

Transcript of Lecture Delivered by
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East Hampton: A Strategic Outpost of Connecticut in the 1660's

It fits the Yankee image that Connecticut gained jurisdiction and control over East Hampton by foreclosing a mortgage. Land engrossment and speculation became the field upon which Puritan settlers in New England did God's work. Never have the spikes of mammon and heaven nailed a people so painfully to cross purposes as in 17th-century New England. The story of how eastern Long Island fell into the thrall of Connecticut is the most complicated of some very complicated colonial sagas I have encountered. I will simplify. But I will hope to be both clear and correct.

We begin in England. In 1622 Charles I granted a charter to a group of "adventurers," under the name of the Council for New England. The Council was given permission by the king to exploit the whole territory -- from the Atlantic to the Pacific -- lying between the 40th and 48th parallels, that is, a line running through Philadelphia, Columbus, Ohio and west along the line separating Nebraska and Kansas on the south and on the north including Prince Edward Island and Nova Scotia through a point in Quebec Province about sixty miles north of the northern most tip of Maine all the way to the Pacific Ocean. Obviously, Long Island is to be found somewhere in there. The Council for New England broke up in 1635 and parcelled out its territorial holdings among its principal members. At the same time, probably at the suggestion of Charles I who owed him a large chunk of land, the Council granted to one William Alexander, Earl of Stirling, much of present day Maine and Nova Scotia -- and all of Long Island. Stirling authorized agents to establish settlements on the Island -- effectively only the eastern portion since the Dutch held the western end. The principal agent, James Forrett, arrived in New England in 1639, a year after the founding of New Haven, and the same year as the settlement of the New Haven satellites, Milford and Branford. Forrett encouraged some recent Massachusetts immigrants to migrate further and settle first in today's Southampton and then East Hampton. Meanwhile Stirling died. Some of the Earl's heirs died at about the same time; others had no interest in the Long Island venture. Forrett was left stranded, but with full authority to dispose of the lands there. He needed cash to pay off his obligations and to get back to England. Thus the mortgage.

At this point it is time for me to exercise my Connecticut expertise and provide some context for the East Hampton history that follows. Connecticut was settled by migrants from Massachusetts -- as was Southampton, and for in part the same reasons: a need (or desire) for more land for cornfields and cow pasture. There were some political reasons, as well, that motivated these Connecticut migrants, principally the limitation of the suffrage to church members; a similar complaint probably motivated the Long Islanders, too. Unlike Lord Stirling's settlers, the folks just below the rapids in the Connecticut River had no legitimating charter, grant, or license. They were squatters. But they were imaginative squatters, and innovators. They legitimated themselves by first establishing governmental machinery, in 1636, and three years later by writing a constitution and setting up a government according to its terms. The first such happenstance known to the western world -- and the origin at Connecticut's official sobriquet: "The Constitution State."

In 1641, when James Forrett was attempting to liquidate the Stirling lands, the chief political figures in Connecticut were John Haynes, governor; George Wyllys, deputy governor; and Edward Hopkins, member of the Council. Along with George Fenwick, major-domo of the separate plantation of Saybrook, at the mouth of the Connecticut River, these were four of the mortgagees who bailed Forrett out in 1641. The three other mortgagees were Theophilus Eaton, governor of New Haven (a separate and independent -- but equally illegitimate colony, remember); Stephen Goodyear, deputy governor; and Thomas Gregson, magistrate. Clearly, they were acting in an official capacity for their respective governments. At the end of the three-year mortgage, the lands involved fell into the possession of the two colonies. This joint action is unique in the annals of the two often antagonistic colonies' separate existence, which continued till 1662. Meanwhile, New Haven had bought Southold and taken under its jurisdiction Stamford -- a detached settlement, separated from New Haven by the Connecticut towns of Fairfield and Stratford, both settled in 1639. I mention Southold and Stamford to make the point that New Haveners could get to Southold quicker than they could get to Stamford, and, of course, much quicker than they could get to Hartford. Indeed, on a clear day, they could almost see Southold. It's only about twenty-one miles across the water in a straight line from New Haven to Southold.

As is well known to this audience, Southampton was settled by migrants from Massachusetts and New Haven at about the same time as were the New Haven satellites of Milford, Guilford, Branford, and Stamford. These places voluntarily put themselves under the jurisdiction of New Haven. Why would they do this? One reason, perhaps the principal one, is that New Haven, though without a legitimate charter or appropriately grounded grant, had a government up and running. Another reason why these communities would surrender their de jure independence is that they needed more protection from threatening Indians than the settlers' small numbers could provide. New Haven troops allied with those of other English colonies and the Narragansett Indians had only four years before annihilated the formerly powerful Pequots located then just south of Foxwoods Casino, the place where today they take back much more property than they lost in 1636. But now the Narragansetts -- victorious with the English in the Pequot War -- threatened. A third reason for putting themselves under New Haven jurisdiction was that much of the entrepreneurial energy and capital for eastern Long Island settlement came from the leaders of the New Haven enterprise, and, as we have seen, from the New Haven government as well as the colony's governors personally. The settlement of Long Island, in fact, according to Isabel Calder, was part of the overall vision of New Haven's founders, Theophilus Eaton, John Davenport, and later, Stephen Goodyear. These men had hoped to establish a larger colony extending from the Earl of Warwick's claim on the east -- where Branford is; to the Delaware Bay on the west, including Long Island. Efforts to settle on the Delaware, effectuated between 1640 and 1643, were quickly quashed by Dutch and Swedish officials. On again-off again jurisdiction over Huntington, Hemstead, Oyster Bay and some places in Westchester County was finally resolved, not by the Dutch who had military control of those areas through most of the two and a half decades under discussion, but by Charles II. But I get ahead of my story.

For various reasons, then, these settlements along Long Island Sound -- on both shores of it -- came under the de jure jurisdiction of New Haven. But let me qualify that thought. We should

keep in mind that the New Haven Colony (as distinct from the town of New Haven) was not compact. It was broken up by the Connecticut towns of Stratford and Fairfield. The New Haven Colony records lump Guilford, Stamford, and Yennicoek (Southold) together as having "upon the same foundations and engagements entered into combination with us." That "combination" was evinced, for instance, in 1644, when the court at New Haven adjudicated a case originating in Southold. Thus New Haven Colony consisted of the contiguous towns of Guilford, Branford, New Haven, and Milford; and on the mainland down the coast separated from Milford by about thirty miles Stamford, and across the Sound, Southold and Southampton. Thus the organization into towns of the settlements on the eastern end of Long Island was part of the establishment of New Haven Colony, a union of seven towns settled in three years 1638 to 1641. A second qualification to this picture (the first, remember, is that the towns were not contiguous), is that jurisdiction did not carry with it control. The legal relationship was de jure -- not de facto. In fact, the towns maintained a high degree of local autonomy. Since New Haven itself had no legal standing, and of course, would not want to call attention to itself to any official body in England, it's ability to control events in the offshoot towns was greatly limited. The efforts of the New Haven founders to establish a great -- as it turned out -- sprawling empire, then, constitute the context for the institutional beginnings of East Hampton.

The local history of the early years of East Hampton is well known to this audience. The imperial history -- if I may call it that -- is much less well known; indeed, if I may indulge an appropriate oxymoron, it is widely unknown. I say this after a fairly thorough search through the Connecticut literature where the topic of the eastern Long Island towns might be discussed. Up to now, I have focused on the New Haven branch of the Long Island towns' connection to the mainland. I must now turn your attention to the independent colony of Connecticut, consisting in the 1640s of the original three River Towns -- Windsor, Hartford, and Wethersfield; the contiguous Farmington; and the distant Fairfield and Stratford. To complicate matters, Connecticut, in 1644, bought the Warwick Patent that underlay the establishment of Saybrook, so that distant, non-contiguous town also became part of Connecticut. Recall that Forrett's mortgage was held jointly by the governors, deputy governors, and other magistrates of the two colonies. Thus Connecticut had as much claim to rule Southampton (and by extension East Hampton) as did New Haven. In 1643, thus, we find that Southampton had come under the jurisdiction, not of New Haven, but of Connecticut. In 1644, Southampton sent a deputy -- that is, a representative -- to the General Court at Hartford. This in spite of the fact that it was New Haven that had gained permission from the New England Confederation -- in 1643 -- to extend its jurisdiction over Southampton.

In general, towns preferred Connecticut jurisdiction to New Haven because New Haven's laws were both stricter in their biblical transformation into civil ordinances and more strictly enforced. Additionally, church membership -- hard to gain in any Puritan community -- was a prerequisite to the suffrage in civil as well as church matters in New Haven, but not in Connecticut.

Thus, when East Hampton established itself as a separate town in 1648 or 1649, it naturally fell under the nominal jurisdiction of Connecticut. I cannot find, however, that it was ever fully integrated. No deputies from East Hampton ever took their place at the semiannual meetings of Connecticut's governing body, the General Court, and in keeping with a tradition

that provided for no taxation if no representation, Connecticut at first levied no taxes on East Hampton. Nevertheless, the General Court voted in November, 1649, that "East Hampton, of Long Island, shall bee accepted and entertained under this Government according to their importunate desire."

American colonists of the 17th and 18th centuries were interested more than anything in gaining possession of land. In New England such a concern ran a very close second -- perhaps neck and neck -- with heaven, hell, and God's will. The voters of East Hampton, thus in 1650 sent for a "boddie of laws" -- that is, Connecticut's Code of civil law adopted that year; and ordered, also, "that Ralph Dayton is to go to Keneticut for to procure the Evidence of our Lands, and for an acquittance for the payment of our lands" Apparently, East Hampton landholders were attempting to buy the lands claimed by Connecticut. These negotiations were resolved in 1650, when East Hampton inhabitants bought out their share of the mortgage. Some question about this financial arrangement remains, however, because in 1663 East Hampton settlers again offered to pay the mortgagees for the land. In 1657, as I have noted, East Hampton's nominal subservience to the Connecticut General Court was reconfirmed and the next year the Court authorized magistrates either on "the maine" or the Island to hear disputes and carry appeals to the courts in New London.

Nevertheless, East Hampton settlers continued to govern themselves de facto as though they were wholly independent. They sent no deputies to the Connecticut General Court nor, apparently, did they send in their lists of taxables to be "rated" and assessed. In 1655 the General Court wrote to the East Hampton townsmen that "it can bee no advantage, but rather to the contrary, to their devided, shattered condition, not to have dependance upon or bee under some settled Jurissd: &c. and therefore advise you so to doe, &c. and pay wtt is their just dues to this Comonwealth." A "shattered" condition might very well be in the eye of beholder; what looked shattered to the Connecticut General Court might have looked normal to East Hampton farmers. Continued recalcitrance on the part of the independent-minded East Hampton settlers brought further admonition from the Connecticut Court. In 1657 and 1658 that Court cracked down; magistrates and constables were appointed for East Hampton, and these officials were authorized to carry cases to courts in New London. Despite their continued lack of participation in Connecticut government -- or perhaps because of it -- the General Court granted to the magistrates elected in Southampton and East Hampton authority to impanel juries and hold courts there. That East Hampton ultimately accepted Connecticut authority is demonstrated by its voluntary submission of the Garlick witchcraft case of 1657-58 when the Town voted that "Thomas Baker and John Hand go into Keneticut for to bring us under their goverment" Yet, still, East Hampton sent no deputies or tax lists to Hartford.

In Connecticut, in the mid-17th century, just as today, towns had no original powers, no local autonomy; they are municipal corporations created for the administrative convenience of the Colony/State. That, at least, is the historical and constitutional situation, despite many towns' efforts to assert otherwise. East Hampton's remoteness made real control by the distant General Court difficult -- nearly impossible. We have seen that the town for the most part -- especially in representation and taxation -- avoided participation in Connecticut government. That situation was to be profoundly threatened by events of 1660-1665.

In 1660 the Crown was restored to the line of Stuarts in the person of Charles II. Puritan rule

in England was over. In Connecticut the ruling figures counted this as an opportunity to achieve the legitimization of the little colony's government. They sought a royal charter, and in 1662 got what they wanted.

The Royal Charter confirmed Connecticut's form of local self government and for the first time defined the geographic bounds of the Colony. It was to extend from Narragansett Bay on the east to the Pacific Ocean on the west with a northern limit at the Massachusetts line. And, most contentiously, it was to incorporate all of New Haven and its satellite towns. It is the southern boundary, however, that is of interest to the East Hampton story. The Charter gave bounds of Connecticut as "on the south by the Sea . . . with the Islands there unto adynejneing." In 1662 the Connecticut General Assembly welcomed Southold under the new Charter and extended the jurisdiction of the Southold magistrates -- Captain John Young in particular -- to cover Southampton and East Hampton. The Court also ordered that all the Long Island towns be rated for taxes just as all the mainland towns were. All Freemen on the Island were to take the oath which began I, so and so, "being by the Prvidence of God an Inhabitant within the Jurisdiction of Connectecott, doe acknowledge myselfe to be subject to the Goverment thereof, . . ." One can only wonder what the reaction in aggressively independent East Hampton was. That the Court really meant business became clear when it stipulated that East Hampton's taxes might be paid in wheat or peas -- an indication that they meant to collect it. Mr. Mulford and Mr. Bond were appointed magistrates for East Hampton. I do not find, however, that any taxes were ever paid to the Connecticut General Court. It was at this point that East Hampton tried to buy its way out from under Connecticut. But ownership of the land did not bring escape from governmental jurisdiction.

Connecticut jurisdiction at the eastern end of Long Island seemed clear enough until Charles, after beating the Dutch and driving them out of New Netherland, gave that colony to his brother, the Duke of York. The Duke's patent, not only extended way into what Charles had included in the Connecticut bounds -- and that Connecticut had been effectively governing for over twenty-five years -- but also appeared to include Long Island. The patent covered "all that island or islands commonly called by the general name or names of Meitowax, or Long Island . . ." This was a wake up call to Connecticut officials. The General Court passed a resolve declaring "that they claim Long Island for one of those adjoining islands expressed in the Charter," but added an escape clause, "except [if] a precedent right doth appear, approved by his Majesty." Governor Winthrop and four other magistrates were dispatched to New York to congratulate his Majesty's Commissioners there and to take the opportunity to get a favorable adjustment of the boundary. Though it was the mainland encroachment east to the Connecticut River that was of most concern, evidence that Long Island was also at issue lies in the presence of "Captain Young" of Southold among the Connecticut commissioners.

Up to this point, as I have pointed out, the Long Island towns had not been represented nor listed for taxes at the General Court. That body now took action. In October, 1664 Southold -- now incorporated into Connecticut as part of the New Haven absorption -- was ordered to pay its taxes, and the farmers in East Hampton were ordered to fence in their tilled lands.

But the struggle to subdue the Hamptons was only a minor sideshow to the battle with New Haven under the big tent and the even more problematic dispute with the Duke of York over the lands between the Hudson and the Connecticut Rivers.

The effort to get New Haven to acquiesce in Connecticut's jurisdiction is an internal matter,

and need not concern us here. It is enough to point out that the resolution of the matter entailed two years of bitter acrimony and the actual flight of the whole town of Branford (to New Jersey where they established Newark). We are more interested in what happened to East Hampton. It is not -- much to its disadvantage -- a Connecticut town today. Why not?

As I noted earlier, Charles I had given Long Island to both the Connecticut Patentees and to his brother James. An additional complication -- a very major one -- was the overlap in the two charters of what is today western Connecticut, including the panhandle that reaches into Westchester County. The quick story is that a series of compromises gave Greenwich to Connecticut, Hastings, Rye and Bedford to New York, as well as all the Long Island towns -- at both ends, from Flushing to East Hampton. Your town, you see, was bartered away so that Connecticut could keep Fairfield and Litchfield Counties, and the Duke of York -- soon James II -- could keep Westchester County and Long Island. I leave it to you to decide who got the best of that deal.