

1974

## Dual localism in seventeenth-century Connecticut : relations between the general court and the towns, 1636-1691

Thomas Walter Jodziewicz  
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DUAL LOCALISM IN SEVENTEENTH-CENTURY CONNECTICUT:  
RELATIONS BETWEEN THE GENERAL COURT AND THE TOWNS,  
1636-1691

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A Dissertation

Presented to

The Faculty of the Department of History  
The College of William and Mary in Virginia

In Partial Fulfillment  
Of the Requirements for the Degree of  
Doctor of Philosophy

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by

Thomas Walter Jodziewicz

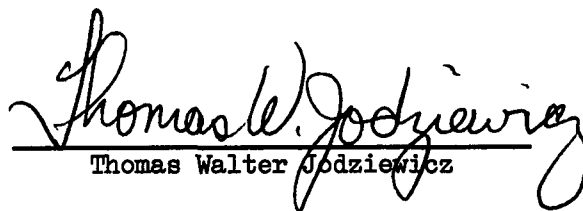
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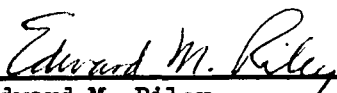
  
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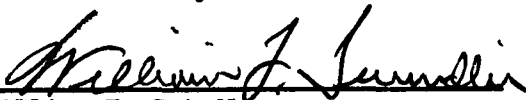
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TO MY FATHER AND THE MEMORY OF MY MOTHER

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## PREFACE

Regarding seventeenth-century orthography and dating, I have followed two consistent editorial policies. As long as the quoted passage from a manuscript is intelligible in itself I have maintained seventeenth-century spelling, capitalization, and punctuation in order to retain and to communicate a more immediate sense of the documents. I have placed any alterations in brackets. In dating I have combined the O.S. (Old Style or Julian calendar) and N.S. (New Style or Gregorian calendar) designation for dates between January 1 and March 24. That is, the O.S. year, used by the colonists, began on March 25 rather than January 1 as in the N.S. calendar. Hence February 5, 1655 O.S. has been designated February 5, 1655/6. This was done because 1) the colonists dated according to the O.S. calendar and their manuscripts use O.S. dating, 2) such double dating cuts down on the possibility of mistakes regarding the use of seventeenth-century documents used in the present study, and 3) the colonists' use of double dating was encountered on occasion during research in seventeenth-century Connecticut.

My graduate study at the College of William and Mary, as well as the research and writing of the dissertation, was aided by the following fellowships and scholarships: William and Mary Fellowship (1970, 1971), DuPont Research Fellowship (1970-1971), Mary Shannon Harrington Scholarship, Colonial Dames (1971, 1971-1972), Seay Fellowship (1971-1972), and

a Richard M. Weaver Fellowship (1971-1972).

Four persons assisted in the completion of this study. Dean John E. Selby contributed incisive and very helpful comments on the organization of the paper and firmed hesitant conclusions with his pointed questions. The dissertation benefited immeasurably from the close critical reading of my dissertation adviser, Professor Richard Maxwell Brown, who has continued ever to set a much-appreciated example of professionalism. Of course neither Dean Selby nor Professor Brown is responsible for any errors or shortcomings in interpretation or conclusion within the paper.

My son Tom did nothing for the completion of the dissertation that I could footnote, but he was always ready to take me away from it for more "important" and relaxing pursuits such as toy trucks and Dr. Seuss books. My wife Janet has suffered with me through every moment of this seemingly endless project. There have been hardships; there have been joys. We did it together.

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## ABSTRACT

Seventeenth-century Connecticut enjoyed a local or ingrown perspective. This fundamental aspect of the colony's life was reflected most accurately in the activities of the colony's two levels of government: the town and the colony. Basically the town government valued indigenous town interests above outside interests. The colony government pursued policies and directions calculated to ensure the integrity and the growth of Connecticut. Such an intention occasionally necessitated contacts with outsiders whether the Massachusetts Bay Colony, Rhode Island, or even English authorities. The Connecticut Colony's primary concern, however, was always Connecticut. There were only two, most often complementary, interests recognized in the colony: those of the colony and those of the various towns.

The purpose of this study is to define and to describe seventeenth-century Connecticut's dual localism, *i.e.*, the working-out of colony and town interests within the structure of Connecticut's respective political institutions: the General Court and the town meeting. The principal method of research was to calendar all General Court orders and all available town meeting records of nine representative towns--Hartford, Windsor, Wethersfield, Farmington, Middletown, Fairfield, Norwalk, New London, and Stonington--and then to correlate the results in order to reconstruct the interaction of Court and town.

The relations of the General Court and the towns were studied through intra-town and inter-town affairs, the principal occasions for relations between the General Court and the towns. Intra-town affairs were those matters that concerned an individual town such as land, fences, livestock, timber, wolves, trade and local industry, town churches, meetinghouses, and schools. Inter-town affairs were those matters that affected two or more towns at a time such as boundaries; highways, ferries, and bridges; rates or taxes; the Indians; and military affairs.

The study concludes that while the General Court held ultimate sovereignty in the colony the Court was moderate in its exercise of such authority. The towns' subordination to the General Court was accepted by the towns yet within certain limits Connecticut's towns practiced an every-day independence. This basic tension between town subordination and town independence was never resolved. Rather, Connecticut's fundamental stability rested upon an essential consensus within the colony on political means and ends, as well as on a general acceptance of the institutional structure of dual localism.

LIST OF ABBREVIATIONS

CA	Connecticut Archives, Connecticut State Library, Hartford
<u>CR</u>	<u>The Public Records of the Colony of Connecticut: 1636-1776</u> , ed. J. H. Trumbull and C. J. Hoadly, 15 vols. (Hartford, 1850-1890)
<u>CHSC</u>	Connecticut Historical Society, <u>Collections</u> (Hartford, 1860--)
Fairfield TR	Fairfield Town Records
Farmington TV	Farmington Town Votes and Proprietors' Records
<u>Hartford TV</u>	<u>Hartford Town Votes, 1635-1716</u> in Connecticut Historical Society, <u>Collections</u> , VI (Hartford, 1897)
<u>Laws of 1672</u>	<u>The Book of the General Laws for the People within the Jurisdiction of Connecticut: Collected Out of the Records of the General Court</u> (Cambridge, Mass., 1673)
Middletown TV	Middletown Town Votes and Proprietors' Records
New London TR	New London Town Records
Norwalk TM	Norwalk Town Meetings
<u>Some Early Records</u>	<u>Some Early Records and Documents of and Relating to the Town of Windsor, Connecticut, 1639-1703</u> (Hartford, 1930)
Stonington TV	Stonington Town Votes
Wethersfield TV	Wethersfield Town Votes
Windsor TA	Windsor Town Acts, 1650-1714; Laying-Out of Lots

DUAL LOCALISM IN SEVENTEENTH-CENTURY CONNECTICUT:  
RELATIONS BETWEEN THE GENERAL COURT AND THE TOWNS,  
1636-1691

## CHAPTER I

### INTRODUCTION

#### A. Narrative of Connecticut History, 1636-1691

On October 15, 1635, John Winthrop, Sr., noted in his Journal that "about sixty men, women, and little children, went by land toward Connecticut with their cows, horses, and swine, and after a tedious and difficult journey, arrived safe there."<sup>1</sup> This small group joined a handful of other Dorchester, Massachusetts, neighbors who had traveled a few months before to a site on the Connecticut River adjacent to--and infringing upon--a Plymouth Colony trading-post established in 1633. Despite a terrible ordeal during the winter of 1635-1636, the Dorchester contingent survived to found the Connecticut town of Windsor and was joined in 1635 and 1636 by more Massachusetts emigrés. The latter who were drawn chiefly from Watertown settled the town of Wethersfield.<sup>2</sup> The final large group emigrating from the Bay Colony arrived in Connecticut in June 1636 led by one of the principal personalities in early Connecticut history: "Mr. Thomas Hooker, pastor of the church of Newtown, and the most of his congregation, went to Connecticut. His wife

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<sup>1</sup>James Kendall Hosmer, ed., Winthrop's Journal: "History of New England," 1630-1649, Original Narratives of Early American History (New York, 1908), I, 163.

<sup>2</sup>Charles McLean Andrews, The Colonial Period of American History: the Settlements, II (New Haven, 1936), 66-74; Albert E. Van Dusen, Connecticut (New York, 1961), 19-22.

was carried in a horse litter, and they drove one hundred and sixty cattle, and fed of their milk by the way."<sup>3</sup> Thus was the third of Connecticut's River Towns, Hartford, founded.

Historical speculation as to the reason for the exodus to Connecticut has centered on economic, religious, political, and personal motivations. The aggrieved inhabitants of Dorchester, Newtown, and Watertown in fact complained of the lack of available land in the Boston area. Perhaps difficulties regarding the Massachusetts political system and its practical centralization of political power in the discretion of the magistracy was offensive to the future Connecticut men. Perhaps the impetus for the removal to Connecticut was compounded by ecclesiastical and personal differences between Thomas Hooker and John Cotton, the ranking ministerial luminary in the Bay Colony.<sup>4</sup> The initial reasons for removal offered by the Newtown residents in September 1634 were 1) the want of grazing land for their cattle and further land for future inhabitants, 2) the obvious advantages of the fertile Connecticut area and a clear danger of its control by the Dutch or other Englishmen, and 3) "the strong bent of their spirits to remove thither."<sup>5</sup> The reasons given by Newtown in 1634 do indeed seem an adequate explanation for the establishment of Connecticut Colony when the last reason is subjected to a

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<sup>3</sup>Hosmer, ed., Winthrop's Journal, I, 180-181; Andrews, Colonial Period, II, 74-75. The names Dorchester, Newtown, and Watertown were officially changed to Windsor, Hartford, and Wetherfield respectively by the Connecticut General Court on February 21, 1636/7: J. Hammond Trumbull and Charles J. Hoadly, eds., The Public Records of the Colony of Connecticut: 1636-1776, 15 vols. (Hartford, 1850-1890 /reprint ed., New York, 1968/), I, 7, hereafter cited as CR, i.e., Connecticut Records.

<sup>4</sup>Andrews, Colonial Period, II, 82-91; Perry Miller, "Thomas Hooker and the Democracy of Connecticut," in Errand into the Wilderness, pb. ed. (New York, 1964), 23-35; Van Dusen, Connecticut, 17-18.

<sup>5</sup>Hosmer, ed., Winthrop's Journal, I, 132.

political interpretation. That is, the reasons may be deemed adequate when the last is viewed in light of the form and direction of future governmental development toward which "their spirits" would tend.

One further obstacle to settlement had first to be cleared before the Connecticut enterprise could begin to develop into what was hoped would be a thriving colony. The problem was the absence of a legal title to the geographical area comprising present-day Connecticut. In 1632 the Earl of Warwick had conveyed land in New England to a number of English gentlemen. In 1635 certain of these Puritan dignitaries-- Lord Saye and Sele, Lord Brooke, Sir Arthur Hesilrige, John Pym, and John Hampden--had contracted with John Winthrop, Jr., to establish a colony at the mouth of the Connecticut River. Initially this place of future refuge for Puritan grandees was to consist of a fort and a number of houses. Upon his arrival in Boston in the summer of 1635 the younger Winthrop learned not only of the planting of the Dorchester and Watertown emigrés within the area covered by his commission but also of the Plymouth trading-post and a small Dutch fort situated in present-day Hartford. Conferences held in Boston throughout the winter of 1635-1636 between John Winthrop, Jr., and the leaders of the Connecticut venture led to an agreement wherein Thomas Hooker and his fellow planters recognized the Warwick territorial claim and John Winthrop, Jr., as governor of the tract. In return Winthrop, Jr., officially recognized the nascent Connecticut plantations. To circumvent the absence of a legal government in Connecticut--the Warwick Patent conveyed only title to the land and no other personage or colony, including Massachusetts, had any legal title in the area--both sides in the compromise accepted the Massachusetts General Court "as a go-between or friendly broker" by means of

which the Massachusetts Court conferred authority on the agreement between Winthrop, Jr., and the planters. That is, the Massachusetts General Court disingenuously issued a commission to eight Connecticut men "to govern the people at Connecticutt for the space of a year."<sup>6</sup> According to a strict reading of the law Massachusetts had no real authority to grant such a commission. In fact, Connecticut Colony did not have actual legal status until the granting of the Charter of 1662 by Charles II. Legal niceties gave way to the realities of the New World, however.

The Massachusetts dispensation is most important in the history of seventeenth-century Connecticut because of the commission's relation to the famous Fundamental Orders of 1639, Connecticut's first written, indigenous instrument of government. The commission gave the eight named planters--Roger Ludlow, William Pynchon, John Steele, William Swain, Henry Smith, William Phelps, William Westwood, and Andrew Ward--authority to dispose of judicial matters, make decrees and orders necessary for the good of the colony, exercise military discipline, and wage war if the necessity for such an activity should present itself. More to the point, the Massachusetts commission--probably drawn up by Roger Ludlow who would later figure prominently in the writing of the Fundamental Orders and the first codification of Connecticut law in 1650--differed markedly from a fundamental principle of Massachusetts government in that the commissioners could convene the towns' inhabitants in a court if necessary "to procede in executing the power and

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<sup>6</sup>Andrews, Colonial Period, II, 74-78; see also Van Dusen, Connecticut, 23. The Bay was in effect establishing its own claim to the area.

authority aforesaid."<sup>7</sup> Moreover, no religious qualification was employed regarding political involvement as was the law in Massachusetts.

The clause--never invoked--regarding the possibility of general meetings of the towns' inhabitants pointed the way toward a significant element in the scheme of government formulated in 1639. The Fundamental Orders incorporated the principle of a government founded on the popular will in sections wherein 1) the freemen could convene a General Court if the governor or magistrates failed to do so, 2) the deputies could meet before the opening of a General Court to formulate a program for the Court session, and 3) no religious qualification for office or franchise was mentioned except for the office of governor: the governor must be a member of an approved congregation. The reality of the popular will continued to play an important part in Connecticut political life throughout the seventeenth century. The remainder of the eleven Fundamental Orders dealt with the procedures for the election of the governor, magistrates, and town deputies; the convening of semi-annual General Courts; and procedures for the conduct of the General Court.<sup>8</sup>

Between 1637-1639, i.e., between the expiration of the one-year Massachusetts commission for government and the establishment of a formal political system by means of the Fundamental Orders (1639-1662), the affairs of the colony were conducted by a General Court composed of magistrates elected in some unknown fashion by the representatives of Hartford, Windsor, and Wethersfield. The three towns' committees, or

<sup>7</sup>Andrews, Colonial Period, II, 78-79; Mary Jeanne Anderson Jones, Congregational Commonwealth: Connecticut, 1636-1662 (Middletown, Connecticut, 1968), includes a copy of the Massachusetts commission (176-177).

<sup>8</sup>CR, I, 20-25. For descriptions of the officers of the General Court and the towns see below and especially Chapters II and III.



deputies to the General Court, were elected by the townspeople.<sup>9</sup> This two-year exercise of government had even less legality than the government established per Massachusetts commission. The ability of the interim Connecticut government, however, was amply demonstrated by its direction of the colony's efforts in the Pequot War. Earlier in the seventeenth century these Indians had been pushed into eastern Connecticut by the Mohawks. A series of incidents involving the Pequots and English colonists resulted in the 1637 war in which Connecticut virtually annihilated the tribe.<sup>10</sup>

Between the establishment of the Fundamental Orders in 1639 and the issuance of the Charter of 1662, eight new mainland towns were added to Connecticut's jurisdiction.<sup>11</sup> Two of the towns, Farmington (1645) and Middletown (1651), were within the area settled by the three original River Towns. Fairfield (1639), Stratford (1639), and Norwalk (1650) were established along Connecticut's Long Island Sound coast in the western part of the colony. New London (1646) on the coast and Norwich (1660), situated to the north of New London, were settled in the eastern portion of the colony. Saybrook (1635), the site of John Winthrop, Jr.'s, early effort to implement his commission from the Warwick Patentees, was purchased in 1644--as well as the Patent itself--from

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<sup>9</sup>Andrews, Colonial Period, II, 91-92; CR, I, 8-20.

<sup>10</sup>Alden T. Vaughan, New England Frontier: Puritans and Indians, 1620-1675, pb. ed. (Boston, 1965), 122-154; see also Chapter VI.

<sup>11</sup>At various times throughout the seventeenth century, Connecticut was proffered allegiance by contentious Englishmen resident in eastern Long Island and restless under Dutch rule. The Long Island connection offered Connecticut an excuse to take part in imperial matters, if only on the periphery. However, the Connecticut championing of the English cause against the Dutch was bottomed upon aggrandisement not patriotic zeal. Further, the intermittent Long Island adventures had no impact on the internal affairs of the colony.

George Fenwick, the only resident proprietor. The purchase of the phantom Warwick Patent included title to any lands between the Connecticut River and Narragansett Bay that might come within Fenwick's power.<sup>12</sup> During this period Connecticut also rid itself of the foreign presence near Hartford. In 1654 the Dutch were expelled from the House of Good Hope, the fort-trading-post they had maintained since 1633.<sup>13</sup>

Connecticut participated in the first attempt at intercolonial co-operation in the New World when it joined in the formation of the New England Confederation in 1643. Composed of Massachusetts Bay, Plymouth, New Haven, and Connecticut--Rhode Island, the New England pariah, was pointedly left out--the Confederation was principally an attempt to coordinate colony policies regarding the Indians and the Dutch, attend to the propagation of the Gospel to the Indians, and provide a forum for discussion and decision of other matters such as boundary disputes between colonies, the apprehension of fugitives, or whatever else might be introduced by the colony representatives or commissioners. In the end the New England Confederation was a failure because of the effective veto power of the three smaller colonies against Massachusetts' grander interests and the total absence of any semblance of power available to the Confederation with which to enforce its decisions upon recalcitrant members.<sup>14</sup>

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<sup>12</sup>Dorothy Deming, The Settlement of the Connecticut Towns, in Charles McLean Andrews and George M. Dutcher, eds., Tercentenary Commission of the State of Connecticut, Historical Publications (New Haven, 1933-1936), VI, 11-15; hereafter cited as Tercentenary Historical Publications. For the problems with the Warwick Patent see especially Jones, Congregational Commonwealth, 158-161, 173-175.

<sup>13</sup>Van Dusen, Connecticut, 58.

<sup>14</sup>Harry M. Ward, The United Colonies of New England: 1643-1690 (New York, 1961).

With the granting of the Charter of 1662, Connecticut received the first official English recognition of its legal status as a colony. The Charter was most generous in that it effectively formalized the political status quo. The single new addition to the colony's structure of government was a clause that made allowance for a final appeal from colony justice to the king.<sup>15</sup> The Charter also described Connecticut's boundaries, a source of continuous inter-colonial conflict for the remainder of the century.

Connecticut's official 1662 charter boundaries included New Haven Colony and according to a legalistic interpretation approximately four-fifths of Rhode Island. The former situation resulted in a two-year struggle as a slowly decreasing majority of the upright inhabitants of New Haven, Milford, Guilford, Greenwich, Stamford, and Branford sought to maintain their independence of the more religiously--and politically--liberal jurisdiction of Connecticut. By 1665, New Haven Colony had yielded to the inevitable. Immediately, in a characteristic move, the Connecticut General Court assembled in May 1665 witnessed the accommodative election of four New Haven Colony men to twelve of the Connecticut magisterial positions.<sup>16</sup>

The Rhode Island problem was more difficult to settle, however. John Winthrop, Jr., had been joined in London in 1662 by Dr. John Clarke who was representing Rhode Island in that colony's attempt to obtain its own new charter. Winthrop and Clarke agreed that the reference in

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<sup>15</sup>Andrews, Colonial Period, II, 137-143; Van Dusen, Connecticut, 67-71. For a copy of the Charter see CR, II, 3-11.

<sup>16</sup>Andrews, Colonial Period, II, 185-194; Van Dusen, Connecticut, 72-74; Richard S. Dunn, Puritans and Yankees: the Winthrop Dynasty of New England, 1630-1717, pb. ed. (New York, 1971), 117-142.

Connecticut's prospective charter to "Narragansett River" as the colony's eastern boundary would be interpreted to mean the Pawcatuck River, the modern boundary between the states of Connecticut and Rhode Island. Upon his return to Connecticut, however, Governor Winthrop's verbal agreement with Clarke was ignored by a General Court intent on establishing the colony's eastern boundary at Narragansett Bay--and engrossing four-fifths of Rhode Island in the bargain. The inevitable result was a boundary dispute between Connecticut and Rhode Island that was not settled until 1726.<sup>17</sup>

Between 1662-1691, seventeen new mainland towns were added to the colony. Six--New Haven, Milford, Guilford, Branford, Stamford, and Greenwich--were former New Haven Colony towns joined to Connecticut in 1665. Of the remaining eleven, four conformed to the earlier Connecticut settlement pattern of an inverted letter T. That is, previous settlement had been along the Connecticut River and Long Island Sound. Haddam (1668) was founded on the Connecticut River above Saybrook while Stonington (1650, although not a Connecticut town until 1664), on the Rhode Island border, and Lyme (1665) and Killingworth (1667) were established on the Sound. In addition the inland areas east and west of the Connecticut River were being opened to town establishment: west of the river Simsbury (1670), Wallingford (1670), Woodbury (1673), Derby (1675), Waterbury (1674), and Danbury (1685) were founded, while east of the river Preston (1686) was settled north of Stonington.<sup>18</sup>

Despite continued pre-occupation with its own internal affairs and physical growth, Connecticut could not totally escape the less than

<sup>17</sup>Roland Mather Hooker, Boundaries of Connecticut, Tercentenary Historical Publications, XI, 1-15. See also Chapter V.

<sup>18</sup>Deming, Settlement of Connecticut Towns.

altruistic attentions of outsiders. Thus, the period of the second Dutch War (1663-1667) brought in its wake royal commissioners to New Amsterdam (renamed New York) to measure Connecticut's western boundary in order to define the eastern boundary of the Duke of York's recent grant of New York. In 1674, however, the Duke, the future James II, obtained a new patent from his brother Charles II that reconfirmed the eastern boundary of the Duke's territory as the west bank of the Connecticut River and obviated a 1664 compromise between the royal commissioners and Connecticut that had ignored the Duke's claim to one-half of Connecticut. Governor Edmund Andros of New York attempted to take control of the western half of the Connecticut Colony in 1675, but a determined Connecticut response in the presence of Connecticut troops at Saybrook caused Andros to return to New York.<sup>19</sup> Nothing further came of the Duke's claim.

Except for the partial burning of the town of Simsbury, Connecticut's local polities did not suffer as did the towns of Massachusetts, Plymouth, and Rhode Island in the devastating King Philip's War (1675-1676). However, Connecticut did its share in the war by maintaining on the average one-seventh of its militia in service for varying periods of time during the last great Indian war in New England and by increasing its taxes 1800 percent within two years.<sup>20</sup> Perhaps most significant, the defeat of Philip resulted in a situation in which Connecticut found itself free of any non-English hostile frontier. Protected by its fellow English colonies of New York, Massachusetts, and Rhode Island,

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<sup>19</sup>Van Dusen, Connecticut, 73-74, 82-83.

<sup>20</sup>Van Dusen, Connecticut, 75-82; Douglas Edward Leach, Flintlock and Tomahawk: New England in King Philip's War, pb. ed. (New York, 1966).

Connecticut was able to concentrate on developing its decidedly moderate internal wealth.

Indeed, despite repeated attempts to develop a consistent, valuable export, Connecticut was throughout the seventeenth century a relatively poor colony. The majority of its inhabitants labored in agricultural pursuits not much above a subsistence level.<sup>21</sup> A seventeenth-century Connecticut yeoman whether resident in Windsor, Fairfield, or New London was concerned most about the cultivation of his cleared land in order to grow such crops as wheat, rye, Indian corn, or peas. Fences were important to him because of problems caused by loose and damaging livestock, especially swine. His home was humble, his diet coarse, his attention oriented primarily toward his own community. In his town he voted for town and colony officers, paid his taxes, both town and colony, and attended the local congregational church. He served in his town's contingent of the colony militia and gave his grumbling assistance in local civic activities such as the building of roads and bridges and the burning of commons fields in order to clear them for pasturage. His life was indeed hard, and his vision was circumscribed.

Religion, although important in Connecticut, did not overtly intrude upon the Puritan colony's government and was practiced in a "liberal" manner. That is, the inclusive rather than exclusive church--and attendant theology--associated with the efforts of the Reverend Solomon Stoddard in the Upper Connecticut River Valley were indulged in less self-consciously by a number of Connecticut congregations much

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<sup>21</sup>See Roland Mather Hooker, The Colonial Trade of Connecticut, Tercentenary Historical Publications, I, for a description of the colony's economy from the perspective of its meager export trade.

earlier than the Massachusetts minister's moment of notoriety. The official Connecticut government stance on religious worship as early as 1664 was one of moderation and, to a significant degree, toleration.<sup>22</sup> Moreover, the colony and town offices and franchises remained formally free of any religious test.

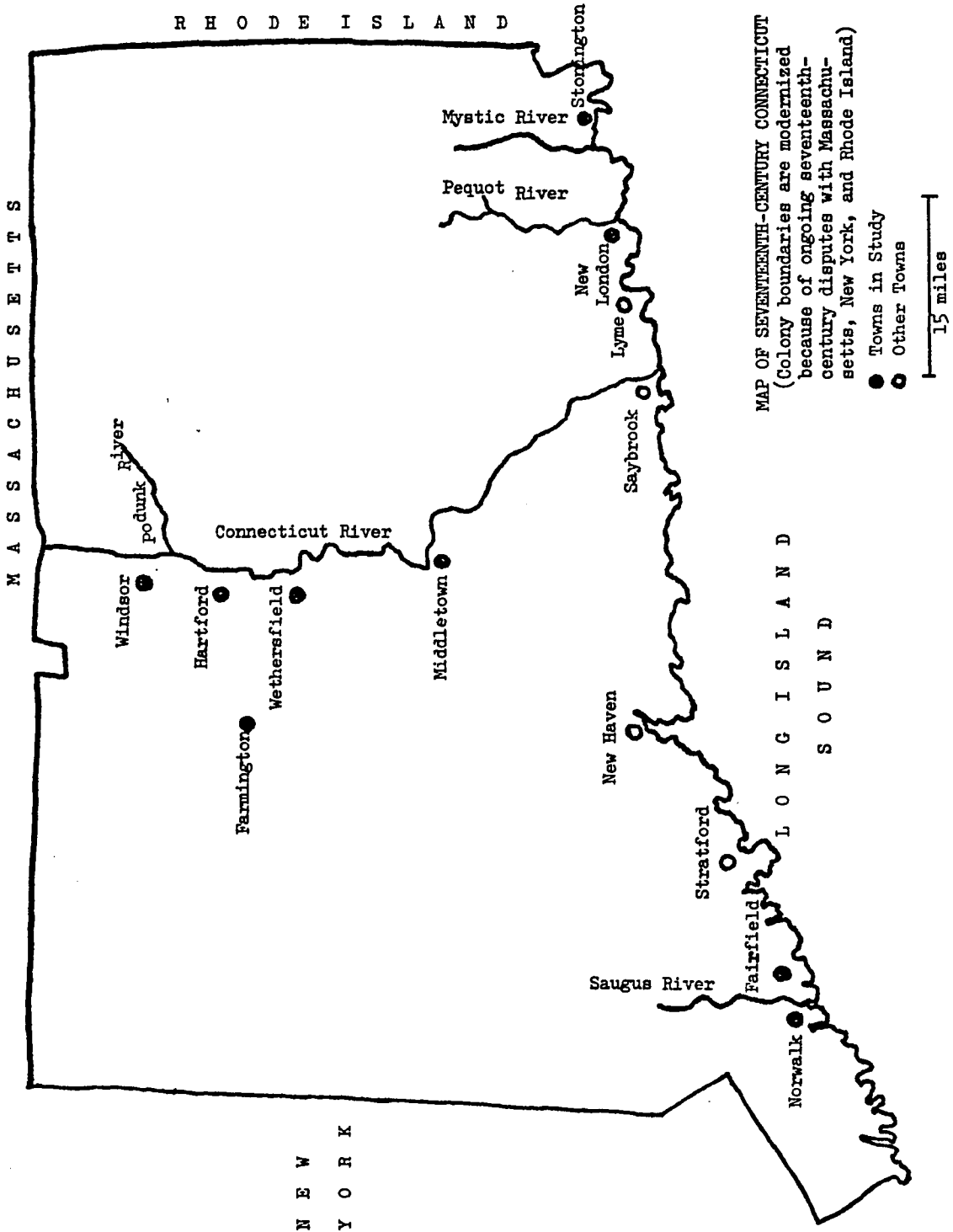
The final factor of historical moment in the 1636-1691 period of Connecticut history was the usurpation of the Connecticut government by the Dominion of New England. The Dominion, an English effort to centralize and control the administration and trade of the Northern colonies, was intended to include Maine, New Hampshire, Massachusetts, Plymouth, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. The annulment of the Bay Colony's charter in 1684 and the subsequent issuance of a quo warranto against Connecticut's own charter caused much concern in the latter colony. However, Connecticut never did formally give up its charter, although the colony did function as part of the Dominion from October 31, 1687, to May 9, 1689. On the latter day, Connecticut's version of the Glorious Revolution was enacted, Andros' Dominion was set aside, and the government elected in Connecticut in May 1687 was reinstated until new elections could be held.<sup>23</sup> While opposition to a return to the 1687 government was manifest in Connecticut, it was neither widespread nor effective.<sup>24</sup>

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<sup>22</sup>See Chapter IV.

<sup>23</sup>Van Dusen, Connecticut, 84-90; Dunn, Puritans and Yankees, 229-257. The standard work on the subject is Viola Florence Barnes, The Dominion of New England: a Study in British Colonial Policy (New Haven, 1923). See also Michael Garibaldi Hall, Edward Randolph and the American Colonies, 1676-1703, pb. ed. (New York, 1969).

<sup>24</sup>See especially James Poteet, "Gershom Bulkeley of Connecticut: A Puritan Aberration," University of Virginia History Club, Essays in History, XII (1966-1967), 42-54.



MAP OF SEVENTEENTH-CENTURY CONNECTICUT  
 (Colony boundaries are modernized because of ongoing seventeenth-century disputes with Massachusetts, New York, and Rhode Island)

- Towns in Study
  - Other Towns
- 15 miles



### B. Historiography of Seventeenth-Century Connecticut

Any narrative of seventeenth-century Connecticut is usually lacking in one important aspect: the colony's internal affairs. Much of the historical discourse regarding seventeenth-century Connecticut has dealt with the colony's establishment, the Fundamental Orders, John Winthrop, Jr.'s, peripatetic brilliance, the Charter of 1662, the incorporation of the New Haven Colony into Connecticut, and the colony's interlude in the Dominion of New England. Internal affairs, more particularly intra-colony political affairs, have not received their proper attention. Recent New England historical scholarship, in fact, has relegated political or institutional history to secondary consideration for a renewed interest in one element of colony affairs--social history.

The historiography of seventeenth-century New England has shared in the advances, and problems, occasioned by the present surge of scholarly experimentation with various methodologies of the social sciences.<sup>25</sup> Consciously or no, historians have incorporated concepts and insights borrowed from, among others, behaviorialism, quantification, demography, and psychology. Using new techniques, new forms of evidence, and new ways of understanding previously-known evidence, recent historians of colonial New England have added substance and form to the study of familial and personal relationships, as well as relations between families and/or larger groups, such as towns.<sup>26</sup> The

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<sup>25</sup>For a brief assessment see Richard S. Dunn, "The Social History of Early New England," American Quarterly, XXIV (December 1972), 661-679. For a comprehensive treatment of New England historiography before the present emphasis on social history, see Edmund S. Morgan, "The Historians of Early New England," in Ray Allen Billington, ed., The Reinterpretation of Early American History: Essays in Honor of John Edwin Pomfret, pb. ed. (New York, 1968), 41-63.

<sup>26</sup>See especially Dunn, "Social History."

results, while mixed, have been an opening and reopening of the vast historical resources of colonial New England to renewed scholarship and scholarly effort. The current emphasis on the smallest social units--the individual, the family, and the town--taken in conjunction with the traditional historical treatment of seventeenth-century Connecticut has revealed a serious gap in our understanding of the colony. That is, did Connecticut have any indigenous political history?

A partial explanation for the neglect of any extended study of seventeenth-century Connecticut's political history rests with the hoary sobriquet "land of steady habits." In essence Connecticut was supposed to have been a drearily stable colony innocent of the type and degree of conflict commonly associated with politics in such well-studied colonies as Massachusetts Bay. In fact, seventeenth-century Connecticut's internal affairs were primarily a matter of stability although--it must be emphasized--conflict was also present. What is necessary for a proper study of seventeenth-century Connecticut's internal affairs is the proper and efficacious categorization or paradigm for such research.

In an essay on "Changing Interpretations of Early American Politics," Jack P. Greene has offered "a rough typology of political forms into which, after the elimination of certain individual variants, most pre-1776 colonial political activity can be fitted." Greene's types of political forms are described as "chaotic factionalism," "stable factionalism," and "domination by a single, unified group." A fourth classification suggests the traditional characterization of seventeenth-century Connecticut: "faction free with a maximum dispersal of political opportunity within the dominant group." Greene's definition of this type--"depended upon a homogeneity of economic interests among all

regions and all social groups, a high degree of social integration, and a community of political leaders so large as to make it impossible for any single group to monopolize political power"--does not adequately describe seventeenth-century Connecticut.<sup>27</sup> Perhaps Connecticut's experience was, in fact, unique. Indeed the most fruitful way in which to study Connecticut's political history in the seventeenth century is to concentrate on the relations between the General Court, or colony government, and the towns. These two entities, the General Court and the towns, were the basic political groups in seventeenth-century Connecticut.

The General Court performed the supreme legislative and judicial functions in the colony. The Court was composed of the governor, the deputy-governor, up to fourteen magistrates, and one to four representatives, or deputies, from each of the colony's towns.<sup>28</sup> As the colony government, the General Court passed orders, or legislation, dealing with any and all colony affairs whether economic, military, political, or social. Until 1662 the General Court was also the final court of appeal in judicial proceedings.<sup>29</sup>

The town was the fundamental unit in the colony's political-institutional structure. Given its own head in local matters--its orders could not be contrary to colony law, however--the town elected a group of men called townsmen who directed the town's affairs. Other

<sup>27</sup>Billington, ed., Reinterpretation of Early American History, 151-184.

<sup>28</sup>The number of magistrates was set at twelve by the Charter of 1662. The Charter also limited each town to two deputies per General Court. See Chapter II.

<sup>29</sup>The right of appeal to the king was not exercised before 1691. See Chapter II.

local functions were performed by such elected officials as haywards, tax raters and listers, fenceviewers, and highway surveyors. In its turn the General Court confirmed a town's nominee for the important post of town constable and chose town commissioners (the future justices of the peace) from among the town's leading men.<sup>30</sup> A study of the relations between the General Court and the towns reveals the non-theoretical, practical working-out of a political relationship not readily exportable to other colonies but highly effective within the confines of Connecticut Colony in the seventeenth century. Historians of the colony have given scant attention to Connecticut's intra-colony political history.

For example, a recent historian of Connecticut Colony has written that Benjamin Trumbull's A Complete History of Connecticut, Civil and Ecclesiastical, From the Emigration of its First Planters, From England, in the Year 1630, to the Year 1764; and to the Close of the Indian Wars, 2 v. (New Haven, 1818) is "the best general history of Connecticut in the colonial period."<sup>31</sup> Preoccupied as Trumbull was with ecclesiastical and military affairs, however, he gave short shrift to colonial politics, especially in the seventeenth century. Although, in sum, Trumbull portrayed a "land of steady habits" located between the protecting arms of Massachusetts and New York, his statement of Connecticut's political stability was basically negative--Connecticut seemed to have no politics between 1636 and 1700.

The pre-eminent historian of colonial Connecticut remains Charles McLean Andrews. In his first work, The River Towns of Connecticut: A

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<sup>30</sup>See Chapter III.

<sup>31</sup>Richard L. Bushman, From Puritan to Yankee: Character and the Social Order in Connecticut, 1690-1765, pb. ed. (New York, 1970), 302.

Study of Wethersfield, Hartford, and Windsor,<sup>32</sup> Andrews was concerned primarily with the institutional structure of the three named communities. The River Towns is still a valuable, standard work although its usefulness vis-à-vis the other colony towns is limited. To the point of Connecticut's storied stability, however, Andrews juxtaposed the image of towns subordinate to the General Court, yet all but independent within their own bounds. Thus, Andrews implicitly dissented from Herbert L. Osgood's earlier portrait of the colony's political structure. In order to demonstrate that no theory of federalism could be deduced from the early Connecticut experience--because the towns had never really been independent to begin with--Osgood had described the Connecticut towns as under the continuous control of the General Court in the seventeenth century.<sup>33</sup> In fact, Andrews' insight of a fundamental tension between

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<sup>32</sup>In Johns Hopkins University Studies in Historical and Political Science, VII, nos. 7-9 (Baltimore, 1889).

<sup>33</sup>The American Colonies in the Seventeenth Century (Gloucester, Mass., 1957 [1904-1907]), I, 306. See also Osgood, "Connecticut as a Corporate Colony," Political Science Quarterly, XIV (1899), 251-280. This erroneous idea of total town subordination to the General Court is still given credence. Bruce Colin Daniels writes in "Large Town Power Structures in Eighteenth Century Connecticut: an Analysis of Political Leadership in Hartford, Norwich, and Fairfield" (unpub. Ph.D. diss., University of Connecticut, 1970) that he finds the towns in Connecticut were more tightly-controlled than those in Massachusetts, where a high degree of town autonomy was practiced. He adduces his conclusion from Sumner Chilton Powell's Puritan Village: the Formation of a New England Town, pb. ed. (New York, 1965). Further, in an unfootnoted conclusion Daniels contends that there were not many town meetings in seventeenth-century Connecticut because there was not much to do. Finally, in another unfootnoted remark, Daniels asserts that seventeenth-century townsmen often petitioned the General Court in order to act on some matter, whereas in the eighteenth century the towns were able to act on their own more often than not. Such questionable assumptions underscore the need for actual research in seventeenth-century history.

On the other hand, Alexander Johnston, a contemporary of Andrews and Osgood, offered an interpretation that the Connecticut towns were the superior political entities in the colony. In Johnston's view the towns had founded the colony and therefore were residuary legatees of

the General Court and the towns, between subordination and independence, has found conditional support in two recent works on neighboring Massachusetts, supposedly the prototype of the General Court-dominated colony. Both Sumner Chilton Powell's study of Sudbury and Kenneth A. Lockridge's work on Dedham contain few specific allusions to the Massachusetts General Court. In particular, Powell's Sudbury seemed to exist and to function as practically an independent political entity.<sup>34</sup> And finally, in a later work, Andrews offered a further insight regarding the apparent non-political nature of Connecticut's colony and local affairs. He described the distances between the Connecticut towns and the resultant communications problems as "a condition that had a marked effect in slowing down the tempo of the colony and developing that spirit of local independence and self-reliance always so characteristic of the Connecticut communities."<sup>35</sup>

Since the publication of Andrews' Colonial Period of American History, New England historical scholarship has not concerned itself with seventeenth-century Connecticut's form of politics. The colony's seventeenth-century political process, when noted, has usually been treated in an ancillary way, i.e., as a supplement for some type of social history. Anthony N. B. Garvan's volume on Architecture and Town

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Connecticut's political power. Despite Andrews' later criticism of such a contention, Johnston's notion of a federative democracy has validity. There was no democracy in the modern meaning of the term, but there was a real, unresolved tension between the General Court and the towns. As stated in the present study, however, the final political authority was found in the General Court--if necessary. Johnston, Connecticut: a Study of a Commonwealth-Democracy (Boston, 1893).

<sup>34</sup>Powell, Puritan Village; Kenneth A. Lockridge, A New England Town: the First Hundred Years, pb. ed. (New York, 1970).

<sup>35</sup>Andrews, Colonial Period, II, 120.

Planning in Colonial Connecticut,<sup>36</sup> for example, was concerned with the technical, non-political aspects of the subjects indicated by its title. The result was a portrait, from a unique and brilliant perspective, of a rather in-grown, isolated "land of steady habits." Garvan saw the colony's homogeneity, based both on its predominantly English settlers and economic and social isolation, reflected in a prevalent architectural-type in the seventeenth-century: the English yeoman's farm house of eastern England. In turn this pre-eminent architectural-type reflected a social--and a political--stability in the colony: "architectural uniformity recalled the high per capita land wealth of the colony, its equitable land division, its absence of great trade, its homogeneous population--all conditions which led to stable society and aversion to architectural novelty."<sup>37</sup>

Richard S. Dunn's study of the Winthrop family in seventeenth-century Connecticut does note the prominence of Captain James Fitch in the colony's politics, especially in opposition to the Winthrops and their rival claims to lands in the eastern part of the colony. This confrontation was mainly an issue in the last decade of the century, however.<sup>38</sup>

More important for the present work is the study by Richard L. Bushman, From Puritan to Yankee: Character and Social Order in Connecticut, 1690-1765.<sup>39</sup> In order to describe the flowering of a contentious,

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<sup>36</sup>New Haven, 1951.

<sup>37</sup>Ibid., 128-129.

<sup>38</sup>Dunn, Puritans and Yankees, 286-288, 294-295, 314-319, 328-330.

<sup>39</sup>New York, 1970.

dynamic Yankee community in the eighteenth century, Bushman assumed the existence in the seventeenth century of a quiet, static Puritan community: a land of steady habits. Bushman's more significant understanding of the realities of seventeenth-century Connecticut, and its peculiar political and social circumstances, however, were offered in the form of a reply he made to a negative review of the first part of his book by Rupert Charles Loucks in The Connecticut History Newsletter.

Addressing himself to Bushman's somewhat impressionistic portrait of seventeenth-century Connecticut, Loucks denied emphatically the existence, at any time, of a "land of steady habits:"

Although no historian would deny that compared to the eighteenth century and beyond, the pre-1690 Connecticut social order was relatively static, still the record of continuous physical expansion and religious and ecclesiastical controversy left by the first two generations would seem to cast doubt upon the notion that the colony was ever a land of peculiarly "stagnant steadiness" (to use Richard Durn's phrase), entering into the mainstream of colonial development only in the eighteenth century.<sup>40</sup>

Bushman entered a gentle demurrer even as he acknowledged the seemingly unavoidable persistence of the "land of steady habits" concept. Apparently, Bushman continued, his own studied refusal to use the offensive phrase in From Puritan to Yankee was nullified by his stress on order and stability. He had not intended to mislead the reader since his model of a community ideal was not meant to preclude conflicts in the towns. Bushman asserted that his own research had convinced him that there was a self-conscious community framework or order that "was genuinely sustained by everyone:" i.e., there was a well-recognized and well-accepted ideal of community harmony, a systematic institutional framework to enforce the values of the social order, and an economic

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<sup>40</sup>The Connecticut History Newsletter, no. 2 (May 1968), 5-6.



incentive present in the whole structure that made it "profitable" for men to enter into the community. Conflict was present but was hardly destructive of the ideal.<sup>41</sup> According to Bushman, then, seventeenth-century Connecticut's political processes would have taken place within the viable framework of a self-consciously accepted community order, i.e., within a system where the common good and the interests of groups were synonymous, or nearly so. In light of an extended analysis of the relations between the General Court and the towns, Bushman's overview of seventeenth-century Connecticut is quite accurate.

#### C. Towns Selected for Study

The choice of towns for the present study of General Court-town relations was based on the town's representation of one of the three major areas of extended settlement in seventeenth-century Connecticut--along the Connecticut River and along Long Island Sound east and west of the Connecticut River--and on the longevity of its existence as a colony town. In 1691, Connecticut had a total of twenty-nine towns within its boundaries. Not included in the twenty-nine are the various Long Island towns sometimes under the authority of Connecticut in the seventeenth century. These towns were peripheral to Connecticut's internal political concerns. Nor are Connecticut towns founded before 1691 by Massachusetts--Enfield (1683), Suffield (1674), and Woodstock, founded as New Roxbury (1686)--included because they did not come into the Connecticut Colony until 1749. Rye, New York, a Connecticut town from 1665-1683, likewise is not included in the total of twenty-nine towns.

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<sup>41</sup>Ibid., 6.

Of the twenty-nine towns in 1691, nineteen were officially recognized by the General Court by 1665. However, six of these nineteen towns were originally part of the New Haven Colony until 1665 and were not included specifically in the present study of Connecticut's towns between 1636-1691 because of their different background and late inclusion in Connecticut Colony. From the remaining thirteen towns, nine were selected as representative of the three principal areas of Connecticut settlement. The Connecticut River area is represented by the original River Towns--Hartford, Wethersfield, and Windsor--and two other towns founded under River Town auspices: Farmington (1645) and Middletown (1651). The area along Connecticut's western coast on Long Island Sound is represented by two more towns established by River Town emigrés: the "seaside" towns of Fairfield (1639) and Norwalk (1650). The eastern shore is adequately represented by New London (1646) and Stonington (1650, joined the colony in 1664).

The four towns omitted from the present study do not compromise the validity of the conclusions reached regarding relations between the General Court and the towns. Stratford (1639) was a neighbor to Fairfield and Norwalk who together represent the continuing interests of the seaside towns. Saybrook (1635) situated at the mouth of the Connecticut River was important more as the site of the colony's only legitimate fort than as a town. Moreover, the Connecticut River area of settlement is well-represented in the study by Hartford, Windsor, Wethersfield, Farmington, and Middletown. Finally, the absence of Norwich (1660) and Lyme (1665) in the east was adjudged to be fully recouped by the

lengthier historical existences of New London and Stonington.<sup>42</sup>

Of the nine towns selected for analysis, seven were in effect settled by the Massachusetts Bay Colony. The three original River Towns --Hartford, Windsor, and Wethersfield--were instrumental in the founding of Farmington, Middletown, Fairfield, and Norwalk. The future site of Farmington, west of Hartford, was first noted by traders who were favorably impressed by the friendly Tunxis Indians and the availability of good land. Officially recognized as a town by the General Court in 1645, Farmington remained a small, backwater plantation throughout the seventeenth century. Reflecting the town's distinctive solitude were the stolid careers of such men as town recorder John Steele and the perennial town deputies Stephen Hart, Sr., Anthony Howkins, and John Standly. Howkins and later John Wadsworth also served as magistrates.

Middletown was established below Wethersfield on the west bank of the Connecticut River in 1651. Hostile Indians had prevented the earlier settlement of the area. As a River Town Middletown had a number of its more difficult problems--those dealing with land division, rating, and the church--resolved through the unofficial exertions of colony officials resident in Hartford, Windsor, and Wethersfield. Although larger in population than Farmington, Middletown remained in truth a medium-sized plantation if only because of its location adjacent to the larger, original River Towns. Like Farmington, Middletown's local

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<sup>42</sup>The town meeting records of two of the four remaining towns begin well after the respective town's settlement: Saybrook (1635, 1667); Stratford (1639, 1697). Norwich (1660, 1670) and Lyme (1665, 1665) offered a much closer correlation between settlement and records, but again the eastern area of the colony was considered to be well represented in the present study by New London and Stonington. Gaps in the records of the nine towns chosen for the study are noted in the bibliography.

affairs were dominated by a small group of men: Nathaniel White, who served as a town deputy for seventy-one sessions and as a townsman ten years; William Cheeny; and Giles Hamlin. The town's first minister, Samuel Stow, contributed in his own unfortunate way to the town's impassive character through his dismissal in 1659 and his subsequent efforts to obtain redress from an unmoved populace.

Of the three founding towns, Hartford early became the principal River Town as well as colony town. As the colony capital and the home of many colony officials and luminaries--the Reverend Thomas Hooker; Governors John Haynes, Edward Hopkins, John Webster, and after 1657 John Winthrop, Jr.; magistrates Samuel Wyllys, John Talcott, Sr., the colony treasurer John Talcott, Jr., and the colony secretary John Allyn; and deputies--townsmen William Wadsworth, William Westwood, Andrew Bacon, and Joseph Fitch, Sr.--Hartford dominated the region if not the neighboring towns. However, both Windsor and Wethersfield balked at becoming appendages of the capital town. In fact, despite their early eclipse in prominence by Hartford, both Windsor and Wethersfield maintained a real presence in colony government throughout a good portion of the century.

Windsor was the original home of two perennial Connecticut magistrates and wanderers--Roger Ludlow and John Mason. Ludlow established Fairfield and Stratford in 1639 and left Connecticut history in the mid-1650's for the adventure of Virginia. Ludlow's influence on the Connecticut Colony remained through his participation in the drafting of the Fundamental Orders and his authorship of the Code of 1650. Mason moved to Saybrook in 1647, ten years after his strenuous efforts in the Pequot War, and finally to Norwich in 1659. Those magistrates who stayed in the more "civilized" confines of Windsor included the two Henry Wolcotts,

father and son; Henry Clarke; and Matthew Allyn. The town's fortunes were advanced most vigorously by men who served as townsmen and deputies long and faithfully, men such as William Gaylord and William Phelps (seventy-one and sixty-five sessions as deputies to the General Court respectively), John Bissell, Sr., John Moore, Sr., and Benjamin Newberry. The historian is especially fortunate in the many years of service as town recorder tendered by Matthew Grant. His occasional adjective or wry description in the town meeting records add immeasurably to the researcher's empathy for seventeenth-century Windsor and its inhabitants.

Wethersfield also was slowly overshadowed by Hartford's eminence. Two-term Governor Thomas Welles, Sr., moved to Wethersfield from Hartford in 1643 and represented Wethersfield in the magistracy for seventeen years. Otherwise Wethersfield, in comparison to Hartford and Windsor, had only three other magistrates prior to 1691. They served but sixteen terms. Several men dominated the offices of deputy and townsman: Samuel Smith, Sr., Richard Treat, John Deming, Sr., Nathaniel Dickinson, Samuel Boardman, and Samuel Talcott. Wethersfield was also the home of the royalist minister-physician Gershom Bulkeley after his departure from New London in the mid-1660's. All in all the three original River Towns dominated the colony magistracy for close to forty years. As a result much of the conflict as well as consensus within the five River Towns was settled by resident colony officials--short of entry into the pages of the colony records. Such was not the case for the outlying towns.

The other two towns under study founded by River Town emigrés were Fairfield and Norwalk, the seaside towns. Fairfield's establishment in 1639 was due principally to the endeavors of Roger Ludlow. Taken

to task by the General Court, however, for gaining title to land not authorized by the Court for purchase, Ludlow answered disarmingly that other Englishmen or outsiders were ready to take the area if he did not. This initial "independent" spirit associated with Fairfield was evident during the remainder of the century as Fairfield grew to be one of Connecticut's four largest and wealthiest towns (the others were Hartford, New Haven, and New London). Boundary disputes with Norwalk and Stratford went hand-in-hand with Fairfield's stiff-necked defense of its territory against Stratfield, a community attempting to form itself in the later seventeenth century from small portions of Stratford and Fairfield. Nathan Gold, Sr., Fairfield's resident magistrate, was particularly--and colorfully--adamant in his defense of the town's local autonomy. Nor had other prominent seventeenth-century Fairfield residents such as John Banks, William Hill, John Wheeler, Jehu Burr, Jr., or John Burr seen fit to surrender the town's real, or fancied, prerogatives.

The second seaside town, Norwalk, was established in 1650 by a group of ordinary Hartford inhabitants. The term is quite descriptive since Norwalk merits the designation of being ordinary--and solid--for the rest of the century. Norwalk was small, not very wealthy, and the kind of community that could exercise itself over the placement of a new meetinghouse in the town yet neglect to send a deputy to the General Court on numerous occasions. In all ways--socially, politically, religiously, economically--the town could be described quite accurately as in-grown and insular. Its leading citizens were--solid--and unexceptionable: Richard Olmstead, Matthew Campfield, Walter Hoyt, Thomas Fitch, Sr., John Bouton, Sr., Thomas Benedict, Sr., and John Platt. Of the nine towns selected for research only Norwalk did not have an

inhabitant elected to the colony magistracy before 1691.

The two towns under study not established by River Town emigrés were New London and Stonington. New London was settled in 1646 by Connecticut's resident Renaissance-figure, John Winthrop, Jr., and associates from Massachusetts. The Connecticut General Court had granted permission for the plantation at Pequot (New London) in order to introduce an English presence among the nearby Indians. New London's growth during the century was predicated principally on its situation as a port. A drive for more land brought the town into conflict with the Indian chief Uncas and with the towns of Saybrook, Lyme, and Norwich. New London was served ably by such officials as Cary Latham, Jonathan Brewster, Hugh Calkins, James Morgan, James Avery, James Rogers, magistrates Edward Palmes and Daniel Wetherell, and the nearest thing to a second Matthew Grant, Windsor's colorful recorder, Obadiah Bruen.

The final town, Stonington, has a unique history. It was started as a trading post by Thomas Stanton in 1650. By 1657 enough settlers had come--many from New London--so that the settlers requested the Connecticut General Court that the plantation be officially recognized as a colony town. New London, intent on keeping taxes currently collected in part of the newly-settled area, objected. The result was a request by the settlers to the Massachusetts Bay General Court for the settlement's recognition as a town. Massachusetts was only too happy to reassert its own claim to territory awarded the Bay by the New England Confederation for military efforts by the colony during the Pequot War. Southertown, as the town was named, remained a Massachusetts town until 1664 when the town surrendered to Connecticut's claim to the area according to the new Charter of 1662. The result of its

early history on Stonington was an enthusiastic predilection toward independent action. This tendency was manifest both in the town's confrontations with the Connecticut General Court over taxes, boundaries, and Indian lands, and in the personalities of its leading citizens: the Stantons, father and son; the Massachusetts advocate prior to the surrender to Connecticut in 1664, George Denison; the diarist Thomas Minor; Nehemiah Palmer; Samuel Mason; John Denison; and Ephraim Minor. Indeed the earthy qualities of seventeenth-century Stonington's characters seem at times to be taken directly from a novel by John Steinbeck.<sup>43</sup>

D. Method of Analysis of General Court-Town Relations  
in Seventeenth-Century Connecticut

The present study of the relations between the General Court and the towns in seventeenth-century Connecticut focuses primarily on the institutional records of both political entities. The bibliography will provide more description of the sources themselves, but the principal method used in this study of seventeenth-century Connecticut was research in the records of both the General Court and the individual towns in order to reconstruct the interaction of General Court and town. First, the official proceedings of all General Court sessions between 1636-1691 were calendared. Each act or order was listed for each Court session according to one of fifteen categories: town establishment; town boundaries; town improvements; education; military matters; finances; Indian affairs; General Court institutional proceedings, officials, and legal matters; ecclesiastical concerns; trade and industry; personal matters;

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<sup>43</sup>For further commentary on individual towns see Deming, Settlement of Connecticut Towns; and the various town histories--which should be used with circumspection--cited in the bibliography. See also Chapter III.



English and Dutch relations; relations with Massachusetts Bay and Rhode Island; Confederation of New England and New Haven Colony affairs; and miscellaneous. The result of this lengthy process was a ready tool for locating and emphasizing patterns of legislative interest and activity, as well as the development of the General Court itself. Appropriate use was made of the General Court's extant legislative papers and correspondence, available in the original manuscripts in the multi-volume series entitled the Connecticut Archives. Where possible, various court records were consulted: local, county, or Court of Assistants. Only a very few election sermons preached by Connecticut clergymen in the seventeenth century were published and thus made available to the historian. There is a substantial body of private correspondence of Connecticut inhabitants, but even the unpublished papers of Governor John Winthrop, Jr., were of limited assistance in the present study.

Except for Hartford's town meeting minutes, the town records for those localities studied were unpublished--and variously fragmented. While land and probate records were noted, the pulse of each town was taken primarily from its town meeting records. The town meeting records for nine towns were calendared under topics basically the same as Sumner Chilton Powell's categories for the town acts of Sudbury, Massachusetts: land affairs; town elections and appointments; rates or taxes; ecclesiastical matters; boundaries; Indian relations; and General Court relations.<sup>44</sup>

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<sup>44</sup>Powell's classifications are land distribution; appointment of town officers; economic regulations and taxes; church affairs; farming; personal quarrels in the community; relations with neighboring towns; relations with Indians; and relations with the Massachusetts government (Puritan Village, 4). It is significant that Powell's list is calculated to correspond to the importance of each category; i.e., Powell considers Sudbury's relations with the Massachusetts General Court to be the least important type of town activity.

The result was a means to grasp a sense of the development of the towns. A comparison of the General Court and town acts presented the opportunity to delineate, and analyze more completely, the relations between the towns and the Court. The town records were supplemented by the small amount of private correspondence and the few diaries of town inhabitants available.

While Chapter II discusses the General Court, its structure and development; and Chapter III describes the seventeenth-century town, its government, town meeting, and elected townsmen or principal officers; the bulk of the study is concentrated in Chapters IV, V, and VI. Chapter IV is a discussion of General Court-town relations regarding intra-town affairs, i.e., town matters principally affecting an individual town rather than neighboring towns and/or the colony itself. In short, the result is a portrait of town independence, but within certain fundamental bounds.

The General Court's relations with the towns in other intra-town matters, such as land, fences, timber, wolves, trade and industry, and schools, all emphasize the dual nature of seventeenth-century Connecticut's political structure. Charles McLean Andrews wrote well about the subordination and independence of Connecticut's towns. The seventeenth-century Connecticut town was at the same time a creature of the General Court and also a political entity unto itself. Depending on the circumstances and the importance of the matter, the town could act in either a subordinate role or an independent way vis-à-vis the General Court. The Court could pass orders suggested by a town regarding the upkeep of town fences and in its turn the town might quietly modify the order, ignore it, or enforce it since the order had been passed at the town's own

urging. Or a town such as Stonington could refuse to obey General Court directives regarding town lands to be appropriated for Indians--a more serious matter than fences--and ultimately cause the Court to change its own order to the town's benefit due to local circumstances. During the seventeenth century the Connecticut General Court, composed of men who lived in the various towns, never insisted on its ultimate authority over a colony town unless 1) the Court's actual authority was questioned, 2) civil disturbance was or might result from the Court's inactivity, and 3) an extraordinary situation, such as war, threatened the colony's very survival. Otherwise the Court in its relations with the towns was more interested in the accommodation of Court and town interests. The General Court preferred to act as a partner rather than as an adversary.

Chapters V and VI deal with relations between the General Court and the towns regarding inter-town matters. Affairs that crossed town lines were more susceptible to conflict between towns or towns and the General Court than intra-town matters: hence the problems with boundaries between Norwalk-Fairfield, New London-Lyme, and Stonington-Rhode Island. The significant point in the boundary conflicts is that the Norwalk-Fairfield affair was allowed to go on for close to fifty years while the New London-Lyme dispute was settled by the General Court after only a few years of conflict. The difference in the two situations is instructive: Fairfield and Norwalk sought--with varying degrees of intensity--accommodation and consensus while New London and Lyme came quickly to actual blows. Also treated in Chapters V and VI are highways, bridges, and ferries, rates or taxes, Indians, and military affairs.

### E. Dual Localism in Seventeenth-Century Connecticut

The picture that emerges from a study of the relations of the General Court and the towns in seventeenth-century Connecticut is one of a colony dominated by localism, in fact, a dual localism. The individual town's main concern was its own local development be it economic, social, political, or religious. At the same time, the General Court's concern was with the colony's provincial, local development. The interests of town and colony could be either incongruous and conflicting--as in the case of New London versus Uncas--or complementary, indeed consensual--as was ultimately the case in Stonington versus the Pequots. But for the most part the interests of the larger locality (the colony) as interpreted by the General Court were quite accommodative to the interests of the smaller localities (the towns). Dual localism, then, is an operative concept that describes the fundamental political reality of seventeenth-century Connecticut. The phrase adequately defines the range and tenor of public discourse in seventeenth-century Connecticut.

A number of circumstances in the seventeenth century facilitated the usually harmonious working-out of General Court-town relations within the context of a dual localism. First, the colony was poor, especially in contrast to Massachusetts' obvious wealth. Connecticut's economy in the seventeenth century was primarily agricultural subsistence. Connecticut's meager trade and production of exportable goods emphasizes the salient point that the colony's place in the English imperial design was peripheral and in practice close to non-existent. The consequent absence of any extended imperial, non-Connecticut interest or interference in colony affairs, attributable to Connecticut's loose ties to the growing English mercantile empire, was a circumstance

amenable to a real measure of independence and actual autonomy. The result for General Court-town relations was a fortunate mutuality of interests within the colony free of potentially disruptive outside meddling.

Second, Connecticut enjoyed the mixed circumstance of a homogeneous and numerically small population. The consequence was both a slow economic growth and a basic unity of background and outlook within the colony that was articulated not so much in words and theory as in everyday life.

Third was the prominence of such moderate and non-ideological leadership as that practiced by Thomas Hooker and John Winthrop, Jr. One result of such leadership was liberal ecclesiastical and political practices that were generally accepted and practiced in the colony by both the towns and the General Court. These contemporary customs included moderate standards for admission to church membership and to the civil franchise.

A fourth circumstance that facilitated and in fact contributed to the development of the General Court-town dual localism was geography. Writing in 1671 to the renowned English divine, Richard Baxter, the presbyterian-oriented John Woodbridge, Jr., minister at Killingworth, unburdened himself about the independent nature of Connecticut's inhabitants. He complained "the plantations, in this Colony Especially, are too remote for Convenient Assembling, the good Land lying in Independent spots seemes to be cut out for Independent churches."<sup>45</sup> Woodbridge's animadversion specifically related to the difficulties inherent

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<sup>45</sup>Raymond P. Stearns, ed., "Correspondence of John Woodbridge, Jr., and Richard Baxter," New England Quarterly, X (September 1937), 577.

in any attempt to form a classis or presbytery of church elders. His criticism was valid, too, in civil affairs: geography, the remoteness of towns, a poor road system--all fed a spirit of independence in the colony's towns. A General Court attentive to the wishes of such towns accommodated, and thus moderated, this pandemic independent temper.

A further geographical circumstance implicit in the colony's dual localism is the theme of River Towns versus outlying towns. The River Towns, especially Hartford where the General Court convened, were indeed able to take advantage of their location. A majority of the Connecticut magistrates lived in Hartford, Windsor, and Wethersfield, and were frequently engaged in unofficial arbitration of local disputes. However, there is no evidence of any widespread and lasting discontent in the outlying towns whenever the General Court seemed an instrument and benefactor of the River Towns.

Finally, a fifth reason for the expeditious working-out of Connecticut's dual localism through General Court-town relations, as well as both a sign and a cause of apparent colony stability, was the pattern of office-holding on both the colony and town levels. Suffice it to say that for the most part a small, talented, and obviously acceptable group of men served often and long, smoothing any potential sharp break in traditional modes of government by the very fact of their experience and continuity. Revolutionaries were not much in evidence in the seventeenth-century colony's organic society.

The present study will consider the above factors in an effort to understand the public life of seventeenth-century Connecticut. It shall become obvious that the result of these various factors was a comprehensive in-grown, localistic tone to Connecticut's affairs on both

levels of government. A description of government, or the institutions of government, is of course not synonymous with a complete portrayal of life in seventeenth-century Connecticut. However, to focus on the relations between the General Court and the towns is to underscore localism, the fundamental reality in any description of the colony in the seventeenth century. Recently, Rowland Berthoff has described the New England town in the seventeenth century as a "self-contained political as well as territorial entity that gave local society a focus that southern farmers and planters lacked."<sup>46</sup> Connecticut's towns' experience was just so. Yet Berthoff's account suggests more. Accurately enough, he has also described the self-contained nature of Connecticut Colony and the General Court.

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<sup>46</sup>Berthoff, An Unsettled People: Social Order and Disorder in American History, pb. ed. (New York, 1971), 114.

## CHAPTER II

### THE GENERAL COURT

Throughout the seventeenth century in Connecticut, the fundamental powers of government were exercised by the Connecticut General Court. English imperial intrusion during this early period of Connecticut's history was usually muted, especially when compared to the continual outside pressures endured by the Massachusetts Bay Colony. Quite simply, Connecticut was a relatively poor colony while Massachusetts was a comparatively wealthy adventure in the New England context. Moreover, Boston was the leading port in the New England colonies and one of the more important in the growing English imperial system. Indeed, much of Connecticut's agricultural and wood produce passed initially through Boston intermediaries on its way both to England and the British West Indies as well as to local New England consumers. Seventeenth-century Connecticut was primarily an agricultural subsistence community and as such did not figure prominently in the English imperial scheme.<sup>1</sup> As a result, Connecticut enjoyed a great deal of freedom from overt English interference and was allowed to develop according to its own pace and inclination.

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<sup>1</sup>Hooker, Colonial Trade of Connecticut; "Heads of Inquiry to Bee Sent to the Governor of His Majestie's Colony of Connecticut in New England" and "Answers to the Queries, etc.," CR, III, 292-300. For Connecticut's more extensive economic growth in the eighteenth century, see Bushman, From Puritan to Yankee, especially Part III, "Money, 1710-1750."



The Connecticut General Court in its role as the colony's fundamental governing authority represents a convenient place to take the pulse of the Connecticut polity. In a colony dominated by localism at all levels of society, political, social, and religious, the General Court functioned as the one nexus where the often excessive particularism of the towns came together with a somewhat larger perspective, i.e., the localism of the General Court. The General Court was composed of magistrates and deputies who were also inhabitants of the towns they represented either directly (deputies) or indirectly (magistrates). The localism of the General Court was the sum total of this town representation. Thus, the General Court's localism was broader than that of the towns because it included the entire geographical locality, or colony, in its range of interest. Early Connecticut's dual governmental localism, normally unhindered by any powerful English interest and augmented ironically by the colony's relative poverty, was able to co-exist and insure at least a steady, if not spectacular development of the colony's social and economic, political, and spiritual potential. The history of seventeenth-century Connecticut is substantially a story of the daily working-out of this dual localism, whether through General Court-town conflict, compromise, or, most often, co-operation. Operating below the grander scale of the Massachusetts Bay Colony, Connecticut quietly enjoyed an independence the elder colony sought more actively--albeit with greater friction with the English authorities and a consequent lesser degree of success.

The dual localism of the Connecticut polity was characterized by accommodation, usually initiated or directed by the General Court. In a certain sense the time-worn sobriquet, "the land of steady habits," does

describe the reality of seventeenth-century Connecticut. The colony's public and private life were not static, nor was Connecticut only (or at all) a placid land of perpetually dour-faced Puritans, purposefully seeking their God, as well as their own individual wealth. The various judicial records and the legislative papers of the General Court describe a colony consisting of self-consciously fallible human beings. There is ample evidence of social deviance and example after example of the litigiousness pandemic in colonial America as well as evidence of more serious conflict between neighboring towns or between towns and the General Court. Yet, the colony was moved by its leaders in one direction--local, although ordered, development, whether material or spiritual--and shared basically in general discourse the metaphysics and cultural imperatives of a seventeenth-century Puritan colony. Connecticut Governor John Winthrop's restrained reaction in the mid-seventeenth-century councils of the New England Confederation to the Quaker menace is most indicative of Connecticut's essential moderation vis-à-vis religious differences. There were no martyred celebrities of the stature of Roger Williams or Ann Hutchinson in seventeenth-century Connecticut. And while the Rogerenes, a Baptist sect, were considered a nuisance in the New London area in the 1670's, their religious refractiveness was dealt with primarily on the local level and not prosecuted by the General Court as such.<sup>2</sup> Unlike Massachusetts, Connecticut was not

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<sup>2</sup>There would be question as to the extent the cosmopolitan Winthrop's moderation toward the Quakers was shared by his fellow Connecticut citizens. In practice, at least, Connecticut was officially much more tolerant about religious dissent than the Massachusetts Bay Colony: Dunn, Puritans and Yankees, 106-107. For the Rogerenes see Frances M. Caulkins, History of New London, Connecticut: From the First Survey of the Coast in 1612, to 1852 (New London, 1852) and John R. Bolles and Anna B. Williams, The Rogerenes. Some Hitherto Unpublished Annals Belonging to the Colonial Society of Connecticut (Boston, 1904).

governed, or influenced, for the greater portion of the seventeenth century by advocates of the construction of the Holy Commonwealth, a group of Puritan ideologues whose increasing loss of political and religious power would furnish much of the stuff of the Bay Colony's early history.

The seventeenth-century Connecticut General Court exercised legislative, executive, and judicial powers. Consisting of the governor, deputy-governor, six to fourteen magistrates or assistants, and one to four deputies or representatives per town, the General Court was the colony's supreme legislative body. As such the General Court passed both general and specific orders and laws for Connecticut. The membership of the General Court was formalized by the Royal Charter of 1662: in annual colony elections the freemen chose a governor, deputy-governor, and twelve magistrates while in local elections each town was limited to a selection of two deputies. This assemblage of men was empowered to "have a generall meeting or Assembly then and their [sic] to Consult and advise in and about the Affaires and businesse of the said Company."<sup>3</sup>

While no separate executive existed in the colony since the governor and deputy-governor were considered originally to be only parts of the General Court, there was a gradual evolution of a Governor's Council, or quasi-executive, during the seventeenth century. In April 1642, the Particular Court, composed ordinarily of the governor or deputy-governor and a number of magistrates, and most often active in judicial affairs, was empowered by the General Court 1) to regulate the felling and selling of timber and pipestaves so as to further the

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<sup>3</sup>For copies of the Charter of 1662, see either Albert C. Bates and Charles McLean Andrews, The Charter of Connecticut, 1662, Tercentenary Historical Publications, III; or CR, II, 3-11. For more detail regarding the Connecticut franchise, see below.

importation of cotton wool; and 2) to dispose of 10,000 acres in the recently-conquered Pequot lands for the additional planting of the country.<sup>4</sup> Especially in this early period of the colony's evolution, when a majority of the towns were located on the Connecticut River, a number of the Particular Court's functions were at least extra-judicial and suggestive of an executive council. Thus, in 1640 it was the Particular Court which received a report on a highway constructed between Hartford and Windsor by order of the General Court one month earlier.<sup>5</sup> Again, in 1644, the Particular Court added to an earlier General Court order respecting the disposition of town fencing by seven men in each town by ruling that the seven men who had "power to Order ffences and sett penaltyes have the like power to granunt execution uppō the forteture thereof."<sup>6</sup>

In March 1662/3, a council of at least five River Town magistrates was appointed to act in any emergencies regarding the colony's welfare. Intended to deal with the intransigence of New Haven Colony, newly-included within Connecticut's boundaries by the Charter of 1662, and with the Dutch interference in Connecticut's Long Island towns, the council was authorized by the General Court to act in all necessary concerns, military or civil, as exigency required.<sup>7</sup> This order, however,

<sup>4</sup>CR, I, 60, 71.

<sup>5</sup>Records of the Particular Court of Connecticut, 1639-1663 in Connecticut Historical Society, Collections (Hartford, 1860- ), XXII, 14: hereafter cited as CHSC.

<sup>6</sup>CR, I, 101; CHSC, XXII, 27.

<sup>7</sup>CR, I, 397. This step was taken despite the recorded opposition of distant Fairfield: "the Towne answers negatively not giveing consent that the Townes on the river should keep court without notice to all the juridsiction:" Fairfield Town Records, B, Pt. ii, 11, May 7, 1662.

was repealed in April 1665.<sup>8</sup> In July 1666, a Committee of Militia was established to deal with a war against the French which seemed in the offing.<sup>9</sup> To meet the problems of the third Dutch War (1673-1674), a Grand Committee of the Colony was empowered in August 1673 to exercise basic control over the Connecticut militia.<sup>10</sup> Three months later the General Court approved the consequent activities of the Grand Committee and appointed a Council of War in its place. Composed mainly of magistrates, the Council was reappointed, usually at the annual May and October sessions of the General Court, throughout the rest of the period.<sup>11</sup>

Originally chosen for emergency occasions and then usually to deal with military matters, the Council came to be empowered to issue and dispose of all necessary occasions between the two regularly-scheduled General Courts.<sup>12</sup> Due to the continued growth of the colony, many towns were just too distant to send deputies to hurriedly-convened emergency General Courts. However, the governor and his council were not immune to Thomas Hooker's admonitions regarding the disposition of political power: "they who have power to appoint officers and magistrates, it is in their power, also, to set the bounds and limitations

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<sup>8</sup>CR, I, 440. There were three recorded meetings of the council: July 10, 1663 (CR, I, 406-407); n.d. [1664] (CR, I, 424); and May 24, 1664 (CR, I, 431).

<sup>9</sup>CR, II, 44.

<sup>10</sup>CR, II, 204-205.

<sup>11</sup>CR, II, 219-220. The Council of War consisted of Governor John Winthrop or Deputy-Governor William Leete, the twelve magistrates, four deputies, and one other individual.

<sup>12</sup>CR, III, 61, May 18, 1680.

of the power and place unto which they call them."<sup>13</sup> Indeed, the Council was reappointed for stated periods of time and its official actions were to be confirmed by the General Court.

The General Court was also the supreme judicial body in the colony, although after the granting of the Charter of 1662 there was a theoretical right of further appeal to the Crown. This right, however, was never exercised in the seventeenth century.<sup>14</sup> Otherwise there were first three and then four levels in the colony's judiciary.

At the town level, there was an early grant of power by the General Court for the three, five, or seven "cheefe Inhabitants," i.e., townsmen, "to heare, end and determine all controversies, eyther trespasses or debts not exceeding 40s. provided both partyes live in the same Towne."<sup>15</sup> Appeal could be made from any town court decision to the Particular Court at Hartford. This latter Court also exercised original jurisdiction over all other legal matters except those concerning life, limb, or banishment. The General Court exercised original jurisdiction in these more serious cases as well as supreme appellate power over the Particular Court.

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<sup>13</sup>"Abstracts of Two Sermons by Rev. Thomas Hooker," in CHSC, I, 20. This is one of the dictums Hooker enunciated in his May 31, 1638, sermon at Hartford which is supposed to have influenced profoundly the Fundamental Orders of Connecticut.

<sup>14</sup>The right of appeal was almost exercised in 1684, however: CR, III, 161n, 167.

<sup>15</sup>CR, I, 37, October 10, 1639. The only town court records I have found in the papers of the nine towns studied are a scattered number of presentments and decisions in Windsor (see Windsor Town Acts, Bk. I, 4, February 24, 1650/1; 48a, September 21, 25, 1661; Town Acts, Bk. II, 15a, February 20, 1668/9) and interest in New London for and about small causes, or town, courts (New London Town Records, Bk. IC, 56a, August 28, 1654; CR, I, 266, September 14, 1654; 352, May 17, 1660; New London Town Records, Bk. IE, 11, February 25, 1661/2).

The Particular Court, 1639-1665, consisted of either the governor or deputy-governor, and first five then three magistrates; or, later, either the governor or deputy-governor, and two magistrates; or, finally, just three magistrates.<sup>16</sup> As early as June 1640, the seaside towns of Fairfield and Stratford were granted their own Particular Court, at least for a year, because of the towns' distance from Hartford.<sup>17</sup> Gradually, the town court was superceded before 1665 by General Court-appointed tribunals presided over by resident magistrates and General Court-appointed commissioners.<sup>18</sup>

In 1665, the General Court began the annual appointment of town commissioners invested with magisterial powers to hold local courts of justice.<sup>19</sup> The judicial functions of the Particular Court were divided in 1665 and 1666 as a result of growth when four counties were established in Connecticut, each with its own county court to hear all cases over forty shillings except those cases concerning capital crimes.<sup>20</sup> These latter cases were to be under the jurisdiction of the new Court of Assistants, composed of at least seven assistants or magistrates.<sup>21</sup> A

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<sup>16</sup>CR, I, 86, April 13, 1643; 119, February 5, 1644/5; 150, May 20, 1647.

<sup>17</sup>CR, I, 53. The General Court could also trust Fairfield's Roger Ludlow.

<sup>18</sup>This development is difficult to trace both because of the almost complete absence of any records of the local courts (see n. 15) and the few, scattered references to the pre-existence of the latter courts in the CR.

<sup>19</sup>CR, II, 14-18, May 11, 1665. These commissioners were the forerunners of the later justices of the peace and were not infrequently serving the towns as deputies and/or townsmen.

<sup>20</sup>CR, II, 25, 29, October 12, 1665; 34-35, May 10, 1666.

<sup>21</sup>CR, II, 28-29, October 12, 1665.

right of appeal was allowed from the local court to the county court, from the county court to the Court of Assistants, and from this latter Court to the General Court.

While the governor, deputy-governor, and magistrates functioned substantially in executive, legislative, and judicial roles, the town deputy was principally a legislative official. The position of deputy was second in secular prestige only to the other officers of the General Court. A deputy's legislative importance was, in a real sense, equal to that of the magistrates: both groups, magistrates and deputies, enjoyed a veto power over prospective laws presented in the General Court.<sup>22</sup> In effect, the Court was a bicameral body that met together. Between 1639 and March 10, 1663/4, all admitted inhabitants in a town who had taken the oath of fidelity to the colony would vote for the town's deputies. In the latter year, however, an effort to allay the apprehensions of the New Haven Colony towns, presently balking at their unanticipated inclusion in Connecticut, resulted in the limitation of the election of deputies to freemen.<sup>23</sup> Throughout the period, only freemen could be elected deputies.<sup>24</sup>

The mission of a deputy was "to agitate the afayres of the coomonwelth."<sup>25</sup> While in attendance at the General Court, the deputies

<sup>22</sup>CR, I, 119, February 5, 1644/5.

<sup>23</sup>CR, I, 23 (Fundamental Orders of 1639); 417-418. This stipulation was reiterated in The Book of the General Laws For the People within the Jurisdiction of Connecticut: Collected out of the Records of the General Court (Cambridge, Mass., 1673), 20; hereafter cited as Laws of 1672. Then again, Connecticut's requirements for freemanship were less than New Haven's. See Chapter III.

<sup>24</sup>CR, I, 23; Laws of 1672, 20.

<sup>25</sup>CR, I, 23.



had "the power of the whole Towne to give their voats and allowance to all such lawes and orders as may be for the publike good;" in turn the towns were "bownd" to their representatives' votes.<sup>26</sup> Compensation for the deputy's efforts was in two forms: in February 1640/1, deputies were freed from the duties of watching, warding, and training until the General Court that followed the Court they had served in.<sup>27</sup> The second form of compensation was monetary. In October 1668, the General Court listed allowances to each town for the charges incurred in sending one or two deputies to every session of the General Court. These sums ranged from L1 5s. to L3, depending mainly on the towns' distance from Hartford, and were to be deducted from the towns' colony rate.<sup>28</sup> Two years later, the Court ordered that the deputies were to be paid their salary in their own towns.<sup>29</sup> In March 1687, the Court decided that the towns' deputies were to attend the General Court at the respective towns' expense.<sup>30</sup> This was a short-lived stratagem designed to meet the impending arrival of Sir Edmund Andros; within two years the former method of compensating the towns' representatives was reinstated as part of the overall effort to return to the status quo ante Andros.<sup>31</sup>

Before the arrival of the Charter of 1662, Hartford, Windsor,

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<sup>26</sup>CR, I, 24. The Laws of 1672 are more specific about the deputies' powers: the deputies could make, establish, or repeal laws; grant land and levies; and carry on any other affairs of the colony (20).

<sup>27</sup>CR, I, 62; 350, May 17, 1660.

<sup>28</sup>CR, II, 101-102.

<sup>29</sup>CR, II, 142. Apparently, the treasurer had initially collected the country rate and then paid the deputies himself.

<sup>30</sup>CR, III, 228.

<sup>31</sup>CR, IV, 13, October 10, 1689.

and Wethersfield were each allowed to send four deputies to the General Courts, while any towns added after 1639 were to have as many deputies as the General Court--with a majority of River Town representatives--"shall judge meete," i.e., "a reasonable prportion to the nūber of Freemen that are in the said Townes."<sup>32</sup> The number usually judged meet between 1639-1662 was two. In October 1661, however, an economy-minded Court proposed reducing the number of deputies by half--if the freemen agreed. Offhandedly, the Court suggested that the requisite number of magistrates, along with the River Towns' deputies, be empowered to hold fully authorized General Courts "in case any occasion necessitate the calling together ye Genll Court at such season thay may be praeiudiciall for the remoter Townes to send their Deputies."<sup>33</sup> One "remote" town, Fairfield, was amenable, as long as the number of deputies for a town was determined according to the number of inhabitants in the town--not just freemen. Not willing to subject itself completely to the superior wisdom, influence, and numbers of the River Towns, Fairfield answered in the negative regarding the proposed keeping of General Courts by those Towns "without notice to all the jurisdiction."<sup>34</sup> A town's representation at the General Court was usually considered quite important.<sup>35</sup>

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<sup>32</sup>CR, I, 24; CR, II, 5 (Charter of 1662).

<sup>33</sup>CR, I, 372-373.

<sup>34</sup>Fairfield Town Records, B, Pt. ii, 11. The General Court did shift the burden of responsibility to the towns in May 1663, when it was noted that each town, according to the Charter, had liberty to send deputies to the two regularly-scheduled May and October Courts. Hereafter, the towns would receive no further notice regarding this liberty: CR, I, 403.

<sup>35</sup>For an example of the singular problems that could happen in the election of deputies--a serious duty--see Stonington's 1680 experience when inadequate warning about the election resulted in an electoral gathering of only four freemen instead of a possible thirteen: Connecticut Archives, Colonial Boundaries, I, Rhode Island, 1662-1742, 147; Connecticut Archives, 1st Ser., Civil Officers, I, 58-59. Connecticut Archives hereafter cited as CA.

The institutional development of the General Court in seventeenth-century Connecticut may be divided into three periods: 1639-1650; 1651-1665; and 1666-1691. While each of these chronological divisions is not mutually exclusive of the other two, it is a helpful periodization because the major theme in the colony's seventeenth-century history--the dual localism of General Court and town--is made quite evident in the activities of the General Court. This periodization demonstrates the continuous "local" character of the General Court's development and perspective despite the ongoing but slow growth and progress of the colony. That is, throughout these three periods, the prime interest of the colony inhabitants sitting in the Court was their own, and their neighbors', aggrandizement--material and otherwise. Given this insular and complementary vision on both levels of government in seventeenth-century Connecticut as opposed to, for example, an imperial point of view respecting the purpose of the overseas colonies slowly gaining advocates in England, conflict between colony and town interests as such became the exception, rather than the rule. Chapters IV, V, and VI will describe the town reaction--often no attention at all--to many of the General Court's orders which will be discussed in this chapter. Unless the matter was of great consequence, or affected a neighboring town, the transgressing town was frequently left to go its own way.

Between 1639-1650, the colony was dominated by the local interests of the three original River Towns. Orders during this period were passed principally by the deputies and magistrates of Hartford, Windsor, and Wethersfield.<sup>36</sup> Saybrook and Farmington, when officially established

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<sup>36</sup>See Table 1 in Appendix A.

in 1644 and 1645, respectively, were also considered River Towns, and easily came under the influence of the first three towns.<sup>37</sup> This pre-eminence of River Towns in the General Court was not effectively confronted in the first period of the Court's development, since the additions of the outlying towns of Fairfield and Stratford (1639) and New London (1646) were not strongly reflected in the composition of the Court. These remote towns were not very wealthy or strong at this time, and the General Court was not concerned overly with demonstrating its omnipotent power at the expense of the slowly-maturing distant towns.

In the second period, 1651-1665, the colony's growth was very marked: eleven new towns were added including the six of the defunct New Haven Colony. Of the eleven new towns, only Middletown (1651) could be described as a River Town. More extensive interests were to be taken into account as new, diverse communities assumed their seats in the General Court. While the River Towns continued to preserve their overwhelming numerical superiority among the magistrates, their advantage in the number of deputies gradually diminished and was finally eclipsed completely when they, too, were limited in 1662 to two deputies in each General Court session, according to the dictates of the new Charter.<sup>38</sup>

The final period, 1666-1691, was one of maturity in the General Court's development into an institution mediating among the various interest of town and colony. Many governmental and judicial procedures

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<sup>37</sup>Farmington was settled from Hartford: Quincy Blakely, Farmington, One of the Mother Towns of Connecticut, Tercentenary Historical Publications, XXXVIII; Susan Jensen Reik, "Genesis of a New England Town: the Growth of Farmington, Connecticut, 1645-1700, as Revealed in its Town and Church Records" (unpubl. MA thesis, Columbia University, n.d.). Saybrook was settled originally as an outpost and fort: Deming, Settlement of Connecticut Towns, 11-13.

<sup>38</sup>See n. 3.

new in the earlier periods were now esteemed parts of the colony's traditions. The overall institutional growth reflected in the continued growth of a judicial system and the halting development of a governor's council went hand-in-hand with the increasing practice of convening just two regularly-scheduled General Court sessions per year.<sup>39</sup> For most of the third period, the River Towns upheld their numerical majority in the magistracy. Conflict was not unusual between the several town interests and the colony interest during this period, but compromise or accommodation of some type was the customary outcome.

#### A. 1639-1650

Whereas a few outlying towns were established during this period, the General Court functioned basically as an enlarged town meeting of the three River Towns. Numerous pieces of legislation were passed which were quite local in nature and were indeed limited overtly to the River Towns. For instance, a 1645 act regulating the movement of swine at home or in the woods during planting-time was appended: "Fayerfield & Stratford desire to be included in this Order."<sup>40</sup> In 1647, an order regarding town payment of a bounty for killing wolves was limited to the three River Towns and Farmington.<sup>41</sup> In 1641, and again in 1649, orders

<sup>39</sup>See below regarding these developments. After the Charter of 1662, and most markedly in the third period of the General Court's development, there are a number of name changes: the General Court became the General Assembly; magistrates were referred to as assistants; the judicial assistants in the towns were called commissioners. Because of the continuity of the study and the frequent use of examples from each period throughout the study, I shall use the term "General Court" to denote the General Assembly after 1662; the magistrates-assistants will be called "Magistrates" after the reception of the Charter; and the term assistants will refer to Court-appointed judicial officers pre-1665 and will be replaced by the designation commissioners c. 1665.

<sup>40</sup>CR, I, 131.

<sup>41</sup>CR, I, 149.

were passed excluding swine from the lands east of the Connecticut River belonging to the three River Towns in order to preserve the corn and the meadow there.<sup>42</sup> In 1646, the deputies were enjoined to consider where and by whom fencing was to be done east of the Connecticut River.<sup>43</sup>

These specific orders regarding swine, fences, and wolves were of a completely local and particular interest. As their interest would seem to be included in the General Court grant of power to the towns in October 1639 to "make such orders as may be for the well ordering of their owne Townes" it becomes obvious that what was involved was the first intimation of a larger locality or interest, i.e., the colony. Without fences east of the River swine could not be expected to pay attention to town boundaries, nor could wolves be expected to act in an orderly way at all.

Further examples of the larger localism, or colony interest, merging with the smaller localism, or town interest, occurred in matters of economic growth. Acting primarily upon the three River Towns--and composed principally of inhabitants of the three River Towns--the General Court passed various orders intended to produce an export for the colony. In February 1640/1, an assortment of acts were passed toward such an end: provision was made to grant land to any who would grow English grain for export; the towns were ordered to pay English corn and pipestaves, according to their proportion in the last colony rate, for a quantity of cotton wool the governor would import; an order was passed regarding the better preservation of leather; and each family in the

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<sup>42</sup>CR, I, 64, 188-189.

<sup>43</sup>CR, I, 145.

colony was to plant a spoonful of hempseed in order both to establish a hemp and flax product (an arduous task) to manufacture the colony's own linen cloth and to enable the easier procurement of hempseed.<sup>44</sup>

Other legislation during this period was directed toward other interests of the colony, at the expense, but for the benefit, of pure localism. Provision was made in September 1641 for a regulated manufacture of pipestaves for export; a year later, in order to maintain a supply of leather, two men in each of the three River Towns were appointed by the General Court to see that no calves were killed without their approval; various orders sought to regulate weights and measures in the colony, as much for purposes of export as to quiet unnecessary litigation in the colony.<sup>45</sup> In December 1644, the overproduction and overexportation of corn affected the price so much that two colony luminaries were granted a monopoly on corn export for the next two years.<sup>46</sup>

Other orders regarding the Indian trade, fishing monopolies, and the manufacture of sundry products were enacted between 1639-1650. Such legislation by the General Court was not limited to the first period in the development of the Court. Throughout the seventeenth century, the General Court sought continuously to promote the economic posture of the colony. However, only during the period 1639-1650 was the legislation ordinarily so specific, rather than general, due primarily to the limited size of the colony. In the later two periods of its development, the General Court would make certain explicit exceptions or assent to implicit

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<sup>44</sup>CR, I, 58-61.

<sup>45</sup>CR, I, 67-68; 75, September 29, 1642; 85-86, April 13, 1643; 99-100, February 14, 1643/4.

<sup>46</sup>CR, I, 116-117. Internal trade was not affected.

local peculiarities in the administration of its orders, especially those orders dealing with economic matters. The growth of the colony would necessitate more compromise and more general legislation than was imperative when its orders were intended chiefly for the citizens of Hartford, Wethersfield, and Windsor.

A recurring theme throughout the time span from 1636-1691 is a division between the interests of the River Towns (including Farmington and Middletown) and the interests of the newer, outlying towns. Before 1650, and until 1662, the pre-eminence of the River Towns could be measured usually both by their contribution of a majority of the General Court's deputies and by the number of General Courts convened.<sup>47</sup> Moreover, between 1636-1691, the River Towns usually enjoyed a numerical majority of magistrates.<sup>48</sup> Although it is obviously difficult to assess motives without more personal, non-official sources, these magistrates would seem to have struck some sort of balance between their towns' interests and those of the colony-wide electorate who chose them for their office. Possessing the same veto power over legislation that the deputies had, the magistrates were loath to allow either interest to become overbearingly predominant.<sup>49</sup>

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<sup>47</sup>See Tables 1 and 2, in Appendix A. Before 1662, River Towns had the right to four deputies per General Court session.

<sup>48</sup>See Tables 3 and 5, in Appendix A.

<sup>49</sup>The very important fact that Connecticut had a bicameral legislature throughout the seventeenth century is noted in passing in a February 5, 1644/5 order regarding the legal number of magistrates and deputies necessary to constitute a legal General Court: "No act shall passe or stand for a law, wch is not confirmed both by the mayor part of the said Magistrats, and by the mayor prte of the deputyes ther present in Court, both Magistrats and deputyes being allowed, eyther of thē, a negative voate." CR, I, 119. However, the magistrates and deputies did not meet separately until 1698.



The number of General Courts held before 1650, especially when compared to the number after 1650, is also illustrative of the more local nature of the Court's purview during the first period.<sup>50</sup> With no great distance to travel to Hartford, the magistrates and deputies of Hartford, Wethersfield, and Windsor, and later Farmington, were able to assemble readily and often. Concerns of a more local nature were brought to the attention of the General Court more quickly than they would be in later periods. By 1665, the holding of two annual General Courts had become the rule due mainly to the prescription of the Charter of 1662, the increase in the number of towns to be represented at the General Court, and to the maturing of Connecticut's governing procedures.

#### B. 1651-1665

Between 1651 and 1665, Connecticut Colony increased from eight to nineteen mainland towns.<sup>51</sup> Connecticut towns now bordered not only Massachusetts in the north and east, but also Rhode Island in the east and New Netherland, or New York, in the west and south. Perhaps most important, however, was the granting to Governor John Winthrop, Jr., of the extremely liberal Charter of 1662. For all practical purposes, the Charter was an effective legalization of the pre-1662 status quo in Connecticut. Aside from including New Haven Colony and a large portion of Rhode Island within Connecticut's bounds, the Charter changed the governmental structure of the colony very little. The three River Towns' representation was reduced to two deputies each, but their

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<sup>50</sup>See Table 2, in Appendix A.

<sup>51</sup>It has seemed best not to include the Long Island towns that at one time or another during the century acknowledged the jurisdiction of Connecticut. See Chapter III, n. 1.

pre-eminence was maintained in the magistracy.<sup>52</sup>

With the growth of the colony came a necessary time of transition for the General Court. No longer could a group of predominantly River Town dignitaries convene often and quickly to pass legislation, or make decisions, affecting mainly the River Towns. More interests, still basically local and particular, were now to be satisfied. Effective development of the Connecticut enterprise would now call for commensurate consideration of the interests of towns as geographically and politically distinctive as Stonington and Norwalk. Population growth and the sensibilities of the first generation and their offspring would necessitate a more comprehensive systematization of the franchise and colony political participation. The recently-passed Code of 1650, a product both of necessity and of growth, would need further additions and clarifications regarding such matters as freemanship, horses, ordinaries, military defense, and the collection of colony rates. In the interests of order and continued development, the General Court was now called on to deal with ecclesiastical problems, town boundary disputes, and to establish a more adequate judicial system.

Throughout this period, as well as the entire century, however, the Connecticut General Court acted regularly in a moderate, conciliatory way. Composed of River Town grandees and representatives of diverse town interests, the General Court functioned for the local interests of all the towns. Unlike Massachusetts, no strong other interest,

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<sup>52</sup>See Charter of 1662, CR, II, 3-11. The New Haven and Rhode Island Colonys would, and did, of course take exception to the "liberality" of the Connecticut good fortune. The Charter was granted to the ranking elite of nineteen men, representing each town in the colony in 1662. A feature of the Charter when compared to the previous status quo was a formal right of appeal to the King.

such as the English, diverted the provincialism and self-interest of Connecticut. Situated between the important ports and colonies of Massachusetts and New York, Connecticut was a backwater colony hardly figuring in the imperial schema.<sup>53</sup>

During the second period, the General Court continued its efforts to improve the colony's economic condition. In May 1654, a committee was appointed to draw up a law about the sealing of leather.<sup>54</sup> In October 1656, several orders were passed concerning leather-making so as to prevent sundry abuses.<sup>55</sup> A number of orders were enacted in the 1650's to regulate the problems associated with liquor: town ordinary-keepers were to be approved by the General Court; import customs were placed on liquors, and customs-masters were appointed.<sup>56</sup> Towns were ordered to name meat packers, regulations were established for horse-selling and branding, and tobacco importation was systematized.<sup>57</sup> A short experiment in free trade was attempted, most likely in the hope that England would reciprocate for the few Connecticut goods exported there.<sup>58</sup>

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<sup>53</sup>It could, however, "be set off with the more lustre by the contrary deportment of the Colony of the Massachusetts, as if by their refractorinesse they had designed to recomend and heighten the merit of your compliance with Our directions for the peaceable and good Government of Our subjects in those parts." Charles II to Connecticut, April 10, 1666, CR, II, 514-515.

<sup>54</sup>CR, I, 259.

<sup>55</sup>CR, I, 285-287.

<sup>56</sup>CR, I, 283, October 2, 1656; 338, June 15, 1659; 255, April 6, 1654; 332-333, March 9, 1658/9.

<sup>57</sup>CR, I, 391, October 9, 1662; 356, October 4, 1660; 379-380, May 15, 1662.

<sup>58</sup>CR, I, 391, October 9, 1662; but customs duties were reinstated within five months: 395, March 11, 1662/3. Among the instructions given Governor John Winthrop on his mission to England, 1661-1662, was a request for free trade for twenty-one years.

In March 1663/4, the General Court ordered that anyone who discovered a mine or any minerals and purchased such for the country would be rewarded out of his discovery.<sup>59</sup> A year later the Court ordered that if anyone discovered an exportable commodity or product that would aid colony imports, he would receive the benefit of his accomplishment. Due encouragement was to be proffered to adventurers herein; the Court would regulate the commodity.<sup>60</sup>

Several economic orders affecting the individual farmer were also passed during this second period. The ever-present swine menace was noted in acts further attempting to oversee the animals' movements during the planting-season as well as the damage caused to neighbors by unruly swine.<sup>61</sup> If anything, the periodic rash of orders relating to such matters of fundamental public concern as swine, poor fences, and other unruly livestock demonstrates the lax, and indeed casual, administration of these laws by town authorities. For example, responding to complaints about defective fences and the "great neglect in veiwinge Generall fences, according to order," the General Court in May 1662 ordered each town to choose yearly two men to view fences.<sup>62</sup> This, however, was not the last such order passed by the General Court.

Changes in the judicial structure were achieved in response to manifest need, given the colony's growth and the possibilities of an overly-decentralized, and thus debilitated, dispensation of justice.

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<sup>59</sup>CR, I, 420.

<sup>60</sup>CR, II, 18-19, May 11, 1665.

<sup>61</sup>CR, I, 214, February 5, 1650/1; 291-292, February 26, 1656/7.

<sup>62</sup>CR, I, 381-382.

Perhaps more important, though, was the General Court's annual appointment of town commissioners to preside over the local courts, a move calculated to maintain the colony presence in each town. Though subject to manifold local pressures, the resident commissioners owed their positions to the General Court. These commissioners, often enough also the town's representatives at the General Court, served as effective colony agents against the centrifugal tendencies of the towns.

The continuing establishment of new towns also obliged a periodic clarification and enunciation of the colony's financial structure. During the 1650's a number of towns, particularly those on the seaside, were fined for neglecting either to turn in their annual lists or to bring in their total assessments.<sup>63</sup> In March 1657/8, the General Court ordered that henceforth the resident magistrate or assistant, or constable if the town had none of the former officers, was to deliver the town's account to the colony treasurer upon demand.<sup>64</sup> This was done to correct the abuses attendant on allowing the town to appoint its own tax commissioner both to list the town's estate and to collect the subsequent town rates on said estate.<sup>65</sup> Further legislation was appropriate, however, when the seaside towns and New London persisted in their failure to transmit their lists of estates on time: the treasurer was instructed to send the warrants regarding the rate at such a time as to avoid the usual inconveniences that prevented proper payment; the treasurer was also empowered to issue distrainments at any time against

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<sup>63</sup>CR, I, 213, November 3, 1650; 278-279, October 4, 1655; 357, October 4, 1660.

<sup>64</sup>CR, I, 313-314.

<sup>65</sup>CR, I, 547-551 (Code of 1650).

delinquent townsmen, town constables, or town tax commissioners who failed to forward the town's list of estates on time as ordered.<sup>66</sup> In March 1660/1, culpable town constables were given one more month to perfect their defective country rates or else they would be both fined and suffer the distraint of their own estates.<sup>67</sup> Two years later the Court tried again to improve the collection and acquittance of colony rates by ordering that the town constable must pay the town's rate by the June Particular Court, or be fined. Accounts were to be completed with the colony treasurer by the October General Court, as before.<sup>68</sup> Just six months previously the General Court had modified both its tone and its position on rating according to the Code of 1650, however: in October 1662, the Court allowed towns either to attend the established law for rating men and their estates, real and personal, or to do otherwise upon mutual agreement.<sup>69</sup> This order was a gesture intended both to conciliate the intransigent elements in the soon-to-be-incorporated New Haven Colony, as well as the Long Island towns, and to deal with the poverty of newly-established towns.<sup>70</sup> No matter, taxes would be the subject of enduring problems between the towns and the General Court.<sup>71</sup>

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<sup>66</sup>CR, I, 358, October 4, 1660; 360, March 14, 1660/1.

<sup>67</sup>CR, I, 363.

<sup>68</sup>CR, I, 393, March 11, 1662/3.

<sup>69</sup>CR, I, 390. This order modified a previous order (May 1662) that required all Connecticut towns, on the mainland or elsewhere, to rate in the usual colony way: CR, I, 380.

<sup>70</sup>Later, this flexibility would be used to deal with the problems created by absentee proprietors. Derby and Wallingford were allowed to raise their rates on land in May 1677: CR, II, 301, 305. Woodbury experienced a similar problem in May 1686: CR, III, 198, 216. For the more serious problems caused by absentee proprietors in the eighteenth century see Bushman, From Puritan to Yankee, and Roy H. Akagi, The Town Proprietors of the New England Colonies (Philadelphia, 1924).

<sup>71</sup>See Chapter VI.

During the second period of the General Court's development, the first serious ecclesiastical problems in Connecticut's short history disturbed the colony's calm. These questions concerned the right of baptism, church discipline, and the ecclesiastical rights of the congregation and the ministry.<sup>72</sup> Appearing first in Hartford in the 1650's, the conflicts affected quickly the neighboring churches in Wethersfield and Windsor. As the divisions continued and became a very real threat both to the working harmony and the peace and order of not only the towns, but also the colony, the General Court began to take an increasing part in the disputes.

As a whole, Connecticut did not practice a strict form of Congregationalism. While neither a democrat nor a latitudinarian, Thomas Hooker had set the tone for the entire colony when he opposed the more rigid church membership requirements of the Massachusetts Bay Colony.<sup>73</sup> Moreover, the only ecclesiastical standard officially recognized in Connecticut's civil affairs was the requirement that the governor be a member of an approved congregation.<sup>74</sup> Unlike Massachusetts and New Haven, there was no ecclesiastical criterion restricting the choice of freemen, and hence, the election of deputies and magistrates.

As an assembly of men rather than ideologues, the Connecticut General Court, while quite interested in maintaining the congregational way, was also concerned about peace and order. Without these, the colony's progress, economic as well as spiritual, would be thwarted. Hence, when the General Court did intervene in the church problems of

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<sup>72</sup>See Chapter IV.

<sup>73</sup>Miller, "Hooker and Democracy," 16-47.

<sup>74</sup>CR, I, 22 (Fundamental Orders).

the 1650's and 1660's, it was always in the guise of an arbitrator, never as an adversary.<sup>75</sup>

To meet the temporary irritant of an influx of Quakers in the late 1650's, along with the more ominous problem of possibly permanent divisions in the River Town churches, the General Court passed two important orders in March 1657/8. No persons in Connecticut were to be allowed to embody themselves into church estate without the consent of the General Court and the approbation of the neighboring churches. Nor was any separate or distinct ministry or church administration to be entertained in any town other than that publicly dispensed by the settled and approved minister of that town's church--except by the approval of the General Court and neighboring churches.<sup>76</sup> Before 1691, second societies, or churches, were formed in Hartford (1669- ), Windsor (1669-1680), and Stratford (1669-1673).<sup>77</sup> The General Court allowed these divisions to abate intense conflicts and to ensure the continued peace and order of the civil polity.<sup>78</sup>

Yet another example of the General Court's relatively liberal ecclesiastical policy was the handling of a petition by seven Anglicans to the General Court in October 1664.<sup>79</sup> Taking advantage of Connecticut's momentary entrance into imperial politics, the petitioners

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<sup>75</sup>See Chapter IV.

<sup>76</sup>CR, I, 311-312. "Private meetings of godly persons" were not affected.

<sup>77</sup>Stratford's second society established Woodbury in 1673: Deming, Settlement of Connecticut Towns, 44-46.

<sup>78</sup>See Chapter IV for a discussion of Windsor's problems.

<sup>79</sup>Petition to General Court, October 17, 1664, CA, 1st Ser., Ecclesiastical Affairs, 1658-1715, I, Pt. i, 10.



presented their grievances for not being entertained in church fellowship. They noted emphatically the wishes of Charles II regarding extended church membership. As a result of this paper, the General Court recommended to the ministers and churches in the colony that they "consider whither it be not their duty to enterteine all such persons, whoe are of an honest and godly conversation, haveing a competency of knowledg in the principles of religion, and shall desire to joyne with them in church fellowship."<sup>80</sup> Continuing, the General Court went beyond even the celebrated Half-Way Covenant, and asked if it might not be the churches' duty to baptize all the children of the parishioners, and extend to these children the rights of full communion after they were grown and could qualify before the church "by theire being able to examine themselves and discern the Lord's body."<sup>81</sup> Despite a negative reply to their proposition from two colony ministers, the General Court's attitude was at least partially reflected in the almost parallel development in some churches of an extended or broadened church polity of the type advocated by Solomon Stoddard of Massachusetts in pamphlets printed later in the century.<sup>82</sup>

Owing to the presence of Quakers, the new Charter, and the prospect of a geographically larger colony, the General Court was compelled

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<sup>80</sup>CR, I, 437-438. His Majesty's Commissioners were nearby in newly-conquered New York (September 7, 1664). The Charter of 1662 was not specific about religious liberty: the Governor and Company were empowered to act so as the people might be "religiously, peaceably and civilly Governed:" CR, II, 8. See Chapter IV.

<sup>81</sup>CR, I, 438.

<sup>82</sup>Adam Blackman (Stratford) and Thomas Hanford (Norwalk) to the General Court, n.d. [1665], in Connecticut General Assembly, Box 1631-1774, Connecticut Historical Society; Robert G. Pope, The Half-Way Covenant: Church Membership in Puritan New England (Princeton, 1969), 251-260, 268-269.

during the second period of its development to clarify the important terms "freeman" and "admitted inhabitant." As early as 1646, three magistrates were empowered to make freemen upon receipt of a certificate of good behavior, i.e., according to the conditions noted in the Fundamental Orders: such were to be admitted inhabitants by a majority vote of their town, were to have taken the oath of fidelity to the colony, and were to be resident in the town.<sup>83</sup> Admitted inhabitants were then eligible to be given the certificate of good behavior requisite for becoming freemen. In February 1656/7, the General Court ordered that the necessary certificate of peaceable and honest conversation (conduct) required for one to become a freeman was to be signed by all, or a majority, of the town's deputies. No one, however, was to become a freeman without the express approval of the General Court.<sup>84</sup> Two years later, the appearance of the obstreperous Quakers prompted a March 1658/9 order intended to introduce still more control and exclusivity to the honor of freemanship: to become a freeman one had to be twenty-one years old, be of peaceable and honest conversation, and own a L30 personal estate; or had to have held a commonwealth office. To avoid "tumult and trouble" at the May Court of Election, those nominated for the freemanship were to be presented each year at the October Court, for confirmation.<sup>85</sup> In October 1662, the requisite amount of estate was raised to L20 and the certificate regarding the candidate's other

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<sup>83</sup>CR, I, 139, 21.

<sup>84</sup>CR, I, 290.

<sup>85</sup>CR, I, 331.

qualifications was to be signed by a majority of the townsmen.<sup>86</sup> In May 1660, stricter regulation of all townsmen was introduced when it was ordered that to be an admitted inhabitant one must be of known honest conversation and must be accepted by a majority of the town.<sup>87</sup>

These restrictions on those who were to be made freemen and on those to be admitted officially into towns reflects not only the bothersome phenomenon of Quakers but also demonstrates a predicament associated with growth. Early towns, such as Farmington, Stratford, Fairfield, Norwalk, and Middletown, were largely settled and governed by former inhabitants and leaders of the three River Towns. While a few of the New Haven Colony towns, such as Branford and Stamford, were also established by River Town emigrés, the death of many leaders of the first generation, coupled with immigration from outside the colony, required that more specific admission qualifications than had heretofore existed now be articulated.<sup>88</sup> The Connecticut system of government, an arrangement of compromise and equity, needed a strong body of men wedded closely to the corporation and its accommodative ideal. Not given either to grand displays of force or constraint, the seventeenth-century Connecticut polity was rooted more in consent and law than in coercion.

Finally, before March 1663/4, freemanship merited a degree of deference (a New England virtue) and entitled one to be either a deputy

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<sup>86</sup>CR, I, 389. The L20 estate was more restrictive since the L30 personal estate included the automatic sum of L18 per head, while the new requirement specifically excluded this head rate.

<sup>87</sup>CR, I, 351.

<sup>88</sup>The new requirements for freemanship in 1662 probably were meant in part to attract the loyalty of New Haven Colony inhabitants who were not freemen because of that colony's religious test: Andrews, Colonial Period, II, 157-158.

or a colony officer; further, it gave one the right to vote for colony officers. Prior to early 1664, unlike Massachusetts, Connecticut allowed admitted inhabitants to vote officially both for town officers and town deputies. Thus granted a share in the legislative veto enjoyed by the deputies in the General Court, albeit obliquely, the ordinary Connecticut inhabitant saw no compelling reason for becoming a freeman.<sup>89</sup> But at the March 1663/4 General Court, it was ordered that only freemen, admitted by the General Court, could vote for town deputies and the colony officers (magistrates, governor, and deputy-governor).<sup>90</sup> Seeking in part, perhaps, a more extensive commitment to the larger locality of Connecticut, the General Court initiated in fact a more active recruitment of corporation members.<sup>91</sup>

A larger colony, geographically and demographically, also demanded a more vigorous enforcement of military discipline. In 1656, steps were taken to examine and correct several deficiencies and negligences in the trainbands of the seaside towns.<sup>92</sup> In 1660, the centrifugal tendencies of continued defects in arms or training in the towns moved the General Court to empower resident magistrates or assistants to determine offenses and to issue warrants to the trainband's clerk to levy the duly-imposed fine. Two townsmen were to see to the implementation of this

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<sup>89</sup> See David H. Fowler, "Connecticut's Freemen: the First Forty Years," William and Mary Quarterly, 3d Ser., XV (1958), 312-333, for a general discussion of the problem of determining freemen in early Connecticut. I agree with Fowler's conclusion of a generally liberal enfranchisement policy.

<sup>90</sup> CR, I, 417-418.

<sup>91</sup> In the mid-1660's, the recorded number of admitted freemen increased dramatically.

<sup>92</sup> CR, I, 282.

order where there were no resident magistrates.<sup>93</sup> In 1658, an elaborate order was enacted that described in detail how any sudden attacks were to be met by the local authorities.<sup>94</sup> Reacting to the threat of a possible Dutch attack in 1665, the General Court passed orders about deficient arms, noted what constituted sufficient military supplies per individual, and defined the proper amount of powder and lead each town was to possess.<sup>95</sup>

Finally, during this period, the General Court began to deal more with boundary problems between several of the towns. Original town grants were vague and seldom measured adequately, or completely, despite early laws requiring yearly perambulations. A further complication was afforded by purchases of uncertain titles to Indian lands within town grants. With the sudden growth of the colony in the 1660's, these potential problems became more actual and prominent as the older towns sought more land for its sons and both the newer and the older towns began to lay out their boundaries more comprehensively.<sup>96</sup>

#### C. 1666-1691

The final period in the development of the seventeenth-century Connecticut General Court was a time of relative maturity in regard to the structure and functions of the General Court. However, because it was a season of continued colony growth more overt examples of town localism in opposition to the colony localism were manifest.<sup>97</sup> Between

<sup>93</sup>CR, I, 350.

<sup>94</sup>CR, I, 324-325.

<sup>95</sup>CR, II, 19-20.

<sup>96</sup>See Chapter V.

<sup>97</sup>See Chapters IV, V, and VI.

1666 and 1691, the nineteen mainland towns were joined by ten new mainland towns.<sup>98</sup> Only Killingworth, on Long Island Sound, and Haddam, on the Connecticut River, were established within the original settlement areas. The other eight towns were all inland towns as Connecticut began to settle its northeastern and northwestern territories. More of the General Court's and the Council's efforts were in extra-local business than in the first two periods: the Rhode Island and New York boundary disputes; King Philip's War; the tireless machinations of Edward Randolph, leading in turn to Sir Edmund Andros and the Dominion of New England. Yet, the major focus of General Court concern continued to be on local affairs.

The principal judicial developments in the period may be characterized as a persistent endeavor on the part of the General Court to maintain a central, firm hand on the potentially disabling effects on the body politic of legal conflict and social deviance. It would not be stretching the term overly to observe that in one sense both legal disputes and social deviance, or law-breaking, were conceivably very dangerous exercises in localism. Left to their own devices and standards, outlying towns could interpret the colony's written laws and unwritten customs to their own advantage in suits between the town and individuals or between individuals. The resultant acrimony and lack of consensus would perforce disturb the peace and order accepted as necessary for the whole colony's development. Law-breaking, or social deviance, could be left to the local authorities only if these men in turn were answerable to the colony for any maladministration. Throughout

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<sup>98</sup>Rye, New York, a Connecticut town between 1664-1683, is not included in these figures.

the seventeenth century in Connecticut, peace and order were treated as the fragile sine qua non for colony growth.

A grand jury of twelve men was ordered to be chosen for each county in 1667 to maintain a vigilant eye on any potential aberrations from the legal norms of the colony and to make presentments of misdemeanors which they were knowledgeable of.<sup>99</sup> A still more important marriage between the towns and the colony was blessed at the May 1669 General Court "for the prevention of trouble to the inhabitants of the severall plantations in this Colony." The resident magistrate or commissioner, with at least two of the town's selectmen (townsmen), were empowered to hear and to determine any action presented to them under the value of forty shillings. They might judge such cases and grant execution of their judgement. Appeal to the county court was allowed to any aggrieved parties.<sup>100</sup> The formal composition of this local court--town representatives and either a colony officer or a General Court--appointee--reflected the continued concern of the General Court for an adequate watch to be kept on town localism in order to preserve the good of the entire commonwealth.

It was during the last period of the General Court's development that the governor's Council, or a viable executive, began to evolve most

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<sup>99</sup>CR, II, 61. According to a subsequent order, each plantation, or locality, was to be represented on the grand jury: CR, II, 98-99, October 1668. Four counties were established in the Colony in 1665-1666: CR, II, 29, October 12, 1665; 34-35, May 10, 1666.

<sup>100</sup>CR, II, 107-108. In the 1672 revision of Connecticut's legal code, this dispensation was modified significantly. Thereafter, magistrates were empowered alone to hear actions under 40s. Where there were no magistrates, the town's commissioner and two townsmen were granted the same power: Laws of 1672, 13.

rapidly.<sup>101</sup> Partially in response to the threat of the Dutch War, the General Court in 1662/3 empowered a council of at least five River Town magistrates to act during General Court interims in emergencies concerning the colony's welfare, civil or military.<sup>102</sup> In August 1673, reacting again to a Dutch threat, the General Court constituted a Grand Committee of the Colony to control the colony's militia.<sup>103</sup> The outbreak of King Philip's War in 1675 resulted in the establishment of a Council, composed primarily of River Town magistrates, to deal with exigencies between General Courts.<sup>104</sup> For the rest of the period, the General Court usually reappointed the Council, with some changes in membership, at each regular General Court session. However, as a reminder of the ever-viable localism of the particular parts of the Connecticut corporation, the Council's activities were subject to the approval of the General Court, in full session. In this circumstance, the requisite approval consisted principally in the concurrence of the town deputies. And in fact, at the first General Court after the overthrow of Sir Edmund Andros and the Dominion of New England, the deputies present voted "that in case any occasion should com on in referrence to or charter or government" the governor would convene the entire General Court "to consider and determine what is necessary to be done, and doe not leave it with the Councill."<sup>105</sup> The Council, the growing executive body in seventeenth-century Connecticut, was never allowed to put aside the

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<sup>101</sup>See above.

<sup>102</sup>CR, I, 397. Two years later the order was repealed: CR, I, 440, April 1665.

<sup>103</sup>CR, II, 204-205.

<sup>104</sup>CR, II, 261.

<sup>105</sup>CR, III, 252-253.



particular and local interests of the corporation's towns. The dual localism of the Connecticut polity was intended to operate in a tension that was never to be resolved, but rather was to be employed during the seventeenth century.

In matters of trade and industry during the period the General Court continued its past exertions to improve the economic posture of the colony. Yet, direct legislation for this purpose was less frequent as the colony's economy retained its principally agricultural nature. Responding to a series of questions in a letter from the Committee for Trade and Foreign Plantations in 1679, colony secretary John Allyn sketched a portrait of a poor colony.<sup>106</sup> Allyn explained that Connecticut's major trade consisted of a small export of provisions to Boston in order to buy clothing there.<sup>107</sup> Small quantities of commodities such as pork, wheat, peas, and Indian corn were also exported to more exotic places like Barbados and Jamaica.<sup>108</sup> Replying to a question as to what advantages and improvements would be helpful for Connecticut's trade and navigation, Allyn asked if the four county towns might not be made free ports for fifteen or twenty years: "it would be a means to bring trade there, and much increase the navigation, trade and wealth of this poore colony."<sup>109</sup> A variety of further attempts to improve the colony's economy was tried during the period including legislation affecting leather-making (1677, 1678) and the manufacture of bricks (1685); the granting of a ten-year monopoly for the manufacture and exportation of rape oil;

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<sup>106</sup>CR, III, 292-300.

<sup>107</sup>CR, III, 296, 297.

<sup>108</sup>CR, III, 297.

<sup>109</sup>CR, III, 293, 299.

and an unsuccessful endeavor to prohibit the exportation of deerskins (1677, 1679, 1681).<sup>110</sup> For the most part, however, the General Court seemed to have finally accepted the reality of Connecticut's secondary economic status in the New World.

There are two significant examples, though, of a sustained effort by the General Court to enlist the towns' and inhabitants' support for the development of the colony's economy. In order to encourage the breeding of sheep, the General Court directed in October 1670 that all males above fourteen years of age were to clear underbrush in the town once per year. The townsmen were appointed to oversee this attempt to enlarge pasturage for sheep.<sup>111</sup> In 1673, 1674, and 1681, orders were enacted to regulate sheep-breeding in the colony.<sup>112</sup>

The second example of an enduring effort by the General Court to develop the colony's economy was a project to improve land via fencing. In October 1666, all inhabitants were ordered to make and to maintain sufficient fences to secure their improveable land from the damages caused by cattle.<sup>113</sup> In October 1677, any land enclosed by fences was to be rate free for four years.<sup>114</sup>

Yet, as was usually the case, the orders of the General Court intended to improve the colony were not strictly complied with by the

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<sup>110</sup>CR, II, 325; CR, III, 14, 192; CR, II, 254-255, 308; CR, III, 31, 78.

<sup>111</sup>CR, II, 139. Back in October 1666 the General Court had recommended that the towns consider some provision for the enlarging of pasturage for cattle and sheep: CR, II, 51-52.

<sup>112</sup>CR, II, 197-198, 222-223; CR, III, 91.

<sup>113</sup>CR, II, 50.

<sup>114</sup>CR, II, 327-328.

towns. Acknowledging the town localism, the General Court in October 1684 set aside a previous Court order regulating fencing and requested the towns to regulate their own fences.<sup>115</sup> Regulation and repair remained a problem, though, and orders regarding the repair of common fences and the neglect of their duties by fenceviewers were passed in 1690 and 1691.<sup>116</sup> Seemingly content in his relative poverty, the individual was not readily affected or motivated by persistent General Court exertions designed to benefit the colony and himself.

Reacting to local pressure, the General Court also reduced the real estate requirement for the admission of freemen during this period: in May 1675 from L20 to L10, and in October 1689 to 40s.<sup>117</sup> At the same time, however, the General Court sought to maintain internal order and social coherence by passing legislation intended to control the composition of Connecticut's local populations. In 1666, it was ordered that only freemen were to vote for members of the General Court and then but once, under penalty of a L5 fine.<sup>118</sup> Further orders were promulgated prohibiting any persons from staying in the towns without the approval of either the townsmen or the town (1667) or just the townsmen (1682).<sup>119</sup> To prevent any further meddling in town affairs by sojourners, the General Court ordered in 1679 that only admitted inhabitants could vote

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<sup>115</sup>CR, III, 158-159.

<sup>116</sup>CR, IV, 32, 50.

<sup>117</sup>CR, II, 253; CR, IV, 11. The latter represented an attempt to rally more inhabitants around the reconstituted government after the overthrow of Edmund Andros' Dominion of New England.

<sup>118</sup>CR, II, 37.

<sup>119</sup>CR, II, 66; CR, III, 111-112. In the latter instance, the approval of "authority" was also necessary, an allusion to the General Court's presence in the person of the magistrate or commissioner.

for town or country officers, rates, or land grants. Admitted inhabitants were defined as male householders of sober conversation (conduct), with 50s. freehold estate in the town list.<sup>120</sup>

During the final period in the development of the seventeenth-century General Court, problems relating to listing and collecting colony rates persisted. In October 1666, the General Court acted to remove the deficiencies caused by commissioners neglecting to present town lists of estate before the General Court. Henceforth, the town's deputies were directed to bring the town's list to the first day of the October General Court. The list would then be perfected and subsequently presented to the Court. Towns would be fined L5 for any inaccuracy or omission.<sup>121</sup> In 1681, the General Court ordered constables to make up their accounts with the colony treasurer thereafter by September 1, to facilitate an audit by September 30. In this way the October General Court would be able to have a truer understanding of the financial affairs and status of the colony.<sup>122</sup> In May 1685, constables were ordered to complete their accounts in the future before the May Court.<sup>123</sup> These orders, as well as numerous examples of town officials fined for sundry defects regarding colony finances, demonstrate the continuing problems associated with a fundamental power, and requisite, of a central authority--taxation. Forced to contribute to the larger locality, towns were not only delinquent in their assessment and collection of

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<sup>120</sup>CR, III, 34. In this instance, "country officers" probably refers to deputies, constables, and militia officers.

<sup>121</sup>CR, II, 48.

<sup>122</sup>CR, III, 88.

<sup>123</sup>CR, III, 189.

colony rates, but also registered dissent.<sup>124</sup>

One final example of the dynamic quality of the dual local nature of the seventeenth-century Connecticut polity was the prolonged arbitration and involvement of the General Court in town boundary disputes between 1666 and 1691. Intent upon developing the colony's resources, the General Court was ever-ready to allow the establishment of new towns if such could be done effectively and expeditiously. However, such planting of new towns required the clearer demarcation of existing town boundaries. The outcome of these exertions was often conflict due to unclear or overlapping grants of town lands. Seeking to balance the interests of colony and town, the General Court most often tried to effect compromise in order to restore the peace and order of both.<sup>125</sup>

Seventeenth-century Connecticut's dual localism was the operative method of the two levels of government in the colony. The first of these levels was the colony government. The General Court was the instrument of colony government and the Court's perspective was indeed limited to the colony. Composed of governor, deputy-governor, magistrates, and town deputies, the General Court exercised supreme executive, legislative, and judicial powers. The General Court addressed itself to the manifold affairs of the colony during three distinct periods of the Court's institutional development: 1639-1650--the General Court was primarily an enlarged town meeting of the River Towns; 1651-1665--the addition of new, outlying towns necessitated the marked development of the General Court as an agency of the colony rather than just the

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<sup>124</sup>See Chapter VI.

<sup>125</sup>See Chapter V.

advocate of River Town interests; 1666-1691--the pressures of the further growth on the colony's towns cast the General Court in the role of an arbiter between colony and town interests. The town, the fundamental political unit in the colony, practiced its own localism--usually in a way complementary to the colony, or General Court's, localism.

## CHAPTER III

### THE TOWNS

The principal locus of Connecticut's seventeenth-century particularism, or localism, was the town. The vision of the majority of Connecticut's populace was circumscribed by the oftentimes loosely drawn boundaries of their town, whether it was Fairfield in the west, Middletown in central Connecticut, or Stonington in the east. It was in his town that an inhabitant was born and reared, married, received land grants, raised crops and children, attended his church, and was finally laid to rest in the town's burying-ground. In his town the inhabitant's real and personal estate were listed and he was rated according to colony law or local custom; there his petty offenses or suits relating to trespass and damages were tried; his basic military training took place in his town. For all intents and purposes, citizen of no larger world than his town, except for God's world, the admitted inhabitant of one of Connecticut's seventeenth-century towns discerned no ready, fundamental difference between his own interest and that of his town. Both the family unit and the town were oriented toward the development of the local polity's economic, social, religious, and political potential. Conflict among these two components of the local polity was evident, indeed frequent, yet it was accommodated either through neighborly arbitration and compromise or through litigation. Appeals, legal or otherwise, went no farther than a General Court itself given to accommodation

and the cultivation of its own somewhat elevated brand of localism. On account of seventeenth-century Connecticut's dual localism, the reasonable wants of the majority of the inhabitants, according to the accepted mores, could be fulfilled.

In 1635 and 1636, emigrés from the Massachusetts towns of Dorchester, Watertown, and Newtown, settled along the west bank of the Connecticut River. Motivated by religious, economic, and political concerns, these Puritans sought to establish themselves and their families on fertile lands over 100 miles from a somewhat constricted Boston. During 1636 and early 1637, government was provided for along the River according to a commission from the Massachusetts General Court. Eight men were authorized as magistrates in order to exercise complete judicial authority and to establish any necessary laws and decrees for the ordering of civil and military affairs. At the expiration of this one-year commission, six of the Bay appointees and three new magistrates were joined in General Courts held between 1637-1639, by committees, or representatives, of the three plantations, now called Hartford, Wethersfield, and Windsor. Finally, in 1639, the structure of Connecticut's government was formally established in the famous Fundamental Orders.

Despite the fact that the Connecticut Colony did not have any strict legal legitimacy until the issuance of the Royal Charter of 1662, five mainland towns were founded under the aegis of the General Court before 1662, while three others initially settled under outside



authority were ultimately brought under Connecticut's dominion.<sup>1</sup> Stratford and Fairfield on the western coast of Connecticut were founded in 1639 through the efforts of Magistrate Roger Ludlow. The third "seaside" plantation, Norwalk, was established in 1650-1651 by Hartford emigrés.

Hartford men were also instrumental in the settlement of Farmington, just west of the capital town, in 1645. South of Wethersfield the fertile back country of Mattabesec was organized as Middletown in 1651. Because of location and method of establishment, Middletown (mid-way between Hartford and Saybrook) and Farmington quickly came under the influence of the three original Rivers Towns and were usually designated as "River Towns." Founded originally as a fort in 1635, Saybrook was also described as a "River Town" although not actually part of Connecticut until 1644.

Also founded before 1662, but not through Connecticut's efforts, were the eastern towns of New London and Stonington. Pequot, or New London, was established in 1646 by a group of Massachusetts settlers under the leadership of John Winthrop, Jr. Pequot was immediately claimed by Connecticut by right of a) conquest of the original inhabitants, the Pequot Indians, in 1637; b) purchase of English title to the area from George Fenwick; and c) purchase of the Warwick Patent for the tract from Fenwick (with the proviso that Fenwick must first obtain this

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<sup>1</sup>For a description of the founding of Connecticut's towns see Deming, Settlement of Connecticut Towns; and Andrews, Colonial Period, II, 67-143. The present study does not include the six New Haven Colony towns brought under Connecticut's jurisdiction by 1665 (New Haven, Guilford, Branford, Greenwich, Milford, and Stamford) or the Long Island or New York towns under Connecticut's authority for varying periods of time in the seventeenth century (Rye, Bedford, Southold, Southampton, Huntington, Easthampton, Setauket or Ashford, Westchester, Hempstead, and Hastings).

patent himself) in 1644. At a meeting of the New England Confederation in late 1646, Connecticut's claim was vindicated and the plantation came under its jurisdiction.

Originally a trading-post on the Pawcatuck River, and later an eastern part of New London, Mystic-Pawcatuck, or Stonington, did not submit readily, or completely, to Connecticut's hegemony until 1664. In 1657, a sufficient number of settlers intent on their own town rights in this remote area, brought about the separation of Mystic-Pawcatuck from New London. Making use of its participation in the Pequot War (1637) as a jurisdictional claim, Massachusetts incorporated the tract east of the Mystic River as the Bay town of Southertown. This pretension was confirmed by the New England Confederation in 1658 and 1659, and not set aside until Connecticut's reception of the Charter of 1662, which granted the controversial tract (and much more) to Connecticut.

Prior to the promulgation of the Fundamental Orders in 1639, the three original River Towns of Hartford, Wethersfield, and Windsor, had exercised ad hoc powers of local self-government and land distribution. Although of the three only Hartford has town meeting records extant before 1639, it is certain that Wethersfield and Windsor also passed orders regarding land grants, town improvements, and the laying-out of highways. Perhaps, like Hartford, they too enacted precautionary orders regarding ladders to be maintained for each house and a military guard.<sup>2</sup> The establishment in 1639 of the outlying towns of Stratford and Fairfield, however, necessitated a formal definition of the powers of Connecticut's towns, present and future, so as to insure ordered local and

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<sup>2</sup>Hartford Town Votes, 1635-1716 in CHSC, VI, 1-2, 1635. Hereafter cited as Hartford TV.

colony progress. At the October 10, 1639, session of the General Court, the requisite town powers were granted.

Each town in the Connecticut jurisdiction was empowered "to dispose of their owne lands undisposed of, and all other commodities arising out of their owne lymitts bounded out by the Court." Further, the towns were empowered "to choose their owne officers, and make such orders as may be for the well ordering of their owne Townes" except any orders contrary to colony law. The towns could also impose penalties for the breach of such orders.<sup>3</sup>

Each year the towns were to choose three, five, or seven "of their cheefe Inhabitants" who were to hear civil actions of debt or trespass under 40s., at least once every two months. An oath was to be administered to one of these townsmen, or selectmen, who was chosen moderator; he was to exercise a tie-breaking vote. Provision was also made for summonses and the taking of testimony related to town judicial proceedings.<sup>4</sup>

Each town was to elect a town clerk or register who was to maintain a ledger book containing entries of inhabitants' lands and houses, mortgages, or other pertinent transactions. The town register was to bring a transcript of all such entries to each April and September session of the General Court where his town entries were to be transferred by the colony secretary into a colony volume provided specifically for that purpose. Procedures were also defined both for inventorying the estates of deceased inhabitants and for seeing to the administration of

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<sup>3</sup>CR, I, 36.

<sup>4</sup>CR, I, 37.

said persons' wills, as well as to the distribution of intestate estates. Further, an order was passed that required the town constable to publish in the towns all colony laws made at each session of the General Court.<sup>5</sup>

This all-important grant to the towns of semi-autonomy was not repeated in the colony's first codification of its laws in 1650. The reason may be that the colony's type of local sovereignty was such an established aspect of the polity within eleven years that its definition and inclusion in the Code of 1650 seemed redundant, or unnecessary, to the author, Roger Ludlow. Or, as an outliver (remote from the initial colony settlement area) Ludlow may have wished to leave any delineation of the powers of local government out of the Code since articulation of the official reality, by its very nature, would delimit town practice. Whatever the reason, seventeenth-century Connecticut town records demonstrate that local autonomy, within certain bounds, was the common practice of the towns if not the original theory.

A demonstration and description of the relationship between the towns and the General Court will constitute the remainder of the present study. Charles McLean Andrews' significant early study of the three original River Towns is pertinent to this subject, although that particular work suffers from a mild case of myopia--the relations between the River Towns and the General Court differed in quantity and degree from those relations between the more distant towns and the General Court.

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<sup>5</sup>CR, I, 37-39. For official land recordings of Hartford, Windsor, Wethersfield, Fairfield, Farmington, Middletown, New London, and Stratford, see Connecticut Colonial Land Records: Hartford, Windsor, Wethersfield, Bk. 46, I, 1640-1653; Bk. 47, II, 1646-1673. The only extended town book of colony laws I found was Windsor's, at the Connecticut Historical Society, Hartford. There are scattered entries of colony laws, usually restricted to those that dealt specifically with an individual town, in the records of Wethersfield, New London, and Middletown.

His study is correct in its unequivocal appraisal of the General Court's theoretical sovereignty over the towns. But Andrews' meticulous efforts with Hartford, Windsor, and Wethersfield lead him to different emphases about General Court-town relations than those arrived at when more towns are included in the discussion. One result of a more extensive study is greater import to such eloquent statements by the pre-eminent American colonial historian:

Apart from the fact of legal subordination to the General Court, the valley towns were within their own boundaries as exclusive as a feudal knight within his castle. No magic circle could have been more impassable than the imaginary lines which marked the extent of the town lands. This principle of town separation; the maintenance of its privileges as against all intruders; the jealousy with which it watched over all grants to the individual inhabitants, taking the greatest care that not one jot or tittle of town rights or town possessions should be lost or given up, characterizes everywhere the New England towns, and though a narrow it was yet a necessary view. It made them compact, solid foundations, and bred men who, while ever jealous for their native heath, never failed in loyalty to the State.<sup>6</sup>

The second codification of Connecticut law, in 1672, did contain sections entitled "Town-ships" and "Town Officers." The General Court empowered "the settled and approved Inhabitants of every Township... to make such Orders and Constitutions as may concern the welfare of their Town... but only of a Prudential nature." A maximum fine of 20s. was prescribed for delinquencies respecting such town orders as long as these town orders were not repugnant to colony law. The same town inhabitants were also empowered to choose annually at most seven fit men to serve as selectmen (townsmen) "to order the Prudential Occasions of the Town."<sup>7</sup> Throughout the present study, the term "townsman" shall be

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<sup>6</sup>Andrews, River Towns, 71-72.

<sup>7</sup>Laws of 1672, 65-66. The number of townsmen elected in each town varied between two (Norwalk) and seven (Norwalk, Windsor, and Fairfield).

used to indicate the principal elected town officials, whether three, five, or seven. At different times, some towns, such as Stonington, New London, and Norwalk used the designation of "selectman" for these officers. However, towns such as Fairfield used "selectmen" to take the inhabitants' lists of personal and real estate prior to rating, or taxing, them. The General Court usually referred to the primary town officials as "townsmen," as did Middletown, Farmington, Wethersfield, Hartford, and Windsor. Despite the prominence accorded the colony authority in these descriptions of the town polity, the reality of town autonomy, based primarily on control of its own land and distance, is implied in these laws.

An important qualification of town autonomy, or town localism, was in the area of the local judiciary. Mention has already been made of the gradual abandonment of the completely local judiciary for actions of trespass and debt under 40s.<sup>8</sup> The appointment by the General Court of resident commissioners to sit on the town courts, or the participation in these courts by resident magistrates, insured a colony interest in the proceedings. Thus, while such localized court proceedings were in the hands of fellow townspeople, said judges owed their participation either to a colony-wide electorate (magistrate) or the General Court (commissioner). In such a way was the semblance of an evenhanded dispensation of equity, if not always law, established in each local polity.<sup>9</sup>

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<sup>8</sup>See Chapter II.

<sup>9</sup>See Chapter II for a brief description of Connecticut's legal system. See also Jones, Congregational Commonwealth, 99-137; and especially George Lee Haskins, Law and Authority in Early Massachusetts (New York, 1960). For a very suggestive recital of Connecticut's, and most other American colonies' in the seventeenth century, dependence on the Bay Colony's legal genius see George L. Haskins and Samuel E. Ewing,

Within these broad outlines of town power granted by the General Court, there existed a variety, as well as a uniformity, of local experience and practice. While Chapters IV, V, and VI will deal more extensively with specific town procedures and practices, it is instructive to note that there was a distinct appearance of sameness, or similarity, in seventeenth-century Connecticut town activities. Thus, while a diversity in responses to specific occasions did often result, the situations, if not always circumstances, were so often similar and the differences of responses so often of degree, rather than kind, that basic patterns emerge. For example, in the predominantly agricultural colony the continued development of a town's planting area necessitated numerous orders regarding fencing, swine, highways, and cattle. Obviously drawing on other, older towns' experiences, newer towns might borrow general or specific town or colony orders relating to such matters--but usually only when these orders had become necessary for the town's development. Local conditions and circumstances were also taken into consideration with the not unusual result of some modification of the original orders, whether of another town or even of the colony. Localism was the most significant element in the seventeenth-century Connecticut experience, but such particularism must not be defined exclusively in terms of non-communication and non-sharing.

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"The Spread of Massachusetts Law in the Seventeenth Century," in David H. Flaherty, ed., Essays in the History of Early American Law (Chapel Hill, North Carolina, 1969), 186-191. Two points deserve attention in the latter essay: Massachusetts' influence on Connecticut law is obvious, but the authors do point out various modifications introduced by Connecticut legislators into Bay law. Second, the most important aspect of law is in its application: how were the Massachusetts laws applied in Connecticut? Did Connecticut's leaders, especially prior to 1662, readily import laws from the more legally-endowed Bay Colony in order to affix at least some degree of legitimacy to their charterless colony?

The basic areas of town activity concerned land; religion; finances; livestock; fences; highways, bridges, and ferries; town boundaries; Indians; the military; and trade and local industry.<sup>10</sup> It is hardly surprising that land was such an important concern to the inhabitants of Connecticut's seventeenth-century towns. The colony's poverty in exportable commodities, which in turn contributed directly to a relatively weak over-all economic posture, has already been noted.<sup>11</sup> Deficient as merchants, Connecticut's inhabitants concentrated their energies, willingly or not, on a largely subsistence agriculture instead. Thus, land and its cultivation were pre-eminent concerns to the colonists. The town meeting records abound with a plethora of orders relating to land grants, distributions, divisions, and exchanges. Qualitatively as well as quantitatively, the entries relating to land bear testimony to the simple fact that in a colony where agricultural produce was the ordinary medium of livelihood and commerce, land was the basis of common material wealth.<sup>12</sup>

Riches were not found only in the ground, however. The inhabitants of seventeenth-century Connecticut gathered on the soil not only to till, but also "to mayntayne and prsearve the liberty and purity of the gospell of our Lord Jesus wch we now prfesse, as also the disciplyne

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<sup>10</sup>These categories of town orders agree generally with those of Sumner Chilton Powell, Puritan Village, 4-24.

<sup>11</sup>See Chapter II. This is true of Connecticut when compared with Massachusetts. However, comparisons with Plymouth or Rhode Island Colonies would be more favorable for Connecticut. See also Chapter IV.

<sup>12</sup>See Chapter IV. Curtis P. Nettels, The Money Supply of the American Colonies Before 1720 (Madison, Wisconsin, 1934), 209-212, 219-227, discusses the importance of commodity money in Connecticut, which had no trading centers of its own, like Boston, as entrepôts for specie nor any other consistent medium of exchange.



of the Churches, wch according to the truth of the said gospell is now practised amongst us."<sup>13</sup> Disagreement among scholars as to the actual distinctiveness of the Puritan colonial experience has contributed much to the direction of studies of colonial New England in the past fifteen years.<sup>14</sup> Connecticut's seventeenth-century town meeting records display no uneasiness in the juxtaposition of orders relating to land and orders relating to the maintenance of the town's minister or to the search for a new minister. While quantitatively nowhere near as significant as non-ecclesiastical matters in the town meeting records, a reading of the available sources, colony and town, in toto reveals an easy integration of the religious and the worldly, the church and the mundane, in seventeenth-century Connecticut. While not everyone could or would claim to be a saint, the evidence is abundant that religion was taken seriously, often, in the colony--and less self-consciously than in Massachusetts.<sup>15</sup>

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<sup>13</sup>From the Preamble to the Fundamental Orders, CR, I, 21.

<sup>14</sup>The obvious example is the ongoing conflict between Perry Miller's interpretation [see especially The New England Mind: From Colony to Province, pb. ed. (Boston, 1968) and "Errand into the Wilderness," in Errand into the Wilderness, 1-15] and Darrett B. Rutman's hopeful, but useful, revisions ["The Mirror of Puritan Authority," in George Athan Billias, ed., Selected Essays: Law and Authority in Colonial America (Barre, Mass., 1965), 149-167; Winthrop's Boston: Portrait of a Puritan Town, 1630-1649 (Chapel Hill, North Carolina, 1965); and American Puritanism: Faith and Practice, pb. ed. (New York, 1970)]. See also Michael McGiffert, "American Puritan Studies in the 1960's," William and Mary Quarterly, 3d Ser., XXVII (1970), 36-67; and Dunn, "Social History," 661-679.

<sup>15</sup>See Chapter IV. Pope, Half-Way Covenant, contains very valuable insights into the less strict, more "liberal" ecclesiastical practices of seventeenth-century Connecticut. This was at least in part the result of the influence and leadership of men like Thomas Hooker and John Winthrop, Jr.: Miller, "Hooker and Democracy," 16-47; Dunn, Puritans and Yankees, 59-187.

Finances were usually concerned with some form of taxation, or rate, either for the colony or to support town activities. The latter included the construction, maintenance, and repair of a meetinghouse, parsonage, or perhaps a schoolhouse and also the sustenance for the town's minister and the schoolmaster. However, given a poor colony affected so much by localism, plus the natural aversion toward taxation, rates could generate conflict within a town or between a town and the General Court.<sup>16</sup>

As both an example of wealth and a hindrance to its development, livestock was often the object of town orders. Wandering swine and cattle too often infringed on a neighbor's property and good-will or were left unclaimed too long in town pounds. Sheep flocks and cattle herds obliged the hire of shepherds and herdsmen.<sup>17</sup>

A most tiresome object of town interest was fences. Insufficient fences allowed unruly livestock, from either side of the barrier, to damage crops and pastures. Non-existent fences were worse. Continuing attention, due to the neglect of many proprietors to fence their proportions of common fields or uplands, was required.<sup>18</sup>

Colony elections concerned the freemens' choice of governor, deputy-governor, and magistrates and the choice of deputies by all freemen and admitted inhabitants.<sup>19</sup> Election ballots and the actual votes were most often not recorded in town meeting records. Perhaps more

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<sup>16</sup>See Chapter VI.

<sup>17</sup>See Chapter IV.

<sup>18</sup>See Chapter IV.

<sup>19</sup>The choice of these officers was limited in 1664 to freemen: CR, I, 417-418.

important to the town's inhabitants was the selection of the various town officers: townsmen or selectmen; recorder; constable; tax raters, listers, and gatherers; fenceviewers; highway surveyors; haywards; branders; chimneyviewers; leather sealers; meat packers.<sup>20</sup>

Highways, bridges, and ferries were also subjects of town orders in seventeenth-century Connecticut town meetings. Highways were most often five rods ( $27\frac{1}{2}$  yards) in width and were denoted highways in order to insure easy access to more remote land holdings. Frequent General Court attention to the poor quality of the colony's roads compares unfavorably with town orders passed over and over again to clear brush from highways, fill holes, and remove felled timber. Such conditions hindered inter-colony communication and directly aided town localism.<sup>21</sup>

Bridges and ferries were also matters of town concern since many of the seventeenth-century plantations were divided by small rivers: Hartford, Windsor, Middletown, Norwalk, New London. Easy passage over these rivers, or rivulets, was of moment to the colony--for inter-colony and intra-colony traffic--as was the necessity of maintaining transit across the Connecticut River, the colony's geographical partition and most important waterway. Too often, in intra-town roads, bridges, or ferries, neither town would willingly close the gap with its neighbor.<sup>22</sup>

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<sup>20</sup>Not every town filled each of these offices. In fact in May 1668, the General Court found it necessary to publish an order establishing heavy fines for those who refused their election to any town post without good reason: CR, II, 87.

<sup>21</sup>Roland Mather Hooker notes that poor roads were a factor in the limitation of Connecticut's seventeenth-century trade along with the absence of a surplus of produce: Colonial Trade, 41-42. See also Isabel S. Mitchell, Roads and Road-Making in Colonial Connecticut, Tercenary Historical Publications, XIV, which includes a discussion of Connecticut's bridges and ferries.

<sup>22</sup>See Chapter V.

As the seventeenth century progressed, an increasingly frequent entry in town meeting records dealt with inter-town boundary disputes. Often the result of faulty or inexact measurement, boundary conflicts disturbed the colony's, as well as the towns', peace and order. Directly related to prospective wealth in the form of potential land divisions, and subsequent taxing revenue, boundary quarrels often dragged on for years. Towns spent much effort and money in selecting committees to arbitrate with their neighbors and in instructing deputies or attorneys on how to proceed to a favorable conclusion for the town at the General Court, or an appropriate inferior court.<sup>23</sup>

Town orders regarding Indians were infrequent except in towns that included a sizeable tribe within its bounds or suffered a tribe close to its bounds, such as Stonington and New London. Due to the inherent sensitivity of such issues and their potential bearing on and significance for the entire colony, the General Court interfered in town affairs most systematically and firmly when the object of the town's not always friendly interest was the welfare of Connecticut's Indians.<sup>24</sup>

Military matters appeared most often in town meeting records when a threat was introduced into the colony, either from the Indians, Dutch, or French. Appropriate town orders would deal with the town's

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<sup>23</sup>See Chapter V.

<sup>24</sup>See Chapter VI. Alden T. Vaughan's contention "that the New England Puritans followed a remarkably humane, considerate, and just policy in their dealings with the Indians" appears well taken with regard to Connecticut: New England Frontier, vii-viii. The problems in Connecticut resulted when a town advanced its own Indian policy counter to that of the General Court. See also John W. DeForest, History of the Indians of Connecticut: From the Earliest Known Period to 1850 (Hamden, Connecticut, 1964 /1851/ and the less satisfactory Mathias Spiess, The Indians of Connecticut, Tercentenary Historical Publications, XIX.

usually deficient supply of powder and ammunition or with the suddenly felt need to erect a fortification or establish a guard. Frequent General Court orders intended to strengthen the colony's military position often commented on the laxity of both town and individual soldier and bear testimony to town localism and non-co-operation.<sup>25</sup>

Trade and local industry concerns were usually about the establishment or working of the town mill or the town's subsidization of various craftsmen. In order to facilitate both a miller and the other trades essential for the workaday life of the community, the town was eager to make conditional land grants and to proffer the requisite material inducements.<sup>26</sup>

A significant question in Puritan political theory was the concept of the authority or power of rulers. Called by God to their station in life, rulers, once chosen to their office in some way by the populace, were to rule; the people were called to obey all lawful orders.<sup>27</sup> While in fundamental agreement with this all-important aspect of government, the Connecticut polity proceeded during its existence to add qualification, quite early, to the carte blanche exercise of power favored by such as Governor John Winthrop of Massachusetts Bay. In a famous sermon delivered at Hartford on May 31, 1638, Thomas Hooker enunciated a rudimentary tenet of the Connecticut polity and defined a basic element in the working of the colony's dual localism.

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<sup>25</sup>See Chapter VI.

<sup>26</sup>See Chapter IV.

<sup>27</sup>See Hosmer, ed., Winthrop's Journal, I, 302-305; Perry Miller, The New England Mind: the Seventeenth Century, pb. ed. (Boston, 1968), 398-431.

According to Hooker, "The choice of public magistrates belongs unto the people, by God's own allowance." Such a privilege should not be exercised lightly, but should be done "according to the blessed will and law of God." The important qualification emphasized by Hooker, as well as a fundamental discouragement to arbitrary power, came in the third part of his doctrine: "they who have power to appoint officers and magistrates, it is in their power, also, to set the bounds and limitations of the power and place unto which they call them."<sup>28</sup>

Charles McLean Andrews ably described the differences in government between Massachusetts and Connecticut and concluded that the primary distinction was in degree not in kind. True enough, unhampered by an ecclesiastical test, more of the Connecticut population, unlike the Bay Colony's inhabitants, were eligible to participate in the selection of rulers and the passage of laws. Yet, the people were ruled: "the people, that is, the freemen [sic], elected and set bounds, but the magistrates took the lead and laid down the principles according to which the people made their decisions."<sup>29</sup> This was substantially the situation in the Connecticut polity. Hooker's words, perhaps not unique in their applicability to Connecticut, were nevertheless descriptive of the colony's political structure, top to bottom. Very important for a discussion of Connecticut's dual localism was the working-out of Hooker's sentiments on the town level: the balance between rulers and ruled was different on the two levels of the colony's government. On the local, town level a practical, dynamic "residual power" of

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<sup>28</sup>CHSC, I, 20.

<sup>29</sup>Andrews, Colonial Period, II, 88-91. In practice, of course, more than just the freemen elected Connecticut's rulers: see Chapter II.

authority did indeed exist in the people and, due to sheer physical presence, if nothing else, was exercised by the townspeople.<sup>30</sup> Thomas Hooker had written that those who could choose officers could also establish limits to their powers and office--and remind the officers of such limits. An example of both aspects of Hooker's exposition of ruler and ruled occurred in New London.

An important, and unique, power enjoyed by New London's townsmen in the plantation's early years was that of making land grants. At a town meeting in August 1653, however, the townsmen confessed that they had erred in not taking further advice from the town regarding land divisions in the sensitive Mystic-Pawcatuck region. Although the town had voted for the land to be divided by lot, the townsmen had chosen instead to use their own discretion. The result was the discontent of some inhabitants who complained they had not received the proportion proper to their condition. The townsmen acknowledged the problem before the town meeting and affirmed they would hear the complaints and consider them according to equity and reason. In its turn, the town accepted the statement of the townsmen and, in order to bring a final issue to all similar differences, ratified and confirmed all past land grants made by the townsmen within town bounds. This vote was to be in effect despite any previous, contrary town votes pertaining to the Mystic-Pawcatuck area or any other previous town order not observed or mistakenly applied by the townsmen.<sup>31</sup>

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<sup>30</sup>Cf. Perry Miller, Orthodoxy in Massachusetts, 1630-1650, pb. ed. (New York, 1970), 170-186, who disagreed. See Chapters II, IV, V, and VI for a discussion of the situation on the colony level.

<sup>31</sup>New London Grants and Deeds, II, 1646-1669, 53. The town had also restricted the townsmen's granting of land at other times: New London Town Records, IA, 28, February 25, 1647/8. Hereafter cited as New London TR.

The significance of the New London incident is that the town meeting was not only theoretically but also, if necessary, the continuing, practical locus of town power. But, the New London incident, by its very uniqueness, also demonstrates that the more usual situation in seventeenth-century Connecticut was one in which the townsmen, operating in defined areas, most often used their own discretion--founded on town acquiescence. The less sensitive and important the subject, the more real power the townsmen would, or could, exercise. Confining and channelling his discretion to certain less sensitive areas than land distribution, a townsman was able to enjoy the power and the deference due his calling in Connecticut, normally for as long as he wished. Thus, while in theory fundamental power on the town level resided in the town meeting, the practical occasions for an exercise of this residual power, or authority, were few. The third part of Hooker's exposition, then, was not a doctrine of passivity on the town's part. Most often the town was directed and led by the townsmen and other luminaries, such as resident magistrates or commissioners, but the town's residual power was real and was recognized as such.<sup>32</sup>

In sum, the town, the basic unit in Connecticut's polity of dual localism, functioned according to the stated or unstated wishes of the townspeople. The vehicle of final authority in the town, the town meeting seldom saw occasion to exercise this prerogative. Duly elected townsmen, theoretically limited in their own exercise of power, were able to direct and lead the town competently because of their discretionary prowess and prudence and the natural (and real) deference granted them by their neighbors. The townsman, facing annual election,

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<sup>32</sup>See examples in Chapters IV, V, and VI.



enunciated of necessity the wishes of the town--hence, the primary unit of Connecticut localism operated in a mode satisfactory to the locality. Most important, then, was the office and duties of the townsmen since they, along with the town's deputies, were the principal agents of the town.

The established powers of the townsmen, or selectmen, varied mainly in degree from town to town during the seventeenth century. At a town meeting on January 1, 1638/9, Hartford's townsmen were empowered to order all necessary town occasions. However, they were not to admit new inhabitants without the approbation of the whole town nor were they to make any levies or taxes except for charges relating to the herding and ordering of cattle. They were not to grant town lands to any inhabitant unless there was a case of present necessity. In such an instance they could grant one or two acres. The townsmen could not alter any highways already settled or laid out. While the townsmen were empowered to call out inhabitants and their cattle for town service they, the townsmen, could do so only after permission had been given at a public meeting. At their discretion the townsmen could increase wages above the usual rate allowed by the town but only up to 6d. per day. They were allowed to require the service of an inhabitant's cattle without the town's explicit permission if, in the town's name, the cattle were returned safely in a reasonable time and for a reasonable allowance for the hire. However, no one townsman could require the service of a person, or cattle, without the knowledge and consent of some of the other townsmen. Finally, the townsmen, under penalty of 2s. 6d. for each neglect, were required to meet once every two weeks in order to consider town affairs. Moreover, they were to agree among themselves on a time for calling the

town together to consult about and seek conclusions regarding situations not within their power.<sup>33</sup> Within a year, the mandatory townsmens' meetings were ordered to be held once a month: any inhabitant who had some business to be transacted was to see the townsmen then.<sup>34</sup>

A feature of Connecticut town government unique to Hartford was the use of two inhabitants from either side of Hartford's Little River to attend the townsmen, at town charge, in town affairs.<sup>35</sup> At a town meeting in February 1639/40, an order defined more clearly the functions of these subordinates. They were to do whatever the townsmen appointed but were especially to view and mend common fences; view the commons and impound loose livestock; and appraise destruction done by livestock and collect the damages. Further, they were to seek out any breaches of town orders at the direction of the townsmen and were to do other services such as warn men to public employment and gather particular rates.<sup>36</sup> In time these various tasks were delegated to specific town officials, such as pounders, rate- and list-makers, and fenceviewers.

The very precise definition of the Hartford townsmens' powers relating to admission of new inhabitants, common or impressed labor, taxation, land grants, highways, and the ordering of periodic townsmens' meetings were not always duplicated in the other towns under study. The reasons were probably in equal parts: Thomas Hooker's influence--he was an inhabitant of Hartford; necessity, given the rapid growth of the Hartford plantation into a town; and the fragmentary nature of the

<sup>33</sup>Hartford TV, 2-3.

<sup>34</sup>Hartford TV, 12, January 7, 1639/40.

<sup>35</sup>Hartford TV, 9, December 23, 1639.

<sup>36</sup>Hartford TV, 24-26.

earliest records of other towns. Thus, no description of the townsmen's powers are available for Farmington or Windsor, while the Wethersfield townsmen were given a blanket authorization to agitate (i.e., excite public discussion) and order all town occasions except the granting of land without the town's consent.<sup>37</sup> On the other hand, the settlement of Middletown in 1650-1651 from Hartford explains the copying of Hartford's earlier ordering regarding the office of townsman.<sup>38</sup>

A town meeting at Fairfield in February 1664/5 conferred full power on the townsmen to act on the "prudentials of ye town in all particulars" for the town's welfare, except the granting of lands. However, any inhabitants who wanted land were first to present their requests to the townsmen, who would then present the request, apparently, to the town. While semi-annual town meetings were scheduled for February 15 and August 15, the townsmen were empowered to call interim meetings if they thought such meetings necessary. No further warning of the two annual meetings would be given to the inhabitants. Finally, anything the townsmen did was to be considered binding on the town's inhabitants if it was posted either on lecture day or on the meetinghouse door.<sup>39</sup> Two months later, an order was passed at a townsmen's meeting that the townsmen would meet once every two weeks "for ye attending ye town

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<sup>37</sup>Wethersfield Town Votes, 28, January 22, 1647/8; 37, February 18, 1650/1. Hereafter cited as Wethersfield TV.

<sup>38</sup>Middletown Town Votes and Proprietors' Records, 9-10, November 20, 1652. Hereafter cited as Middletown TV. Conspicuously missing, however, was the Hartford prohibition against the townsmen's granting of town lands. The Middletown inhabitants, probably all proprietors at this time, seem to have had this power well in their own hands: ibid., 7, November 8, 1652.

<sup>39</sup>Fairfield Town Records, B, Pt. 1, 17-18. Hereafter cited as Fairfield TR.

occasio<sup>ns</sup>." <sup>40</sup> In February 1670/1, the town again empowered the townsmen, or at least three of them, to warn town meetings. <sup>41</sup>

At an April 15, 1654, town meeting, Norwalk's two townsmen were ordered to transact the town's affairs according to the following instructions: 1) they were empowered to appoint and call town meetings either in the morning or the evening, but in case of the former, notice was to be given the night before; 2) they were empowered to hire herdsmen for the town's cattle and to collect the herdsmen's rate; 3) they were enjoined to see both that the elected viewers carefully checked the town's fences and that defective fences were repaired when so ordered; 4) they were to attend to the burning of the town's woods and to make certain that the inhabitants were given sufficient notice to protect their fences. Town business could be carried on at any town meeting by the two townsmen and five other inhabitants. The town meeting would not be dissolved until the townsmen declared it to be, and all actions were pronounced legal when propounded by the townsmen. <sup>42</sup> Two years later, however, this order, or at least part of it, was repealed. The townsmen were still empowered to call town meetings, but if the two townsmen could not agree when to warn a town meeting, one of them could then call the meeting, with the consent of six inhabitants. Any acts passed by a majority of those present at such a duly called town meeting were to stand in force. <sup>43</sup>

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<sup>40</sup>Fairfield TR, B, i, 19, April 29, 1665.

<sup>41</sup>Fairfield TR, B, ii, 70.

<sup>42</sup>Norwalk Town Meetings, 4-5. Hereafter cited as Norwalk TM.

<sup>43</sup>Norwalk TM, 19. See n. 53.

The Stonington townsmen were instructed at a March 1663/4 town meeting "yt they Consider & act all prudentiall affayrs which concern the Good of the town," as well as procure a minister and see that the meetinghouse was made more comfortable.<sup>44</sup> A much more elaborate description of the duties of the townsmen was given at a town meeting in New London in February 1659/60. It includes a good summary of the duties, defined and undefined of all the colony's townsmen.

The New London townsmen were to see that all boundary marks and fences of town and particular, or private, lands were well-kept and maintained. They were to see both to the improvement of the town's lands so as to advance the good of the town and to the securing of the town's improveable lands from marauding swine and cattle. They were to see that the education of children and the instruction of servants was accomplished. Strangers were not to be suffered in the town over two or three weeks without the town's approval. The town magazine was to be kept duly supplied. Highways were to be ordered and regulated. The meetinghouse was to be cared for and some course was to be considered for the best-keeping and maintenance of the town's records. The majority, or all of the townsmen, were to consult with the moderator regarding matters to be propounded at the town meetings so as to effect necessary town matters more easily and to prevent needless questions and agitations. The townsmen were to oversee local Indian affairs and problems and were to regulate the felling, finishing, and transporting of timber products at their own discretion, for the good of the town. They were also to oversee the ferry both for the town's and travelers' benefits. They were empowered to hear and to make determinations

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<sup>44</sup>Stonington Town Votes, I, b. Hereafter cited as Stonington TV.

regarding any complaints by inhabitants about land and land grants. But all doubtful or difficult cases were to be referred to the next town meeting for issue. Finally, upon public notice, the townsmen were to come together to enable any inhabitants who had town affairs to meet publicly with the townsmen.<sup>45</sup> Such were the duties of the unpaid townsman.

A common thread among the various towns' orders regarding the powers and duties of the townsmen is the delegation and often the definition of these powers and duties by the dispensing authority, the towns. There is no question that the theoretical, and sometimes actual, locus of local political power was the town meeting, but most often the effective and practical authority resided in the office of townsman. Working within the limits established by his town, and colony, and enjoying the deference occasioned by his social as well as political position, the townsman was a most important agent in the relations between the General Court and the towns. It was the townsman who directed the town's community energies and wishes, formulated protests from their frequently inchoate irritations, and carried out the dictates of the General Court. The words of a Hartford town order passed in 1645 accurately describe the function and importance of the townsman in seventeenth-century Connecticut:

Whereas in all Communities & bodyes of people some publique workes will occur, for the orderinge & manning whereof yt hath ever bene found Nesesary & agreable to the rules of prudense to make Choase of pticuler psons to whome the same hath bene Comitted whoe both wth most advantage to the occations & least trouble & inconvenience to the whole may ousee & transact such affayres: And accordingly yt is wth us usuall (the beginings in wch wee are prsenteinge mainy things

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<sup>45</sup>New London TR, IB, 38-40.

of that nature:) to make Choase of some men yearly whome wee call  
Tonnsmen to attend such occations:<sup>46</sup>

Two indications of the importance and potential powers of the townsmen are manifest in the perennial struggle of enforcing inhabitants' attendance at the town meeting and the survival of townsmen's agendas for town meetings in New London and Windsor.

Throughout the records of the seventeenth-century Connecticut town meetings there are numerous orders concerned with attendance at the town meetings. Whether because of distance, lack of time or interest, or whatever, Connecticut town meetings were not always well-attended. As early as January 1639/40, Hartford passed an order that all inhabitants were to be present at the town meetings unless given the town's consent to be absent. Sixpence fines were to be levied on inhabitants who either did not appear or left the meeting early without the assent of the whole assembly. Further, it was ordered by the town meeting that if any inhabitant failed to stay after lecture for a town meeting duly warned by the townsmen, the absentee would still face a fine for his violation of any orders enacted therein.<sup>47</sup> Quite simply, the seventeenth-century Connecticut town polity rested on a foundation of mutual consent.<sup>48</sup>

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<sup>46</sup>Hartford TV, 80-82.

<sup>47</sup>Hartford TV, 11-12.

<sup>48</sup>Michael Zuckerman's provocative Peaceable Kingdoms: New England Towns in the Eighteenth Century (New York, 1970) contains a chapter on "The Context of Community: the Towns and the Province" (10-45) wherein he deals with the importance and the morphology of local consensus in Massachusetts and, by implied extension, the rest of New England. Seventeenth-century Connecticut differed in various ways from Zuckerman's model, but his work is very stimulating because of the number and the quality of questions it raises about consensus and conflict in colonial New England. See, among other reactions to the so-called "Zuckerman thesis," L. Kinvin Wroth, "Possible Kingdoms: the New England Town From the Perspective of Legal History," American Journal of Legal History, XV (1971), 318-330.

However, community agreement would seem to have often been by default, rather than by the active involvement of a frequently inert populace.

Fairfield's town meetings seem to have been at times raucous affairs. Besides orders in December 1663 and June 1677, prescribing fines for non-attendance, tardiness, or early self-absention, the Fairfield town meeting also found it necessary to pass orders regarding disturbances at town meetings.<sup>49</sup> In February 1664/5, Magistrate Nathan Gold was chosen moderator and empowered to assess a fine of 3d. on any who were disorderly or who spoke without his (august) leave; this order was repeated in June 1677, and twice again in 1678 (April and May).<sup>50</sup> Finally bowing to the inevitable circumstance of apathetic citizens, the Fairfield town meeting in April 1678 passed an order "that for future Town metings at the Time appointed for the meting the drum shall be beaten about the space of half an hour and such Inhabitants as shall come to the meting shall be esteemed the Towne to proceed in any Towne acts."<sup>51</sup> In such situations, the real powers and authority of the townsmen were necessarily enhanced and the residual, local sovereignty of the people weakened, though hardly abrogated, through the inhabitants' own choice.

Norwalk's town meeting also suffered attendance problems. Thus, while fines and procedures for their collection for non-attendance, or leaving the meeting early, were ordered in 1654 (6d.); 1656 (12d.); 1657, 1657/8, and 1659 (6d.); the town meeting also realistically passed

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<sup>49</sup>Fairfield TR, B, ii, 18, 113.

<sup>50</sup>Fairfield TR, B, i, 17; ii, 113, 120, 121.

<sup>51</sup>Fairfield TR, B, ii, 120.



several orders to deal with the endemic problem.<sup>52</sup> In 1654, it was ordered that town business could be carried on by the two townsmen and five other inhabitants.<sup>53</sup> In 1656, it was ordered that one townsman and six inhabitants could legally call a town meeting. As long as one townsman was present and the town meeting had been warned the evening before, whatever acts passed with the majority consent of the town present were to stand.<sup>54</sup> In February 1672/3, it was ordered that when a town meeting had been legitimately warned and a major part of the town had come together, the town meeting was to continue to meet in order to act as the town thought necessary. The meeting was to carry on "untill Such time as the townsmen Shall dismis it, although divers of the first Sayd mager pt shall depart before."<sup>55</sup>

At a town meeting in Middletown in January 1652/3, it was enacted that "by reson of many speking at onc: and som in on plac: sum in a nother of divers things at the sam tim: which loseth much tim: for very litle bisnes is caryed on: and it is greevyus to the harts of many" it was deemed necessary that one of the townsmen be appointed to moderate men in their speaking.<sup>56</sup> In March, the townsmen ordered that

<sup>52</sup>Norwalk TM, 4, 19, 30, 23, 40. The Norwalk recorder even compiled lists of those inhabitants absent from town meeting and those who departed without leave from the townsmen: 6, September 12, 1654 (four absent); 21, December 6, 1656; 16, n.d. (notices of those absent from town meetings in 1657).

<sup>53</sup>Norwalk TM, 4.

<sup>54</sup>Norwalk TM, 19. This order was intended to circumvent a problem arising when one of the two townsmen refused to acquiesce in the call for a town meeting. Norwalk persisted in its yearly (illegal) election of only two townsmen from 1654 to 1674 when seven men were chosen. For three months in 1657-1658, five townsmen were elected.

<sup>55</sup>Norwalk TM, 100. The phrase "with ye mager" came after "as the townsmen" but was crossed over by the recorder.

<sup>56</sup>Middletown TV, 10.

to prevent future disorders at town meetings, the townsman chosen by themselves to propound matters to be discussed at town meetings they warned was to be the moderator. He would supervise men in their speech and give liberty to whomever was to speak.<sup>57</sup> In December 1654, the town ordered a 5d. fine on any who were late for town meeting and did not have a satisfactory reason to offer the townsmen and a 2s. fine on any who were absent altogether unless absolute necessity prevented their attendance.<sup>58</sup>

In May 1648, New London ordered a 2s. 6d. fine on any inhabitant who, when legally warned to a town meeting, was not present within one-half hour after the appointed time, or left before permitted to by those present.<sup>59</sup> In April 1654, the order was repeated although the fine was lowered to 1s.<sup>60</sup> One month later, however, the New London town meeting elaborated on town meeting attendance and procedures, indicating once again the perennial nature of the problem connected with this aspect of the town meeting. The detail of New London's order suggests that the desired community consensus might sometimes have a phantom-like quality.

The men chosen as warners were to tell all inhabitants of town meetings ordered by the constable or the townsmen. Notice would be given by the town drummer who would beat his drum for one-half hour before the time appointed for the town meeting. If fifteen inhabitants, including the constable and two townsmen met at the prescribed time and place, a full and lawful town meeting would be considered convened. If

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<sup>57</sup>Middletown TV, 11.

<sup>58</sup>Middletown TV, 21.

<sup>59</sup>New London TR, IA, 20.

<sup>60</sup>New London TR, IC, 53a.

the cause for the meeting was extraordinary, the warner was to inform the inhabitants. If they persisted in their non-attendance, they were to pay 2s. to the constable for the town's use, unless the offender could offer an excuse satisfactory to the moderator and two of the townsmen. Only the minister and any resident magistrates were exempted from such fines.<sup>61</sup>

Coupled with the earlier discussion relating to both the explicit and implicit power and influence of the townsmen in seventeenth-century Connecticut, the town meeting attendance situation completes a portraiture of the town polity. Unless (and sometimes, even if) the issues to be agitated at a town meeting were of vital individual import to an inhabitant, such as land distribution, he would often not bother to be present at the town meeting. Seemingly content to follow the directions of a certain few, known, and trusted men elected as townsmen, the average citizen of a seventeenth-century Connecticut town did, on the other hand, possess a residual political power over his chosen leaders. However, it was a power seldom asserted, due mainly to the circumspect and respected leadership of a small cadre of fellow citizens. Implicit in all the town meeting records, these directing and leading capacities of the townsmen were explicit in town orders empowering the townsmen to order the town's prudentials, i.e., everyday affairs. The New London and Windsor town meeting records offer further testimony regarding the townsmen's position in town life in the form of a number of moderators' memoranda used in the conduct of town meetings.

On January 5, 1656/7, the Windsor townsmen met and agreed to warn a meeting of the whole town. In considering matters to be presented to

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<sup>61</sup>New London, IC, 55a.

the town, they decided to find out the judgments of the inhabitants regarding 1) minister Warham's rate, 2) the sale of the town house, 3) the petition to the General Court regarding swine, and 4) the appointment of fenceviewers.<sup>62</sup> A month later the townsmen met to consider the town rate and what was to be included in it: "of what was necessary to come in view for a town rate."<sup>63</sup> The designated town meeting was held on February 10, 1656/7, and all but one of the matters considered by the townsmen at their two meetings was disposed of by those in attendance.<sup>64</sup> A further example of the procedure of Windsor's town meetings occurred in November 1667. Recorder Matthew Grant noted that the town meeting was called 1) to choose townsmen, 2) to take account of the disposal of a former town rate, and what still remained of it, 3) to know the town's mind regarding the ministry's pay for this year, and 4) to decide on a way to answer two inhabitants concerning their purchases of Indian lands.<sup>65</sup>

Considered in the sweep of Windsor's seventeenth-century town records, the above agenda for two town meetings suggest that the functioning of the Windsor polity was the result of an effective leadership directing the sovereign, but passive, power of the populace.<sup>66</sup> As in

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<sup>62</sup>Windsor Town Acts, Bk. I, 32, c. Hereafter cited as Windsor TA.

<sup>63</sup>Windsor TA, I, 32.

<sup>64</sup>Windsor TA, I, 32, 32a. Regarding the particulars of the town expenses, as presented by the townsmen for a town rate, the town left it to the townsmen to effect. This was done at an October 26, 1657, townsmen's meeting: 33a.

<sup>65</sup>Windsor TA, II, 8a.

<sup>66</sup>See below regarding the comparative number of town and townsmen's meetings.

the other towns, the Windsor townsmen managed the town's business. Similar to the situation in most of the other towns, there was no question in Windsor as to the precise location of the sovereign, local power. Most often, though, the practical exercise of authority and power were left to the continuing exertions of the townsmen.

Between 1651 and 1667, the New London town records include a great number of moderator's memoranda and agenda for town meetings.<sup>67</sup> Their primary importance here is to describe once more the particular dynamic quality of the seventeenth-century Connecticut town polity: the townsmen suggested and directed (and sometimes ordered) while the town meeting disposed.<sup>68</sup>

For the October 21, 1661, town meeting, recorder Obadiah Bruen listed the following items to be brought to the town's attention: 1) to secure glass and repair the meetinghouse; 2) Reverend Gershom Bulkeley's request that his personal lot (land) and the minister's lot might be found and stated; 3) whether or not to prosecute Goodman Elderkin in case he refused to perform his bargain to build a parsonage; 4) the disposition of requests for land from messrs. Lord, Savage, Loveland, a Dutchman and his wife; 5) the building of a town pound; 6) a town rate; and 7) consideration of what work the town was to do on the minister's

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<sup>67</sup>There are also a lesser number of memoranda for townsmen's meetings. See New London TR, IC, 7, October 1651; 16, March 17, 1651/2; IE, 12, June 30, 1662.

<sup>68</sup>But the disposition was not always at the next town meeting. For example, see New London TR, IF, 10, June 9, 1663, and 10-11, July 20, 1663. This suggests again a very basic ingredient of seventeenth-century Connecticut's, and other colonies', social fabric: the deliberative or accommodative quality of social and political discourse, when it was allowed to simmer as it were, because of distance and geography and the lack of instant communication. Very often the result was an ameliorative effect through a diffusion of potential tensions and conflicts.

house, besides what Elderkin was to accomplish.<sup>69</sup>

Other examples of the New London moderator's notes could be given, but the basic import of all of the various entries would remain the same: the moderator and townsmen were the agents of the town, and for the most part were left to transact the town's business. Thus, while theoretically the functionaries of the town meeting, the townsmen were most often in reality the active participants in a relationship that gave life, dimension, and direction to the local polity.

One final aspect of the town government in seventeenth-century Connecticut deals with the number of town meetings and townsmen's meetings noted in the town records and the significance of a comparison of these figures for the development of the local political system. A recent article has suggested that the democratic, New England town meeting may have been the result of a process of growth, rather than an immediate phenomenon in seventeenth-century New England.<sup>70</sup> Working from the printed records of two Massachusetts towns, Dedham and Watertown, two scholars described a situation in which the pre-1680's locus of effective political power in both towns was vested in the board of selectmen or townsmen. Between 1680-1720, there was a shift of political power and political initiative from this small group to the town meeting. The reasons given for this shift of power were 1) the death in the 1670's and 1680's of the first generation of town leaders and a

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<sup>69</sup>New London TR, IE, 3.

<sup>70</sup>Kenneth A. Lockridge and Alan Kreider, "The Evolution of Massachusetts Town Government, 1640 to 1740," William and Mary Quarterly, 3d Ser., XXIII (1966), 549-574. See also Lockridge, A New England Town: the First Hundred Years, pb. ed. (New York, 1970), especially chapters three and seven.

consequent widening and democratization of office-holding; 2) town conflicts over the choice of ministers; and 3) sectional struggles within the towns resulting in intra-town conflict and acrimony. The authors suggest that this transfer of town power from a group of great men to the town meeting might be termed the "natural history" of said towns, whether typical or not of colonial New England. An important element in this interpretation is the number and the substance of townsmen's meetings during the period compared to the number, and the substance, of town meetings. While Connecticut's seventeenth-century experience, in the nine towns under study, would appear to agree in part with this thesis, certain reservations must be presented.

First, as Table 4 demonstrates, most towns did not record townsmen's meetings as such. Rather, the form of Connecticut town meetings, as explained above, emphasizes the qualitative importance and the initiatives quietly enjoyed by the townsmen in the nine towns, a characteristic difficult to quantify. Given this internal evidence, a graph method, such as that proposed in the study of two Massachusetts towns, fails to provide an adequate schema with which to expound the predominance of the seventeenth-century Connecticut townsmen. In fact, what a quantitative method does manifest in Connecticut's case is a significant decrease in town meetings held during the seventeenth century in six of the nine towns.<sup>71</sup>

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<sup>71</sup>This decrease in the number of town meetings probably indicates both a commensurate increase in, or maintenance of, the political power and discretion of the townsmen--subject to the town's ultimate approval--and a willingness on the town's part, active or passive, to acquiesce in a political system that by the end of the seventeenth century had become traditional and comfortable. It must be kept in mind, however, that there was variety as well as sameness in the towns' internal development, whether political, social, religious, or economic. See Table 4, in Appendix A.

Second, a connection not given its due by the Massachusetts study is the incidence of significant concurrent office-holding in seventeenth-century Connecticut. Perhaps, unlike Massachusetts, Connecticut's townsmen were very often the town's commissioners and deputies and even magistrates.<sup>72</sup> As such, the consequent General Court-town connection, in the person of the individual official, would serve to reinforce the initiatory and political powers of the townsmen vis-à-vis the town meeting.

Finally, the present study terminates in 1691, when the process described by the Massachusetts study had just begun in two Bay towns. Additional study may provide the basis for an extension of the Massachusetts model to colonial Connecticut. However, a substantive and quantitative examination of nine Connecticut towns in the period before 1691 does not offer much support for the Massachusetts pattern.

Of the two component parts of Connecticut's dual localism in the seventeenth century, the General Court and the town, the latter's disposition toward a particularist bent was more fundamental. Not only was the attention of the townspeople concentrated on the territory within their own town boundaries, but the official representatives of the town--be they townsmen, deputies, or even magistrates--were imbued in their turn with this localism. Whether engaged in a boundary conflict with a neighboring town or embroiled in a dispute at the General Court in Hartford regarding their town's tax delinquencies, the official was foremost

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<sup>72</sup>Initial research on office-holding in seventeenth-century Connecticut suggests that at least in part the colony's institutional and political stability was contingent on the abilities of men who very often held both colony and town offices at the same time.



the citizen of a town. At the same time the Connecticut towns were theoretically and actually subordinate to the General Court--and effectively independent in their practical affairs of local government. That is, while they were bound by colony law in important matters such as colony taxation and colony military efforts, the towns were also left free to interpret and implement colony law regarding less important affairs dealing with purely internal problems such as fences, swine control, and the establishment of schools. Nor was a town's initiative limited to pigs and schoolmasters. Indeed, as long as the civil peace was maintained, the ultimate authority of the General Court was honored, and an extraordinary situation--such as a war or an Edmund Andros--did not exist in the colony, as long as these conditions were not present the Connecticut towns of the seventeenth century functioned largely as independent entities.

In short, the dual localism of General Court and town in seventeenth-century Connecticut was oriented toward town-colony development. If town activities did not seem to hinder either locality in its understood purpose, then the subordinate towns could carry themselves independently even if they did not pay strict attention to colony law. The most pronounced instances of town independence of action in the face of General Court orders occurred in intra-town affairs, i.e., matters principally affecting only the individual town.

## CHAPTER IV

### THE RELATIONS BETWEEN THE GENERAL COURT AND THE TOWNS:

#### INTRA-TOWN AFFAIRS

It is difficult to make precise distinctions between intra-town and inter-town affairs; and then to relate the designated activities of the towns to the concerns of the General Court. However, to demonstrate more clearly the dynamic, and not so dynamic, relationships between the various towns and the General Court it is necessary to categorize town and Court actions. Nowhere, however, is such a compartmentalization intended, or thought, to be mutually exclusive. Indeed, reality is a totality no matter the somewhat tattered edges historians' interests, and emphases, perforce leave. The present chapter will deal with the relations of the General Court and the towns in the matter of intra-town affairs: land, fences, livestock, timber, wolves, trade and local industry, town churches, meetinghouses, and schools. Ordinarily, these matters had an impact limited to individual towns.

#### A. Land

At a General Court in October 1639, the Connecticut towns were authorized to dispose of their own lands and to make such orders as were adjudged necessary for the towns' own situations as long as these orders were not contrary to established colony law.<sup>1</sup> Land, the single most

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<sup>1</sup>CR, I, 36.

important element in the mundane concerns of the colony, and its distribution were placed under the control of those most directly and immediately affected by it. Like other significant aspects of the Connecticut polity, the development and control of land in the seventeenth century was the function of a shared responsibility between the town and the General Court. Relegating itself primarily to a supportive and reactive role, the colony-oriented localism of the General Court complemented the particular localism of the town.

By 1691, most of Connecticut's towns had evolved a land system wherein certain early inhabitants, called proprietors, exercised control over the division of remaining town lands.<sup>2</sup> For much of the seventeenth century, however, the town and the proprietors were one and the same. Hence, the potential for conflict between those with and those without land rights in the towns remained in abeyance. The basic theme of land distribution in the seventeenth-century towns, moreover, was one of piecemeal apportionment. Most towns took fifty or more years to parcel out their approximately one hundred square miles of land. Far from dissolving into a forum for extensive and wasteful aggrandizement, the town

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<sup>2</sup>Most of the Connecticut towns had designated definite town proprietors at least by May 1685, when, in the face of rumors of approaching English interference in New England, the General Court ordered each locality to take out a land patent for all township lands: CR, III, 177-178. Distinct groups of proprietors had emerged earlier in Hartford (Hartford TV, 21-22, January 3, 1639/40); Stonington (Stonington TV, I, 29, December 24, 1668); Middletown (Middletown TV, 89, March 22, 1670/1); and Fairfield (Fairfield TR, B, ii, 178-179, November 1, 1687) somewhat later.

The standard work is Akagi, Town Proprietors. However, Charles S. Grant's very valuable Democracy in the Connecticut Frontier Town of Kent, pb. ed. (New York, 1972) complements and corrects the former's especially jaundiced view of town proprietors.

See also Chapter V for Magistrate Nathan Gold's (Fairfield) extraordinary interpretation of the meaning of the 1685-1686 town land patents.

meeting functioned more in the fashion of a corporate body interested in the ordered development of its natural largesse. Thus, while the General Court might proffer large land grants in certain "waste" areas, especially the Pequot country, to colony dignitaries, each town husbanded its own demarcated and circumscribed territory.

Aside from establishing and bounding a town and providing for the registration of town land grants, the General Court limited itself in land matters to supportive legislation and to specific orders or actions regarding local conflicts. Regarding supportive legislation, for example, in 1635 the Hartford town meeting passed two important orders relating to land: if a grantee left town within four years of his grant, his land would return to the town, which would pay for any improvements; further, if any grantee desired to sell his lot within four years, he must first offer it to the town. Secondly, if a homelot was not improved, by building on it, within one year, it was to return to the town.<sup>3</sup> Similarly, at a New London townsmens' meeting in March 1647/8, it was ordered that anyone who was granted a houselot and did not inhabit it in six months was to forfeit it back to the town.<sup>4</sup>

Designed to maintain community control over its land interest, these three town orders were given the added weight, and legal support, of concurring General Court orders. In the Code of 1650, the first codification of Connecticut law, it was ordered that all dwelling houses were to be well-maintained in the various towns and that all those who

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<sup>3</sup>Hartford TV, 1.

<sup>4</sup>New London TR, IA, 28; IB, 3.

owned houselots were to build on them in one year.<sup>5</sup> In May 1660, the General Court ordered that no inhabitant could sell his house and lands until he first offered them for sale to the town involved.<sup>6</sup> While the latter order in part represents an attempt to aver sectarian and political homogeneity in the colony, especially regarding the Quakers, it also exemplifies a recurring circumstance in seventeenth-century Connecticut: i.e., General Court orders dealing directly with town affairs were often antecedent to similar town acts. Such efforts by the General Court served not only to introduce apparent similitude into the colony's internal affairs, but also strengthened the enforcing powers of towns themselves able to pass such acts, but either unable, or negligent, to enforce them. The complementary character of much General Court legislation emanated from such a reality of local weakness, and indeed, indifference.

Actual interference by the General Court in town land matters occurred most often in the role of positive arbitration.<sup>7</sup> Hence, in

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<sup>5</sup>CR, I, 562-563. New London's townsmen immediately reiterated their earlier order that a homelot would be forfeit if the grantee did not build a dwelling-house on it within six months with the added proviso, however, that the townsmen could give an extension of time: New London TR, IC, 9a, November 27, 1651. Significantly, later in the century Simsbury and Woodbury had taxation problems with absentee landowners: CR, III, 42, October 15, 1679; 198, May 17, 1686.

<sup>6</sup>CR, I, 351. The Court reaffirmed this restriction in the Laws of 1672, 30; and again on October 8, 1685 (CR, III, 186-187). Middletown had previously passed its own order, with heavy penalty attached, on February 6, 1653/4, dealing with intra-town land purchases and land sales to undesirables: Middletown TV, 13-14. Norwalk was most concerned with preventing any person from engrossing more than one homelot: Norwalk TM, 12, November 20, 1655; 51-52, April 19, 1661.

<sup>7</sup>In an affirmative manner, the General Court did order the towns to choose committees to determine how each town could improve its common lands for best advantage to the public good: CR, I, 100-101, February 14, 1643/4.

March 1660/1, the Court answered a petition about the division of some Hartford waste land east of the Connecticut River by reiterating the proprietors' pledge in Court to appoint a time to lay out the lots according to previous grants.<sup>8</sup> In answer to a May 1668 petition by three Wethersfield inhabitants regarding land east of the River, a committee was appointed by the General Court to lay out the lots per the town's original grants.<sup>9</sup> And in 1671 and 1679, the General Court decided against Farmington's claims on land granted originally by the General Court to the Reverend Samuel Stone, prior to an enlargement of Farmington's bounds by the Court that encompassed Stone's grant.<sup>10</sup> However, it is significant that the official power of the General Court was not always consulted in intra-town land conflicts, especially when the interested parties were River Town inhabitants.

The culmination of a ten-year dispute over land distribution, and the rating, or taxing, of such land in Middletown, was a town request for the advice of two Hartford magistrates, Secretary John Allyn and Treasurer John Talcott.<sup>11</sup> Typically, it was almost two years before

<sup>8</sup>CR, I, 362.

<sup>9</sup>CR, II, 86.

<sup>10</sup>CR, II, 164; CR, III, 33-34.

<sup>11</sup>Middletown TV, 81, April 29, 1669. See also 50-51, January 23, 1662/3; 55, December 28, 1663; 57, February 18, 1663/4; 61, March 20, 1664/5; 78, November 26, 1668, January 25, 1668/9. See Chapter VI regarding the attendant financial conflicts over town land values. Middletown's problem seemed to have developed from an early method of town land division in which a man's portion, based on his current estate, was itself valued in money, rather than acres. That is, depending on the man's estate and the quality of the land divided, he might receive L50 worth of land--50 acres--while a neighbor could receive L50 worth of land--but actually 75 acres. The question was, if Middletown's early rating procedures changed to conform with the General Court's prescribed method, the further division of town lands, based on the value of men's estates according to the new rating procedure, would not necessarily reflect the old social hierarchy of the town. In fact, such a situation might result in a few engrossing too much land simply because of the quantity of their current estate.

the town presented Allyn and Talcott with four questions: 1) who were the true proprietors of Middletown's lands, i.e., were they the present, accepted inhabitants? 2) how were undivided lands to be divided: by polls, person, estate, country list, or some other way? 3) should all undivided lands be divided now or only what was necessary at present for common fields? 4) would Allyn and Talcott draw up some order that would prevent alienation of town land to any person not agreeable to a majority of the town?<sup>12</sup> While the committee's answers are comprehensive and very interesting, the principal significance of the incident lies in its suggestion of extra-General Court arbitration and amelioration.<sup>13</sup> It suggests strongly that the apparent placid nature of the seventeenth-century Connecticut polity was less a product of little conflict than a result of extra-official arbitration and ready accommodation on the part of the townspeople and the General Court. The relations between the General Court and the towns in seventeenth-century Connecticut relating to the internal administration and development of land both reveal a willingness on the part of the General Court to allow an indigenous, although ordered, growth on the local level and illustrate a readiness on the part of the towns to develop in an agreeable, harmonious way.<sup>14</sup>

#### B. Fences

Another aspect of local order fared less well, however. Fencing could well be called the bane of a seventeenth-century Connecticut

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<sup>12</sup>Middletown TV, 88-89, March 21, 1670/1.

<sup>13</sup>Middletown TV, 89-90, March 22, 1670/1; 92, October 27, 1671. See above n. 11.

<sup>14</sup>Stonington's land-boundary problems will be treated in Chapter V.

husbandman's existence, whether it was his or his neighbor's remissness in establishing or repairing the fence. Fences were extremely important in an agricultural community as barriers to livestock whether the animals were trying to break in or out. The building of fences was moreover an indication of intent and commitment. That is, fencing illustrated a yeoman's deliberate efforts to clear an area for cultivation and to wring a crop out of an unyielding land. However, not every husbandman felt a compulsion or the necessity to build fences.

First, it was difficult to build adequate fences. The job required labor and time, including the exertions necessary for the subsequent upkeep of the fence. Second, it was much easier and lucrative for individuals to use timber for pipestaves, an exportable commodity, than for the not immediately productive fences. Third, those yeomen who put only small areas into actual cultivation often saw no need to fence their stunted largesse and no harm in turning their peripatetic beasts loose to forage, initially at least, among the remnants of their owner's harvested crop. Fourth, as in the case with the dispute regarding fencing of the area east of the Connecticut River within the River Towns' boundaries, there was a basic conflict in many towns between those proprietors who wished to use uncultivated land as pasturage for their livestock and those other proprietors who wished to fence their own particular portions of such land in order to cultivate crops--and perhaps settle a new village. It was to the real advantage of the latter group of proprietors to have all landowners fence in their own portions--and beasts. Whatever the reason for the want of fencing, town acts respecting fences number in the hundreds. And as a result of what can be accurately termed massive civil disobedience, the General Court became



rather involved in the problem through directing and supporting legislation. Deficient fencing was a constant, discordant theme in seventeenth-century Connecticut.

In February 1643/4, the General Court ordered the town committees chosen to consider the best manner of improving the town commons to determine also where fences were to be erected in any commons. Further, the said committee was to see that these common fences were viewed and sufficiently maintained.<sup>15</sup> In June 1644, the General Court defined and described 'sufficient fences' in an order subsequently repeated in the Code of 1650, and revised in the Laws of 1672.<sup>16</sup> In May 1662, reacting to a widespread neglect of fenceviewing, the General Court ordered each town to choose annually two men to administer the viewing of the town's fences. These fenceviewers, already chosen in most towns, were to bear healthy fines of 20s. if they neglected, or refused, their office.<sup>17</sup> Four years later, the General Court ordered that all inhabitants were to make fences sufficient to secure all improveable land against cattle. Unless done by unruly cattle, damages to such "officially" fenced land were not to be recoverable in law.<sup>18</sup> Bowing finally to the inherent particularism of the fencing problem, the General Court in October 1684, decided that the towns themselves were to establish what would be considered sufficient fences within their own bounds. Annual directions

<sup>15</sup>CR, I, 100-101.

<sup>16</sup>CR, I, 105, 525-526; Laws of 1672, 24.

<sup>17</sup>CR, I, 381-382. The various towns first chose fenceviewers as official town officers, rather than ad hoc committees, in Hartford (1650), Windsor (1641, 1652), Wethersfield (1661), Middletown (1662), Norwalk (1654), Fairfield (1662), New London (1647), and Stonington (1683).

<sup>18</sup>CR, II, 50, October 11, 1666. Farmington was excepted from this order between May 9, 1667, and April 1, 1676: CR, II, 60, 240, 254.

were to be given to the town's fenceviewers, although these standards were not obligatory for neighboring towns, unless agreed to by such towns.<sup>19</sup> However, the problem surfaced again in May 1690 when the General Court ordered that if defects in common fences were not repaired within twenty-four hours of notice given to the owner by the viewer, the latter was to have the necessary work done at the charge of the owner.<sup>20</sup>

The repetitious nature of the General Court's acts regarding fencing, and the frequency of their passage, accurately reflect the situation on the local level. As in the instance of land, though dissimilar in result, fences represent a convenient vehicle for the exploration of the complementary nature of relations between the towns and the General Court in seventeenth-century Connecticut. Theoretically empowered to order such local affairs as fencing, the towns found it necessary to compromise their particularistic wont and to seek the compensatory aid and more powerful, if equally disregarded authority, of the General Court. There seemed no other way to deal with local vagaries.

Before the General Court acted in 1643/4, to establish norms for common fences, Hartford had already confronted fencing problems. In May 1641, the Hartford townsmen engaged an influential committee composed of Governor John Haynes, Deputy-Governor George Wyllys, and church elder William Goodwin to hear and determine, according to their discretion, cases and excuses relating to insufficient fences.<sup>21</sup> In two separate town meetings in 1641, Windsor passed orders relating to the fencing of

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<sup>19</sup>CR, III, 158-159.

<sup>20</sup>CR, IV, 32.

<sup>21</sup>Hartford TV, 55.

the town's cornfield. According to the second order, fenceviewers were to perform their duties with respect to the cornfield fences once every two months, and make a report to the townsmen, or bear a fine of 5s. for any default in their duty. If a fence was not repaired within three days of due warning, the viewers were to oversee the repair.<sup>22</sup>

Windsor's fencing problems were only beginning, however, and in December 1655 the townsmen and some other inhabitants met "to continew peac and provent [sic] troubles" with regard to insufficient fences that were the cause of damages to the various town meadows. The question was, were the fences to be particular or common? That is, would the individual erect a fence around his own share of land within the meadow or would a single fence be constructed around the entire meadow by all landowners in proportion to the acreage of meadow said landowners owned. The answer was in the form of an agreement: the three town meadows were to be fenced in common according to the amount of a man's acreage enclosed by the projected fence.<sup>23</sup> Within three months, however, the townsmen, faced with discord and a continually disrupted town peace, acted to end all fencing questions by making one general order regarding fences. All fields, common and particular, were sufficiently to be fenced and maintained summer and winter. Fences broken by floods or frost were to be repaired at the first opportunity in the spring within three days of a warning by "indifferent" (neutral) men, or fines were to be exacted. The description of a sufficient fence (four and one-half feet in height) was included and provision was made for damages by

<sup>22</sup>Some Early Records and Documents of and Relating to the Town of Windsor, Connecticut, 1639-1703 (Hartford, 1930), 107, October 4, 1641; 108, November 5, 1641. Hereafter cited as Some Early Records.

<sup>23</sup>Windsor TA, I, 25a, 26, 26a, 27.

cattle--if the affected fence was deemed sufficient.<sup>24</sup>

Prior to the General Court's order in 1662 regarding the appointment of fenceviewers, Wethersfield was afflicted by fencing annoyances. At an April 1649 town meeting, the townsmen asked the town about meadow fences still not erected according to town order: should the townsmen compromise with such persons or force them to abide by the order? The town instructed the townsmen to do as they saw fit.<sup>25</sup> Ten years later, by majority town vote in Wethersfield, it was ordered that all the owners of lands within the meadow fence capable of growing corn or grass when the trees were cleared were to pay for a proportion of fence.<sup>26</sup> Further town acts were passed in the next few years treating the establishment of meadow fence and the identification of particular portions of it.<sup>27</sup>

Hartford, Windsor, and Wethersfield all had boundaries that extended east of the Connecticut River. For a number of years these eastern lands were not so much waste land as they were unimproved tracts

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<sup>24</sup>Windsor TA, I, 29, 29a, March 20, 1655/6. The townsmen stated their reasons for acting: they desired the peace and comfort of all inhabitants, and the General Court had "left ye care and ordering of thinges of this natuer to ye care of ye townsmen in ye sevrall townes." See CR, I, 214-215, February 5, 1650/1.

<sup>25</sup>Wethersfield TV, 33.

<sup>26</sup>Wethersfield TV, 60.

<sup>27</sup>Wethersfield TV, 61, January 4, 1659/60; 62, March 5, 1659/60; 64, March 12, 1659/60; 68, November 10, 1660; 69, February 22, 1660/1; 74, March 11, 1661/2; 84, February 11, 1664/5; 91-92, March 20, 1665/6. Hartford initiated the mandatory use of a stake placed near fencing with the first two letters of the owner's name on it (Hartford TV, 6, September 1639) and was followed by Wethersfield (Wethersfield TV, 69, February 22, 1660/1); Windsor (Windsor TA, II, 47a, May 21, 1678); Middletown (Middletown TV, 16, December 22, 1657); and Norwalk (Norwalk TM, 20, May 21, 1656).

given over to foraging livestock. With the gradual settlement or use of this land, however, sentiment mounted to erect fences to protect cultivated areas from unloosed beasts and to enclose stock on their owner's property. Indeed, the local interests of Hartford, Windsor, and Wethersfield east of the river were fragmented among those with either large absentee landholdings or those with lesser holdings who were resident east of the Connecticut River and those absentee landowners who took advantage of the lands east of the river for grazing their cattle or other livestock. It was the former group of landowners who advocated fences in order to facilitate settlement, cultivation, and the consequent rise of land values. Hence, at the March 10, 1663/4 session, the General Court alluded to a petition from some proprietors of lands east of the river who expressed a desire for fencing there. The Court called on all proprietors of these eastern lands "to consider of the advantages and disadvantages that may accrew to the Publique in the premises" regarding fencing, and to present their conclusions at the May General Court.<sup>28</sup> No further mention of the matter was made until October 1666, when the General Court ordered that all improveable land was to be protected from cattle by sufficient fences. The order specifically nullified an October 1652 act relating to fencing that had in fact precluded fencing east of the Connecticut River.<sup>29</sup> One year later under heavy pressure the Court reversed itself and rescinded its order regarding the mandatory building of fences east of the river.<sup>30</sup> Yet, within two years

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<sup>28</sup>CR, I, 417; CA, 1st Ser., Towns and Lands, I, i, 69, March 8, 1663/4.

<sup>29</sup>CR, II, 50; CR, I, 517.

<sup>30</sup>CR, II, 74, October 10, 1667.

the General Court reconsidered the situation and ordered all Hartford, Windsor, and Wethersfield lands east of the Connecticut River to be fenced, whether said land was improved or currently improveable.<sup>31</sup> Another River Town also affected by the General Court's October 1666 decision to require fences east of the river was Middletown. The latter town's clear idea of its own interests resulted in its exemption from the requirement to fence town lands east of the Connecticut River.

At a town meeting on February 22, 1666/7, the inhabitants of Middletown voted that for the coming year land improved by corn or grass on the east side of the Connecticut River was to be free, as before, from any intrusion by town cattle or other livestock. Yet, there was really no need for fences on the east side, the town meeting continued, because "the great revir shall be accounted a sufficient fenc for this yere."<sup>32</sup> Three months later another petition to the General Court from prominent proprietors of land east of the river only prompted the Court to put off again any conclusion about fencing there, this time until the October 1667 General Court. Meanwhile the affected Hartford, Windsor,

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<sup>31</sup>CR, II, 119-120, October 14, 1669; 129-130, 133, May 12, 1670. See also CA, 1st Ser., Towns and Lands, I, i, 69, March 8, 1663/4; 93, /May 12, 1670/; Connecticut Colonial Probate Records, III, County Court, 1663-1677, LVI, 97-98, March 3, 1669/70. The latter document is an appeal to the General Court against required fencing east of the river from Deacon William Gaylord, a longtime Windsor townsman and deputy. Among his reasons against such a requirement Gaylord included the admonition that the towns were involved, not just a few private individuals. Therefore, he and his fellow owners hoped the Court would allow the towns to meet together by themselves, or at least by committee, to consider what might best be done in the circumstances. After all, he wrote, it was properly a town right so to take counsel. In fact, Windsor's fencing problems east of the Connecticut River continued for a time: Windsor TA, II, 18a, November 22, 1669; 33a, 34, April 30, 1674; 38, May 13, 1675; CR, II, 258, May 22, 1675; Windsor TA, II, 47a, June 24, 1678.

<sup>32</sup>Middletown TV, 73.

Wethersfield, and Middletown proprietors were directed to consider the matter as well as what was best for the private and public good.<sup>33</sup> Middletown's response was identical to that in February 1666/7: the town voted unanimously against fencing east of the Connecticut River. Further, it was ordered that the town's deputies were to be supplied with arguments versus such fencing which they in turn were to present to the General Court.<sup>34</sup> The Court's long-awaited decision in October 1667 was unequivocal: "this Court for the present and untill farther order be taken, doe free the land on the east side the great River from fenceing."<sup>35</sup> Middletown's local interests, not demonstrably in conflict with current colony interests, were at least respected and accommodated, even if Middletown's interests were not the only circumstances considered in the Court's verdict. In fact when the advocates of fencing east of the river were successful in their efforts in the General Court in October 1669, Middletown was exempted from the order.<sup>36</sup> Middletown seemed very often to occupy a rather favored position in colony counsels. Later, in 1675, Middletown took advantage of its location, as in its land and rating problems, to settle two other town fencing conflicts on the advice of two Hartford magistrates: Secretary John Allyn and Treasurer John Talcott.<sup>37</sup>

The seaside towns of Fairfield and Norwalk also experienced

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<sup>33</sup>CR, II, 59-60, May 9, 1667.

<sup>34</sup>Middletown TV, 74, October 3, 1667.

<sup>35</sup>CR, II, 74, October 10, 1667.

<sup>36</sup>CR, II, 119-120.

<sup>37</sup>Middletown TV, 116, January 25, 1674/5; 119, April 27, 1675.

problems with fencing. In May 1663, one year after the General Court's order regarding the annual choice of two fenceviewers, the Fairfield town meeting, upon complaint, ordered extraordinary viewings of fences between regular surveys.<sup>38</sup> Six years later, Fairfield appended the General Court's 1666 order about sufficient fences around improveable land so as to allow for the impounding of trespassing animals inside sufficient fences.<sup>39</sup> In October 1673, the continuing fencing issues necessitated an order for a town committee to meet and determine what to do to preserve the common field from damages. The committee was to draw up a list of fences that were deficient, or totally lacking.<sup>40</sup> Finally, on April 14, 1686, the Fairfield fenceviewers complained to the townsmen that not only were defective fences not repaired, but owners refused absolutely to do any restoration. Spurred by such intransigence, the townsmen ordered, effective until the next town meeting, that if inadequate fences were not mended after three official warnings, workers would be employed to do so; they would be paid afterward from the requisite fines levied on the fence's owner. Any interference from the owner of the fence would result in further fines on the culprit.<sup>41</sup>

One of the smallest and poorest Connecticut agricultural communities, Norwalk suffered fencing woes similar to those of the other plantations. In April 1654, Norwalk's viewers were instructed to survey

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<sup>38</sup>Fairfield TR, B, ii, 16-17.

<sup>39</sup>Fairfield TR, B, i, 15, February 8, 1668/9.

<sup>40</sup>Fairfield TR, B, ii, 91-92.

<sup>41</sup>Fairfield TR, B, ii, 169. On April 28, 1686, the town confirmed this order: ibid.



fences once a month.<sup>42</sup> In February 1661/2, the persistent problem with defective or non-existent fences prompted apposite town action, fortified within three months by the General Court order about fenceviewing.<sup>43</sup> The Norwalk order required the viewers to search out defective fences on both sides of the Norwalk River within three or four days after March 15. Any owners of defective fences were to be duly warned. If a second viewing within four days revealed no improvement in the fence, the offense was to be recorded in the town book and the appropriate fine levied in the next town rate.<sup>44</sup>

Norwalk's town records offer evidence of the chronic difficulties attendant on enforcing fencing regulations even when supported by General Court legislation. The town records also manifest the recurrent theme of town localism and practice vis-à-vis the establishment of colony standards by the General Court. One month after the Court ordered (October 1666) all inhabitants to fence all improveable land in the towns, Norwalk passed its own fencing act.<sup>45</sup> The town agreed that the commons were to be fenced, but went on to say that any land unfenced at present was to be viewed by "indifferent" men, appointed by the town. If this committee judged the land unworthy of fencing, it was not to be fenced.<sup>46</sup> Again, ten years before the General Court ordered the towns to establish their own conditions for sufficient fences, Norwalk had

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<sup>42</sup>Norwalk TM, 53.

<sup>43</sup>CR, I, 381-382.

<sup>44</sup>Norwalk TM, 53.

<sup>45</sup>CR, II, 50. Farmington was exempted from this order by the General Court: see n. 18.

<sup>46</sup>Norwalk TM, 73, November 20, 1666.

already done so.<sup>47</sup> In response to the General Court's subsequent order in October 1684, the Norwalk town meeting reiterated its earlier order.<sup>48</sup>

New London passed a handful of orders in the early 1650's dealing with the establishment of sufficient fences, and proper fines for any consequent negligence.<sup>49</sup> Stonington, however, never had occasion during the period to establish any formal town orders regarding fences. Unlike the other eight towns under study, Stonington functioned as a much more dispersed community. In fact Stonington was still struggling to organize a town plot twenty-five years after the town's founding.<sup>50</sup>

The burdens and troubles associated with the maintenance of adequate fencing in the seventeenth-century Connecticut towns is not the stuff of high drama, but it is important for two reasons. A correlation of the various fencing orders passed by the General Court and the towns reveals that the principal function of the General Court in this instance was supportive. The General Court, composed primarily of town representatives, reacted to a situation in the colony. For the most part, the towns had usually initiated some response of their own to the problem, or, where necessary, translated the General Court's orders into the local idiom. In practice, then, the role of the diverse General Court acts was one of strengthening rather ineffectual local orders. Secondly,

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<sup>47</sup>Norwalk TM, 107, February 23, 1673/4.

<sup>48</sup>CR, III, 158-159; Norwalk TM, 132, February 20, 1684/5. At this time other towns made their own standards for fencing: Middletown TV, 139, February 27, 1684/5; Wethersfield TV, 190, December 29, 1684; Windsor TA, II, 53, February 4, 1684/5.

<sup>49</sup>New London TR, IC, 19, April 13, 165[2]; 26a, [October 23], 1652; 53, February 28, 1653/4; 55, May 6, 1654.

<sup>50</sup>Stonington TV, I, a, n.d., but c. 1660; 80, July 5, 1667; 52, July 24, 1672; II, 10, December 3, 1673; 18, March 9, 1674/5. Stonington first selected official fenceviewers on January 23, 1687/8 (II, 56).

the Connecticut yeoman's aversion to spending the necessary time and money to construct sufficient fencing illustrates the humanity of the era. While the seventeenth-century inhabitant of Connecticut did dwell in a community, many of his actions, naturally enough, belied a pervasive self-interest. While certain of his neighbors might be interested in fencing as both a deterrent to livestock and an impetus to cultivation and structured town development, the recalcitrant yeoman was not disposed to exert himself in difficult activities peripheral to what he saw as his own interests whether these latter interests were in the pipe-staves trade or in a stubborn resistance to conformity--a laborious compliance at that. The resultant tension between community and individual often furnished a basic motif of everyday living in the towns, just as the sometimes antithetical interests of Connecticut's dual localism furnished a basic theme in the colony's history.

### C. Livestock

The prime consideration of fencing in the seventeenth century was to control effectively the inhabitants' livestock. Usually left to their own devices, either by their owner's design or by accident, the colony's burgeoning population of cattle, horses, swine, goats, and sheep presented a problem as equally long-lived as fencing and equally important in an agricultural community. As with fencing, the towns initiated orders concerning livestock which were supported in turn by General Court orders. Like fencing, though, local self-interest, inertia, and outright disobedience combined to form a colony mosaic threaded by the inclusion of an assortment of efforts to govern the colony's beasts. In sum, in each town there were those inhabitants who wished to

develop the town's and their own potential wealth and were willing to fence, to control livestock, to regulate the use of timber, to hire schoolmasters, to do whatever the goal in fact required. Then there were those inhabitants who were content to do the bare minimum necessary for their own advantage much less the town's advantage. And finally there were inhabitants in the various towns who were merely remiss in their civic duties.

The initial General Court orders regarding swine, the most frequent and damaging of offenders, point out a significant factor in the Court's interest: i.e., wandering swine constituted an inter-town as well as an intra-town problem. Grazing animals paid scant attention to individual and town boundaries. In April 1636, the first Connecticut Court ordered that any loose, unclaimed swine were to be sold; the money from the sale was to be used by the plantation where the swine was taken. A second order, alluding to local prerogative, stated that any swine that strayed into another plantation were to be subject to the offended town's orders regarding such intruders.<sup>51</sup> During the first period of its official existence (1639-1650), the General Court, largely a gathering of River Town representatives, passed legislation concerning the management of swine east of the Connecticut River. In 1641, 1649, and in the Code of 1650, the General Court attempted to preserve the corn and meadows over the Connecticut River by restricting ready access to the area by swine.<sup>52</sup> Throughout the seventeenth century, in 1645, 1651, 1657, 1682, and in the codifications of Connecticut law in 1650 and

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<sup>51</sup>CR, I, 1-2.

<sup>52</sup>CR, I, 64, 188-189, 557-558.

1672, the General Court passed orders and formulated rules for the ringing and yoking of swine and limited the keeping of swine at the owner's home during planting time.<sup>53</sup> In 1674 the General Court also passed an order that attempted to deal with specific manifestations of pound abuse by the owners of trespassing animals. Intentionally or not, owners were not redeeming their fallen beasts.<sup>54</sup>

As with fences, a consideration coincident with the inter-town aspect of unrestrained livestock was the intra-town problem. Here, too, the General Court's acts regarding swine, and directly or indirectly, cattle and horses, were both supportive and reactive. The initiative came originally, and usually, in the form of town orders. In 1639, and again in 1640, Hartford passed orders designed to restrain swine from entering the town's meadows at certain times.<sup>55</sup> An elaborate order respecting pounding, or imprisoning animals, was passed in 1641 and extended east of the River two years later.<sup>56</sup> In February 1652/3, Hartford modified a General Court order enacted two years earlier by ordering that all unringed swine above three months old in the town were to be impounded; the Court had stopped short of including all swine in

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<sup>53</sup>CR, I, 131, 214, 291-292; CR, III, 113-114; CR, I, 557; Laws of 1672, 65.

<sup>54</sup>CR, II, 245-246. The Court also passed legislation intended for the improvement of the colony's breed of horses and sheep. The latter interest was in the development of a badly-needed export (see below). CR, II, 244-245, October 8, 1674; 51-52, October 11, 1666; 139, October 13, 1670; 197-198, May 15, 1673; 222-223, May 18, 1674; CR, III, 91, October 13, 1681.

<sup>55</sup>Hartford TV, 5, 30.

<sup>56</sup>Hartford TV, 56-57, 66-67.

their legislation.<sup>57</sup> In December 1681 it was ordered in Hartford that any swine insufficiently ringed, and found in the commons or highways after March 16, were to be impounded.<sup>58</sup> Within a year the General Court passed a similar act.<sup>59</sup> Hartford's neighbors had their own troubles with unruly livestock.

In 1641, Windsor ordered that any swine found in the town's cornfield was to be impounded.<sup>60</sup> In December 1652, Windsor strengthened the General Court's 1650/1 order regarding the keeping of swine three miles from any dwelling house, except in one's own yard, between March 1 and mid-October. The Windsor townsmen ordered that swine must be ringed to go out of the owner's yard at any time and proceeded to establish a list of fines for any damages and for the proper charges of the pounder and the pound keeper.<sup>61</sup> While the General Court in 1656-1657 was contemplating a change in the 1650/1 order concerned with restrictions on the movements of swine, the Windsor town meeting appointed the townsmen to present a petition to the Court in the town's name.<sup>62</sup> Thus, when the General Court changed the prohibition of unringed swine from within three miles of a dwelling house between March and October to a prohibition of unringed swine from within four miles of the town meetinghouse,

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<sup>57</sup>Hartford TV, 100; CR, I, 214, February 5, 1650/1. The town order also stated that the town would decide just when hogs should be ringed.

<sup>58</sup>Hartford TV, 196.

<sup>59</sup>CR, III, 113-114, October 12, 1682.

<sup>60</sup>Some Early Records, 107.

<sup>61</sup>Windsor TA, I, 13a.

<sup>62</sup>Windsor TA, I, 32, February 10, 1656/7; CR, I, 291-292, February 26, 1656/7.

the act specifically included all towns but Windsor. The proscription for Windsor swine was defined as within three miles of the Connecticut River.<sup>63</sup> Finally, reacting to their continued problems with loose swine, the Windsor town meeting ordered in September 1669 that all swine above three months old were to be immediately ringed or impounded.<sup>64</sup>

In Wethersfield, an April 1656 town order prohibited swine from coming within two miles of the meadow fence.<sup>65</sup> A year later, a town order directed a fine of 6d. to be levied for any swine found in the meadow before March 25, 1657; after March 25 the fine would be raised to the extraordinarily high sum of 5s., sure evidence of the serious nature of the offense.<sup>66</sup> Within the next three years, five more acts were passed in Wethersfield dealing with trespassing swine, cattle, horses, and sheep.<sup>67</sup>

Like the River Towns, Fairfield and Norwalk had their share of unruly animals, especially the ever-present swine. In December 1662 a Fairfield town meeting voted a fine for any cattle or hogs found loose in the divided commons.<sup>68</sup> In July 1665 the Fairfield town meeting made

<sup>63</sup>CR, I, 291-292; repeated in Laws of 1672, 65. On May 13, 1679, the General Court found it necessary to specifically include Middletown in this order: CR, III, 29-30. Three years later the Court modified its earlier acts and ordered that no unringed or unyoked swine could go on a town's commons between March 1 and October 1: CR, III, 113-114, October 12, 1682. Given the opportunity during Andros' tenure to set aside these orders, Middletown decided that swine could go unringed and unyoked that summer: Middletown TV, 144, March 12, 1687/8.

<sup>64</sup>Windsor TA, II, 18.

<sup>65</sup>Wethersfield TV, 47-48. Orders were included about the unfettered movements of other livestock.

<sup>66</sup>Wethersfield TV, 51, February 24, 1656/7.

<sup>67</sup>Wethersfield TV, 52, March 12, 1656/7; 53, February 26, 1657/8; 52, April 16, 1658; 60, November 6, 1659; 64, February 20, 1659/60.

<sup>68</sup>Fairfield TR, B, ii, 14.

careful provision for the auctioning-off of swine impounded for damaging town fields.<sup>69</sup> In December 1673 an order was passed in Fairfield to deal with pound abuse: any owners who failed to redeem their creatures from the pound within twelve hours of notice to them were to pay double poundage, as well as all other just charges of the pounder.<sup>70</sup> Finally, in February 1681/2, the town's pounders were ordered to take only one-half of what the country, or General Court, had ordered as the proper charge for impounded livestock.<sup>71</sup>

The first recorded reaction of the Norwalk town meeting to the existence of aberrant swine was a May 1653 order that any swine found in the neck or planting field without yokes, or at least the yokes formerly agreed on by the town, could be killed lawfully by any inhabitant. However, the owner was to be notified immediately so that he could make use of the meat.<sup>72</sup> In January 1659/60 it was ordered that the owner of any ridgling boar, or calf, over one month old found in the town's streets or commons was to be fined 10s. for each incident.<sup>73</sup> At an October 1681 town meeting, further orders were passed regulating the impounding of swine or hogs found in Norwalk's common fields.<sup>74</sup>

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<sup>69</sup>Fairfield TR, B, i, 20. At least twenty men were to be present at any such auction.

<sup>70</sup>Fairfield TR, B, ii, 93.

<sup>71</sup>Fairfield TR, B, ii, 143. Exceptions were made for single horses or mares, and under twenty sheep. See also CR, II, 154, May 11, 1671; Laws of 1672, 57-58; CR, II, 222-223, May [18], 1674; 245-246, October 8, 1674; 309, May 15, 1677.

<sup>72</sup>Norwalk TM, 1 [notice of repeal, but n.d.].

<sup>73</sup>Norwalk TM, 44.

<sup>74</sup>Norwalk TM, 125.



New London's livestock problems, too, were mainly with swine. Town ordinances passed in the mid-1640's prohibited swine out of their owner's yard, within one mile of the town plot, and ordered that all swine out of their yards were to be marked for identification.<sup>75</sup> In June 1650, it was noted that a yoke on swine was sufficient if said swine were kept in the town after July 20.<sup>76</sup> In October 1652, it was ordered that because of great damage being done in the town fields, all swine above one-quarter year old were to be ringed.<sup>77</sup> Between February 1653 and February 1654 three town orders were enacted imposing fines on swine and cattle loose in the town commons or cornfields.<sup>78</sup>

The General Court dealt with livestock in other, less negative ways. One example was the Court's attempt to facilitate the development of a wool export by way of a number of orders designed to create pasturage for sheep, as well as cattle.<sup>79</sup> Windsor's response was perhaps indicative of the towns' reaction to a law requiring one day's labor each June from all males fourteen years old and over in the clearing of undergrowth for the creation of proper pastures. At the April 2, 1672, Hartford County Court, Windsor's 1671 townsmen were fined for not calling out the town's inhabitants to cut brush according to law.<sup>80</sup> Six

<sup>75</sup>New London TR, IA, 18.

<sup>76</sup>New London TR, IB, 4.

<sup>77</sup>New London TR, IC, 26a. The General Court passed a similar order February 26, 1656/7 (CR, I, 291-292).

<sup>78</sup>New London TR, IC, 38a, February 25, 1652/3; 40a, April 25, 1653; 53, February 28, 1653/4.

<sup>79</sup>CR, II, 51-52, October 11, 1666; 139, October 13, 1670; Laws of 1672, 14. See also CR, II, 197-198, May 15, 1673; 222-223, May 18, 1674; CR, III, 91-92, October 13, 1681.

<sup>80</sup>Connecticut Colonial Probate Records, III, County Court, 1663-1677, LVI, 123. A year later the same Court fined Wethersfield's townsmen for the same offense: 130, April 1, 1673.

years later the County Court had occasion to fine the Windsor townsmen for a similar offense.<sup>81</sup> Windsor made specific provision for clearing the highways and commons of bushes in 1674, but the good intentions of the 1675 effort were encumbered with difficulties. On the town's north side, three townsmen acted rather precipitately when they submitted a list of thirty delinquents, per the brush detail, on June 16. Town recorder Matthew Grant soothed the situation considerably by helping to set up another appointed work day for clearing brush--within the two remaining weeks of the month.<sup>82</sup> Warning to their periodic insubordination, the town voted on June 24, 1680, and again on June 23, 1685, that the townsmen would be remitted any fines levied in case the said townsmen neglected to call out the town's inhabitants to cut bushes in due season.<sup>83</sup>

Whereas Chapters V and VI will deal with the customary substance of drama--boundary conflicts, finances, Indian relations, the militia--the present chapter treats the undramatic, decidedly mundane concerns of an agricultural commonwealth. Land, fencing, and livestock were nevertheless three extremely important ingredients in the relations between the towns and the General Court in seventeenth-century Connecticut. The

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<sup>81</sup>Hartford Probate Records, IV, 1677-1697, 9, December 5, 1678. In September, however, the townsmen had "presented ye time of clearing" for both the east and west sides, at a townsmens' meeting: Windsor TA, II, 47a.

<sup>82</sup>Windsor TA, II, 34-34a, May 30, 1674; 33, June 16, 1675.

<sup>83</sup>Windsor Town Accounts, 89; Windsor TA, II, 54. Stonington was unusually co-operative in this instance (cf. Chapters V and VI). A June 27, 1671, town meeting ordered in detail how the inhabitants were to clear bushes and undergrowth according to General Court order: Stonington TV, I, 45. Fairfield employed workers, to be paid from the town treasury, to cut brush in the town: Fairfield TR, B, ii, 90, June 28, 1673.

General Court's manner of dealing with totally local concerns, such as land, fencing, and livestock, is indicative of a concern for, and an awareness of, local autonomy, and a substantial regard for the proper development of the colony's towns. That is, the Court was prepared to back up town efforts intended to improve town-colony farming since agriculture was the principal means to the end of colony prosperity and independence.

Adding weight to already initiated town orders or reacting to town pressure due to the exigencies of law enforcement, the Connecticut General Court's orders in such matters gave sovereign sustenance to a polity composed of local entities and interests. Perhaps equal in importance to the General Court's accommodative handling of the potentially much more sensitive subjects treated in Chapters V and VI was the Court's light-handed treatment of the land, fencing, and livestock concerns of the towns. As always the General Court was most interested in the total political, economic, social, and religious progress of Connecticut Colony. In its conduct in the above town affairs, the General Court pursued the consistent policy of a central sovereignty conscious of an ever-present local prerogative. And even while the General Court, for whatever reason, supportive, reactive, or initiatory, might pass orders regarding internal town matters, the evidence of town interpretation, modification, and implementation of such Court orders connotes a spirit of compromise, localism, and indeed, necessity.

#### D. Timber

Timber was important for a variety of reasons. Of immediate importance it was used for fencing, the building of houses, and fuel. Moreover, the colony early realized the possibilities for the export of

timber in the form of pipestaves. The major consideration of both town and colony about timber, however, was its growing scarcity, i.e., the want of enough timber within easy reach of colonists. The Connecticut yeoman may have come to a land covered initially with trees, but his subsequent efforts had quickly reduced the ready supply of timber conveniently located near the towns. As the century wore on, the yeoman's need for wood--and the parallel consumption of available timber--evinced the necessity for some type of controls or regulatory procedures. What was needed was a public policy that would accommodate both the towns' demand for timber for indigenous use and the colony (and individual colonist's) ambition for an export product of good quality. The General Court's desire for an export, however, was readily modified by the Court's observance of local needs and circumstances.

Initially solicitous about the development of needed exports, the General Court in February 1640/1, "for the better prsearving of Tymber" for the anticipated, beneficial pipestave trade, enacted restrictions both on the felling of trees in the colony's plantations and on their subsequent export as pipestaves. The Particular Court was empowered to oversee this business.<sup>84</sup> Later the same year, however, the restricting order was repealed, except for a proviso relating to an area about the mouth of the Mattabeseck River, the future site of Middletown.<sup>85</sup> Not until the adoption of the Laws of 1672 did the General Court legislate the management or preservation of timber. It was ordered in the Laws that any felled timber was to be improved or used

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<sup>84</sup>CR, I, 60.

<sup>85</sup>CR, I, 67, September 9, 1641. Rules were also drawn up to ensure a standard quality for the colony's pipestaves: 67-68.

within three months on penalty of a 10s. fine.<sup>86</sup> And finally, in May 1687, the General Court ordered that no timber was to be transported out of townships without an enabling license from the interested town.<sup>87</sup> Left to their own devices, the towns had earlier attempted to deal with the dwindling supply of suitable trees only to seek the aid of the General Court in 1687.

Hartford, appropriately enough, confronted the situation earliest. In December 1639, before the General Court acts in 1640/1 and 1641, the town ordered that any inhabitants who wished to cut timber in the commons must first obtain a license from the townsmen. If the cut timber was not improved within six months, it was to be forfeited to the town. The townsmen were required to keep records of all such licenses.<sup>88</sup> Within the next eight months, three other town orders were enacted regarding timber, that amplified and defined the town's intent. These acts culminated in an August 1640 order that timber must be improved within three months of its felling.<sup>89</sup> By December 1679, however, the growing scarcity of timber moved the town to order that no finished timber from the Hartford commons was to be sold to be transported out of the township.<sup>90</sup> Finally, in December 1686, the Hartford town meeting, by a unanimous vote, decided that in order to preserve timber from the

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<sup>86</sup>Laws of 1672, 65.

<sup>87</sup>CR, III, 235-236.

<sup>88</sup>Hartford TV, 9. Three other timber acts were passed at this meeting, all of them intended to introduce order into the situation: 9-10.

<sup>89</sup>Hartford TV, 10, December 26, 1639; 29, [January 1639/40]; 34, August 17, 1640.

<sup>90</sup>Hartford TV, 188-189. The appropriate fines were quite high.

commons for posts, rails, and building purposes, no firewood was to be cut there anymore. The same town act went on to reiterate, and to expand on, the 1679 ban on the exportation of improved wood.<sup>91</sup>

Hartford's neighbors had similar problems. In October 1641, one month after the General Court's modification of its own order regarding timber and the pipestave trade, the Windsor town meeting ordered that no inhabitants were to fell trees for pipestaves, or for any other use, with the intention of selling or sending the wood out of the town unless they had the permission of either the town or the townsmen.<sup>92</sup> However, Windsor, as well as Wethersfield, had more difficulties with non-inhabitants intruding into their commons and stealing timber than with the depredations of their own citizens. Both towns passed a number of acts intended to deal specifically with Hartford men who were "pillaging" their neighbors' commons.<sup>93</sup> Wethersfield went so far as to appoint a special constable to defend the town's trees.<sup>94</sup>

Middletown's town meeting ordered in February 1653/4 that no one was to fell trees within the town's bounds for sale outside of the town, although any inhabitant had the liberty to cut timber for his own or the town's use. In the latter case, the timber was to be used within three

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<sup>91</sup>Hartford TV, 220-221.

<sup>92</sup>Some Early Records, 107. The General Court's February 8, 1640/1 order requiring its necessary allowance for transporting pipestaves out of the colony was replaced by a September 9, 1641, order that directed the commodity's delivery for a Connecticut-Edward Hopkins transaction: CR, I, 60, 67-68.

<sup>93</sup>Windsor TA, I, 50, December 31, 1661; II, 53, February 4, 1684/5; Wethersfield TV, 153, December 13, 1677.

<sup>94</sup>Wethersfield TV, 201, January 3, 1686/7; 209, December 26, 1689.

months of its felling.<sup>95</sup> In September 1655, an order was passed that restricted the cutting of trees on the town's west side [the town proper] for the manufacture or sale out of town of staves or barrels.<sup>96</sup> Another ordinance intended to preserve the town's timber was enacted in November 1661. The sale of any sort of timber taken from undivided land within four miles of the mouth of the rivulet was prohibited, unless the individual was given permission to do so by the town.<sup>97</sup>

The seaside towns also addressed themselves to the proper use, and conservation, of timber. Norwalk passed two extremely strict acts: in December 1653, it was ordered that no more timber was to be felled within three months; a year later, it was enacted that no pipestaves were to be made or timber felled without the town's permission.<sup>98</sup> Fairfield ordered in December 1677, that for the future no timber products taken from the town commons were to be shipped out of the town.<sup>99</sup> In April 1687, it was Fairfield's town meeting that instructed its townsmen to draw up a petition to be presented by its deputies to the General Court urging that some effectual act be drafted against strangers or others who were engaged in obtaining and selling pipestaves or sending

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<sup>95</sup>Middletown TV, 13, February 6, 1654/4. Before Middletown was incorporated as a town in 1651, the regulation of the use of the timber near the mouth of the Mattabesett River was the subject of a September 9, 1641, General Court order, subsequently included in the Code of 1650: CR, I, 67, 558.

<sup>96</sup>Middletown TV, 17, 23, September 3, 1655. The inhabitants were allowed to cut timber east of the Connecticut River.

<sup>97</sup>Middletown TV, 46. A December 26, 1683, town order prescribed fines for any who cut down trees left for shade after the area had been cleared of underbrush: 137.

<sup>98</sup>Norwalk TM, 2 (repealed April 1, 1656), 6.

<sup>99</sup>Fairfield TR, B, ii, 117-118.

staves out of the township without the town's license. The May General Court responded with the required legislation.<sup>100</sup> Exports were welcome to the Court but not if the production of such colony gains caused unintended town hardships.

Stonington and New London, the eastern towns, were not exempt from the perplexities occasioned by a finite number of suitable trees. In September 1678, the Stonington town meeting ordered that no one was to cut any timber in the town commons, or carry same out of the town commons, unless they had received the authorization of the townsmen.<sup>101</sup> The New London townsmen ordered in November 1651, that no lumber or other wood produce was to be transported from the west side of the Pequot River without the allowance of the townsmen.<sup>102</sup> A year later it was ordered that any who cut timber on a highway or the commons was to move this wood within one week, or face a 5s. fine.<sup>103</sup> In February 1658/9, an act was passed in New London that no trees within four miles of the meetinghouse were to be cut down for transport out of the town.<sup>104</sup> Finally, on March 10, 1661/2, the town voted that any who cut firewood on the commons were to remove all of their wood within one month, or forfeit 5s.<sup>105</sup>

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<sup>100</sup>Fairfield TR, B, ii, 176; CR, III, 235-236.

<sup>101</sup>Stonington TV, II, 37. This order is very similar to the General Court order of 1687, prompted by Fairfield: see n. 100.

<sup>102</sup>New London TR, IC, 9a.

<sup>103</sup>New London TR, IC, 26a; IB, 6.

<sup>104</sup>New London TR, IB, 10.

<sup>105</sup>New London TR, IB, 35.



E. Wolves

During the seventeenth century wolves were a constant danger to the colonists' livestock. Because of the inter-town, as well as intra-town, nature of the problem, the Connecticut General Court, from time to time, directed the payment of bounties for the killing of wolves. Such bounties are significant because the wide variation in town co-operation with the General Court's bounty orders underscore the fact that the towns interpreted many, if not most, General Court orders in light of the town's own everyday circumstances and realities. Significantly enough, the General Court never brought a town to justice for not following these orders strictly enough.

In May 1647, the General Court ordered Hartford, Wethersfield, Windsor, and Farmington to pay a 10s. bounty for each wolf killed in their respective bounds within the next year.<sup>106</sup> This General Court order was in fact an elaboration of a Hartford town order passed five years earlier.<sup>107</sup> New London voted its own act in May 1648, offering 6d. from each family in the town for any wolves destroyed thereabouts.<sup>108</sup> In the Code of 1650, the General Court offered a colony-wide bounty of

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<sup>106</sup>CR, I, 149.

<sup>107</sup>Hartford TV, 58, January 26, 1641/2. However, Hartford's order restricted the payment to those wolves killed within three miles of the town plot. Hartford had passed earlier orders regarding the killing of wolves: 11, January 10, 1639/40; 35-36, September 17, 1640. The latter order employed a man to spend his time killing wolves and deer.

<sup>108</sup>New London TR, IA, 20. It was required that the head and skin be brought to any townsman. The order was repealed by the townsmen January 24, 1653/4 (IC, 46a, 47). At the August 28, 1654, town meeting, however, a 20s. per wolf (head) bounty, to be paid out of the town rate, was offered to any inhabitant who personally killed, or had killed, any wolves within the town bounds: IC, 56a.

10s. for each wolf killed within ten miles of a town.<sup>109</sup> In March 1661/2, the General Court repealed its own wolf bounty and instead ordered each town to pay 15s. per wolf killed within their limits.<sup>110</sup> In the twelve-year interval between these two General Court orders, however, Windsor had added their own subsidy of 5s. to the current colony bounty of 10s., Norwalk had added a town bounty of 10s. to the 1650 colony sum, and New London had made its own addition from the town rate of 20s.<sup>111</sup>

The General Court's 1662 order requiring towns alone to pay a 15s. subsidy per wolf was changed in opposite direction by two towns; Fairfield lowered its bounty to 2s. 6d., and Middletown raised its subsidy to 20s., provided the wolf was taken by an Englishman within three miles of the town.<sup>112</sup> Probably under the twin pressures of town penury and a growing wolf population, the General Court voted in May 1667 that the town and the country (General Court) each were to pay an 8s. bounty per wolf.<sup>113</sup> In turn, this act was modified by the towns. Hartford added first 14s. and then 4s. to its own prescribed part; Windsor added

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<sup>109</sup>CR, I, 561.

<sup>110</sup>CR, I, 377. At the May 1661 session of the General Court, the section of the law in the Code of 1650 allowing a wolf bounty to Indians was repealed: CR, 367, 561. In October 1656, the General Court had passed an order directed against Englishmen or Indians who were stealing wolves from others' wolf pits so as to claim the colony bounty: CR, I, 283.

<sup>111</sup>Windsor TA, I, 1a, August 21, 1650; Norwalk TM, 32, September 16, 1657; New London TR, IC, 56a, August 28, 1654.

<sup>112</sup>Fairfield TR, B, i, 17, September 1664; Middletown TV, 58, May 10, 1664. Any Indian who killed a wolf within two miles of Middletown, and took an Englishman to view it, was to have 20s. in wampum.

<sup>113</sup>CR, II, 61. The Laws of 1672 modified this order so that only those towns which contributed to public charges would have their 8s. bounty matched by the colony: 69.

temporarily 9s. to its subsidy, and later 16s.; Wethersfield added 4s. to its contribution but returned to its legal bounty in 1685; Middletown increased its portion by 2s.; Fairfield offered 20s. from its sheep treasury for any wolves killed within one mile of the sheep flock and 4s. extra as a temporary encouragement in 1687; for a time, Norwalk added 12s., as did Stonington.<sup>114</sup> Such behavior suggests the reality that General Court orders in seventeenth-century Connecticut were often looked upon as guidelines rather than definitive statements of a public policy. As such it is another example of the relaxed relations that existed between the General Court and the towns in regard to less consequential matters.

#### F. Trade and Local Industry

A great deal of the General Court's efforts touching on local matters such as land, fences, livestock, and wolves, was intended to improve the colony's economy. Throughout the seventeenth century Connecticut was primarily an agricultural subsistence colony that in fact

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<sup>114</sup>Hartford TV, 158-159, April 15, 1669; 204-205, December 27, 1683; Windsor TA, II, 7a, September 30, 1667; 58a, December 20, 1689; Wethersfield TV, 147, October 16, 1676; 195, December 28, 1685; Middletown TV, 78, December 22, 1668; 114, March 12, 1687/8, repealed the previous order; Fairfield TR, B, ii, 84, September 16, 1672; 179, November 15, 1687; Norwalk TM, 79, October 28, 1667; Stonington TV, I, 93, February 12, 1667/8; II, 38, December 27, 1678. At a March 4, 1684/5 town meeting, Stonington made unusual provision for the 10s. per wolf bounty for the local Indians. The Indians were to bring their kills to John Denison who in turn would be paid 5s. by the town and receive the colony's 8s. bounty. Denison was to turn over the wolf heads to the town constable who, in his turn, would cut off the ears so that the Indians could not use the same wolves again: *ibid.*, 53. Additional town bounties were offered in Hartford for the killing of blackbirds (Hartford TV, 230, December 16, 1690) and in Fairfield for the killing of bears (Fairfield TR, B, i, 23, August 22, 1666; ii, 136, April 11, 1681).

lacked a substantial exportable commodity.<sup>115</sup> As a result, the General Court attempted both to cultivate exports and to improve and regulate the exports the colony did enjoy: cotton wool (1640/1); English grain or corn (1640/1, 1654, 1662, 1662/3); pipestaves (1640/1, 1641); pitch and tar (1644); rape oil (1675); beaver skins (1638, 1647/8); and leather (1678).<sup>116</sup> During times of distress, such as war, the General Court regulated the export trade in foodstuffs so as to ensure the colony's own needs would not suffer.<sup>117</sup> The Court also passed regulatory orders pertaining to a variety of intra-colony and intra-town commerce and economic endeavors: leather-making (1640/1, 1642, 1656, 1657, 1662); the sale of imported liquors and wines (1643/4, 1644, 1646, 1650, 1654, 1656, 1658/9, 1674, 1675); tobacco use (1640, 1646/7); the development of mines (1651, 1663/4); the work and the wages of artificers and laborers (1640, 1640/1, 1641, 1649/50, 1677, 1678); the establishment of a weekly Hartford market, and biennial fairs (1643, 1645); the prescription of proper weights and measures (1643/4, 1644, 1647/8, 1650); the regulation of town millers (1658/9, 1662/3); and management of the export

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<sup>115</sup>Busnman, From Puritan to Yankee, 22-38; Hooker, Colonial Trade, 1-16. See also CR, III, 292-300 for Secretary John Allyn's description of Connecticut's economy in 1680.

<sup>116</sup>CR, I, 59-60; 58-59, 258, 379, 383, 392; 60, 67-68; 114; CR, II, 254-255; CR, I, 20, 161; CR, III, 23. At the May 1665 General Court, it was ordered that anyone who discovered a new export was to have the benefit of the product, per General Court regulation: CR, II, 18-19.

<sup>117</sup>CR, I, 116-117, December 11, 1644; 236-237, February 24, 1652/3; 261, July 11, 1654; 379, May 15, 1662; 383, July 22, 1662; 391, October 9, 1662; 392, March 11, 1662/3; 402, May 14, 1663; CR, II, 270-271, October 19, 1675; 277-278, May 13, 1676; CR, III, 79, May 17, 1681; CR, IV, 16-17, April 11, 1690.

of deerskins (1677, 1679, 1681).<sup>118</sup> At this time extensive government interference in economic matters was considered ordinary, even acceptable in the English world.<sup>119</sup> Diminutive Connecticut was no exception, but, as in so many other interests, the colony's towns tended to strike the balance between their needs and the entire colony's needs more in favor of the towns.

Connecticut's relative poverty was duplicated by a want of references to other than local economic matters in the town records. The manifold town acts dealt primarily with the economies of land, fences, and livestock. Nearly every town provided for the very necessary town grist mill.<sup>120</sup> Otherwise there was little overt depiction of anything other than the modest concerns of an agricultural community. Hartford

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<sup>118</sup>CR, I, 60, 61, 75, 285-287, 298; 100, 103, 146, 560, 254-255, 262-263, 283, 332, 338, CR, II, 240, 255-256; CR, I, 53, 146; 222-223, 420; 52, 61, 65-66, 205, CR, II, 324-325, CR, III, 14; CR, I, 91, 125; 99-100, 104, 159-160, 541; 331, 393; CR, II, 308, CR, III, 31, 78. The General Court tried early to deal with an unfavorable trade balance by passing orders intended to produce hemp and flax, and the opportunity to make their own linen cloth: CR, I, 61, February 8, 1640/1; 64, April 9, 1641.

<sup>119</sup>See E. A. J. Johnson, American Economic Thought in the Seventeenth Century (London, 1932), especially 3-32.

<sup>120</sup>Hartford TV, 7, [September 1639]; 30-31, March 20, 1639/40; 107, January 7, 1655/6; 108-109, January 23, 1655/6; Wethersfield TV, 30, September 22, 1648; 67, October 25, 1660; 71, June 5, 1661; 72, December 31, 1661; 155, October 25, 167[8] (a saw mill); Farmington Town Votes, 116, January 20, 1658/9: hereafter cited as Farmington TV; Middletown TV, 23, January 16, 1655/6; 78, November 26, 1668; 85-86, August 8, 1670; 116, December 23, 1674 (a fulling mill); Fairfield TR, B, ii, 12, May 29, June 1, 19, 1662; 13, October 21, 1662; i, 21, January 15, 1665/6 (a fulling mill); ii, 87, February 16, 1672/3; 119, March 22, 1677/8 (fulling and grist mill); 173, December 22, 1686 (fulling and corn mill); Norwalk TM, 7, January 6, 1654/5; 30-31, August 27, 1657; 63, February 20, 1664/5; 110, January 12, 1676/7 (saw mill); New London TR, IA, 39, November 25, 1650 (the grant for a mill was to John Winthrop); IC, 39a, 40, April 4, 1653 (further considerations for Winthrop); IB, 106, April 18, 1664; Stonington TV, I, 36, December 7, 1669; II, 17, December 29, 1674.

and Wethersfield took measures for a town warehouse and made provision for the manufacture of bricks in their respective towns.<sup>121</sup> Middletown authorized the construction of a warehouse, granted land to Governor Winthrop in hopes of his discovering minerals, complied with a General Court order to appoint a town meat-packer, and also subsidized ship-building through land grants.<sup>122</sup> Fairfield saw fit to allow a wharf to be erected at Black Rock, and New London granted a stone quarry to the ubiquitous John Winthrop. New London also made their own grant for a wharf to be built by non-resident merchants.<sup>123</sup> Not at all hesitant to display a temperate amount of hospitality, most of the towns furnished the good (but restrained) cheer of a town ordinary, or inn, according to either a 1644 (River Towns') order or an order of the General Court (June 1659) intended for the rest of the towns.<sup>124</sup>

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<sup>121</sup>Hartford TV, 102, January 6, 1653/4; 184-185, December 31, 1678; 217-218, December 24, 1685; Wethersfield TV, 112, February 23, 1670/1; 117, June 13, 1671; 181, December 31, 1683; 209, August 29, 1689; 169, March 25, 1680. Wethersfield also established their own slaughterhouse and subsidized shipbuilding: 173, December 27, 1680; 30, September 22, 1648.

<sup>122</sup>Middletown TV, 105, September 1673; 48, May 25, 1661; 50, November 4, 1662; 82, October 11, 1669; 85, August 8, 1670; 125, December 30, 1678. Middletown also made provision for a tanyard (123, February 26, 1677/8), a blacksmith (45, September 19, 1661; 53, April 16, 1663; 79, February 10, 1668/9; 82, October 11, 1669), and a shoemaker (33, February 9, 1658/9).

<sup>123</sup>Fairfield TR, B, ii, 112, February 16, 1676/7; New London Grants and Deeds, II, 2a, May 5, 1656; New London TR, IE, 7, January 6, 1661/2; IB, 18, 37; IE, 8, February 25, 1661/2; IB, 32.

<sup>124</sup>CR, I, 103-104; 338. Wethersfield TV, 75, March 11, 1661/2 (but see CR, I, 378, March 13, 1661/2); Wethersfield TV, 142, February 24, 1673/4; Farmington TV, 24, February 19, 1683/4; Middletown TV, 34, February 21, 1658/9; Fairfield TR, B, i, 19, February 28, 1664/5; Norwalk TM, 45, February 18, 1659/60; 115, January 31, 1678/9; New London TR, IC, 56, June 2, 1654; 57, November 6, 1654 (see also CR, I, 276-277, May 17, 1655); New London TR, IF, 33-34, January 9, 1664/5; Stonington TV, I, 42, February 23, 1670/1.

Taken together, the repetitious economic orders of the General Court and the almost total barrenness in town records of concerns other than those of a purely local importance manifest not outright disobedience on the towns' part in these matters but rather a reality basic to Connecticut's dual localism. That is, in matters not affecting the fundamental integrity of the General Court's authority or the civil peace, or in matters not superceded by extraordinary circumstances such as war, in such matters the towns' very real measure of independence was paramount. It was not impotence on the part of the General Court that allowed the towns to follow or not follow the orders relating to the improvement of the colony's economy. Rather, it was the principal intention of the General Court that the colony-towns prosper economically. The towns' co-operation was necessary, but the economy was not adjudged sufficient reason to divide colony and town and place strain on the colony's institutional modus operandi, the dual localism of General Court and town.

Of course, the town records are variously incomplete and missing or non-entered material could possibly modify a conclusion of town indifference and self-centeredness. However, the town records do report the activities of the towns, and their inhabitants, as corporate bodies. Enterprising individuals might, and did, sometimes co-operate more intently with the colony-mission of the General Court than the town did. These endeavors rarely found their way into the town records.<sup>125</sup> Rather, the records demonstrate quite vividly that with all due respect to the sovereign exertions of the General Court the towns' principal reaction

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<sup>125</sup>For a number of bills of credit and receipts of trading ventures with Maryland and Virginia, see Connecticut Colony Land Records, II, 1646-1673, XLVII.

to such Court orders was the pursuit of the towns' own good. The towns' inhabitants serving in the General Court certainly understood the towns' limited vision even as these representatives did not always approve of some of the practices and results of abject town localism.

#### G. Town Churches

A matter of singular importance to the General Court was the well-being of the towns' churches. The present segment of the study, dealing with ecclesiastical affairs vis-à-vis General Court-town relations, demonstrates the important place of religion in seventeenth-century Connecticut. Yet, the instances of General Court interference in local ecclesiastical problems suggest, in a very marked sense, official religious (i.e., orthodox Protestant) neutrality. Prodded into action, as it were, in the mid-1600's by locally-debilitating disputes over church membership, baptism, and ecclesiastical authority, the General Court did not normally take sides or ordinarily advocate its own authoritative views regarding the doctrinal merits of these conflicts. Rather, when necessary the General Court assumed the role of an arbiter in order to maintain pre-eminently the colony's civil peace and order. Surely, peace and order, rather than doctrinal niceties, were uppermost in the collective vision of the General Court when it suggested in 1664, that it might be the Court's duty to direct the colony's churches to be inclusive and comprehensive--not exclusive, as in the past. "Liberal" or "realpolitik" are perhaps overly expressive descriptions of the General Court's activities in the Windsor, Hartford, and Middletown ecclesiastical proceedings. However, the General Court's direction and stance were assuredly moderate; once again, accommodation and compromise were favored as civic virtues.



Neither the colony nor the towns could accurately be described as theocracies. Undoubtedly, the town's minister was regarded both as a learned man and as a man of God. As such he would have enjoyed a certain natural deference or respect from the town's inhabitants. However, due mainly to their dearth of published, or unpublished, writings as compared to the voluminous pages of the Bay Colony's clerics, the Connecticut clergy have suffered an undeserved historical obscurity commencing immediately after the death of Thomas Hooker in 1649. And yet, as a recent work on the half-way covenant has indicated, Connecticut's ministers were not only important in the everyday life of the colony, they were also readily, and naturally, involved in that specific controversy--an ecclesiastical conflict with decidedly secular ramifications.<sup>126</sup>

During the seventeenth century Connecticut's civil authority, in the form of the General Court, had passed a portion of the panoply of ecclesiastical legislation usually associated with the New England Puritan colonies. In September 1644, a New England Confederation proposal regarding the maintenance of the colonies' ministers was enacted in Connecticut. Each inhabitant was directed to note his voluntary contribution toward his cleric's support. But if this sum did not reflect the inhabitant's ability to pay, or his true proportion, authority (town or colony) was to rate him. If payment was delayed, civil authority could

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<sup>126</sup>Pope, Half-Way Covenant. Pope comments on the limited amount of town ecclesiastical records in seventeenth-century Connecticut, but what he does find leads him to a conclusion that could be extended even farther: "so long as historians of Puritanism extrapolate church and social history from the published products of the New England mind, they will continue to distort the Puritan experience and ignore Connecticut" (269).

be brought to bear on the individual as in other actions of debt.<sup>127</sup>

The Code of 1650 included orders prohibiting the "contempt" shown God's word and His ministers: all inhabitants were expected to attend church services, civil authority was empowered to see that the rules of Christ were observed in every church, and recalcitrant church members could be dealt with via civil justice; however, the church could not depose any individual from a civil position.<sup>128</sup> At the height of the Quaker invasion and the Hartford-Windsor-Wethersfield-Middletown church controversies in the mid-1650's, the General Court ordered that none were to embody themselves into a church without the General Court's consent and the approbation of neighboring churches and that no other religious services were acceptable in a town except those conducted by a settled and approved minister.<sup>129</sup>

A few years later, the liberality not often ascribed to Puritan colonies manifested itself in two very important General Court actions. In October 1664, in response to a petition from seven "Anglicans," the General Court asked the colony's church officers if it was not the duty of the General Court to legislate the inclusion of more persons in church fellowship than had hitherto been allowed.<sup>130</sup> Five years later

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<sup>127</sup>Nathaniel B. Shurtleff and Daniel Pulsifer, eds., Records of the Colony of New Plymouth in New England (Boston, 1855-1861), X, 19-20; CR, I, 111-112, October 25, 1644. This order was repeated in the Code of 1650 (CR, I, 545) and the Laws of 1672, 52.

<sup>128</sup>CR, I, 523-525.

<sup>129</sup>CR, I, 311-312, March 11, 1657/8.

<sup>130</sup>CR, I, 437-438; CA, 1st Ser., Ecclesiastical Affairs, I, 1, 10, October 17, 1664; Pope, Half-Way Covenant. Of the seven petitioners, five were already freemen and the remaining two were freemen by at least 1669. Two of the Hartford signatories (both freemen) also served as town and colony officials: John Stedman was a townsman (1663, 1668);

the General Court took note of the divisions in the colony over church government. Up to this point, the Court intoned, the practices and profession of the Congregational churches had been the officially-approved denominational way. However, "for the honor of God, welfare of the churches and preservation of the publique peace so greatly hazarded," perhaps those who were otherwise persuaded, although pious and prudent, might "have allowance of their perswasion and profession in church wayes or assemblies wthout disturbance."<sup>131</sup>

Robert G. Pope has argued that the problems relating to the half-way covenant in Massachusetts and Connecticut were resolved in Connecticut in an "easier" way. Rather than a symptom of declension, Pope argues persuasively that the half-way covenant was a means toward the regeneration of the ideal of the church-community. That is, a more and more restricted church membership in the towns was tending to establish an unwanted physical separation between church and town.<sup>132</sup> In truth, the half-way covenant problem and attendant conflicts over ecclesiastical and lay authority in the churches, were decided in seventeenth-century Connecticut mainly by the towns with the advice and an active,

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and William Pitkin served as a townsman (1667), a deputy (1675-1684, 1689-1690), and a magistrate (1690-1694). One of Windsor's signers, John Moses, was later a staunch supporter of Windsor's short-lived second society: see below. At the Connecticut Historical Society, Hartford, is an undated negative response of sixteen pages to the General Court's query by two ministers: Adam Blakeman (Stratford) and Thomas Hanford (Norwalk): Connecticut General Assembly, Box 1631-1774. The imminent arrival of His Majesty's Commissioners, fresh from their conquest of New York, probably encouraged both the petitioners and the General Court. See CR, I, 439-440, April 20, 1665.

<sup>131</sup>CR, II, 109, May 13, 1669. Dissenters were still expected to be "approved according to lawe as orthodox and sownd in the fundamentals of Christian religion."

<sup>132</sup>Pope, Half-Way Covenant, 124-131, 261-278.

though qualified, intervention by the General Court.<sup>133</sup> By and large, the General Court and the towns were as much interested in peace and order as they were in orthodoxy. As it turned out, if accommodation and compromise failed there was always the ever-present ameliorative aspects of the frontier to defuse contentions.<sup>134</sup>

The town records of Fairfield, Norwalk, and Stonington reveal an ongoing integration of secular concerns--roads, land, livestock--with religious interests.<sup>135</sup> Orders regarding the parsonage's land, the minister's rate, and help for the minister, are frequent, repetitious, and serve to demonstrate the familiarity the inhabitants had with religion in their workaday lives. The River Towns had more prominent religious problems, however, and the involvement of the General Court in these affairs suggests again the complementary, if not always smooth, working relations between the towns and the Court.

In 1659, religious dissenters from Hartford, Wethersfield, and Windsor founded Hadley, Massachusetts. In 1664, dissidents from Windsor formally established the Connecticut town of Simsbury; likewise, Stratford's short-lived (1669-1673) second society founded Woodbury in 1673. Second societies, or churches were also created in Hartford (1669- ) and Windsor (1669-1680). The ostensible imperative for these actions was

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<sup>133</sup>See below.

<sup>134</sup>See Peter N. Carroll, Puritanism and the Wilderness: the Intellectual Significance of the New England Frontier, 1620-1700 (New York, 1969), 181-197.

<sup>135</sup>On the other hand, the available town records of Farmington do not mention church matters at all, while New London's religious affairs, including the departure of the singular Reverend Gershom Bulkeley, were amicable: New London TR, IB, 40-41, April 12, 1661; ID, 6, February 25, 1664/5; IG, 2, June 10, 1665; 3, July 15, 1665.

religion. One important element in these proceedings was the continuous interference of the General Court. Seldom, however, was the General Court cast in the role of an adversary: witness its own brand of Stoddardnarianism in 1664 and 1669 regarding the possibilities for more inclusive rather than exclusive churches in the colony.<sup>136</sup> This accommodative inclination vis-à-vis the towns and the towns' churches distinguishes the activities of the Connecticut General Court in seventeenth-century ecclesiastical affairs. Indicative of the General Court's desire for accommodation and moderation in church matters was the fact that Court intervention was often carried out "unofficially" by neighboring magistrates, although the arbitration was not necessarily binding on a town. Because of the large number of magistrates in Hartford, Windsor, and Wethersfield (see Table 5 in Appendix A), much of this ex officio assistance was concentrated in the River Towns.<sup>137</sup> Windsor presents an

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<sup>136</sup>See Pope, Half-Way Covenant, especially 76-95. Undoubtedly, Governor John Winthrop, Jr.'s, liberal attitudes played a part in the General Court's moderation: see Dunn, Puritans and Yankees, 61-62, 64, 105-107. However, redoubtable Benjamin Trumbull disagreed about the General Court's interference in these church matters, such as its calling in 1658 for an ecclesiastical council regarding Hartford's church problems: such activity "exhibits, in so strong a point of light, the authority which the general court imagined they had a right to exercise over the churches, and the spirit of those times." Complete History of Connecticut, I, 304-305. Hartford's minister, Samuel Stone, first agreed with Trumbull's indictment (CR, I, 317, May 20, 1658), then changed his mind (The Wyllys Papers: Correspondence and Documents, Chiefly of Descendants of Gov. George Wyllys of Connecticut, 1590-1796 in CHSC, XXI, 128-129, March 11, 1658/9).

<sup>137</sup>Middletown benefited from this kind of unofficial mediation in land (see above) and rating disputes (see Chapter VI), and with less success in ecclesiastical difficulties: Middletown TV, 23, March 3, 1656/7; 27, March 9, 1656/7; 26, May 23, 1657; 15, August 1657; 32, November 27, 1658; 36, October 1, 1659; 37, December 16, 1659; 49, December 6, 1661; 71, December 25, 1666; CA, 1st Ser., Ecclesiastical Affairs, I, i, 6, 4, 5, November 7, 1659, October 4, 1660; Samuel Stow to John Winthrop, June 7, 1661, March 22, 1667/8, Winthrop Papers, Massachusetts Historical Society, Boston; Robert C. Winthrop Collection, III, 259,

excellent example of 1) the ecclesiastical disagreements conspicuous in seventeenth-century Connecticut; 2) the sometimes overbearing, self-righteous actions of town residents, majority or minority; 3) the consequent actions of a General Court attempting to be equitable, but sensitive always to the least hint of contempt for its authority.<sup>138</sup>

In the midst of the controversies in the Hartford and Wethersfield churches in 1658, the General Court received a petition from Windsor that recited certain ecclesiastical differences in that town's church. Action on the petition was deferred until the next General Court session to facilitate the attendance of the colony's elders so the Court might hear their advice as to what was "most requisite to issue the differences that are amongst us."<sup>139</sup> No more is mentioned of Windsor's troubles in the Connecticut Records until 1664. During the intervening six years, 1658-1664, the town's minister, John Warham, employed the half-way covenant.<sup>140</sup> However, in 1664, Warham suddenly abandoned

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January 21, 1668/9, Connecticut State Library. The General Court was forced to intervene in the town's efforts to fire Samuel Stow in favor of another minister: CR, I, 343, November 9, 1659; 356, October 4, 1660; 361, 362, March 14, 1660/1; 440, April 20, 1665.

Wethersfield's 1658-1661 church problems may be followed in CR, I, 330-331, March 9, 1658/9; 338, June 15, 1659; 342, October 6, 1659; 363, March 14, 1660/1; Wethersfield TV, 53, April 16, 1658; 57, December 7, 1658; 59, May 20, 1659; 59, June 2, 1659; 71, April 1, 1661; CA, 1st Ser., Ecclesiastical Affairs, I, i, 1, August 17, 1658; Winthrop Papers, December 26, 1659; March 1660/1.

<sup>138</sup>See Pope, Half-Way Covenant, for a broad view of the Connecticut towns' ecclesiastical conflicts in the seventeenth century and the various General Court reactions. See also David D. Hall, The Faithful Shepherd: a History of the New England Ministry in the Seventeenth Century (Chapel Hill, North Carolina, 1972), 214-217.

<sup>139</sup>CR, I, 312, March 11, 1657/8. The order prohibiting the establishment of unauthorized churches was also enacted at this session of the General Court: see n. 129.

<sup>140</sup>Pope, Half-Way Covenant, 79-81.

his advocacy of this practice, resulting in five years of intra-town conflict and the immediate settlement of Simsbury by a group of Windsor inhabitants.<sup>141</sup>

The General Court's official response to the troubles of Windsor and other churches relating not only to baptism but, more importantly perhaps, to the question of church government and authority was to call a synod in October 1666 to consider seventeen questions drawn up by the General Court. All preaching elders and ministers of the colony were to attend. In the meantime, all controversial practices in the colony's churches were to be suspended.<sup>142</sup> On the recommendation of the New England Confederation (September 1667), the synod was expanded to include all three member colonies. The colonies' representatives were to meet in, or near, Boston.<sup>143</sup> Due to the disinterest of Massachusetts, however, the idea was allowed to fade away.<sup>144</sup> Therefore, in May 1668, the Connecticut General Court commissioned four colony ministers--James Fitch (Norwich), Samuel Wakeman (Fairfield), Gershom Bulkeley (Wethersfield), and Joseph Elliott (Guilford)--to meet at Saybrook or Norwich in order to consider the divisive issues of church membership, church discipline, and baptism.<sup>145</sup> The result of this gathering was a May 1669

<sup>141</sup>See Deming, Settlement of the Connecticut Towns, 29-30.

<sup>142</sup>CR, II, 53-55. The General Court had made previous efforts to compose the colony's religious differences, principally in Hartford, including an invitation for Bay Colony ministers' help: CR, I, 288-291, February 26, 1656/7; 302, August 1657; 339-340, June 15, 1659; 343, November 9, 1659; and arbitration directed by the General Court: 312, March 11, 1657/8; 314, March 24, 1657/8; 317, May 20, 1658; 318, 320-321, August 18, 19, 1658; 333-334, March 9, 1658/9.

<sup>143</sup>CR, II, 69-70, October 10, 1667; 516-517; Shurtleff and Pulisifer, eds., Records of the Colony of New Plymouth, X, 328.

<sup>144</sup>CR, II, 516-517; Pope, Half-Way Covenant, 87-93.

<sup>145</sup>CR, II, 84.

General Court order permitting the establishment of new churches for those who dissented, in an orthodox and fundamentally sound way, from the approved congregational churches.<sup>146</sup>

While the General Court was proceeding in its somewhat "liberalizing" direction, Windsor, along with Hartford, was providing much of the impetus for the Court's motion. Seeking assistance for the Reverend Warham, a majority of Windsor's inhabitants settled in October 1667 on Nathaniel Chauncy of Boston by a vote of 86-52.<sup>147</sup> The minority, however, caused such a commotion over the selection of the anti-half-way covenant Chauncy that the General Court was moved at its October 1667 session to allow the minority to find their own minister. The Court did insist, though, that the dissenters continue their contributions to the first church of Windsor during the minority's search for a minister.<sup>148</sup> By May 1668, the forming second society, or church, had procured Benjamin Woodbridge, an advocate of a more inclusive church, to preach to them. The reaction of Windsor's established church was decidedly hostile; the dissidents' explanation of their own activities was, in contrast, moderate in tone.<sup>149</sup>

In the face of continuing disorders in Windsor, the General Court in October 1668, nominated the same four ministers earlier selected to discuss colony ecclesiastical issues--Fitch, Wakeman,

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<sup>146</sup>CR, II, 109. See n. 129.

<sup>147</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 11; CR, II, 73-74; Wylllys Papers, CHSC, XXI, 170-171; Pope, Half-Way Covenant, 109-114. It is important to note that the matter was voted on by the entire town.

<sup>148</sup>CR, II, 76-77; Windsor TA, II, 8a, November 29, 1667.

<sup>149</sup>CR, II, 85-86; Hoadly Memorial: Early Letters and Documents Relating to Connecticut, 1643-1709 in CHSC, XXIV, 14-15; Wylllys Papers, CHSC, XXI, 182-184.



Bulkeley, and Elliott--to hear both sides in the Windsor controversy and to seek a settlement of the matter. Otherwise they were to report to the General Court.<sup>150</sup> The ministers' report was submitted to the Court in May 1669. Several causes for the town's contentions were enumerated, but a satisfactory solution was left to the General Court. The Court's conclusion was that both Chauncy and Woodbridge would remain in their positions either until a later time more conducive to a full settlement of the conflict or until another means, "to be promoated by the civill authority," could be used to obtain another minister. The second contingency was depicted by the Court as a means that would be directed, if employed, toward the union and the satisfaction of the whole town.<sup>151</sup> Five months later, however, the conflict had not abated. Windsor's dissenters were allowed "to meet distinctly for the present, and orderly and regularly to imbody themselves in church state, according to the law, when they shall seek it."<sup>152</sup>

In itself, the creation of a second society in Windsor sounds a number of themes evident throughout seventeenth-century Connecticut's

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<sup>150</sup>CR, II, 99-100. For an example of the animosities in Windsor see Windsor TA, II, 11, 11a, August 8, 17, 1668; 13, November 30, 1668. At the latter town meeting the Reverend Warham was voted a rate for the year less than one-third of his 1663 rate, causing recorder Matthew Grant to exclaim "what more will be don I yet know not." At a February 21, 1668/9 (15a) townsmens' meeting, Warham was granted a more substantial sum; a March 11, 1668/9 town meeting approved (15a).

<sup>151</sup>CR, II, 107, 113-114; Some Early Records, 127-130.

<sup>152</sup>CR, II, 124, October 14, 1669. At this same session, Hartford's dissidents under John Whiting were given the same privilege (120). Windsor's second society continued to meet with less than total charity from their fellow inhabitants, as they complained to the General Court: CA, 1st Ser., Ecclesiastical Affairs, I, i, 15, May 13, 1670; Robert C. Winthrop Collection, I, 260, 1673. The General Court had already provided the legislation necessary for separated societies at the May Court: CR, II, 109.

history. The first is the obvious attempt of the General Court to temper its intrusions into town affairs. Evidence has already been given that illustrates the Court's self-conscious mitigation of its use of raw political power. Local deviance regarding Court orders dealing with land and livestock, two of the colony's most apparent sources of wealth, was permissible as long as local peace and order were maintained.<sup>153</sup> That is, while the town's affairs were in fact handled prudently, the General Court, composed of town inhabitants, was amenable to such variety in local ordinance and practice as existed in the colony. Taken together, town meeting records and the General Court records reveal a balance achieved by give-and-take between the two political entities. Without the important town meeting documents the activities recounted in the records of the Court would give the impression that the towns were mere appendages of the General Court--and totally subordinate.

The second theme in Connecticut's seventeenth-century history made clear by the initial Windsor church problems is the time factor. Simply put, Connecticut's contentions were allowed to subside gradually in order to re-generate the communal consensus so necessary for the orderly development of the town and the colony. The General Court aided the consensual process by the appointment of committees empowered, like as not, to meet in a few months, by a proclivity to allow issues to smolder in hopes of achieving locally-imposed solutions, and by the unenunciated but ordinary practice of naming Court committees composed

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<sup>153</sup>See above. Of course, it could be argued that the mere seeming moderation and neutrality of General Court interference in such affairs as the Windsor church dispute were actions, by their very nature, sympathetic to the dissidents. As regards religion, New Light Benjamin Trumbull was most upset by the Court's interference at this time: History of Connecticut, 296-313. See also n. 136.

of neighbors and/or local men. Most often time was courted in colonial Connecticut as a healer of divisions.

The third theme apparent in the Windsor church conflict is the cultivation of a majority sentiment that would, it was hoped, approximate unanimity. Contentions, divisions, and discord all were equally unwelcome in seventeenth-century Connecticut. The preservation of an organic society was at once an ideal and an end in the local polities, as in the larger polity. However, the idealism of the colony or town could be modified by the facts or the real situation. Hence, the colony's permission for the establishment of second societies: such a concession was less divisive, and more urgent, than any ideological requirement to begrudge their official existence.

Authority may have usually been handled, and handed out, carefully in seventeenth-century Connecticut, yet insult to this authority once it was pronounced was not to be tolerated. This fourth theme of early Connecticut history is apparent in the final proceedings of the Windsor church controversy. By early 1678, the clerical adversaries in Windsor had decided the time was right to bring their differences to an amicable solution. Chauncy and Woodbridge invited representatives of Hartford County's five other churches to meet at Windsor during the same month to offer their advice and conclusions.<sup>154</sup> This advice, given January 1677/8, issued a call for the reunion of the town's two societies, suggested procedures for the first society's accepting eligible

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<sup>154</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 64. During the previous two years, the two societies had wrangled over an attempt to repair with town funds just the town meetinghouse used by Chauncy's first society, and not the old townhouse used by Woodbridge's second society: Windsor TA, II, 40, June 8, 1676; 40a, 41, August 15, 1676; 42, September 22, 1676; 42, November 2, 1676. A compromise, formulated by an outside committee, directed the repair of both houses.

members of the second society into full communion, touched on the continuation of Chauncy and the acceptance of Woodbridge, and called for a day of humiliation and prayer.<sup>155</sup> A further clarification in August 1678 of the council's advice gave new emphasis to the idea that the town should obtain a new minister for the reunited societies.<sup>156</sup>

Disagreements persisted, however, and the second church disavowed the council's further activities oriented toward a reunion in October 1678.<sup>157</sup> Undaunted, the council pressed its own search for a new minister, with and without the active support of the two churches.<sup>158</sup> Finally, exasperated by the continuing animosities associated with the uneffected reunion of Windsor's two societies, the governor and magistrates felt compelled in July 1680, to communicate directly with their brethren in Windsor. Citing the initial agreement between the two societies regarding the calling of a council and the two parties' further agreement to submit to such a council's advice, the governor and magistrates in effect retracted the 1669 allowance for a second society in Windsor. In His Majesty's name these gentlemen prohibited any meetings for public worship in Windsor distinct from those of the first church. Any contrary proceedings would be looked upon as contempt of

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<sup>155</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 63; Some Early Records, 130-133.

<sup>156</sup>Some Early Records, 133-134.

<sup>157</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 65.

<sup>158</sup>Some Early Records, 135, January 14, 1678/9; 135-136, January 21, 1678/9; 136-137, January 27, 1678/9; 137, February 18, 1678/9; Windsor TA, II, 48, 48a, January 14, 1678/9; 48a, 49, January 27, 1678/9; 49a, 50, February 18, 1678/9; 50a, April 10, 1679; 51, April 14, 1679; Windsor Town Accounts, 86, May 16, 1679, June 26, 1679; 87-88, October 27, 1679; 88, December 2, 14, 1679; 89, June 3, 1680; CA, 1st Ser., Ecclesiastical Affairs, I, i, 67, 68, January 16, 1679/80.

authority and breach of the public peace and would be witnessed (acted) against by colony "Authority."<sup>159</sup>

Four days later, on July 5, an unsuspecting Governor William Leete received a reply to the above letter from four members of Windsor's second church--Timothy Thrall, Job Drake, George Griswold, and John Moses. The letter, a protest about the treatment of the second society, is one of a very few examples of a forthright examination of the "Authority" of the Connecticut General Court in the seventeenth century. Seemingly content with the delays and the somewhat casual and independent pace of reunion efforts for the previous two and one-half years, the four protesters were taken aback by the firm and specific intervention of the governor and upper house of the General Court.<sup>160</sup>

The letter gravely accused the governor and magistrates of prohibiting the new church at Windsor from the free fruition and enjoyment of its ecclesiastical liberties and the ordinances of Christ. Both these liberties and ordinances belonged to the church according to the Gospel and the colony's laws--and the grant of the General Court. In substance, the aggrieved signers wrote that their society was more harshly dealt with than any other church of Christ in the colony. They could not quietly enjoy their minister's preaching. Ominously, they wrote that they were afraid that the whole situation would be provoking

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<sup>159</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 73. The letter went on to detail the prescribed method, according to council (1678) advice, for the reunion of the churches.

<sup>160</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 74. Perhaps the petitioners contemplated a division of the General Court on this matter along archetypical colonial American lines: upper vs. lower (read "popular") house. However, given the merits of the case and the derogation of authority in the letter, the deputies joined in the subsequent censure and fines. See also Chapter VII.

to the King if he heard of it. Grievously oppressed as they were, they were humbly petitioning the governor to grant them their liberties according to law. If not, they asked him to call a General Court so they could tell the Court their grievances and how unduly their liberties, given them by the General Court, were unfairly taken from them--by only a part of the Court.<sup>161</sup>

On October 21, 1680, the four representatives of Windsor's second society received their answer from the General Court. The assembled Court saw reason to agree with the Court of Assistants' complaint against the Windsor men for contempt of authority: we "doe find that their letters to the Governor, to say the least, was to full of refectations and unsuitable expressions, casting contempt on the Governor without any just cause." The authors were summarily fined L5 each.<sup>162</sup> Moved by "the sorrowfull condition of the good people" of Windsor, now "in a bleeding state and condition," the General Court ordered a reunion of the two societies according to the January 1677/8 advice of the council convened through the town's own efforts. Preparations would be taken to admit second society members into the first society and to procure a new minister for the combined church. Windsor's inhabitants were

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<sup>161</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 74. Writing to the Court of Assistants convened a week before the October 1680 General Court, Timothy Thrall, one of the four petitioners, tried unsuccessfully to mitigate the expected reaction to the letter. In his defense, Thrall noted the problems and inefficiencies connected with implementing the (1678) council's advice. The July 5 letter had not been intended to cast contempt on authority. Actually, the letter to the governor had been sealed and had not been meant for others' eyes. Quite insensitively, Thrall wrote that any such contempt had come not from the writing or sending of the letter, but rather came from "its divulging which was none of our act." CA, 1st Ser., Ecclesiastical Affairs, I, i, 76.

<sup>162</sup>CR, III, 72. These fines were remitted October 11, 1683 (CR, III, 128).

to assist the committees engaged in these tasks for "in the least to appose or hinder the same, . . . they will answer the contrary at their perill."<sup>163</sup> In May 1682, the General Court concluded a final settlement regarding the terms of the reunion of the two societies.<sup>164</sup>

In the seventeenth century Windsor's proximity to Hartford, its comparatively large population (including colony dignitaries), and its prestige as one of the colony's founding towns all served to focus additional attention on its unhappy ecclesiastical divisions. The authority of the General Court, exercised patiently for the most part, was directed toward and ultimately achieved, a reunion of the Windsor churches. Predicated on moderation and compromise, the reunion of the two societies in Windsor also was the occasion for four Windsor recusants to experience the firm resolution by the Court of any potential conflict relating to the colony's dual localism. The General Court was the supreme power--economically, politically, socially, and if need be, religiously--in seventeenth-century Connecticut. However, composed of men whose interests were identical, or nearly so, with those of the townspeople, the General Court usually struck a temperate pose that effectively softened the weight of their ultimate sovereignty over the

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<sup>163</sup>CR, III, 73. The petition initiating this Court action was from the second society, and was signed by the above four "contemners" of authority: CA, 1st Ser., Ecclesiastical Affairs, I, i, 77, October 14, 1680. Additional material concerning the two churches (1676-1682) may be found in CA, 1st Ser., Ecclesiastical Affairs, I, i, 16, 66, 71, 72, 75; CR, III, 78, 82-83; Windsor TA, II, 40-51; Windsor Town Accounts, 78-94.

<sup>164</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 78, 79; CR, III, 104.

towns regarding intra-town affairs.<sup>165</sup> Yet this self-restraint allowed the continued working of dual localism and the sharing of authority between the colony and the towns.

#### H. Meetinghouses

The central place and many uses of the meetinghouse in colonial New England have often been described.<sup>166</sup> Used also as a school or a storehouse or a temporary prison, the meetinghouse served primarily as the setting for town meetings and town worship. Ordinarily the most acrimonious problem regarding the meetinghouse itself was the proper seating of the town's inhabitants. Rank, real and imagined, was intended to be served.<sup>167</sup>

Norwalk, however, experienced a different, though serious, problem when the town decided to build a new meetinghouse. One group of inhabitants including the town minister, Thomas Hanford, wanted to erect the new meetinghouse near the site of the old, centrally-located meetinghouse. A dissenting group preferred to move the site farther north to Hoyt's Hill, closer both to the edge of the town settlement and to the area of its future growth. It was decided at a town meeting in December 1678 to submit the question of meetinghouse location to the

<sup>165</sup>The General Court's original grant of town powers would seem to preclude an ultimate General Court sovereignty in certain areas of enumerated town powers. However, even in land matters the Court was prepared, if necessary, to overrule a town's particular interests in favor of the colony's, or larger locality's, interests. See above and Chapter III.

<sup>166</sup>See especially Ola Elizabeth Winslow, Meetinghouse Hill: 1630-1783 (New York, 1952).

<sup>167</sup>Wethersfield TV, 35, December 28, 1649; Hartford TV, 44, March 13, 1640/1; Norwalk TM, 35, May 29, 1658; 53, January 7, 1661/2; 67, December 13, 1665; Stonington TV, 18, 19, March 9, 1674/5; 54, May 4, 1685; New London TR, IB, 35, March 10, 1661/2.



arbitration of Deputy-Governor Robert Treat (Milfrod), Magistrate Nathan Gold (Fairfield), and Elder Daniel Buckingham (Milford).<sup>168</sup> Two members of the convened committee decided, with self-confessed trepidation, in late March 1679, on the Hoyt's Hill location, "the place wherin your convenient meeting for centring timeing and secureing doth concenter wth advantage."<sup>169</sup>

The group of inhabitants partial to the old site would not accept the committee's award, however, and at a town meeting on April 23, 1679, after many fellow townspeople had departed, the dissidents managed to pass an order that the new meetinghouse would be built in the yard of the old meetinghouse. They further directed that only a unanimous vote of the town could change their order. Moreover, a third order was enacted to the end that all the common land called Hoyt's Hill was to be common and undivided for the future. No other use could be made of this hill, they proclaimed, except for the setting-up of a watch-house, without the unanimous consent of the town.<sup>170</sup> On May 3, the advocates of the Hoyt's Hill site gave notice to the town of their firm intention to petition the General Court for a redress of their grievances.<sup>171</sup> The General Court decided in favor of the Hoyt's Hill group at its May 1679 session and advised the burial "in perpetuall oblivion"

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<sup>168</sup>Norwalk TM, 115; fifty-five inhabitants signed the agreement to seek arbitration: CA, 1st Ser., Ecclesiastical Affairs, I, i, 49. See also Norwalk TM, 116, January 31, 1678/9; 117, March 4, 1678/9.

<sup>169</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 50. Buckingham wrote that he himself could not make a decision about the particular location, "which is for want of light which is an exercise to mee," but that he signed his name in order to concur with the pious and worthy advice in the document.

<sup>170</sup>Norwalk TM, 117-118.

<sup>171</sup>Norwalk TM, 108; CA, 1st Ser., Ecclesiastical Affairs, I, i,

of all said controversies and differences in Norwalk.<sup>172</sup> The contentions persisted, however, despite the ruling and good offices of the General Court.

Convinced of the rectitude of their position, the anti-Hoyt's Hill faction petitioned the General Court in October 1679. Noting the Court's May decision, the petitioners disarmingly lamented the continuance of differences and disorders in their town. They expressed fear that "(if providence prevent not) the issue should be both the dissolution of Towne & church." Therefore, they asked for the appointment of another committee to look into the town's controversy. The Court obliged and renominated Deputy-Governor Treat and Magistrate Gold, and replaced Elder Buckingham with Magistrate James Bishop (New Haven). This new three-man committee was directed to travel to Norwalk to seek an accommodation in the matter. If no new way could be mutually agreed on by the town, the meetinghouse was to be built on Hoyt's Hill, in line with the Court's May decision.<sup>173</sup> The committee's subsequent report noted that the alleged grievances (of the anti-Hoyt's Hill faction) did not have much weight and that work on the new meetinghouse should proceed according to the recommendations of the original committee. The new committee concluded, though, that if obstructions continued to impede work on a new meetinghouse, the little-used method of a lot should

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<sup>172</sup>CR, III, 30-31; CA, 1st Ser., Ecclesiastical Affairs, I, i: the petition (56) disputed the contention (52) that all proper town inhabitants were supposed to sign the agreement (49) for arbitration in order for the said agreement to be valid. The petition went on to dispute other interpretations offered by the anti-Hoyt's Hill party (53, 55). The prominent leader of the Hoyt's Hill side, Thomas Fitch, Sr., offered additional testimony about the signing of the original arbitration agreement (54).

<sup>173</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 57; CR, III, 45.

be employed: "as an ordinance of God to be a finall Issue: of this strife and Contention."<sup>174</sup>

In May 1680, the Hoyt's Hill advocates protested officially to the General Court against any use of a lot to determine something previously determined. With finality the Court responded that a lot was intended to bring about a peaceful and loving settlement. The Court, therefore, recommended to the people of Norwalk "unanimously to agree and solemnly to comitt the decision of this controversy to the wise dispose of the Most High, by a lott."<sup>175</sup> On June 2, 1680, a majority of the town voted to accept this General Court order, designed to effect a settlement concerning the location of the new Norwalk meetinghouse.<sup>176</sup> The result of the lot, not entered in the town meeting records, was in favor of the Hoyt's Hill location.<sup>177</sup>

The Norwalk meetinghouse controversy illustrates the flexibility of the General Court's treatment of matters important enough to be brought before it. It is an example of the Court's concern in any matter, great or small, threatening to disable the local polity.

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<sup>174</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 58, October 30, 1679. A day later, Thomas Fitch, Sr.'s, group asked the General Court's committee if their group's participation in such a lot was a condescension by their group, given the earlier vindication of their position by the original committee. The new Court committee agreed (59). On the other hand, the Reverend Hanford's anti-Hoyt's Hill faction was pleased to have the matter put to a lot (60).

<sup>175</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 61; CR, III, 59.

<sup>176</sup>Norwalk TM, 108. A November 8, 1681, town meeting declared that for the future the town would meet in the new meetinghouse (125-126).

<sup>177</sup>See map facing title page in Edwin Hall, comp., The Ancient Historical Records of Norwalk; with a Plan of the Ancient Settlement, and of the Town in 1847 (Norwalk, 1847).

Originally siding in May 1679, with the Hoyt's Hill advocates in the conflict, the Court reacted to the continued contentions by nominating a new arbitration committee at its October 1679 session. Although Hoyt's Hill was again the first choice of the arbiters, the General Court chose to second the ancillary proposal of the committee for the holding of a lot to determine the meetinghouse's site. Theoretically, the Norwalk dissenters were as guilty of contempt of "Authority" as the four members of Windsor's second society. Practically, however, the Hanford group, in concert, constituted a sizeable and vocal minority. Unlike the Windsor church problem, there was no basic agreement in Norwalk for a reunion of the two nearly equal factions into which the town had split. A word heard throughout Norwalk's troubles, "unanimity," was not readily applicable to the town as regards the location of its new meetinghouse. To reinstitute the consensus deemed essential in a Connecticut community, the General Court saw reason to countenance a lot in Norwalk, "an ordinance of God"--a widely-recognized higher "Authority" in the Puritan colony.<sup>178</sup> Once again, the General Court, a locally-oriented body, eschewed a doctrinaire solution to a local matter and proceeded according to equity and prudence, rather than ideology.

### I. Schools

A final intra-town concern illustrative of the relations between the towns and the General Court was the matter of schools. The Connecticut Code of 1650 included laws enjoining masters or parents to see to the fundamental education, reading and catechizing, of their charges and directing towns of fifty families to hire a schoolmaster to teach

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<sup>178</sup>For example, see CR, I, 20-21.

reading and writing. In the latter instance either the parents or the town would pay the schoolmaster.<sup>179</sup> A hint of the ready violation of these educational laws, however, was given in the General Court's enactment in 1677 of a more pointed reiteration of the previous laws regarding "Schools." Now, in 1677, every eligible town was ordered to maintain a school; any neglect of this responsibility of over three months in one year would result in a fine. A companion law passed at the same session of the Court ordered that the town school was to be supported by a rate on all the inhabitants unless the town could agree on some other way to sustain the teacher.<sup>180</sup> A year later the General Court reduced the number of families necessary for a town to establish a school from fifty to thirty families.<sup>181</sup> Additional pieces of legislation were passed in May 1690, indicative again of the continued disobedience toward the colony's school laws. One 1690 order acceded to the reality of an agricultural community, however, and allowed town schools to be kept for only six months in a year where children and servants were required to labor for a great part of the year.<sup>182</sup>

It is extremely difficult to comment on the quality of the colony's town schools. From the town records, however, it is possible to conclude that interest in formal education varied both in prominence and quantity from town to town. As might be expected, Hartford was the

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<sup>179</sup>CR, I, 520-521, 554-555. These laws were re-enacted in Laws of 1672, 13-14, 62-63. The latter law added that towns of 100 families were to establish a grammar school.

<sup>180</sup>CR, II, 307-308; 312. The four county towns--Hartford, New Haven, New London, and Fairfield--were ordered to maintain the Latin schools they had been instructed to establish in the Laws of 1672, 63.

<sup>181</sup>CR, III, 9, May 13, 1678.

<sup>182</sup>CR, IV, 31, May 13, 1690.

River Town most active in providing for a suitable school. A December 6, 1642, town meeting established a yearly L30 rate for a school, "forever."<sup>183</sup> Although a schoolhouse was being built in Hartford as early as 1649, the building itself seemed never completely to be finished.<sup>184</sup> A free school was first mentioned in November 1660, but does not seem to have become a reality before April 23, 1674.<sup>185</sup> Farmington's available records indicate a yearly concern with education, including the temporary establishment of a free school, December 28, 1685. The master, to be hired for L30 for one year, was to be accomplished enough to teach reading, writing, and grammar and to be helpful if necessary by stepping into the pulpit. If he could not do the latter, he was to receive only L20.<sup>186</sup> Farmington also experienced problems in hiring suitable schoolmasters.<sup>187</sup>

The first notation of a school in Wethersfield was in a town order of April 13, 1658, when provision was made that children attending the school were to pay 8s. each; the town would make up any difference needed to complete the L25 salary of the schoolmaster.<sup>188</sup> Like Hartford and most of the other Connecticut towns, Wethersfield's energies in regard to school matters were expended mainly in procuring an able

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<sup>183</sup>Hartford TV, 63.

<sup>184</sup>Hartford TV, 85-86, February 1, 1648/9; 97, January 12, 1651/2; 107, December 18, 1655; 109, January 23, 1655/6; 109, February 15, 1655/6; 132, November 20, 1660; 149, January 30, 1665/6.

<sup>185</sup>Hartford TV, 132; 170.

<sup>186</sup>Farmington TV, 30. Any deficiency in the pay was to be made up by those with estates of L100 or more who sent children.

<sup>187</sup>Farmington TV, 46, March 26, 1691.

<sup>188</sup>Wethersfield TV, 53.

schoolmaster and then paying him.<sup>189</sup> The industrious examples of Hartford and Wethersfield were lost on neighboring Windsor, however.

There are only a few, scattered references to schools in the Windsor records. The first mention of a school occurred at a town meeting on February 10, 1656/7 when a certain Mr. Branker was allowed L5 from the next town rate toward the maintenance of a school.<sup>190</sup> There was no further extended attention given schooling until a town meeting in November 1673 that followed by over a year the fining of Windsor L5 at the Hartford County Court for the town's neglect in maintaining a grammar school according to law.<sup>191</sup> The obligation for towns with over one hundred families to establish a grammar school was initiated in the Code of 1650. Later in the same year that Windsor was fined for its oversight, however, the statute was nullified in the Laws of 1672: henceforth only the county town was required to establish a grammar school.<sup>192</sup> At the November 13, 1673, town meeting a committee was appointed "to see what way to order for ye setting up of a scolle."<sup>193</sup> One of the two most significant problems associated with a school in any of the towns became obvious in Windsor after another year had passed. A

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<sup>189</sup>Wethersfield TV, 58, March 24, 1658/9; 66, May 15, 1660; 72, November 4, 1661; 86, October 24, 1665; 87, December 8, 1665; 100, March 22, 1666/7; 105, December 21, 1668; 107, March 15, 1669/70; 115, March 8, 1670/1; 118, March 29, 1671; 117, June 13, 1671; 133, December 2, 1672; 143, September 1, 1674; 147, July 3, 1676; 147, October 16, 1676; 152, December 13, 1677; 174, December 27, 1680; 211-212, December 26, 1689.

<sup>190</sup>Windsor TA, I, 32.

<sup>191</sup>Connecticut Colonial Probate Records, III, County Court, 1663-1677, XVI, 123, April 2, 1672.

<sup>192</sup>Laws of 1672, 63.

<sup>193</sup>Windsor TA, II, 28.

schoolmaster had been engaged, but the matter of his pay was replete with difficulties. He had agreed to accept L36 for the year, but subsequently a warned but poorly-attended town meeting voted that children who used the school were to pay 5s. per quarter. Any difference between the sum collected as the childrens' tuition and the L36 was to be made up by the town. In a singular display of overkill, another vote was taken with the result that the whole L36 was directed to be paid by town rate. As Matthew Grant recorded, though, "it stickes much with many that children shoud goe free and ye Town to pay all."<sup>194</sup> Many Connecticut inhabitants were quite content to obey the 1650 law entitled "Children" that provided for home education, secular and religious, rather than bear a tax for more formal schooling--especially if they had no eligible children. However, there was the second, appropriate law from the Code of 1650, entitled "Schooles," that called on towns of fifty or more families to provide a master to teach reading and writing.<sup>195</sup> Windsor listed 165 males, sixteen years of age or older, as early as September 14, 1654.<sup>196</sup>

Middletown showed little early interest in establishing a school but then proceeded to make up for its neglect. On June 14, 1675, the town granted L10 for the coming year to be used to engage a schoolmaster to teach reading and writing. An additional L10 stipend would be raised

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<sup>194</sup>Windsor TA, II, 35a, November 19, 1674. At the January 30, 1674/5 town meeting, it was voted for the town to make up anything lacking from the L36 after the various scholars paid their proportions (36a).

<sup>195</sup>CR, I, 520-521, 554-555.

<sup>196</sup>CR, I, 265. It would certainly appear that before 1673 Windsor had the requisite number of families for the establishment of a town school.



for the teacher from a tax on the children to be schooled.<sup>197</sup> Within two years, the master's pay had risen to L25: L10 to be paid by the town, the remainder to be paid in equal proportions on the children who had gone to school, would go, or ought to go.<sup>198</sup> On September 7, 1680, action was taken for the construction of a schoolhouse intended to supplant the customary usage of the town's watchhouse.<sup>199</sup> Similar to Hartford and Windsor, Middletown was divided into north and south sides by a rivulet, or "riverett." The more populated south side practiced a benevolent attitude toward the north side manifest in early town orders concerning where the town school should be kept, and finally, in the refund to the north side of their own portion of the town school rate if they were able to secure their own master.<sup>200</sup>

Norwalk and Fairfield, the seaside towns, present contrasts in many instances, including education. Not until May 29, 1678, after the General Court earlier in the month had lowered the number of families in a town legally required to maintain a school from fifty to thirty families did Norwalk order that a school master should be hired.<sup>201</sup>

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<sup>197</sup>Middletown TV, 119.

<sup>198</sup>Middletown TV, 121, March 12, 1676/7.

<sup>199</sup>Middletown TV, 131; 121, November 29, 1676. The projected school's dimensions were 26' x 17' or 18' and 6½' high.

<sup>200</sup>Middletown TV, 135, February 5, 1682/3; 146, May 5, 1690; 147, March 17, 1690/1.

<sup>201</sup>Norwalk TM, 114; CR, III, 9, May 13, 1678. There are only three other references to schools in the Norwalk TM before 1690. They deal with hiring schoolmasters: 115, January 31, 1678/9; 120, February 20, 1679/80; 134, August 20, 1686. From internal evidence it would seem that the usual method for schooling in Norwalk was to have it directed by an inhabitant. Hence, there was no need for large school rates--perhaps a fee was subtracted from the "master's" town rate; the onus for education was primarily on the families who could choose or not choose to send their siblings. Such a threadbare method would be completely in keeping with the small community's decidedly frugal way of accomplishing things.

Fairfield, on the other hand, was extremely concerned with education from the beginning of its records. From the December 27, 1661, record of the schoolmaster's pay to the defeat of Deputy Jehu Burr's bill at the May 1690 General Court to expand country subsidies for grammar schools in Hartford and New Haven to include New London and Fairfield, the town's commitment to education was constant and firm.<sup>202</sup> There are numerous references to hiring and paying schoolmasters, to land grants for the school, and to building a suitable schoolhouse.<sup>203</sup> The school situation in the eastern towns was much different.

Stonington's and New London's town records are virtually innocent of any mention of schools. A small town similar in size to Norwalk, Stonington chose its first schoolmaster on August 22, 1678, in response to the General Court's May order requiring the maintenance of schools in all towns with over thirty families.<sup>204</sup> The only other official allusions to schools in the eastern towns was in connection with the 1672 law that ordained the establishment in each county town of a

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<sup>202</sup>Fairfield TR, B, ii, 6; CR, IV, 31, 50, May 13, 1690; CA, 1st Ser., Colleges and Schools, I, i, 7. In May 1693, the General Court granted L20 each to Fairfield and New London for their grammar schools (CR, IV, 97). Earlier, in the midst of the Pequannock school-boundary problem (see Chapter V), Fairfield had petitioned the General Court for a L10 subsidy for their grammar school and had received financial encouragement from the Court: Fairfield TR, B, ii, 121, May 6, 1678; CR, III, 8, May 13, 1678.

<sup>203</sup>Fairfield TR, B, i, 30, January 30, 1668/9; ii, 55, March 15, 1668/9; 76, January 31, 1671/2; 95, February 19, 1673/4; 114, September 4, 1677; 117, December 11, 1677; 124, February 17, 1678/9; 136, April 18, 1681; 164, November 13, 1685; 167, January 27, 1685/6; 178, October 28, 1687; 180, January 9, 1687/8; 197, May 19, 1690.

<sup>204</sup>Stonington TV, II, 36. The schoolmaster was to teach those children who were so inclined to be taught, a dispensation with interesting possibilities.

grammar school.<sup>205</sup> It was over two years before an attempt was made to consider the order in New London County. Representatives of the county's six towns were appointed by the county court to consult together about how and where to settle the proposed grammar school in New London.<sup>206</sup> The towns' response was less than enthusiastic.<sup>207</sup> Four years later the county court renewed an act of the previous court regarding the meeting of a committee named to discuss a county grammar school.<sup>208</sup> Four years later, New London County had yet to provide a county grammar school at New London and was fined L10 accordingly. Moreover, an additional fine of L5 was levied on the county town (New London) for neglecting to maintain even a town school.<sup>209</sup>

The sources are meager, but the conclusion about the relations between the General Court and the towns concerning schools seems incapable: the River Towns were, with the exception of seaside Fairfield, the towns most concerned about illiteracy, "one chiefe project of that old deluder Sathan."<sup>210</sup> Aside from Fairfield, a continual exception,

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<sup>205</sup>CR, II, 176, May 9, 1672; Laws of 1672, 63. The law granted 600 acres to each of the four county towns, toward the school.

<sup>206</sup>New London County Court Records: Trials, III, 68, 109, June 3, 4, 1674.

<sup>207</sup>Stonington did decide to take the committee's proposals under consideration: Stonington TV, II, 14, August 1674.

<sup>208</sup>New London County Court Records: Trials, III, 118, September 18, 1678. In May 1677, the General Court had passed an order that any county towns that neglected to keep a Latin, or grammar, school were to be fined. The L10 levy was to be paid annually to another town in the county that would maintain a grammar school until the county town did so: CR, II, 312.

<sup>209</sup>New London County Court Records: Trials, IV, 24, June 6, 1682.

<sup>210</sup>CR, I, 554.

and Windsor, an occasional exception; interest in the New England mind appears to have existed in Connecticut in inverse ratio to the distance from Hartford and the direct influence of the General Court. Conversant with the realities of the seventeenth century, realities that often placed a great premium on mere survival, the General Court took very lenient action against poor, remote towns in educational matters.

Intra-town matters offer a perspective on General Court-town relations important to a clearer understanding of Connecticut's dual localism. The ease and the frequency with which the towns modified or sometimes ignored General Court orders regarding land, fences, livestock, timber, wolves, trade, ecclesiastical affairs, and schools suggests a very basic aspect of dual localism. That is, the General Court acted with moderation and temperateness and a desire for accommodation as long as certain circumstances were absent. The Windsor church conflict became the occasion for a disruption of the civil peace and a challenge to the General Court's ultimate authority. The Norwalk meetinghouse dispute threatened the civil peace of that town and the General Court acted to prevent such a calamity by invoking the authority of God. During the various wars of the seventeenth century the Court clamped a firm control on the movement of goods out of the colony. In lieu of such circumstances the General Court was content to practice the accommodation inherent in the effective working-out of the colony's dual localism. Within the limits of respect for the supreme authority of the General Court, the necessity of civil peace in the colony, and extraordinary Court measures prompted by extraordinary colony circumstances, the towns enjoyed a virtual independent existence vis-à-vis

the General Court as far as intra-town affairs were concerned. Inter-town affairs such as town boundaries and taxes were by their very nature burdened with the potential for conflict between the General Court and the towns and between the towns themselves.

## CHAPTER V

### THE RELATIONS BETWEEN THE GENERAL COURT AND THE TOWNS: INTER-TOWN AFFAIRS, PART 1

Inter-town affairs were those matters that affected more than one town at a time such as a town's common boundaries with other towns or colony taxes which affected all the towns in the colony. In the latter instance each town's sense of justice demanded a General Court effort to see to it that all the towns were treated equitably--the towns should all pay and if any town received special consideration then the other towns should share equally in any General Court dispensation respecting taxes. Inter-town affairs were also matters that touched on a town's hegemony such as the exertions of a village within an established town to break off in order to form itself into a distinct town.

Inter-town affairs and the General Court's relations with towns in such matters illustrate the colony's dual localism from another perspective. When more than one town was involved in a town boundary affair, for example, the localism of the General Court--oriented here toward the colony's civil peace and away from civil disruption--was confronted by the opposing local interests of two towns. The accommodation and moderation practiced by the General Court in intra-town affairs were more difficult to exercise because of the tenacious particularism of towns engaged in such inter-town disputes. The dual localism was operative more often than not, however, as in the Fairfield-Norwalk boundary

disagreement wherein the two towns exercised accommodation and moderation and were encouraged by the General Court to reach a final adjustment and consensus among themselves. Other boundary conflicts, such as that between New London and Lyme, ended in fisticuffs--and the General Court's quick application of its ultimate authority. Except in such unusual instances as the New London-Lyme riot and a variety of insubordinations offered by Stonington, the Connecticut General Court preferred not to impose solutions on inter-town affairs or conflicts, even boundary conflicts.

A. Boundaries: Fairfield, Norwalk

Under power of the Massachusetts commission given it for one year, the original General Court of Connecticut issued orders in 1636 and early 1637 regarding the boundaries of Hartford, Windsor, and Wethersfield.<sup>1</sup> Thereafter, the legal establishment of a Connecticut town, no matter how it was founded, was clearly recognized as a prerogative of the General Court. By the 1660's, however, the growth of the colony and the particular towns as well as the inclusion of six New Haven Colony towns in Connecticut had precipitated numerous inter-town disputes over boundaries. Ancient land grants whether from Indians or the General Court had not always adhered scrupulously to the topography of the colony nor had these grants been measured well. Subsequent town grants of land to town inhabitants in remote sections of the town served to clarify nascent boundary conflicts with neighboring towns. As the first town settled on the seaside, Fairfield experienced many problems with the neighboring towns of Stratford and Norwalk as well as with the

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<sup>1</sup>CR, I, 2-3, 7-8.

ambiguities of the Bankside farmers' settlement and the hesitant beginnings of the city of Bridgeport.

As early as 1641 a committee was directed to settle boundary issues between the Pequannock Indians and Fairfield and Stratford.<sup>2</sup> Later in the same year the General Court asked three luminaries of Milford, a town then in the New Haven Colony, to settle the boundaries between the two Connecticut seaside towns.<sup>3</sup> A continuing concern, however, was the disposition of the Pequannock Indians who lived astride the Fairfield-Stratford boundary. In response to an early 1659 directive from the governor and some magistrates that Fairfield and Stratford were to see that their Indians had enough land to plant on, Fairfield wrote that such a directive was based on erroneous information. The Indians had never requested such help. Even if the Pequannocks had lived for some time in Fairfield's bounds, the town continued, why should the town provide for them?--Fairfield had little enough land for its own people. Stratford, who actually possessed the Pequannock's land should be the ones to provide the Indians. Referring to a letter from the governor and deputy-governor in which those two worthies expressed themselves as troubled at the town's "peremptory persisting," the Fairfield representatives could only reply that this was not the town's intention. The authors continued that they were aware that such inter-town differences were "tender" and indeed prejudicial to the peace of the plantations and the commonwealth. But Stratford had engrossed the largest part of the Pequannock lands while Fairfield would now be made

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<sup>2</sup>CR, I, 62.

<sup>3</sup>CR, I, 68.



to bear the purchase price. Why not give Golden Hill to the Indians?, they concluded; surely Indians would be content--and the controversy would be ended.<sup>4</sup>

The General Court's 1659 resolution of the conflict was not to Fairfield's liking. Fairfield was ordered to compensate Stratford for the latter's relinquishment of Golden Hill to the Pequannocks. Hereafter, the Indians were to be accounted Fairfield's. Should the Indians leave their 80-acre plot on Golden Hill, the hill would return to Stratford; in turn, Stratford would repay to Fairfield one-half of the latter's initial compensation.<sup>5</sup> A petition by Fairfield to the May 1661 General Court pleaded for a review of the 1659 decision since Golden Hill, as they put it, was already in Stratford's bounds: why then should Fairfield pay anything?<sup>6</sup> The Court's return was direct: "this Court declare their unwillingness to admit a further hearing of ye case twixt Fairfield & Stratford."<sup>7</sup> Further, the Court named a committee composed of one man each from Fairfield, Stratford, and Norwalk to run the north-south boundary and the cross line between Fairfield and Stratford.<sup>8</sup> This north-south boundary was jeopardized in 1678-1679 when Stratford men encroached on the Indians' designated Golden Hill preserve. Fairfield was quick to point out its neighbor's transgressions, however,

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<sup>4</sup>CA, 1st Ser., Towns and Lands, I, i, 55.

<sup>5</sup>CR, I, 335-336. The compensation could be in Fairfield land or pay.

<sup>6</sup>Robert C. Winthrop Collection, I, 102.

<sup>7</sup>CR, I, 336. The compensation was set at L20.

<sup>8</sup>CR, I, 367.

and the General Court reconfirmed the 1659 grant to the Pequannocks.<sup>9</sup> The circumstances occasioned a joint Fairfield-Stratford renewal of their common boundary.<sup>10</sup> While the Fairfield-Stratford boundary dispute was complicated by the interest of a third party, the Pequannock Indians, the lengthy Fairfield-Norwalk conflict over their boundary was limited to the two towns. As such the General Court's firm handling of the first dispute, due to the Indians' presence, is manifestly absent in the latter controversy. A boundary dispute involving only two towns was approached more like an intra-town problem by the General Court: accommodation and consensus were not to be coerced unnecessarily.

On May 21, 1650, Fairfield was granted an extension of its western boundary line by the General Court to the Saugus, or Saugatuck, River. The Court's one stipulation was that the Saugus River must not be over two miles west of the present Fairfield boundary.<sup>11</sup> Within three years, Fairfield and Norwalk were in conflict over this boundary. Taking note of the dispute, the General Court directed the two towns to send two men each to view the area and to debate the difference. If these representatives could not reach an agreement, they were to seek the advice of two Stratford men, appointed by the General Court, who were to give a report to the Court so the Court could make a final decision.<sup>12</sup>

<sup>9</sup>Fairfield TR, B, ii, 121, May 6, 1678; CR, III, 7. An order was passed in 1680, to guard against the alienation of land previously granted to Indians: CR, III, 56-57.

<sup>10</sup>Fairfield TR, B, ii, 125, March 16, 1678/9; 126, April 1679. A cursory summation of the Golden Hill problem may be found in a letter from Robert Treat to Governor Edmund Andros, during the short period of the Dominion of New England: CR, III, 444-445, May 23, 1688.

<sup>11</sup>CR, I, 208. Fairfield had petitioned for this area one year before: CR, I, 187.

<sup>12</sup>CR, I, 242.

It was not until two years later that the General Court ordered that Norwalk was to possess all the land they had purchased from the Indians which did not belong to Fairfield.<sup>13</sup>

Evidence of conflict about the Fairfield-Norwalk boundary line continued to appear in the Norwalk town records before the next General Court consideration of the subject in 1663. Between 1655 and 1663, Norwalk town meetings recommended court action; named a committee to consider a possible settlement with a Fairfield committee; and sent a representative to the May 1659 General Court to seek some resolution of the affair.<sup>14</sup> No mention of a settlement was made in the Connecticut Records, but in April 1660, Norwalk selected a committee to walk, or perambulate, the Norwalk-Fairfield boundary.<sup>15</sup> By the October 1663 General Court, conflict had reappeared: the General Court appointed two Stratford men to lay out the Fairfield-Norwalk bounds according to former grants. And at the March 1663/4 General Court the Fairfield deputies were asked to tell unrepresented Norwalk that the Court would definitely state the bounds between the two towns at the May Court.<sup>16</sup> Norwalk took due notice, but there was no record of any General Court disposition of the matter at the designated General Court.<sup>17</sup>

The boundary matter continued to drag on unresolved until the October 1666 General Court. At that session Fairfield's western

<sup>13</sup>CR, I, 277.

<sup>14</sup>Norwalk TM, 23, February 5, 1657/8; 26, April 22, 1658; 35, August 29, 1658.

<sup>15</sup>Norwalk TM, 45, April 10, 1660. Fairfield sought settlement, too: Fairfield TR, B, ii, 17, May 12, 1663.

<sup>16</sup>CR, I, 414, 418.

<sup>17</sup>Norwalk TM, 61, May 6, 1664.

boundary was re-established as seven miles from their Stratford bounds; the town's western boundary was to run northward on the same line as their Stratford boundary. Fairfield was to compensate Norwalk men for any money they had paid to the Indians for land now encompassed within Fairfield's bounds. A committee of one man each from Fairfield, Norwalk, and Stratford were appointed to run the Fairfield-Norwalk line.<sup>18</sup> Proceeding in its usual deliberate style, the General Court replaced the original Fairfield appointee at the May 1668 session.<sup>19</sup>

The contention between the two towns was primarily over the land between the Saugus River and Fairfield's western boundary. In January 1671/2, the Norwalk town meeting decided that the land over the Saugus River was to be made into a general field for the whole town. In turn, another town meeting ordered a petition to be drawn up for the General Court "yt the town may Injoy their rights in the lands on the other side Saketuk River According to Evidence."<sup>20</sup> Fairfield responded with a committee to look out for the town's interest in this matter.<sup>21</sup> The

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<sup>18</sup>CR, II, 51. Fairfield had petitioned for a settlement: Fairfield TR, B, i, 23, August 22, 1666. Norwalk wanted a settlement that would have given them at least one mile east of the Saugus River: Norwalk TM, 73, October 2, 1666. Norwalk was also embroiled in a controversy regarding its western boundary with Stamford: Norwalk TM, 71, July 3, 1666; 72, August 26, 1666; 72-73, September 7, 1666. The General Court settled the Norwalk-Stamford dispute in 1673: CR, II, 202-203. Norwalk did not consider the entire matter finished, however: Norwalk TM, 114, March 8, 1677/8; 136, December 28, 1686.

<sup>19</sup>CR, II, 88. Another change of the Fairfield representative in May 1674 (223).

<sup>20</sup>Norwalk TM, 94, 96. The said land was to be laid out to the inhabitants afterwards, if the town saw cause to do so.

<sup>21</sup>Fairfield TR, B, ii, 85, December 22, 1672. On June 4, 1674, Norwalk went ahead with its implied threat and began to allot the land east of the Saugus, or Saugatuck, River. The town agreed to stand by any who might be molested in the enterprise: Norwalk TM, 106.

possibility for an all-out conflict between the neighboring towns remained but did not come to pass. Instead while their land interests were theoretically clashing both towns moderated their adversary activities. This moderation and the continued passage of time prolonged the dispute. However, the General Court, having dispatched various committees of local men to settle the boundary question, saw no compelling interest in imposing its own decision.

In February 1678/9, the Fairfield town meeting registered a complaint against Norwalk's intrusion east of the Saugus River and empowered the townsmen to seek restitution from Norwalk. In lieu of the latter the townsmen were to apply to the General Court for redress.<sup>22</sup> No mention is made in the Connecticut Records of this problem, however, and during the early 1680's the dispute continued on in connection with the activities of Norwalk's livestock pounders or catchers east of the Saugus. Apparently Fairfield livestock were wandering into unfriendly hands.<sup>23</sup> Finally the matter reached yet another semi-climax: Norwalk contemplated hiring an attorney in order to recover the disputed land and then appointed their own town attorneys to prosecute any trespassers; Fairfield suggested the formation of inter-town committees to run the bounds or to discuss the dispute. The result was a General Court order in May 1685 appointing a new committee to run the line between Fairfield and Norwalk. Significantly, the new committee did not include representatives of either Fairfield or Norwalk, the interested

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<sup>22</sup>Fairfield TR, B, ii, 124.

<sup>23</sup>Norwalk TM, 108, June 2, 1680; 129, November 2, 1682; 130, February 19, 1682/3. Norwalk even sought to discuss plans for a bridge over the river with Fairfield representatives: Norwalk TM, 129, December 25, 1682.

towns, as was the custom in most town matters receiving General Court attention. Rather, the committee was composed of one man from Woodbury and two from Stamford.<sup>24</sup>

The two aggrieved towns appointed agents to accompany the General Court committee in its work. Norwalk was especially insistent on the proper head line at Fairfield's eastern boundary from which seven miles would be run toward the west; Fairfield was most concerned about the obstructions placed in the General Court committee's way by Norwalk's fencing east of the Saugus.<sup>25</sup> Despite the committee's best efforts, no agreement satisfactory to all parties was reached, and the issue was returned once again to the General Court.<sup>26</sup>

At its May 1686 session, the circumspect General Court declared its own discovery of difficulties in the conflict and--"it being a tender plott to alter the bounds of plantations"--appointed Milford's two deputies to acquaint themselves with the situation and to attempt a compromise and a full settlement if possible. Governor Robert Treat (Milford) was asked to help the two deputies.<sup>27</sup> Meeting in January 1686/7 under the menacing shadow of Sir Edmund Andros, the General Court appointed a committee to decide what Fairfield should pay Norwalk in

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<sup>24</sup>Norwalk TM, 131-132, December 16, 1684; 132, January 13, 1684/5; Fairfield TR, B, ii, 158, February 16, 1684/5; 161, April 28, 1685; CR, III, 175.

<sup>25</sup>Norwalk TM, 134, March 18, 1685/6; 135, April 14, 1686; Fairfield TR, B, ii, 169, March 29, 1686.

<sup>26</sup>Fairfield TR, B, ii, 169-170, April 28, 1686.

<sup>27</sup>CR, III, 203. Fairfield was ever-ready to co-operate: Fairfield TR, B, ii, 170, August 17, 1686. The General Court repeated its order in October: CR, III, 218. Again, Fairfield was accommodative, agreeing to the committee's decision as final if Norwalk would so agree: Fairfield TR, B, ii, 172, October 7, 1686.

compensation for some lands Norwalk had purchased of the Indians that were actually found to be in Fairfield's defined bounds.<sup>28</sup> A definitive conclusion had yet to be reached, however, and the May 1687 General Court was compelled to try once more to terminate the controversy.<sup>29</sup>

The General Court's stated decision included its understanding of how the Fairfield boundaries, seven miles westward and twelve miles northward, were to be measured by a General Court committee and reiterated the January Court ruling regarding compensation to Norwalk.<sup>30</sup> Its position vindicated, Fairfield quickly made provision for expediting the measurement of its bounds.<sup>31</sup> Norwalk's initial reaction was an inflammatory order by town vote that the town would not comply with the findings of the General Court's committee named in May 1687. In truth, they had measured "upon... Land of ours Lawfully purchased by us." The town went on to warn outsiders from intruding on any Norwalk land.<sup>32</sup> Norwalk's adamant stance was not challenged by Fairfield or the General Court at this time because of the imminent arrival of Sir Edmund Andros

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<sup>28</sup>CR, III, 224. Fairfield quickly accepted this conclusion: Fairfield TR, B, ii, 174, February 16, 1686/7; 174, March 1, 1686/7; 175, March 14, 1686/7. Norwalk was not co-operative, however, and Fairfield saw fit to appoint John Burr to attend the March 30, 1687, General Court "to Indevar a settelment of ye town bounds betwen Norwake and fayrfeild" (176).

<sup>29</sup>By this time, Fairfield found itself in a good position vis-à-vis Norwalk. The town was willing, if Norwalk agreed, to leave the ultimate decision to the General Court: Fairfield TR, B, ii, 177, May 6, 1687. The Court had shown a disposition to concede the land in question to Fairfield.

<sup>30</sup>CR, III, 232-233.

<sup>31</sup>Fairfield TR, B, ii, 177, May 23, 1687.

<sup>32</sup>Norwalk TM, 138, June 27, 1687. Thomas Fitch, Sr., sometime town official, offered testimony supporting Norwalk's view: CA, 1st Ser., Towns and Lands, I, ii, 237, June 15, 1687.

and the Dominion of New England which effectively postponed the final disposition of the boundary line between Norwalk and Fairfield for yet another ten years.<sup>33</sup> On December 14, 1697, an agreement was finally signed at Fairfield that made the Saugus River, south of the Stamford path, the boundary between the two towns.<sup>34</sup>

The Fairfield-Norwalk boundary dispute is significant, because it illustrates the recurrent attitude of the Connecticut General Court to allow inter-town, or intra-town, problems to linger on--even for forty-four years if neither participant pushed the issue to a crisis--until inter- or intra-town accommodation was possible. Rather than swiftly and authoritatively impose a solution, the Court was often content to counsel moderation and to offer advice. As long as peace and order were maintained and no overriding colony concern was involved the General Court, composed as it was of local men, was attentive to local interests. As such the Court was disposed to allow conflicting town localisms or interests to proceed civilly. Fairfield affords two further examples of the Court's willingness to see local boundary matters settled locally.

In the late 1640's a group of independent men purchased a tract of land from the Indians called Maxamus, or Bankside, located on Long Island Sound just west of Fairfield's original boundary. Reacting to Fairfield's expressed concern, the General Court in May 1648 turned the

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<sup>33</sup>CA, 1st Ser., Towns and Lands, I, ii, 238, May 8, 1693 (Norwalk letter to General Court against line lately run between town and Fairfield).

<sup>34</sup>CA, 1st Ser., Towns and Lands, II, 66. See also CR, IV, 207, 226-227, 252.



matter over to the next Particular Court to be held at Fairfield.<sup>35</sup> The outcome was a November 1648 agreement between Fairfield and the Maxamus, or Bankside, planters. Among the terms it was agreed that the planters' were to fence adequately any of their improved land from Fairfield's cows; these same town cattle were to have the right to proceed to the seashore through the Bankside area; and further, the planters' semi-independence was modified by their pledge to pay all town taxes and rates wherein they had common benefit with the town.<sup>36</sup> Within two years Fairfield had purchased two miles of land on their western bounds from the Indians, effectively encompassing the Bankside plot.<sup>37</sup> The ambiguous relation between Fairfield and the Bankside farmers continued amicably for fifteen years until January 1665/6. At a Fairfield town meeting a committee was selected to treat with the farmers "concerning what relation they stand in to us."<sup>38</sup> The result was a formal union in June 1666 of Bankside with Fairfield.<sup>39</sup> The General Court's sole participation in the matter was a recommendation to Fairfield at the May 1667 Court officially to record to the farmers their lands at Bankside.<sup>40</sup> Although land problems relating to Bankside did prove to be chronic for

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<sup>35</sup>CR, I, 163. The Court explained that it did not know whether the intended farms were "to be sett forth upon the borders or wthin the liimitts of Fayerfield."

<sup>36</sup>CA, 1st Ser., Towns and Lands, I, i, 52.

<sup>37</sup>CR, I, 187, 208.

<sup>38</sup>The town would abide by the actions of the committee: Fairfield TR, B, i, 21.

<sup>39</sup>The original inhabitants' land rights were recognized: Fairfield TR, B, i, 22; CA, 1st Ser., Towns and Lands, VI, 283.

<sup>40</sup>CR, II, 58-59.

approximately fifty years, the significance of Fairfield's final erasure of its boundary with Bankside is as an example of local initiative. In the Norwalk controversy the divergent local interests of two towns resulted in a long, drawn-out dispute. In the Bankside situation the local interest faced by Fairfield was not that of a town but rather that of a small group of farmers. These men were no match for the obvious interests of a seventeenth-century New England town regarding land adjacent to its boundaries and unclaimed by another town. As long as order and peace were attended, the General Court was content to offer implicit support to such an undertaking. A final example of Fairfield's boundary problems deals with the fact of growth.

By 1678, an area south of Golden Hill, astride the boundary between Fairfield and Stratford, had developed into a significant village. As happened more and more in late seventeenth-century Connecticut, this situation brought on by a natural process of growth, occasioned also demands for various trappings indicative of a new, local autonomy. Pequannock offers a good example of this process; Fairfield's reaction demonstrates the importance a town attached to its own territorial and political local autonomy.

The May 1678 General Court received a petition from Pequannock inhabitants desiring a school of their own. The petitioners explained they were four miles from the center of Fairfield, a distance difficult over which to send children. Moreover, the village had already hired its own schoolmaster. The inhabitants asked the General Court that they be freed from paying a school rate to Fairfield so long as the village had its own schoolmaster. They did not seek financial aid from the town. Moreover, they had tried to discuss the entire matter at a Fairfield

town meeting, "but cannot there be heard." Therefore, they had presented their case to the General Court.<sup>41</sup> The Court granted the request but in such a way as to show no disrespect for the town prerogatives of Fairfield. It was recommended to the Fairfield County Court to give a sum from its own revenues to the petitioners equal to the latter's rate for the Fairfield grammar school.<sup>42</sup> Pequannock would continue to pay its customary town school rate to Fairfield. The General Court's stratagem avoided the delicate problem of interfering in a matter Fairfield would surely consider important--local taxation. Under these circumstances the Fairfield town meeting was quite willing to make occasional contributions according to its own discretion towards Pequannock's school.<sup>43</sup>

For a time, apparently, all was well. The May 1690 General Court, however, received a petition from forty-six inhabitants of Pequannock citing their development and growth as parts of both Fairfield and Stratford. Now, though, they felt strong enough to take care of themselves and asked to be exempted both from school and ecclesiastical rates to the two towns. The villagers proposed instead to obtain their own schoolmaster and minister as soon as possible.<sup>44</sup> The General Court

<sup>41</sup>CA, 1st Ser., Colleges and Schools, I, i, 6. A postscript by Fairfield's minister, Samuel Wakeman, added his own recommendation for the granting of the petition.

<sup>42</sup>CR, III, 8. The General Court also recommended a County Court disbursement to the petitioners, if possible, toward the encouragement of a grammar school at Pequannock.

<sup>43</sup>Fairfield TR, B, ii, 123, January 25, 1678/9; 125, March 31, 1679.

<sup>44</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 105; 106 (a concurring petition); CR, IV, 29-30. Fairfield's representatives were well aware of a precedent set in May 1678, when the General Court refused the petition of eastern New London (Groton) inhabitants for their own minister. The Court concluded that the easterners were "not to be a distinct township without the free consent of the people on the west side of the river and approbation of this Court" (CA, 1st Ser., Ecclesiastical Affairs, I, i, 47; CR, III, 13).

counselled moderation and the proper use of discourse.<sup>45</sup> The Fairfield town meeting retorted with a loud "no" to freeing Pequannock, or the eastern farmers, of either town rate and added that the farmers were not granted land for their minister to build upon. Further, the town's deputies to the next General Court were instructed, if necessary, to defend the town, "distingwished from ye east farmars of fayrfeild."<sup>46</sup>

While the east farmers continued to claim they merely wanted relief from two town rates, Fairfield officials emphasized a different, underlying motive: "their purnicious designes" for separation.<sup>47</sup> The October 1690 General Court appointed a prominent committee--Governor Robert Treat (Milford), Magistrate William Jones (New Haven), and two ministers: Samuel Andrew (Milford) and James Pierpont (New Haven)--to look into the dispute. Both parties to the question appointed representatives to join with the committee.<sup>48</sup> The meeting was held April 14, 1691. The Pequannock men gave their reasons for seeking a release from Fairfield's school and ecclesiastical rates.<sup>49</sup> The Fairfield representatives, including Magistrate Nathan Gold, offered a rebuttal to the above that included extremely important opinions concerning the town-

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<sup>45</sup>CR, IV, 29-30. Any agreement must have Fairfield's concurrence. The General Court would confirm what was reasonable and agreed upon.

<sup>46</sup>Fairfield TR, B, ii, 199, September 30, 1690; CA, 1st Ser., Ecclesiastical Affairs, I, i, 107.

<sup>47</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 108, October 7, 1690.

<sup>48</sup>Fairfield TR, B, ii, 201-202, April 8, 10, 1691; CA, 1st Ser., Ecclesiastical Affairs, I, i, 109, 110. Stratford, on the other hand, had agreed as early as 1689 to release the farmers under that town's jurisdiction from their minister's dues (113).

<sup>49</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 112, 113.

General Court relationship.<sup>50</sup>

Fairfield, their representatives began, was an entire township and as such enjoyed the privileges of a township. The town's bounds had been granted and settled by the General Court. A few years before, the town had secured a patent for its land. Accordingly, the town could order all of its prudential affairs by law: "then Needs must it bee they have ye only power whether to free or not to free anny within thar bounds from paying to a town menestry and scooll acording to ruls of prudenc." The eastern farmers claimed distance, not ecclesiastical differences, as the cause of their seeking release from the two rates. But what of those living in the western part of the town? Their distance from the center of Fairfield was greater than Pequannock's. Should they be released also? All in all, the Fairfield representatives concluded, their town's peace had come to be disturbed by distractions and contentions.<sup>51</sup>

A very important document entitled "Vox populi," in the handwriting of Magistrate Nathan Gold, accompanied the town's formal response to the eastern farmers. Amplifying the political theory alluded to in the above response by Fairfield's representatives, Gold noted the town's grant of land and patent from the General Court and described the patent as not able to be forfeited. He stressed the prudential powers inhering in a town, "with out anny relation to other powers." Therefore, without the town's consent he found it utterly impossible for the General Court

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<sup>50</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 114.

<sup>51</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 114. The town patents, taken out in 1685-1686, in the face of Sir Edmund Andros' pretended usurpation of the colony government were intended to legitimize the land grants from the General Court, as well as other sources.

"to interpose or meddle in anny of the prudentiall concernes of our Towne, with out apparent violating & brekeing our just and legall liberties, in an arbitrary manner." The General Court's advice, in an orderly fashion, was welcome. But, "injunctions & commands" were contradictory to the town patent unless it was invalidated by the General Court. Yet, the patent was not a law but a charter of liberties and privileges. Hence, it could not be invalidated, for charters were that "by which all our Corporations and sositates act, & from whence they squere out all there legall proceedings in matters of goverment within there respective limmitts." Surely, it would be ridiculous if these valued privileges were subject to the "viles" and pleasures of the dispenser. Save our towns and colony, Gold wrote; after all, "we exspose our humillaty in that we condesende to intreate for what you cannot take from us." Gold concluded that Fairfield would, of course, stand by the colony government, and the town desired the General Court to take none of the foregoing amiss. Yet, Fairfield spoke plainly for the honor of the town government "against the groth of arbitrary powre."<sup>52</sup>

Fairfield's defense, then, rested on the theory of a local sovereignty inferior only to the existing laws of the colony. The General Court must adhere to the law vis-a-vis legal local interests,

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<sup>52</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 125. The document is undated and unsigned, but it is in Nathan Gold's handwriting and was undoubtedly offered by Gold at the May 1691 General Court in conjunction with manuscript 114 (see above). A further writing (126), also undated and unsigned, presents a series of twenty-four questions in connection with Fairfield's eastern boundary problem. Once again, it is in the hand of Magistrate Nathan Gold, and was most likely presented to the same October 1691 General Court. Like the above communication, however, it seems to have had little effect on the Court. It is included as Appendix B, due to its extraordinary presentation of ideas regarding the Connecticut dual polities.

such as the disposition of land within township bounds. Actually, Fairfield, and Gold, described a primitive federal system, whereas the General Court saw itself to be supreme not only under the law but also in the practical dispensation of the law. Hence, the General Court's intrusion into intra-town or inter-town affairs in order most often to effect accommodation and compromise was a practice of legal equity. Exceptions could be made to statutes in the interests of the dual localism, the General Court's primary concern. The relations of the towns and the General Court in the seventeenth century were part legal and part extra-legal, depending on the situation. In theory and in practice the General Court was supreme but not doctrinaire.

The contentions continued and both parties prepared to present their sides of the controversy to the May 1691 General Court.<sup>53</sup> The Court recommended that the adversaries seek advice and reach "a loveing agreement among themselves." Most important, the General Court gave Pequannock permission to obtain and settle their own minister, if they were able to find one, but to continue to pay their just proportion of the Fairfield ecclesiastical rate until freed from the obligation by Fairfield or the General Court.<sup>54</sup> Pequannock asked Fairfield for this dispensation in September 1691; unbending Fairfield refused on October 1.<sup>55</sup> At the October General Court, though, Pequannock was more successful: the Court released the village from contributing to the Fairfield ecclesiastical rate provided they pay their just dues incurred prior to

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<sup>53</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 115, 116, 117, 118, 119, 120, 124; Fairfield TR, B, ii, 205, 208.

<sup>54</sup>CR, IV, 46-47.

<sup>55</sup>CA, 1st Ser., Ecclesiastical Affairs, I, i, 121, 122, 123; Fairfield TR, B, ii, 210.

October 8, 1691.<sup>56</sup> Pequannock, later Stratfield, would not achieve the status of an incorporated township for over 125 years, but the village's sustained efforts to obtain their own church and school were finally victorious.<sup>57</sup> At the same time, Fairfield had succeeded at least in maintaining its eastern boundary.

B. Boundaries: Hartford, Windsor, Wethersfield,  
Farmington, and Middletown

The five River Towns also experienced boundary problems. As was so often the case, however, the relevant experiences of Hartford, Windsor, Wethersfield, Farmington, and Middletown, differed in intensity and degree from the controversies entangling distant towns like Fairfield and Stonington. Apart from their proximity to the General Court, and the not inconsequential, potential mediation efforts of resident magistrates, the River Towns constituted the initial settlement area of the colony.<sup>58</sup> Unlike the piecemeal settlement of other parts of the colony, the originally adjacent River Towns found it necessary to establish promptly their mutual boundaries in order to accommodate in an orderly manner their considerable populations. Then, too, except for Windsor the River Towns did not abut on non-Connecticut soil. Finally, during the first period of the General Court's development, 1636-1650, the Court functioned in large part as a River Town town meeting. Potential

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<sup>56</sup>CR, IV, 61.

<sup>57</sup>Other documents relating to the establishment of a separate society in Pequannock are: CA, 1st Ser., Ecclesiastical Affairs, I, i, 127, 128, 129, 130. Stratfield was incorporated, from Stratford and Fairfield, as the city of Bridgeport in 1821.

<sup>58</sup>For much of the seventeenth century the River Towns enjoyed a practical monopoly on the magistracy. See Table 5 and Table 3 in Appendix A.



inter-town disputes were often handled expeditiously at the highest political level in the colony. Accommodation, not refractoriness, was the rule.

In 1636 and 1637, the boundaries of the three original River Towns were first marked.<sup>59</sup> Thereafter, the establishment of Farmington and then Middletown, along with additions to all five towns' bounds, necessitated General Court orders and occasioned annual town perambulations of their bounds as well as other checks of the various inter-town boundaries.<sup>60</sup> Of the River Towns, only Windsor and Hartford fell into an extended inter-town boundary dispute. And, of the River Towns, only Windsor, situated on the Connecticut-Massachusetts borderline, participated on the more momentous level of inter-colony boundary conflict.

At a March 26, 1660, Windsor town meeting, a committee was chosen to run the Windsor-Hartford boundary line from the mouth of the Podunk River, east of the Connecticut River, just as it was run west of the "Great River."<sup>61</sup> By August 1661, nothing had been accomplished, and a Windsor town meeting chose another committee which was to present the differences with Hartford at the next General Court.<sup>62</sup> Hartford's

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<sup>59</sup>CR, I, 2-3; 7-8.

<sup>60</sup>CR, I, 69, 133-134, 376, 395-396, 413; CR, II, 14, 68, 69, 97, 151, 155, 157, 166, 172, 178, 185, 196, 197, 199, 223-224, 175, 187; CR, III, 10, 21-22; Hartford TV, 142-143, March 8, 1663/4; Wethersfield TV, 43, March 8, 1653/4; 71, June 5, 1661; 109, April 26, 1670; Windsor TA, I, 5, April 23, 1651; ii, 19, March 25, 1670; 37, March 24, 1674/5; 55a, December 23, 1686; 59, February 2, 1690/1; Farmington TV, 14, May 5, 1668; Middletown TV, 70, November 7, 1666; 92, October 27, 1671; Norwalk TM, 45, April 10, 1660; 88, June 1, 1670; Fairfield TR, B, i, 19, February 28, 1664/5; ii, 126, April 17, 1679. Stonington and New London will be treated more fully below.

<sup>61</sup>Windsor TA, I, 42. Windsor ran this line on June 12, 1660 (Windsor TA, I, 49a).

<sup>62</sup>Windsor TA, I, 48. Nothing was done at the General Court.

response was to appoint its own committee to treat with Windsor's representatives.<sup>63</sup> The two towns' agents met and reached an agreement regarding a portion of the boundary west of the river. Any agreement east of the river was deferred until a participant in the 1641 running of that boundary could join the committees. Perhaps gratuitously, Hartford did pledge itself to stand by Windsor's "ancient" northern bounds.<sup>64</sup> Windsor continued to contend that the mouth of the Podunk River, the starting-point for running the eastern line, had shifted to the north and thus to Windsor's disadvantage. Hartford would not agree.<sup>65</sup>

For the next ten years the two towns annually ran their bounds both east and west of the river with no apparent problems.<sup>66</sup> But in March 1671/2, the conflict over the towns' boundary east of the Connecticut River reappeared. Hartford's representatives insisted that the line should run due east from the mouth of the Podunk River. Windsor's agents refused and the Windsor townsmen decided "it must come to tryall at ye court." Windsor insisted that if Hartford ran this due east line, then Windsor was to be allowed to run a due west line on the other side of the river.<sup>67</sup> Another year elapsed before the two towns appointed

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<sup>63</sup>Hartford TV, 135, September 2, 1661.

<sup>64</sup>Windsor TA, I, 48, 48a, n.d.

<sup>65</sup>Windsor TA, I, 49a, 50, December 13, 17, 1661. The northern boundary also continued to hold the attention of the Windsor townsmen: 50, December 31, 1661. In April 1662, Windsor protested to Hartford regarding a Hartford man's encroaching on Windsor land near Podunk: CA, 1st Ser., Towns and Lands, I, i, 64.

<sup>66</sup>For example: Windsor TA, I, 51b, January 30, 1662/3; II, 6, March 18, 1666/7; 15a, March 11, 1668/9; 21a, March 18, 1670/1; 22a, February 21, 1671/2.

<sup>67</sup>Windsor TA, II, 22a, 23, March 5, 1671/2.

committees to meet to attempt a boundary settlement.<sup>68</sup> Unable to conclude the issue themselves, the two towns submitted to the arbitration of the May 1673 General Court. The result was in Windsor's favor: an alteration of the boundary line east of the Connecticut River in Windsor's interest as compensation for an irregular western line that favored Hartford.<sup>69</sup> Hartford continued to champion the land interests of a number of their inhabitants east of the river, however, but the final General Court decision in May 1678 was primarily a reiteration of the May 1673 conclusion.<sup>70</sup>

Windsor's problems with its northern boundary were complicated by the nature of the participants. The adversary to the north was not another Connecticut locality, but the New England Leviathan, the Massachusetts Bay Colony. Unlike the attitude of neutrality and moderation commonly assumed by the General Court regarding inter-town boundary disputes, an inter-colony affair more directly affected the superior locality, Connecticut. The General Court participated in this conflict as Windsor's ally and as an adversary against Massachusetts.

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<sup>68</sup>Windsor TA, II, 27, April 5, 1673; Hartford TV, 168, April 4, 1673. The initiative for the venture, as well as advice for the settlement of the conflict, came from the Hartford County Court. Not only were the towns disputing the boundary east of the Connecticut River, but individual men were engaged in litigation regarding the boundary and private tracts: Connecticut Colonial Probate Records, III, 131, April 1, 1673; Windsor TA, II, 27, April 1, 1673.

<sup>69</sup>CR, II, 196-197.

<sup>70</sup>Hartford TV, 172-173, April 3, 1675; 181, December 28, 1677; 182, May 13, 1678; CR, III, 10. The General Court's May 1678 decision led to further Hartford attempts to compensate those who had lost land east of the River to Windsor: Hartford TV, 212-213, December 23, 1684; 226, May 21, 1688. As late as February 2, 1690/1, Hartford could still be unco-operative: Windsor TA, III, 59.

The controversy over Connecticut's northern boundary with Massachusetts was not settled fully until 1826.<sup>71</sup> The early maneuverings of the long-lived problem are significant to this study as an example of the melding of the colony's dual localism. At the May 1671 General Court, Windsor's northern boundary was extended two miles farther to the north than its old grant had specified. The impetus for the colony's largesse came from Massachusetts' laying-out of lands very near Windsor "which we conceive to be within the limitts of or Patent."<sup>72</sup> The ensuing Connecticut protest to Massachusetts elicited a reply from the Bay and the appointment of a Bay committee to run the boundary west according to the survey made in 1642 by Massachusetts' unqualified agents Nathaniel Woodward and Solomon Saffery. Instructed by the Bay General Court to start the line of that colony's southern boundary at a point three miles south of the Charles River's southernmost point (according to the Bay Charter), Woodward and Saffery had eventually sailed around Cape Cod and then up the Connecticut River to what they assumed was the proper latitude! The consequent mistake in latitude cost Connecticut four to eight miles from its northern boundary.<sup>73</sup> The

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<sup>71</sup>Roland Mather Hooker, Boundaries of Connecticut, 15-28. The various Connecticut-Massachusetts compromises above Windsor and along the entire boundary account for the somewhat irregular Connecticut northern boundary line.

<sup>72</sup>CR, II, 155-156.

<sup>73</sup>CA, Colonial Boundaries, III, Massachusetts, 1670-1827, 2; Nathaniel B. Shurtleff, ed., Records of the Governor and Company of the Massachusetts Bay in New England (Boston, 1853-1854), IV, ii, 501-503 (hereafter cited as Massachusetts Colony Records); CR, II, 554. In the name of several magistrates/assistants, Connecticut Secretary John Allyn warned John Pynchon of Springfield, Massachusetts, to forbear running this line while the two General Courts corresponded as to the proposed line's legality: Wyllys Papers, CHSC, XXI, 201-202. However, it was run in October 1671.

running of the colonies' boundary according to the Bay's calculations cut Windsor nearly in half. In May 1672, Massachusetts offered an alleged compromise, condescending to give up part of their own long-settled land, as they phrased it.<sup>74</sup> In May 1673, however, the Connecticut General Court replied to the Massachusetts overtures by demanding that the Connecticut-Windsor northern boundary be extended farther--at Massachusetts' expense. The Bay Colony resisted such a suggestion.<sup>75</sup>

The quarrel, specifically affecting Windsor and the lately-established Massachusetts town of Suffield, was interrupted by King Philip's War.<sup>76</sup> On April 23, 1678, however, a Windsor freemens' meeting drew up a petition to the General Court, "to intreat ye court [sic] to settl windsor in our north bounds."<sup>77</sup> The petition noted the civil privileges and immunities the town had enjoyed for years "under the Covert of a Pious and Prudent Govermt." Now, however, Massachusetts' settling of a town (Suffield) just above them brought harm to the town: a free supply of timber for building and fencing and feed for cattle were endangered. Moreover, if the General Court's previous (1671) extension of Windsor's northern bounds was taken away, it might lead to disturbances between Windsor and Suffield. Therefore, the town of Windsor asked for a running, at colony charge, of the bounds in question. Or,

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<sup>74</sup>CA, Colonial Boundaries, III, Massachusetts, 1670-1827, 2; Massachusetts Colony Records, IV, ii, 529-530; CR, II, 555.

<sup>75</sup>CR, II, 193, 555-556.

<sup>76</sup>On December 31, 1674, Windsor had voted to petition the General Court to give the town liberty to run out fully their Court-granted bounds: Windsor TA, II, 36a. Suffield became a Connecticut town in 1749.

<sup>77</sup>Windsor TA, II, 47.

if the General Court would grant Windsor any advantages therein attained, Windsor would pay for the running of the boundary line. The circumspect General Court, at its May 1678 session, appointed a committee to ascertain the boundary between Connecticut and Massachusetts at the colony's charge.<sup>78</sup> A year later the Connecticut Governor and Council corresponded with the Massachusetts General Court as to the Connecticut General Court's findings regarding the Massachusetts-Connecticut boundary, findings that were antithetical to Massachusetts' Woodward-Saffery line.<sup>79</sup> In 1680 representatives of the two colonies did indeed attempt to run the boundary line but could not reach an agreement.<sup>80</sup>

Before 1691 there was little else recorded in the Windsor and colony records relating to the boundary affair with Suffield. In the annual Windsor town elections from January 25, 1683/4 to February 2, 1690/1, men were named to perambulate the various boundaries of the town, including the northern line.<sup>81</sup> Windsor directed its townsmen to meet with Suffield's townsmen regarding a settlement of the boundary in

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<sup>78</sup>CA, Colonial Boundaries, III, Massachusetts, 1670-1827, 7; CR, III, 3.

<sup>79</sup>CR, III, 32-33.

<sup>80</sup>CR, III, 50-51. Previously, in early November 1679, Windsor had run their northern bounds into Suffield, Massachusetts. A committee for the Suffield plantation responded to Windsor's warning about fencing and building within these extended Windsor bounds: "wch extreame height of Impudence is matter of wondermt to us." The area was in Massachusetts' bounds, they explained, and as such they could hardly "take notice off or regard yor prsumptuous & unjust determent of us" (November 12, 1679, Roger Wolcott Papers, I, 9, Connecticut Historical Society, Hartford).

<sup>81</sup>Windsor TA, II, 52, 53, February 4, 1684/5; 54a, January 29, 1685/6; 55a, February 1, 1686/7; 56a, February 2, 1687/8; 58, February 18, 1689/90; 59. No perambulators were named at the May 1688 and May 1689 meetings while Connecticut was a reluctant part of the Dominion of New England.

December 1686.<sup>82</sup> The General Court, however, had already written to Joseph Dudley, President of His Majesty's Council for the Province of Massachusetts, advising delay regarding the Connecticut-Massachusetts dispute. Any activity was described by the Connecticut General Court as ill-timed, given the colonies' circumstances.<sup>83</sup> The whole boundary affair (1671-1691) affecting Windsor and Massachusetts is an example of the coincident, and harmonious, relations a Connecticut town might expect with the General Court when the mutual interests of both localities were involved.

#### C. Boundaries: New London, Stonington

To leave the more established area of the colony along the Connecticut River and to proceed to a discussion of New London's and Stonington's boundary problems is to trade off moderation and civility for extremes of independence and localism. Situated in the midst of the former Pequot Indian lands and in close proximity to tracts claimed by Massachusetts and Rhode Island, the inhabitants of Stonington especially were ever ready to defend their rights as they understood them. Relations between the General Court and the eastern towns over a variety of issues were often strained. This was due in large measure to a basic clash of the colony's dual localisms. Whereas the River Towns could be expected usually to subordinate particular interests to the colony interest, New London and Stonington on a number of occasions found these dual interests to be uncomplementary.

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<sup>82</sup>Windsor TA, II, 55a.

<sup>83</sup>CA, Colonial Boundaries, III, Massachusetts, 1670-1827, 8, October 14, 1686. The reason, of course, was Sir Edmund Andros and the Dominion of New England.

A settlement at New London was begun under the auspices of John Winthrop, Jr., and other Massachusetts men in 1645. When a conflicting Massachusetts claim to the area was disposed of in a New England Confederation session, Connecticut took over control of the settlement.<sup>84</sup> Official recognition of Pequot, as it was called until 1658, came in May 1649 when the General Court delineated the plantation's bounds: four miles east and west from the Pequot (Thames) River and six miles northward from the sea. New London was granted a small-causes court for actions under 40s.; they were also freed from all public, country charges for three years. The General Court refused, however, to prevent Uncas and the Mohegan Indians from fishing and hunting within the town bounds and also refused to prevent any inhabitants of the United Colonies, or New England Confederation, from trading corn with the Indians on the Pequot River.<sup>85</sup> Rebuffed, in effect, while being joined to the Connecticut body politic, New London soon requested and received an addition to its northern boundary of two miles. The Court waited on better information before acting on a further request for meadowland at Niantic.<sup>86</sup> A year later the Court extended New London's western bounds to Bride Brook, provided this area did not come within the bounds of Saybrook.<sup>87</sup> A General Court order in September 1651 extended New

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<sup>84</sup>Dunn, Puritans and Yankees, 72-74; Deming, Settlement of Connecticut Towns, 16-18; Records of the Colony of New Plymouth, X, 79, September 1646.

<sup>85</sup>CR, I, 185-186. The town's lands were to be distributed among at least forty families.

<sup>86</sup>CR, I, 208-209, May 1650.

<sup>87</sup>CR, I, 221-222, May 1651. Any meadow or marsh in the Bride Brook addition over 200 acres was to be reserved for the colony's use. Saybrook's affected boundary ran five miles eastward from the Connecticut River: CR, I, 187-188, May 1649.



London's eastern boundary to the Pawcatuck River, a sizeable enlargement.<sup>88</sup> These extensive General Court grants to New London were the basis for boundary conflicts with Uncas and the Mohegans, Mystic-Pawcatuck (Stonington), and Saybrook-Lyme.<sup>89</sup> Of these three conflicts, the last affords a vivid insight into the intensities of inter-town boundary disputes and illustrates the nascent possibilities for dissension in Connecticut's dual localism.

Saybrook was first settled as a military outpost at the mouth of the Connecticut River under the aegis of George Fenwick. Fenwick sold the fort, appurtenances, and adjacent land to the colony in December 1644. Fenwick also promised to convey to Connecticut the rights mentioned in the Warwick Patent to the land between Saybrook and the Narragansett River, if "it come into his power."<sup>90</sup> Saybrook's bounds were affirmed at a May 1649 General Court with the eastern boundary extending five miles from the Connecticut River.<sup>91</sup> Two years later the General Court extended New London's western boundary (toward Saybrook) to Bride

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<sup>88</sup>New London TR, IC, 5, August 29, 1651; CR, I, 224. Any meadow above 410 acres was excepted from this grant, presumably for the colony's use. A joint New London-Saybrook committee measured out New London's eastern and western bounds: CA, 1st Ser., Towns and Lands, I, ii, 100, n.d.

<sup>89</sup>For Uncas and the Mohegan Indians, see Chapter VI. For Mystic-Pawcatuck (Stonington) see: CR, I, 200, November 7, 1649; 216-218, March 19, 1650/1; 293, April 9, 1657; 300, May 21, 1657; 366, May 16, 1661; 374, October 3, 1661; New London TR, IC, 56a, August 28, 1654; 58a, February 26, 1654/5; IF, 26, September 21, 1664; CA, 1st Ser., Towns and Lands, I, i, 63, September 30, 1661.

<sup>90</sup>CR, I, 113, October 25, 1644; 119, February 5, 1644/5; 266-270, December 5, 1644 (articles of agreement); 568-570. The Warwick Patent was never produced in an original copy, and there is some doubt as to its actual existence. See Jones, Congregational Commonwealth, 158-161, for a current appraisal of the question.

<sup>91</sup>CR, I, 187-188.

Brook, provided New London did not intrude on Saybrook's eastern boundary.<sup>92</sup> Obviously the exact relationship of the two towns' boundaries was not precisely known. On May 16, 1661, the General Court named one representative each from New London, Saybrook, and Norwich, to run New London's bounds east [sic] of the Pequot River.<sup>93</sup> In October the bounds were run both east and west of the Pequot.<sup>94</sup> Apparent irregularities, though, prompted the General Court to send a notice to the New London townsmen that a) the town's eastern boundary had not been done according to order, and b) the extension of the western boundary was conceived to be directly contrary to the Court's expressed direction--a direction New London must follow.<sup>95</sup> While the town and the General Court began to work out gradually a boundary settlement between New London and Uncas, the town's western boundary temporarily became a dormant issue.<sup>96</sup>

By early 1664, however, Saybrook's divisions of town lands in order to facilitate the creation of the new towns of Haddam and Lyme induced it to petition the General Court for an enlargement of Saybrook's new, smaller bounds.<sup>97</sup> The General Court's reaction was an order for an official definition of the Saybrook-New London boundary,

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<sup>92</sup>See n. 88.

<sup>93</sup>CR, I, 366. New London's copy of the order included the directive to run the west boundary line: New London TR, IB, 17, 97.

<sup>94</sup>New London TR, IE, 5, October 21, 1661; IB, 17.

<sup>95</sup>New London TR, IB, 17, December 6, 1661.

<sup>96</sup>See Chapter VI. The New London-Norwich boundary was settled, however: CR, I, 411, October 8, 1663; New London TR, IB, 99.

<sup>97</sup>CR, I, 419, March 10, 1663/4. New London's reaction was to petition the General Court for an enlargement of its town's bounds: New London TR, IF, 24, April 18, 1664.

according to former Court grants. The Court noted that if any land laid out by Saybrook fell within New London's boundary the affected individuals were to continue to hold their property but were to pay their just dues to New London.<sup>98</sup> With this admission by the General Court of the uncertain nature of the Saybrook-New London boundary, the localism of the two towns was permitted to become the paramount issue. New London and Lyme, the passive recipient of Saybrook's tainted dividend, were free to pursue their particular interests--to the detriment of the colony interest in peace and order. The General Court's interference in the matter was tempered at first by moderation and a desire to ameliorate the inter-town friction by consensus, accommodation, or mutual forbearance. Eventually, however, the uniquely disruptive effects of a so-called riot between the two adversaries compelled the General Court to modify its usual neutrality vis-à-vis inter-town conflicts and to become an advocate of the law.

The episode referred to as the "New London-Lyme Riot of 1671" was preceded by seven years of intermittent town and General Court activity regarding approximately three miles of ungranted land lying between New London and Lyme. At a November 21, 1664, New London town meeting it was determined to have the bounds measured by three New London men and to sustain a town effort versus Saybrook and its own claims to the land.<sup>99</sup> At a March 18, 1666/7 town meeting New London granted 300 acres of the tract in question to each of five prominent town or

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<sup>98</sup>CR, I, 429, May 12, 1664.

<sup>99</sup>New London TR, IF, 28; IB, 126. Two representatives were chosen to pursue the affair: the governor's son, Captain Fitz-John Winthrop, and Edward Palmes: New London TR, IF, 35, January 9, 1664/5; IB, 131.

colony leaders if they would bear the charges in a recovery of the town's ancient land rights.<sup>100</sup> Finally, it was decided to present the whole matter to the May 1668 General Court, either via the five gentlemen or the town's deputies.<sup>101</sup>

At the designated General Court New London's deputies accordingly entered into an agreement with Lyme's deputies, the point of which was a reaffirmation of the original (New London) western line at the head of Niantic Bay. From here eight miles northward were to be measured. In reciprocation, the Lyme deputies granted 200 acres of Lyme's land near the head of Niantic Bay, but not below it, to New London. The condition for this grant was that the land was to be used forever for New London's ministry. Also, Lyme was to have 30 acres of meadow adjacent to the 200 acres granted New London. If New London did not fulfill the above provisos, as well as improve the grant within four years, it was to be returned to Lyme.<sup>102</sup> The General Court readily approved the towns' deputies' agreement.<sup>103</sup> The New London town meeting did not approve, however. An irregular and not fully-attended meeting on June 1 seems to have acquiesced, but this action was overruled by a better-attended June 26, 1668, town meeting. At the latter gathering the town protested against the agreement with Lyme as an abridgement of the

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<sup>100</sup>New London TR, ID, 13.

<sup>101</sup>New London TR, IH, 11, May 7, 1668. The deputies' instructions included a plea to the General Court to settle the town's bounds rather than to have the town "forced to live on a meer rock, or runn In to the sease" (CA, 1st Ser., Towns and Lands, I, ii, 98gg).

<sup>102</sup>CA, 1st Ser., Towns and Lands, I, ii, 98d-98ee. New London's 200-acre grant was to pay rates to Lyme.

<sup>103</sup>CR, II, 91, May 22, 1668.

town's former bounds as granted by the General Court. Two men were given power of attorney to regain the Court's former grant of the town's western bounds.<sup>104</sup>

The boundary question was still unresolved, to at least one party's satisfaction, in 1670 when the New London September town meeting instructed the town deputies to pursue a settlement at the upcoming General Court.<sup>105</sup> The matter was not received until the following Court. At the May 1671 session, the General Court declared that they saw no reason to run the line between New London and Lyme.<sup>106</sup> The direct result of the Court's insouciance was a riot, really a brief scuffle, in August 1671 between New London and Lyme men in the area disputed by the towns. Both groups had come in force to Black Point, west of Niantic Bay, in order to mow grass for their respective ministries.<sup>107</sup> At the October 1671 session, the General Court, unmoved by such practical piety, ordered the case would be tried at the Hartford County Court in March since most of New London County's inhabitants seemed involved in some way in the matter. Provision was made for the taking of pre-trial testimony, and both plaintiff and defendant were to be present.<sup>108</sup>

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<sup>104</sup>CA, 1st Ser., Towns and Lands, I, ii, 98f; New London TR, IH, 15, 17.

<sup>105</sup>New London TR, IH, 37. The General Court referred the issue to the May 1671 General Court so both sides could appear and present their cases: CR, II, 138-139, October 13, 1670.

<sup>106</sup>CR, II, 152; New London TR, IH, 38, January 16, 1670/1.

<sup>107</sup>Lyme notified the General Court of the affair October 4, 1671: CA, 1st Ser., Towns and Lands, I, ii, 127, 128; CR, II, 164. See also other papers regarding the fracas: 557-559.

<sup>108</sup>CR, II, 164.

At the March 12, 1671/2 Hartford County Court, the participants described the illegal actions of the other side. New London agents complained about Lyme's "Trespass by Improveing some land or lands" of New London, with damages of L50. Further complaint was made against Lyme men "for riotous abuse & Breach of the kings peace in strikeing and Beating wth Cudgells sundry" New London inhabitants innocently engaged in mowing grass within the New London town bounds. In their turn the Lyme plaintiffs described the New London mens' opposition to the Lyme constable's authority when he had attempted to discharge his office. Instead of co-operating, these New London men "rudely & Barbarously fell to Blowes, knoct one man for dead & abused others" so that the Lyme men were forced to use force against force.<sup>109</sup>

The Court fined Lyme only L5 for fighting because the Lyme men were within what they believed to be their bounds to do work according to town order and were under the authority of their town constable. The New London men, however, "wanting such peaceable possession & order or authority to countenance their way" and including several who had no business in that area, were fined L9 for their disorder and fighting.<sup>110</sup> Moreover, the General Court appeared to be in agreement with the Hartford County Court's estimation of Lyme's ownership of the disputed area by ruling in May 1672, in October 1672, and again in May 1673, that Lyme and a group of neighboring Indians were for the time being to improve the land at Black Point, unmolested.<sup>111</sup> The May 1672 Court also

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<sup>109</sup>Connecticut Colony Probate Records, III, 121-122.

<sup>110</sup>Ibid. Both fines were remitted at the May 14, 1674, General Court: CR, II, 229. For documents dealing with the entire boundary problem see CA, 1st Ser., Towns and Lands, I, ii, 98.

<sup>111</sup>CR, II, 174, 185, 201.

appointed a committee to measure five miles eastward from the Connecticut River and four miles westward from the Pequot River. Then the committee was to measure the land between the two boundaries and report to the next General Court.<sup>112</sup> The committee's report, given in June 1672, stated that Lyme's eastern line was 292 rods east of Bride Brook (not far enough according to Lyme; too far according to New London). Between the two boundaries was three miles and 60 rods, or two miles and 8 rods if New London's boundary was accepted to be at the marked tree on Niantic Plain.<sup>113</sup> To end the long controversy the General Court accepted the report on October 16, 1673, and ordered that the extra land between the towns' boundaries be divided equally between New London and Lyme.<sup>114</sup> The division was completed by the latter part of November 1673.<sup>115</sup>

Both New London and Lyme had presented their respective claims to the General Court before its October 16, 1673, decision. For example, New London men who had originally accompanied Governor John Winthrop into the Pequot country offered depositions that the west side of Bride Brook was the town's initial western boundary.<sup>116</sup> Again, Edward Palmes,

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<sup>112</sup>CR, II, 174.

<sup>113</sup>CA, 1st Ser., Towns and Lands, I, ii, 107. The October 1672 General Court thanked the committee and ordered the towns to pay the men their expenses: CR, II, 185.

<sup>114</sup>CR, II, 213. An undated paper in the handwriting, probably, of New London's Edward Palmes, had been presented to the General Court. In the communication, Palmes objected against both the Court's unwillingness to allow the case to be settled in court, according to common law and the presence of six deputies and one magistrate, immediately involved in the case who were about to sit in judgment in the dispute: CA, 1st Ser., Towns and Lands, I, ii, 110.

<sup>115</sup>CR, II, 229, May 21, 1674.

<sup>116</sup>CA, 1st Ser., Towns and Lands, I, ii, 111, June 6, 1673, May 6, 1673 [sic].

New London's deputy during much of the period, wrote that New London's original boundary was the west side of Bride Brook. So what if Saybrook had a later claim east of this point?, he asked. Was the original grant then void? Was the colony Charter of 1662 void because it gave Connecticut boundaries the colony could not enjoy? The town's lands, per Charter, were free according to East Greenwich. As such, these lands could not be alienated by the same power after once granted. As an illustration, Palmes cited the General Court's May 1664 order (see n. 98) regarding Saybrook men holding property in New London. The order had not been acted on, true, but it had never actually been in the General Court's power to pass such an act. No man, according to the colony's fundamental law, could be deprived of his estate except by an expressed law. Anyway, Palmes concluded, the law gave a town the liberty to dispose of all the land within its limits.<sup>117</sup>

Lyme's narration of the situation was quite different from New London's. Lyme's bounds had been stated for the past twenty years. If other towns could seek an enlargement of their bounds by employing new committees to change old boundaries the result would be endless contentions. Moreover, they testified, not only had the course of the Connecticut River changed toward the west in the past twenty years, but the (1672) committee had begun one-half mile further west than the first measurement of Saybrook's bounds. Worse yet, the new committee both used a compass, which was not as exact as the former method of measuring,

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<sup>117</sup>CA, 1st Ser., Towns and Lands, I, ii, 108, n.d. In passing, Palmes alluded to the May 1668 agreement with Lyme (see n. 102, 103). This transaction was in error, he contended, because no law gave deputies the sole power of their towns, especially where three-fourths of the town were not freemen and were thus unable to vote for town deputies.



and measured up and down hills: no wonder the new boundary was different than the former one. Lyme contended that its twenty-year possession of the town's easternmost part was itself a good title: in Massachusetts and the Connecticut county courts, the law of possession was regularly interpreted to give title even without a formal title. Surely it would be grievous to themselves, Lyme went on, if the General Court used its prerogative to take away any of the town's eastern boundary. It would be a "harder measure than any other plantations have met with-  
all."<sup>118</sup>

As in the Fairfield-Norwalk boundary dispute, the General Court went about its business in the New London-Lyme affair with considerable discretion, at least initially. Unlike the seaside towns' conflict, however, the two eastern towns, while slow to reach a consensus, were relatively quick to a physical confrontation. Once again, two Connecticut towns were indulging in the colony's perennial localism. Yet, the towns' particularism in this instance came into direct conflict with the interests of the General Court. The good of the colony might be served, in some way, by a forty-year debate between Fairfield and Norwalk; the good of the colony was not served in the least by inter-town riots. If left to themselves towns could solve inter- or intra-town disputes peaceably and legally, the General Court was content to co-exist with the towns' localism. As the reactions to General Court interference in town interests revealed--from Nathan Gold of Fairfield to Edward Palmes of New London, from Norwalk to New London and Lyme--there was a fundamental area in town-General Court relations when the partners' localisms

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<sup>118</sup>CA, 1st Ser., Towns and Lands, I, ii, 109, [1673].

were potentially antithetical. Sensing this, perhaps, the General Court carried its big stick softly most of the time. Stonington, unique in several ways in seventeenth-century Connecticut, represents both these aspects of the colony's dual localism--cooperation and conflict.

Settlement in the area between the Mystic and Pawcatuck Rivers was under way before the February 1649/50 General Court when Thomas Stanton applied for, and received, permission to erect a trading house at Pawcatuck.<sup>119</sup> A year later the Court asserted its interest and sovereignty in the area by reprimanding William Cheesebrook for settling there without the General Court's permission. Cheesebrook would be allowed to begin a settlement in the Mystic-Pawcatuck area if he could gather a considerable number of persons to enter with him into such an enterprise.<sup>120</sup> At the September 1651 General Court, the eastern boundary of New London was extended to the Pawcatuck River, thus including the Mystic-Pawcatuck region.<sup>121</sup>

By 1654, the planters at Mystic-Pawcatuck were eager to form a town of their own. At an August 18, 1654, New London town meeting it was voted to establish a committee, four from New London proper and three from Mystic-Pawcatuck, to debate, reason, and conclude whether the latter settlement should become a separate town. No vote was to be taken however; the case was to be determined according to love and reason, i.e., consensually.<sup>122</sup> New London's only concession was to choose

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<sup>119</sup>CR, I, 204-205.

<sup>120</sup>CR, I, 216-218, March 19, 1650/1.

<sup>121</sup>CR, I, 224.

<sup>122</sup>New London TR, IC, 56a.

three Mystic-Pawcatuck residents to make any necessary orders regarding fences, swine, or whatever for their plantation's good.<sup>123</sup>

Unable to satisfy their purpose of a separate town in the Connecticut Colony, the disappointed, but self-reliant, Mystic-Pawcatuck planters resurrected the twenty-year old Massachusetts claim to the Mystic-Pawcatuck area of settlement. On October 15, 1657, the inhabitants of Mystic-Pawcatuck petitioned the Massachusetts General Court for a grant of the liberties and privileges of a Massachusetts township. They explained that their land had formerly been granted to them by Connecticut as conquered territory of the Pequots. But, "since understanding, that the Jurisdiction their of, belongs not unto them but is claimed by your selves & as we conceive, justly" according to New England Confederation acts in 1646 and 1647, the said inhabitants thought it fit to send their petition.<sup>124</sup> The Massachusetts General Court immediately sent a letter to the Connecticut General Court asserting the Bay Colony's right to the Mystic-Pawcatuck area and the authority over inhabitants there. They proposed to have the matter determined according to the Articles of the New England Confederation if Connecticut would not readily yield to Massachusetts' obvious rights.<sup>125</sup>

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<sup>123</sup>New London TR, IC, 58a, February 26, 1654/5.

<sup>124</sup>Massachusetts Colony Records, IV, i, 315-316. Just previous to this unwelcome action, the Connecticut General Court had issued orders affecting the maintenance of ministries at Mystic-Pawcatuck and New London (CR, I, 292, February 26, 1656/7; 299-300, May 1657), and the New London town meeting had apparently voted to make Mystic-Pawcatuck a separate town (CR, I, 293, April 9, 1657). See also Richard A. Wheeler, A History of the Town of Stonington, County of New London, Connecticut, From Its First Settlement in 1649 to 1900, with a Genealogical Register of Stonington Families (Mystic, Conn., 1966), 6-7. The Connecticut-Massachusetts dispute may be followed in CR, I, 570-572 (appendix); Wheeler, Stonington, 5-17.

<sup>125</sup>Massachusetts Colony Records, IV, i, 315-316; CA, 1st Ser., Towns and Lands, I, i, 40, October 21, 1657.

The General Court's reply of May 10, 1658, contended that Connecticut's exercise of authority in the Mystic-Pawcatuck region had proceeded unmolested since 1647 but agreed to submit the question to the commissioners of the Confederation.<sup>126</sup> In the meantime, the Massachusetts General Court answered a further petition from Mystic-Pawcatuck for township rights with a suggestion that the planters carry on their affairs peacefully and with common agreement. Massachusetts would do nothing in the matter pending the meeting of the New England Confederation.<sup>127</sup> The Mystic-Pawcatuck planters, with no other alternative, formed "The Asotiation of Poquatuck peple, June 30th 1658."<sup>128</sup>

This association, while certainly not predicated on a pre-existing 'state of nature,' is not entirely unique in Connecticut history. The River Towns of Hartford, Windsor, and Wethersfield had established the Fundamental Orders in 1639 for reasons of good government and order. At that time, the three-year old colony had existed as an extra-legal settlement able to point only to possession as a legal basis for its proceedings. Stonington, or Mystic-Pawcatuck, was an illegal plantation vis-à-vis Connecticut--it was still considered to be a part of New London. Massachusetts, practicing an unusual moderation regarding possible territorial aggrandizement, offered no immediate legality to the plantation. Left to its own devices for nearly four

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<sup>126</sup>CA, 1st Ser., Towns and Lands, I, i, 41; CR, I, 311, March 11, 1657/8. On receipt of the Connecticut letter, the Massachusetts General Court determined an appeal to the New England Confederation was most appropriate: Massachusetts Colony Records, IV, i, 328, May 19, 1658.

<sup>127</sup>Wheeler, Stonington, 8-9; Massachusetts Colony Records, IV, i, 339, May 26, 1658.

<sup>128</sup>Wheeler, Stonington, 9-10.

months, Mystic-Pawcatuck elaborated an association of planters that was in no way novel or experimental. What the association did accomplish was to restrain anarchy in Mystic-Pawcatuck and to serve as a convenient symbol for the historian regarding future Connecticut General Court-Stonington relations in the seventeenth century. That is, Stonington, more than most seventeenth-century Connecticut towns, was ever-prepared to defend its perceived town rights and interests against its early adversary, the Connecticut General Court.<sup>129</sup>

The association noted the ambiguous and threatened situation the planters found themselves in and the Massachusetts suggestion to order temporarily their own affairs. For the public good and safety a union of their hearts and persons was deemed necessary. Therefore, the eleven undersigned "do hearby promis, testify & declare to maintain and deffend with our persons and estait the peac of the plac and to aid and assist one another acoording to law & rules of righteousness acoording to the true intent & meaning of our asociation till such other provition be maide ffor us as may atain our end." They meant no disrespect herein to either colony, Connecticut or Massachusetts, but rather acted "in the vacancy of any other" government.<sup>130</sup>

At the September 1658 meeting of the New England Confederation, the commissioners decided in Massachusetts' favor regarding title to the Pequot lands east of the Mystic River, including the settlement at

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<sup>129</sup>See especially Chapter VI regarding Indians and finances.

<sup>130</sup>Wheeler, Stonington, 9-10 (June 30, 1658). An addendum made provision for the execution of justice in the plantation.

Mystic-Pawcatuck.<sup>131</sup> At its October General Court, Massachusetts changed the plantation's name to Southertown, included it in Suffolk County, named various town officials, and extended the town's boundary northward to eight miles.<sup>132</sup> For approximately the next four years, Southertown was allowed a respite from inter-colony disputes. But, in April 1662, Governor John Winthrop succeeded in obtaining a Royal Charter for the Connecticut Colony that fixed the colony's eastern boundary at Narragansett River (Bay), far to the east of Southertown's boundary.<sup>133</sup> Upon receipt of the Charter, the General Court in October 1662 ordered Mystic-Pawcatuck, as the Court referred to the town, to submit to Connecticut's jurisdiction immediately.<sup>134</sup>

Massachusetts' reaction was one of dismay, along with an appeal for a halt to Connecticut's actions until an orderly settlement could be reached.<sup>135</sup> Connecticut answered pointedly that they were only acting as Massachusetts had previously. Moreover, the commissioners of the New

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<sup>131</sup>Records of the Colony of New Plymouth, X, 209. A review of the case by the New England Confederation Commissioners was asked for in May 1659 by Connecticut, but the same decision was given in the following September by the Plymouth and New Haven representatives: CR, I, 335, 572.

<sup>132</sup>Massachusetts Colony Records, IV, i, 353; Wheeler, Stonington, 12-13. Southertown's eastern boundary was measured east of the Pawcatuck River, to Weekapaug, thus including land claimed by Rhode Island.

<sup>133</sup>For the Charter of 1662, see CR, II, 3-11. See also Dunn, Puritans and Yankees, 117-142. In a separate agreement between Governor John Winthrop and Dr. John Clarke, Rhode Island's agent, the Pawcatuck River was understood to be the Charter's "Narragansett River" (CR, II, 526-529). The Connecticut General Court chose to ignore this linguistic-territorial concession by their honored Governor.

<sup>134</sup>CR, I, 389-390. They were also ordered to pay a portion of the cost of the Charter. See Chapter VI for the financial problem.

<sup>135</sup>CA, 1st Ser., Towns and Lands, I, i, 42, October 31, 1662; Manuscript Stack, Connecticut Historical Society, Hartford, October 31, 1662.

England Confederation could not decide what was already decided by the King. How could Massachusetts agree to Connecticut's power in Rhode Island (to Narragansett Bay), but disagree to the implementation of these same rights in the Mystic area? The new Charter, or Patent, did not prejudice Massachusetts. Rather, it regulated "some obliquity," not the Bay Colony's latitude or longitude. The Bay might in fact help Connecticut by advising the Mystic-Pawcatuck people to give due observance to Connecticut's authority.<sup>136</sup> Massachusetts replied in March 1662/3 that it would leave the matter to the commissioners of the New England Confederation.<sup>137</sup>

Southerntown's, or Mystic-Pawcatuck's, reaction was rather more vehement than that of the Massachusetts authorities. In a long letter to the Bay Colony General Court dated January 19, 1662/3, the Southerntown townsmen begged for the Bay's help against Connecticut's intrusions. The town had prospered under Massachusetts' absentee rule and now wished to remain within the Massachusetts Colony. But Connecticut's interferences were causing factions to disrupt the town's peace. The townsmen continued luridly: "what their intentions are we know not, for it is given out and we have cause to feare, that they will not be tryed by the New England Confederation cometioners, but that they will force us by power, it haveing bin Given out that they will have Capt. denison alive or dead, and that there will bee many widowes and fatherless Children amongst us." Surely, the townsmen wrote, we hope "that we may not bee left unto the mercyes of those of conecticote, whose wordes and actions

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<sup>136</sup>CA, 1st Ser., Towns and Lands, I, i, 43, December 28, 1662.

<sup>137</sup>CA, 1st Ser., Towns and Lands, I, i, 44a.

speaks (unto us) nothing but our ruin."<sup>138</sup> Consequently, the Connecticut General Court's description to the Massachusetts General Court of the reception of a Connecticut officer in the embattled town--"mett with but crse entertaynment (such a shadow of selfe ingrossing in point of Govermt to or best observation is found with them)"--was probably understated.<sup>139</sup> Still, Massachusetts hung on to the fiction of its authority, advising Southertown to maintain itself according to the (1658, 1659) past Confederation determinations, and to obey their oath of fidelity to the Bay until the Connecticut interruption was concluded in an orderly way.<sup>140</sup>

The September 1663 meeting of the New England Confederation in Boston resulted in more confusion as the Plymouth and New Haven commissioners heard Massachusetts' petition on behalf of Southertown's inhabitants only to put the matter off for the time being for mutual peace. The situation of the town was to remain as concluded by the previous commissioners' statements in 1658 and 1659.<sup>141</sup> As late as May 18, 1664,

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<sup>138</sup>Wheeler, Stonington, 14-16. The proprietors undoubtedly did not wish to once again become a remote part of New London.

<sup>139</sup>CA, 1st Ser., Towns and Lands, I, i, 45, May 1, 1663. Massachusetts, the letter continued, knew the Charter too well to shoulder such irregularities.

<sup>140</sup>Massachusetts Colony Records, IV, ii, 75, May 27, 1663. There were problems in Stonington, however, that resulted in the formation of loose factions. George Denison was a staunch Massachusetts man (CR, I, 433-434, October 13, 1664; CR, II, 36, May 10, 1666; CA, 1st Ser., Towns and Lands, I, i, 46, September 21, 1663) while Thomas Minor was a Connecticut advocate (CR, I, 411, October 8, 1663; Sidney H. Miner and George D. Stanton, Jr., eds., The Diary of Thomas Minor, Stonington, Connecticut: 1653-1684 (New London, 1899), 59-60, October 8, 1663; 55, March 1663/4).

<sup>141</sup>Records of the Colony of New Plymouth, X, 298-299.



Massachusetts continued to claim the boundary matter was undecided.<sup>142</sup> However, convinced of Connecticut's constancy of purpose in the business and the legality of that colony's claim, as well as by the presence in the town of a growing body of Connecticut adherents, the inhabitants of Southertown-Stonington decided differently. On October 14, 1664, William Cheesebrook, in the name of the town, petitioned the Connecticut General Court to accept the town's submission to the Connecticut jurisdiction according to His Majesty's Charter. The town beseeched the Connecticut General Court to "pardon all such mistaiks or miscariges wch through humain frailty hath bene offensive or grievous unto you." Most important, the petitioners asked for town privileges equal to those of the other colony towns and for the confirmation of the town bounds granted them by the Massachusetts General Court.<sup>143</sup> The Connecticut General Court accepted the town's petition and ordered that any seeming contempt of Connecticut authority by the town "shall be forgiven and buried in perpetuall oblivion and forgetfullness." Provision was made for the paying of the town's rates.<sup>144</sup>

Given its unique position regarding the colony's sensitive eastern boundary, along with its past allegiance to another colony, Stonington's situation was an unembroidered example of just where the ultimate locus of power was to be found in seventeenth-century Connecticut. The

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<sup>142</sup>Massachusetts Colony Records, IV, ii, 103; CA, 1st Ser., Towns and Lands, I, i, 48.

<sup>143</sup>Robert C. Winthrop Collection, I, 89. Miner and Stanton, Jr., eds., Thomas Minor Diary, 63, May 8, 1664.

<sup>144</sup>CR, I, 433-434. Only George Denison was excepted in the pardon. The collection of the enumerated town rates caused immediate conflict: see Chapter VI.

local interests of the town, without excessive outside interference, were presumed to mirror adequately the interests of the larger locality, and vice versa. When these interests complemented one another the town's particular localism was operative with little or no self-consciousness. It has been demonstrated elsewhere that town localism might often take precedence over enunciated General Court standards and orders, or that the General Court would allow the towns to raise their particular interests to apparently excessive prominence. Yet, once again, the General Court was itself composed of local men. Their allegiance was delineated but not limited by town localism; their mien to and view of the outside world was structured by the colony localism. It was the latter view that was challenged by Stonington before October 1664. Once in the fold, and in reasonable tandem with the other towns, the town's idiosyncrasies would be endured by the colony--while such attitudes and activities did not infringe on the colony's integrity, existence, peace or order. It is too simple to say only that the Connecticut towns were kept on a short string by an all-powerful General Court in the seventeenth century. The reality was much more complex. The General Court was not always, or usually, a rigid adversary with respect to its control over the towns. Except in matters of substantial import, the General Court's relations with the towns were practical and equitable. Even in serious affairs the hand of the General Court could be light indeed.

Stonington's submission to Connecticut authority in October 1664 marked the beginning, rather than the end, of the town's boundary problems. The dispute with Rhode Island, and an ancillary conflict with Massachusetts, illustrate the merging of Connecticut's dual localism.

At the time when Stonington was pursuing a claim versus Rhode Island to a boundary a few miles east of the Pawcatuck River, Connecticut was advancing a Charter claim to well over one-half of Rhode Island. In such a case, co-operation was a fairly simple matter. The Massachusetts matter was more difficult.

While exercising its short-lived authority in the Stonington area, Massachusetts had made several large grants of land east of the Pawcatuck River to certain prominent Bay figures. After Stonington's incorporation into Connecticut, the Connecticut General Court described the town's eastern boundary to be the Pawcatuck River.<sup>145</sup> However, on October 13, 1670, the General Court finally re-confirmed Stonington's original boundaries, including the past Massachusetts grant of an eastern boundary line east of the Pawcatuck.<sup>146</sup> Stonington's reaction was swift: the townsmen ordered the town recorder on October 27, 1670, to enter a prohibition in the town records against the official recording of any town lands east of the Pawcatuck without the consent of a town majority--notwithstanding the pretence of Bay grants or other grants.<sup>147</sup> On November 30, 1670, the Stonington town meeting made a number of 50-acre grants east of the river. The same town meeting empowered a previously-appointed committee to warn any new intruders east of the Pawcatuck River to appear at the next Stonington town meeting and to

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<sup>145</sup>CR, II, 37, May 10, 1666. Massachusetts had set the town's boundary east of the Pawcatuck River: see n. 132.

<sup>146</sup>CR, II, 143. Stonington had sought a restoration of its Massachusetts boundary for some time: Stonington TV, I, 67, April 30, 1666; 87, January 9, 1667/8; 20, May 4, 1668; 35, November 12, 1669; 36, December 7, 1669; 37, January 11, 1669/70; CA, Colonial Boundaries, I, Rhode Island: 1662-1742, 32, May 4, 1668.

<sup>147</sup>Stonington TV, I, 39.

inform them of the town's new land grants in their illegal midst. The committee was to continue their prosecution of the non-residents east of the river and, in fact, to dispossess them unless such persons were officially received as Stonington inhabitants--subject to town and colony orders.<sup>148</sup>

Actually, the Connecticut authorities had been prodded into their official restoration of Stonington's earlier boundaries through the influence of the Massachusetts grandees whose holdings east of the Pawcatuck River were clearly endangered by Rhode Island's claim of the same area. An upright Massachusetts Puritan could hardly expect justice for his land speculation schemes from Rhode Island's uncouth denizens who, the Massachusetts men complained, were "possessing our land, dispossessing our tenants, as wel Indians as English, pulling down some of our houses, burning up our fences, takeing away our grass & hay, and therby occasioning the loss of our cattle, with divers other iniuries & wrongs."<sup>149</sup> However, Stonington quickly scuttled the Connecticut General Court's efforts to secure the Bay's neutrality, if not overt support, in the ongoing Connecticut-Rhode Island boundary dispute. Concerned more about its own aggrandizement of an additional few square miles of land, Stonington failed to discriminate properly, according to inter-colonial politics, among the competing interests. Thus, a town committee was ordered on August 24, 1671, not to confirm the Massachusetts mens' land claims and to prosecute the encroaching Rhode Island men at law if necessary. Curiously, the committee was instructed by the

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<sup>148</sup>Stonington TV, I, 41.

<sup>149</sup>CR, II, 545-547. Harvard College (500 acres) was one of the affected proprietors.

town to write to the Bay to the effect that a great part of the town had plotted against the town's taking notice of the Bay claims or suing in their behalf.<sup>150</sup>

In October 1672, the Massachusetts General Court asked the Connecticut General Court to help the proprietors of Massachusetts grants in the Pequot country to retain their rights and possessions.<sup>151</sup> The Connecticut General Court's apparent reaction was an ambiguous order that the Stonington people east of the Pawcatuck River were to enjoy their allotments as long as they did not have another man's property and did not have more than was convenient and sufficient for themselves.<sup>152</sup> Undaunted, Stonington's response was a disallowance of three Bay land grants entered in the town book without the town's consent and an effective disallowance of a fourth Massachusetts man's land grant. Moreover, the April 28, 1673, town meeting instructed the town deputies for the May 1673 General Court to support the town's best interests by opposing any who pretended to possess title to lands in the township, unless the grants were from Connecticut, New London, or Stonington.<sup>153</sup> The May Court recommended to Stonington's townsmen that they lay out sufficient land for the needs of those living east of the river within the town's bounds.<sup>154</sup>

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<sup>150</sup>Stonington TV, I, 46.

<sup>151</sup>CR, II, 547; CA, 1st Ser., Towns and Lands, I, i, 49; Massachusetts Colony Records, IV, ii, 544-545.

<sup>152</sup>CR, II, 189.

<sup>153</sup>Stonington TV, II, 8, March 27, 1673; 9, April 28, 1673. The deputies were also expected to oppose the enjoyment of town land by "neighbors" east of the Pawcatuck River, unless the grant of such land was from the town.

<sup>154</sup>CR, II, 196.

Stonington's continued obduracy regarding the Bay grants was protested against in October 1673 by one of those affected. Amos Richardson petitioned the Connecticut General Court as to whether or not the Massachusetts grants in the Pequot country, made when the Bay had jurisdiction there, were to be in force or not as long as no previous Connecticut grants were interfered with.<sup>155</sup> The General Court replied that the most ancient grants, whether by Connecticut or Massachusetts, should prevail. Representatives of those involved should appear at the May 1674 General Court to present their claims for final confirmations.<sup>156</sup> The result was in fact the confirmation of the Massachusetts grants east of the river; west of the Pawcatuck the grants were disallowed because of the prior existence of New London's claims therein while Mystic-Pawcatuck was part of New London. In the latter instance, special compensatory grants were to be awarded to Massachusetts Magistrate Thomas Danforth and Harvard College.<sup>157</sup> Stonington's acquiescence in the General Court's wisdom was less than enthusiastic. A year later the town would voice its disapproval of the Court's proceedings in a fiery petition or remonstrance.<sup>158</sup>

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<sup>155</sup>CA, 1st Ser., Towns and Lands, I, ii, 136; GR, II, 547.

<sup>156</sup>GR, II, 212, October 15, 1673.

<sup>157</sup>GR, II, 227-228, 230; 256, May 20, 1675; 547.

<sup>158</sup>Stonington TV, II, 13, May 25, 1674; see Chapter VI. At the above May 25, 1674, town meeting, it was agreed to abide by the Court's decision. The town saw cause to accept the Court's advice regarding the town's granting more land to one individual. A few months later, however, the August town meeting noted that the General Court's surveyors, sent to lay out the various land grants east of the Pawcatuck River, had in fact not attended the General Court's orders. Therefore, the town agents sent to accompany the surveyors declared against the land so laid out to the Massachusetts men, and the town also declared against the proceedings and protested them (Stonington TV, II, 14, August 1674). A

The complicating factor in the problem with Massachusetts' land grants in the Pequot country was the volatile boundary conflict then unfolding between Connecticut and Rhode Island. Under such circumstances, Connecticut was not willing to alienate its brother Puritan colony over a few hundred acres in the wilderness. Yet, Connecticut's graceless purpose in engrossing over one-half of their eastern neighbor's claimed territory, non-Puritan territory at that, was not shared by Stonington. Stonington's interest was much more limited, though not much more honorable than the General Court's interest. Stonington's efforts were intended to promote its own fortune by expelling absentee landholders. Relations between Stonington and the General Court at this time, however, were pursued by the General Court in a gentle manner. Stonington's frontier position as the easternmost, effectively-controlled Connecticut town was of great strategic importance. As such, the General Court's attitude toward its sometimes reluctant town-ally was moderate.<sup>159</sup>

It is not necessary to trace the relations of Stonington and the General Court regarding the boundary dispute between Connecticut and Rhode Island.<sup>160</sup> Their basic positions were those each had assumed during the problems over the Massachusetts land grants within Stonington's

further town order directed four men to accompany two General Court-appointed men east of the Pawcatuck in order to lay out the Bay grants. The town cautioned, though, that these grants were not to be filled out, or made entire, from town lands or commons. Any additional acreage was instead to be taken from the respective proprietor's allotments "and not to be made good by the town" (20, April 27, 1675).

<sup>159</sup>Stonington, however, was not so moderate. See Chapter VI.

<sup>160</sup>For the boundary dispute between Connecticut and Rhode Island see: CR, II, 526-541; CR, III, 257-258, 265-281, 286-291, 302-307, 320-321, 324-325; Hooker, Boundaries of Connecticut, 3-15; Dunn, Puritans and Yankees, 117-168.

bounds on either side of the Pawcatuck River. Consumed with a most unbecoming land greed, the General Court pursued a hard-line policy toward their eastern outcast neighbor. Stonington was also involved, but the town's effort was a pursuit of irredenta, the area east of the Pawcatuck River granted it by the Massachusetts General Court in October 1658, and reaffirmed by the Connecticut General Court in October 1670.<sup>161</sup> While there existed a correspondence or mutuality of interests between the General Court and Stonington against Rhode Island there was co-operation. However, when the town's interest was made secondary to the colony's interest, as in the case of the Bay grants, the result was rancor and bitterness.

#### D. Highways, Ferries, and Bridges

Highways, ferries, and bridges constitute another topic that illustrates the relations between the General Court and the towns. There was an element of potential discord in the colony's dual localism in regard to the means of facilitating transportation and communication. The Court was most concerned with inter-town movement; the individual towns were more interested in intra-town movement along with the cultivation of all available land. The result of this disjunction of interests was not direct conflict between the two localisms but rather an ongoing example of the accommodation of both interests. The latter was brought about by way of the General Court's disinclination to take exception to the various towns' passive disobedience.

The General Court passed only a few general orders regarding highways or roads, ferries, and bridges. A July 5, 1643, law called for

<sup>161</sup>See n. 132, 145. The area now included Westerly, Rhode Island, a fact which somewhat complicated the issue.



the annual election in each town of two surveyors. They were to summon help once each year to maintain town highways with "a spetiall regard to those Comon wayes wch are betwixt Towne and Towne." The town was to bear the charges.<sup>162</sup> In May 1679, the Court ordered that all roads between plantations were to be called country roads or the King's Highways. It was left to the townsmen to see to the clearing of these roads once each year to at least one rod wide.<sup>163</sup> In October 1684, however, the Court noted the neglect in the maintenance of inter-town highways-- "the wayes being incumbred with dirty slowes, bushes, trees and stones" --and ordered the towns to rectify the situation. The town surveyors were directed to take an oath submitted by the Court for the execution of their office.<sup>164</sup>

Ferry legislation dealt with specific town ferries. There were, however, orders regarding free passage for magistrates (at all times) and deputies, while on public concerns (1660, 1668, 1672).<sup>165</sup> Bridges were left to intra-town concern for the most part excepting a number of specific orders that dealt usually with inter-town bridges. The Code

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<sup>162</sup>CR, I, 91. This order was repeated, and amplified, in the Code of 1650. However, the "spetiall regard" for inter-town ways was omitted: CR, I, 527-528. It was repeated in the Laws of 1672, 28-29. See Isabell S. Mitchell, Roads and Road-Making in Colonial Connecticut, for a discussion of the general inferiority of Connecticut's roads well into the eighteenth century. The impetus for town localism afforded by a poor road system is obvious.

<sup>163</sup>CR, III, 30.

<sup>164</sup>CR, III, 157. The Court was most interested in the primary colony highways: Hartford to New Haven and New Haven to Greenwich and to Stonington. The settlement of the colony east and west of Hartford resulted in numerous Court orders from the 1670's, respecting these interior towns' country highways: CR, II, 223, 253; CR, III, 50, 197.

<sup>165</sup>CR, I, 355; CR, II, 94; Laws of 1672, 25.

of 1672, though, included a law regarding the repair of insufficient bridges: towns were enjoined to keep all the highways and bridges in their own bounds in repair. A fine of 1100 was directed for any loss of life caused by an insufficient bridge if warning had been given to the townsmen.<sup>166</sup>

Hartford's records are full of references to highways. Quite early the town agreed that highways could be run where needed (1635); three years before the General Court's similar order, Hartford required one day of highway work from all fit for service (1639/40); various other town orders related to mending town highways (1643/4) and laying them out (1658/9, 1660, 1671, 1677, 1678, 1684/5, 1691/2).<sup>167</sup> Hartford also was involved in inter-town highways such as the upland cart-way to Windsor ordered by the General Court in April 1638 at Hartford's request.<sup>168</sup> Windsor's apparent reluctance to accommodate Hartford's desire for an easier route north to Springfield necessitated a June 1640 order that the two towns were to make the part of the highway within their own bounds within one month.<sup>169</sup> Other Hartford orders dealt with Hartford-Wethersfield (1679, 1683/4) and Hartford-Windsor (1672, 1679) roads, and highways east of the Connecticut River (1678, 1681, 1684/5, 1690, 1691/2).<sup>170</sup>

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<sup>166</sup>Laws of 1672, 7.

<sup>167</sup>Hartford TV, 1, 13-14, 69, 124, 130, 163, 178-179, 213-214, 231.

<sup>168</sup>CR, I, 17-18. A new way was ordered by the Court in April 1645, since the highway then ran through Hartford's meadow to Hartford's prejudice: CR, I, 125.

<sup>169</sup>CR, I, 51.

<sup>170</sup>Hartford TV, 186-187; 209-210; 163; 186, 185, 196, 214, 230, 231.

Hartford's concern for adequate town highways was duplicated in its maintenance of a town bridge, and later a town ferry, over the Little River which divided the town into north and south sides. Various cart-bridges were built over the Little River in connection with mills (1635, 1639/40, 1640/1), but the most important bridge was the one closest to the Great (Connecticut) River on the route from the seaside north to Springfield, Massachusetts, and thence east to Boston.<sup>171</sup> This latter bridge was kept in repair by the town (1650, 1660, 1667, 1671, 1672, 1676/7, 1686) without any official promptings from the General Court.<sup>172</sup> With the settlement of the town's landholdings east of the Connecticut River, the town established a ferry over the river in early 1682.<sup>173</sup>

Windsor's records carry little mention of highways. Provision for a public highway through Windsor between Hartford and Agawam (Springfield), and the Bay (Boston) was made February 21, 1641/2.<sup>174</sup> In December 1659 the townsmen and two other appointees were directed to order

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<sup>171</sup>Hartford TV, 2, 14, 30-31, 37-38, 40. Hartford was also ordered by the General Court to build and maintain a bridge to Farmington, in Hartford's bounds: CR, I, 164, May 18, 1648.

<sup>172</sup>Hartford TV, 93-94, 131, 152, 164, 167, 177, 220.

<sup>173</sup>Hartford TV, 196, December 29, 1681<sup>7</sup>; 197-198, March 31, 1682; 198, December 13, 1687. The Hartford ferry figured in the proceedings at the April 8, 1691, session of the Hartford County Court. Complaints had been made about disorders at the ferry on the Sabbath, due to an unsafe overcrowding of the boat on its passage over the Great (Connecticut) River. The County Court ordered that no more than forty persons should go over at once in calm weather and no more than twenty persons when the weather was stormy. Any who tried to enter the craft after the requisite number were aboard were to be kept out of the ferry. Fines were noted for any who disobeyed this order. A copy of the County Court's order was to be set up at the common landing-place: Hartford Probate Records, V, 1689-1696, 28-29.

<sup>174</sup>Some Early Records, 108.

the town's highways. They were to note each way's breadth, where it ran, by whose bounds, and which were particular or private roads. They were also to note which ways were public and thus to be repaired by the town's way wardens. Finally, the committee was to judge what ways, as yet unappointed, might be most convenient in the town for men to reach their land allotments.<sup>175</sup>

Windsor's primary transportation importance was its maintenance of a ferry across the Connecticut River to enable travelers to proceed directly north to Springfield. In January 1641/2, the General Court ordered the schedule of fees chargeable if Windsor provided a river ferry.<sup>176</sup> In January 1648/9, John Bissell of Windsor contracted to keep the Windsor ferry for seven years according to certain conditions including a General Court-enunciated fee schedule. Bissell was granted a monopoly of all traffic except Windsor inhabitants who might cross themselves and their neighbors in their own canoes or boats.<sup>177</sup> On March 11, 1657/8, the ferry was turned over to John Bissell, Jr., for ten years.<sup>178</sup> Within five years, however, young Bissell sought a release

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<sup>175</sup>Windsor TA, I, 40a-41. At a townsmen's meeting in January 1659/60, a highway  $1\frac{1}{2}$  rods wide, east of the River, was ordered to be set aside for horsecars and foot travel. It was to be only for the town's use, however, not the country's, or colony's: Windsor TA, I, 46. Presumably, country use would have entailed a wider, or at least a well-kept, highway. Such was ordered by the General Court, but for the use of the landowners, in May 1670: CR, II, 133. See also regarding highway and fencing problems east of the Connecticut River: Windsor TA, II, 33a-34, April 30, 1674; 38, May 13, 1675; CR, II, 258, May 22, 1675.

<sup>176</sup>CR, I, 71.

<sup>177</sup>CR, I, 174-175. This agreement was repeated for single years in May 1656 and May 1657: CR, I, 281, 298.

<sup>178</sup>CR, I, 310-311.

from his agreement, prompting a new search for a ferry-man.<sup>179</sup> This search by Windsor for a man to run the ferry surfaced now and again during the century, accompanied usually by the General Court's admonition that "there be noe charge come thereby to the country."<sup>180</sup> The Windsor ferry was significant not only because of its value as a link between Hartford and Boston but also because of its illustration of General Court efforts to join the colony and the town interest with no charge to either.

The records of the three remaining River Towns bear a moderate testimony to the importance of town highways, bridges, and ferries, but they also demonstrate in their matter-of-fact descriptions and sparse verbiage the routine prominence to the towns of town transportation. Wethersfield's interest in highways included establishing them (1649/50, 1654/5, 1669/70, 1671/2, 1677, 1679, 1680, 1686) and improving them (1651, 1669/70, 1673/4, 1675/6).<sup>181</sup> Farmington also spent considerable effort in the laying-out and maintaining of highways (1658/9, 1664/5, 1667/8, 1669/70, 1671/2, 1680, 1684, 1686), as did Middletown (1656/7, 1659/60, 1661/2, 1667, 1671/2).<sup>182</sup> These various town acts, dealing principally with intra-town roads, illustrate the everyday nature of the subject, especially in the more settled areas of the colony. In fact, intra-town roads were used mainly by the inhabitants to gain access to

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<sup>179</sup>CR, I, 394, March 11, 1662/3.

<sup>180</sup>CR, II, 83, May 15, 1668; 95, October 8, 1668; 314, May 19, 1677.

<sup>181</sup>Wethersfield TV, 36, 44, 107, 122, 152, 158-159, 167, 197; 38, 106, 140, 146.

<sup>182</sup>Farmington TV, 50, 12, 13, 12, 16, 12, 27, 31; Middletown TV, 27, 38, 46, 73, 98.

their scattered land allotments. Hence, portions of the so-called highways, which were often thirty or more yards wide, were let out to individuals for private cultivation. Fallow land was adjudged wasteful.<sup>183</sup>

Both Wethersfield and Middletown had occasion to build or repair bridges in the early 1680's.<sup>184</sup> Like Hartford, Middletown was divided by a river, the Mattabesec (Mattabeset), into a north side and a south side. To facilitate communication between the two sides, and to aid northbound traffic from New Haven and the west and Saybrook and the east, Middletown established a ferry. Sundry town orders dealt with the working and maintenance of the ferry.<sup>185</sup> The General Court's only official notice of the Middletown ferry was an October 8, 1668, order that magistrates and deputies, plus their horse, were to pay only 4d. for a crossing.<sup>186</sup>

The seaside towns were left pretty much to themselves regarding highways and bridges. Fairfield's town acts referring to roads were summarized in a June 7, 1675, order by the townsmen that all boundaries and breadths of highways in the common fields were to be recorded and

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<sup>183</sup>There were certain limits to the use of highways, however. At a Hartford County Court, April 24, 1679, Wethersfield brought suit of £10 against John Curtis for illegally selling part of a town highway. An unsympathetic jury found for the defendant costs of court: Hartford Probate Records, IV, 1677-1697, 13.

<sup>184</sup>Wethersfield TV, 179, May 1, 1683; 183, March 19, 1683/4; Middletown TV, 136, February 5, 1682/3.

<sup>185</sup>Middletown TV, 17, September 3, 1655; 23, September 3, 1656; 32, December 21, 1658; 34, February 21, 1658/9; 75, December 26, 1667; 115, November 9, 1674; 134, January 24, 1681/2.

<sup>186</sup>CR, II, 94. An accompanying order negated the 1660 dispensation of magistrates and deputies (when on public business) from ferriage (see n. 165). Instead, their charges would now be paid out of the public treasury.

settled by committees appointed to that service.<sup>187</sup> True to its independent bent, the town settled an extended highway controversy at Greenlea (1677-1679) and later (1681/2) ordered that the highway surveyors could use their discretion whether or not to call the inhabitants out for one or more days highway work, per colony law.<sup>188</sup> Norwalk recorded the establishment of a number of highways.<sup>189</sup>

Both towns built bridges, but Fairfield's were done more voluntarily than Norwalk's. Fairfield's bridges were over creeks, brooks, or rivers within the town boundaries.<sup>190</sup> Norwalk sought to erect a bridge over the Norwalk River as early as January 4, 1671/2. The town's approach, though, was to order the townsmen to use their best skill in extracting contributions for such a bridge from the adjacent towns.<sup>191</sup> Not unexpectedly there was no response from Norwalk's neighbors regarding a bridge completely within Norwalk's bounds. With the General Court's May 1679 order regarding the maintenance of inter-town roads, however, a bridge over the Norwalk River became a necessity.<sup>192</sup> On May 14, 1680, the General Court ordered Norwalk to make a sufficient

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<sup>187</sup>Fairfield TR, B, ii, 106.

<sup>188</sup>Fairfield TR, B, ii, 114, August 10, 1677; 121, June 25, 1678; 126, April 18, 1679; 143, February 17, 1681/2; CR, III, 30, May 13, 1679. The town also ordered January 16, 1677/8, that all pits dug in highways were to be filled or the responsible party would be fined 5s. per week as well as pay for any damages caused by said pits: Fairfield TR, B, ii, 118.

<sup>189</sup>Norwalk TM, 32, September 8, 1657; 34, November 10, 1657; 71, March 19, 1665/6.

<sup>190</sup>Fairfield TR, B, i, 24, August 22, 1666; ii, 148, November 30, 1682; 150, February 16, 1682/3.

<sup>191</sup>Norwalk TM, 93.

<sup>192</sup>CR, III, 30.

horse-bridge over the river and to maintain the bridge for the country road.<sup>193</sup> Norwalk made provision for building the bridge at a December 28, 1680, town meeting, and again at a February 20, 1681/2 town meeting.<sup>194</sup> A year later the location of the bridge was finally determined and orders were issued for all male inhabitants to participate in the work.<sup>195</sup> Norwalk had not detected any urgency in the General Court's 1680 order.

In eastern Connecticut, New London was especially aware of maintaining country highways east toward Rhode Island, north to Norwich, and northwest to the head of the Niantic River.<sup>196</sup> New London was also responsive to the need for ferries over the Pequot (Thames) River and the Mystic River.<sup>197</sup> Stonington's attention to the necessity of roads was similar to its consideration given to any affair that included, or precluded, the interests of both town and colony.

In April 1667, March 1667/8, March 1668/9, March 1669, March 1669/70, and March 1670/1, the town passed orders relating to the laying-out and maintenance of town and country highways.<sup>198</sup> At the same time

<sup>193</sup>CR, III, 50.

<sup>194</sup>Norwalk TM, 123, 128.

<sup>195</sup>Norwalk TM, 130, February 19, 1682/3. Though in the midst of their boundary controversy, Norwalk and Fairfield tried to get together to build a bridge over the Saugus River (their eventual 1679 boundary line): Norwalk TM, 129, December 25, 1682; Fairfield TR, B, ii, 151, February 16, 1682/3.

<sup>196</sup>New London TR, ID, 6, February 25, 1664/5; IG, 10, February 26, 1665/6; IH, 27, 29, November 29, 1669. The townsmen also passed orders relating to intra-town highways: New London TR, IA, 6, December 12, 1646; 24, April 28, 1648; as did the town, IF, 9, May 7, 1663.

<sup>197</sup>New London TR, IC, 55, May 6, 1654; IB, 25, March 8, 1654/5; IF, 35, January 9, 1664/5.

<sup>198</sup>Stonington TV, I, 68, 19, 31, 32, 37, 43. The town also ordered a "derectorie," or signpost, to be made and set up at either end of the town for the use of travelers: Stonington TV, I, 33, April 16, 1669.



the town ordered that all granted lands--past, present, or future--were to be exclusive of highways, a measure correctly calculated to sustain the flagging interest of the town's inhabitants in maintaining roads.<sup>199</sup> Stonington also had problems with highways voted on December 15, 1671, to be laid out to the meetinghouse from all the quarters of the town.<sup>200</sup> Several town inhabitants complained at the September 15, 1674, New London County Court about the pressing need for these roads, which had yet to be marked out. The County Court ordered two New London men to do the necessary highway work, at Stonington's charge, within two months.<sup>201</sup> Stonington interposed, however, and at the December 29, 1674, town meeting the inhabitants voted that the men chosen originally in 1671 to lay out highways from the four quarters of the town to the meetinghouse do so within six weeks.<sup>202</sup> Four years later, inimitable Stonington was still passing orders for the completion of this worthy project.<sup>203</sup>

Town boundaries and inter-colony communication and transportation were significant inter-town affairs that served to demonstrate that relations between the General Court and the towns were not doctrinaire. Circumstances could affect the working of the colony's dual localism.

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<sup>199</sup>Stonington TV, I, 22, May 4, 1668; 22, December 20, 1671.

<sup>200</sup>Stonington TV, I, 48.

<sup>201</sup>New London County Court Records: Trials, III, 1670-1681, 72. The County Court order included any other necessary highways, such as a way to the town landing-place.

<sup>202</sup>Stonington TV, II, 16.

<sup>203</sup>Stonington TV, II, 35, April 3, 1678. See also May 4, 1685 (54). Stonington also constructed its bridges over the Mill River and the Pawcatuck River in a different fashion than most other towns: Stonington TV, I, 87-88, January 9, 1667/8; II, 34, March 7, 1677/8.

Fairfield and Norwalk could dispute their boundary and the General Court would neglect to impose an accommodation. New London and Lyme could dispute their boundary and the General Court would intervene and impose a solution. Stonington and the Pequots (Chapter VI) could disagree about the disposition of the town's land and the Court would reverse itself and eventually give in to the stubborn resistance of Stonington. Again, the fundamental localism, that of the towns, was most often triumphant so long as the colony's interests and prerogatives as defined by the General Court were not impugned. However, certain inter-town affairs were almost the endemic cause of serious strains on the working of the dual localism. Indeed the General Court and the towns had real difficulties in their relations with regard to taxes and the Indians.

## CHAPTER VI

### THE RELATIONS BETWEEN THE GENERAL COURT AND THE TOWNS: INTER-TOWN AFFAIRS, PART 2

Taxes, especially their collection, appear to be a perennial problem in civilized societies, and seventeenth-century Connecticut was no exception. In theory and in law there was no ambiguity; both the General Court and the towns were empowered to assess and to collect their respective taxes, or rates, for public purposes. In practice, however, numerous difficulties confronted both polities. Assessors, or listers, met with various forms of non-cooperation from their neighbors; listers themselves frequently discharged their duties in rather lackadaisical fashion; constables, the embodiment of Connecticut's dual localism, were supposed to execute the office they were sworn to by the General Court or a magistrate, but, on the contrary, were often found negligent in the gathering of their neighbors' rates. Throughout the century rates, especially those for the General Court, were a perennial source of conflict between the General Court and the towns, as well as an inter-town issue. That is, the listing and collecting of colony rates affected all the towns and their relations with other towns as well as the General Court. The towns watched their fellow towns carefully in order to ensure the equitable sharing of the colony tax burden. Once again, though, the relations between the General Court and the towns were not totally rigid or doctrinaire. Composed of men not

overly-enthusiastic about paying taxes themselves, the General Court was in charge but usually in an accommodative manner.

#### A. Rates

Prior to 1651, General Court rates were levied for specific purposes and/or sums. The Pequot War (1637) was paid for by a 1637/8 levy of L620; a L200 rate was ordered in 1645 for rehabilitating the fort at Saybrook; other rates were noted in 1639 (L100), 1640 (L100), 1645 (L50), and 1647 (L100).<sup>1</sup> Before 1645, only the original three River Towns were assessed for colony rates. Between 1645-1651, Farmington and Saybrook were often included in colony rates, while the seaside towns of Fairfield and Stratford were less frequently rated.<sup>2</sup> The growth of the colony, or the "hiving-out" of Connecticut's inhabitants by the late 1640's, necessitated a more formal systemization of its rating procedures. This was accomplished in the Code of 1650.

In summary, the Code defined those who should pay, why they should pay, and how they would pay, and added penalties for non-payment or neglect of duty by any of the officers involved in the business. In March of each year the constable would receive a warrant from the colony treasurer empowering him to call the town's inhabitants together. The townspeople were then to choose three or four men, one of whom was to be the town commissioner. In August these three or four men were to draw up a list of all males over sixteen years of age and a list of the just

<sup>1</sup>CR, I, 12, 128, 30-32, 48, 128, 157. Beginning in October 1651, the General Court levied rates per L. of estate, such as a farthing on the pound or a half-penny on the L. A whole rate, the usual annual assessment, was a penny on the L. (229, October 6, 1651).

<sup>2</sup>Southampton, Long Island, a sometime Connecticut town, was also included in two rates: CR, I, 134, December 1, 1645; 175, January 25, 1648/9.

value of each inhabitant's personal and real estate. (The law included a section prescribing the value of livestock.) Prior to the September General Court the town commissioner was to bring his list to a meeting with the neighboring towns. Here the towns were required to perfect their lists. These perfected lists were then to be submitted to the September General Court which would then give directions to the colony treasurer for the gathering of a specific rate. The actual collection of a town's rate would be done by the town constable who was to appoint a day and place for the gathering. Town rates were to be made in the same way but with no extra-town interference.<sup>3</sup>

The colony records in the seventeenth century are burdened with orders relating to the assessment and collection of colony rates in the towns. A significant number of these orders deals with faulty lists, negligent collections, late presentations of either the list or the gathered rate; and fines on towns or individuals for these various offenses.<sup>4</sup> Throughout the century the General Court made repeated modifications in the colony taxing procedures in an attempt to reduce the endemic carelessness associated with the different phases of rating.

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<sup>3</sup>CR, I, 547-551.

<sup>4</sup>Fairfield (CR, I, 213, November 3, 1650; 251, May 15, 1651); Stratford, Norwalk, Fairfield, Saybrook (278-279, October 4, 1655); Stratford, Norwalk, Fairfield (357, October 4, 1660); Norwalk (360, March 14, 1660/1); New London (364, March 14, 1660/1; 379, May 15, 1662; 391, October 9, 1662; 392, March 11, 1662/3; 405, May 14, 1663); Norwalk (CR, II, 14, May 11, 1665); Stratford (CR, III, 2-3, May 10, 1678); Stonington (79, May 17, 1681; 112-113, October 12, 1682; 124, October 11, 1683; 120, May 10, 1683); Hartford, Windsor, Wethersfield (191, October 8, 1685); New London, Woodbury, Derby, Simsbury, Waterbury (CR, IV, 6, September 3, 1689; 10, October 10, 1689); Stonington (24, May 8, 1690); Wethersfield (35, October 9, 1690). Orders were passed that directed and empowered constables to collect unpaid rates by distraint: CR, II, 241-242, October 8, 1674; CR, IV, 61, October 8, 1691.

For example, in October 1656 the town constable was ordered to return the warrant he received from the colony treasurer in the spring for the collection of the colony rate to the October General Court, where he was expected to settle his accounts with the treasurer.<sup>5</sup> In March 1660/1, the General Court empowered the treasurer to issue distrainments at any time against town constables, townsmen, or commissioners who failed to perfect or transmit the town's list of estate, per order.<sup>6</sup> In March 1662/3, the constable was ordered to pay the town rate by the June Quarter Court. However, he was still allowed to make up his accounts at the October session of the General Court.<sup>7</sup> At the March 1663/4 General Court, and later confirmed by a fully-attended May 1664 session, the Court ordered that anyone who refused or neglected to give the listers a true accounting of all his cattle would forfeit any cattle left out.<sup>8</sup>

In October 1666 the General Court alluded to problems connected with the town commissioners presenting the town list to the Court and ordered that the deputies should now bring the requisite information to the first day of the October session. After it was perfected, the deputies were to present their lists to the General Court. Any neglect therein would result in a fine on the town.<sup>9</sup> The constables, still the rate-collectors, lost some of their grace-time in October 1681 when it

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<sup>5</sup>CR, I, 284.

<sup>6</sup>CR, I, 360.

<sup>7</sup>CR, I, 393.

<sup>8</sup>CR, I, 419-420, 429.

<sup>9</sup>CR, II, 48.

was ordered that they should make up their accounts with the treasurer by September 1, or a month before the October Court.<sup>10</sup> Finally, in October 1685 the constables were ordered to compose their accounts at, or before, the May General Court.<sup>11</sup> These orders reflect the General Court's continued efforts to expedite the financial affairs of the colony. As in other areas of colony concern, however, the General Court pursued a flexible course regarding taxation. On the one hand, the Court was very frugal in its public expenditures. On the other hand, the Court enacted legislation designed specifically to offer tax relief and, oftentimes, to contribute to the economic development of the towns and, hence, the colony.

For example, in May 1667 the General Court ordered that the country would pay for the hire of buildings in the towns for the purpose of storing the country (colony) rate between the time of its town collection and its colony payment.<sup>12</sup> A year earlier the Court had freed sheep from the list of estates--a measure intended to encourage the breeding of sheep for their exportable wool.<sup>13</sup> As early as October 1664, all dwelling-houses, barns, and other buildings (except warehouses) were exempted from the list of real property.<sup>14</sup> Frequently the value of the

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<sup>10</sup>CR, III, 88.

<sup>11</sup>CR, III, 189. At this Court, the constables were allowed 4d. on the L. for storage and shrinkage of corn collected for the country rate (192-193). This order overruled an October 9, 1684, act that had stipulated a constable's charges for housing, carting, as well as shrinkage or waste of corn were not to be accepted unless the cost was allowed by a commissioner or magistrate: 166.

<sup>12</sup>CR, II, 64.

<sup>13</sup>CR, II, 34.

<sup>14</sup>CR, I, 433.

commodities that rates were to be paid in--wheat, peas, Indian corn, pork, and beef--was changed in order to reflect more equitably the produce's current market value.<sup>15</sup> Periodically the General Court also re-valued livestock's rateable worth, a move that recognized the economic growth of the individual landowner's estate, but also, in effect, lowered his tax burden and encouraged breeding.<sup>16</sup> Later in the period the General Court found it necessary to establish the value of land in each town, an action indicative of a desire to curb certain local peculiarities that produced inequities between towns.<sup>17</sup> The Court also saw reason to give an allowance to Stonington and Norwich on their respective country rates of 12d. on the pound as compensation for the towns' conveying of their rates to New London.<sup>18</sup> At different times, and in different circumstances, the General Court allowed three-year dispensations from colony rates to newly-established towns.<sup>19</sup> Another General Court practice characteristic of its flexibility and realism was the usual remittance of individual and town fines pertaining to rating

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<sup>15</sup>CR, I, 61, February 8, 1640/1; 69, November 9, 1641; 79, December 1, 1642; 118, February 5, 1644/5; 550, Code of 1650; 229, October 6, 1651; 391, October 9, 1662; CR, II, 241, October 8, 1674; 269, October 18, 1675; 322, October 16, 1677; CR, III, 92, October 13, 1681; 189, October 8, 1685.

<sup>16</sup>CR, I, 549, Code of 1650; CR, II, 28, October 12, 1665; 61-62, May 9, 1667; 102, October 8, 1668; 142, October 13, 1670. The list value of sheep, a potentially valuable export item, was established in the Code of 1650, lowered in May 1660, and finally abolished in May 1666: CR, I, 549; 349; CR, II, 34.

<sup>17</sup>CR, II, 137, October 13, 1670; 294-296, October 23, 1676.

<sup>18</sup>CR, II, 37-38, May 10, 1666. Subsequently, Stonington's abatement was raised to 2s. on the L.: CR, II, 112-113, May 13, 1669.

<sup>19</sup>CR, I, 185, May 17, 1649 (New London); CR, II, 113, May 13, 1669 (Simsbury); 248-249, May 13, 1675 (Derby).



matters.<sup>20</sup> As long as the General Court's fundamental sovereignty was not impeached by a town or an individual, the Court eschewed strict legalities and self-righteous vindication and more often demonstrated a predilection for accommodation and unanimity or consensus.

The town records of the River Towns and the complementary colony records reveal little regarding financial matters in the five towns during the seventeenth century that could be termed extraordinary. Apparently the inhabitants made an effort to pay their taxes: colony and town. In February 1644/5, the Hartford town meeting ordered that within three months of a town election the former townsmen were to give an accounting of their disbursements and credits for the past year or forfeit L5 or more for neglect of their office.<sup>21</sup> This responsibility seems to have been well-honored during the century. Hartford's usual practice was to order a rate for a specific sum to meet the past year's town charges or any upcoming, specific town expense.<sup>22</sup> Windsor's records, which contain valuable itemizations of town accounts, demonstrate an apparent laxity in the collection of town rates. A January 15, 1675/6 list of unpaid town rates included one entry from 1670, several from 1671, and many due from 1673. The debts ranged from 0:05:0 or less to 1:0:09.<sup>23</sup> Although Windsor, as Hartford, rated for specific sums early in its history, it changed in the 1680's to the colony manner of

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<sup>20</sup>See n. 4 and below.

<sup>21</sup>Hartford TV, 75.

<sup>22</sup>Hartford TV, 90, March 13, 1648/9; 114, January 21, 1656/7; 141, February 6, 1662/3; 165, February 13, 1671/2; 187, December 30, 1679; 192, December 30, 1680; 222, December 13, 1687.

<sup>23</sup>Windsor TA, II, 38. See also 14a, 15, February 15, 1668/9; I, 31a, November 12, 1656; Windsor Town Accounts.

rating: so many pence or farthings on the pound.<sup>24</sup> There was apparently slight problem in Windsor's collection of colony rates.

Wethersfield, just south of Hartford on the Connecticut River, ordinarily trailed its two northern neighbors in the development of the formal apparatus or structure of government. More than other towns, Wethersfield was directed for its first twenty years by its townsmen and their prudential judgments. Thus, it was not until March 20, 1674/5 that the town meeting provided for an annual election of rate- and list-makers. Inhabitants were to bring a copy of their rateable estates, both improved and unimproved land, to these listers in August.<sup>25</sup> Prior to early 1675 there are infrequent references to raters or listers in the town records other than those apparently appointed by the townsmen.<sup>26</sup> Moreover, it was not until April 14, 1666, that the town ordered that former townsmen were to give an account of the past year's financial affairs within one month of the election of new townsmen. Any neglect carried a L5 fine.<sup>27</sup>

Middletown, bordering Wethersfield on the south, was similar to the other River Towns in not having any apparent difficulties regarding the collection of colony rates. There were some peculiarities regarding

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<sup>24</sup>Windsor TA, I, 5a, September 29, 1652; 32, February 10, 1656/7; 34, November 26, 1657; 47a, March 23, 1660/1; II, 52, January 8, 1683/4; 53, January 7, 1684/5; 56, January 12, 1687/8.

<sup>25</sup>Wethersfield TV, 144.

<sup>26</sup>Wethersfield TV, 54-55, June 16, 1658. Collectors for a town rate were first chosen at a town meeting on January 2, 1667/8 (102); listmakers were first chosen at a town meeting April 26, 1670 (109).

<sup>27</sup>Wethersfield TV, 93. The 1664 and 1665 townsmen were now ordered to give an account of town monies during their stewardship. The latter townsmen owed the town money: 98, January 9, 1666/7.

Middletown's rates, however. The Middletown church rate was extremely high as compared to the regular town rate. In fact by the 1670's, the church rate was usually a steep 5d. on the pound while the town rate fluctuated between 1d. and 3d. on the pound.<sup>28</sup> Before 1670 the town rate, like that of its neighboring towns, had been for specific, small amounts, such as L10 or L20.<sup>29</sup> These sums, civil and ecclesiastical, were collected for much of the century by ad hoc town-appointees, rather than formally-elected town listers or raters.<sup>30</sup> Throughout the period the Middletown town meeting seems to have exercised an active role in town affairs, especially financial matters. This participation in finance was clearly evident at a January 21, 1661/2, town meeting when it was decided to seek outside direction for a sudden controversy regarding the town's usual way of rating, a way which some inhabitants now sought to change. The town voted to stand by the determination of four dignitaries: one magistrate each from Hartford and Windsor and Hartford's two clergymen.<sup>31</sup> As a result, the March 3, 1661/2 town meeting stated "thee way of rating we have formerly gone in should now end and for time to come to rate according to the order of the contry

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<sup>28</sup>Middletown TV, 92, October 27, 1671; 125, November 18, 1679; 138, January 2, 1684/5; 93, January 24, 1671/2; 121-122, November 12, 1677; 140, December 29, 1685.

<sup>29</sup>Middletown TV, 18, February 2, 1654/5; 52, April 10, 1663; 78, December 22, 1668.

<sup>30</sup>Middletown TV, 23, March 14, 1654/5; 44, March 1, 1660/1; 54, November 9, 1663; 78, December 22, 1668; 106, December 31, 1673; 147, August 24, 1691.

<sup>31</sup>Middletown TV, 47.

is agreed upon by the towne."<sup>32</sup>

Although the substance of Middletown's rating dispute is obscure, the incident does manifest several realities, or themes, in Connecticut's early history.<sup>33</sup> First, Middletown had in some manner practiced an illegal way of rating itself, yet had not attracted the official attention of the General Court. Second, the town was a River Town, close to Hartford, the seat of colony authority, but also near to the ex officio ministrations of neighboring luminaries: magistrates and clergy. The four-man committee was not a legal arm of the General Court, but the members' rank and bearing cast an "official" aura over such enterprises. The settlements of disputes by similar committees in the five River Towns effectively kept these towns' conflicts and divisions out of the pages of the colony records--for the most part. Third, and finally, the circumstance of location permitted the growth of a significant contrast between the River Towns and the more distant towns. These latter localities were more apt to suffer public differences than the River Towns. The seaside and eastern towns, sans the quick, extra-General Court attentions of resident or neighboring magistrates, were more sensitive to colony measures they considered to be adverse to their particular interests.

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<sup>32</sup>Middletown TV, 48. Earlier, in 1651, Middletown was included in the colony's rating rule: CR, I, 228. At the May 1662 General Court, it was ordered that all mainland towns then, or in the future, part of Connecticut were fully included in the order regarding the manner of rating and raising country levies: CR, I, 380. With the reception of the Charter of 1662, sometime in September, however, the October 1662 Court attempted to soften their annexation of New Haven Colony and a number of Long Island towns by ordering that all mainland and Long Island plantations were to attend the Connecticut law for rating--unless the towns could individually agree otherwise: CR, I, 390.

<sup>33</sup>Most likely it had something to do with Middletown's original method of granting land, according to its current monetary value rather than by specific acreage: see Chapter IV, n. 11.

Fairfield seemed always to be involved with some sort of problem with rates, whether colony or town. The first citation of a tax in the town records was an order for two men to collect a town rate within ten days or the town marshal would do so.<sup>34</sup> Two years later a similar order directed the townsmen (or a majority of them) to distrain any inhabitants delinquent in their town rate.<sup>35</sup> Numerous instances of problems concerned with rating or gathering town rates dot the Fairfield records during the seventeenth century, a situation alien at least to the records of the River Towns.<sup>36</sup> One explanation would be an assumption that Fairfield's distance from Hartford and the locus of colony authority contributed to a qualification of colony authority, or at least the implementation of colony authority. In fact, it would seem that the farther a town was from Hartford, the more strain would be placed on Connecticut's dual localism. Unlike the forty-year Fairfield-Norwalk boundary dispute, however, the issue of rates was fundamental to the survival of the larger locality. Therefore, the General Court was decidedly more active in directing and demanding the payment of lawful rates than in, for example, prodding the colonists into building fences.

During the first few years of Fairfield's existence the General Court extracted a minimal proportion of colony rates from the seaside town. Indeed, the town's portion was estimated by the General Court, and the collection of any colony rates was haphazard.<sup>37</sup> The Code of

<sup>34</sup>Fairfield TR, B, ii, 11, February 12, 1661/2.

<sup>35</sup>Fairfield TR, B, ii, 21, June 24, 1664.

<sup>36</sup>Fairfield TR, B, ii, 78, February 22, 1671/2; 86, January 28, 1672/3; 132, December 1680; 164, December 10, 1685; 183, March 27, 1688.

<sup>37</sup>CR, I, 134, December 1, 1645; 140, April 9, 1646; 151, May 25, 1647; 175, January 25, 1648/9; 187, May 17, 1649.

1650, established in May 1650, changed the overly flexible nature of colony rating, however, and replaced it with a structured and formal procedure for listing and gathering colony and town rates.<sup>38</sup> Accordingly, a hesitant Fairfield was fined in November 1650 for not submitting a just list of estates and was ordered to pay a rate based on their last list.<sup>39</sup> In May 1651, the General Court remitted the town's fine and added a clause to the Code of 1650 that required the seaside town commissioners to meet with their River Town counterparts two days before the September General Court in order to perfect their lists in a mutual way.<sup>40</sup> Basically a River Town assembly at this early point in the colony's history, the General Court was obviously seeking to eliminate any abuses by locally-oriented, distant towns.

In 1655 and again in 1660, Fairfield failed to transmit their lists properly. The first instance elicited a fine from the General Court.<sup>41</sup> In the latter case, Fairfield's representatives directed a properly repentant, if not submissive, letter to Governor John Winthrop. The authors, in the name of the town, could not understand why their 1661 colony rate should be made according to their 1659 list. Undoubtedly, some persons would be wronged. The 1660 list (for the 1661 rate) had been drawn up according to law, they explained, and presented to the General Court, according to law, where nothing was heard against it.

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<sup>38</sup>CR, I, 547-551.

<sup>39</sup>CR, I, 213.

<sup>40</sup>CR, I, 220-221. Fairfield's first official list (8895:03:0) was presented September 11, 1651. Of the seven towns noted, Fairfield's total worth ranked below only Hartford, Wethersfield, and Windsor: 225, 229, October 6, 1651.

<sup>41</sup>CR, I, 278-279.

The town was certainly not at fault. The authors concluded that there were ample legal penalties for errors by selectmen or commissioners, the town officials principally responsible for the proper listing and rating of estates, but nowhere was there an order for a town to be rated for two years according to one list.<sup>42</sup> The ensuing General Court empowered the colony treasurer to issue distraints at any time via town constables against townsmen or commissioners who failed to perfect or to transmit town lists of estates according to General Court order.<sup>43</sup>

An example of Fairfield's scrupulous regard for the letter of the law and, not incongruously, equity, especially relating to themselves, illustrates also the geographical and symbolic distance between the River Towns and the seaside towns. Owing to the preponderance of River Town representation in it, as well as its location, the General Court could easily assume in the eyes of the outer towns the appearance of an extended River Town town meeting. Subsequent to the arrival of the Charter of 1662, a fully-attended General Court made provision for the towns' payment of the debt incurred by Governor Winthrop in securing the Charter. This Charter, or patent, rate was to be collected in the towns like a regular colony rate and then was to be transported by the towns to New London. From New London the rate was to be shipped to England to pay the Governor's debt. All transportation charges were to be paid from the next country rate.<sup>44</sup> At a General Court in March 1662/3, however, it was ordered that all the towns were to pay their own

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<sup>42</sup>Robert C. Winthrop Collection, I, 315, January 14, 1660/1.

<sup>43</sup>CR, I, 360, March 14, 1660/1.

<sup>44</sup>CR, I, 385-386, October 9, 1662.

charges for transportation of their portion of the patent rate to New London: "each Town is to discharge the costs of their owne Corne."<sup>45</sup> None of the three seaside towns--Fairfield, Norwalk, or Stratford--were represented at this special General Court. In an April 7, 1663, town meeting, Fairfield protested against five of the orders passed by the March General Court. One of the orders objected to was the measure directing the towns' to pay for all costs connected with the patent rate.<sup>46</sup> In May the town ordered its deputies to submit the town's objections to the General Court.<sup>47</sup> One result at the May General Court was the allowance to the three seaside towns of L3 each toward the patent rate's transportation to New London. These sums would be allowed out of the next country rate. However, the towns were to bear all other charges. In turn, these charges would be added to each town's proportion of the country rate.<sup>48</sup>

Norwalk's relations with the General Court were always somewhat less dramatic than those of Fairfield, New London, or Stonington. Thus, in October 1651, a simple order was passed at the General Court that Middletown and Norwalk were to be rated according to the colony's rating rule (Code of 1650). Hence, cattle and other visible estate were to be

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<sup>45</sup>CR, I, 392.

<sup>46</sup>Fairfield TR, B, ii, 16. The town also protested against a series of fees established for millers; the repeal of a recent remission of customs for wines, liquors, etc.; an order for a standing Council of River Town magistrates, if need be, between regularly scheduled General Courts; and the prohibition of commerce with New Netherland during a current plague there. See CR, I, 392-398, March 11, 1662/3. The objectionable Council held only a few meetings and its authority was repealed April 20, 1665: CR, I, 440.

<sup>47</sup>Fairfield TR, B, ii, 17.

<sup>48</sup>CR, I, 400.



included. Each town was to present an inhabitant to be sworn in as town constable.<sup>49</sup> Further prodding by the General Court in October 1652 was needed before Norwalk presented either a deputy (May 1653) or a list of persons and estates (October 1653) to the General Court.<sup>50</sup> At the October 1655 General Court, Norwalk was fined 40s. for not sending its list of estates to the Court.<sup>51</sup> In September 1660, the Norwalk town meeting voted to send a petition to the General Court about "paynge our Rates." Both sides of the issue in the town would be presented to the General Court and "what the Cort sett done shall not be altred with out the agreement of too thirds of the toone."<sup>52</sup> Disregarding the extraordinary nature of the last part of the town's sentiment, the October General Court ordered Norwalk thereafter to attend the colony law regarding rating.<sup>53</sup> The same Court noted Norwalk's continued failure to transmit a list of estates; at the March 1660/1 session Norwalk was fined 20s. for its neglect.<sup>54</sup> Other than these few incidents, the relations between Norwalk and the General Court regarding colony rates are notable for a lack of any further overt conflict.

By October 1687 Norwalk ranked 14th among 24 towns with respect to the size of the lists of estates and persons.<sup>55</sup> Of the nine towns

<sup>49</sup>CR, I, 228.

<sup>50</sup>CR, I, 235-236; 240; 246. Of the ten towns recorded in October 1653, only Middletown had a smaller list of persons and estates than Norwalk. Fairfield's list was four times that of Norwalk's; Hartford's was ten times larger.

<sup>51</sup>CR, I, 279.

<sup>52</sup>Norwalk TM, 46.

<sup>53</sup>CR, I, 355.

<sup>54</sup>CR, I, 357, 360.

<sup>55</sup>CR, III, 239. Five of the towns below Norwalk were settled in the previous twenty years.

studied, only Farmington seems as isolated and in-grown as Norwalk. Rather than confront the General Court as Fairfield and Stonington, two other towns with decidedly local orientations, so often did, Norwalk was content and almost without exception malleable in its relations with the distant General Court.<sup>56</sup> Perhaps the town owed much of its tranquility and moderation to its relative poverty, its geographical location, and the continued direction of its affairs by former Hartford residents and their sons.<sup>57</sup> Norwalk's pedestrian material progress was also reflected in its town rating procedures. The townsmen were first empowered to make annual rates in February 1662/3.<sup>58</sup> Before, these rates had been made only when necessary.<sup>59</sup> After the February 1662/3 order, town rates were not easy to collect, nor were they very high.<sup>60</sup>

On the eastern shore, New London passed a number of early town orders concerned with rating. In February 1651/2, it was decided that all lands east of the Pequot (Thames) River up to Birch Plain would be recorded at one-quarter of what the actual grant was.<sup>61</sup> Intended for rating purposes, the order also recognized local variations in land values according to cultivation and quality. In July 1655, the New London town meeting drew up a list of land values for the use of town and

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<sup>56</sup>However, Norwalk did have problems with a new meetinghouse and its boundary line with Fairfield; see Chapters IV, V.

<sup>57</sup>CR, I, 210, June 26, 1650.

<sup>58</sup>Norwalk TM, 57.

<sup>59</sup>Norwalk TM, 23, February 5, 1657/8; 38-39, February 10, 1657/8; 40, October 19, 1659; 45, March 30, 1660. Even after February 1662/3, there is little mention in the town records of town or colony rates.

<sup>60</sup>Norwalk TM, 62, December 1664.

<sup>61</sup>New London TR, IB, 23.

colony rating.<sup>62</sup> The General Court did not interfere in the matter until October 1676 when a colony committee affixed a value on all lands in the several plantations.<sup>63</sup>

While John Winthrop served as magistrate (1651-1656), deputy-governor (1658), and governor (1657, 1659-1676), New London enjoyed a favored position in the colony. Winthrop's prominence rested on his famous name, his own considerable personal abilities, and his commercial ventures and myriad contacts.<sup>64</sup> Owing perhaps to his presence and his holdings in and around New London, the General Court treated the town rather circumspectly. For instance, for the town's encouragement it was freed in May 1649 of colony charges for three years.<sup>65</sup> The first list of New London estates was presented to the General Court in September 1653.<sup>66</sup> A year later New London failed to present their list; the General Court ordered that it be given to the magistrates who would preside over the New London Particular Court.<sup>67</sup> John Winthrop intervened on the town's behalf in a letter to fellow magistrate John Talcott who was also the colony treasurer. Winthrop wrote that the town had incurred a number of charges on the colony's account and he could not quite understand "why that wch is Justly due to them should not be

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<sup>62</sup>New London TR, IB, 9, 26.

<sup>63</sup>CR, II, 294-296. New London's land values, and taxes, rose somewhat in this latter instance.

<sup>64</sup>Dunn, Puritans and Yankees, 80-187.

<sup>65</sup>CR, I, 185. Other newly-established towns enjoyed the same encouragement: see n. 19.

<sup>66</sup>New London TR, IC, 40a, April 25, 1653; CR, I, 246.

<sup>67</sup>CR, I, 265, September 14, 1654.

accepted as paid for their rate."<sup>68</sup> Winthrop's argument would appear to have had some effect because New London did not submit a list of estates at the October 1655 General Court and no notice was taken of its neglect. Meanwhile, at the same Court, Norwalk and Saybrook were fined for a similar omission, and Fairfield and Stratford were fined for not meeting together, according to law, to perfect their lists.<sup>69</sup> In March 1660/1, the New London commissioner was fined 40s. for not transmitting the town list, but the fine was, as was usual in the colony, remitted in May 1662.<sup>70</sup>

New London's relaxed approach to the paying of colony taxes precipitated a town-General Court dispute in 1663 when the Court fined New London's commissioners rather heavily for not following "any rule of Righteousnes in their worke, but have acted very corruptly therein." The General Court ordered that New London's actual list of estates should be at least L8500 and directed the colony treasurer to send a warrant to the New London constable to collect the colony rate of a penny on the pound according to this sum.<sup>71</sup> Obedient to the Court's order, the March 31, 1663, New London town meeting named four men to

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<sup>68</sup>John Winthrop Letters Relating to Connecticut, 1641-1675 (Hartford, 1937) [photostat copy at Connecticut State Library of typewritten transcript made by Massachusetts Historical Society], January 10, 1654/5.

<sup>69</sup>CR, I, 278-279. New London did present their list in 1656, and usually thereafter: 285, October 2, 1656. The Winthrop Papers (Massachusetts Historical Society) contain two letters from New London to Governor Winthrop a few years later, asking whether or not a rate other than a whole rate of a penny on a pound would effect the levying of the head tax of 18d. on a L.: John Tinker to John Winthrop, Jr., April, May 1660; James Rogers to John Winthrop, Jr., January 3, 1660/1.

<sup>70</sup>CR, I, 364, 379.

<sup>71</sup>CR, I, 392, March 11, 1662/3.

make the prescribed country rate of 35:08:09 (d. on L8500). However, the town also directed the four men "to draw a petition to the Court respecting all the Grievances of the Towne." The town felt that the two original commissioners had failed only in assessing a few houses. Moreover, New London voted that the 35:08:09 due was an over-rate by the Court of L1500.<sup>72</sup>

At the May 1663 General Court, the fines imposed on the two New London commissioners in March were remitted.<sup>73</sup> Apparently, though, the Court did not agree totally with New London's petition because a month later at a town meeting further grumbling was recorded. According to the town's list, the country rate should have been 29:03:09; the Court, however, still said 35:08:09.<sup>74</sup> Nevertheless, moderator Obadiah Bruen's minutes, or agenda, for the July 20, 1663 town meeting noted a message received from the Court ordering a 31:05:0 rate. The town quickly accepted the proffered compromise and ordered the collection of the more palatable rate.<sup>75</sup>

New London, to say the least, was tenacious about the rating matter. Just three months after the General Court-initiated settlement, the town commissioners submitted a list of persons and estates for 1663 to the General Court totaling 7185:11:0, the same 1662 town list rejected by the Court earlier in the year.<sup>76</sup> Six months later in his notes

<sup>72</sup>New London TR, IF, 6. At a May 7, 1663, town meeting, the prepared petition was read and agreed upon (8).

<sup>73</sup>CR, I, 405.

<sup>74</sup>New London TR, IF, 10. The town's list valued the town's estate at 7185:11:0, rather than the colony's estimation of L8500.

<sup>75</sup>New London TR, IF, 10-11. The compromise represented a list of estates just under L7450.

<sup>76</sup>CR, I, 411.

preparatory to an April 18, 1664, town meeting, Obadiah Bruen referred disingenuously to the recently-sent 29:18:09 country rate (per a 7185:11:0 list) as the first he had seen of it.<sup>77</sup> The triumph of New London's tenacity was short-lived, however, for in the next two years its list rose from 8040:06:0 (1664) to 9059:02:0 (1665).<sup>78</sup> Thereafter, New London was co-operative with the General Court regarding the listing and paying of country rates. While New London's truculence relating to rates was brief, its neighbor's was recurrent and exposed the fundamental prerogatives of the General Court.

Of the towns studied in seventeenth-century Connecticut, Stonington is the prime example of a town with a self-conscious particularistic localism arrayed, as it were, against the sovereign localism of the General Court. Perhaps it was Stonington's initial fifteen years of existence as first a trading outpost, then a part of New London, next a Massachusetts town, and finally, through a formal submission in October 1664, a Connecticut town that contributed to the town's pre-eminent localism. This localism was tempered by the town's need for General Court assistance, though, against Rhode Island in the endeavor for extending the town's boundaries east of the Pawcatuck River.<sup>79</sup>

Once a Connecticut town, Stonington and the General Court began their relationship in a less than amicable manner. With the delivery of

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<sup>77</sup>New London TR, IF, 24, 25.

<sup>78</sup>CR, I, 432; CR, II, 28. There was additional fluctuation in 1666 (L7761) and 1667 (8463:06:0): CR, II, 49, 72. During late 1664, New London made a fruitless effort to regain Mystic-Pawcatuck (Southern-town-Stonington) and their taxes, formerly paid to New London: New London TR, IF, 26, September 21, 1664; CR, I, 434, October 13, 1664.

<sup>79</sup>See also Chapter V. Fairfield represents a second example.

the new Charter in September, the October 1662 General Court ordered that Mystic-Pawcatuck (Stonington) could exercise authority only from Connecticut. Moreover, the inhabitants were to choose a constable and were to pay a L20 proportion of the patent or Charter rate by November.<sup>80</sup> The Stonington patent rate was protested as inequitable even by the Massachusetts General Court in one of a series of letters between the two colonies in the next two years.<sup>81</sup> The tax was resented most intensely by the town itself, a disposition reflected in the town's unwillingness to submit readily to Connecticut within the next two years. The Connecticut General Court's advice to Thomas Minor, one of the few in Stonington ready to submit to Connecticut, was to be peaceable toward those townspeople who opposed uniting with Connecticut but to obey no other authority in the town than the Court's.<sup>82</sup>

Stonington formally submitted to Connecticut at the October 1664 General Court.<sup>83</sup> Connecticut agreed to consign any apparent contempt of

<sup>80</sup>CR, I, 389-390. The Court also ordered that all towns within the new colony boundaries were to pay a due proportion of the patent (Charter) rate.

<sup>81</sup>Manuscript Stack, Connecticut Historical Society, Hartford, October 31, 1662. Edward Rawson, the Massachusetts Secretary, wrote that the Connecticut General Court required Stonington to pay a rate before the town was represented at the General Court: CA, 1st Ser., Towns and Lands, I, i, 42, October 31, 1662.

<sup>82</sup>CR, I, 411, October 8, 1663. The Court added that he would be compensated for any wrong he suffered. See also the fascinating Miner and Stanton, Jr., eds., Thomas Minor Diary, especially 52, 53, 59-60. The unfriendly reception of a Connecticut official in Stonington was described in a letter from the Connecticut General Court to the Massachusetts General Court: CA, 1st Ser., Towns and Lands, I, i, 45, May 1, 1663.

<sup>83</sup>Thomas Minor noted on May 8, 1664, that two representatives were to go to Norwich to surrender the town to Connecticut: Miner and Stanton, Jr., eds., Thomas Minor Diary, 63. At this moment, Massachusetts was counselling moderation in Stonington pending a full conclusion to the jurisdictional dispute: Massachusetts Colony Records, IV, ii, 103, May 18, 1664; CA, 1st Ser., Towns and Lands, I, i, 48, May 18, 1664. The town's formal submission to Connecticut is in Robert C. Winthrop Collection, I, 89, October 14, 1664.

authority on the town's part to "perpetuall oblivion and forgetfullness." Now firmly part of Connecticut, the town was ordered by the Court to present within one month a true list of persons and estates to the colony treasurer to enable the town to pay their rates for 1663 as well as 1664. Further, Stonington was still required to pay a L20 patent rate.<sup>84</sup> Committed to Connecticut, however tenuously, a November 11, 1664, Stonington town meeting addressed itself to the "20 pounds for there pattent Charter." The rate was discussed by the inhabitants "& Consequently agreed upon at the same meeting." However, it was also decided to send a petition to the Connecticut Council regarding the town's prescribed payment of a single rate (1663) and a double rate (1664).<sup>85</sup> The plea apparently fell on deaf ears.

Stonington's difficult entrance into the Connecticut Colony provoked boundary and jurisdictional problems with Rhode Island and Massachusetts, Indian problems with the sorry remnants of the Pequots, and continuous problems between the town and the General Court about financial matters. Whether it was the unusual background of the town, its frontier location, the town's disparate settlement pattern, or the

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<sup>84</sup>CR, I, 433-434.

<sup>85</sup>Stonington TV, I, 3. The town even prevailed on Amos Richardson, one of John Winthrop's associates in the Narragansett Company, to write a letter, soliciting encouragement--and fewer changes, to the Governor on December 16, 1664, from Boston. Thomas Stanton, a prominent Stonington settler, wrote to Governor Winthrop twice with regard to the colony's expectations: on November 17, 1664, Stanton described the town's land plight--they did not have enough land, a need that could be met east of the Pawcatuck River. Besides, Stanton wrote, John Winthrop had assured the inhabitants himself that they were not wanted for their money; yet, look at the rate imposed on the town by the General Court. How could they pay? A February 7, 1664/5 letter stated the town was waiting to hear an answer to their supplication for tax relief. Winthrop Papers, Massachusetts Historical Society. Stonington was still complaining about the patent rate in 1675: CR, II, 577; see also below.



independent nature of the settlers, the result was a persistent strain in the relations between the town and the General Court.<sup>86</sup> Stonington's subordination to the Court seemed always tentative and quite often a conscious act on the town's part rather than a natural, or traditional, submission. Financial relations between the two localities illustrate the overly divisive quality such a situation might impart to Connecticut's dual localism when the respective interests of town and colony seemed to be at odds.

Stonington's financial problems included miscast lists for the country rate; unlisted town estates, complained of to the New London County Court by the town selectmen; deficiencies in the collection of country rates; the neglect of Stonington's listers to present the town list to the General Court, an omission resulting in fines (remitted a year later); and, after the overthrow of Sir Edmund Andros' Dominion of New England in May 1689, the disavowal by the townsmen of the constable's list of estates, an action that effectively prevented the gathering of the country rate for the reinstated 1687 General Court.<sup>87</sup> These incidents between 1674-1690 represent an aversion to taxation shared by most of the colony's towns, if not indulged in quite so readily and publicly as by Stonington. One episode in particular serves to demonstrate quite

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<sup>86</sup>Stonington did not make actual provision for a town plot until March 9, 1674/5 (Stonington TV, II, 18); see also I, 80, July 5, 1667; II, 10, December 3, 1673. This was a reversal of the normal Connecticut settlement pattern, a damper on control--and a boon to independence.

<sup>87</sup>CA, 1st Ser., Finance and Currency, I, 1, May 15, 1677; CR, II, 308, May 15, 1677; New London County Court Records: Trials, III, 1670-1681, 71, September 15, 1674; Connecticut Colonial Records, 1659-1701, LIII, 19, October 8, 1674; New London County Court Records: Trials, III, 1670-1681, 78, June 1, 1675; 73, September 15, 1674; 61, June 5, 1673; Stonington TV, II, 15, September 8, 1674; CR, III, 112-113, October 12, 1682; 124, October 11, 1683; CR, IV, 24, May 8, 1690.

graphically the maverick nature of independent-minded Stonington during this period. That is, the "proclamation" of a remonstrance by Stonington to the General Court that questioned not only specific General Court actions, but implied criticism of the sovereign and fundamental right of the Court to function as the supreme political power in Connecticut.

The act of the General Court that precipitated the Stonington remonstrance was a double tax for 1674. In May the General Court noted some unpaid charges regarding the procurement of the Charter of 1662. Therefore, the Court granted a rate of a penny on the pound for three years, to be collected in the same manner as a colony rate but to be paid to Governor Winthrop or his assignee.<sup>88</sup> In October the Court granted the usual colony rate of a penny on the pound and added that it should be collected along with the new patent rate.<sup>89</sup> At the same session the Court passed new legislation for the payment of delinquent country rates. If the constable was forced to distrain, he could sell part of the individual's estate at an outcry so as to be able to purchase the prescribed specie for payment of the country rate--usually equal parts of wheat, peas, Indian corn, or pork.<sup>90</sup>

Stonington's March 9, 1674/5 town meeting passed a vote "that the rate makers shall nott make the Coutry Rate for more then one peney in the pound" in order to defray necessary charges. It was further voted "that the town doe adress themselves to the Court Respecting their greivances concerning the order of Constraint upon our estates in Case

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<sup>88</sup>CR, II, 231.

<sup>89</sup>CR, II, 237.

<sup>90</sup>CR, II, 241-242.

of defect of ye spesie mentioned in Court order." A town committee was appointed to go to Norwich and New London to discuss the matters with these neighbors.<sup>91</sup> A month later the town moderator, George Denison, proposed that those who wished to pay both rates could do so, but the others would pay only a penny on the pound until the General Court was properly petitioned.<sup>92</sup> At the April 26, 1675, town meeting John Stanton was chosen to attend the May General Court to manage the town's business regarding "their Suplications to the honoured Court." The town was unhappy about the size of the country rate and their inability to pay in the designated specie. The people were also unhappy about the provision for selling their estate at an outcry should they either not pay in the proper specie or have any defect in their payment. The townsmen were ordered to draw up a paper respecting the town's grievances for presentation to the General Court. The town added that it would stand to the consequences.<sup>93</sup>

The document, Stonington's declaration of grievances, was prepared and signed by the townsmen--Thomas Stanton, Sr., George Denison, Nathaniel Cheesebrook, Samuel Mason, and John Denison--and was presented to the May 1675 General Court by John Stanton. It began "there hath been some Acts, orders, or Laws; passed by Authoritie in this Collony the which, wee in our weake apprehentions humble Conceive to bee

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<sup>91</sup>Stonington TV, II, 18.

<sup>92</sup>Stonington TV, II, 19, April 6, 1675. Regarding those who did not choose to pay the double rate, Denison proposed "that noe Constraint bee unto any person in the town Respecting the former Act" (*ibid.*). Thomas Minor was at a New London town meeting on April 6 when the order about the rate was "Interpreted" (Miner and Stanton, Jr., eds., Thomas Minor Diary, 128).

<sup>93</sup>Stonington TV, II, 21.

prejudiciall unto our peace and priveleges: and exposes our Liberties unto greater hazard." The paper asked the Court to nullify any acts detrimental to the town's liberty or to justify the acts by rule or reason since "a forct Christian and Blindefould obedience is seldom good." Specifically, the first part of the declaration listed five acts they sought "Clearer Light" about: 1) Stonington was forced to pay for the Charter while other towns [Wallingford, Woodbury] were not; 2) the town was not allowed to choose its own commissioners as they had when under Massachusetts' jurisdiction; 3) Stonington was not allowed to exercise a common town liberty, i.e., to dispose of their town lands and to admit persons into the town; 4) a number of the town's men were pressed as soldiers for duty outside the colony; and 5) Massachusetts land grants were laid out in the town under order of the Connecticut General Court but in a prejudicial way for the inhabitants.<sup>94</sup>

The second part of the declaration asked the Court to give the town further light regarding two recent orders that the town feared the consequences of. The first was the added penny on the pound rate. Surely a single tax was enough for country expenses. If the extra charge was for Governor Winthrop then it should be a voluntary, rather than a forced, contribution. The town had paid its portion of the patent rate and had received a certificate of discharge from the country to prove it. Therefore, "wee have At present suspended our observance of that order untill wee inquier, and bee in Reason satisfied from your selves, of the Law Reason or Equitie of the same: wee being, (as wee trust you are) very tender of our Lawfull Liberties."<sup>95</sup>

<sup>94</sup>CA, 1st Ser., Towns and Lands, I, ii, 166, May 1675; CR, II, 577-578.

<sup>95</sup>Ibid.

The second order was the granting of power to the constable to distrain for country rates by seizing the delinquent's goods and selling them at an outcry to satisfy the debt. Stonington was appalled at this order, "soe strange and unheard off in any off our Christian Governments." The town explained that it never had the prescribed specie for country rates, a situation "which Caused us, to request that such estate as is rateable might alsoe bee payable, to those Rates which request wee deemed but Rationall." If this order was the answer to the town's request it was to Stonington a "matter of wonderment."<sup>96</sup> The town noted its general obedience to the General Court, but attempted also to define, or phrase, limits to the Court's powers.

Referring to the extra rate and the constable's new authority, the Stonington declaration went on "if this Law stand, (with the former) wee plainl̄y discern that by law, our all, is Come to nothing: and wee, our estates liberties and persons, subject unto servitude." Continuing in their earnest and friendly, but extraordinarily pointed manner, the town wrote "yett are wee willing to bee Confident, that you will not assume unto your selves more power then Law Reason and religion, will give: neither wee hope any thing which may Curtelize or infringe our Just liberties."<sup>97</sup> In short, Stonington's communication to the General Court was a brief against arbitrary government as well as several acts passed by the Court (potentially such a government?) deemed detrimental to the local interests of the plaintiff. Stonington's circumstances and background, and nerve, however, were unique in seventeenth-century Connecticut. Its independent-like posture during periodic conflicts with

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<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

the General Court was attributable to its genesis as a Connecticut town; the continuing Connecticut-Rhode Island boundary dispute, which bestowed a strategic importance on the town; the settlement of Massachusetts and Pequot Indian land grants within the town's bounds; and to a small populace directed by a number of men bold in their pursuit of local interests, such as the Stantons, Minors, Cheesebrooks, and George Denison. While the other towns in the colony were either directly under Hartford's influence (and near many magistrates) or had strong connections with the General Court (New London--Governor John Winthrop; seaside towns--settled from River Towns; resident magistrates), Stonington stood off in an area that was actually an arena of inter-colony animosities. By its nature Stonington was not amenable to the colony interest when said interest seemed to infringe on Stonington's own perceived interest. Here, in eastern Connecticut, is where the Connecticut dual localism underwent its sharpest definition. For their own particular reasons, the colony and Stonington were not readily accommodative toward each other.

On receiving Stonington's declaration, the May 1675 General Court could only express its "amazement" at the town's communication "wherein they complain and charge the authority with acts, orders or lawes passed by them prjudiciall to peace, exposeing their liberties to hazard." The Court's effective response was swift: "such practices ought to be crushed and due testimonie to be borne against the same according to the penalty expressed in the law, by fine, imprisonment and disfranchizement." Noting some acknowledgement of error by the town's representatives and noting also Governor Winthrop's plea for leniency, the Court condescended to abate all punishment except for George Denison and John Stanton, the town's deputy and a signer of the paper, and the

presenter of the paper respectively. Denison and Stanton were both fined L10; in addition Denison was prohibited from serving in any office in the colony during the Court's pleasure. The objectionable taxes were all to be paid by Stonington by the end of the summer "in money or corn according to order." The four other townsmen who had signed the declaration were to give an account of their misdeed when called upon to do so by the General Court.<sup>98</sup> Within a month the opportunistic New London County Court compounded Stonington's financial misery by ordering the collection of an overdue county rate. The rate was to include 30s. in marshal's fees for several less than fruitful journies that official had made to previously obdurate Stonington in order to obtain Stonington's portion of the county rate.<sup>99</sup> Stonington complied with the General Court's order at the October 26, 1675, town meeting where "it was passed by Voate that the Rate for the yeare 74 which Country Rate is yett unpaid shall bee made for twoo pence p the pound."<sup>100</sup>

Stonington might have continued its opposition to the General Court even in the face of that Court's reaction to the impugning of the General Court's authority. Between the May 1675 General Court and the next Stonington town meeting, on October 26, 1675, however, the colony became involved in King Philip's War. Stonington's location made the town a very possible target of the Indians. Hence, Stonington had need of Connecticut's military assistance as evidenced in a June 30, 1675, letter from Thomas Minor and Thomas Stanton, Sr., one of the signers of

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<sup>98</sup>CR, II, 258-259.

<sup>99</sup>New London County Court Records: Trials, III, 1670-1681, 78, June 1, 1675.

<sup>100</sup>Stonington TV, II, 21.

the remonstrance, to Governor Winthrop and the Council at Hartford. Neither the remonstrance nor its consequences were mentioned in the letter.<sup>101</sup> Indeed the fines on George Denison and John Stanton were remitted for service during King Philip's War.<sup>102</sup>

Stonington's experience, and example, were not quickly forgotten. Writing to the Connecticut Council on March 4, 1675/6, magistrate Thomas Topping of Milford lamented that some of his town's inhabitants were not doing their share regarding the town's fortifications according to a General Court order of October 14, 1675. In fact they had already extended the time allowed for said work and were now seeking to extend it yet again. Topping added: "if I may presume to tell you my opinion that the way to have peace in ye Generall and in perticular plantations, is to reallize your acts and orders, or elce wee shall, as well as stonington thinke wee can mend them."<sup>103</sup> And finally, Stonington itself drew on its own short-lived precedent regarding the non-payment of colony taxes. With the overthrow of Andros' Dominion of New England in May 1689, and the almost immediate resumption of government by the General Court sitting in 1687, a number of towns and individuals refused to pay colony taxes--at first. They questioned the legality of such a reconstituted government. Stonington was prominent in this opposition to the General Court.<sup>104</sup>

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<sup>101</sup>Winthrop Papers.

<sup>102</sup>CR, II, 310, May 17, 1677.

<sup>103</sup>Wylllys Papers, CHSC, XXI, 232-234; CR, II, 416. The General Court had ordered the towns to fortify themselves: CR, II, 268-269.

<sup>104</sup>See CR, IV, 6, September 3, 1689; 10, October 10, 1689; 24, May 8, 1690; 34-35, 36-37, 38, October 9, 1690; 61, 62, October 8, 1691. For an animated presentation of this recalcitrant point of view, see



### B. The Indians

During the seventeenth century, Indians were a continuous source of concern in Connecticut. The Pequot War (1637) and King Philip's War (1675-1676) were to the colonists the unwelcome culminations of a perennial Indian menace. During these years there occurred also periodic Indian war scares. The result in regard to the General Court was twofold: the Court, rather than the towns, was the authority that dealt officially with the Indians whether in discussions or through various Court orders. Second, the function of the General Court as spokesman for the colony, and the colony interest, raised the possibility of the Court's placing itself between the Indians and the towns. The activities of the Court might interfere with town interests, thus casting the General Court in the role of a neutral party, or mediator, or even into the position of an ally of the Indians against a town.<sup>105</sup> Towns with Indian neighbors, especially on the eastern shore, were less likely to suffer the presence of Indians gladly and magnanimously.

Numerous orders were passed by the General Court regarding Indians. These orders were intended to maintain peace and order among the Indians, as well as between the Indians and the English.<sup>106</sup> The sale of guns and/or powder and lead to Indians was variously prohibited

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Gershom Bulkeley, Will and Doom, or The Miseries of Connecticut by and under an Usurped and Arbitrary Power, 1692, CHSC, III, 69-269. Under the circumstances, it is difficult to distinguish between principle and convenience.

<sup>105</sup>All in all, Connecticut's treatment of its Indians was moderate, seldom vindictive, and on the whole rather charitable. See Vaughan, New England Frontier, especially 309-338; see also DeForest, History of the Indians of Connecticut.

<sup>106</sup>These orders also mirrored the state of affairs between the Indians and the colonists current at their passage.

(1636, 1642, 1675) and allowed (1669) as was the sale of liquor or cider (1654, 1659, 1660, 1669).<sup>107</sup> The movement of Indians at night or in the vicinity of towns, as their settlement, were all regulated (1638, 1640, 1652, 1653, 1656/7, 1657, 1660, 1661, 1663) as was trade between the two peoples (1642, 1643, 1649, 1675).<sup>108</sup> A very important effort by the General Court was the strict regulation of exactly where Indians might settle as well as a self-conscious attempt to maintain such boundaries against other Indians--or the English (1647, 1650, 1660, 1663, 1679, 1680).<sup>109</sup> Provision was made for bringing Indians to English justice for crimes committed against the colonists (1650, 1669).<sup>110</sup> All of these orders were intended to serve as controls over Connecticut-Indian relations. Their implementation was even-handed and equitable, albeit self-evidently gratuitous at times, a form of colonial statesmanship often lost on a hard-working Connecticut farmer.

The River Towns had minimal trouble with their Indians. Middletown's boundary dispute with the Indians east of the Connecticut River near Wangunk in the mid-1660's was settled initially by two Hartford magistrates.<sup>111</sup> When this settlement became inadequate, the town requested the assistance of two other Hartford magistrates, John Allyn and John Talcott--both experienced in effecting extra-General Court

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<sup>107</sup>CR, I, 1, 79; CR, II, 271, 119; CR, I, 255, 338, 354; CR, II, 119.

<sup>108</sup>CR, I, 19, 46-47, 235, 240, 293, 294, 351, 375, 408; 74, 95, 197-198; CR, 252.

<sup>109</sup>CR, I, 149-150, 529, 350, 402; CR, III, 42-43, 54-57.

<sup>110</sup>CR, I, 531-533; CR, II, 117.

<sup>111</sup>CR, II, 14, May 11, 1665; Middletown TV, 69, May 4, 1666; Connecticut Colonial Records, 1659-1701, LIII, 2, May 25, 1669; Middletown TV, 84, March 30, 1670; 85, April 24, 1670.

mediations of Middletown problems.<sup>112</sup> At a June 18, 1672, town meeting, Middletown made an effort to end all further Indian claims to land within its town bounds. The Indians were to be granted land either from town holdings still undivided or from other land the Indians might propose to the town. But, in return, the town expected assurance from the Indians that there would be no further claims of town land. Allyn and Talcott were asked to conclude the agreement with the Indians.<sup>113</sup>

Farmington's experience was somewhat different. The town was perfectly content to follow the directions of the General Court when some of the local Indians fired a house in the town and were accordingly fined by the General Court.<sup>114</sup> Stepping in again in August 1658, the Court ordered the Tunxis Indians to move their garrison and to send away any strange, or foreign, Indians whom they were illegally entertaining; there was "danger to ye English by Bullets shot into the Towne in their skirmishes."<sup>115</sup>

The seaside towns had Indian neighbors, but like the River Town Indians these were small tribes, and coincidentally not given to conflict with the more numerous colonists. As early as October 28, 1657, the Norwalk town meeting appointed a committee to treat with the Indians about allowing English cattle to feed in the Indians' planting field.<sup>116</sup>

<sup>112</sup>Middletown TV, 89, March 22, 1670/1.

<sup>113</sup>Middletown TV, 101. See also 102, February 12, 1672/3; 103, March 11, 1672/3: some Middletown inhabitants, about to be dispossessed of land near Wangunk, east of the Connecticut River, were to be compensated.

<sup>114</sup>CR, I, 299, May 21, 1657; 303-304, August 18, 1657. By November 9, 1650, these fines were already two years overdue (343).

<sup>115</sup>CR, I, 318-319.

<sup>116</sup>Norwalk TM, 33.

A dispute that did arise in June 1658 between the Indians and Norwalk concerned trespassing English hogs and was settled at the seaside.<sup>117</sup> In December 1659 the town meeting appointed a committee to investigate and to prosecute, if necessary, any wrongs done by Indians to town hogs.<sup>118</sup> True to its in-grown, land-oriented ethos, Norwalk's further dealings with its Indians were mainly agricultural and amicable, except for the Indians' neglect of proper fencing.<sup>119</sup> Fairfield's Indian relations were concerned mainly with the purchase of Indian lands for the town's expansion, although the town's long dispute with Stratford over Pequannock directly involved the Pequannock Indians.<sup>120</sup>

The eastern towns, settled originally near the coast, bordered on a wilderness consigned for the moment to the Mohegans, the Niantics, and the remnants of the once-mighty Pequots. A few miles away in Rhode Island lived the Narragansetts, the bitter enemies of the Mohegans. These Mohegans were led by the long-lived and crafty chieftain, Uncas, and made their home north of New London around present-day Norwich. Uncas had seceded from the Pequots (or original Mohegans) in 1636, a

<sup>117</sup>Norwalk TM, 35. The Indians apparently first complained to the General Court or a seaside Particular Court.

<sup>118</sup>Norwalk TM, 41. It would seem that this difference is that referred to by the General Court, May 17, 1660, when a committee of seaside men was appointed to hear and determine a Norwalk-Indian dispute: CR, I, 353.

<sup>119</sup>Norwalk TM, 43, March 1, 1658/9; 58, March 10, 1663/4; 62, September 14, 1664; 65, April 18, 1665; 87, March 15, 1669/70; 88, April 12, 1670; 91, March 7, 1670/1; 139, December 12, 1687. The town also conducted the purchase of its northern boundaries from the Indians, as granted by the General Court: CR, II, 67, May 9, 1667; Norwalk TM, 85, December 25, 1669; 86, January 22, 1669/70; 88, June 1, 1670; 96, February 9, 1671/2.

<sup>120</sup>Fairfield TR, B, ii, 56, March 15, 1668/9; 63, September 10, 1670; 64, October 21, 1670; 131, September 24, 1680. For the Pequannock problem see Chapter V.

year previous to the Pequot's virtual annihilation by Connecticut. Uncas' fortuitous move had earned him the enduring friendship and support of Connecticut, and later, the New England Confederation. The colony's patronage of Uncas included a personal exemption from an order restricting a visiting chieftain's entourage of warriors (1644), an alliance with the Mohegan against the Narragansetts and Niantics (1645), and provision for Uncas' defense against a possible Narragansett attack via a group of colonists (1657).<sup>121</sup> Uncas, however, was a wily character. Assured of the colony's friendship and a consistent interest in maintaining Indian allies, Uncas indulged himself in dubious schemes relating to such diffuse activities as controversial Mohegan land claims and the illegal detention and enslavement of Indian surrenderers from King Philip's War. In such ways Uncas earned for himself everywhere a questionable reputation except, it seemed, at the Connecticut General Court.<sup>122</sup>

Given the Court's disposition to cultivate Uncas' friendship, and in this way make use of whatever influence he enjoyed with other tribes, the frustrated local interests of the eastern towns, Uncas' neighbors, could conceivably engender town hostility against the Court.

<sup>121</sup>CR, I, 106; 130; 301-302. For descriptions of Uncas within the context of New England colonist-Indian relations see Vaughan, New England Frontier, 155-184; and Douglas E. Leach, Flintlock and Tomahawk: New England in King Philip's War, pb. ed. (New York, /1966/), 22-25, 56-57, 146-147, 245.

<sup>122</sup>See Vaughan, New England Frontier, and Leach, Flintlock and Tomahawk. A number of Indians testified on September 19, 1663, about Uncas' actions in connection with the Pequot country, which they felt he was unjustly laying claim to. These Indians contended that Uncas had been driven out of the Pequot area prior to the Pequot War (1637), but had joined the English in the War "and so, since, the English have made him high" (CR, III, 478-480). See also CR, II, 472-473, August 22, 1676; 314-315, May 19, 1677; 591-594, May 4, 5, 1678. Uncas was implicated in an alleged 1669 Indian plot: CR, II, 548-551.

New London especially was affected by the General Court's policy. The town felt unduly hampered by the Court's pose of honest broker vis-à-vis Mohegan sensibilities and New London claims.

Responding promptly to information that New London inhabitants had dispossessed Uncas of his fort and many of his wigwams, the March 1653/4 General Court directed a letter to be sent to New London ordering an immediate end to deprivations on the Indian planting grounds or other rightful possessions of the Mohegans. The Court expected an accounting from New London if the charges were true.<sup>123</sup> The May 1654 General Court reacted to another Uncas complaint by appointing a Court committee, with Uncas' consent, to join with John Winthrop in settling the boundary between the Indians and the town in an equitable way. The committee was also instructed to try to compose any differences between the two parties "in love and peace."<sup>124</sup>

A more serious boundary problem between New London and Uncas occurred in 1663 and moved the May session of that year's General Court to name a committee to hear the matter and report back to the October General Court.<sup>125</sup> In its turn, the June 9, 1663, New London town meeting appointed Cary Latham and Obadiah Bruen to speak with the General Court's committee "sent to heare the Case depending (as the Court expreseth it)

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<sup>123</sup>CR, I, 251. At the May 17, 1649, General Court, when New London (Pequot) had officially joined the colony, the Court had agreed to discuss with Uncas a ban on the setting of traps by his men. However, the Court had refused a New London request to prohibit Uncas' tribe from hunting or fishing within the town's bounds: CR, I, 186.

<sup>124</sup>CR, I, 257. The committee's report, dated June 10, 1654, is in CR, II, 42-43.

<sup>125</sup>CR, I, 405.

depending [sic] betwixt Uncas and the Inhabitants of new London."<sup>126</sup>  
 Unsatisfied with the results of this meeting, the September 16, 1663,  
 town meeting directed an expanded town committee "to heare the grevanses  
 of or Inhabitants of wrong don them by the Indins & draw a petition in  
 the Towns behalfe."<sup>127</sup> Consequently, the October 1663 General Court  
 named a committee of area men (one each from Stonington, Norwich, and  
 New London and two from Saybrook) to establish the New London boundary  
 with recently-settled Norwich. The Stonington and Saybrook members of  
 the committee were further ordered to conclude the New London-Uncas  
 boundary. In the latter case, the committee was to determine compensa-  
 tion for Uncas for any of his lands that might fall within the bounds  
 confirmed to New London by the General Court.<sup>128</sup> The committee report  
 about the New London-Uncas line noted its findings and awarded Uncas L15  
 in current pay for his land now within New London's determined bounds.<sup>129</sup>  
 However, the October 26, 1663, New London town meeting named its own  
 committee to meet the General Court's committee appointed to settle New  
 London's boundaries and directed the town committee "from the Towne to  
 disalow any procedings in laying out of any boundes for us by them."<sup>130</sup>

New London's initially adamant stance versus the Court commit-  
 tee's findings had sufficiently dissipated by December 14, 1663, when a

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<sup>126</sup>New London TR, IF, 10.

<sup>127</sup>New London TR, IF, 12.

<sup>128</sup>CR, I, 411, 413. These orders were copied in New London TR, IB, 99. Uncas had precipitated the issue by a sale of land to Norwich: CR, I, 393-394, March 11, 1662/3.

<sup>129</sup>New London TR, IB, 99, October 15, 1663.

<sup>130</sup>New London TR, IF, 16; IB, 97.

town meeting voted to pay Uncas the L15 in a town rate.<sup>131</sup> The sum was not forthcoming, however, and Uncas took his complaint to the May 1665 General Court, which proceeded to appoint a committee to hear the chief's accusations and make a full report to the Court.<sup>132</sup> On October 12, 1665, the General Court empowered the same committee to hear Uncas' charges about his rights near New London and to make a full determination and issue of them.<sup>133</sup> The committee heard Uncas' land complaints on October 20 at Hartford. Based on his testimony and the findings of the 1663 General Court committee, the current Court-appointed committee concluded that Uncas should be paid L20 for his interests.<sup>134</sup>

At the November 24, 1665, New London town meeting there was a cursory allusion to the L20 agreement between Uncas and the General Court "wch the Court desire for settling or bounds & peace sake might be paid him."<sup>135</sup> No provision was made for collecting this debt, though, and on June 1, 1666, the town took the curious step of appointing agents to manage the Uncas affair before an inferior tribunal, the New London County Court.<sup>136</sup> New London's case was decidedly offset by the testimony

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<sup>131</sup>New London TR, IF, 19; IB, 86.

<sup>132</sup>CR, II, 16. The character of the committee was in marked contrast to the usual local coloring of General Court-appointed committees. Of the four men named, there were deputies from New Haven and Saybrook and one magistrate each from Guilford and Hartford.

<sup>133</sup>CR, II, 26. The committee was the same as that appointed in May, except for the substitution of a Hartford deputy for the New Haven representative.

<sup>134</sup>CR, II, 512. The same committee met at New London on November 13, 1665, to settle other matters concerning Uncas: 511-512.

<sup>135</sup>New London TR, IG, 7.

<sup>136</sup>New London TR, IG, 15.



of Governor John Winthrop (Hartford), Deputy-Governor John Mason (Norwich), Matthew Griswold (Lyme), and Uncas, or at least the October 1666 General Court, "often troubled with debates about ye differences," thought so. The Court reaffirmed the 1665 General Court committee's boundary findings as well as their award of L20 to Uncas and ordered the total sum paid by May 1, 1667, under penalty of a L25 fine.<sup>137</sup>

New London's last attempt to free itself of the onerous debt to Uncas was in the form of a petition to the May 9, 1667, General Court, requesting that the Court listen to the town's deputies or attornies "in the behalfe of or despised place." The town had not yet paid the debt, not out of contempt for the Court, but rather to gain an opportunity to answer the judgment passed against them in a new court action.<sup>138</sup> The General Court took no official notice of New London's petition and sometime in 1668 the town grudgingly, and obliquely, paid their native nemesis.<sup>139</sup> In dealing with Uncas, New London experienced first-hand that the colony interest--here, equitable and friendly Indian relations, as defined by the General Court--could conflict with a town's particular interest in extended boundaries. Stonington, too, had Indian problems, but it was Stonington's good fortune to face a less important tribe, to be situated in the midst of Connecticut's boundary dispute with Rhode Island, and to confront the dictums of the New England Confederation.

<sup>137</sup>CR, II, 47-48, October 11, 1666. New London petulantly made provision for a town report to those empowered by the General Court to lay out Indian lands (near Stonington). The report described the Indians illegally settled within the town's eastern boundary: New London TR, ID, 7, December 16, 1666; CR, II, 56-57, October 11, 1666.

<sup>138</sup>CA, 1st Ser., Towns and Lands, I, i, 75.

<sup>139</sup>New London TR, IH, 13, June 1, 1668. Three inhabitants paid the L20 in return for which they were each granted 200 acres: 20, February 25, 1668/9.

Stonington's adversaries were the once-powerful Pequots. Assigned at first to the custody of the Mohegans, Narragansetts, and Niantics, after the Treaty of Hartford (1638), these conquered peoples gradually made their way back to the erstwhile Pequot country, now eastern Connecticut.<sup>140</sup> There were two groups or tribes: one located in the area near the Mystic River and another precariously planted east of the Pawcatuck River, partly within Stonington's bounds and totally within the tract under dispute between Connecticut and Rhode Island.

The governor, or chief, of the Pequots around the Mystic River was Robin Cassasinamon. Like Herman Garrett, governor of the Pequots east of the Pawcatuck River, Robin had been appointed to his position by the commissioners of the New England Confederation (1655).<sup>141</sup> In April 1665, the Connecticut General Court appointed a committee to lay out a parcel of planting ground for Robin Cassasinamon's people near the head of the Mystic River. However, the committee was cautioned to be careful that the plot was outside the bounds of any colony towns (New London, Norwich, or Stonington).<sup>142</sup> These precautions were not followed regarding the earlier relocation, per outside authority, of Herman Garrett's small band of Pequots.

In 1663 the commissioners of the New England Confederation had acted on a past promise to these eastern Pequots to re-settle them in their own country. Three Connecticut men, including George Denison of Stonington, were assigned to find convenient planting ground for the

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<sup>140</sup>Vaughan, New England Frontier, 177-179, 340-341.

<sup>141</sup>CR, I, 292n.

<sup>142</sup>CR, I, 440. Robin's position as governor of the Pequots west of the Mystic River was reaffirmed by the General Court: CR, II, 39.

Pequots at a place north of Stonington proper called Cossatuck or, if necessary, another, satisfactory spot. If at Cossatuck, the grant was to be 8000 acres.<sup>143</sup> When an attempt was made to carry out this order, Stonington mounted a swift and formidable challenge. The June 24, 1664, town meeting dispatched a band of ten men to warn the Indians off Stonington land.<sup>144</sup> The town's immediate success prompted one of the commissioners' appointees, Stonington's own George Denison, to write hurriedly to Governor John Winthrop for advice and directions as, Denison said, he had only followed Winthrop's orders.<sup>145</sup> Later in the same year Thomas Stanton, Sr., a Stonington townsman and one of the ten men who had warned the Pequots from Cossatuck, wrote Winthrop to seek relief on behalf of Garrett's band of Indians about the oppressions they were receiving from the Rhode Islanders east of the river. In a long postscript, Stanton hoisted his true colors, however, complaining about the town's need for more land, especially east of the Pawcatuck River.<sup>146</sup> The situation began to assume a slightly more ominous tint and complexity when early in 1665 Robin Cassasinamon complained to Governor Winthrop against Herman Garrett's appropriation of lands previously granted the western Pequots by the New England Confederation and the

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<sup>143</sup>Records of the Colony of New Plymouth, X, 194, September 1657; 266, September 1661; 298, 305-306, September 1663; CR, II, 33n.; Vaughan, New England Frontier, 147-152.

<sup>144</sup>Stonington TV, I, 69.

<sup>145</sup>Winthrop Papers, July 5, 1664. Winthrop was one of Connecticut's commissioners at the September 1663 New England Confederation meeting.

<sup>146</sup>Winthrop Papers, November 17, 1664. Stanton also complained about taxes: see above. In a February 7, 1664/5 letter to Winthrop, Stanton again championed Herman Garrett's cause against everyone's enemies, the Rhode Islanders.

Massachusetts General Court. He was sure that Garrett's acts were instigated by some leading Stonington men.<sup>147</sup>

Stonington's opposition persevered, however. In an August 1665 letter to William Cheesebrook of Stonington (not sent but verbally communicated to Cheesebrook and others), Governor John Winthrop discussed the Cossatuck problem. He cited the identical desires of the General Courts of Connecticut and Massachusetts, His Majesty's Commissioners (1664-1665), and the New England Confederation that the Indians enjoy the Cossatuck land. Stonington already possessed all the convenient places near the seaside. Moreover, Winthrop continued, it did not appear very nice to deny the Indians "the remote refuse plac in the wilderness so far frō the bounds of a small plantation." Winthrop asked for compliance from the town "that there be no further such pittiful cōplaints for a little wilderness Rocky grounds." Any townspeople who felt slighted could apply to authority for recompense. The Indians were only obeying authority and "they can not but thinke that Christians doe idolise their worst lands and slight all authority, and rationally men will judge no other of such opposition to so many orders & letters."<sup>148</sup> Despite the quality of such pressure, Stonington remained firm.

Keeping a promise to Governor Winthrop to hold a town meeting about "some Course to accomodate the Indians of the Eastern side paucatuck River with Some Lands in the town bounds," Stonington met September

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<sup>147</sup>George Denison to John Winthrop, February 17, 1664/5, Winthrop Papers.

<sup>148</sup>Winthrop Papers. Thomas Minor noted a visit to Stonington by Winthrop on August 11, 1665. However, three townsmen neglected to call a town meeting and to settle the Indians at "Cowshuduke": Miner and Stanton, Jr., eds., Thomas Minor Diary, 68-69.

19, 1665, and debated the matter. Yet again, such a concession was found prejudicial to the town, and those present ordered the issue to be referred to the October General Court "for Counsell, and advise."<sup>149</sup> No action was taken by the General Court, however, and in the following March the town appointed a committee to go to the Indians at Cossatuck to demand that they cease their trespassing.<sup>150</sup> An April 30, 1666, town meeting chose four men to run the town's northern boundary, including a survey of the bounds near the wigwams at Cossatuck, and to report their finding to the townsmen. The same meeting appointed two men to go with Herman Garrett and make an account of what Indians were in fact at Cossatuck.<sup>151</sup>

At the May 1666 General Court a committee was selected to make a final settlement of the dispute between the Pequots and Stonington over Cossatuck. The Court stated it would abide by any decision the committee might effect whether an equitable land division or a new settlement of land for the Indians.<sup>152</sup> The committee's decision, rendered toward the end of the May session, was still not acceptable to Stonington. In an attempt to meliorate the town's discontent, the General Court extended Stonington's northern boundaries two miles (from eight miles to ten miles from the sea) and ordered two New London men to run the new

<sup>149</sup>Stonington TV, I, 8.

<sup>150</sup>Stonington TV, I, 66, March 28, 1666. The town threatened the Pequots with a curious result: they were to leave "as they will answer the Contrary at the next Court at hartford." The town indulged in an obvious ploy when the Reverend James Noyes was granted 150 acres at Cossatuck: Stonington TV, I, 68, April 2, 1666.

<sup>151</sup>Stonington TV, I, 67.

<sup>152</sup>CR, II, 33. Significantly, the committee consisted of two assistants or magistrates (both from Windsor) and two deputies (one each from Hartford and Windsor).

northern boundary as well as lay out the land for the Cossatuck Indians.<sup>153</sup> Stonington, however, was still not pleased with the proceedings. Their dissatisfaction was manifest at a July 5, 1666, town meeting: the settling of the Pequots on the town according to the May General Court committee's direction would be more inconvenient than even before. The townsmen, with the help of one or two neighbors, were ordered to draw up a full statement of the town's bounds to be presented to the General Court.<sup>154</sup> The town's intransigence apparently bore instant fruit: at the July 26 General Court, the May committee was ordered to review their determination and "to direct further for ye laying out of ye land agreed on that the Indians should have."<sup>155</sup>

Early in the regular October session of the General Court the Court referred to "certeine information" that the May committee's decision was "destructive to ye comforts of Stonington people," and ordered the committee to reconsider their issuance of the dispute.<sup>156</sup> The "certeine information" was a certificate tendered the Court by the two New London men appointed by the Court in May to lay out the Indian lands and Stonington's northern boundary. The certificate stated that the area was not only within Stonington's bounds but was also destructive of several mens' properties and home lots. The May committee's reconsideration resulted late in the October 1666 General Court in a new committee

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<sup>153</sup>CR, II, 36. They were also to lay out two 100-acre grants just north of the town's northern bounds to two prominent Stonington men. See also Miner and Stanton, Jr., eds., Thomas Minor Diary, 202-203, July 2, 3, 1666.

<sup>154</sup>Stonington TV, I, 13.

<sup>155</sup>CR, II, 44. This was a polite euphemism for the committee to change its collective mind.

<sup>156</sup>CR, II, 50.

being formed to look over Pachaug, north of Stonington's boundary, or to find another suitable place of two or three square miles for the Pequots to settle on. This new committee was also to direct a settlement of any Indian claims on Stonington for land the Indians had broken up and fenced at Cossatuck. The Pequots were directed to leave Cossatuck by April 1, 1667, and were to remain under the government of Herman Garrett.<sup>157</sup>

Stonington was pleased with the outcome. At a November 5, 1666, town meeting the townsmen were directed to call for the new General Court committee chosen to lay out the Indian bounds and to make provision for the committee's comfort.<sup>158</sup> The committee's report, dated November 23, 1666, brought a final conclusion to the conflict. The Pequots were given a tract at Pachaug satisfactory to them as was the compensation determined to be paid to ten Indians by Stonington for work done at Cossatuck.<sup>159</sup> Confronted by the stubborn resistance of Stonington to what in effect was the grant of Connecticut land to the Pequots by an outsider, the New England Confederation, the Connecticut General Court gave in to the Stonington intransigence. Stonington's localism was countenanced more easily because the Pachaug tract north of the town was unclaimed and uninhabited. Free and vacant, frontier land could be a most useful safety-valve or solution to problems generated by the dual localism.

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<sup>157</sup>CR, II, 56-57. The committee was composed of one man from New London and two men from Norwich.

<sup>158</sup>Stonington TV, I, 14.

<sup>159</sup>Robert C. Winthrop Collection, I, 91; Miner and Stanton, Jr., eds., Thomas Minor Diary, 66, 81.

After the Pequots' move north of the town, Stonington had few similar problems with its Indian neighbors.<sup>160</sup> Herman Garrett's attentions were thereafter transferred to his own claims to land east of the Pawcatuck River, a situation that compelled him to seek relief from the Connecticut authorities for Rhode Island intrusions.<sup>161</sup> When, in 1676, Garrett relinquished any rights to lands then within Stonington's bounds, the General Court awarded him a substantial tract of land--east of the Pawcatuck River.<sup>162</sup> The domestication of the Pequots proceeded apace with Robin Cassasinamon's request for a code of laws. When drawn up, this code was applied not only to his western Pequots but also toward the governing of all the captive Pequots in 1675.<sup>163</sup>

### C. Military Affairs

An extremely important part of seventeenth-century Connecticut's everyday existence was the maintenance of an adequate military force.

<sup>160</sup>There were some problems when a certain Mamaho seceded from Robin's tribe in 1678, with a number of other western Pequots. The General Court earnestly sought the group's settlement, including an unheeded recommendation to Stonington to give the Indians 500 acres (1679), but a final conclusion was not reached until 1683, when Isaac Wheeler of Stonington deeded 280 acres of his own to the General Court for the Pequot's use. This transaction was set in (slow) motion when the exasperated General Court named a committee in May 1683 to find suitable land for Mamaho even if it meant taking unimproved Stonington land, "the law requireing every towne to provide for their own Indians" (CR, III, 117, May 10, 1683). See also: 8-9, May 13, 1678; 31, May 14, 1679; 42, October 15, 1679; 54, May 17, 1680; 81-82, May 18, 1681; 100, May 16, 1682; 125, October 11, 1683; CA, 1st Ser., Towns and Lands, I, ii, 210, May 24, 1683.

<sup>161</sup>CR, II, 529, May 6, 1667.

<sup>162</sup>CR, II, 288-289, October 18, 1676; 314, May 19, 1677. In May 1681, Garrett's son, Cattapesett, sold to Stonington part of these Pequot lands that fell within Stonington's claimed bounds east of the Pawcatuck River: CR, III, 84; Stonington TV, II, 6, December 19, 1681; 48, June 1, 1682; 49, August 10, 1683.

<sup>163</sup>CR, II, 256-257; 574-576.



The proximity both of the Dutch in New Netherland and of the various Indian tribes within or nearby the colony's boundaries, made necessary numerous General Court orders to establish and to regulate the colony's militia. These forces were drawn proportionately from each Connecticut town, and at this juncture Connecticut's dual localism appeared. As long as there was a clear and present danger, the towns were most co-operative. In between the various alarms of the period, however, the town's interest in maintaining its proper allotment of military supplies and its prescribed number of adequately trained soldiers waned.

Prior to the enactment of the Code of 1650, the General Court, acting primarily as an enlarged River Town town meeting, passed orders relating to military affairs which were quite specific and generally included directives to each of the River Towns. In 1636 orders were enacted about a soldier's minimum equipment, town watches, and the number and procedures of town trainings.<sup>164</sup> During the short, but overwhelmingly victorious Pequot War, the General Court supervised colony operations and the contributions of each of the three towns.<sup>165</sup> In the aftermath of the War, the March 1637/8 General Court passed a series of measures regarding town supplies, town trainings, soldiers' eligibility, and town magazines.<sup>166</sup>

Aside from short-lived alarms in 1642 and 1643, the colony remained at peace until the threat of a Dutch War in 1653.<sup>167</sup> The result

<sup>164</sup>CR, I, 2-3, June 7, 1636; 4, September 1, 1636.

<sup>165</sup>CR, I, 9-10, May 1, 1637; 10, June 2, 26, 1637; 11, November 14, 1637.

<sup>166</sup>CR, I, 14-16. All former orders regarding military discipline were specifically voided.

<sup>167</sup>CR, I, 241-243, May 18, 21, 1653.

was a military slackness on the part of the towns. In August 1639 the General Court renewed an earlier, neglected order requiring certain town supplies of powder and shot; four years later the Court again threatened fines for any town delinquent in their powder supply.<sup>168</sup> Also in 1643 it was deemed necessary to add a fine to the order requiring a family's soldier to bring a fire-arm to Sabbath or lecture day exercises.<sup>169</sup> Further General Court orders before 1650 regulated town trainings; allowed soldiers to choose their own officers, subject to the Particular Court's confirmation; and explained more clearly the responsibilities associated with the town watch.<sup>170</sup> For the most part, the Code of 1650 incorporated the various orders above into the sections on "Military Affaires" and "Watches."<sup>171</sup>

During the remainder of the seventeenth century other general and specific orders were passed by the General Court dealing with such concerns as a town's reaction if attacked; the waging of King Philip's War, primarily by a General Court-appointed Council of War; the abating of one training day in Middletown so as to enable the soldiers to help the miller with heavy work; the exclusion of Negro servants or Indians from training or watching requirements; the formation of troops of

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<sup>168</sup>CR, I, 30; 91, July 1643. Windsor was loaned thirty pounds of powder out of the common stock, and provision was made for the purchase of powder for the three River Towns: 93-94, October 12, 1643.

<sup>169</sup>CR, I, 95, October 12, 1643; 96, November 10, 1643.

<sup>170</sup>CR, I, 30, August 8, 1639; 97, November 10, 1643; 125, April 10, 1645; 151, May 25, 1647; 196-197, September 13, 1649.

<sup>171</sup>CR, I, 542-545; 560-561. In turn, these orders were repeated, with some revision, in the Laws of 1672, 49-51, 68.

horse; and the illegal discharge of guns.<sup>172</sup> These acts, and many others, accurately represent the basic authority exercised by the General Court over all colony military affairs. The portrait would not be complete, however, without attention to the continuous problems experienced by the General Court in its implementation of this military authority in the towns. The Court's records are burdened with repeated directives about deficient or neglected town arms and training, inadequate town watches, and the non-attendance of guards at town meetings.<sup>173</sup> Unless the enemy was clearly visible the town inhabitants were much more interested in their fields, livestock, and trade than in the seeming superfluous burdens of powder, shot, fire-lock, guns, and watch and ward. Indeed, the town records depict slight interest in the latter affairs.

Among the earliest town orders passed in Hartford was one that established a guard for attendance at public meetings for religious affairs.<sup>174</sup> On October 30, 1643, the town denoted a procedure for the giving of, and responding to, any town alarms, per order of the October 12, 1643, General Court.<sup>175</sup> In early 1651, the town ordered 12d. each

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<sup>172</sup>CR, I, 324-325, October 7, 1658; CR, II, 205, August 7, 1673; CR, III, 61, May 20, 1680; CR, II, 260-261, July 9, 1675; 331-509; CR, I, 333, March 9, 1658/9; 349, May 17, 1660; 299, May 21, 1657; 351, May 17, 1660; 381, May 15, 1662; 389, October 9, 1662; CR, II, 81, October 10, 1667; 141, October 13, 1670; 182, June 26, 1672; 205, August 7, 1673; 267-268, October 14, 1675; 275, May 11, 1676; CR, III, 11-12, May 15, 1678; 63, May 20, 1680.

<sup>173</sup>CR, I, 350, May 17, 1660; 432, October 13, 1664; CR, II, 19-20, July 6, 1665; 25, October 12, 1665; 52, October 11, 1666; 181, June 26, 1672; 217-218, November 26, 1673; CR, III, 63, May 20, 1680; CR, IV, 41, October 9, 1690; CR, I, 403-404, May 14, 1663; Laws of 1672, 68; CR, IV, 18-19, April 11, 1690; CR, I, 344, February 23, 1659/60; Laws of 1672, 17; CR, III, 102, May 18, 1682.

<sup>174</sup>Hartford TV, 2, 1635.

<sup>175</sup>Hartford TV, 66; CR, I, 94.

year to be given to the town guards for the repair of their weapons, a generous act not quickly duplicated by other towns.<sup>176</sup> There is further evidence of the town's solicitousness for the town guards, town military supplies, and town fortifications, but it is slight and hardly complements the extended attention given military affairs in the General Court.<sup>177</sup> The other four River Towns mirror Hartford's apparent unconcern, or at least seeming inattention, to military matters.<sup>178</sup>

The January 18, 1668/9 Windsor town meeting met the demands of two town guards for compensation by ordering them to be paid a shilling each for their service. Any others who had served without payment of the General Court ordered  $\frac{1}{2}$ lb of powder were also to receive the 12d. promised by the town in lieu of powder.<sup>179</sup> By September 1674, the town was able to pay in the prescribed way; it cost the town forty-nine pounds of powder.<sup>180</sup> Wethersfield also had problems regarding the

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<sup>176</sup>Hartford TV, 96, February 27, 1650/1. The General Court had ordered the towns to provide their town guards each year with one-half pound of powder each--at town charge: CR, I, 212, October 9, 1650.

<sup>177</sup>Hartford TV, 107, December 18, 1655; 114, January 21, 1656/7; 123, February 11, 1658/9; 127, February 14, 1659/60; 155, February 24, 1667/8; 165, February 13, 1671/2; 228, February 28, 1689/90.

<sup>178</sup>Here as elsewhere, the barebones nature of the town records, especially those of the River Towns, suggests at least two possible explanations. The town records and various Court records are incomplete and fragmentary. Moreover, town business was accomplished by the townsmen, and/or River Town magistrates, and was not recorded in the town meeting records--unless the town disagreed. When compared with the oftentimes fuller, if also fragmented, town minutes of the seaside and eastern towns, it would appear that both explanations are correct for the River Towns, with a somewhat greater emphasis on the unrecorded (cf. Middletown) influence of the River Towns' resident magistrates.

<sup>179</sup>Windsor TA, II, 13a; CR, I, 212, October 9, 1650. Windsor had previous problems regarding the town's supply of powder and training: CR, I, 94, October 12, 1643; 280, March 26, 1656.

<sup>180</sup>Windsor TA, II, 35.

pay of town guards. In December 1658 it was voted by a majority at a full town meeting that the town's guards were to be paid 12d. each per year.<sup>181</sup> In April 1661 the town guard's pay was raised to 5s. per man for the coming year. The guard was given liberty to choose its own officers and were required to appear on every Sabbath and lecture day in complete arms and ammunition. Any deficiency would result in a fine of 12d. per day.<sup>182</sup> Both Wethersfield and Middletown recorded infrequent attention to the town's military supplies.<sup>183</sup>

Farmington's truncated records reveal little regarding military affairs. However, the small community west of Hartford did experience problems with the selection of its trainband's, or town militia's, officers. On May 25, 1647, the General Court had ordered that the town soldiers were to choose their officers, but only those confirmed by the Particular Court were to take their places as officers. Later, without a specific order, the General Court reassumed a part of this authority.<sup>184</sup> On May 10, 1678, eighteen Farmington inhabitants petitioned the General Court for relief regarding the choice of the town's commissioned officer and sergeant. They complained that no prior notice of an election was given by the captain; in fact, his calling of the company together was

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<sup>181</sup>Wethersfield TV, 55.

<sup>182</sup>Wethersfield TV, 71. Wethersfield's response to the problem of maintaining a town guard was decidedly more gentle than the General Court's way: CR, I, 344, February 23, 1659/60.

<sup>183</sup>Wethersfield TV, 70, February 26, 1660/1; 161, October 2, 1679; Middletown TV, 74, October 3, 1667; 126, November 18, 1679.

<sup>184</sup>CR, I, 151. The General Court had already exercised this ultimate power of appointment: CR, I, 48, April 10, 1640. See Particular Court Records, CHSC, XXII, and scattered proceedings in CR, I. The General Court was given the specific authority of appointment in Laws of 1672, 30.

quite unexpected. As a result veteran officers were passed over in the election and aged soldiers were not present at all. The petitioners asked for the Court's intervention.<sup>185</sup> The Court's immediate response was the confirmation of Thomas Hart, soon to become a leading figure in the town, as company ensign.<sup>186</sup> There was no official notice of Farmington's lieutenant or sergeant indicating probably that the captain and lieutenant confirmed on October 8, 1674, were kept in office.<sup>187</sup> The General Court also had occasion to give close attention to Farmington's trainband on October 21, 1680, when it disapproved the choice of newly-elected magistrate John Wadsworth as the band's lieutenant. The soldiers complied and on May 19, 1681, went "to a new choyse," John Standly.<sup>188</sup>

Farther away from Hartford and closer to prospective enemies, the seaside towns had a greater interest in the military. Yet, town localism--in this instance town penury--could result in disregard for colony law. Thus, on the one hand Norwalk was quick to comply with a July 6, 1665, General Court order to appoint selectmen to inspect the town's supply of ammunition and follow up this example of swift obedience by providing for a town rate in order to buy powder and lead.<sup>189</sup>

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<sup>185</sup>CA, 1st Ser., Militia, I, 3.

<sup>186</sup>CR, III, 14, May 15, 1678.

<sup>187</sup>CR, II, 238. Three Farmington sergeants were confirmed at the December 4, 1679, Hartford County Court: Hartford Probate Records, IV, 1677-1679, 18.

<sup>188</sup>CR, III, 71, 83. Farmington experienced a rather obscure problem with its militia officers in 1665: Connecticut Colonial Probate Records, III, County Court, 1663-1677, LVI, 33.

<sup>189</sup>CR, II, 20; Norwalk TM, 66, July 24, 1665; 68-69, February 19, 1665/6.

However, when the Dutch threat was removed the town saw fit to curtail the town watch ordered by the General Court in the Code of 1650 and subsequently strengthened in May 1663 legislation. The town voted to stand by the constable "to secure him from Any damage or detriment that may falle upon him for Any neglect therin." The town's gesture of support would include any decision by the constable to re-establish the watch in the future or to lay it down again.<sup>190</sup> Norwalk repeated this order at various times during the next twenty years.<sup>191</sup> In this manner, Norwalk was spared the expense of supplying ammunition for an individual guard, and numerous individuals were spared the effort of contributing their time and energies in a task not often fruitful. So long as no clear danger was present, Norwalk took advantage of its fortuitous location near relatively friendly New York and much more militarily responsible Fairfield.

Fairfield took its exposed position on the seaside a great deal more seriously than Norwalk did. Numerous Fairfield town orders were passed regarding town military supplies: the procurement of lead, powder, pikes, colors for the trainband, and their use.<sup>192</sup> Orders were enacted concerning the town watch.<sup>193</sup> Fairfield was also willing to fortify the town, or, at least, one or more houses, at the suggestion of

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<sup>190</sup>Norwalk TM, 77, June 17, 1667; CR, I, 560-561; 403-404.

<sup>191</sup>Norwalk TM, 109, May 7, 1675; 112, November 9, 1677; 119, February 20, 1679/80; 129, March 1681/2; 133, February 19, 1685/6; 138, June 27, 1687.

<sup>192</sup>Fairfield TR, B, i, 25, July 8, 1667; ii, 91, August 5, 1673; 93, December 15, 1673; 104, February 24, 25, 1674/5; 106, May 19, 1675; 106, March 21, 1675/6; 127, October 13, 1679; 144, April 25, 1682; 164, December 10, 1685.

<sup>193</sup>Fairfield TR, B, ii, 93, December 25, 1673; 120, April 30, 1678.

the General Court. Hence, an October 14, 1675, General Court order about establishing suitable places for defense in the towns occasioned an October 18 town order: "the Towne hath voted that the metinghouse shall be fortifyied by the publicke."<sup>194</sup> At a November 30, 1675, town meeting, however, generosity replaced the usual hard realism of Connecticut's inhabitants. It was voted that all males between ten and seventy who worked on the town's fortifications were to be satisfied out of a town rate. Moreover, any losses of homes resulting from the war were to be judged by impartial men with full reparation to be paid by the town. Finally, those outside the fortification who could not use their own lands and houses "without emment danger" were to "have free liberty of the use of the houses & lands contayned within the said fortification."<sup>195</sup> There were those who considered such an order abject generosity.

At a December 11, 1675, town meeting the November 30 order was repealed and the town "by vote doth withdraw the power" of the previous three-man committee to oversee the war-related work. Two of the men were replaced by seven new men and the enlarged committee was "impowred to settle according to ther best skill according to the law in that case provided The Towne in a way of fortifications: the majr part of the Committee hath the power of the whole."<sup>196</sup> To fortify was to spend money. And while the town was somewhat ready to spend in the face of King Philip's threat, it was thought wisest to broaden the committee's

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<sup>194</sup>CR, II, 268-269; Fairfield TR, B, ii, 106.

<sup>195</sup>Fairfield TR, B, ii, 108.

<sup>196</sup>Fairfield TR, B, ii, 108. The constant committee member was Magistrate Nathan Gold, who also served frequently as a townsman.



outlook and include the prudential judgments of several more prominent town citizens.<sup>197</sup>

Fairfield experienced more problems with fortifications in April 1681 when the town meeting, without the prompting of the General Court, voted to build a stone fort on meetinghouse green within three years. However, eleven men, including townsman-deputy John Wheeler, protested "agaynst the laying out of the green acording to this mode." In fact, "sum of these proposed to have ther protest entered befor the above vote was made."<sup>198</sup> The significance of the problems with or about fortifications during King Philip's War and during a time of peace was that Fairfield was composed of independent-minded men. The ideal was unanimity or, at least, no active opposition to town acts. Yet, the consensus was often rather more active, including disgruntled individuals, than passively amenable. Just as the relations between the towns and the General Court were often accommodative--a compromise--so too were the relations within the towns between townsmen and townspeople and among townspeople.<sup>199</sup>

In some respects the eastern towns were those most exposed to military danger. Apart from the Dutch menace by water and the rather

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<sup>197</sup>The two replaced men were to serve as townsmen, but not until 1682 (Richard Ogden, Sr.) and 1688 (Robert Turney) respectively. Of the seven men added to the committee three had already served as townsmen: John Wheeler (1669<sup>+</sup>); Henry Rowland (1669<sup>+</sup>); Josiah Harvey (1675<sup>+</sup>); and three more were to serve: George Squire (1676<sup>+</sup>); Joseph Lockwood (1688); and James Beers, Sr. (1688). See Fairfield TR, B, ii.

<sup>198</sup>Fairfield TR, B, ii, 135. The proposed fort's dimensions were 20' x 24' with 12' high walls, 4' thick.

<sup>199</sup>Similar to Hartford and Farmington, Fairfield's efforts at town fortification--against the common enemy--predate the General Court's direction: CR, IV, 19-20, April 11, 1690; Fairfield TR, B, ii, 195, February 25, 28, 1689/90.

hostile proximity of fellow Englishmen in Rhode Island, New London and Stonington were particularly vulnerable to Indian attacks. A July 8, 1652, memo by town recorder-townsman Obadiah Bruen signalizes both the fledgling town's military concerns and the prominent place of these concerns. Bruen noted that a town alarm was to consist of three guns distinctly shot off and the beginning of the drum; further, there was a 110 fine for raising a false alarm, a 15 fine for not coming when an alarm was raised, and a 5s. fine for not going to one's particular squadron. In the latter case, excuses for not appearing would be considered. Magistrates or military officers could raise alarms if they saw cause. Watchmen could raise an alarm if they heard a gun discharge in the town at night. The town was divided into three squadrons, each of which was assigned to go to one of the three fortified houses in town in case of an alarm: the mill, the meetinghouse, and Hugh Caulkin's house.<sup>200</sup> New London also made provision for a town fortification and for powder.<sup>201</sup>

Stonington's never completely cordial relations with the General Court were not enhanced by the town's problems in maintaining its prescribed military stores. In July 1666, the townsmen were authorized to write to Massachusetts to procure a barrel of powder and 400 weight of lead to supply the town's needs.<sup>202</sup> In August 1671, the townsmen were again directed to obtain necessary military supplies to be paid for by

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<sup>200</sup>New London TR, IC, 23a, 24; ID, 1-2. The General Court had ordered on October 12, 1643, that the towns provide for alarms and their handling: CR, I, 94.

<sup>201</sup>New London TR, IB, 10, December 20, 1659; IE, 7, January 6, 1661/2; IB, 152, October 30, 1666.

<sup>202</sup>Stonington TV, I, 13. The town agreed to pay in "fat" beef at slaughtertime. It should also be noted that military supplies were difficult to come by in Connecticut during the seventeenth century.

a town rate. Five months later the town rate was increased to purchase powder and lead for the town stock, according to General Court order.<sup>203</sup> Despite the town's sporadic efforts, however, it did not always comply with colony law regarding military stores.

At the June 2, 1674, County Court at New London, Stonington was presented by the grand jury for being deficient in ammunition. The Court agreed that the town was not so provided according to law and ordered the town to pay a fine of L5 if they did not remedy the situation by the September County Court.<sup>204</sup> Stonington's answer was to take the offensive: the town presented a complaint to the September County Court against two men whose estate in the town was not listed according to law. Consequently the town constable had seized the improperly-accounted estate. The County Court disagreed and ordered the return of all of William Billing's estate and part of Amos Richardson's. But ten cows belonging to Richardson, a one-time colleague of Governor Winthrop's in Narragansett land speculations, were retained, and their disposition was referred to the October Court of Assistants. The town had also complained against Richardson for reobtaining a heifer by replevin. The heifer had been levied by the town for Richardson's non-payment of a town rate alleged to be used for a town powder magazine. The jury found for the town on this complaint--5s. and 19s. for cost of court, but the Court of Assistants found for Richardson on October 8, 1674, on the

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<sup>203</sup>Stonington TV, I, 46; 50, January 9, 1671/2.

<sup>204</sup>New London County Court Records: Trials, III, 1670-1681, 66.

charge of not listing his ten cows and ordered their return.<sup>205</sup>

Again, at the New London County Court on June 4, 1678, Stonington was presented by the grand jury for being deficient in the town's stock of ammunition. The Court levied a fine on Stonington of L10 plus an additional 40s. for not having a leather sealer or stocks.<sup>206</sup> At the September 18, 1678, County Court, Stonington was given until November 30 to correct these multiple problems. If the town did remove these "abuses" the Court would remit the town's fines.<sup>207</sup> It was not until the December 27, 1678, election meeting, however, that the town voted a L30 rate to supply the necessary powder and 600 weight of lead.<sup>208</sup> A later town vote ordered the collection of the rate by June 1. The powder and lead were to be kept in the custody of one appointed by the town "to keep the Sayd Stock according to the intent of the Country Law & express voate of the town."<sup>209</sup> As in other matters--finances, Indians, boundaries--Stonington's military affairs were contingent not only on

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<sup>205</sup>New London County Court Records: Trials, III, 1670-1681, 71; Connecticut Colonial Records, 1659-1701, LIII, 19. Just previously, Amos Richardson, on behalf of himself and other Massachusetts grantees, had obtained a final settlement to their claims in the Mystic-Pawcatuck area. Richardson's personal grant of 300 acres from the Connecticut General Court was to be taken up west of the Pawcatuck River, but not to be prejudicial to previous General Court grants to towns or individuals: CR, II, 227-228, 230, May 20, 22, 1674; Stonington TV, II, 13, May 25, 1674. At this time, the town was also embroiled in a dispute with the General Court regarding colony rates; see above.

<sup>206</sup>New London County Court Records: Trials, III, 1670-1681, 108.

<sup>207</sup>New London County Court Records: Trials, III, 1670-1681, 118. On August 22, 1678, the town had already appointed a leather-sealer: Stonington TV, II, 36.

<sup>208</sup>Stonington TV, II, 38.

<sup>209</sup>Stonington TV, II, 39, April 29, 1679. There was no mention of stocks.

country law but also on articulated town acquiescence. Stonington's relations with the General Court, or colony laws, were consistent no matter the subject or the town's degree of culpability.

Rates, Indians, and military affairs were inter-town matters that demonstrate further what town boundaries and colony communications and transportation suggested: General Court and town relations regarding such affairs were dependent on circumstances. The maintenance of the Court's authority, the preservation of colony peace, the need for extraordinary measures occasioned by war or inter-colonial contention--all of these were circumstances that affected the colony's dual localism. Therefore, when Stonington called the General Court's authority into question regarding a colony rate, the town's local interest in not being taxed further for the colony's charter was abruptly set aside by the Court. No accommodation was possible in such a case, nor was the Court tolerant of such pointed challenges--and potential precedents.

The Indians presented difficulties for the General Court as well as the towns. The local or colony interest of the General Court was in a peaceful co-existence with the Indians while the towns' local interests were in land engrossing as well as peace. New London's disputes with Uncas were principally over land rights. It was New London's misfortune, however, to be in conflict with an Indian quite able to use his friendship with the General Court to the town's disadvantage. On the other hand, Stonington's problems with the Pequots illustrate 1) Stonington's stubborn perseverance in its own interests and 2) the weaker position of the Pequots because of their small numbers and the nature of their claim (granted by the New England Confederation).

Stonington's victory over the Pequots did not threaten colony peace or the General Court's integrity.

In military affairs the colony's dual localism was exceedingly complementary and smooth-working--so long as a clear and present danger was discernible. In between wars and war scares, however, the towns had a predilection for allowing town military supplies and discipline to dissipate. Here was an opportunity for the colony's dual localism to come into conflict. The result was, in fact, a continuing legislative effort by the General Court intended to maintain a proper colony military bearing.

## CHAPTER VII

### CONCLUSION

The most striking characteristic of seventeenth-century Connecticut was the colony's intense local orientation. The principal concerns of a typical yeoman were circumscribed by his town's boundaries. In turn the yeoman participated in town elections that sent the town's representatives to Hartford to sit in the colony government, the General Court. By its very nature the General Court was compelled to deal with other colonies, the Dutch, and the English authorities. Yet the members of the General Court were most sensitive to and solicitous for the Connecticut interest. The political system that resulted from the interaction of the town and the General Court interests may best be described as a dual localism. Most often the interests of town and General Court were synonymous, or nearly so. Just as this frequent merging of town-General Court interests demonstrates the essential complementary character of Connecticut's political system, so too the instances of conflict between town and General Court illustrate the potential for disagreement inherent in an arrangement more a matter of practice than theory.

Charles McLean Andrews described the potential for a fundamental conflict in Connecticut when he noted that the towns were subordinate-- and independent.<sup>1</sup> His meaning was that the General Court was the supreme

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<sup>1</sup>Andrews, River Towns.

political authority in the colony. However, in their everyday activities and governance the towns functioned pretty much as independent polities. The basic tension between subordination and independence was never completely resolved in the seventeenth century. If a town questioned the ultimate sovereignty of the General Court, the town was rebuked, the particular cause for the challenge dealt with, and the town then allowed to return to its usual ways of carrying on its business. Indeed much of Connecticut's internal stability in the seventeenth century was predicated on a disinterest in theoretical niceties and a concurrent taste for the practical implementation of a political system that worked to everyone's satisfaction. The strength of Connecticut's dual localism may be discerned in the fact that there was general agreement in the colony and between the General Court and the towns as to just what constituted "everyone's satisfaction:" i.e., the prosperous and ordered development of Connecticut's wealth, material and spiritual.

The working-out of Connecticut's dual localism was aided by the colony's relative poverty, its minor importance in the English imperial scheme, a small population, talented and moderate leadership, and geography. The colony's poverty, especially in comparison to the wealth of the Massachusetts Bay Colony, was not actually welcome in itself to the Connecticut yeoman. It was, however, a boon to Connecticut's own independence within the English imperial system. English efforts to enlarge English wealth were concentrated on the recalcitrant Bay Colony, and later New York, rather than on export-poor Connecticut. Thus Connecticut was spared interference in its own colony affairs, a respite that Massachusetts was not granted. Moreover, this lack of a third interest --after that of the General Court and the towns--contributed directly



to Connecticut's insularity and stability.

Connecticut enjoyed the benefit of a homogeneous population. The problem--for economic growth--was that the population was quite small. Out of this population, though, came men of stature and most important moderation. Connecticut was fortunate in having leaders like Thomas Hooker, Roger Ludlow, John Winthrop, Jr., and Robert Treat who were open to compromise and the suggestions of others.

Finally, geography played a vital role in the functioning of Connecticut's dual localism. The terrain and bad roads contributed to each town's relative isolation and independence. The Reverend John Woodbridge, Jr., of Killingworth spoke well to the point in 1671 when he described the colony's towns as "too remote for Convenient Assembling" in presbyteries because "the good Land lying in Independent spots seemes to be cut out for Independent churches"<sup>2</sup>--and, he might have added, towns. The distance of many of the towns from Hartford, where the General Court convened, worked in its own way to thwart extended Court manipulation or surveillance.

Two additional circumstances that served the continued working of Connecticut's dual localism were the absence of ministerial interference in the colony's government and the absence of any protracted division between the magistrates (upper house) and the deputies (lower house). From the first there was a clear distinction between the Connecticut system of government and a theocracy.<sup>3</sup> The General Court did pass legislation designed to aid the colony's churches such as orders

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<sup>2</sup>Stearns, ed., "Correspondence of Woodbridge, Jr., and Richard Baxter," 577.

<sup>3</sup>Chard Powers Smith, "Church and State in Wethersfield, 1636-1639," New England Quarterly, XXIX (1956), 82-87, is quite suggestive.

regarding proper maintenance of the town minister and other orders relating to church disputes within certain of the towns. However, the church did not reciprocate with advice about secular colony matters. Indeed the only religious test for a civil position was that the governor be a member of an approved congregation.

A study of seventeenth-century Connecticut does not reveal any apparent, extensive division between the governor, deputy-governor, and magistrates and the deputies. Before 1691 this favorite theme in American colonial history is absent in Connecticut. The colony's relative poverty and the legislative veto enjoyed by both the magistrates and the deputies, meeting together, served to submerge such potential rivalries. During this period the interests of the magistrates and the deputies tended usually to blend rather than to conflict.<sup>4</sup>

The best way to understand Connecticut's dual localism is to study the relations between the General Court and the towns. In turn such a study leads to certain conclusions about the colony's dual localism: 1) the General Court was flexible in its approach to its relations with the towns. That is, as long as a town did not question the General Court's ultimate authority or disturb the public peace, and as long as there were no extenuating circumstances such as a war to cause the Court to proceed with little thought about local prerogatives --then, the General Court was permissive about the exercise of town autonomy. 2) The study of General Court-town relations demonstrates that the initiative in internal colony affairs was most often taken by

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<sup>4</sup>During the latter years of the century, however, a land dispute in eastern Connecticut was reflected to a limited extent in the General Court: Bushman, From Puritan to Yankee, 83-103; Dunn, Puritans and Yankees, 314-316, 328-330.

the towns. Whether passing orders about wandering livestock and dwindling timber reserves or against a town's engrossing Indian lands or disputing with a neighboring town over town boundaries, much of the General Court's efforts were expended on affairs related to the towns--the prime mover in the majority of inter-Connecticut matters. Much of the General Court's official exertions were supportive of town legislation and/or reactive to various town imbroglios.

3) The working of the dual localism depended to a large extent on consensus. Except in the extreme circumstances noted above--insubordination, civil disruption, war or other extraordinary dislocations of the colony's status quo--the General Court approached the interests of the towns in a circumspect way. Disputes within towns, between towns, and in certain circumstances between the General Court and the towns, were approached with moderation--at least initially. Any means to facilitate consensus and compromise among the participants in any dispute was most often the first reaction of the General Court. Accommodation of interests was a sine qua non for continued harmonious relations between the General Court and the towns. One may note here a basic truth in the traditional description of colonial Connecticut as the "land of steady habits." In the seventeenth century the "steady habits" may be seen as the structure of the colony's political-institutional system and the general acceptance of this system by the populace.<sup>5</sup> Connecticut's stability was basically institutional; the dual localism was not commented on--it functioned. Stability in this sense does not preclude conflict within the system, however.

<sup>5</sup>J. H. Plumb defines political stability as the "acceptance by society of its political institutions, and of those classes of men or officials who control them:" Origins of Political Stability: England, 1675-1725 (Boston, 1967), xvi.

Finally, 4) while there was some basis for (and even some contemporary comment on) a political split between the River Towns and the outlying towns such a division never took root in the colony. The River Towns, with a majority of the colony's magistrates for much of the period, were able to settle various local disputes through the extra-General Court ministrations of such colony luminaries. Outlying towns like Fairfield and Stonington, on the other hand, lacked ready access to such assistance and had to rely--or were made to rely if necessary--more often on the General Court itself. Both towns were extremely sensitive about their local interests, however, and much of the actual General Court-town conflict in the seventeenth century occurred between the General Court and Fairfield and Stonington. There was no irremediable division here between River Towns and the remote towns vis-à-vis the General Court in any physical sense. The outer towns constituted a majority of the deputies of the General Courts that both imposed a solution on Windsor (River Town) in that town's rancorous church dispute and reversed a previous Court order so as to allow an irreconcilable Stonington to dispossess sorry remnants of the once powerful Pequots from a patch of town land.

The relations between the General Court and the towns, the colony's dual localism, took place within the context of intra- and inter-town affairs. Intra-town affairs, i.e., those matters or subjects that primarily affected towns individually, included land, fences, livestock, timber, wolves, meetinghouses, town churches, trade and local industry, and town schools. The General Court's role in the land, fence, livestock, timber, wolf, and trade and local industry matters was to pass orders intended principally to support or improve town legislation.

The towns were not averse to modifying the Court's orders either by changing them or even ignoring the Court order altogether. The Court deferred to the towns' interpretation because no overriding circumstance or colony interest was affected.

The town churches were left to their own devices as long as the minister was properly maintained and further, as long as intra-town ecclesiastical disputes were conducted in a civil fashion. Later in fact the Saybrook Platform (1708) was promulgated as an attempt by Connecticut's clergy to assert their own ecclesiastical authority over their respective congregations by means of consociations. Decidedly Presbyterian in tone and action, such clerical gatherings or synods were adequate testimonials to the prevailing tradition in seventeenth-century Connecticut of the power of individual congregations. The civil localism embraced so earnestly by Connecticut's towns in the seventeenth century was much duplicated in the local ecclesiastical practices of the colony's towns. However, when Windsor's church conflict was not conducted in a civil fashion the result was the intervention of the General Court with a permanent solution in order to end the threat to the civil peace and any further impugning of General Court authority. Norwalk's meetinghouse quarrel also occasioned General Court intervention. Given the situation present in Norwalk--the lack of a town consensus to sustain the Court's decision, the lesser threat to colony peace as compared to Windsor's church dispute for example--the Court resorted to a final decision by God by means of a lot. Despite various orders regarding the establishment of schools as well as fines administered for town neglect, the yeomen of seventeenth-century Connecticut made uneven progress in their support of schools. It was difficult to find a schoolmaster,

onerous to make even childless couples or older, student-less households contribute toward the master's maintenance, and an imposition to allow young laborers the time to attend. The General Court understood and allowed a certain measure of latitude in the towns' handling of the matter.

Inter-town affairs were those matters that directly affected more than just one town at a time. Town boundaries, highways, bridges, and ferries, the Indians, and military affairs are obvious instances of topics that did, or could, affect more than one town at the same time. Rates, or taxes, are more difficult to define precisely as an inter-town affair. Suffice it to say, colony rates affected more than one town because all towns were obliged to pay their share; if a town did not pay its fair portion the common enterprise of all the towns was diminished. Again if one town was shown favoritism--by exemption, subsidy, discount--then all the towns were quite willing to accept a similar dispensation.

In a colony sustained primarily by an agricultural subsistence economy, land was the principal measure and means of wealth. Town boundaries, especially their extension so as to accommodate sons and grandsons, were decidedly important and just as decidedly imprecise. Boundary conflicts between towns (Fairfield-Norwalk) were allowed to proceed in hope that the participants would reach their own agreement--with a modicum of Court assistance. The General Court would intervene (Windsor-Hartford) if requested to when no consensus could be reached. Internal town boundary problems such as Fairfield's with the Bankside farmers and with the Pequannock settlement were left gratefully to the affected town's disposition--within the rules of righteousness commonly understood

in the colony. Disruption of the colony peace (New London-Lyme) was not permitted and brought an immediate General Court response. Town-Indian disputes and affairs over boundaries (New London-Uncas, Stonington-Pequots) or other Indian related matters cast the General Court in the role of an equitable mediator between town and "outside" (Indian) interests. The General Court's preference in boundary matters was for inter-town consensus and the Court's ideal was the preservation of local interests, but not at a risk to the colony's interests.

The importance of adequate highways, bridges, and ferries for Connecticut's internal communications as well as transportation is obvious. A typical commentary on the condition of Connecticut's road system prior to 1691, however, was the General Court's declaration in October 1684 that "there is a great neglect found in mayntaining of the high wayes between towne and towne, the wayes being incumbred with dirty slowes, bushes, trees and stones."<sup>6</sup> As has been noted, however, the inadequacy of roads contributed directly to the towns' independence and thus significantly to the functioning of the colony's dual localism.

In military affairs the relations between the General Court and the towns were compatible. However, when a war or war scare was past, so too were the cooperative relations between Court and towns. It was to a town's local interest to allow the town military equipage to deteriorate in inverse ratio to the pursuit of other interests--less town taxes, more time for personal labor and pursuits. The General Court's efforts to maintain the colony military bearing were continuous during the period as was a general town inertia in the affair.

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<sup>6</sup>CR, III, 157.

Finally, one of the more troublesome matters for both General Court and towns was taxes, or rates. Indeed, rates were the lubricant of the dual localism. The General Court was dependent on town rates for the Court's very existence much less its activities. Listing and gathering taxes presented endemic problems, however, and the General Court's usually accommodative bent yielded to the rougher necessities of distraint and fines.

Seventeenth-century Connecticut was a fortunate colony. Its political system, defined here in terms of a dual localism, was entirely appropriate to the colony's social, economic, religious, as well as political circumstances. The inherent difficulties that might be associated with conflicting claims of pre-eminence between the central authority and the particular parts or towns of the colony were not absent in Connecticut. Yet the circumstances of geography, lack of any appreciable export commodities, moderate leadership, and a homogeneous population all served to make conflict between General Court and town an aberration rather than a commonplace in early Connecticut. Moreover, the later growth of colonial Connecticut demonstrated the reality of Connecticut's "steady habits," habits regarding public business that were developed in the seventeenth century in a political system based on an accurate assessment of the reality of the colony's political condition.



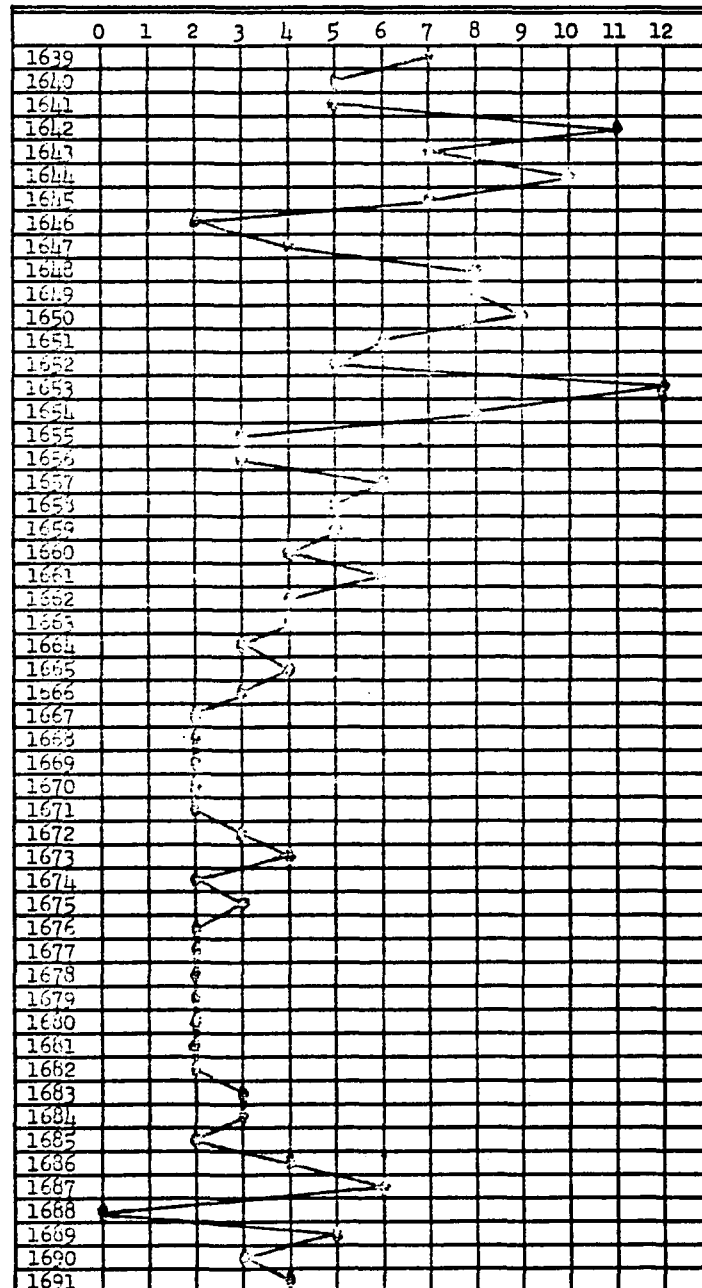
APPENDIX A

TABLES

TABLE 1  
 NUMBER OF RIVER TOWN AND NON-RIVER TOWN MAGISTRATES (INCLUDING GOVERNOR AND DEPUTY-GOVERNOR) AND DEPUTIES  
 SERVING IN GENERAL COURT PER YEAR: 1639 - JULY 1662

RIVER TOWNS	1639		1640		1645		1650		1655		1660		1662										
	26	26	36	30	40	42	42	60	67	42	35	42	35	39	29	24	28	14					
Hartford	12	11	16	14	28	26	29	10	18	24	39	34	28	23	22	27	20	34	9				
Wethersfield	17	14	19	21	25	28	27	12	18	32	38	42	28	28	23	28	21	26	34	12			
Farmington						2	2	7	11	11	5	19	7	4	6	10	6	7	11	3			
Saybrook						4	2	3	2	6	6	5	8	2	3	11	12	5	3	2			
Middletown											2	14	12	3	3	5	5	5	10	3			
Totals	55	51	71	65	93	98	94	38	69	102	147	156	115	99	102	121	86	85	120	43			
% of Total Number of Magistrates and Deputies	100	100	99	96	96	94	94	94	94	94	92	87	90	94	79	81	75	80	85	88			
NON-RIVER TOWNS																							
Fairfield			1	2	4	1	4	3	3	4	5	7	4	4	4	6	9	5	5	5			
Stratford				1			2	1	2	1	2	4	2	3	5	6	7	4	4	2			
New London												4	3	7	6	7	5	4	6	2			
Norwalk														1	3	7	3	4	3	2			
Long Island														1	3	2	2	4	4	4			
Totals			1	3	4	1	6	4	7	7	9	13	11	16	18	27	28	21	22	6			
% of Total Number of Magistrates and Deputies			1	4	4	1	6	10	9	6	8	13	10	6	11	21	19	25	20	15	12		
Annual Number of General Court Sessions	7	5	5	11	7	10	7	2	4	8	8	9	6	5	12	8	3	3	6	5	4	6	3

TABLE 2  
 FREQUENCY OF GENERAL COURT SESSIONS PER YEAR:  
 1639-1691



## Notes:

In the 24 years between 1639-1662, there were 148 General Courts, including adjourned sessions; or an average of 6.2 sessions per year.

In the 29 years between 1663-1691, there were 72 General Courts, including adjourned sessions; or an average of 2.5 sessions per year.

There were no General Courts convened between October 31, 1687, and May 9, 1689, during Connecticut's short subjugation under the Dominion of New England.

TABLE 3  
MAGISTRATES BY TOWNS: 1639-1691

Town	Magistrates	First Elected	Number of Terms Elected <sup>1</sup>
<u>Hartford</u>	John Haynes	1639	15
	George Wyllys	1639	6
	Edward Hopkins	1639	18
	Thomas Welles, I <sup>2</sup>	1639	4 (21)
	John Webster	1639	21
	William Whiting	1641	7
	John Cullick	1648	10
	Samuel Wyllys	1654	35
	John Talcott, I	1654	6
	John Winthrop, Jr. <sup>3</sup>	1657	20 (26)
	John Talcott, II	1662	27
	John Allyn	1662	30
	James Richards	1665	13
	Thomas Welles, II	1668	1
	William Pitkin	1690	2
Nathaniel Standly	1690	2	
Caleb Standly <sup>4</sup>	1691	1	
<u>Windsor</u>	Roger Ludlow <sup>5</sup>	1639	1 (15)
	William Phelps	1639	9
	John Mason, I <sup>6</sup>	1642	5 (31)
	Henry Wolcott, I	1643	5

TABLE 3--Continued

Town	Magistrates	First Elected	Number of Terms Elected <sup>1</sup>
	Henry Clarke	1650	12
	Mathew Allyn	1658	11
	Daniel Clarke	1662	6
	Henry Wolcott, II	1662	20
	Benjamin Newberry	1685	4
<u>Wethersfield</u>	Thomas Welles, I <sup>2</sup>	1643	17 (21)
	William Swain	1643	2
	Richard Treat	1658	8
	Samuel Talcott	1685	6
<u>Farmington</u>	Anthony Howkins	1668	6
	John Wadsworth	1679	10
<u>Middletown</u>	Giles Hamlin	1685	4
<u>Saybrook</u>	George Fenwick	1644	4
	John Mason, I <sup>6</sup>	1647	12 (31)
	Robert Chapman	1681	4
<u>Fairfield</u>	Roger Ludlow <sup>5</sup>	1640	14 (15)
	Nathan Gold	1657	34
	Alexander Knowles	1658	1
	John Burr	1690	2

TABLE 3--Continued

<u>Town</u>	<u>Magistrates</u>	<u>First Elected</u>	<u>Number of Terms Elected</u> <sup>1</sup>
<u>Stratford</u>	William Hopkins <sup>7</sup>	1641	2
	John Wells	1658	2
	Samuel Sherman	1662	6
<u>New London</u>	John Winthrop, Jr. <sup>3</sup>	1651	6 (26)
	Fitz-John Winthrop	1689	1
	Daniel Wetherell	1690	2
<u>Stonington</u>	Samuel Mason	1683	8
<u>Norwich</u>	John Mason, I <sup>6</sup>	1659	14 (31)
	John Mason, II	1676	1
	James Fitch	1681	10
<u>New Haven</u>	William Jones	1665	26
	James Bishop	1668	23
	John Nash	1672	16
	Mathew Gilbert	1677	1
<u>Branford</u>	Jasper Crane	1665	3
<u>Milford</u>	Benjamin Fenn	1665	8
	Alexander Bryant	1668	11
	Robert Treat	1673	18
	Thomas Topping <sup>8</sup>	1674	11 (22)

TABLE 3--Continued

Town	Magistrates	First Elected	Number of Terms Elected <sup>1</sup>
<u>Guilford</u>	William Leete	1665	18
	Andrew Leete	1678	13
<u>Long Island</u>	John Cosmore	1647	7
	Edward Howell	1647	8
	Thomas Topping <sup>8</sup>	1651	11 (22)
	_____ Ogden	1656	6
	Thomas Baker	1658	6
	John Mulford	1658	1
	Robert Bond	1659	3
	Thurston Raynor	1661	2
	John Howell	1664	1
John Young	1664	1	

<sup>1</sup>The figures in parentheses indicate the total number of magisterial terms served including those terms served while resident in other towns.

<sup>2</sup>Welles moved to Wethersfield from Hartford c. 1643.

<sup>3</sup>Winthrop moved to Hartford from New London after his election as Governor in 1657.

<sup>4</sup>Standly was appointed after the death of Deputy-Governor James Bishop.

<sup>5</sup>Ludlow moved from Windsor to Fairfield c. 1640.

<sup>6</sup>John Mason, I, moved from Windsor to Saybrook c. 1647; and from Saybrook to Norwich c. 1659.

<sup>7</sup>Hopkins was elected at the Election Courts in 1641 and 1642, but was noted as absent both times. There is no record that he ever actually attended a General Court.

<sup>8</sup>Topping was a much-traveled individual. He lived in at least Wethersfield; Southampton, Long Island; perhaps Branford; and Milford. He served as both a Long Island and a Milford Magistrate.

TABLE 4

AVERAGE NUMBER OF TOWN AND TOWNSMENS' MEETINGS PER YEAR:  
1635-1691

	1630's	1640's	1650's	1660's	1670's	1680's
Hartford (1639-1691)						
Town Meetings	3	3.1	3.3	4.4	3.2	1.8
Townsmens' Meetings	3	1.5	.1	.1	.1	0
Windsor (1650-1690)			5.5 4.2	5.4 2.6	4.9 2.0	2.3 1.1
Wethersfield (1647-1691)		2.3 2.3	2.3 .8	6.6 .7	5.8 0	3.3 0
Farmington (1683-1691)						4.4 0
Middletown (1652-1691)			5.8 .3	7.2 0	6 0	3.5 0
Fairfield (1661-1690)				6.3 1.9	9.3 2.5	9.1 5.6
Norwalk (1653-1690)			10.3 0	8.8 0	5.9 .4	4.5 0
New London (1646-1671)		1.8 2.0	3.5 7.0	5.4 .1	2.0 0	
Stonington (1664-1690)				8.5 0	6.1 .1	2.0 0



TABLE 5  
 NUMBER OF MAGISTRATES (INCLUDING GOVERNOR AND DEPUTY-GOVERNOR) ELECTED ANNUALLY  
 FROM RIVER TOWNS AND NON-RIVER TOWNS: 1639-1691

	1639	1640	1641	1642	1643	1644	1645	1646	1647	1648	1649	1650	1651	1652	1653	1654	1655	1656	1657	1658	1659	1660	
<u>RIVER TOWNS</u>																							
Hartford	5	5	6	6	5	5	4	4	4	4	4	4	4	5	4	5	5	4	4	4	2	2	4
Wethersfield					2	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	1	1	4
Windsor	2	1	1	2	2	3	2	2	1	1	1	2	2	2	2	2	2	1	3	3	3	3	1
Saybrook					1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1			
Farmington																							
Middletown																							
% of Total of Magistrates	100	86	78	80	90	91	89	88	73	73	70	73	67	67	67	90	75	72	72	63	56	50	57
<u>NON-RIVER TOWNS</u>																							
Former New Haven Colony Towns (New Haven, Milford, Guilford, Branford)																							
Other Towns	1	2	2	1	1	1	1	1	3	3	3	3	4	4	4	1	3	3	3	6	7	6	6
% of Total of Magistrates	14	22	20	10	9	11	12	27	27	30	27	33	33	33	10	25	28	28	37	44	50	32	43

TABLE 5--Continued

	1665		1670		1675		1680		1685		1690		1691	
<u>RIVER TOWNS</u>														
Hartford	5	4	4	5	5	5	4	4	4	3	3	2	2	2
Wethersfield												1	1	1
Windsor	2	3	3	1	1	1	1	1	1	1	1	1	1	1
Saybrook										1	1	1	1	1
Farmington				1	1	1	1	1	1	1	1	1	1	1
Middletown												1	1	1
% of Total of Magistrates	50	50	50	50	50	50	43	36	36	43	36	43	43	43
<u>NON-RIVER TOWNS</u>														
Former New Haven Colony Towns (New Haven, Milford, Guilford, Branford)	4	4	4	5	5	5	6	7	7	8	7	7	7	7
Other Towns	3	3	3	2	2	2	1	1	1	2	2	3	3	3
% of Total of Magistrates	50	50	50	50	50	50	57	57	64	64	64	57	57	57

Notes:

In 1662 there were two elections.  
 In 1659, 1660, and 1661, John Mason, Sr., had moved to Norwich which was not yet an official, recognized Connecticut town. His elections to the magistracy during these three years is included in "other towns."  
 With the overthrow of the Dominion of New England in May 1689, those elected to office in 1687, with the exception of two replacements (Samuel Wyllys - Hartford and Fitz-John Winthrop - New London) due to the deaths of John Talcott (Hartford) and John Nash (New Haven), were reinstated in the magistracy.  
 Caleb Standly (Hartford) was appointed to the seat of deputy-governor James Bishop (New Haven) upon the latter's death in 1691.  
 It is significant that with the formal submission of the New Haven Colony in 1665, a majority of non-River Town magistrates between 1665-1691 were from New Haven, Milford, and Guilford. Note also that from 1665-1667, Jasper Crane of Branford, a former New Haven Colony town, was elected a magistrate.

APPENDIX B

NATHAN GOLD'S STATEMENT REGARDING  
ARBITRARY GOVERNMENT [1691]

## NATHAN GOLD'S STATEMENT REGARDING

ARBITRARY GOVERNMENT [1691]<sup>1</sup>

- (1) Whither laws, Charters, or grants are of anny vallew or whither Corporations societys, or pticular psons cann caule anny thing there owne.
- 2 Whither the Towne of ffairefeild be outlawd or whither or no itt have anny right or intrest in that grante to Townships.
- 3 Whither leaping over the laws, & trampling downe the liberty of the subjects be not Tyranicall power.
- 4 If laws, Charters, & grantes, may be broken att will & pleasure are we anny langer safe in our lives, libertyes, or esstates, but ly open to the furious invasion of all that is ruinous, & Callamitous.
- 5 Whither that grante unto townships be not one of the sweetest flowers in the garden of the laws to whome we owe the flourishing prosperity of our wele governed Townes
- 6 Whither itt be according to rule or Equity, that this one of your first borne a lovely butyfule child should be disinherrited & lose itt's berthright to an inferiour bratt.
- 7 Whither itt be not harable rediculus to bringe grantes, libertyes, & priviliges one recorde in to a Chancery or Eccleasticall Court, to be determined
- 8 Whither itt be not opposett to Equity, law, & Justis that anny psons or Courts should be puling downe ye wals of gods providence, in which there owne hands ware bulders & that indeavors should be made to call downe those priviliges, with which your selves have inricht us, whither this be not laying the Axe to the roote of our libertyes.
- 9 Whither the kinge may, with out infringement one our libertyes injoyne us to entertaine an Episcople minnister in every towne, & the one halfe of every towne to contribute to his mentainance.

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<sup>1</sup>[Magistrate Nathan Gold, Fairfield, for presentation to the October 1691 General Court], CA, 1st Ser., Ecclesiastical Affairs, I, Pt. i, 126.

- 10 If we dare be clipping the priviledges of our recorded grants may not the king take the Exsample against us, & we cannot but lay our hands upon our mouths for such measure as we meate shall be measured to us againe
- 11 When kings & princes have openly violated there plighted faith to there subjects, whither there subjects have not frequently throwne up there allaigence
- 12 When the will governs & directs whare is no law provides to punish whither that be not Arbitrary power or eles the appostle missis itt when he saith whare is no law there is no transgression.
- 13 Whither Arbitrary power be not a contagious ketching disstemper, and whither the moste & best of men in athority are not apt to be tainted & and infected by itt, with out good lookeing after and is itt not observed whare Arbitrary powre predominates itt either makes the subjects slaves or inroles the kingdome in blood
- 14 Whither itt may not be our concerne to looke aboute us that it creepe not insensible up on us and whither or no that hand deserves to be cutt off thats held up to vote in arbitrary powre
- 15 Whither itt be not more honorable & Juste to give ashillinge of amans owne then twenty of another psons, or whither the proverb be not false that saith some psons will cutt large thonges out of other mens leather.
- 16 Whither or no the lopping of a fruitefull limbe att an unseasonable tyme of the yeare will not indanger the life of a flourishing tree
- 17 Whither the cutting up of plantations in to shreds & makeing prests of ye meanest of the people be not the way to bring downe the reputation of religion
- 18 Whither the setting up of a Courte order (with anotwithstanding) in opposition to a fundamental grante will not make Civill warrs amongst our laws.
- 19 Whither these freemen (of whome the body of this Courte is made up) can gett over there oaths to the laws of this Collony with anny safty if they should lett anny law ly dormant or unregarded whils other orders may be made to cutt that short.
- 20 Whither or no if you take this branch of our priviledges from us, may you not take another, & so to the end of the Chapter, & our so much bosted of priviledges will be no more then a vaine shadow or an empty shell.

- 21 If this honrbl Corte should out of exstrordinary zeale discharge those of pequennocke from paying anny of our towne dewes whither or no the wholsome laws inacted by the same power, still in forse & vigor unrepealed will not helpe us to our money & Credit againe
- 22 If the setling of plantacions & geathring Churches, be found a power way & means to advance gods glory, & the peopls good what may be thought of those that instead of geathring Churches, make havocke & shipwrack pull them in peeces, & instaed of make two Churches of one thy marr boath.
- 23 Whither Religion cann thrive, whare the peace of a place is lost
- 24 Whither thare be not a wo pronounsed against them by whome offences com

**BIBLIOGRAPHY**

## BIBLIOGRAPHY

The following bibliography is decidedly selective. There is no intention to include every manuscript, book, or article tracked down or consulted in the course of the present study. This is especially true regarding primary sources located at the Connecticut State Library and the Connecticut Historical Society, both in Hartford. Many papers and manuscript collections, while interesting and important for an overall appraisal of and familiarity with seventeenth-century Connecticut, are not noted within the bibliography because they had no direct bearing on relations between the towns and the General Court.

I preface the bibliography proper with a list of several guides of assistance in locating the necessary sources, primary and secondary, for a study of seventeenth-century Connecticut history:

Connecticut, State of. Biennial Report of the Examiner of Public Records for the Period Ended June 30, 1936. Hartford: State of Connecticut, 1936.

\_\_\_\_\_. Biennial Report of the Examiner of Public Records for the Period Ended June 30, 1942. Hartford: State of Connecticut, 1942.

These Reports list the town and church records available in the town halls of Connecticut's towns. The Report for 1936 is more detailed and therefore valuable. However, both volumes must be used with caution due to errors in dating of records. That is, the first date in a source is usually noted even if a fifty-year gap follows before the next entry.

Crofut, Florence S. M. Guide to the History and Historic Sites of Connecticut. 2 vols. New Haven: Yale University Press, 1937.

Helpful but must be updated.



Flagg, Charles Alcott, comp.. "Reference List of Connecticut Local History," New York State Library, Bulletin, no. 53 (1900).

Valuable in that the majority of work done on Connecticut local history antedates this compilation.

Forbes, Harriette Merrifield, comp.. New England Diaries, 1602-1800: a Descriptive Catalogue of Diaries, Orderly Books and Sea Journals. Topsfield, Massachusetts: Perkins Press, 1923.

Significant, but of limited use; many of the cited diaries, orderly books, or journals were in private hands--51 years ago.

Mead, Nelson P. "Public Archives of Connecticut: County, Probate, and Local Records," American Historical Association, Annual Report, II (1906), 53-127.

Excellent introduction to general scope and limitations of Connecticut public records.

Turner, Sylvie J. "The Connecticut Archives," Connecticut Historical Society, Bulletin, XXXIII (1968), 81-89.

Adequate introduction to indispensable source.

Vail, R. W. G. "A Check List of New England Election Sermons," American Antiquarian Society, Proceedings, XLV (1935), 233-266.

See below (Election Sermons) for those very few Connecticut election sermons available before 1691.

### Primary Sources

#### Official Colony Records

The indispensable source relating to the General Court is the accurate The Public Records of the Colony of Connecticut: 1636-1776, 15 vols. (Hartford, 1850-1890 [reprint ed., New York: Ams Press, 1968]), eds. J. Hammond Trumbull and Charles J. Hoadly (abbreviated in the notes to this dissertation as CR, i.e., Connecticut Records). Volumes I-IV (1636-1706) contain not only the public orders and proceedings of the Connecticut General Courts between 1636-1691, but also include Appendices composed of public and private manuscripts that relate to and

elucidate Court activities. Equally significant are the Connecticut Archives (abbreviated in the notes to this dissertation as CA), a manuscript collection in 451 volumes of the papers of the General Court before 1820. Located at the Connecticut State Library, the Archives include petitions and communications to the General Court, drafts of Court orders and acts, and the Court's working papers. The arrangement of the Archives is topical according to twenty-eight subject headings. The First Series contains most of the extant seventeenth-century papers, arranged usually in chronological order. Most important for the present study were the appropriate volumes under the topical headings of Civil Officers, Colleges and Schools, Colonial Boundaries, Ecclesiastical Affairs, Indians, Industry, Militia, and Towns and Lands.

The proceedings of colony and county courts are in a somewhat scattered situation. The records of the Particular Court, 1639-1663, are included among the acts and proceedings of the General Court in the first volume of The Public Records of the Colony of Connecticut. These same judicial records are printed separately as volume XXII of the Connecticut Historical Society Collections (abbreviated in the notes to this dissertation as CHSC) [Records of the Particular Court of Connecticut, 1639-1663 (Hartford, 1928)]. The manuscript copy of these records is contained in bound volumes of the Records of the Colony of Connecticut, located at the Connecticut State Library: 1636-1649 (v. 1); 1650-1663 (v. 55); 1663-1668 (v. 56). While the jurisdiction of the Particular Court was ostensibly divided between the newly-instituted Court of Assistants and the four County Courts in 1665-1666, the original designation of "Particular Court" was retained in the records instead of "Court of Assistants" until 1669, when the latter term was first employed. The

proceedings of the Court of Assistants are also included in the collection, the Records of the Colony of Connecticut: 1669-1686, 1696-1701 (v. 53); 1687-1696, 1702-1711 (v. 58). Published separately are A<sup>r</sup>nie<sup>r</sup> E. T<sup>r</sup>umbull<sup>r</sup>, ed., Records of the Particular Court of the Colony of Connecticut, Administration of Sir Edmund Andros, Royal Governor, 1687-1688 (Hartford: Case, Lockwood and Brainard, 1936).

On account of the scattered condition of these manuscripts and the various name changes--Particular Court, Court of Assistants, Quarterly Courts, County Courts--numerous misrepresentations and errors have arisen regarding Connecticut's court records [cf. David H. Flaherty, "Select Guide to Manuscript Court Records of Colonial New England," American Journal of Legal History, XI (1967), 107-126; Connecticut State Library, Preliminary Checklist of Court Records in the Connecticut State Library (1971)]. The sources are available, however, and necessary for a study of relations between the General Court and the towns. After 1665-1666, the County Courts stood between the Court of Assistants and the local town courts. Hartford County Court Records may be found among the Court of Assistants Records in the Records of the Colony of Connecticut, 1665-1677 (v. 56), as well as in the Hartford County Probate Records, also located at the Connecticut State Library: 1677-1687, 1696-1697 (v. 4); 1689-1696 (v. 5). The New London County Court Trials, located at the Connecticut State Library, contain the County Court Records: 1661-1667 (v. 1) [prior to June 21, 1665, the manuscript refers to the Court of Commissioners; a transcribed copy of this volume by Charles J. Hoadly is available at the Connecticut State Library: New London County Court Records, 1661-1667]; 1668-1669 (v. 2); 1670-1681 (v. 3); 1681-1683/4 (v. 4); 1684-1686/7 (v. 5); 1687-1701 (v. 6).

Unfortunately, the records of the Fairfield County Court before 1702 are lost.

Also included in the Records of the Colony of Connecticut at the Connecticut State Library are two volumes of Land Records (vols. 46 and 47) that contain not only the official colony recordings of town land registrations, but also vital records (births, baptisms, marriages, deaths); papers regarding boundary settlements; a few copies of certain town meeting records; and bills and receipts relating to trading ventures. Twenty-nine volumes of photostats of the Jonathan Trumbull Collection of Connecticut Colonial Official Papers, 1631-1784 (the originals are at the Massachusetts Historical Society, Boston), are located at the Connecticut State Library. Only two volumes, however, are appropriate to the present study: Susquehanna Papers, 1631-1793 (v. 21) and Narragansett Country, 1659-1699 (v. 22). The Connecticut General Assembly, Box 1631-1774, at the Connecticut Historical Society in Hartford contains a few items of interest, particularly the 1665 response by two ministers to the General Court's explicit disposition to relax admission standards to the colony's churches.

Compilations of the colony's laws were made in 1650 and 1672. These collections are valuable not only as ready references to colonial Connecticut's legal development, but also as useful indices of a social, economic, or political reality's relative importance, or lack of said importance, in the maturing polity. The Code of 1650 is appended to Volume I of The Public Records of the Colony of Connecticut (509-563). The codification in 1672 was the first printed Connecticut legal code: The Book of the General Laws for the People within the Jurisdiction of Connecticut: Collected Out of the Records of the General Court

(Cambridge, Mass.: Samuel Green, 1673), abbreviated in the notes to this dissertation as Laws of 1672.

#### Private Papers

The following collections of private papers contain a certain amount of official colony papers. However, the major portion of the papers and correspondence, even that of colony officials, deals with non- or extra-official matters.

The papers of John Winthrop, Jr., governor of Connecticut between 1657-1675, except for one year's service as deputy-governor, are located primarily--in chronological order--at the Massachusetts Historical Society in Boston. A small number of Winthrop's letters have previously appeared in that Society's Proceedings and Collections. The Connecticut Historical Society has one volume of photocopies of selected Winthrop Letters, 1629-1675 (available in the original at the Massachusetts Historical Society), while the Connecticut State Library has a photostat volume of a typewritten transcript made by the Massachusetts Historical Society: John Winthrop Letters Relating to Connecticut, 1641-1675 (Hartford: Connecticut State Library, 1937). The Connecticut State Library also has another cache of John Winthrop Letters, 1628-1675 (v. 1, "Autograph Letters"), composed of photostat copies of originals at the Massachusetts Historical Society (Hartford: Connecticut State Library, 1965). Most of the latter papers have adequate typed transcriptions. In the main, these manuscripts, either copies in Hartford or originals in Boston, reveal precious little about Winthrop and General Court-town relations. As in the Stonington-Pequot Indian dispute over Cossatuck, Winthrop could intervene personally in Court-town matters.

Most often, however, his vision--as demonstrated in his correspondence--was imperial or intimate. That is, he conducted inter-colonial affairs --Massachusetts Bay, Rhode Island, New Haven, New York--and affairs with England; or he was entreated continuously to prescribe treatment for various physical ills, the latter a tribute to his reputation as a physician.

Other collections at the Connecticut State Library useful to the present study include the bound Robert C. Winthrop Collection of Connecticut Manuscripts, 1631-1794, whose three volumes, and one index, volume, contain papers regarding land titles, especially in and around Stonington; relations with other colonies and England; various Indian deeds and agreements; boundary problems; and defense matters. The William F. J. Boardman Collection of Manuscripts, 1661-1835, includes land and legal papers, as well as correspondence of the Boardman and Seymour families, of Wethersfield and Hartford, during this period. The Samuel Wyllys Transcriptions, 1662-1728: Transcriptions of Documents Relating to Connecticut in the Collection of Wyllys Papers on File at the Annmary Brown Memorial, Brown University, Providence, Rhode Island, are available in two volumes at the Connecticut State Library, and include papers relating to the General Court and the Court of Assistants in the seventeenth century. A more complete collection of manuscript Wyllys Papers is to be found at the Connecticut Historical Society in eleven volumes. For the present study, volumes 1, 2, 8, and the index volume were most valuable, as they contained a number of official Connecticut papers. A selection of the Society's holding is printed as volume XXI of their Collections: The Wyllys Papers: Correspondence and Documents, Chiefly

of Descendants of Gov. George Wyllys of Connecticut: 1590-1796 (Hartford, 1924).

Volume XXIV of the Connecticut Historical Society, Collections, Hoadly Memorial: Early Letters and Documents Relating to Connecticut: 1643-1709, comp. Charles J. Hoadly (Hartford, 1932); is of limited assistance for the study of relations between the General Court and the towns, as are two further collections at the Connecticut Historical Society: the Roger Wolcott Papers and a miscellaneous group of papers designated Ms. Stack. In the latter instance, the chronologically-arranged index files enable a researcher to exercise a measure of control over these disparate holdings.

There are three diaries of seventeenth-century Connecticut men that were helpful in some measure. Of the three, the limited periods covered by those of the Reverend Simon Bradstreet and Noadiah Russell preclude any great importance for the present study, except for comments made about colony affairs: "Simon Bradstreet's Journal, 1664-1683," The New England Historical and Genealogical Register, IX (1855), 43-51, 78-79; Diary of the Reverend Noadiah Russell of Ipswich, Massachusetts and Middletown, Connecticut for the Old Style Year 1687 (March 1687-February 1688) (Hartford: Connecticut Historical Society, 1934). While the Bradstreet and Russell diaries are not cited explicitly in the text of the present study, the third work, The Diary of Thomas Minor, Stonington, Connecticut: 1653-1684, eds., Sidney H. Miner and George D. Stanton, Jr. (New London: privately published, 1899), is noted often because of its value as a source for town as well as colony affairs. A leading citizen of early Stonington, Thomas Minor is succinct but revealing.

Finally, there is the "Correspondence of John Woodbridge, Jr., and Richard Baxter," ed. Raymond P. Stearns, New England Quarterly, X (1937), 557-583. This "Correspondence" was of assistance via its secondary comments on Connecticut internal affairs.

### Election Sermons

Much can be accomplished at times regarding colonial New England social and political history by means of a careful, imaginative reading of Puritan election sermons. Unlike Massachusetts, however, Connecticut's appeals for Divine help in the annual election of governor, deputy-governor, and magistrates, were themselves not annual exhortations. Prior to 1691, only the delivery of five election sermons were noted in The Public Records of the Colony of Connecticut. Of these only four were subsequently published. (While a copy of James Pierpont's 1690 election sermon was requested by the General Court for publication, there is no extant copy, published or otherwise, of this sermon.) All four printed sermons conform in some degree to the stereotypical form and substance of the late seventeenth-century Puritan jeremiad. None of the four sermons, however, was of specific assistance in the study of the relations of the General Court and the towns. The sermons printed were: James Fitch, An Holy Connexion, Or a true Agreement Between Jehovahs being a Wall of Fire to his People, and the Glory in the midst thereof: Or a Word in Season to stir up a solemn Acknowledgement of the gracious Protection of God over his People; and especially to a Holy Care that the Presence of God may yet be continued with us (Cambridge, Mass.: Samuel Green, 1674); Samuel Hooker, Righteousness Rained from Heaven, or a Serious and Seasonable Discourse Exciting All to an Earnest



Enquiry After, and Continued Waiting for the Effusions of the Spirit, unto a Communication and Increase of Righteousness: That Faith, Holiness and Obedience May Yet Abound Among Us, and the Wilderness Become a Fruitful Field, As It Was Delivered in a Sermon preached at Hartford on Connecticut in New-England, May 10, 1677. Being the Day of Election There (Cambridge, Mass.: Samuel Green, 1677); Samuel Wakeman, Sound Repentance the Right Way to escape deserved Ruine; or A Solid and awakening Discourse, Exhorting the People of God to comply with his Counsel, by a hearty practical turning from Sin to himself and his Service thereby to prevent their being made desolate by his departing from them (Boston: Samuel Green, 1685); and John Whiting, The Way of Israels Welfare; or an Exhortation To be with God, that He may be with us (Boston: Samuel Green, 1686).

#### Miscellaneous Materials

Also of value for the present study was the first printed map of Connecticut [London, 1758] that included township boundary lines: Thomas Kitchin, "A Map of the Colonies of Connecticut and Rhode Island, Divided into Counties & Townships, from the best Authorities," in Edmund Thompson, Maps of Connecticut Before the Year 1800: a Descriptive List (Windham, Connecticut: Hawthorn House, 1940), 30-31. The Connecticut State Library has a copy of the original map. The colony records of Massachusetts and Plymouth were also helpful: the former regarding the boundary problems of Stonington and Windsor and the latter regarding the activities of the commissioners of the New England Confederation whose proceedings are available as volumes IX and X of the Plymouth Records: Nathaniel B. Shurtleff, ed., Records of the Governor and Company of the

Massachusetts Bay in New England, 5 v. in 6 (Boston: William White, 1853-1854); David Pulsifer, ed., Records of the Plymouth Colony, IX, X (Boston: William White, 1859).

Gershom Bulkeley's Will and Doom, Or the Miseries of Connecticut by and under an Usurped and Arbitrary Power, Connecticut Historical Society, Collections, III, 69-269, is an example of a dissident minister-physician-private citizen's unabashed and vocal royalism, marshaled against Connecticut's participation in the colonial overthrow of the Dominion of New England in 1689. Bulkeley is significant precisely because his protests were hardly representative of the opinions of any large number of Connecticut's inhabitants. Moreover, his literate opposition to the Connecticut government was not the focal point for any formation of political parties in the colony. For a careful assessment of Bulkeley's importance, and a complete listing of his printed works, see James Poteet, "Gershom Bulkeley of Connecticut: a Puritan Aberration," University of Virginia History Club, Essays in History, XII (1966-1967), 42-54.

#### Town Records

While the present study discusses land and religious matters and peripherally, vital statistics, the purpose of the work places most stress upon the parallel activities of the two political entities--the General Court and the town. As such, the emphasis on the one hand on the proceedings of the General Court is mirrored in a corresponding interest in the activities of the town meeting. The minutes, or records, of town meetings, then, are of primary importance to this study. Therefore, explicit mention will not be made of other town sources--although

they were consulted for this paper--unless they are obviously appropriate for an understanding of the town meeting's deliberations and/or actions. However, I have maintained a personal checklist of town, as well as colony, sources.

Wethersfield.--The original manuscript volume of Town Votes, 1646-1783 (abbreviated in the notes to the dissertation as Wethersfield TV), may be found at the Connecticut State Library. However, a photostat copy of this volume, and an accurate transcription, are available at the Town Hall. An unusual occurrence may be observed in Volume One of the manuscript Births, Marriages and Deaths, 1635-1843, also at the Town Hall. A selective number of General Court orders, passed in 1660 and 1662, are included in the volume. (All towns were obliged to maintain a town law book in which each General Court session's laws and orders were to be entered. See below, Windsor.) However, the wording differs somewhat from that recorded in The Public Records of the Colony of Connecticut.

Hartford.--Hartford Town Votes, 1635-1716 (abbreviated in the notes to the dissertation as Hartford TV) has been published as v. VI in the Connecticut Historical Society, Collections (Hartford, 1897). There is a handwritten transcript of the original manuscript, by Charles J. Hoadly, at the Connecticut State Library. The original manuscript seems to have disappeared.

Windsor.--Windsor Town Acts, 1650-1714; Laying-Out of Lots (abbreviated in the notes to the dissertation as Windsor TA) may be found at the Connecticut State Library, bound as two volumes in one.

Volume two is bound upside-down, however. The actual records begin in August 1651 and are missing for 1662-1666, and 1681-1683. Town acts passed in 1641 and 1642 are included in Some Early Records and Documents of and Relating to the Town of Windsor, Connecticut, 1639-1703 (Hartford: Connecticut Historical Society, 1930), abbreviated in the notes to the dissertation as Some Early Records. This book also contains vital records; lists of freemen in Windsor in 1669 and 1703; documents regarding the Windsor church controversy, 1669-1679; and a very valuable rateable list from 1686. A rarity, a town volume of transcribed colony laws, 1650-1708, may be found at the Connecticut Historical Society. At the Windsor Town Hall are a volume of 1670's tax lists; a volume of Town Accounts, mainly of the 1670's; and an innocent-looking book of highway acts that includes certain missing town meeting records from 1681-1683.

Farmington.--At the Farmington Town Hall is a volume of Town Votes, 1650-1699 (abbreviated in the notes to the dissertation as Farmington TV). Actually, the consecutive town meeting records begin in December 1682. The first five pages of the book include selections of pre-1682 town acts, copied by the town clerk in the 1680's. The disintegration of the first town book is mentioned as the reason for the new book and its arbitrary inclusion of a few highway, land, and boundary records from the pre-1682 town records. Any inhabitant who wished to have any particular vote copied from the old book into the new volume was enjoined to alert the town clerk and to pay him for his official services. The Connecticut State Library has a transcript copy of the "new" volume, Town Votes, 1650-1699.

Middletown.--Town Votes and Proprietors' Records, I, 1652-1735 (abbreviated in the notes to the dissertation as Middletown TV) is available at the Town Hall. Prior to 1658, the town recorder's handwriting is quite difficult to read.

Fairfield.--Fairfield Town Records, v. B, Town Meetings, 1661-1826 (abbreviated in the notes to the dissertation as Fairfield TR) is composed of two parts, both located at the Connecticut State Library. Part II, 1661-1741, it must be emphasized, is the original volume of seventeenth-century town meeting minutes. Part I, 1661-1826, however, is quite legible as compared to Part II, and more easily read. As such, it is Part I that is used extensively in a typed transcript of the Fairfield Town Meeting records available at the Fairfield Town Hall. The rub is that except for a gap between pages 21 and 54 (June 24, 1664, and February 15, 1668/9), Part II is complete, while Part I, a late eighteenth-century or early nineteenth-century copy of Part II, is selective regarding the seventeenth-century minutes. Moreover, Part I is filled with faulty dating. That is, the Part I copier might skip a page or more in Part II between passages he felt to be worthy of his efforts. Seldom, however, would he note the change of date of town meetings in his new copy, Part I. Nor does the typewritten transcript note date changes. The result can be embarrassing and/or annoying (cf. Ballen and Schenck below) when Part I and its transcription are used instead of Part II.

Norwalk.--Town Meetings, 1653-1707 (abbreviated in the notes to the dissertation as Norwalk TM) may be found at the Connecticut State Library. A transcript of this volume is available at the Town Hall. Of

limited use due to selectivity of records and errors in transcription is Edwin Hall, comp., The Ancient Historical Records of Norwalk; with a Plan of the Ancient Settlement, and of the Town in 1847 (Norwalk: James Mallory and Company, 1847).

New London.--New London's Town Records (abbreviated in the notes to the dissertation as New London TR), available at the Town Hall, are in a sometimes confusing, as well as disintegrating, condition. Volume IA, with a transcript, includes 1648-1650 town meeting records. Volume IB includes 1647-1666 town meeting records; IC (1651-1655); ID, Miscellaneous (1652-1667); IE (1661-1662); IF (1662-1664); IG (1665-1666); IH (1667-1670). Most of the entries are rather difficult to read, are not always in chronological order, and are not always complete. Grants and Deeds, Volume II, 1646-1669, includes town meetings, as does Land Records, II, (1650's); III, 1652-1667; and V (land grants at various town meetings, 1670-1690). Land Records, IV, contains 33 pages of General Court acts or proceedings between May 11, 1676, and February 11, 1695/6. The town meeting records between 1671 and 1691 are missing.

Stonington.--The Town Votes are available at the Town Hall in two volumes that must be integrated: I, 1660-1723; II, 1673-1772 (abbreviated in the notes to the dissertation as Stonington TV).

### Secondary Materials

#### Books and Monographs

Adams, Charles Collard. Middletown Upper Houses: a History of the North Society of Middletown, Connecticut, From 1650 to 1800, with Genealogical and Biographical Chapters on Early Families and a Full Genealogy of the Ranney Family. New York: the Grafton Press, 1908.

Adams, Charles Francis, and Abner C. Goodell, Jr., Mellen Chamberlain, Edward Channing. The Genesis of the Massachusetts Town and the Development of Town Meeting Government. Cambridge, Mass.: John Wilson and Son, 1892.

Adams, Sherman W. and Henry R. Stiles. The History of Ancient Wethersfield, Connecticut: Comprising the Present Towns of Wethersfield, Rocky Hill, and Newington; and of Glastonbury Prior to Its Incorporation in 1693, from Date of Earliest Settlement Until the Present Time. 2 vols. New York: the Grafton Press, 1904.

Like much of the town-Connecticut-genealogical efforts published between approximately 1870-1930, this work is flawed according to modern canons of historical scholarship. However, despite its filiopietism and literal, uncritical use of the sources, it is valuable because it has the field to itself. Moreover, like many of its genre in Connecticut, it has style and a felt sympathy for its subject.

Akagi, Roy Hidemichi. The Town Proprietors of the New England Colonies. Philadelphia: University of Pennsylvania Press, 1924.

Indispensable for an understanding of town land-holding.

Andrews, Charles McLean. The Colonial Period of American History. 4 vols. New Haven: Yale University Press, 1934-1938.

\_\_\_\_\_. The River Towns of Connecticut: a Study of Wethersfield, Hartford, and Windsor. Johns Hopkins University Studies in Historical and Political Science, VII, nos. 7-9. Baltimore: Johns Hopkins University, 1889.

Very important; however, it must be noted that the experiences and circumstances of the River Towns were not necessarily those of the outlying towns.

Bailyn, Bernard. The New England Merchants in the Seventeenth Century. pb. ed.. New York: Harper and Row, 1964 /1955/.

Berthoff, Rowland. An Unsettled People: Social Order and Disorder in American History. pb. ed.. New York: Harper and Row, 1971.

Billias, George Athan, ed.. Selected Essays: Law and Authority in Colonial America. Barre, Mass.: Barre Publishers, 1965.

Contains two essays pertinent to the present study: Clifford K. Shipton, "The Locus of Authority in Colonial Massachusetts," and Darrett B. Rutman, "The Mirror of Puritan Authority."

Blake, S. L. The Early History of the First Church of Christ, New London, Connecticut. New London: Day Publishing Co., 1897.

Burritt, Elihu. History of Farmington. 1640-1783; or Colonial History of the Farmington Family of Towns, Collated with the Annals of Connecticut. Hartford: Connecticut State Library, 1925.

Available at the State Library; manuscript completed in 1879. Little analysis of records; content to quote at length.

Bushman, Richard L. From Puritan to Yankee: Character and the Social Order in Connecticut, 1690-1765. pb. ed.. New York: W. W. Norton and Co., Inc., 1970 /1967/.

Valuable; posits a "stable" society in the seventeenth century.

Caulkins, Frances Manwaring. History of New London. Connecticut From the First Survey of the Coast in 1612, to 1860. New London: H. D. Utley, 1895.

One of the better town historians; she makes use of the missing town meeting records, 1671-1691.

Craven, Wesley Frank. The Colonies in Transition, 1660-1713. pb. ed.. New York: Harper and Row, 1968.

Useful survey of the period.

De Forest, John W. History of the Indians of Connecticut: From the Earliest Known Period to 1850. Hamden, Connecticut: Archon Books, 1964 /1851/.

Dunn, Richard S. Puritans and Yankees: the Winthrop Dynasty of New England, 1630-1717. pb. ed.. New York: W. W. Norton and Co., Inc., 1971 /1962/.

Valuable but very little information on internal affairs during John Winthrop, Jr.'s, term as governor.

Egleston, Melville. The Land System of the New England Colonies. Johns Hopkins University Studies in Historical and Political Science, IV, nos. 11-12. Baltimore: Johns Hopkins University Press, 1886.

Superceded by Akagi (see Books and Monographs above).

Erikson, Kai T. Wayward Puritans: a Study in the Sociology of Deviance. New York: John Wiley and Sons, Inc., 1966.

Flaherty, David H. Privacy in Colonial New England. Charlottesville: University Press of Virginia, 1972.

\_\_\_\_\_, ed. Essays in the History of Early American Law. Chapel Hill, North Carolina: University of North Carolina Press, 1969.



In a suggestive contribution, George L. Haskins and Samuel E. Ewing ("The Spread of Massachusetts Law in the Seventeenth Century") demonstrate the significance of the Massachusetts Code of 1648 on the subsequent codifications in Connecticut (1650) and New Haven (1656).

Garvan, Anthony N. B. Architecture and Town Planning in Colonial Connecticut. New Haven: Yale University Press, 1951.

Demonstrates Connecticut's stability from a unique perspective.

Grant, Charles S. Democracy in the Connecticut Frontier Town of Kent. pb. ed.. New York: W. W. Norton and Company, Inc., 1972 [1961].

Greene, M. Louise. The Development of Religious Liberty in Connecticut. Boston: Houghton, Mifflin and Company, 1905.

Largely superceded by subsequent monographs but useful as a survey.

Hall, David D. The Faithful Shepherd: a History of the New England Ministry in the Seventeenth Century. Chapel Hill: University of North Carolina Press, 1972.

Haller, William, Jr. The Puritan Frontier: Town-Planting in New England Colonial Development, 1630-1660. New York: Columbia University Press, 1951.

Stresses the importance of Puritan social theory vis-à-vis the structure used for orderly town-planting.

Haskins, George Lee. Law and Authority in Early Massachusetts: a Study in Tradition and Design. New York: the Macmillan Company, 1960.

Helpful in understanding Connecticut law, whether indigenous or derivative.

Hazen, A. W. A Brief History of First Church of Christ in Middletown, Connecticut, for Two Centuries and a Half. N. Place /sic/: 1920.

Howard, Daniel. A New History of Old Windsor. Windsor Locks, Connecticut: Journal Press, 1935.

Jacobus, Donald Lines, comp. List of Officials: Civil, Military, and Ecclesiastical of Connecticut Colony from March 1636 through 11 October 1677 and of New Haven Colony throughout Its Separate Existence; Also Soldiers in the Pequot War Who Then or Subsequently Resided Within the Present Bounds of Connecticut. New Haven: Roland Mather Hooker, 1935.

Highly useful, but hardly definitive. Jacobus had especial problems with fathers and sons with identical names: he often confused them. There are also numerous discrepancies regarding dates (years) of deaths.

Johnson, E. A. J. American Economic Thought in the Seventeenth Century. London: P. S. King and Son, 1932.

Especially helpful regarding English background and tradition.

Johnston, Alexander. Connecticut: a Study of a Commonwealth-Democracy. Boston: Houghton, Mifflin and Company, 1893.

Misplaced emphasis: towns as superior entities in democratic colony.

Jones, Mary Jeanne Anderson. Congregational Commonwealth: Connecticut, 1636-1662. Middletown, Connecticut: Wesleyan University Press, 1968.

Coherent and systematic but superficial.

Judd, Sylvester. History of Hadley. Northampton, Massachusetts: Metcalf and Company, 1863.

Helpful regarding Hartford, Wethersfield, and Windsor emigrés to Massachusetts in the mid-seventeenth century.

Lockridge, Kenneth A. A New England Town: the First Hundred Years. pb. ed. New York: W. W. Norton and Company, 1970.

This study of Dedham, Massachusetts, 1636-1736, is interesting and provocative.

Loomis, Dwight and J. Gilbert Calhoun. The Judicial and Civil History of Connecticut. Boston: Boston History Company, 1895.

Inflated notion of political power of towns but useful as a summary.

Love, William DeLoss. The Colonial History of Hartford, Gathered From the Original Records. Hartford: William DeLoss Love, 1914.

Lovejoy, David S. The Glorious Revolution in America. New York: Harper and Row, 1972.

The focus in New England is, of course, Boston.

Maclear, Anne Bush. Early New England Towns: a Comparative Study of Their Development. New York: Columbia University, 1908.

Mead, Nelson Prentiss. Connecticut as a Corporate Colony. Lancaster, Pennsylvania: New Era Printing Company, 1906.

Traces the internal development of Connecticut as a type of corporate colony. Especially stresses constitutional factors. Describes Connecticut's constitutional development as "steady and natural growth." Very useful effort.

Miller, Perry. The New England Mind. 2 vols. pb. ed.. Boston: Beacon Press, 1968 [1939, 1953].

Not specifically helpful to the present study. However, still among the most important works regarding New England Puritanism.

Nettels, Curtis P. The Money Supply of the American Colonies Before 1720. Madison, Wisconsin: University of Wisconsin, 1934.

Helpful regarding the subordinate position of Connecticut as a trading center and the effect of this subordination on colony monetary circumstances.

Parker, Edwin P. History of the Second Church of Christ in Hartford. Hartford: 1892.

Pomfret, John E., with Floyd M. Shumway. Founding the American Colonies: 1583-1660. New York: Harper and Row, 1970.

Very useful as background for the entire English colonization effort in early seventeenth century and as a survey of activities and events in Connecticut before 1660.

Pope, Robert G. The Half-Way Covenant: Church Membership in Puritan New England. Princeton, New Jersey: Princeton University Press, 1969.

Good contribution to the literature, especially in its attention given to long-neglected developments in Connecticut.

Potter, Elisha R., Jr. The Early History of Narragansett. Rhode Island Historical Society, Collections, III. Providence: Marshall, Brown and Company, 1835.

One of very few works regarding the Narragansett area, including the Connecticut-Rhode Island conflict there in the seventeenth century.

Powell, Sumner Chilton. Puritan Village: the Formation of a New England Town. pb. ed.. Garden City, New York: Doubleday and Company, 1965 [1963].

An excellent study that causes some hesitation regarding the continuing paradigm of a Boston-centered central government exercising near total control of the colony's local affairs.

Reps, John W. Town Planning in Frontier America. Princeton: Princeton University Press, 1969.

... Fascinating and especially helpful to the present study were the comparing of town planning, not only in New England, but also with other areas and the adding of another dimension to the often skeletal town and Court records.

Schenck, Elizabeth Hubbell. The History of Fairfield, Fairfield County, Connecticut: From the Settlement of the Town in 1639 to 1818. 2 vols. New York: E. H. Schenck, 1889.

Useful, but must be handled carefully due to errors in transcription and dating.

Scully, C. Alison. Robert Treat, 1622-1710. Philadelphia, 1959.

Clearly written but non-analytical.

Sly, John Fairfield. Town Government in Massachusetts, 1620-1930. Cambridge: Harvard University Press, 1930.

Stresses "common sense" and "circumstances of the place" in tracing the development of the town meeting form of government.

Spencer, Henry Russell. Constitutional Conflict in Provincial Massachusetts. Columbus, Ohio: Fred. J. Heer, 1905.

Stiles, Henry R. The History of Ancient Windsor, Connecticut, Including East Windsor, South Windsor, and Ellington, Prior to 1768, the Date of Their Separation from the Old Town; and Windsor, Bloomfield and Windsor Locks. to the Present Time. Also the Genealogies and Genealogical Notes of Those Families Which Settled Within the Limits of Ancient Windsor, Connecticut, Prior to 1800. 2 vols. Albany, New York: J. Munsell, 1863.

Informative, but like the other early town histories must be used with caution.

Taylor, John M. Roger Ludlow: the Colonial Lawmaker. New York: G. P. Putnam's Sons, 1900.

Moderate filiopietism.

Tercentenary Commission of the State of Connecticut, Historical Publications. New Haven: Yale University Press, 1933-1936.

The series of sixty pamphlets published by the Tercentenary Commission varies in quality. However, the following pamphlets were helpful; often they represent the only published information on the specific topic:

Dorothy Deming, The Settlement of the Connecticut Towns, VI.  
 Roland Mather Hooker, Boundaries of Connecticut, XI.  
 Leonard Woods Labaree, Milford, Connecticut: the Early Development of a Town as Shown in Its Land Records, XIII.

Isabel S. Mitchell, Roads and Road-Making in Colonial Connecticut, XIV.

Mathias Spiess, The Indians of Connecticut, XIX.

Charles M. Andrews and Albert Carlos Bates, The Charter of Connecticut. 1662, III.

George Matthew Dutcher and Albert Carlos Bates, The Fundamental Orders of Connecticut, XX.

Quincy Blakely, Farmington, One of the Mother Towns of Connecticut, XXXVIII.

Roland Mather Hooker, The Colonial Trade of Connecticut, I.

Trumbull, Benjamin. A Complete History of Connecticut, Civil and Ecclesiastical. From the Emigration of Its First Planters, From England, in the Year 1630, to the Year 1764; and to the Close of the Indian Wars. 2 vols. New Haven: Maltby, Goldsmith and Company and Samuel Wadsworth, 1818.

Trumbull is most interested in religious and inter-colonial affairs in the seventeenth century, but he does give explicit as well as implicit credence to a "land of steady habits."

Trumbull, James Hammond. Historical Notes on the Constitutions of Connecticut. Hartford: Hartford Press, 1901 /1873/.

Deals mainly with the Constitution of 1818 but serves to place Fundamental Orders (1639) and Charter of 1662 in perspective.

Van Dusen, Albert E. Connecticut. New York: Random House, 1961.

Best survey of Connecticut history.

Vaughan, Alden T. New England Frontier: Puritans and Indians, 1620-1675. pb. ed.. Boston: Little, Brown and Company, 1965.

Important corrective to over-simplified version of Puritan-Indian relations as evil white vs. noble savage.

Walker, George L. History of First Church in Hartford. Hartford, 1884.

Ward, Harry M. The United Colonies of New England: 1643-1690. New York: Vantage Press, 1961.

Weeden, William B. Economic and Social History of New England, 1620-1789. 2 vols. Boston: Houghton, Mifflin and Company, 1891.

Wheeler, Richard Anson. History of the First Congregational Church, Stonington, Connecticut: 1674-1874. Norwich: T. H. Davis and Company, 1875.

. History of the Town of Stonington, County of New London, Connecticut, From Its First Settlement in 1649 to 1900, With a Genealogical Register of Stonington Families. Mystic, Connecticut: Lawrence Verry Inc., 1966 /1900/.

Adequate but gives the seventeenth century short shrift.

Winslow, Ola Elizabeth. Meetinghouse Hill, 1630-1783. New York: the Macmillan Company, 1952.

Zuckerman, Michael. Peaceable Kingdoms: New England Towns in the Eighteenth Century. New York: Alfred A. Knopf, 1970.

Stimulating, but his portrait of colony power centered in Boston is not easily transferable to seventeenth-century Connecticut.

### Articles

Baldwin, Simeon E. "Early History of the Ballot in Connecticut," American Historical Association, Papers, IV (1890), 407-422.

Bissell, Linda Auwers. "From One Generation to Another: Mobility in Seventeenth-Century Windsor, Connecticut," William and Mary Quarterly, 3d ser., XXXI (January 1974), 79-110.

An interesting effort that arrives at a portrait of economic and residential stability in the town during the seventeenth century.

Bronson, Henry. "Chapters on the Early Government of Connecticut," New Haven Colony Historical Society, Papers, III (1882), 293-403.

Argues unconvincingly that the General Court was not the supreme power in the colony.

Brown, B. Katherine. "A Note on the Puritan Concept of Aristocracy," Mississippi Valley Historical Review, XLI (1954), 105-112.

Cook, Edward M., Jr. "Local Leadership and the Typology of New England Towns, 1700-1785," Political Science Quarterly, LXXXVI (December 1971), 586-608.

Interesting use of "central place theory" rather than more traditional classification of towns by "region."

Deming, Clarence. "Town Rule in Connecticut," Political Science Quarterly, IV (1889), 408-432.

Interpretative errors abound in historical sketch accompanying plea for redistricting and restructuring of contemporary Connecticut representational system.

Dunn, Richard S. "The Social History of Early New England," American Quarterly, XXIV (December 1972), 661-679.

Informative of current approaches/methodologies in area's social history.

Foster, William E. "Town Government in Rhode Island," Johns Hopkins University Studies in Historical and Political Science, V, no. 2 (Baltimore: Johns Hopkins University Press, 1886).

Helpful in comparing Connecticut and Rhode Island towns in the seventeenth century. Latter's towns were extremely independent vis-à-vis other colony towns, colony government, England.

Fowler, David H. "Connecticut's Freemen: the First Forty Years," William and Mary Quarterly, 3d ser., XV (1958), 312-333.

Demonstrates the rather liberal extent of freemanship during this period.

Fowler, William Chauncey. "Local Law in Connecticut, Historically Considered," New England Historical and Genealogical Register, XXIV (1870), 33-42, 137-146.

Contends that both Connecticut and New Haven Colonies were formed, or federated, by independent towns.

Heimert, Alan. "Puritanism, the Wilderness, and the Frontier," New England Quarterly, XXVI (1953), 361-382.

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Superseded by Haskins (see Books and Monographs above).

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Lockridge, Kenneth A., and Alan Kreider. "The Evolution of Massachusetts Town Government, 1640 to 1740," William and Mary Quarterly, 3d ser., XXIII (1966), 549-574.

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Spirited corrective to portrayal of "democratic" Hooker.

Osgood, Herbert L. "Connecticut as a Corporate Colony," Political Science Quarterly, XIV (1899), 251-280.

Delineates structure of colony government and debunks notion of colony as consociation of independent towns "for the simple reason that its towns were never independent" (256).

Poteet, James. "Gershom Bulkeley of Connecticut: a Puritan Aberration," University of Virginia History Club, Essays in History, XII (1966-1967), 42-54.

Excellent; points out just how much Bulkeley's opposition to the Revolution of 1689 made him part of a minority.

Scofield, Edna. "The Origins of Settlement Patterns in Rural New England," Geographical Review, XXVIII (1938), 652-663.

Notes early development of compact settlements in Massachusetts.

Smith, Chard Powers. "Church and State in Wethersfield, 1636-1639," New England Quarterly, XXIX (1956), 82-87.

Correctly points out the "high" degree of separation of church and state as found in the number of Connecticut lay leaders not formally members of the church.

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Walcott, Robert R. "Husbandry in Colonial New England," New England Quarterly, IX (1936), 218-252.

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Waters, T. Frank. "The Development of Our Town Government and Common Lands and Commonage," Ipswich Historical Society, Publications, VIII (1899), 3-15.

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Whitten, Robert Harvey. "Public Administration in Massachusetts: the Relation of Central to Local Activity," Columbia University, Studies in History, Economics and Public Law, VIII, no. 4 (1898).



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Wroth, L. Kinvin. "Possible Kingdoms: the New England Town From the Perspective of Legal History," American Journal of Legal History, XV (1971), 318-330.

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#### Unpublished Ph.D. Dissertations

Cohen, Ronald Dennis. "Colonial Leviathan: New England Foreign Affairs in the Seventeenth Century." University of Minnesota, 1967.

Demonstrates the particularism evident in each colony's approach to foreign affairs. That is, co-operation and unity were pre-empted by self-interest and diversity until the time that unity might become absolutely necessary.

Daniels, Bruce Colin. "Large Town Power Structures in Eighteenth Century Connecticut: an Analysis of Political Leadership in Hartford, Norwich, and Fairfield." University of Connecticut, 1970.

Finds elites dominant in eighteenth century; incorrect reading of seventeenth century total town subordination to General Court.

Decker, Robert Owen. "The New London Merchants: 1645-1909: the Rise and Decline of a Connecticut Port." University of Connecticut, 1970.

Little regarding early merchants but does note the Winthrops.

Jones, James William, III. "The Beginnings of American Theology: John Cotton, Thomas Hooker, Thomas Shepard, and Peter Bulkeley." Brown University, 1970.

King, Harold Roger. "The Settlement of the Upper Connecticut River Valley to 1675." Vanderbilt University, 1965.

Interesting discussion illuminates Connecticut Colony via relations with Springfield, Northampton, and Hadley, especially vis-à-vis emigrés.

Kolling, Harold. "The New England Confederation of 1643: Its Origin, Nature, and Foreign Relations, 1643-1652." University of Chicago, 1956.

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Lewis, Theodore Burnham, Jr. "Massachusetts and the Glorious Revolution, 1660-1692." University of Wisconsin, 1967.

Excellent study but of peripheral interest for Connecticut.

Marcus, Richard Henry. "The Militia of Colonial Connecticut, 1639-1775: an Institutional Study." University of Colorado, 1965.

Bulk of study deals with eighteenth-century Indian wars and American Revolution.

Marcuse, William. "Local Public Finance in Colonial Connecticut." Columbia University, 1956.

Early quantitative study.

Schmitt, Dale Joseph. "The Response to Social Problems in Seventeenth-Century Connecticut." University of Kansas, 1970.

This study suffers from an almost-total reliance on printed records. That is, laws are cited regarding, for example, the control of servants, apprentices, laborers, but, no mention is made of the enforcement of such statutes in the various county court records. Another source not even cited is the Connecticut Archives.

Shumway, Floyd Mallory. "Early New Haven and Its Leadership." Columbia University, 1968.

#### Unpublished Masters' Theses

Ballen, Joan. "Fairfield, Connecticut, 1661-1691: a Demographic Study of the Economic, Political, and Social Life of a New England Community." University of Bridgeport, n.d..

A lengthy work that attempts to make use of current quantitative methods. A major problem is a narrow interpretation of sources, occasioned by a one-town study. An extensive critique is available from the author of the present study.

Reik, Susan Jensen. "Genesis of a New England Town: the Growth of Farmington, Connecticut, 1645-1700, as Revealed in its Town and Church Records." Columbia University, n.d..

A problem encountered in doing research on seventeenth-century Farmington is the dearth of town meeting records before 1682 (see Town Records above). The result of such research can be a somewhat distorted portrait.

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