad it is that the records reveal nothing of this newly formed Church from 1708 until 1711 when Mr. Metcalf released 60£ of his back salary, the town being by then a whole year in arrears to him. He forgave the town its debt. However, three years later he had to appeal to the General Court on the grounds that the town had "been disabled from Affording a necessary Maintenance by the Extraordinary Frowns of Heaven by Worms & Drought." The Court voted 20£ toward "Retrieving his present low Circumstances." Then prices soared on the wings of inflation, and he pleaded in vain with the town to increase his salary. He then turned to the courts, thinking to have Falmouth indicted for not maintaining a minister as the law required, but the courts replied that he was being paid 60£ a year according to his contract, and it was not their business if prices had gone up so that he could not support his family on that sum. Then Mr. Metcalf appealed to the General Court, which ordered that he be given relief and that the judicial courts see to it that he be properly supported.

The Baptists who came early to Cape Cod did not experience the troubles of their fellows in Boston. Freeman records that the town of Eastham remitted church taxes for a Baptist in 1750, that three resident Baptists were listed in Harwich in 1759, and that Baptists formed a church in Barnstable in 1771.²⁸

There had been growing pressure from England for an end to discrimination toward dissenters in New England. Quakers in England in 1675 established the Meetings for Sufferings, "to endeavor for relief by the law of the land to stop the Destroyer." Similar committees were set up by New England Yearly Meeting, then in Rhode Island. Monthly and quarterly meetings were directed to report to yearly meetings all instances of maltreatment of Friends under cover of law.

In her *Church and State in Massachusetts, 1691-1740*, Susan M. Reed concludes that: "The relative strength of the Society of Friends in England, with its wealth and political influence, worked in favor of the Quakers in the colonies.

"Massachusetts Puritans had no such backing in England, and were closely associated in the view of British government officials with opposition to the Navigation Acts and the British commercial system, and playing a very independent role in its treatment of British governors.

"In this way a small matter of local significance, the application of the 17th century ecclesiastical law in provincial Massachusetts, was influenced by English party politics and the enforcement of the British colonial system.

"Although the exemption legislation gained in this period was not the real religious liberty which was desired, it marked the first retreating step on the part of the aggressive church state in Massachusetts."²⁹

The Cape meeting of Quakers had at least a small part in this lobbying campaign.

A May meeting in 1729 records that "Ebenezer Wing and Joseph Wing appointed to gather the money sent for in the Epistle from Rhode Island for Richard L. Partridges services done in England at court, in order to get friends released from ye priests rate. Falmouth weekly meeting to raise 35 shillings and Sandwich three pounds ten shillings to make up ye five pounds five shillings sent for."

Cape towns had already moved toward exempting Quakers from supporting the church. In Sandwich, as early as 1696, the town voted 60 pounds for the Rev. Roland Cotton "provided, however, that he shall remit yearly the proportion of all those neighbors generally called Quakers."³⁰

In Falmouth on March 6, 1717, the freeholders and other inhabitants, after electing officers, voted to have the assessors make the minister's rate separate from other town taxes, "in order to free the Quakers from paying to the ministers reate." In 1721 town meeting voted 170 pounds for the minister's settlement and salary, "to clear the Quakers."

Up to that time, there had been an assumption that the town was responsible for supporting and housing a minister, as required by a succession of province laws. And it was town meeting which voted to hire, or fire, a minister.

Neither town nor church records show when Samuel Shiverick first came to Falmouth. A Huguenot refugee, educated in France,³¹ he was both preacher and teacher. Town meeting on Oct. 25, 1700, voted to raise 15 pounds for Mr. Shiverick, the salary promised "when he came here" is the notation, "and all the inhabitants of said town to be taxed to defray the charge."



In the foreground on the left is the old Town House, built in 1840 on Main Street, on the site of what is now Dr. George DeMello's dental office. The house to the right of the Town House was the Samuel Shiverick house and is now the site of the Falmouth Post Office. Opposite the Town House (but not visible in the photograph) was the homestead of John Hatch, later the Bodfish house, now the Rectory of St. Barnabas Church. Courtesy Falmouth Historical Society.

Little more than a year later, the town book records "The 10th Day of December, 1701, the Town being orderly warned and assembled together, it was voted that Mr. Shiverick was now of this town minister."

The hand-written records of town meeting actions show that Falmouth still vacillated. In 1702 the vote was to raise 15 pounds for the relief of Mr. Shiverick, "his yearly maintenance not being paid him." Later in that year: "Said meeting did then agree that they would not employ Samuel Shiverick any more to preach to them." Still later it was voted "to look out for a fit person to preach the word of God and to teach school."

It was "the inhabitants of this town" who in 1707 chose the Rev. Joseph Metcalf. He agreed to come to Falmouth, the town providing a 50 acre lot, two cows and a well, cut firewood up to 20 cords per winter, 160 pounds sterling for settlement and for the first 36 months, then 40 pounds a year the fourth to sixth years, increasing to 80 pounds as the town grew.³²

With the arrival of Mr. Metcalf, the First Congregational church was organized in the fall of 1708, separating from the First Church in Barnstable. Mr. Shiverick's name led the list of Falmouth residents making the change.

In 1715 the town voted to erect a meeting house for the public worship of God and to gather in open town meetings.

In 1724 the Rev. Josiah Marshall succeeded on the death of Mr. Metcalf, invited by vote of the church, concurred in by the town. On Mr. Marshall's dismission in 1730, the town bought his house and property for 545 pounds.

The Rev. Samuel Palmer was called by the church to succeed him. A June 30 town meeting voted Mr. Palmer to be the town's minister, and 12 dissenters, all Quakers, entered their protest in the town's book of records.³³

There were in this case, and for the first time, separate actions taken by the town and by the church. On Mr. Palmer's death in 1775, the town allowed his widow and family to continue to use certain public lands.

In 1780 the Rev. Isaiah Mann was invited by the church, and the invitation was concurred in by town meeting. When he died in 1789, the town voted to his family "the improvement of the school house lot this year, and the rye growing on the hill lot, and the firewood that is cut."

Town action relating to the calling or support of the clergy ended at this time, according to Jenkins. This was the year that the federal Constitution went into effect, and the Rev. Henry Lincoln of Hingham was called to the pastoral charge by the church only. According to the First Congregational church records, the permission of the town, for the first time on such occasions, was not asked.

The Congregational church did have the backing of the state government to tax its members and even to arrest them if they did not pay up, until amendment of the state constitution in 1833.³⁴ Well into the 19th century the selectmen signed the warrants for the annual meetings of the church membership.

Also ended about then was the joint use of the central meeting house for both town business and for church services. It was not until 1840 that Falmouth built a separate town hall. It was on the north side of Main street, just west of where the Falmouth post office now stands. It was not far from the far larger First Congregational church. But it was separate.

Frederick T. Turkington grew up on Long Island, N.Y., graduated from the Syracuse University School of Journalism and came to Falmouth in 1948. A town meeting member, he has served on the finance committee and conservation commission. Retired after 35 years with the *Enterprise*, he is active on the 300 Committee, wrote for *The Book of Falmouth*, and attends the Quaker meeting in West Falmouth.