

Solomon Smith's Book Sept 1769

A C T S

A N D

L A W S

OF His M A J E S T Y's *English* Colony

O F

C O N N E C T I C U T

I N

New-England

I N

A M E R I C A.



N E W L O N D O N,

Printed and Sold by F I M O N I Y G R E E N, Printer to the  
GOVERNOUR and COMPANY of the abovesaid Colony.

1 7 5 0.

*THE GENERAL*  
**L A W S**

*And*

LIBERTIES of  
*CONNECTICUT COLONIE*

CAMBRIDGE, 1673

HARTFORD, 1863

THE  
L A W S  
OF  
CONNECTICUT.

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*An EXACT REPRINT*

OF THE  
ORIGINAL EDITION

*of '1673*

With a Prefatory Note

BY

GEORGE BRINLEY.

HARTFORD:

PRINTED FOR PRIVATE DISTRIBUTION.

1865.

## PREFATORY NOTE.

In the summer and autumn of 1635 the first permanent settlements were made on the Connecticut River at Hartford, Windsor and Wethersfield. The Colony of Massachusetts claiming that the territory was within her jurisdiction, maintained for a brief period some show of authority over the new Planters, who, however, soon assumed the right of self-government.

On the 14th of January, 1638-9, the Planters of Connecticut assembling in a public meeting, proceeded to adopt a CONSTITUTION\* which was the first written Constitution originating in the new world, and the model for all succeeding ones. The authorship of it is generally attributed to ROGER LUDLOW.†

In April, 1646, the General Court requested Mr. Ludlow to compile a "Body of Laws," which, though the request was urgently repeated, and additional inducements offered to expedite the work, was not accomplished until May, 1650, when the Laws were "Concluded and Established," and transcribed upon the Public Records.

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\* This remarkable document gave to Connecticut the pre-eminent place in Constitutional History. It established a Democracy pure and simple, recognizing neither King, Lords or Parliament, nor owing dependence upon any power on earth. It was the Constitution of an independent State, "a distinct, organic law, constituting a government and defining its powers." It declared in plain terms that "in the General Court shall consist the SUPREME POWER OF THE COMMONWEALTH," and the General Court was to be elected annually by the freemen. This accords with Aristotle's definition of democracy, "where the People are supreme and not the Law, the Democracy is Monarch, one compounded of many, for the many are supreme not as individuals but collectively." This fundamental idea was realized in the CONSTITUTION OF CONNECTICUT, and its adoption and proclamation was the first full-risen sun of DEMOCRACY, giving life, light and power to a GREAT NATION.

† Ludlow's history is obscure. It is supposed that he came from the west of England, and that he had been educated as a lawyer. But it is not satisfactorily known when or where he was born, where

In 1662, the Constitution of 1639 was abrogated by the Charter of Charles II., which at a General Assembly, October 9th, 1662, was adopted by the Freemen, but the old Laws of the Colony were declared to be in full force and virtue "unless any be cross to the tenor of our Charter."

The Colonies of Connecticut and New Haven, which hitherto had been independent Communities, were now to be united under the Charter, and the Union was consummated in May, 1665.

The Laws of Connecticut had never been printed, the General Court ordering them to be "published" by the Constables of the several Towns, which was done by reading manuscript copies to the people assembled in Town-meeting.

In the Colony of New Haven the same manner of publication had been practised. In 1655, the Laws of that Colony were ordered to be "Compiled together fit to be printed," and were sent to England for that purpose. In June, 1656, five hundred copies of the book\* arrived in New Haven, and were divided among the several Towns.

But the whole system of jurisprudence of New Haven Colony was now entirely superseded by the LAWS OF CONNECTICUT, which at a Public Meeting in New Haven, August 14th, 1665, were read to the people by William Jones, Esq., late Deputy Governor, and declared to be the LAWS OF THE LAND.

The Laws of Connecticut being new to the people of New Haven, to promulgate them in the fullest manner it became necessary to have them

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he had lived, or what had been his occupation. He aspired to the highest position in Massachusetts, where his stormy career is well known. He was the leading man in Connecticut, presiding at the meetings of the General Court, until the arrival of Haynes, who at the first election took the coveted office of Governor, leaving to Ludlow a lower seat. It was a greater grief when at the second election the two higher offices were appropriated by Hopkins and Haynes. Ludlow's fine education, his estate, his great abilities and his energy made him feared by his rivals, and his imperious temper united them for his defeat. In 1654 he disappears from New England, and no authority yet seen records his death, or points to his grave.

It is usually said that he went from Fairfield to Virginia, an assertion based upon the fact that a Captain Manning and his vessel had been hired by Ludlow to transport him and his family to that Colony. But Manning was arrested for illicit trading with the Dutch, and upon trial, being found guilty, his vessel in spite of Ludlow's protests, was declared by the Court to be a lawful prize, and ordered to be sold "by an inch of candle, he that offers must to have her." *N. Haven Col. Rec. II. 69-74* Though thus interrupted he must have left New England at about this time. The late Bishop Meade, in answer to a letter of inquiry, wrote that he had found no trace of him among the ancient records of Virginia, and Roger Wolcott seems to settle the question, for speaking with great respect of Ludlow as "a man inferior to none," &c., he says he returned to England. *Ms. Hist. of Conn. by Roger Wolcott.*

\* This volume is very rare. It was carefully reprinted under the supervision of Mr. C. J. Hoadly, in 1858, in the *Records of the Colony or Jurisdiction of New Haven*. Twenty copies only were also printed on large paper with a new title and an introduction.

printed, but some of the old Laws having been repealed or modified, and many new Acts added, a general revision was demanded.

In May, 1671, Governor Winthrop, Deputy Governor Leete and others were appointed to prepare the new revision for the press and to report the draft to the next General Court for confirmation, and in October, 1672, it was ordered that the Laws shall be printed, "the copy of them being viewed and approved by this Court."

In the course of the following year the Laws of Connecticut were for the first time printed by Samuel Green, at Cambridge, then the only place in North America where a printing-press was established.

In this first printed revision the arrangement of Ludlow's Code of 1650 was generally respected. About seventy new titles were inserted in their proper places, the organization, powers and duties of the several Courts were more fully and precisely specified, a preface signed, and probably written, by John Allyn, the Secretary, was prefixed, and, by a special order of the General Court, the Seal\* of the Colony was impressed upon the title page.

G. B.

HARTFORD, October, 1865.

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\* For a full history of the Seal of Connecticut, see *Coll. Conn. Hist. Soc. Vol. I. p. 251*. Roger Wolcott says that the Seal was presented to the Colony by George Fenwick, and gives his authority for the statement, "and though in Governor Saltonstall's time it was new made and enlarged, yet the impression and the motto are the same." *Ms. Hist. of Conn. by Roger Wolcott*.

THE  
PUBLIC RECORDS  
OF THE  
STATE OF CONNECTICUT,

From October, 1776, to February, 1778, inclusive,

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM OCTOBER 11, 1776,  
TO MAY 6, 1778, INCLUSIVE,

AND

AN APPENDIX.



PUBLISHED IN ACCORDANCE WITH A RESOLUTION OF THE GENERAL ASSEMBLY,

BY CHARLES J. HOADLY, LL.D.,

STATE LIBRARIAN.

HARTFORD:

PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY

1894.

CR3 Vol 1

## PREFACE.

Upon the motion of the Connecticut Society Sons of the American Revolution, the General Assembly passed the following resolution authorizing the publication of State Records :

*Resolved by this Assembly:* That Charles J. Hoadly of Hartford be authorized to continue the publication of state records, together with the journal of the Council of Safety, and any other state documents or other official papers connected with the history of Connecticut from 1776 to 1789, inclusive; and the secretary of state is hereby requested to furnish all needed assistance and co-operation for the speedy completion of the work.

Approved, February 23, 1893.

It was time that something should be done, for the first volume of the State Records and the first volume of the Journal of the Council of Safety are in bad condition, some of the leaves being loose, frayed, and broken. Fortunately it has been possible to restore the text in every instance where the record is defective through age and wear.

This publication contains about one half of the first manuscript volume of the *Records of the State of Connecticut*, and all of the first volume of the Journal of the Council of Safety which was not printed in the fifteenth volume of *Colonial Records of Connecticut*.

The journal of the Governor and Council, as distinguished from that of the Council of Safety, is supposed to be lost. Entries of the appointment of two sheriffs by them are printed on pages 81 and 153.

It is not known that the journals either of the Upper or of the Lower House of the General Assembly for the period covered by this volume are in existence.

As the public records of the State continued to be kept by the same Secretary, so they were kept in the same manner as those of the Colony had been. Each of the manuscript volumes of the Colonial records is paged con-



tinuously from its beginning to its end, while, in the State records each session has its own pagination. In this publication I have not thought it necessary to indicate the pages of the manuscript record, as was done in printing the Colonial records.

I have not closely followed capitalization or punctuation: neither did the Secretary do so in making up his records from the originals. I have not regarded it desirable to reproduce abbreviations in every case where they occurred, but have made none which was not in the MSS. In some few instances I have ventured to correct a mis-spelled word.

In the Appendix to this volume may be found the Journals of the Conventions held at Providence, at Springfield, and at New Haven. The Journals of the Providence and of the New Haven Conventions are from the Rhode Island archives, and I am not aware that they have before appeared in print. The Journal of the Springfield Convention is from our own archives. It had already been printed, from another copy, in *Calendar of New York Historical Manuscripts. Revolutionary Papers*, ii, 281.

The whole text of this volume was transcribed for the printer by my own hand. The index was made by Mr. James W. Thompson of the Secretary's office, who has also assisted in reading the proof.

HARTFORD, August 1, 1894.

C. J. H.

THE  
PUBLIC RECORDS  
OF THE  
STATE OF CONNECTICUT,

From May, 1778, to April, 1780, inclusive.

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM MAY 18, 1778,  
TO APRIL 28, 1780,

AND  
AN APPENDIX.



PUBLISHED IN ACCORDANCE WITH A RESOLUTION OF THE GENERAL ASSEMBLY.

By CHARLES J. HOADLY, LL.D.,

STATE LIBRARIAN.

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.  
1895.

## PREFACE.

This publication comprises the record of eight sessions of the General Assembly of Connecticut, between May, 1778, and May, 1780, and contains the remaining hitherto unprinted portion of volume one of the manuscript *Records of the State of Connecticut*, with the April session of 1780 from volume two. The records of the Council of Safety for the two years are also included, arranged in the same manner as in the former printed volume.

The record of the ordinary Council is not known to exist.

From May, 1779, the journals of the Lower House of the General Assembly are in our archives. The journals of the Upper House are not preserved.

I suspect that sundry of the errata mentioned on page 580 may be accounted for by the fact that the record is not always in the handwriting of Secretary Wyllys himself.

The journal of the Hartford Convention, printed in the appendix, is from the Rhode Island archives. The recommendations of the convention were published in some of the newspapers of that time.

The journal of the Philadelphia Convention is from the archives of Massachusetts and I am indebted for it to the kindness of C. B. Tillinghast, Esq., the State Librarian. I do not know that it has before been printed. It was not practicable to accomplish the object for which the convention was called.

My attention has been drawn to the following resolution found in our archives, *Revolutionary War*, viii, doc. 242, which, though regularly passed in the latter part of October session, 1777, as appears by the memoranda of the Secretary and of the clerk of the Lower House subjoined to it, for some reason not clearly apparent, was not entered on the record. It does not seem to have been repealed. The resolution is in the handwriting of Roger Sherman, and is endorsed :

*Bill granting Liberty to Sandemanian Disciples to abide in this State upon Parol or depart with their Families.*

Oct. 1777.  
p. u. h. 80 p. m.  
p. l. h.

Whereas it appears to this Assembly that Daniel Humphrys, Titus Smith, Richard Woodhull, Thomas Goold, Joseph Pyncheon, Theophilus

Chamberlain, Benjamin Smith and William Richmond, disciples of the late Robert Sandeman, residing in New Haven, have imbibed an opinion that they owe allegiance to the King of Great Britain, and that they are bound in conscience to yield obedience to his authority, and have signified their desire if they may not continue at New Haven to remove to some place under the dominion of said King:

*Resolved by this Assembly,* That the said persons and each of them may be at liberty to continue in this State upon giving their parole of honor, that they will not do anything injurious to this State or the United States of America, or give any intelligence, aid or assistance to the British officers or forces at war with this and the other United States, or if they decline giving such parole, they with their families, household goods, apparel, and provisions sufficient for their passage, may remove to any place subject to the government of the King of Great Britain, or to New York, now occupied by the said King's troops. Except the daughter of the said Richard Woodhul who is heiress to a considerable real estate in said New Haven descended to her from her mother deceased, who shall not be removed therefrom, but she and her estate shall be under the care and guardianship of William Greenough, Esq<sup>r</sup>, of said New Haven, during her minority.

Pass'd in the Upper House. *Test.* GEORGE WYLLYS, Sect<sup>y</sup>.  
Concurred in the Lower House. *Test.* BENJA. PAYNE, Clerk.

The fact that it is not recorded was not noticed in time to refer to this resolve in the former printed volume which covered the year 1777.

In one or two instances, as on pages 395 and 399, I have been able to supplement the record from other sources.

HARTFORD, August 30, 1895.

C. J. H.

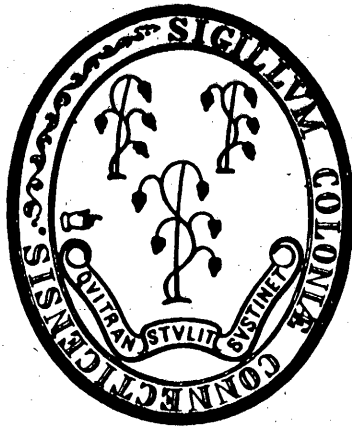
THE  
PUBLIC RECORDS  
OF THE  
STATE OF CONNECTICUT

From May, 1780, to October, 1781, inclusive

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM MAY 15, 1780  
TO DECEMBER 27, 1781, INCLUSIVE

AND

AN APPENDIX



COMPILED IN ACCORDANCE WITH A RESOLUTION OF THE GENERAL ASSEMBLY

By CHARLES J. HOADLY, LL.D.,

STATE LIBRARIAN

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HARTFORD

PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY

1922

### VOLUME III. OF THE STATE RECORDS.

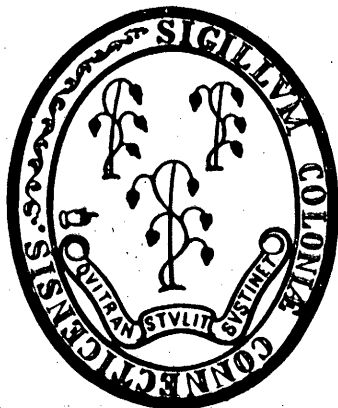
The production of this volume in the series edited by the State Librarian, Charles J. Hoadly, was interrupted by his death on October 18, 1900. He had nearly the whole in type; but the work was not carried forward by his successor, and remained as it was until last year, when it was completed at the cost of his brother, George E. Hoadley, the type being reset and a gap recopied. The work has been overseen and the index compiled by Forrest Morgan of the Connecticut Historical Society.

THE  
**PUBLIC RECORDS**  
OF THE  
**STATE OF CONNECTICUT**

For the Year 1782

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM JANUARY 17, 1782,

TO DECEMBER 16, 1782, INCLUSIVE



COMPILED IN ACCORDANCE WITH AN ACT OF THE GENERAL ASSEMBLY

BY

LEONARD WOODS LABAREE

STATE HISTORIAN

HARTFORD

PUBLISHED BY THE STATE

1942

## PREFACE

This volume continues the publication of early State Records begun in 1894 under the editorship of the late Charles J. Hoadly. Two volumes, covering the period from November, 1776, through April, 1780, were published during his lifetime, and a third, partially prepared by him and completed after his death by Forrest Morgan and published at the expense of Mr. Hoadly's brother, George E. Hoadly, was published in 1922, bringing down to the end of the year 1781 the printed Records of the General Assembly and the Journal of the Council of Safety. In 1937 the General Assembly, by Special Act 596, appropriated the sum of \$2,000 to the State Library Committee to continue the publication of these two sets of public records from the point at which the earlier volumes ended. A further Act of 1941 insured the continuation of the work.

From the start the new project was supervised by Professor George M. Dutcher, State Historian, acting under the direction of the State Library Committee. He oversaw the microfilming, photostating, and typing of several volumes of the original manuscript records and then, upon his resignation as State Historian in the summer of 1941, turned over to his successor the task of preparing the typescript for the printer and seeing the work through the press.

The volume herewith presented contains the State Records (constituting the proceedings of the General Assembly) during the three sessions of the year 1782 and the Journal of the Council of Safety for the same year. The material is found in Volume II of the manuscript Public Records of the State of Connecticut and in the last part of Volume III and the first part of Volume IV of the manuscript Journal of the Council of Safety, all in the State Library at Hartford. As in the earlier published volumes, the record of each session of the General Assembly is followed by the section of the Journal covering meetings of the Council of Safety up to the next session of the Assembly. In preparing the manuscript for the press, it has been the editor's policy to allow as few departures from the form of the original as possible, consistent with sound typographical practice and certain precedents established in earlier volumes in this series. The absence of an index will be noticed. Volume V, covering the year 1783, is now in an advanced stage of preparation and will be published during the first half of 1943. It will contain an index to both volumes, thereby simplifying



somewhat the task of investigators, who sometimes feel burdened by the necessity of consulting individual indexes for each volume in a lengthy series.

The editor is conscious of the large part of the work done by other hands than his own and is deeply grateful to all those who have assisted. The laborious task of reducing to typescript the often difficult handwriting of the originals was carried through by Miss Ruth L. Lind, Miss Madelyn Sullivan (now Mrs. Brown), and Miss Marguerite Ann Sullivan. Dr. Benjamin Keen, assistant to the State Historian, and Mr. Treat Clark Hull checked the typescript against the photostats of the originals for final accuracy. Dr. Keen and Mr. Richard P. Williams assisted in the proofreading. Above all, the editor owes a heavy obligation to Mr. James Brewster, State Librarian, and to Professor Dutcher, without whose friendly cooperation the volume could not readily have been brought to completion.

LEONARD W. LABAREE,  
*State Historian*

*New Haven, Conn.*

THE  
**PUBLIC RECORDS**  
OF THE  
**STATE OF CONNECTICUT**

For the Years 1783 and 1784

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM JANUARY 9, 1783,  
TO NOVEMBER 15, 1783



COMPILED IN ACCORDANCE WITH AN ACT OF THE GENERAL ASSEMBLY

BY

LEONARD WOODS LABAREE

STATE HISTORIAN

HARTFORD

PUBLISHED BY THE STATE

1943

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ford, Middletown, and Norwich (pp. 257, 267, 343, 354, 364). The freemen of each city were allowed to elect all their local municipal officers annually, except the mayor, who, once elected, was to hold office during the pleasure of the Assembly. Each city was also provided with a city court of limited civil jurisdiction, and a common council, which received certain powers in the control of local affairs.

Faced with the necessity of regulating its reopened external commerce, Connecticut passed an act of navigation (p. 254), a number of tariff measures, and a bill creating New Haven and New London free ports of a limited sort (p. 325). The Assembly also agreed to permit the collection of certain duties on imports for the benefit of the central government (p. 326). This measure was passed upon the recommendation of Congress and was contingent upon the passage by the other states of similar acts. But several states refused to cooperate and the project fell through. Congress remained dependent for funds upon the inadequate requisition system.

The problem of finance was almost hopelessly complicated, in Connecticut as elsewhere in the new nation, by the disastrous depreciation of the paper money. References to this depreciation abound throughout the present volume, testifying to the evils attending a general monetary inflation. The financial situation of the state was made more difficult by the direct effects of the war. Several towns, especially New London, Groton, Fairfield, New Haven, Norwalk, and others along the Sound, as well as a few communities further inland, had been burned or pillaged by British raiding parties. As late as 1784 the inhabitants of these towns were still petitioning the Assembly for the abatement of their state taxes on the ground that they had not yet recovered from the effects of enemy attacks. To such appeals the Assembly lent most sympathetic ears.

At the very beginning of the period covered by this volume Connecticut suffered a heavy disappointment at the hands of the central government. Under her "sea-to-sea" charter she claimed title and jurisdiction over a strip of land running straight across what is now Pennsylvania and on to the Mississippi River, which the Treaty of Paris had fixed as the western boundary of the United States. From well before the Revolution settlers had occupied eastern portions of that strip under grants from Connecticut proprietors. In 1775 the Assembly had created the region a county by the name of Westmoreland, and throughout the Revolution its representatives had sat in the Connecticut legislature. Pennsylvania contested Connecticut's claim to the land inside her own western boundary, and in 1782 the question was adjudicated by a commission appointed by Congress. Now, shortly after the convening of the Assembly in January, 1783, word reached Hartford that Pennsylvania had won the case and, in the words written at the end of the Assembly attendance lists of that session (p. 11), the Connecticut county of Westmoreland was

Annihilated and out of Sight;—  
If what the Court have done, is right.

Connecticut upon the Marquis de Lafayette and his young son in grateful recognition of the Frenchman's "distinterested attachment to the Liberties of Mankind" (p. 439). One of several pension cases which should have a specially poignant appeal to readers in 1943, when the people of America are once again being made aware of their deep obligation to those disabled in the cause of freedom, is that of William Burrows. A soldier in the army, he had been wounded in the knee. He was discharged from service and after a long illness had been forced to submit to an amputation at the thigh. Burrows now asked for the payment of his medical expenses and, since he was "disabled from any business," for some provision for his support. The Assembly ordered the payment of his doctor's bills and then, with a truly Spartan generosity, voted him a pension of thirty shillings a month for a term of two years (p. 458). Rather more satisfactory, both to the petitioner and to the sensibilities of the reader, was the outcome of the Reverend Benajah Phelps's memorial. He was what might be called a Loyalist in reverse. The sufferings and losses of the American Tories are familiar; many entries in this volume add details to the general story. But the experiences of Phelps had an opposite origin. A native of Connecticut, he had migrated to Nova Scotia in 1766 and there during the Revolution he had suffered loss of property and exile for his staunch loyalty to the colonial cause. Now, in just the same way that the Tory Loyalists were petitioning Parliament for help, Phelps asked the Connecticut Assembly to grant him relief in view of the losses his faithfulness had cost him. Appropriately, the Assembly made him a grant from among the confiscated estates of the Connecticut Tories (p. 474).

As in earlier volumes, a large share of the record is taken up with the memorials and petitions of individual towns and persons. They sought the Assembly's sanction on a great variety of matters: the holding of a lottery to rebuild a church or bridge, the relocation of a highway, the separation of part of a church membership from the rest because of dissatisfaction with the minister's theology, the sale of some of the real estate of a minor orphan to meet the expenses of his maintenance, the forgiveness of a defaulted bond, the issuance of a new certificate of public indebtedness when the old one had been lost or chewed up by the hogs. These and a host of similar matters occupied the time of the Assembly to an almost unbelievable degree. But the very fact that the Assembly was willing to give its attention to such local and private concerns is evidence that in the Connecticut of the 1780s the government was very close to the people. For all the conservatism of its political framework, and in spite of the ravages of a long and costly war for independence, Connecticut's traditional system of self-government contained the elements necessary for continued vitality and health.

\* \* \* \* \*

The material printed in this volume includes the last 54 pages of Volume II and the first 261 pages of Volume III of the manuscript State Records of Connecticut, and the last 62 pages of the fourth and

THE  
**PUBLIC RECORDS**  
OF THE  
**STATE OF CONNECTICUT**

From May, 1785, through January, 1789



COMPILED IN ACCORDANCE WITH AN ACT OF THE GENERAL ASSEMBLY

BY

LEONARD WOODS LABAREE

STATE HISTORIAN

HARTFORD

PUBLISHED BY THE STATE

1945

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At its October session, 1787, the Assembly provided for elections to a State Ratifying Convention, each town to be represented by the same number of delegates as it was entitled to send to the Assembly (p. 355). The Ratifying Convention met in Hartford on Thursday, January 3, 1788, and after full discussion voted on the following Wednesday, January 9, to ratify the Constitution. The "grand question" passed by a vote of 128 to 40, or better than 3 to 1. Such opposition as appeared came chiefly from rural towns in New Haven County and from country communities in the northern, northwestern, and northeastern parts of the State.\* No official record of the debates or proceedings at the Convention is known to have been made. Some of the newspapers of the State, however, printed reports of some of the sessions with long paraphrases of the principal speeches. A few of the speeches were also reproduced in other publications soon afterwards. From these sources, in the absence of any official record, the editor of this volume has put together as complete a report as possible of the proceedings of the Ratifying Convention, one of the most momentous gatherings in the history of Connecticut. It appears as an appendix to the official Records of the State (below, pp. 548-73).

That the period brought to a close by these events was indeed a "critical period," is well illustrated in the Connecticut records here printed. During much of the time business obviously was at a low ebb. Even a casual reader will notice the very large number of insolvency cases and the many petitions from men and women seeking release, even temporarily, from debtor's prison. Inflation of the currency, decline of public and private credit, interstate barriers to trade, and other consequences of the recent war and of an inadequate central government had done their work. When in October, 1786, the Connecticut Assembly refused point blank to comply with the financial requisition of Congress (p. 232) it was reflecting both a business condition and a public attitude toward the government at large that was common throughout the States. Under the pressure of economic distress the debtor classes everywhere, and especially in parts of New England, sought to gain relief through control of their State governments. They succeeded in Rhode Island where they forced through a legal-tender act and other measures of an inflationary or radical nature. In Massachusetts they were defeated, whereupon some of the more desperate among them adopted a course of direct action. Shays' Rebellion, as the uprising of 1786-87 in western Massachusetts was called, was put down by the use of armed force, but not before it had caused considerable alarm among the more conservative inhabitants of all the northeastern states. In Connecticut, reports of an insurgent movement organized secretly at Sharon among sympathizers of the Massachusetts "rebels" met with prompt and decisive action by the Assembly (p. 294). The ringleaders were arrested and the conspiracy was broken up. Yet because the State Records show in general only the positive accomplishments of the Legislature, this volume does not reflect fully the vigorous

\* O. G. Libby, *The Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution, 1787-8* (Madison, Wisc., 1894), prints a map which shows graphically the centers of opposition to and support of the Constitution.

ing an older town or by combining outlying portions of two or more adjacent towns into a new political entity. During the nine sessions of the Assembly covered in this volume, no less than twenty towns were incorporated. They were: Berlin, East Haven, Bristol, and Thompson\* in 1785; Lisbon, Hamden, Brooklyn, Franklin, Warren, Ellington, Bozrah, Granby, North Haven, Montville, and Hampton in 1786; Southbury, Bethlehem (or Bethlem as it was called), and Weston in 1787; Brookfield in 1788; and Huntington (now Shelton) in the January session of 1789. In many cases the division of towns was along the lines of parish or ecclesiastical-society boundaries, with one or perhaps two outlying societies of an older town forming the basis of the new town. Thus the place which the church society held in the evolution of local government in Connecticut can be clearly seen. And the process of that evolution was not completed, for the records show, in addition to the incorporation of new towns, the simultaneous creation of new societies in various localities, as the dispersions and regroupings of population continued.

In connection with its wider interests the State also took some significant steps during these years. The "sea-to-sea" Charter of 1662 gave Connecticut a claim to a strip of land running westward through regions later claimed by other colonies or states. So far as New York was concerned the issue had been settled quite early in the Colonial Period. The dispute with Pennsylvania (as far west as the western boundary of that State) had been settled in favor of the Quaker State in 1783 by a Congressional adjudication under the provisions of the Articles of Confederation.† Beyond the established western line of Pennsylvania, Connecticut still asserted her right to a strip as wide as her own greatest width running to the Mississippi River, the farthest boundary of the United States. Other states, notably Virginia, had surrendered to the Federal Government their claims to the lands north and northwest of the Ohio River, and pressure was now being brought to bear upon Connecticut to do the same, in order that Congress might provide for the settlement and government of the region. After negotiations on the terms of cession stretching over more than two years, the Connecticut Assembly authorized its delegates in Congress, in May, 1786, to surrender to the United States all "right, title, interest, jurisdiction, and claim" of the State to its western lands, with the exception of a tract running from the Pennsylvania line for 120 miles west (p. 171). In the next Assembly the State began to take steps for selling to private individuals the lands in its Western Reserve (p. 237). It was only in 1795, well beyond the close of this volume, that Connecticut disposed of all its lands in the Reserve and only in 1800 that it finally surrendered jurisdiction over the Western Reserve to the United States. The ambitions of the State for a colonial region of its own died slowly.

Apart from some of these issues of fairly general concern, readers of

\* The act of incorporation of Thompson was omitted from its proper place in the records. It has been supplied at the end of the record of the May 1785 session (below, p. 90) from the original document in the Connecticut Archives.

† See *The Public Records of the State of Connecticut*, V, 11 note.

two husbands were granted divorces merely on rather general grounds of the unconjugal behavior of their wives (pp. 206, 335). Even though these charges included accusations of threats or attempts upon the husbands' lives, they certainly did not come within the grounds upon which the Superior Court was allowed to grant divorces. The evidence of comparative liberalism which the Assembly gave by its treatment of these cases should help to correct the still somewhat false idea which many people have of eighteenth-century puritanism. Even though sentiment in Connecticut could still support an act forbidding billiards as a danger to the moral health of the people, the Assembly was prepared to take a much more tolerant and even "modern" stand on such an important question as divorce. Items such as these suggest the wisdom of avoiding sweeping generalizations in writing about social attitudes in eighteenth-century Connecticut.

\* \* \* \* \*

The records of the Assembly printed in this volume consist of pages 263-527 of Volume III and pages 1-146 of Volume IV of the manuscript State Records of Connecticut. There are also printed the first 35 pages of a new manuscript volume called "Book of Records of the Resolves & other Doings of the Governor & Council of the State of Connecticut begun in May Session A.D. 1785." The latter are records of various executive actions taken by the Governor and Council and, although they deal with very different matters, they may be said to take the place of the records of the Council of Safety, the printing of which was brought to a conclusion in Volume V of this series.

It may be worth while to point out just what the "State Records" are and are not. In brief, they are the records of the positive actions of the General Assembly at each session. They are in no sense a journal of the day-by-day proceedings of either house of the legislature; much less are they reports of debates before a deliberative body. The journal of the Lower House is in manuscript in the State Library in Hartford; no legislative journal of the Upper House is known to exist for this period. There were no official reports, stenographic or otherwise, of the debates and speeches. At about this time, however, the newspapers of the State began to adopt fairly regularly a practise—only occasionally indulged in before—of printing their own reports of speeches and debates, either condensed and paraphrased, or ostensibly reproduced in full. In many cases a report printed in one paper was reprinted without change within a week or so in some of the other papers of the State. The editor has examined the files of four leading newspapers of the period, the *Connecticut Courant* (Hartford), the *Connecticut Journal* (New Haven), the *New Haven Gazette* (later the *New Haven Gazette and Connecticut Magazine*), and the *Connecticut Gazette* (New London), and has indicated by appropriate footnotes what speeches, debates, or proceedings are reported in these papers.

Attention should also be called to another body of supplementary material. The papers of the Assembly, consisting of petitions, memorials, reports of committees, etc., were all—theoretically at least—preserved.

THE  
PUBLIC RECORDS  
OF THE  
STATE OF CONNECTICUT

From May 1789 through October 1792



COMPILED IN ACCORDANCE WITH AN ACT OF THE GENERAL ASSEMBLY

BY

LEONARD WOODS LABAREE

STATE HISTORIAN

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HARTFORD

PUBLISHED BY THE STATE

1948

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of the submission to the States for ratification of a set of proposed Amendments to the Constitution. It will be readily recalled that in ratifying the Constitution a number of the States proposed limiting or clarifying amendments. Out of the welter of suggestions submitted by the States or introduced into Congress by individual members, twelve articles passed both houses and were sent to the States in the fall of 1789.\* The first of these proposed a fixed system for determining the apportionment of representation in the House of Representatives; the second would have limited the power of Congress to alter the compensation of its members. Neither of these suggested amendments ever received the approval of the necessary three-fourths of the State legislatures. The remaining ten proposed articles were ratified and became a part of the Constitution. They are now known as the Bill of Rights and as such have an honored place in the record of American constitutional freedom. But in their adoption as part of the Fundamental Law of the United States, Connecticut, unfortunately, can claim no share.

Governor Huntington received the official text of the twelve proposed amendments and submitted the document to the General Assembly for consideration at the October session, 1789.† The lower house agreed to approve all except the second of the proposed articles, but the Council voted to postpone action until the following session. In May 1790 the Representatives again passed a bill in favor of Articles III-XII of the proposals. To this measure the Council formally dissented but passed a bill of its own ratifying all twelve amendments. The lower house in turn rejected this measure. In October 1790 the House took up the question once more but this time rejected all twelve proposals and concurred with the Council in a vote to postpone further action until May 1791. There is no evidence that either house discussed the matter again. When Virginia acted favorably on Articles III-XII in December 1791, thereby completing the necessary number of ratifications, the issue was closed. Further action by Connecticut would have been superfluous.

It is a curious fact that, although each house of the Connecticut legislative body at one time or another went on record in favor of at least ten of the proposed amendments, they never got together to ratify any of them. The probable explanation is that the conservative leaders of the State could not summon enough enthusiasm to work effectively for the amendments. Some Connecticut representatives in Congress, notably

\* On the general history of the proposal and ratification of Constitutional amendments the standard authority is Herman V. Ames, "The Proposed Amendments to the Constitution of the United States during the First Century of Its History," in *Annual Report of the American Historical Association for the year 1896*, vol. II (Washington, 1897). Ames lists 297 propositions presented for Congressional consideration during the first six months of its existence.

† The account which follows is summarized from the most careful study yet made of the subject: Thomas H. LeDuc, *Connecticut and the First Ten Amendments to the Federal Constitution*. Senate Doc. no. 96, 75th Cong., 1st Sess. (Washington, 1937). See also M.S. Journal of the House of Representatives (Secretary of State's Office, Hartford), Oct. 27, 28, 1789; May 17, 18, 21, 24, 25, Oct. 15, 21, 1790.

Roger Sherman, actively opposed a number of the proposals.\* He, together with Benjamin Huntington and Jeremiah Wadsworth, seems to have objected to any measures which would have formally restricted the Congress or the State legislatures in the exercise of authority. Probably the attitude of these men reflected in some degree the views of their associates among the ruling class back home. The political leaders of the State had supported the original Constitution and apparently had not been bothered by some of the doubts and misgivings which had disturbed more liberal-minded citizens in other States. The men of Connecticut seemed willing to let well enough alone.

The General Assembly, however, proved quick to take action when there was actual Federal interference with its own prerogatives, as an incident in the session of May 1792 clearly shows (pp. 396-97). A certain Josiah Huntington, who had business with the legislature but who feared imprisonment for debt, asked for and received immunity from arrest, as many others in like situations did, until his petition should be acted upon. In spite of his certificate of protection, a deputy United States marshal seized him on a writ of execution from a Federal court and, in the absence of any Federal house of detention, handed him over to the keeper of the Hartford county jail for custody. When the Assembly heard of this defiance of its authority it issued a writ of habeas corpus ordering the prisoner to be brought before it. Upon learning why Huntington was detained, the legislature ordered his immediate release. The General Assembly would recognize no other jurisdiction in a matter where its own authority was involved.

During these years the Assembly gave attention to two other topics involving the interests and activities of its citizens beyond the territorial boundaries of the State. One matter dated back in origin to events during the Revolution; the other was the outgrowth of a new religious awakening that was just beginning to take place. Although Connecticut was the scene of relatively little fighting and of no major campaigns in the war, several of its towns, especially some of those on or near the coast, had suffered from destructive British raids. People who had lost their houses or other property in these attacks had long been asking for some sort of compensation, and the Assembly felt the obligation to do something for them. The State had no money it could pay out in cash awards, but it did have one available resource: large quantities of unoccupied lands in that part of the Northwest Territory to which it had not surrendered title when it ceded its other western claims to Congress in 1786. An obvious solution of the problem, therefore, was to grant the victims of British depredations or their heirs the right to a share of land in the Western Reserve, to each one in proportion to his losses at enemy hands. The Assembly set up a committee in December 1790 to establish the monetary value of each claimant's uncompensated loss, and in May 1792 voted to grant the "sufferers" as a group half a million acres in what are now Erie and Huron counties in Ohio. The long list of some 1870 names,

\* LeDuc, *Connecticut and the First Ten Amendments*, pp. 4-5.

did want to sell its birthright of independence if it could help it. At last, the wise and patient efforts of such men as President Ezra Stiles and James Hillhouse, Congressman and treasurer of the college, bore fruit in an arrangement which gave the New Haven institution the necessary financial help and gave the State some, but not too much, representation on the governing body of the college (p. 392). Thus, in regard to three such different matters as freedom of residence, the recognition and encouragement of the medical profession, and the support of the college, Connecticut was slowly giving up the patterns of the past and moving towards a freer, more liberal future.

The many references in this volume to lotteries sanctioned by the State suggests that Connecticut, in common with her sister states, took a very different attitude on this question of public policy in the late eighteenth century from that which officially prevails in the mid-twentieth. Again and again the legislature granted permission to local bodies or to groups of citizens to raise money by means of lotteries. In purpose these projects ranged from such matters of public benefit as the building of a highway bridge to such essentially private concerns as the financing of a new factory. It would almost seem as if the standard recourse of any one seeking to raise funds was to ask permission to hold a lottery and as if the legislature had no hesitation in granting these requests. In fact, however, Connecticut had not gone quite so lottery-wild as the record seems to suggest. Perhaps the act of May 1791 forbidding the traffic within Connecticut in lottery tickets issued in any other state (p. 257) was enacted chiefly as a means of protecting home industry, but it also does suggest some attempt to curb the free expression of the gambling spirit. What is more important is the evidence of the Journal of the House of Representatives which shows that the Assembly rejected just about as many requests for lotteries as it granted. Only selected applicants, representing what seemed to the authorities the most worthy and deserving enterprises, received official sanction for their proposals. And as the newspapers and other sources make clear, many of these ultimately proved unsuccessful. An application to the legislature for a lottery was by no means certain to win approval, or, if granted, to produce the hoped-for income.

In the economic life of the State the most important development of these years was the establishment of Connecticut's first banks. At the beginning of 1792 there were only five incorporated banks in the country, the most recent of which was the Bank of the United States created by act of Congress the year before. The month of February 1792 saw meetings in three Connecticut cities, Hartford, New London, and New Haven, at which interested and influential citizens laid plans for the foundation of banks in their own communities. The Hartford and New London groups received their charters from the Assembly in the following May (pp. 384, 388) and opened for business soon after. The New Haven Bank was incorporated in October of the same year (p. 491) but did not begin regular operations until early in 1796. It is satisfying to add that all three banks have continued in existence ever since. They are now, of course, among the most venerable institutions of their kind in the nation.

If the establishment of banks may be taken as a sign of the strengthening of Connecticut's financial basis and the increasing maturity of its commercial life, there are, on the other hand, some evidences that all was not well with the economic condition of many individual inhabitants during these years. It has been the almost unanimous statement of American historians dealing with this period that the years immediately following the Revolution were years of economic depression and financial distress, but that about the time the new Constitution was being drafted and adopted (that is about 1787-89) business picked up remarkably and the new government came into being almost simultaneously with a return of general prosperity. In the light of this thesis some of the records which follow offer rather puzzling reading. Even a somewhat cursory turning of the pages of this volume will bring to notice the very large number of items involving debtors who, unable to meet their obligations, had either been thrown into prison under the harsh laws which still existed, or who feared arrest, or who frankly declared themselves insolvent. It was common practice for hard-pressed men who wished to bring petitions to the Assembly to ask for and receive protection from arrest until they could transact their business; every Assembly session made many such grants of immunity. It was also necessary, in the absence of any general bankruptcy act, for an individual who knew he could not meet his obligations to apply to the State legislature for a special act of insolvency. Under it he surrendered his assets to trustees or commissioners for equitable distribution among his creditors and thereby gained permanent exemption from arrest for debts contracted before the effective date specified in the act.

While the numbers of protections from arrest for debt and special insolvencies are not a perfect barometer of business conditions, one might expect that both would tend to go up or down in rough accordance with the general state of business. If the economic life of Connecticut was on the mend from about 1787 on, one would look to see a decrease in the number of debtors' cases coming before the Assembly. What actually happened is shown in the following table drawn from the official records and covering a ten-year period from the close of hostilities in the Revolution to the final session of the Assembly recorded in this volume:

Year	Freedoms from Imprisonment or Arrest for Debt (Initial, or Renewed from Previous Year)	Acts of Insolvency Granted	Net Total (Excluding Duplications)
1783	5	1	6
1784	5	0	5
1785	8	1	8
1786	13	1	13
1787	19	7	22
1788	16	3	18
1789	15	4	19
1790	22	5	25
1791	13	13	25
1792	13	21	31

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- Lotteries and Divorces, 1st Series, Vol. 1.
- Militia, 3rd Series, Vols. 1-4.
- Miscellaneous, 1st Series, Vol. 3.
- Revolution, 1st Series, Vol. 37; 2nd Series, Vols. 5, 15, 25, 30, 41, 51, 54, 55; 3rd Series, Vols. 1-6.
- Susquehannah Settlers; Western Lands, 1st Series, Vol. 1; 2nd Series, Vol. 1.
- Towns and Lands, 1st Series Vol. 10; 2nd Series, Vols. 1-5.
- Trade and Maritime Affairs, 1st Series, Vol. 2; 2nd Series, Vols. 1, 2.
- Travel, 2nd Series, Vols. 1-7, 13.

The manuscript record part way through the session of May 1790 was transcribed by Marguerite Ann Sullivan. The remainder of the text was transcribed by Catherine Fennelly, Ph.D., assistant to the State Historian. In addition, Miss Fennelly conducted the examination of the newspaper files, gathered a large part of the other material for the footnotes, and carried the principal burden of constructing the index. Throughout the preparation of the volume the State Librarian, James Brewster, and members of his staff have been most helpful and cooperative. To them the editor is deeply grateful.

L. W. L.

STATE OF CONNECTICUT

AT A GENERAL ASSEMBLY OF THE STATE OF CONNECTICUT IN AMERICA HOLDEN AT HARTFORD IN SAID STATE ON THE SECOND THURSDAY OF MAY, BEING THE 14TH DAY OF SAID MONTH, AND CONTINUED BY ADJOURNMENTS UNTIL THE SIXTH DAY OF JUNE NEXT FOLLOWING ANNO DOM 1789.\*

Present at the Opening of the Assembly

His Excellency Samuel Huntington Esquire Governor:  
The Honorable Oliver Wolcott Esquire Lieut Governor.

William Williams	Esqr	} Assistants
Andrew Adams	Esqr	
Joseph Platt Cook	Esqr	
Stephen Mix Mitchell	Esqr	
William Hillhouse	Esqr	
Erastus Wolcott	Esqr	
John Treadwell	Esqr	
John Chester	Esqr	

Representatives or Deputies of the Freemen of the several Town in the State who attended this Assembly are as follow.

*viz.*

- ....., Capt Jonathan Bull, for Hartford
- Colo Gad Stanley, Genl Selah Hart, for Berlin
- Capt Simeon Hart, ....., for Bristol
- Mr Ashbel Pitkin, Colo Jonathan Wells, for East Hartford
- Colo Lemuel Stoughton, Capt Roswell Grant, for East Windsor
- ....., Mr Isaac Kibbee, For Enfield
- Majr William Judd, Colo Noadiah Hooker, for Farmington
- Capt Joseph Mosely, Colo Howell Woodbridge, for Glastonbury

\* None of the Connecticut newspapers carry detailed reports of debates of this session, although some print notes commenting on the small amount of important business done. The manuscript Journal of the House of Representatives shows that one or both branches of the General Assembly considered, without final affirmative action, several questions which came up again in later sessions. Among these proposals were: a bill repealing that part of the act for appointing Superior Court judges which provided that these officials should be appointed during the pleasure of the Assembly (see below, p. 104 note); bills altering or repealing the excise laws (see below, pp. 70, 114); and a bill changing the rules regarding the support of ill and indigent non-residents in the towns (see below, pp. 66-69, 378).

# RECORDS

OF THE

## COLONY AND PLANTATION

OF

# NEW HAVEN,

FROM 1638 TO 1649.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION  
OF THE GENERAL ASSEMBLY OF CONNECTICUT.

WITH OCCASIONAL NOTES AND AN APPENDIX.

*Vol 1*

By CHARLES J. HOADLY, M. A.

State Librarian of Conn., Member of the Conn. Hist. Soc., Cor. Memb. N. E. Hist. Gen. Soc.

HARTFORD:

PRINTED BY CASE, TIFFANY AND COMPANY,

FOR THE EDITOR.

1857.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF

THE NEW HAVEN HISTORICAL SOCIETY

New Haven  
Collection

974.68

1745

A1

*At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and fifty-six:*

*Resolved*, That the secretary be authorized to purchase for the use of the state, two hundred and fifty copies of the proposed publication of the Records of the Colony of New Haven, prior to the union with Connecticut, transcribed and edited by Charles J. Hoadly, Esq. *Provided*, that such publication shall be authenticated by the official certificate of the secretary, as a true copy of the original record; *and provided, also*, that the expense of the same shall not exceed two dollars and fifty cents per volume.

*Resolved*. That the copies so purchased be distributed as follows: one copy to the town clerk of each town in this state, to be preserved in his office for the use of the town; one copy to the governor, and to each of the state officers of this state; one copy to the governor of each of the several states and territories of the United States, to be deposited in their several state libraries; one copy to the library of congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this state; twenty five copies to Mr. Alexander Vattemare for international exchange; and the remainder of the said two hundred and fifty copies to be deposited in the office of the secretary, subject to the disposal of the general assembly.

## INTRODUCTION.

THE original manuscript, of which the present volume is intended to be, as nearly as practicable, a reproduction, is a large folio of seventeen by eleven inches in size, containing about two hundred and fifty pages. It was evidently written with some care, and the chirography of the whole might be called, for the period, superior, more particularly so that of Thomas Fugill, the first secretary, although it is more abundant in contractions and abbreviations than that of Richard Perry or Francis Newman, his successors.

Many years before the employment of the volume in this country as a Record Book for New Haven Colony, five pages of it had been used, by some great merchant in London, as a Day Book or Journal, and it thus begins,—“*Laus Deo*, In London, the 6th of January, Anno Dominae 1608.” Who the merchant was to whom it belonged does not appear, and is unknown; it has been a tradition, however, that it was “*Governor Eaton’s Ledger*,” but as Eaton was born in 1590, it would hardly seem probable that a youth of eighteen should carry on business, both foreign and domestic, to so great an extent as would appear to be indicated by the entries in this book.

At their first settlement, though within the limits of the old Connecticut Patent, the plantations of New Haven, Guilford and Milford, intended to be, if possible, separate and distinct governments, but finding themselves singly too weak, early in the spring of the year 1643, they confederated with New Haven, which had already by the

purchase and settlement of Stamford, Yennycok or Southold, and Totoket or Branford, become the most considerable in size and influence, and thus was formed the Jurisdiction of New Haven.

The present volume contains the records of the Colony of New Haven while it remained distinct, the beginning of the records of the Jurisdiction, and the records of the Town or Plantation up to the year 1650.

From April, 1644, to May, 1653, the records of the Jurisdiction are lost, save that in this volume we have the proceedings of a Court of Magistrates, June 14th, 1646, and a Court of Election, October 27th, 1646. How long these records have been missing we are ignorant, but may conjecture that they have been so for a period of about a century. That Dr. Trumbull did not have access to them, while collecting materials for the history of Connecticut, that is from about 1770 to 1774, is evident upon an examination of that work, and had their disappearance then been recent, we should suppose that there would have been made some reference to the fact, either by him or by the General Assembly in their resolution of May, 1772.

The dates of some meetings of the Jurisdiction Courts for this period, collected from the records of the United Colonies and from those of the town of Guilford, are inserted in their chronological order in the form of notes.

In a note at page 463 is found an account of some of the proceedings of a General Court for the Jurisdiction, May 30th, 1649, which is taken from Thompson's History of Long Island, but I have thus far been unable to learn the source whence the author of that work obtained the citation. The editor has been informed that Mr. Thompson's papers afford no clue, and that it is not found in the records of the town of Southold, L. I. It is to be hoped that the extract may lead to the discovery of the missing volume.

In May, 1772, perhaps at the instance of Governor Trumbull, who, as the venerable historian of Connecticut assures us, had a most thorough acquaintance with the history of the colony, the General Assembly passed the following resolution :

“Whereas the first antient Book of Records of this Colony remain-

ing in the Secretary's office, and the first Records of the Jurisdiction of New Haven, in the office of the Town Clerk of the Town of New Haven, are much worn and decayed, and by constant use in danger of being totally ruined, Resolved by this Assembly, that the Secretary be directed and he is hereby directed to procure the said Records to be fairly transcribed into some proper book or books to be by him procured for that purpose, and laid before this Assembly to be compared and duly authenticated for common use, to the end that the said original ancient Records may be safely preserved and used only upon special and important occasions. The secretary is also directed to receive into his hands and deposit in his office the antient Book of Records of the Jurisdiction of New Haven, now remaining in the office of the clerk of the County Court of New Haven County, who is also hereby requested to deliver the same to him accordingly, that the same may remain for publick use in the publick archives of the Colony.”\*

The first volume of the Connecticut Records was copied and presented to the Legislature for authentication in May, 1773, but why the New Haven Records were not then also transcribed we are not informed.

The authorities of the town of New Haven have within a few years taken commendable care for the preservation and safe keeping of this first volume of their Records, by causing a copy to be made, and by enclosing the original in a copper box.

In executing the trust of editing these Records, accuracy has been the chief thing aimed at, and to obtain this neither time nor labor have been spared; every page has been carefully compared by the editor with the original; contractions and abbreviations have been followed, but with regard to the use of capital letters and marks of punctuation, it has not been deemed necessary strictly to adhere to the copy; still, however, this liberty has been used with caution, and the editor has not knowingly altered the sense of any passage thereby,

\* Colony Records, vol. xi, p. 105.

preferring in all instances where such might be the case, to let the original punctuation prevail.

Changes in the original arrangement of the records have been made in two instances only, one by placing the articles of agreement with the native Indian proprietors at the beginning of the volume, and the other by transferring a list of names recorded on page [138] to page 140 of this volume. The paging of the original has been preserved and will be found in brackets at the side of the page.

Some redundancies in the original have been printed in italics. Where the original has in some places become obliterated or worn away, the missing words, supplied by the editor, are included in brackets. In other cases where words or letters have been omitted or passages of doubtful import occur, the editor feels obliged to charge the fault to those who originally wrote the manuscript.

In citing the records of the United Colonies, it has been found more convenient in general, to cite from the cotemporary manuscript copy preserved in the Secretary's office than to make use of Hazard, since it is known that in the latter many errors occur. In citing Trumbull's history, the edition printed at Hartford in 1797 has been used, and in Savage's Winthrop, though the edition of 1853 has been used, yet the pages of the former edition of 1825-6 are cited.

In conclusion, the editor expresses his thanks and acknowledges his obligations to the General Assembly of Connecticut, by whose liberality the expenses of publication have been in part defrayed; to the Connecticut Historical Society, for their encouragement of the work; to the late Town Clerk, Alfred Terry, Esq., and to the Selectmen of New Haven, for the readiness and courtesy with which they afforded every facility requested for the accomplishment of the same; to Henry White, Esquire, for many valuable suggestions and other important aid, which his very extensive and accurate information regarding the early history of New Haven enabled him to furnish; to Hon. Francis De Witt, Secretary of the Commonwealth of Massachusetts, and to E. B. O'Callaghan, Esq., M. D., of Albany, for copies of documents remaining in the archives of their respective States; to Ralph D. Smith, Esq., of Guilford, Henry Onderdonk, Jr., Esq., of

Jamaica, L. I., and Rev. E. Whitaker, of Southold, L. I., and to others who in various ways have given the publication their countenance or assistance.

To Henry White, Esquire, I am indebted also for the copies and abstracts of wills and inventories found, as notes, in this volume.

Should the present volume meet with sufficient encouragement, the editor proposes to continue it, by the publication of the Records of New Haven Jurisdiction from May, 1653, to the union with Connecticut in 1664-5, together with the New Haven code of 1656.

C. J. H.

STATE LIBRARY, HARTFORD,

April 14, 1857.



RECORDS

77-8  
OF THE

COLONY OR JURISDICTION

OF

NEW HAVEN,

FROM MAY, 1653, TO THE UNION. 1789-1800

TOGETHER WITH THE

NEW HAVEN CODE OF 1656.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION  
OF THE GENERAL ASSEMBLY OF CONNECTICUT.

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By CHARLES J. HOADLY, M. A.

State Librarian, Member of the Conn. Hist. Soc.

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HARTFORD:

PRINTED BY CASE, LOCKWOOD AND COMPANY.

1858.

New Haven  
Collection

974.68

N45

A2

*At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and fifty-six:*

*Resolved*, That the secretary be authorized to purchase for the use of the state, two hundred and fifty copies of the proposed publication of the Records of the Colony of New Haven, prior to the union with Connecticut, transcribed and edited by Charles J. Hoadly, Esq. *Provided*, that such publication shall be authenticated by the official certificate of the secretary, as a true copy of the original record; *and provided also*, that the expense of the same shall not exceed two dollars and fifty cents per volume.

*Resolved*, That the copies so purchased be distributed as follows; one copy to the town clerk of each town in this state, to be preserved in his office for the use of the town; one copy to the governor, and to each of the state officers of this State; one copy to the governor of each of the several states and territories of the United States, to be deposited in their several state libraries; one copy to the library of congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this state; twenty-five copies to Mr. Alexander Vattemare for international exchange; and the remainder of the said two hundred and fifty copies to be deposited in the office of the secretary, subject to the disposal of the general assembly.

## P R E F A C E.

THE present volume comprises all the Records of the Jurisdiction of New Haven now known to exist, except the few entries in the 'Records of the Colony and Plantation of New Haven,' printed in 1857.

In the Introduction to the work just mentioned, it was stated that the volume of Records, of which this is in immediate continuation, had many years ago disappeared; so long since, indeed, that no writer on Connecticut or New England history seems to have had an opportunity to consult it. Reference is made in this book to two places in the missing volume, one as fo: 176, said to contain records of the date of May 30th, 1649, the other, fo: 303, containing some of the date of May 29th, 1651. The Records of the Town of New Haven, prior to the Union, are unbroken in their series, and it is from them, together with those of the other towns in combination, that the history of New Haven Jurisdiction from 1644 to 1653 is mainly to be gleaned.

The same care has been used to render the text strictly correct and reliable as in the previous volume.

The editor has taken the liberty to omit a few passages, indicated in notes, containing details of evidence in some criminal cases, for which he trusts no apology is needed.

Several documents from the Files of the State have been inserted in their chronological order in the text. This seemed to the editor better than to throw them into an appendix. They are printed in a smaller type, and the places noted where the originals may be found.

The New Haven Laws are here given from the original printed copy belonging to the Library of the American Antiquarian Society at Worcester, Massachusetts, which has been very kindly loaned for that purpose. That copy is in excellent preservation, and, having his name written upon the title page, with the date 1656, is supposed to have belonged to John Davenport himself. As the book is of great rarity, and perhaps unique, a more particular description is added: it is a small quarto of eighty pages, though at signature G there is a break in the paging, none being numbered 47 or 48—it is printed with type of about the size generally used in the body of this volume,—it has no running title,—the breadth of the page, exclusive of the

marginal notes, is the same with that of this work, and its length s. inches.

A fair transcript of these laws is now in the Secretary's office, which was made by Mr. Baldwin, then librarian of the American Antiquarian Society, at the request of the General Assembly in 1834.

The laws contained in this code were passed at various times, and perhaps collected and digested about 1648 or 1649, though revised and in some degree altered in 1655, upon the perusal by Governor Eaton of the 'New booke of lawes in y<sup>e</sup> Massachusetts colony,' and the 'Small booke of lawes newly come from England, w<sup>ch</sup> is said to be M<sup>r</sup>. Cottons.' Of the latter the full title is given in the note,\* and an idea of its contents may be obtained by consulting Hutchinson's Coll. 161, and 1, Mass. Hist. Coll. v. 173. Dr. Trumbull, Hist. Conn. p. 235, edit. 1797, appears to have confounded it with another work attributed to Cotton,† but with reason thought to be by Davenport.

The editor acknowledges renewed obligations to those gentlemen who have rendered him assistance in various ways, in particular to Hon. Francis DeWitt, late Secretary of the Commonwealth of Massachusetts, and to Mr. David Pulsifer, of Boston, for copies of documents from the files of that State, to Samuel F. Haven, Esq. of Worcester, Mass., to Henry White, Esq. and others of New Haven, Ralph D. Smith, Esq. of Guilford, and to several friends in this city.

Grateful for the favor with which his former volume was received, the editor believes that the one now given to the public will be found of much greater interest and importance. If it shall contribute to foster a taste for the study of the original materials for our history, he will feel that his labor has not been lost.

STATE LIBRARY, HARTFORD,  
May 3, 1858.

C. J. H.

\* AN ABSTRACT OF LAWS AND GOVERNMENT. Wherein as in a Mirrour may be seen the wisdome & perfection of the Government of Christs Kingdome. Accomodable to any State or form of Government in the world, that is not Antichristian or Tyrannicall. Collected and digested into the ensuing Method, by that Godly, Grave, and Judicious Divine, Mr. JOHN COTTON, of Boston, in New-England, in his Life-time, and presented to the generall Court of the Massachusetts. And now published after his death, by William Aspinwall. Isa. 33. 22. *Jehovah is our Judge, Jehovah is our Law-giver, Jehovah is our King, he will save us.* LONDON, printed by M. S. for Livevel Chapman, and are to be sold at the Crown in Popes-head Alley, 1655.—Small 4to. pp. 35, with title and preface 8, and analysis and errata 2.

† A Discourse about civil government in a new plantation whose design is religion. Written many years since by that Reverend and worthy minister of the gospel, John Cotton, B. D. And now published by some undertakers of a new plantation, for general direction and information. Cambridge, printed by Samuel Green and Marmaduke Johnson, 1673.—Small 4to. pp. 24. Bacon's Hist. Disc. 289.

## RECORDS

OF THE

## JURISDICTION OF NEW HAVEN.

[In the handwriting of Francis Newman.]

### [1] AT A COURT OF ELECTION HELD AT NEWHAUEN FOR THE JURISDICTION THE 25<sup>th</sup> OF MAY, 1653.

Theophilus Eaton, Esqr, was chosen Gouvernor.

Mr. Stephen Goodyeare was chosen Deputie Gouvernor.

Francis Newman was chosen Magistrate for Newhauen.

Mr. William Fowler, }  
Mr. John Astwood, } chosen Magistrats for Millford.

Mr. William Leete was chosen Magistrate for Guilford.

Theophilus Eaton, Esqr, }  
and Capt. Jn<sup>o</sup> Astwood, } chosen Comissioners.

Mr. Leete is chosen a third man, and Mr. Goodyeere a fourth, in case any of the other or both should not be able to attend the service.

Mr. Joshua Atwater is chosen Treasurer.

Francis Newman is chosen Secretarie.

Thomas Kimberly is chosen Marshall.

All chosen for the yeare ensuing and till new be chosen.

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

PRIOR TO THE UNION WITH NEW HAVEN COLONY,

MAY, 1665,

TRANSCRIBED AND PUBLISHED, (IN ACCORDANCE WITH A RESOLUTION  
OF THE GENERAL ASSEMBLY,) UNDER THE SUPERVISION  
OF THE SECRETARY OF STATE,

WITH OCCASIONAL NOTES, AND AN APPENDIX;



By J. HAMMOND TRUMBULL,

CGR. SEC. CONN. HIST. SOCIETY; COR. MEMB. N. YORK HIST. SOCIETY, ETC.

HARTFORD:  
BROWN & PARSONS.  
1850.

THE FOLLOWING TITLE WAS MICROFILMED

FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## P R E F A C E .

*At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and forty-nine:*

*Resolved.* That the Secretary of State be authorized to purchase for the use of the State, two hundred and fifty copies of a publication of the Public Records of the Colony of Connecticut, prior to the union with New Haven colony, under the Charter of 1662. *Provided,* that such publication shall be made with the approval, and under the supervision of the Secretary, and shall be authenticated by his official certificate as a true and literal copy of the original record; and *provided also,* that the expense of the same shall not exceed two dollars per copy; and that the literal copy of the original record, above specified, be deposited with the Secretary of State, for the use of the State.

*Resolved.* That the copies so purchased be distributed by the Secretary, as follows; one copy to the town clerk of each town in this State, to be preserved in his office, for the use of the town; one copy to the Governor and to each of the State Officers of this State; one copy to the Governor of each of the several states and territories, of the United States; one copy to the library of Congress; and the remainder of said two hundred and fifty copies, to be deposited in the office of the Secretary of State, subject to the disposal of the General Assembly.

PRINTED BY  
CASE, TIFFANY & CO.,  
HARTFORD, CONN.

THE early annals of a State require no formal introduction to the descendants of its founders. If the transcriber have well accomplished the task which a love of the olden time impelled him to undertake, and which the liberality of the Legislature supplied, in part, the means of prosecuting, no doubt can exist as to the favorable reception of the volume now presented to the citizens of Connecticut. The value which may attach to it must, of course, mainly depend upon the degree of confidence entertained in its accuracy as a 'true, full and literal copy of the original Record.' The professions or assurances of the transcriber, could do little to impart such confidence; nor could they give additional weight to the certificate of official authentication, or to such *internal* evidence of reliability as, it is hoped, a careful perusal of the volume may supply.

A notice of the condition and arrangement of the original records, and of the plan adopted by the transcriber in the construction of this work, may not, however, be deemed inappropriate.

The *first* volume of the Colony Records is in three parts, originally bound in as many separate volumes. The first of these consists of the records of the General and Particular Courts, commencing with the session held at Newtown, (Hartford,) April 26th, 1636, (by the magistrates commissioned by Massachusetts, to 'govern the people at Connecticut,\*)' and closing with the December session of the Court of Magistrates, 1649. Next following, (separated by a few blank pages from the Court Records,) are the records of Wills

\* The commission "to several persons, to govern the people at Connecticut for the space of a year [then] next coming," was granted by the General Court of Massachusetts, March 3d, 1635(6).—after consultation with John Winthrop, then lately, "appointed governor by certain noble personages and men of quality, interested in the said River, which are yet in England." The commissioners named were Roger Ludlow Esq., William Pincheon Esq., John Steele, William Swaine, Henry Smith, William Phelps, William Westwood and Andrew Ward. See the commission, at length, in Hazard's State Papers, Vol. 1, p. 321.

and Inventories. The remainder of the volume contains Grants and Conveyances of Lands, by towns and individuals, some of which are of as recent date as 1702; the greater part, however, having been transcribed from the several town records, between 1662 and 1690. These have not been included in the present publication, the proposed limits of which would not admit of their insertion, and the omission being regarded of the less importance, as copies of most of them are to be found elsewhere, and as the interest which attaches to them is mainly local or personal. Six pages of recognizances and bonds for prosecution, of various years, entered at the beginning of the volume, preceding the first page of the Court records, have likewise been omitted, in publication.

The second volume contains the records of the General Court from February, 1650, to October, 1669;—and at the other end of the book, separately paged, is recorded the Code of 1650, with such additional orders 'of general concernment,' as were, from time to time, passed by the General Court.

The second volume of the records of the Particular Court, or Court of Magistrates, comprising a period of about thirteen years, (from January, 1650, to June, 1663,) and including the Probate Records, long since disappeared from the Secretary's Office, and is supposed to be irrecoverably lost. The third volume, commencing June, 1663, and containing, at one end, such Wills and Inventories as were brought for record between that date and Sept. 1677, was, some years since, rebound, and lettered, "PROBATE RECORDS, VOL. III.—COUNTY COURT."

In transcribing the first volume for the press, occasional changes of its arrangement have been deemed advisable, for the purpose of facilitating reference, and to preserve chronological sequence. Thus, the Constitution of 1639, has been transposed from the end of the volume, to its proper place, preceding the record of the April Court: the wills and inventories recorded prior to 1644, have been brought together, at the end of the Court Records, and placed with others subsequently recorded; the records of such sessions of the Court as were entered by the Secretary after others of subsequent date, have been restored to their proper order. These, with other similar changes, have been made with less hesitation, from the fact that the paging of the original has been carefully retained, at the side of each printed page.

The names of magistrates and deputies, and of jurors in the several courts, are, in the original, recorded on the margins of the pages. To retain this arrangement, in the printed copy, would have been, on many accounts, inconvenient. The names of the members of the court have therefore been placed, in double columns, at the commencement of each session.

While the orthography of the original has been preserved throughout, it has not seemed necessary to adhere as closely to the anomalous punctuation, or the use of capital letters, practised by the early recorders. To have done so would have increased the difficulties of perusal and materially detracted from the interest of the volume to the general reader. Yet the liberty taken in these particulars has been, cautiously used, and in all cases where the sense of the original could be affected by the change of position or interpolation of a comma or period, the record has been printed precisely as originally punctuated.

The more common abbreviations employed in the work, require no explanation. Nor will it be necessary to inform those who are at all conversant with old manuscripts, that a single m or n, with a circumflex or dash above it, ( $\bar{m}$  or  $\bar{n}$ ) was frequently substituted for the double consonant;—or that the same mark placed above a vowel indicated the omission of the consonant, (usually m or n,) immediately following; (as *fr̄* for *from*, *tī* for *tion*, at the end of a word.)

Where portions of the original are wholly or in part obliterated, the missing words (when obviously indicated by the context,) have been supplied by the transcriber. Such words are, in all cases, included in brackets. If the word to be supplied has seemed at all doubtful, or if the record could possibly have admitted of a different reading, the portion in brackets has been italicized or is followed by a mark of interrogation. In a few instances, where a slip of the recorder's pen has occasioned an evident error in the original, the correction has been suggested in a foot note, or indicated by an italicized word, placed in brackets, with an interrogation mark.

In two instances only, slight changes have, for obvious reasons, been made in the language of the record. In one case, (on page 55,) a few words, (in brackets,) have been substituted, as of less exceptionable phraseology than the original: in the other, (on page 157,) the omission of a line is indicated by a note at the foot of the page.

Such extracts from the Records of the United Colonies as have been occasionally introduced in the notes and appendix, have been made from the manuscript (contemporary) copy preserved in the Sec-

retary's Office. Numerous errors, especially in dates and initials, occur in the copy of these records published in the second volume of Hazard's State Papers,—to which publication, however, it has in some cases been found convenient to refer, by page.

When the publication of this volume was first proposed by the transcriber, and at the time of securing a legislative appropriation for its encouragement, an accurate copy of the original was all that was contemplated. In the course of publication, however, the liberty has been taken of introducing an occasional note, explanatory or illustrative of the text,—and a number of interesting historical documents, not previously published, have been included in an Appendix. Two Indexes, of names and subjects, have also been prepared, which, if less copious and complete than the antiquarian or genealogist could wish, it is hoped may in some degree facilitate their researches, and aid the general reader to refer to the contents of the volume. Fac-similes of the autographs of members of the first Court of Election under the Constitution of 1639, and of Magistrates chosen at the Union of the Colonies, in 1665, have been prepared with all possible care and accuracy, from originals collected in part from early files in the State Department, and in part from the town records of Hartford, Wethersfield and Windsor. Fac-similes of portions of the original records, in the hand writing of each of the secretaries\* who held office prior to the Union, have also been introduced. These additions, and the consequent increase of the cost of publication, will account for the advance upon the original subscription price, at which the remainder of the edition is offered to non-subscribers.

However imperfectly the task of the transcriber may have been accomplished, it is hoped that succeeding Legislatures may not thereby be deterred from lending their aid to the prosecution of a work, already too long delayed, of which this volume is to be regarded only as the commencement;—that of giving to the public, in

\* A reference upon the fac-simile (facing page 9,) to John Steel, as 'Secretary' of the colony, from 1636 to 1639, may require a word of explanation,—as his appointment to that office is nowhere mentioned in the record. A comparison of the first pages of the Colony Records with the early records of Hartford and Farmington, during the period Mr. Steel was recorder of those towns, leaves no doubt of the identity of the hand writing. The chirography of Mr. S. was somewhat peculiar (as may be seen by inspection of the fac-simile of an unusually legible specimen of it, and cannot well be mistaken. The first four, part of the fifth, and the tenth pages of the first volume are in his hand. Pages six to nine, inclusive, are in a different, and far more legible hand,—possibly that of Mr. Clement Chapin, whom Dr. Trumbull concludes (in Hist. of Conn. 1. 95,) to have been "the first secretary." There are, however, upon all of these pages, occasional interlinations and additions, in the hand writing of Mr. Steel.

a permanent form, and thus securing the preservation of the early records of the Colony, prior to 1700,—together with such contemporary documents of historical value or interest, as are preserved in the State Department. These latter constitute a large portion, indeed, almost all that yet remains to us, of the documentary history of the colony for the first half century succeeding its settlement. Of comparatively few of them are copies, even in manuscript, extant,—and the loss or injury of the originals would therefore be utterly irreparable. And yet, whatever precautions may be taken to ensure their preservation, by placing them beyond the reach of ordinary accident, no care can enable them much longer to withstand the ravages of time. As the ink fades and the paper crumbles, the work of transcribing not only becomes more difficult, but leads to less accurate and reliable results. Whatever is to be done to perpetuate these early annals of our state and memorials of its founders, should be done soon.

J. H. T.

Hartford, March 1st, 1850.

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## COLONIAL RECORDS.

[VOLUME I.]

[1] A CORTE HOLDEN ATT NEWTON 26 APR. 1636

Roger Ludlowe Esqr.,     Mr. Westwood,  
Mr. Steele,                Mr. Warde.  
Mr. Phelpes,

It was now complayned y<sup>t</sup> Henry Stiles or some of the ser-  
[vants] had traded a peece w<sup>th</sup> the Indians for Corne. It is  
ordered y<sup>t</sup> [the] saide Henry Stiles shall, betweene & the next  
Cort, regaine [the] saide peece from the saide Indians in a  
faire & legall waye, or els this Corte will take it into further  
consideraçon.

It is ordered y<sup>t</sup> from henceforth none y<sup>t</sup> are w<sup>th</sup>in the Juris-  
dic[tion] of this Cort, shall trade w<sup>th</sup> the natiues or Indians  
any peece or pistoll or gunn or powder or shott, vnder such  
heavie penalty as vpon such misdemeanor the Corte shall  
thinke meete.

Constables sworne, for Dorchester, Newtowne & Water-  
towne, for this next yeere and vntill newe be chosen, are Henry  
Walcott for Dorchester, Samuell Wakemā for Newtowne &  
Daniell Finch for Watertowne.

Whereas there be divers strange Swine in the seuerall plant-  
açons y<sup>t</sup> their owners are not knowen & yet doe & are likelic  
to Comitt many trespasses. It is therefore ordered y<sup>t</sup> the saide  
plantaçons shall forthw<sup>th</sup> take notice of them & their markes,  
& giue speedy notice amonge the plantaçons both of them &  
their m<sup>r</sup>kes & if in a fortnight noe owners come forth then  
the saide plantaçons or plantaçon where such Swine are, may  
appraise them att a value & sell them & take the money to



THE

PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT,

FROM 1665 TO 1678;

WITH THE JOURNAL OF THE COUNCIL OF WAR,

1675 TO 1678;

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION  
OF THE GENERAL ASSEMBLY,

WITH NOTES AND AN APPENDIX;



By J. HAMMOND TRUMBULL, A. M.

COR. SEC. CONN. HIST. SOCIETY; COR. MEMB. HIST. SOCIETIES OF MASS. AND N. YORK.

HARTFORD:

F. A. BROWN.

1852.

## P R E F A C E .

*At a General Assembly of the State of Connecticut, holden at Hartford in said State, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and fifty-one:—*

Upon the memorial of Hon. Thomas Day and others, a committee of the Connecticut Historical Society, appointed to memorialize this General Assembly in behalf of the continued publication of the early Records of this State:—

*Resolved by this Assembly,* That the Secretary of State be authorized to purchase, for the use of the State, two hundred and fifty copies of the proposed publication of the Public Records of the Colony of Connecticut, from 1665 to 1678, transcribed and edited by J. Hammond Trumbull, Esq. *Provided,* that such publication shall be made with the approval and under the supervision of the Secretary of State, and authenticated by his official certificate, as a true copy of the original record; and *provided also,* that the expense of the same shall not exceed two dollars and fifty cents per copy. [C. 4]

*Resolved,* That the copies so purchased be distributed by the Secretary, as follows: one copy to the town clerk of each town in this State, to be preserved in his office, for the use of the town; one copy to the Governor and to each of the State Officers of this State; one copy to the Governor of each of the several States and Territories of the United States; one copy to the library of Congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this State; twenty-five copies to Mr. Alexander Vattemare, for International Exchange; and the remainder of said two hundred and fifty copies to be deposited in the office of the Secretary of State, subject to the disposal of the General Assembly.

PRINTED BY  
CASE, TIFFANY & CO.,  
HARTFORD, CONN.

This volume continues the publication of the public records of the Colony of Connecticut, from the Union with New Haven Colony, (May, 1665,) to the close of the year 1677,—comprising one of the most interesting and eventful periods in our colonial history. Like the volume which preceded it, (and of which it is in immediate continuation,) it is designed to supply a full and literally exact copy of the original records; and to this end, the transcriber has not been sparing of time or labor, in preparing the copy and in the supervision of the press.

The second part of the volume (pp. 331–510) comprises the Journal and correspondence of the standing Council, or council of war, from the commencement of the great Indian war, in June, 1675, to October, 1677. The Journal is published entire, and a considerable number of letters and other documents to which the Journal refers or which were deemed necessary to its illustration, have been incorporated with it. This mode of arrangement is perhaps liable to some objections; but no other occurred to the compiler which seemed, on the whole, to be less objectionable or to promise less inconvenience to the reader. Copies and abstracts of letters, &c., which did not originally constitute part of the Journal itself, are printed in a smaller type, and references are, in all cases, given to the volumes from which they have been extracted. *Abstracts* and *partial copies* are included between brackets.

Where the omission of a word, in the original record, rendered the sense obscure, or where a slip of the recorder's pen had introduced a different word from that which he manifestly intended to write, the omission has been supplied or the error corrected, by words in *italics*, and between brackets. Words supplied as the *probable* reading, where the paper of the original is so worn or defaced as to be quite illegible, or where one or more words are lost by a blot or by the mutilation of the page, are likewise distinguished by brackets. While the original orthography has been strictly adhered to, the same liberty has been taken with the *punctuation* and use of *capital letters*, as in the former volume: nor has it been thought worth while to retain, in all cases, the character &, (invariably employed by Secretary Allyn,) the too frequent recurrence of which tires the eye of the reader and mars the beauty of a printed page more than even the false spelling or the numerous contractions and superior letters.

The Appendix contains copies and abstracts, more or less full, of a great number of documents not previously published. Some of these will, it is believed, prove of interest to the general reader; and many of them, as supplying valuable material of colonial history, seem scarcely less worthy of preservation than the Record itself. These papers have been brought together, under several titles, with such regard to classification and arrangement in order of time, as was found practicable. Of some of the transactions to which they refer, (as for example, the controversy with Gov. Andross, and the affair at Saybrook, in 1675,) an attempt has been made to compile as complete a documentary history as the records and files in the State Department would supply.

In the selection and arrangement of the letters, &c., incorporated with the Journal of the Council, as well as of the documents contained in the Appendix, the principal difficulty has been the compression within the limits of a single volume, of all that seemed essential to the explanation of the record, or that possessed sufficient historical value and interest to render its publication desirable. With what degree of success this difficulty has been encountered, the readers of the volume must themselves determine; and the hope is indulged that those whose experience in similar labors has best qualified them to appreciate the embarrassments and perplexities incident to their prosecution, will prove the most lenient judges.

Indexes of names and of subjects have been prepared with considerable care; and, if less perfect than those who have occasion to consult them might desire, are, to say the least, somewhat more satisfactory than those given with a former volume.

The initial letter of the Charter of 1662, enclosing a head of Charles the Second, is a reduced copy, in fac-simile, of a finely executed drawing on the original Charter.

To friends, in this and other States, whose commendations of the compiler's earlier labors have encouraged him to their further prosecution, he returns grateful acknowledgments; and especially, to the Connecticut Historical Society, upon whose memorial to the General Assembly, in behalf of the continued publication of the Colony Records, a resolution extending the patronage of the State to the volume now published, was predicated.

J. H. T.

HARTFORD, April 10th, 1852.

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THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

MAY, 1678—JUNE, 1689;

WITH NOTES AND AN APPENDIX

COMPRISING SUCH DOCUMENTS FROM THE STATE ARCHIVES, AND OTHER  
SOURCES, AS ILLUSTRATE THE HISTORY OF THE COLONY DURING

THE ADMINISTRATION OF SIR EDMUND ANDROS:

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY,



BY J. HAMMOND TRUMBULL.

[1689]

HARTFORD:  
PRESS OF CASE, LOCKWOOD & CO.  
1859.

*At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the first Wednesday of May, A. D. 1853:*

*Resolved by this Assembly.* That the Secretary of State be authorized to purchase for the use of the State, two hundred and fifty copies of the proposed publication of the Public Records of the Colony of Connecticut, from 1677 to 1689, transcribed and edited (in continuation of the volumes heretofore published) by J. Hammond-Trumbull, Esq., including a selection from such documents, in the state archives, as illustrate the history of the colony during the usurpation of Sir Edmund Andros. *Provided*, that such publication shall be made with the approval and under the supervision of the Secretary of State, and authenticated by his official certificate, as a true copy of the original record; and *provided also*, that the expense of the same shall not exceed two dollars and fifty cents per copy.

*Resolved*, That the copies so purchased be distributed by the secretary, as follows: one copy to the town clerk of each town in this state, to be preserved in his office for the use of the town; one copy to the governor and each of the state officers of this state; one copy to the governor of each of the several states and territories of the United States; one copy to the library of Congress; one copy to the Smithsonian Institute; one copy to each of the colleges of this state; twenty-five copies to M. Alexandre Vattemare, for international exchange; and the remainder of said two hundred and fifty copies to be deposited in the office of the secretary of state, subject to the disposal of the General Assembly.

## INTRODUCTORY NOTE.

THIS volume contains the proceedings of the General Court from the election in May, 1678, to the close of the special session called in June, 1689, to proclaim the accession of William and Mary to the throne of England. By the resolve which authorized this publication the editor was instructed to include "a selection from such documents, in the State archives, as illustrate the history of the colony during the usurpation of Sir Edmund Andros." The space thus occupied may, at first sight, seem disproportionately large; but it must be considered, that it was in no other way possible to fill the break in the records, occasioned by the suspension of charter government from October, 1687, to May, 1689. For two or three years immediately preceding that period, the proceedings of the General Court afford little insight into the course of events in the colony. Circumstances had imposed the necessity of the utmost caution. Those subjects which most nearly concerned the welfare of the colony and which may be supposed to have almost exclusively engrossed the attention of the court, are rarely mentioned in the records. The omission ceases to be remarkable, when it is remembered that every page was written in the expectation that it might soon be subjected to the scrutiny of an arbitrary governor, or be made the basis of new 'articles of misdemeanor' by Randolph or his co-workers. It was more prudent to leave even the reasons for the annual fast or thanksgiving 'upon the file,' than to record them in full, for possible occasions of offence to Governor Dongan, a papist, or Sir Edmund Andros, a high tory and high churchman.

With what degree of success the deficiencies of the records have been supplied will be best determined by an examination of the volume itself. No pains have been spared to present a documentary history of the period referred to, as complete as possible. To effect this, every document which is preserved in the Connecticut archives has been carefully examined, and either printed in full or a sufficient abstract given. In addition to this, much valuable material has been gathered from other sources. The Laws enacted for New England, by Andros and the council, are now for the first time printed, from a copy fortunately discovered in the library of Yale College. Gershom Bulkeley's curious narrative, entitled "Will and Doom," &c., has

supplied some interesting particulars of the opening and closing scenes of the administration of Andros in Connecticut, which are not to be found elsewhere. The volumes of "Usurpation" Papers, in the Secretary's office at Boston have been examined in detail, and all needful copies or extracts made therefrom. The invaluable collection of "Documents relating to the Colonial History of New York," procured through the agency of Mr. Brodhead from the State Paper Office in London, has contributed copies of several important papers. The articles of misdemeanor, exhibited by Randolph against the colony, and the letter from the governor and council to the Earl of Sunderland which was construed as a surrender of the charter,—both of which are indispensable to a connected history of the period,—are reprinted from Chalmers' Political Annals.

At the end of the Appendix, are printed such portions of the Records of the Commissioners of the United Colonies as are not comprised in Mr. Hazard's publication.

The Colony Records for the entire period comprised in this volume are in the hand writing of the secretary, John Allyn. In transcribing them, the same liberties have been taken, with punctuation, in the disuse of capital letters, and the rejection of the short &, as in the earlier volumes. In other respects, the peculiarities of the original records have been closely followed.

Repetitions are printed in italics. Omissions are indicated by a caret, or by the conjectural restoration of the missing words *in italics*, within brackets. Words in brackets, in ordinary type, offer conjectural readings, where portions of the original are mutilated or defaced, or mark corrections of the text by collation with the original document from which the record was made.

Two or three orders and public acts which Mr. Allyn omitted to record, have been restored to their places, on the authority of cotemporary and authorized copies: but such additions to the record have, in each instance, been noted, and so printed as to distinguish them from the record itself.

The editor's acknowledgments are due to the friends whose assistance, from time to time, has lightened his labors in the preparation of this volume, and particularly to the officers of Yale College, for permission to make use of a manuscript record of the laws made by Sir Edmund Andros, and to George Brinley, Esq., of Hartford, for the privilege of consulting his excellent library and for repeated loans of rare historical tracts and works of reference.

J. H. T.

SECRETARY'S OFFICE, HARTFORD,  
March 24th, 1859.

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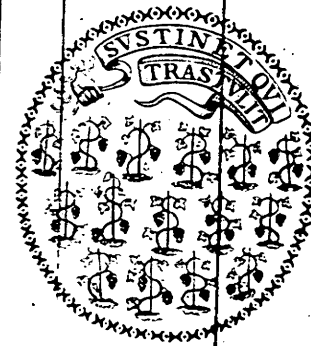
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THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM AUGUST, 1689, TO MAY, 1706.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH RESOLUTIONS OF THE  
GENERAL ASSEMBLY,



BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

[Vol. 4]

HARTFORD:  
PRESS OF CASE, LOCKWOOD AND BRAINARD.  
1868.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## PREFACE.

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The third volume of Colonial Records published under the editorship of Mr. Trumbull terminates with the session of June, 1689. The following pages contain the records from August, 1689, to the close of May session, 1706, being the remainder from page 204 of the third manuscript volume of Records of the Colony of Connecticut in the Secretary's office.

The Council Journal from May 30th, 1696, to May, 1698, being so much of that Journal during the period embraced in the present publication as is now found recorded in the Secretary's office, has been included in this volume: it is printed in a smaller type and arranged in order of time between several sessions of the General Assembly. This Council Journal is taken from a volume rebound a few years since and lettered Colonial Records, New England, 1664, 1702.

To the end of October session, 1696, on page 156 of this book, the record is in the handwriting of John Allyn; the remainder is in that of Eleazar Kimberly.

Several orders omitted from the record by Secretary Allyn have been restored to their places in this publication on the authority of cotemporary and authentic manuscripts. These acts or orders are printed so as to be readily distinguishable from the record itself, and the source whence they are derived is noted. The manuscripts from which I have taken these additions are two: one, cited as the Windsor MS. is now in the Library of the Connecticut Historical Society, where it was some years since deposited by Henry Barnard, LL. D. It formerly belonged to the town of Windsor, and contained the code of 1650, with the session laws to October, 1708 inclusive, which were

entered by the town-clerk, according to law, from the copies certified and sent out by the secretary. This volume is in pretty good preservation, but has lost a few leaves. The other, cited as the Stanly MS. is in the State Library: it consists of manuscript additions to a copy of the Laws of Connecticut, of the edition of 1673, which formerly belonged to Capt. Caleb Stanly, one of the Assistants 1691-1701, and the manuscript is mostly by his hand.

The proceedings of the General Assembly and other courts were originally entered in waste books. As being first wanted, the copies of laws and orders sent to the several towns would be made from the waste books before the secretary found convenient leisure to make up his record in the regular record books, and we may account for the omissions from the latter by remembering that Col. Allyn was much occupied, and that between the dates of the sessions and the making up of the record, which was not always done at one sitting, and which he probably did not think it necessary to compare with the waste book, some interval of time elapsed.

Mr. George Brinley has a portion of one of the waste books of the General Assembly, which ended with May session, 1677, and contained their proceedings for several years preceding: it is mostly in the handwriting of John Allyn, but in the session of May, 1675, several lines are in that of Deputy Governor Leete, and of the last three pages of the session of May, 1673, the two former are in the hand of Edward Palmes, and the last in that of Samuel Talcott. Unfortunately the leaves which held the May session of 1676 have been torn out, for there was an act passed at that session to prevent oppression, by regulating prices and the profits of merchants and traders, which is not found on the records nor printed by Mr. Trumbull, but is found with the other acts of that session in the Stanly MS. and in a MS. in the library of Yale College, and we should have been curious to see whether that act was to be found on the waste book. The Windsor MS. has lost the leaves which contained acts of the same session.

It was my intention to include in this volume selections from the extensive and interesting correspondence of this period which is preserved in our archives, but want of space compelled me to omit

them, as it did also a number of notes to the text which had been prepared. However, I trust that at no distant day these letters, with such documents of public interest relating to the history of Connecticut as are to be found in other repositories, will be given to the public.

After the resumption of the charter government in 1689, a new seal was procured, of which a representation is given on the title page, taken from an impression of it on a document in the possession of the Connecticut Historical Society. In the first volume of the Collections of that Society is an article on the history of the seal, to which I can only add that Governor Roger Wolcott states, in a memoir relating to the history of Connecticut written for President Clap in 1759, and now in the possession of Mr. George Brinley, that his step-father, Capt. Daniel Clark, who was secretary of the Colony from 1658 to 1663, told him that the seal was presented to the Colony by George Fenwick.

On page 76 is a note relative to a trial for witchcraft in 1692. This was the last trial in Connecticut for this imaginary crime, and there was but one subsequent indictment, (viz., that of two females in Wallingford in October, 1697, upon which the grand-jury returned *Ignoramus*.) although witchcraft was still counted among the capital offences in the revision of our laws published in 1702, and it was not omitted from the list when the laws were reprinted in 1715. I had prepared a somewhat extended account of cases of witchcraft in Connecticut, but found it too long for insertion as a note.

Some important changes, as well in the mode of enacting and administering the laws as in the laws themselves, were made during the years which this volume covers. The office of Justice of the Peace was established in January, 1697-8, replacing the office formerly known as Commissioner; and the colony and county Marshalls became Sheriffs in the succeeding May. In October, 1698, an act was passed to divide the general assembly, which had hitherto sat as one body with the governor, or in his absence the deputy governor, as its presiding officer, into two branches, a measure calculated to cause the exercise of greater deliberation in the passage of acts. In the same session a probate court was erected in each county, distinct from the

county courts, and an act for the settlement and distribution of estates, which is the basis of our present law on those subjects, was passed the next year. In 1701, the place for holding the October sessions of the general assembly and court of assistants was altered, and in the autumn of that year the Collegiate School was incorporated. In 1702 a new revision of the colony laws was published, a work for which a committee was first appointed in October, 1696.

Other matters of interest in this volume are the papers relative to the visit of Col. Fletcher to Hartford, in October, 1693, for the purpose of presenting his claims to the command of the Connecticut militia, which he did not succeed in establishing, although the story of how he was foiled by Capt. Wadsworth does not rest upon any good foundation. The incorporation and settlement of quite a number of new towns, and the division of some towns into villages and distinct ecclesiastical societies, which at a later day became towns, may also be specified.

STATE LIBRARY, HARTFORD,

July 2, 1868.

C. J. H.

THE PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT.

[VOLUME III.]

[204] A SPECIALL COURT HELD AT HARTFORD, AUGUST 29,  
1689, & ORDER OF THE GOVERNOR.

The gentlemen of the Court appeareing with the deputies there not being a sufficient number of Assistants to constitute a Court the Governour dīsmist those present and orderd a meeting of the Generall Court the 3<sup>d</sup> day of September next in Hartford.\*

\* The General Court was unable to meet in August on account of the prevalence of an epidemic sickness. Secretary Allyn writes to Governor Bradstreet, August 9, 1689, "It is a very sickly time in most of our plantations, in some near two-thirds of our people are confined to their beds or houses, and it is feared some suffer for want of tendance, and many are dead amongst us, and the great drought begins to be very afflictive." He writes again to the same, September 4, "The sickness is indeed very sore in most of our towns; Mr. Hamlin, one of our Assistants, was buried last Monday, Mr. Wadsworth lies dangerously sick, and Capt. Falcott is hopefully recovering out of the sickness, but not yet abroad." War, II, 11, 18. In the town of Windsor the deaths of 29 individuals are recorded between July 10 and September 16, 1689. Copy in Colony Rec. of Deeds &c. II. There were more than 20 victims in New London. Mr. Wetherell, the recorder, inserted a list of them in the town book under the following caption: "An account of several persons deceased by the present distemper of sore throat and fever, which distemper hath passed through most families and proved very mortal with many, especially to those who now have it in this more than ordinary extremity of hot weather, the like having not been known in the memory of man." Caulkin's Hist. of N. Lond. 198.

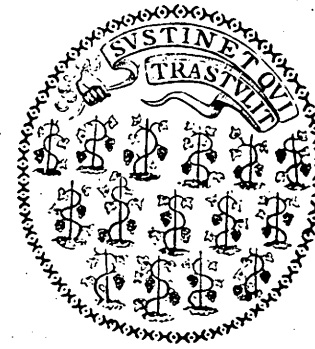
THE  
PUBLIC RECORDS 72  
OF THE  
COLONY OF CONNECTICUT,

FROM OCTOBER, 1706, TO OCTOBER, 1716,

WITH THE COUNCIL JOURNAL FROM OCTOBER, 1710, TO FEBRUARY, 1717.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
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BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

[v. 5]

HARTFORD:

PRESS OF CASE, LOCKWOOD AND BRAINARD.

1870.

## PREFACE.

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THE present publication contains the whole of volume IV. of the manuscript Records of the Colony of Connecticut, and the first sixty-five pages of volume V. It contains also, inserted in chronological order between sessions of the General Assembly, the Records of the Governor and Council from October 30th, 1710, to February 19th, 1716-17.

The Council Journal from May, 1698, to October, 1710, is not known to be extant. From October, 1710, to October, 1712, the records of the Council are in one thin volume, unpagged, and generally written but on one side of the leaves. The next volume is of 275 pages, and embraces the period between January, 1712-13, and February, 1727-28, with an entry of the date of 1743, at the end. The minutes of the Council are in the hand-writing of various persons, Governor Saltonstall, Secretaries Stanly, Haynes, and Wyllys, Richard Christophers, etc.: but the greater part of those from 1713 to 1726, is in that of Christopher Christophers, who was Clerk of the Council.

In printing this volume, I have not thought it necessary to preserve the contractions or abbreviations of the original manuscript, as has been done hitherto, or to follow exactly the spelling, save, in general, in the case of proper names.

The fac-simile of one of the first Bills of Credit issued by Connecticut, which faces page 111, is taken from an original in our Archives, *Crimes & Misdemeanors*, II. 39. The original was altered from three shillings to ten shillings, by Ebenezer Seymour, in 1710. Specimens of the two shilling bills of the same emission, altered by him to ten



shillings and forty shillings respectively, may be found in the same volume of Archives.

In November, 1868, a few months after the publication of the fourth volume of the Colonial Records of Connecticut, (1689-1706.) I came into possession of a printed copy of our statutes of the edition of 1673, having annexed, in manuscript, the session laws up to 1698. From 1673 to 1696, the hand-writing was that of Secretary John Allyn, and the remainder that of Secretary Kimberly. Subsequently, the Hon. Robert C. Winthrop placed in my hands a similar manuscript by Richard Christophers. These manuscripts further confirm certain acts and orders omitted from the record by the secretary, but restored to their places in the third and fourth printed volumes, on what was regarded as good authority.

In the preface to the fourth volume, (1689-1706.) reference was made to a law to prevent oppression, by regulating prices and profits, passed in May, 1676, which is not on the record, nor printed by Mr. Trumbull. The law is here inserted from the Allyn MS., in order to render this collection of the acts of our legislature more complete. In the Allyn, Stanly, and Christophers MSS., it immediately follows the act restraining excess in apparel, printed on page 283 of volume second. (1665-1677.)

#### OPPRESSION.

Whereas a great cry of oppression is heard amongst us, and that principally pointed at work-men and traders, which is hard to regulate without a standard prepared both for advance and for pay duely sett as money. It is therefore ordered, that the price of provission be duely sett at each of our Generall Courts annually, according to true intelligence from Boston, for money sold, and then for such pay within six months payd, no merchant or trader shall advance above two pence upon the shilling for profit, charge and venture from Boston, or other market of like distance, for goods well bought with ready money; trustings and trifles, under a shilling being left to each mans agreement, discretion and moderation, according to a good conscience, to deal. All goods as are subject to wast, the wast to be allowed as part of the first price or cost of the goods. And all breaches of this order to be punished proportionable to the value of the oppression, treble to the oppression: one third to be restored to the party oppressed, and the

residue halfe of it to the complayner that shall prove the fact, and halfe to the county treasurie where the offence is committed. And as for those tradesmen whose commodities are partly their own labour, and partly materialls they worke upon, as tañers, shoemakers, smiths and such like, as also such whose dayes labour cannot ordinarily be known how much they dayly effect, as weavoures, taylors and such like, and day labourers, there being great difficulty to regulate the prizes of their ware and worke, this Court, purposeing in season to state orders respecting those things which at present is not attainable, doe in the interem recommend it to all such trademen and labourers to consider the religious end of their callings, which is that receiveing such moderat profit as may inable them to serve God and their neighbours with their arts and trades comfortably, they doe not inrich themselves suddainly and inordinately (by oppressing prizes and wages, to the impoverishing their neighbours and rendering them in great measure uncapeable of convenient subsistance,) live in the practice of that crying sin of oppression but avoyd it.

Recently, I have discovered another manuscript of the Laws of the Territory and Dominion of New England, by which the text of those laws printed in the Appendix to volume III. (1678-1689.) pages 402 to 436, may be completed and corrected in several places.

During the period covered by the volume now published, and, in fact, during the whole of the eighteenth century, many interesting documents, and the greater part of the executive correspondence, which should be found in our archives, are missing. The General Assembly, in May, 1771, desired the Governor to collect such public papers and have them bound, that they might be preserved; and Silas Deane, in 1774, in a letter which is published in the American Archives, 4th series, I. 810, called Governor Trumbull's attention to the public loss and inconvenience sustained by the neglect or omission to preserve them in some public office. Many of these documents are still in existence, and it is much to be regretted that they are not in one place, where they can be easily accessible and freely consulted.

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C. J. H.

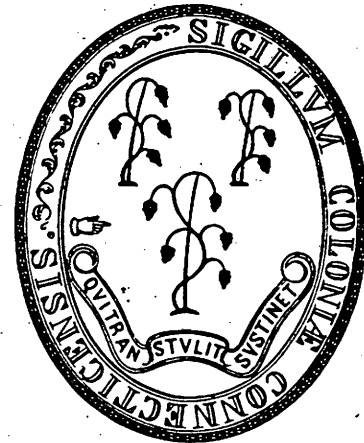
April 25th, 1870.

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1717, TO OCTOBER, 1725,

WITH THE COUNCIL JOURNAL FROM MAY, 1717, TO APRIL, 1726.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

[vol. VI]

HARTFORD:  
PRESS OF CASE, LOCKWOOD & BRAINARD.  
1872.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## PREFACE.

THIS volume, the sixth of the series, continues the publication of the fifth volume of the manuscript Records of the Colony of Connecticut, from page 66 to page 514, inclusive, embracing the period between May 1717 and the close of the October session of the General Assembly in 1725. It contains also the record of the acts of the Governor and Council from May 1717 to April 1726, as comprised within pages 96 to 259, inclusive, of a book containing those records from 1712-3 to 1727-8.

The Seal represented on the title page is the new stamp which the Governor and Council ordered to be made October 25th, 1711.\* The legend around the circumference reads, *Sigillum Coloniae Connecticutensis*, instead of *Connecticutensis*. In October 1747, the General Assembly ordered the inscription to be corrected: but it was not done, the same seal continuing in use until 1784.

In compliance with directions in a letter from the Board of Trade, dated August 7th, 1719,† the General Assembly desired the Governor and Council to provide a Map of the Colony to be prepared and sent to the King.‡ John Copp, of Norwalk, was employed to make the survey of the coast and to draw the map, in which service he spent a little more than six weeks.§ The map was sent to the Board of Trade, September 14th, 1720, and received by them the 7th of February following: the draught of the letter which accompanied it, with some other correspondence on the subject, may be seen in the places indicated in the note.||

\* Vol. V, 290. † *Foreign Correspondence*, I, 140. ‡ *Post*, pages 186, 196.  
§ *Trade & Maritime Affairs*, I, 82. || *Colonial Boundaries*, I, 212; *Foreign Correspondence*, II, 112, 113, 115.

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The map still remains in the Public Record Office in London, though much injured through age and neglect. Proposing to have it engraved to illustrate this volume, I sent for, and obtained, a tracing: but, upon receiving it, finding that the map had so little on it to shew the state of the settlement of the Colony, or its boundaries, in 1720, I abandoned the design.

The map is about six by three feet in size, and represents little more than the coast line and the Connecticut River, the Housatonic, and the Hudson. Towns or counties are not indicated. Governor Saltonstall, in his letter to the Board of Trade, speaks of the northern boundary as noted with red lines: but they are now entirely obliterated. The Colony is bounded on the east by the Narragansett Bay; while on the west, the line had not been surveyed, but was put down as being a line parallel to Hudson's River and at twenty miles distance from it.

STATE LIBRARY, HARTFORD,

September 25, 1872.

C. J. H.

## THE PUBLIC RECORDS

OF THE

# COLONY OF CONNECTICUT.

[VOLUME V. PAGE 66.]

### CONNECTICUT COLONY.

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON THURSDAY THE 9TH DAY OF MAY, IN THE THIRD YEAR OF THE REIGN, OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT BRITAIN, &C. ANNOQUE DOM. 1717.\*

*Present at this Assembly,*

The Honourable Gurdon	Saltonstall, Esq <sup>r</sup> , Govr.
The Honourable Nathan	Gold, Esq <sup>r</sup> , Dep <sup>t</sup> Govr.
John Hamlin, Esq <sup>r</sup> ,	William Pitkin, Esq <sup>r</sup> ,
Peter Burr, Esq <sup>r</sup> ,	Samuel Eells, Esq <sup>r</sup> ,
Mathew Allyn, Esq <sup>r</sup> ,	Joseph Talcott, Esq <sup>r</sup> , <i>Assistants.</i>
Abram Fowler, Esq <sup>r</sup> ,	John Sherman, Esq <sup>r</sup> ,
Roger Wolcott, Esq <sup>r</sup> ,	Jonathan Law, Esq <sup>r</sup> , who was chosen at this Assembly.

*Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:*

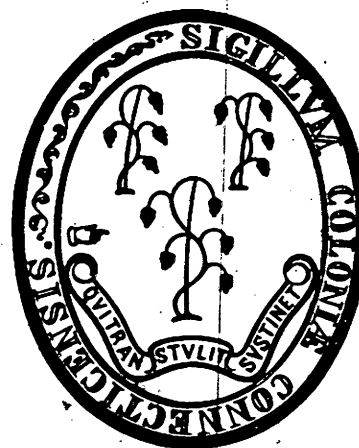
Col<sup>o</sup> W<sup>m</sup> Whiting, Capt. Aaron Cook, for Hartford.  
 Capt. James Rogers, Mr. John Richards, for New London.  
 Mr. Abram Brunson, Mr. William Minor, for Lyme.  
 Mr. Dan<sup>l</sup> Cady, Mr. Sam<sup>l</sup> Addams, for Canterbury.  
 Capt. Dan<sup>l</sup> Brewster, Capt. W<sup>m</sup> Billings, for Preston.

\* The Journal of the Upper House at this session is not found.

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1726, TO MAY, 1785, INCLUSIVE.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY.

LIBRARIAN OF THE STATE LIBRARY.

Vol. VII

HARTFORD:  
PRESS OF CASE, LOCKWOOD & BRAINARD.  
1873.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## PREFACE.

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THIS volume contains the remainder of Volume V of the manuscript *Records of the Colony of Connecticut*, from page 515, covering the period from May, 1726, to the end of May session, 1780; the first 228 pages of Volume VI, continuing the records to the end of May session, 1785; and the Journal of the Governor and Council, from May, 1726, to February, 1727-8, taken from the manuscript referred to in the prefaces to the fifth and sixth printed volumes of this series.

In the Appendix is given the judgment of the English Privy Council in the case of Winthrop's appeal, by which the colonial law regulating the descent and distribution of intestate estates was declared void; and which law, notwithstanding great exertions and no little expenditure of money, was not re-established for nearly eighteen years.

There will also be found appended, Queries from the Board of Trade, with the Answers thereto, which give some account of the condition of the Colony in 1730.

Several leaves toward the latter part of Volume V of the MS. Records are badly frayed, as well as out of their proper order. In this publication the missing words have been supplied from the original bills, or from the Journals of one or the other House.

The Council Journal from 1728 to 1770 is not now among our archives, and the editor is unaware of its existence.

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v.7

PREFACE.

From the accession of King George II. to the end of May session, 1738, the acts, as annually published in pamphlet form, were numbered consecutively, the highest number being CLXXVI: but the enumeration does not appear on the record, nor were the laws published in the order in which they were passed or recorded.

For the loan of the bill of the New London Society, from which the *fac-simile* facing page 421 was made, I am indebted to the kindness of Mr. J. H. Trumbull.

C. J. H.

STATE LIBRARY, Hartford, July 17th, 1873.

THE PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT.

[VOL. V., PAGE 515.]

CONNECTICUTT }  
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 12TH DAY OF MAY, IN THE TWELFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1726.

*Present at this Assembly:*

The Honourable Joseph Talcott, Esq<sup>r</sup>, Governour.  
The Honourable Jonathan Law, Esq<sup>r</sup>, Deputy Governour.

John Hamlin, } Christopher Christophers, }  
Samuel Eells, } Hez: Brainerd, }  
Mathew Alyn, } John Hooker, }  
Roger Wolcott, } Esq<sup>rs</sup> Joseph Wakeman, } Esq<sup>rs</sup>.  
James Wadsworth, } Nathaniel Stanly, }  
John Hall, } Joseph Whiting, }

*Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:*

Capt. Ozias Pitkin, Capt. Thomas Seymour, for Hartford.  
Capt James Rogers, Mr. Solomon Coitt, for New London.  
Mr. Peter Buell, Mr. Thomas Porter, for Coventry.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM OCTOBER, 1735, TO OCTOBER, 1743, INCLUSIVE.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

[Vol. VIII]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD CO.  
1874.



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## NOTE.

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This publication contains from page 224 of volume VI. of the manuscript *Records of the Colony of Connecticut*, to the end of that volume, and the first 221 pages of volume VII.

The Journal of the Governor and Council for the years embraced in this volume, is not known to be extant. There are on record, however, two entries of their acts, both by Governor Law: one, of February 25th, 174 $\frac{1}{2}$ , appointing April 7th, 1742, as a day of fasting and prayer, and also granting a brief for Jeremiah Foster to ask charitable contributions: the other, of September 1st, 1743, granting a commission of sewers for draining land in Killingworth.

C. J. H.

STATE LIBRARY, HARTFORD,  
January 21, 1874.

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1744, TO NOVEMBER, 1760, INCLUSIVE.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

STATE LIBRARIAN.

[vol. 12]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD CO.  
1876.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## PREFATORY NOTE.

This volume contains the remainder of Volume VII. of the manuscript *Records of the Colony of Connecticut*, from page 222, together with the first fifty-one pages of Volume VIII., and covers the period from May, 1744, to the death of Governor Law and the election of Governor Wolcott, in November, 1750.

In the Appendix will be found the Proceedings of the English Privy Council on the Appeals of Samuel Clark against Thomas Tousey and others, relative to the Law governing the Descent and Distribution of Intestate Estates, 1737-1745, and also Queries from the Board of Trade, with the Answers thereto, 1748-9.

For the time covered by this publication neither the Journals of the Governor and Council, of the Committees of War, nor of either branch of the General Assembly, save that of the Lower House at the May session 1744, are now among the State archives.

C. J. H.

STATE LIBRARY, HARTFORD,  
December 28th. 1875.

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C562  
v 9

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1751, TO FEBRUARY, 1757, INCLUSIVE.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

STATE LIBRARIAN.

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HARTFORD:

PRESS OF THE CASE, LOCKWOOD & BRAINARD CO.

1877.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

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174 v  
27  
v. 10

## PREFATORY NOTE.

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The following pages complete the publication of the eighth manuscript volume of the *Records of the Colony of Connecticut*, and contain the acts of twenty-one sessions of the General Assembly.

In the Appendix may be found the Census of 1756, and also Queries from the Board of Trade with the Answers thereto, 1755-6.

For the time covered by this publication, neither the Journals of the Governor and Council, of the Committees of War, nor of either branch of the General Assembly, are now among the State archives.

C. J. H.

STATE LIBRARY,  
Hartford, June 22, 1877.

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1757, TO MARCH, 1762, INCLUSIVE.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

STATE LIBRARIAN.

[v. 11]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.

1880.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

## PREFATORY NOTE.

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These sheets contain the first four hundred and forty-six pages of the ninth manuscript volume of the Public Records of the Colony.

Neither the Journal of the Governor and Council nor that of either branch of the General Assembly during the years which this volume embraces are known to be extant.

It is to be regretted that so many of the pay-rolls of the Connecticut troops who served in the French war are missing from our archives; as thereby several worthy officers, who took the places of others receiving appointments from the General Assembly but for various reasons not joining the army, fail of mention in these pages.

In the Appendix are the Answers to Queries from the Board of Trade, 1761-2, from copies procured at the Public Record Office in London.

C. J. H.

SEPTEMBER 1, 1880.

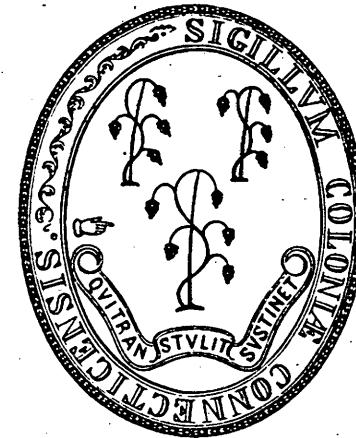
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THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1782, TO OCTOBER, 1787, INCLUSIVE.

TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

STATE LIBRARIAN.

[ 12 ]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD CO.  
1881.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY.



## PREFATORY NOTE.

THIS book contains the remaining portion of volume IX of the Public Records of the Colony of Connecticut, from page 447, and also pages 1 to 310, inclusive, of volume X of the same series.

It is not known that the Journals of either House of the General Assembly are extant for any of the six years covered by this publication. The Journal of the Governor and Council has also disappeared.

Appended is the book of *Reasons why the British Colonies in America should not be charged with Internal Taxes by authority of Parliament*, to which reference is made on pages 256 and 299 of this volume. Governor Fitch was the principal compiler and draughtsman of it, as Mr. Ingersoll informs us. The original edition was of five hundred copies, and Mr. Ingersoll took one hundred and twelve with him to England.

After 1762, it does not appear that the General Assembly appointed a committee to hear the records read off and to see them signed by the Secretary as perfect and complete. It is evident that considerable portions of the record were not compared with the original bills, and this may account for various errors and omissions. The editor has endeavored to supply the omissions from the files, and what has been supplied is enclosed in brackets.

C. J. H.

October 29th, 1881.

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THE  
PUBLIC RECORDS

OF THE  
COLONY OF CONNECTICUT,

FROM MAY, 1768, TO MAY, 1772, INCLUSIVE.



TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY,

BY CHARLES J. HOADLY,

STATE LIBRARIAN.

[ v. 13 ]

HARTFORD:

PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY

1885

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY.

## PREFATORY NOTE.

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This book contains the concluding part of Volume X of the Manuscript Public Records of the Colony of Connecticut, from page 312, and the first 147 pages of Volume XI.

The Council Journal before May, 1770, is not known to be extant, and after that date seems to have been rather carelessly kept. So much of it as falls within the period of this volume is here printed.

It is not known that any of the Journals of either House of the General Assembly are in existence for the time covered by this publication.

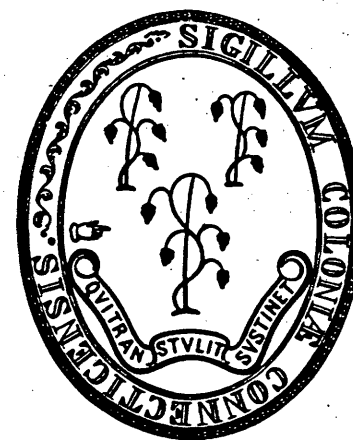
September 7th, 1885.

C. J. H.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

FROM OCTOBER, 1772, TO APRIL, 1776, INCLUSIVE.



TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF THE  
GENERAL ASSEMBLY,

BY CHARLES J. HOADLY,  
STATE LIBRARIAN.

[vol. XIV]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY,  
1887.

## PREFACE.

The record of eight sessions of the General Assembly is in this book.

Of neither branch of the legislature are the Journals for this period preserved in our archives: nor do they exist, so far as the editor is aware.

The Journal of the Governor and Council after October, 1773, is not extant. So much of that journal from October, 1772, to October, 1773, as is preserved is printed in this volume, but it is of slight interest. It is much to be regretted that the Council Journal and the Journal of the House of Representatives for the period approaching the Revolution should be lost.

In the Appendix are reprinted four pamphlets which were published by authority:

I. The Susquehannah Case, sufficiently described in a note at page 161 of this volume.

II. Report of the Commissioners appointed by the General Assembly of this Colony to treat with the Proprietaries of Pennsylvania respecting the Boundaries of this Colony and of that Province. Norwich: Printed by Green & Spooner, 1774.

This is a pamphlet of thirty-seven pages, small quarto. It has been described in various catalogues as having thirty-six pages, for the last leaf is wanting in most of the few remaining copies. Timothy Green's bill for printing two hundred copies, five and a quarter sheets, is in our archives, *Finance & Currency*, V, doc. 117. The correspondence between the Commissioners and Governor Penn, in this pamphlet, is also printed in *Pennsylvania Colonial Records*, vol. x, and *Pennsylvania Archives*, vol. iv.

III. An Account of the Number of Inhabitants in the Colony of Connecticut, January 1, 1774. Together with an Account of the Number of Inhabitants, taken January 1, 1756. Published by order of the General Assembly. Hartford: Printed by Ebenezer Watson, 1774.

This is a folio of nine leaves, each printed only on one side. Watson's bill for the printing, £29 17 9, is in *Revolutionary War*,

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1746  
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V. 14

I, 201. He made a discount of £3 "for the liberty of the colony," but the General Assembly, it seems, thought his charge excessive.

IV. Heads of Inquiry relative to the Present State and Condition of His Majesty's Colony of Connecticut, signified by His Majesty's Secretary of State in his Letter of the 5th July, 1773; with the Answers thereto. New London: Printed by T. Green, Printer to the Governor and Company, 1775.

This is a small folio of fifteen pages. Six hundred copies were ordered to be printed.

STATE LIBRARY, Hartford,  
March 4th, 1887.

C. J. H.

## THE PUBLIC RECORDS

OF THE

# COLONY OF CONNECTICUT.

[VOLUME XI., PAGE 149.]

*Anno Regni Regis Georgii tertii duodecimo.*

AT A GENERAL ASSEMBLY OF THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA HOLDEN AT NEW HAVEN IN SAID COLONY ON THE SECOND THURSDAY OF OCTOBER (BEING THE SEVENTH \* DAY OF SAID MONTH) AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE THIRTIETH DAY OF THE SAME MONTH, ANNOQUE DOMINI 1772.

*Present:*

The Honorable Jonathan Trumbull, Esq<sup>r</sup>, *Governor.*

The Honorable Mathew Griswold, Esq<sup>r</sup>, *Deputy Governor.*

Hezekiah Huntington, Esq <sup>r</sup> ,	Roger Sherman, Esq <sup>r</sup> ,	} <i>Assistants.</i>
Shubael Conant, Esq <sup>r</sup> ,	Abraham Davenport, Esq <sup>r</sup> ,	
Elisha Sheldon, Esq <sup>r</sup> ,	Wm. Samuel Johnson, Esq <sup>r</sup> ,	
Eliphalet Dyer, Esq <sup>r</sup> ,	Joseph Spencer, Esq <sup>r</sup> ,	
Jabez Huntington, Esq <sup>r</sup> ,	Oliver Wolcott, Esq <sup>r</sup> ,	
William Pitkin, Esq <sup>r</sup> ,		

*Representatives or Deputies of the Freemen of the several Towns are as follow, viz:*

Colo. John Pitkin, Mr. Benjamin Payne, for Hartford.  
 Capt. Josiah Bissell, Capt. Josiah Phelps, for Windsor.  
 Capt. Jonath<sup>n</sup> Humphry, Capt. Judah Holcomb, for Symsbury.  
 Capt. Isaac Pinney, Mr. Joshua Fuller, for Stafford.  
 Capt. Joel White, Capt. Benja. Talcott, for Bolton.  
 Maj<sup>r</sup> Henry Champion, Mr. Daniel Foot, for Colchester.

\* So in the record. However, the second Thursday in October came on the eighth in 1772.

THE FOLLOWING TITLE WAS MICROFILMED  
FROM THE HOLDINGS OF  
THE NEW HAVEN COLONY  
HISTORICAL SOCIETY

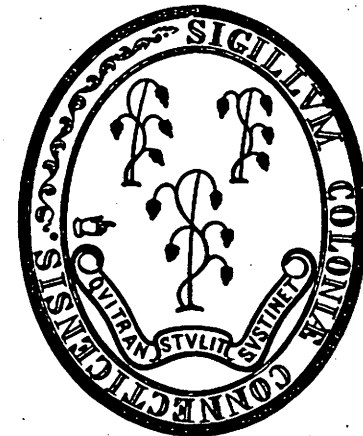
THE  
PUBLIC RECORDS  
OF THE  
COLONY OF CONNECTICUT,

From May, 1775, to June, 1776, inclusive,

WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM JUNE 7, 1775,  
TO OCTOBER 2, 1776,

AND

AN APPENDIX CONTAINING SOME COUNCIL PROCEEDINGS, 1663-1710.



TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF  
THE GENERAL ASSEMBLY,

BY CHARLES J. HOADLY, LL.D.,  
STATE LIBRARIAN.

[Vol. XV]

HARTFORD:  
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.  
1890.

## PREFACE.

Besides the matter contained in the latter part of the manuscript volume XI, and last, of the Records of the Colony of Connecticut, this book contains the record of the Council of Safety from their first sitting, June 7th, 1775, to October 2d, 1776, which was their last meeting before the session of the first General Assembly of the State of Connecticut, held on the second Thursday of that month.

The Journal of the Council of Safety extends to November 15th, 1783. It is comprised in four volumes. Volume I, from which is taken what is here printed, is made up of a number of thin books of irregular size, folio and quarto, bound together. The book is not in the best condition, but was carefully copied in the early part of the present century.

The Appendix contains some proceedings of the Governor and Council between 1663 and 1710, all which, except the first, have been discovered since the publication of previous volumes.

Number I is taken from the record in the Secretary's office.

Number II is from a transcript of the Council Records received from the State Paper office in London by the Commonwealth of Massachusetts. For this I was indebted to the late Oliver Warner, sometime Secretary of that Commonwealth. I printed it in 1875, in connection with Gershom Bulkeley's book *Will and Doom*, of which, unfortunately, the whole edition, save a single copy, was destroyed by a fire at the printing-office, and it has not since been republished.

Numbers III and IV are from a considerable collection of ancient papers lately presented to the State Library by the Honorable Robert C. Winthrop and his son, Robert C. Winthrop Jr.

Numbers V and VI were very kindly furnished by General Rush C. Hawkins, of New York City. They were obtained originally from the last male descendant of the Wyllys family and name.

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v. 15



The Journal of neither House of the General Assembly for any session in the years 1775, 1776, is known to exist.

The Journal of the Governor and Council for the same years, distinguished from the Council of Safety, is not extant. One act of theirs is printed in a note on page 100 of this book.

With this volume terminates the series of Colonial Records of Connecticut, the publication of which was begun forty years ago. My editorial labors commenced with volume fourth, 1689-1706, which appeared in 1868. To all who in any way have aided the work I return sincere thanks.

*Charles J. Hoadly*

STATE LIBRARY,  
April 16th, 1890.

## THE PUBLIC RECORDS

OF THE

# COLONY OF CONNECTICUT.

[VOLUME XI, PAGE 447.]

*Anno Regni Regis Georgii tertii decimo-quinto.*

AT A GENERAL ASSEMBLY OF THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, HOLDEN AT HARTFORD IN SAID COLONY ON THE SECOND THURSDAY OF MAY, BEING THE ELEVENTH DAY OF SAID MONTH, AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE THIRTY-FIRST DAY OF THE SAME MONTH, ANNOQUE DOMINI 1775.

*Present:*

The Hon<sup>ble</sup> Jonathan Trumbull, Esq<sup>r</sup>, *Governor.*  
The Hon<sup>ble</sup> Mathew Griswold, Esq<sup>r</sup>, *Deputy Governor.*

Jabez Hamlin, Esq<sup>r</sup>,  
Elisha Sheldon, Esq<sup>r</sup>,  
Eliphalet Dyer, Esq<sup>r</sup>,  
Jabez Huntington, Esq<sup>r</sup>,  
William Pitkin, Esq<sup>r</sup>,  
Roger Sherman, Esq<sup>r</sup>,  
William Samuel Johnson, Esq<sup>r</sup>,  
Abraham Davenport, Esq<sup>r</sup>,  
Joseph Spencer, Esq<sup>r</sup>,  
Oliver Wolcott, Esq<sup>r</sup>,  
James Abraham Hilhouse, Esq<sup>r</sup>,

*Assistants.*