

Litchfield County Court Minorities Collection, 1753-1854
Judicial Department
State Archives Record Group No. 003

History

The Litchfield County Court Minorities Collection is an artificial collection consisting of photocopies of cases involving African Americans and Native Americans from the *Files* and *Papers by Subject* series of Litchfield County Court records. All originals have been retired and second copies have been inserted in the places where the originals were once located.

Scope and Content

The collection consists of records of 188 court cases involving either African Americans or Native Americans. A careful search of the *Files* for the Litchfield County Court discovered 165 on African Americans and 23 on Native Americans, about one third of the total that was found in *Files* for the New London County Court for the period up to the American Revolution. A couple of reasons exist for this vast difference in numbers. First, Litchfield County was organized much later than New London, one of Connecticut's four original counties. New London was the home of four of seven recognized tribes, was a trading center, and an area of much greater wealth. Second, minority population in the New London County region has been tracked and tabulated by Barbara Brown and James Rose in *Black Roots of Southeastern Connecticut*.¹ Although this valuable work does not include all of Negro or Indian background, it provides a wonderful starting point and it has proven to be of some assistance in tracking down minorities in Litchfield County. In most instances, however, identification is based upon language in the documents and knowledge of surnames or first names.² Neither surname nor first name provides an invariably reliable guide so it is possible that some minorities have been missed and some persons included that are erroneous.

In thirteen of 188 court cases, the person of African or Native American background cannot be identified even by first name. He or she is noted as "my Negro," a slave girl, or an Indian. In twenty-three lawsuits, a person with a first name is identified as a Negro, as an Indian in two other cases, and Mulatto in one. In the remaining 151 cases, a least one African American or Native American is identified by complete name.³ Thirteen surnames recur in three or more cases.⁴ A total of seventy surnames, some with more than one spelling, are represented in the records.

The Jacklin surname appears most frequently represented in the records. Seven different Jacklins are found in eighteen cases, two for debt and the remaining sixteen for more serious crimes like assault, breach of peace, keeping a bawdy house, and trespass.⁵ Ten cases concern Cuff Kingsbury of Canaan between 1808 and 1812, all involving debts against Kingsbury and the attempts of plaintiffs to secure writs of execution against him. Cyrus, Daniel, Ebenezer, Jude, Luke, Martin, Nathaniel, Pomp, Titus, and William

¹ Barbara W. Brown and James M. Rose, joint authors, *Black Roots in Southeastern Connecticut, 1650-1900* (Detroit: Gale Research Co., 1980).

² The court cases often identify minorities by the words Negro, mulatto, colored, or Indian.

³ Two or more African Americans or Native Americans are found in 27 lawsuits, but a maximum of two people are included in the Litchfield County Minorities database

⁴ Surnames with spelling variations: Boston (3), Botsford (4), Caesar (7), Coxel (3), Freedom (3), Freeman (9), Gauson (5), Jacklin (17), Kingsbury (10), Leopen (4), Mawwee (5), Quomenor (4), and Smith (3).

⁵ George, Harvey, Isaac, Jack, Philip, Violet, and William Jacklin. Also included is Jack Peck, alias Jack Jacklin.

Freeman are found in nine cases, some for debt, others for theft, and one concerning a petition to appoint a guardian for aged and incompetent Titus Freeman.⁶ Six persons with the surname Caesar are found in seven court cases.

Sixty-one of 188 cases concern debt.⁷ Litchfield County minorities were plaintiffs in only about ten of these lawsuits, half debt by book and half debt by note. The largest single category of court proceedings concern cases of crimes against person or property. They include assault (32 cases), theft (30), breach of peace (5), and breaking out of jail (1). In cases of assault, the Negro or Indian was the perpetrator in about two thirds of the cases and victim in one third. In *State v. Alexander Kelson*, the defendant was accused of assaulting Eunice Mawwee.⁸ Minority defendants in assault cases included Daniel K. Boham, William Cable, Prince Comyns, Adonijah Coxel, Homer Dolphin, Jack Jacklin, Pompey Lepean, John Mawwee, Zack Negro, and Jarvis Phillips. One breach of peace case, *State v. Frederic Way*, the defendant, “a transient Indian man,” was accused of breach of the peace for threatening Jonathan Rossetter and the family of Samuel Wilson of Harwinton.⁹

In cases of theft, African Americans appeared as defendants in 27 of 30 cases, the only exceptions being two instances in which Negroes were illegally seized by whites and the case of *State v. William Pratt* of Salisbury. The State charged Pratt with stealing \$35 from the house of George Ceasor.¹⁰ More typical, however, are such cases as *State v. Prince Cummins* for the theft of a dining room table and *State v. Nathaniel Freeman* for the theft of clothes.¹¹

Another major category of lawsuits revolves around the subject of slaves as property. The number and percentage of such cases is much lower than that for New London County due to the fact that the county was only organized one generation before the American Revolution and the weaker grip the institution of slavery had in that county. The cases may be characterized as conversion to own use (4), fraudulent contract (3), fraudulent sale (3), runaways (3), illegal enslavement (2), and trespass (2).¹² The Litchfield County Court in April 1765 heard *George Catling v. Moses Willcocks*, a case in which Willcocks was accused of converting a slave girl and household goods to his own use.¹³ In the 1774 fraudulent contract case of *Josiah Willoughby v. Elisha Bigelow*, the plaintiff accused Bigelow of lying about York Negro’s age and condition. Willoughby stated that York Negro was twenty years older than he was reputed to be, was blind in one eye, and “very intemperate in the use of Speretuous Lickor.” He sued to recover the purchase price of £45, the court agreed, and the defendant appealed.¹⁴ Cash Africa sued Deborah Marsh of Litchfield in 1777 for illegal enslavement. He claimed that he was unlawfully seized with force and arms and compelled to labor for the defendant for three years.¹⁵ In another case, *David Buckingham v. Jonathan Prindle*, the defendant was accused of persuading Jack Adolphus to run away from his master. The plaintiff claimed that Adolphus was about twenty years old and bound to service until age twenty-five, when he would be freed under terms of Connecticut’s gradual emancipation law.¹⁶

Other subjects found in Litchfield County Minorities include defamation, gambling, keeping a bawdy house, and lascivious carriage. The defamation cases all included the charge of sexual intercourse with an Indian or Negro. In one such case, *Henry S. Atwood v. Norman Atwood*, both of Watertown, the defendant

⁶ For the last case, see Conservators and Guardians, Box 2, folder 42.

⁷ Fifty-seven suits for debt, the vast majority of which a minority was plaintiff or defendant, and four concerning writs of execution to recover debt owed.

⁸ Dec. 1836, Box 3, folder 16.

⁹ Sep. 1796, Box 3, folder 6.

¹⁰ *David King v. Stephen Walton*, Mar. 1791, Box 1, folder 17; *Simon Mitchel v. Edward Hinman*, Dec. 1793, Box 1, folder 18; *State v. William Pratt*, Oct. 1848, Box 2, folder 37.

¹¹ Apr. 1828, Box 2, folder 23; Oct. 1837, Box 2, folder 29.

¹² Three additional conversion cases concern livestock and hay.

¹³ Apr. 1765, Box 1, folder 5.

¹⁴ Dec. 1774, Box 1, folder 9.

¹⁵ Sep. 1777, Box 1, folder 9.

¹⁶ Dec. 1813, Box 1, folder 49.

defamed and slandered the plaintiff by charging that he was “guilty of the crime of fornication or adultery with [a] Black or Negro woman,” the wife of Peter Deming.¹⁷ Three cases, two from 1814 and one from 1821, accuse several Negroes accuse Harry Fitch, Polly Gorley, Violet Jacklin, Betsy Mead, and Jack Peck alias Jacklin, of running houses of ill repute.¹⁸

The records on African Americans and Native Americans from Litchfield County are relatively sparse, but they do provide some indication of the difficulties encountered by minorities in white society. They also provide some useful genealogical data on a handful of families in northwestern Connecticut.

Provenance

The Litchfield County Minorities Collection consists entirely of photocopies of court cases involving African Americans and Native Americans from records of the *Files* of the Litchfield County Court. This artificial collection was created to provide more convenient access to materials on Indians and Negroes in Litchfield County.

Related Records

Related information can be found in *Trials* for Litchfield County and in the records of the Superior Court for Litchfield County.

Access Note

The collection consists of photocopies of original documents. Second photocopies have been placed in *Files* for the Litchfield County Court and all originals have been restricted.

List of Cases

Following the one-page box and folder list, is a list of 188 cases stored in an Access database concerning Litchfield County minorities covering the years 1754-1854. The records are arranged alphabetically by name of town and then chronologically by court session. The database also includes the names of up to two minorities found in each court case, the names of the plaintiffs and defendants, subject, note, and box and folder in which each case is found. The letter A indicates that the person of interest is African American and N Native American.

¹⁷ Dec. 1814, Box 2, folder 2.

¹⁸ Sep. 1814, Box 2, folder 3, Sep. 1814, Box 2, folder 4; Sep. 1821, Box 2, folder 15.

Container Listing

1. African Americans

Files, 1753-1813 (folders 1-50)

Box 1

Files, 1813-1854 (folders 1-40)
Papers by Subject (folders 41-45)

Box 2

2. Native Americans

Files, 1765-1840 (folders 1-18)
Papers by Subject (folders 19-22)

Box 3

Illustration

late of Litchfield now of Goshen
These certify that Pero Sumy is well skilled in the art or mystery
of Tanning Leather, he having been bred up to that Business
& practiced same for many years with an able Workman &
fully understanding same in all its Branches. & in the Management
thereof is uncommonly careful & attentive, as Witness our hands
this 21st Day of March 1788
this may certify that the sd Pero is well skilled
in the art or mystery of Tanning as the
above Described David Hitchcock } Licensed
Overseer of the Road 1788 } Tannor!
Oliver Boardman

**Application for tanner license for Pero Sumy of Goshen.
Sumy was the only African American in Litchfield County
to receive this license.¹⁹**

¹⁹ Ibid, Box 2, folder 44.