A DISCOURSE

ON THE EARLY

CONSTITUTIONAL HISTORY

OF

CONNECTICUT,

DELIVERED BEFORE THE

CONNECTICUT HISTORICAL SOCIETY,

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☞This discourse having been written only to be delivered in a public assembly and then to be forgotten, was prepared with less care in respect to the personal examination of records and original authorities, than if it had been designed for the press. It is not without reluctance that the publication has been consented to, for the haste with which the copy is sent to the press, forbids that accurate revision and that more extended illustration of some particulars which the author desired to make. An error which might be tolerated in an oral discourse, is not so easily forgiven when it appears in print, to be perpetuated.

DISCOURSE.

THE end for which this association exists, is to promote a knowledge of history, and especially the history of our own State. The means by which it operates are for the most part of an humble and unimposing character. It constitutes a bond of union for those who love old records, old books and documents, old customs and traditions; and by making such persons acquainted with each other, and with each others researches and discoveries, it not only encourages their zeal but collects and preserves the results of their industry. By its library, and its collection of papers, pictures and other objects connected with the past, it is accumulating the materials which will hereafter aid the labor of the historian, and guide the genius of the poet and the painter who shall make a distant posterity acquainted with their fathers and ours. At the same time, by the public exhibition of its library and collections, by its publications, and by these anniversary celebrations, it diffuses and promotes in the community at large a disposition to appreciate this kind of knowledge. And I will venture to suggest that its usefulness might be still further extended, if it would undertake to provide courses of popular lectures on the history of our State, to be repeated in all those cities and principal towns which would supply a sufficient auditory.

Were I as much a man of leisure as many other members of the Society, I would have endeavored to make a different preparation for the service which I have been called to perform this evening. Had it been in my power to make the requisite investigations, I would have attempted to illustrate some particular event or crisis in the history of our time-honored Commonwealth; or I would have endeavored to exhibit the life and services of some of the illustrious men whose names adorn our annals. But I am constrained to ask your attention for the present hour to a theme which requires less of minute and original inquiry, and which may be illustrated chiefly from the most familiar documents. I propose to offer a few thoughts on the constitutional history of Connecticut, and particularly during the period before the charter.

The adventurers who, in the autumn of 1635, pierced the profound wilderness which then stretched westward from Boston, and commenced a new settlement in the far west at Windsor, Hartford and Wethersfield, supposed themselves at first to be within the limits of the colony of Massachusetts, as defined by the letters patent of King Charles I. The plantations on the Connecticut were considered an out-post or frontier station of Massachusetts; and at the beginning, their magistrates acted under the authority of the government at Boston. Yet, from the necessity of the case, their affairs were conducted at the very outset, in some measure, independently of the affairs of the parent Colony. The three contiguous towns, buried in the wilderness, and having the same interests and dangers, could not but be a body politic by themselves. Accordingly, two magistrates from each of the three towns

formed a Court, which administered justice, and made whatever orders and regulations were deemed necessary for the common welfare. This Court was aided in counsel, on occasions of emergency, by committees from the towns, who appear to have acted in the capacity of representatives. Under this simple arrangement, the infant republic was governed for three years. By this Court, the simplicity of which would have provoked a smile from Jeremy Bentham or the Abbe Sieyes, war was undertaken, heavy taxes were imposed and collected; troops were levied and equipped; and the most powerful Indian nation in New England was thoroughly subdued, almost without aid from the older Colony of Massachusetts, so much more powerful, and hardly more distant from the scene of conflict.

When it was that the inhabitants of the three towns on the Connecticut ascertained that they were without the limits of Massachusetts, we are not informed. But whenever the discovery of their independence was made, they were not in a state of anarchy; they were already a distinct, organized political community, and under the forms which common sense and nature had spontaneously produced; or to speak more religiously, and therefore more truly and philosophically, under the forms which the providence of God had already given them, they continued to manage their little Commonwealth till 1639. In that year, on the 24th of January,* the first fathers of our State assembled at Hartford; not by delegation, but personally, in a full convention, and framed for themselves a written constitution or platform of civil government.

This, if I mistake not, is the first example in history of a

* January 14th, Old Style.

written constitution, a distinct organic law; constituting a government, and defining its powers. The middle ages had abounded in charters, but they were of the nature of treaties between people in arms, and the sovereign whom they acknowledged; or of grants from the sovereign to a particular community. The "Great Charter," as it was called, which the English barons wrested from King John, is not a constitution; nor is a charter of a city or a borough what we mean by a constitution. The pilgrims of the Mayflower, at Cape Cod, when they were about to land in the wilderness, entered into a formal compact, written out and subscribed with all their names, 'combining themselves into a civil body politic,' by virtue of which covenant, they were to 'erect, constitute and frame, such just and equal laws, ordinances, acts, constitutions and offices, as should be thought most convenient for the general good.' But this was not what we understand by a constitution; it was only a voluntary compact, under which any kind of government, from a simple democracy to an absolute dictatorship, might have been erected. The instrument framed at Hartford, on the 24th of January, 1639, is the earliest precedent of a written constitution, proceeding from a people, and in their name establishing and defining a government.

The preamble of this instrument,* after stating that it has pleased God in his providence so to dispose of things that they, the inhabitants of Windsor, Hartford and Wethersfield, were then dwelling together on the river Connecticut and the lands adjoining; and that to maintain the peace and union of a people so situated, the word of God requires

* This Constitution may be found in Trumbull, I. 498.

the setting up of an orderly and decent government, established according to God, — proceeds in these terms. "We do therefore associate and conjoin ourselves to be as one public STATE OR COMMONWEALTH, and do, for ourselves and our successors, and such as shall be adjoined to us at any time hereafter, enter into combination and confederation together to maintain the liberty and purity of the Gospel of our Lord Jesus which we now profess," &c., "as also in our civil affairs to be guided by such laws, rules, orders and decrees, as shall be made, ordered and decreed, as followeth."

The Constitution thus introduced consists of eleven articles, and is the germ of the Constitution of Connecticut as it now exists. Changes have been made from time to time, as change has been required by the growth and extension of the State, and by the altered circumstances and opinions of the people; but the government under which we now live is the same in its essential features with the government which was established in 1639. From that year to the present, with the one exception of the period of nineteen months when the entire Constitution was forcibly suppressed by Sir Edmund Andros, the representative of James II., the government has gone on by annual elections, conducted in nearly the same forms. Of course, no man would expect to find in the constitution framed for a little colony in the woods more than two hundred years ago, all that accurate distribution and balancing of powers, and all those details of arrangement, which are now found necessary in the constitution of a State with various interests, manufacturing, commercial, agricultural, and with more than three hundred thousand inhabitants. Yet a few

great principles are the essential things in that Constitution of 1639; and the same principles are the most essential things in our Constitution now. These principles are *first*, the State consists of towns, each town regulating, to a limited extent, its own particular affairs, as a pure democracy; *secondly*, elections in the State are annual, all power reverting to the people once in every year; *thirdly*, legislation is by the representatives of towns, acting coördinately with another body of men chosen by the people at large; *fourthly*, the judicial and executive powers are distinguished from the legislative, though committed to the hands of men who have a share in legislation. The distinction which we now make between the judiciary and the other branches of the government, was not required in that infancy of the republic; and therefore, the judiciary is naturally and safely enough identified with the executive.

But in order to do justice to the subject in hand, we must look at the provisions of this constitution of 1639 more in detail. This is necessary in order to appreciate the progress of our constitutional history.

1. The RIGHT OF SUFFRAGE under the original constitution of Connecticut, was without any of the conditions by which it is now limited. Neither the possession of real estate, nor the payment of a tax, nor the performance of military duty, was placed among the qualifications of an elector. The choice of magistrates was to be "made by all that are admitted freemen, and have taken the oath of fidelity, and do cohabit within this jurisdiction, having been admitted inhabitants by the major part of the town where they live, or by the major part of such as shall be

then present"—that is, present at the time and place of the General Election. This was not indeed universal suffrage, but it was perhaps as near to universal suffrage, in form, as can be found in the constitution of any state, even in these days. If the right of voting in elections is made to depend on complexion, on military service, on the payment of taxes, or on the possession of some certain amount of property—if it depends on any thing but mere residence at the time of voting, it is something else than universal suffrage. In the instance now under consideration, the only limitations were that the voter should have been admitted as an inhabitant, by a majority in a town meeting, or by a majority of the citizens assembled at the general election; that he should have taken a prescribed oath of fidelity to the government; and that he should be at the time of voting an actual inhabitant within the jurisdiction. In all the extension which recent times have given to the right of suffrage, we have hardly yet got back to the largeness of this primitive arrangement.

2. The EXECUTIVE AND JUDICIAL POWER of the state was vested in a governor, and at least six assistant magistrates. These were to be elected on the second Tuesday of April annually. No person could be chosen governor who was not "a member of some approved congregation," or who had not formerly been a magistrate within their jurisdiction, nor could any person be governor oftener than once in two years. The only qualification for the magistracy was that the persons chosen should be "freemen of this commonwealth."

3. The ELECTIONS were held in a general assembly of all the freemen of the colony. In the choice of governor, the

electors being limited to those who had already been elected to the magistracy, a plurality of ballots was decisive. The choice of magistrates proceeded thus. At some preceding general court, within the year, the names of those who were to stand as candidates for the magistracy at the ensuing election, were propounded to the people, for consideration. And this was done, not by a *caucus* or a party convention, nor yet by the more open and straight-forward method of self nomination ; but each town was invested with the power of nominating, by its deputies, any two, and the general court had power to add to the nomination at its own discretion. Then, in the general assembly of the freemen, on election day, the secretary first read off the names of all who were to be voted for as magistrates, that the freemen might see among whom they were to make their selection. After this, each name was acted upon distinctly. The voting was not by a "stand-up law," but by ballot, a paper with any writing upon it being an affirmative vote, and a blank paper being a negative vote. Thus every person in the nomination was voted for in turn ; and every one who had more votes for him than against him was elected to the magistracy. It was provided, however, that if at the close of the election, six in addition to the governor had not been elected by majorities, that number of six should be made up by taking the one or more for whom the greatest number of votes had been given.

4. The LEGISLATURE consisted of the governor, and his assistants in the magistracy, together with the deputies or representatives of the towns. Each of the three towns then included in the jurisdiction, was empowered to send

four of its freemen as deputies to the general court; and the towns that should afterwards be added, were to send as many deputies as the court should judge meet, regard being had to the number of freemen in such new towns. Though the deputies did not at first sit in a separate apartment, for the transaction of ordinary business; it was provided that they should meet by themselves before the commencement of any general court, to judge of their own elections, and "to advise and consult of all such things as concern the public good."

5. Another remarkable feature of this Constitution, is its implied RENUNCIATION OF THE LAWS OF ENGLAND, the common law as well as the statute law. The magistrates were empowered and directed "to administer justice according to the laws here established, and for want thereof according to the word of God." This was little less than a declaration of independence.

Superficial minds have often sneered at this provision for the administration of justice, which was adopted at New Haven as well as here upon the river. But no man that understands it, can sneer at it. The laws of the country from which they came, acknowledged a royal government, surrounded and upheld by feudal institutions, a hereditary aristocracy, an established prelacy in the church, a prescribed liturgy in worship; and they had emigrated from that country for the purpose of being beyond the reach of laws which had not been satisfactory to their experience. Should they permit those laws to follow them into the wilderness? No, they had come hither that they might frame laws for themselves, in correspondence with their own wants and their own views of good government; and

it was wise for them to determine that no English law—not even the common law, should be law to them without an express enactment. And to prevent the necessity of falling back, even temporarily or occasionally, upon the common law, with all the implications which that might involve, they directed that in cases for which no express statute had been enacted, the magistrates should administer justice according to the principles of general equity, laid down in that book which is of universal authority in Christendom. No small portion of American history from that day through many ages yet to come, has been determined by this one feature of primitive New England legislation.

6. Something must be said respecting the connection between this primitive civil constitution, and the PECULIAR RELIGIOUS OPINIONS AND INSTITUTIONS of those who framed it. The preamble asserts that the object of the constitution, the end for which the commonwealth is founded, is "to maintain and preserve the liberty and purity of the gospel of our Lord Jesus which we now profess, as also the discipline of the churches, which, according to the truth of said gospel, is now practiced among us." But the only thing in the Constitution itself, to connect the government with any particular form of religion, was that provision which required the governor to be "a member of some approved congregation within the jurisdiction." Other New England colonies permitted none but church members to exercise any political power among them, or even to vote in the election of officers. This was done under the apprehension—very natural to them in their circumstances—that in no other way could the end of their migration to this

country be secured. But these founders of Connecticut deemed it enough to get rid of all those laws which either established or rested upon a different ecclesiastical system, and then to leave it in the power of the towns to protect themselves against intruders, by determining at their own discretion, whom they would admit to dwell among them as inhabitants. The planters on the Connecticut were as far as the founders of Massachusetts, or of New Haven, from intending that the enemies of the civil and ecclesiastical institutions which they were founding at such expense of treasure, of toil, and of life, should find the door wide open to come in at pleasure, and subvert those institutions. They however had their own method, and as we judge a wiser method, of guarding themselves against such invasion. This peculiarity in the primitive jurisprudence of Connecticut, may be ascribed with much probability to the influence of John Haynes, whose largeness of views made him superior to most of his cotemporaries, and of Thomas Hooker, whom his sufferings in his own country and his exile in Holland, operating on the natural ingenuousness of his temper, and the kindness of his affections, might easily have taught something of that tolerance which all political philosophy, save that of Oxford and of Rome, now recognizes as essential to good government.

7. But we must also notice the remarkable provision by which this primitive constitution attempted to SECURE ITS OWN PERPETUITY, and to keep the supreme power inalienably in the hands of the people. In all ordinary cases, the General Court, of which there were to be two sessions annually, was to be convened by the Governor, sending out a summons to the constables of every town, upon which the constables were to call upon the inhabitants of

each town to elect their representatives. The Governor was also empowered to convoke a special session of the Court on any emergency, with the consent of a majority of the magistrates. But if through the neglect or refusal of the Governor and magistrates, the General Court should not be convoked, either at its stated times of meeting, or at other times, when required by "the occasions of the commonwealth," then the freemen or the major part of them might call on the magistracy, by petition, to perform their duty; and if that petition should be ineffectual, then the freemen themselves, or the major part of them, might give order to the constables of the several towns, which order should have the same validity as if it proceeded from the Governor. And the Court thus convened, without a Governor and without magistrates, should consist of the major part of the freemen present, or of their deputies, with a moderator chosen by them; and in that, as in any other General Court, should consist "the SUPREME POWER of the COMMONWEALTH," including among other things, "power to call in question courts, magistrates, or any other person whatsoever, and for just cause to displace them or deal otherwise according to the nature of the offence." Thus, if at any time the government should be destroyed by the treachery of the magistrates, or by their being violently restrained, full provision was made for its re-organization at whatever moment the people should be able to re-assert their right of self-government.

While the inhabitants of the three towns upon the Connecticut were thus framing the organic law of their commonwealth, another colony independent of them, richer in means if not in men, and with a lofty hope of realizing a new era of human happiness, in a new state of society, of

which their leaders had formed a most "devout imagination," had been commenced within the territory which we now call Connecticut. New Haven, Milford and Guilford, had already begun to be planted, though not one of them had received an English name. Branford and Stamford, and some towns upon Long Island, were ere long added to that independent jurisdiction. There the foundations of government were first laid with great deliberation and solemnity, in each separate town. New Haven, as a town merely, before it sustained any definite political relation to its sister towns upon the right and left, deemed itself a complete and perfect sovereignty, with no superior but God, and conducted itself accordingly. When the planters of New Haven came to that place in 1638, they first bound themselves by a "plantation covenant," which seems to have been similar to that formed by the Plymouth Pilgrims, at Cape Cod, and by which some provision was made for a temporary government. On the fourth of June, 1639, a little more than thirteen months after their arrival, all the free planters of the town assembled to lay with all solemnity the foundations both of their ecclesiastical order and of their civil state. After prayer, and after many earnest exhortations to remember the weight of the business about which they were assembled, and after free, diligent and careful debate, it was agreed without a contradicting voice, that "the power of transacting all the public civil affairs of this plantation," should be in the hands of those only whose fitness for such a trust should be shown by their being members of the church which they had come hither to establish, and which was the one great end for which they left all that was pleasant in their native land, and encountered all that was terrible in a wilderness. Twelve

men were then chosen to select seven among themselves who might stand as the seven pillars in the house of wisdom. These seven were to act as trustees for the nascent commonwealth. They were to be the beginning of the church and of the state. From this convention in the barn, which with all its errors, recognized the great truth of the sovereignty of the people—from the government thus established, which had whatever of legitimacy can arise from an express social compact, and which claimed no power that had not been deliberately, and solemnly, and most clearly granted by the whole body of free planters, began the jurisdiction of New Haven colony. Under this arrangement, Theophilus Eaton was chosen chief ruler for the first year, with the simple title of "magistrate," and with "four deputies" to assist him in his duties. It was not till 1643 that the several distinct plantations were confederated into one jurisdiction; and then appears upon the record a written constitution or frame of government, consisting of "certain fundamental orders" which all had agreed upon, and which were never to be called in question. This constitution differs from that adopted at Hartford, chiefly in the earnest jealousy with which it guards the independence of the churches, by insisting on that erroneous but honest principle, that none but the members of the churches should have any power in the affairs of the civil state. It differed also from the other in being more elaborate, establishing various courts higher and lower, and carefully prescribing the powers of each. Like the constitution of Connecticut, it provided for a governor and deputy governor, with a body of magistrates to be elected by all the freemen, the magistrates to be nominated beforehand, and for a legislature or general court, consisting of the governor,

deputy governor, and magistrates and two deputies from each town, to meet at least once every year. Under this constitution, Theophilus Eaton was chosen governor every year till his death, which was only a few years before New Haven ceased to be a separate jurisdiction. Among the heroic names of that first age of New England history, none is more venerable than his; and though Connecticut enrols him not among those whom she has seated in the chair of state, no name in that long and honored succession is more worthy to be commemorated by history, if history performs her noblest task in exhibiting true manliness to be admired and imitated.

The settlement of New England took place at a time when great changes were obviously impending over the parent country; but what was to be the progress of those changes, and in what they were to result, none could foresee. A party had arisen in England to whom liberty, an ample and well fortified liberty, was indispensable, and of whom some were blindly yearning after, and others were intelligently devising and manfully endeavoring, a large and sweeping reform in the structure of society. But where and how should that reform be realized? Some—the boldest, the most large-hearted, the most enterprizing and unflinching of their party—the master spirits of that age, turned their eyes to New England, and after long deliberation, they determined on leaving behind them all the antiquated institutions of the old world, the accumulation of ages of darkness and of tyranny, soon to be upheaved by the coming earthquake; and they hoped to realize under this western sky, the prophet's vision of "new heavens and a new earth, in which dwelleth righteousness." Thus the settlements of Massachusetts, Connect-

icut and New Haven, were successively founded. Meanwhile the theater of events in England grew hourly darker with the progress of oppression, and the approach of civil convulsion; and at the very time when the fathers of Connecticut were framing their Constitution at Hartford, and the adventurers at Quinipiac were debating who should be "free burgesses," it was already becoming doubtful whether either throne or hierarchy were destined to stand long in Britain; and the question whether the liberties which prescription and charters had given to Englishmen, should all be abolished, was soon to be tried upon the field of civil war. What was more natural than that colonies, founded at such a time, and framing their institutions to please themselves, should calculate on independence? He who carefully reads the history of New England at that period, in those records and documents which are the sources of history, will see that the fathers of these States felt that they were founding not colonies merely—not dependencies of a monarch or a parliament—but "STATES." This was especially true of Connecticut and New Haven, and most especially of the latter. Accordingly you may read the records of New Haven, and, if I am correctly informed, those of Connecticut also, for many of the earliest years, and find not only no recognition of the English king as their king, but no recognition of the dependence of their government on that of any parent state or kingdom.* It has seemed to me that the founders of the New England States entertained some expectation of drawing to this side of the Atlantic the strength and bulk of the party to which they belonged, or, at least, so much of it as would enable them to maintain their independence. The period of the settle-

* The "oath of fidelity," as used in both jurisdictions, seems designed to exclude the idea of dependence.

ment of the colonies of Massachusetts Bay, Connecticut and New Haven,—that is, from 1628, when Endicott began at Salem, to 1640, was precisely the period when the prospects of reformation and liberty in England were darkest. Those were the twelve years in which England, under the counsels of Laud and Strafford, had ceased to be a free country, except as freedom still lived in a sad remembrance and a lingering hope. It was then that the ancient English constitution was virtually abolished; and the realm was governed not by Acts of Parliament, but by Orders in Council, enforced by Star-chamber sentences. During those twelve years, twenty thousand Puritans emigrated to New England. But as soon as the change of affairs in the mother country had brought a Parliament into being, and there began to be the hope of liberty and reformation at home, emigration to New England was immediately at a stand. And when great and astounding events began to succeed each other with portentous rapidity, Strafford in the grave—Laud in the Tower—the King in arms against his people, and all things gave promise of becoming new in England, the current of migration turned the other way; and year by year, these colonies sent back to the old country many even of the leading spirits of those stormy times. Thus Sir Harry Vane went back from Boston, to lead in Parliament; Hugh Peters from Salem, to stir the masses with his fiery eloquence; Governor Hopkins from Hartford, to be warden of the fleet, and commissioner of the admiralty; Desborough from Guilford, to be a general in the armies that conquered at Naseby and at Worcester; and Hooke from New Haven, to be a chaplain at Whitehall to the household of his relative, the Protector. In such circumstances, it was easy for some

change to take place imperceptibly in the relations of the colonies to the parent country. The dominant power in England was no longer hostile to these colonies. The great "Protector" of England was looked to with confidence to protect New Haven and Connecticut against the encroaching Dutch at the New Netherlands. New Haven especially, where some of the leading men, intimately connected with Cromwell by family alliance, maintained a correspondence with him, even after he had become in all but name a sovereign,—took some incipient measures towards obtaining from the English government as then constituted, a chartered recognition of the rights and constitution of the Colony. Connecticut, however, made no such attempt; and all the colonies of New England,* so far as they had any dealings with the successive governments of England during the Commonwealth, appear to have avoided, with some carefulness, the recognition of any right in England to legislate over them. In Massachusetts especially, the right of Parliament to govern these colonies was denied as distinctly at that early period, as it was in the discussions which preceded the Declaration of Independence.

But in the year 1660, an event took place which deeply involved the relations and prospects of all these colonies. By a sudden revolution, royalty was restored in England; and not royalty alone, but the royal family of the Stuarts. England, in her infatuation, brought back Charles II. and placed him on his father's throne, with no stipulation for liberty or for justice, but such as his treachery, aided by

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* Rhode Island is, perhaps, an exception. That colony sought and obtained a Charter from the Parliament.

the consummate art and cunning of his ministers, was soon able to violate without shame or fear. At such a crisis, what were these New England colonies to do? And especially what were Connecticut and New Haven to do, who had no charters to show as the warrant of their institutions—nothing but the laws of God and of nature as the basis of their rights? For a little while, these impoverished and feeble settlements in the wilderness might be overlooked by hungry courtiers, clamorous for offices and for lands. But ere long they must expect to attract attention, and then they must be at the mercy of a reckless rapacity. Their social compacts, their constitutions and laws created by themselves, would be of no account in the courts at Westminster Hall. No man held the land which he had purchased of the aboriginal proprietors in amicable treaty, or which he had won from the murdering Pequot in fierce battle—no man held the land which his own labor had subdued and changed from a pathless forest into a fruitful field,—by any title which the English laws would recognize. Their weakness forbade them to defend their hard-earned possessions with the sword. By a single stroke of the pen, that king of theirs, in some hour of drunken generosity, or at the instigation of any of their enemies, might give away all that they called their own, to a parasite or a harlot. What had they to do? Which way could they turn?

In that state of things they had no resource but in submission and in the arts of negotiation. And it may easily be imagined, that the people of Connecticut acquired their reputation for policy and craft by the peculiar adroitness of their conduct at that crisis. Never was a people more thoroughly and constantly schooled in the vigilance and

keenness, the doublings and dodgings, the minings and counterminings of diplomacy, than was this little republic from 1660 till the Declaration of Independence.

The governor of Connecticut, at the time of the Restoration, was John Winthrop, the illustrious son of the illustrious founder of Massachusetts. His sagacious eye could not but discern at a glance, all the perils of the emergency. His experienced skill in public affairs, perceived in a moment what line of policy was to be pursued. Under his guidance, the legislature, without any loss of time, determined to apply to the king for a charter which should recognize and establish their rights. In so doing, they acknowledged, for the first time, so far as I can learn, their dependence on a king; and they made profession of their allegiance to Charles as their sovereign. The time had come when the colonies had no alternative but to acknowledge the king. Even at New Haven the authorities made a reluctant and ungracious, and therefore ungraceful, proclamation of King Charles.* Yet the people of Connecticut, in taking measures to obtain a royal charter, proceeded not as individuals, but as a community already organized. Their agent was their governor. Their petition to the king was nothing less than the "Petition of THE GENERAL COURT at Hartford upon the Connecticut in New England;" and as the authentic and official act of the Court, it was

* The proclamation at New Haven was in these words: "Although we have not received any form of proclamation, by order from his majesty, or council of state, for proclaiming his majesty in this Colony; yet the Court, taking encouragement from what has been done in the United Colonies; hath thought fit to declare publicly, and proclaim, that we do acknowledge his Royal Highness, Charles the Second, King of England, Scotland, France and Ireland, to be our sovereign lord and King; and that we do acknowledge ourselves, the inhabitants of this Colony, to be his majesty's loyal and faithful subjects."

signed by their secretary. They asked for a charter which should recognize and legalize the rights and jurisdiction which they were already exercising. Singularly fortunate in the agent* whom they had appointed to this negotiation, and no less fortunate in the opportunity which their discerning promptitude had seized, they obtained from the heedless good nature of the king, a charter which established, under all the forms of British law, the complete democracy which their own voluntary compact had created. Under that charter, the towns of the New Haven jurisdiction, though at first exceedingly reluctant to give up their separate polity, were gradually compelled, by the pressure of danger from England, to become one Commonwealth with their neighbors upon the river.

Thus, in the good providence of our fathers' God, Connecticut has endured for more than two centuries a free STATE. For two hundred years, republican institutions have been operating to form the character and to control the destiny of our people. And though for a while after the adoption of the charter, the feeling of joy and of gratitude for that legal palladium of liberty, made the colony of Connecticut a somewhat loyal colony, especially after the revolution of 1688 in the parent country; the unmixed republicanism of that old constitution which the

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* It is somewhat remarkable, that in the perplexity of finding names for new towns and villages in Connecticut. the name of *Winthrop* has never occurred to the parties concerned as the name of a great public benefactor, worthy of perpetual commemoration. *Groton* is the name of the seat of the Winthrop family in England, but *Winthrop* surely would be as becoming a name for a Connecticut town as *Canton*, or *Berlin*, or even *Clinton*, or *Monroe*. It is hardly less remarkable, that in Hartford and New Haven, not a square nor a street, nor an alley,—not an institution nor an edifice, nor any monument save a tombstone, keeps up the names of *Haynes* or of *Eaton*.

charter embodied and preserved, as it controlled the legislation of the State, controlled also the political habits and sentiments of its citizens. Thus the history of Connecticut is, from the beginning, one story still in progress, the story of a free people, under free institutions. Their institutions were constantly in danger; once for a few months all their liberties were wrested from them by the hand of power. But their constant dangers, their brief experience of what it was to be ruled by a representative of royalty, and their habitual observation of the less privileged condition of neighboring colonies, made them alert and jealous for their liberty, and taught them to "snuff oppression in the tainted breeze." Thus when the era of the revolution came, and the old allegiance due to the British throne was renounced and abolished, there was no revolution in Connecticut, no rising of the people against the laws or the existing authorities;* but THE STATE—the same State which in 1639 had formed its first organic law in a full assembly of its people, went as a State in full array, with an unparalleled unanimity, into the forefront of the battle for independence and for continental freedom.

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* The only visible public symbols or monuments of royalty in Connecticut, at the date of the revolution, so far as I am informed, were the king's arms in Yale College, (sent over by Governor Yale, with the portrait of George I.) a cannon over the cupola of the State-house in New Haven, and another on the spire of the Episcopal church in the same town. The picture of the king's arms, in college, was cast down and dishonored by some patriotic hand, as soon as independence was declared; but the two crowns, less significant, retained their places, unconscious of change. The first disappeared, when the State-house was repaired in 1807; and the last, when the old church was taken down in 1817. Connecticut may be searched with candles, and except in our public records from 1660 to 1776, no distinct traces of a king, or of a king's authority, will be found within her limits