

# RHODE ISLAND HISTORY

*PUBLISHED BY RHODE ISLAND HISTORICAL SOCIETY  
52 POWER STREET, PROVIDENCE 6, RHODE ISLAND*

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VOL. 10

JANUARY, 1951

NO. 1

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BELL OF THE FIRST CONGREGATIONAL CHURCH (UNITARIAN)

Benefit Street, corner of Benevolent, Providence, R. I.

Cast by Paul Revere and Son in Canton, Mass.

[see inside front cover]

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*ISSUED QUARTERLY AT PROVIDENCE, RHODE ISLAND*

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### BELL OF THE FIRST CONGREGATIONAL CHURCH (UNITARIAN)

Photograph by Laurence E. Tilley

Excerpt from the "Minutes of The proceedings of the General Committee Appointed to build a new Meeting House" [from the church archives in the Rhode Island Historical Society]. August 16, 1816. *The Steeple of the New Meeting House being finished, the Stages were in the course of last week taken down, and this day we raised the Bell into the Tower, the weight of the Bell is Two Thousand four Hundred and Eighty Eight pounds. It was cast by Paul Revere and Son in Canton, Norfolk County Massachusetts. the price forty five cents per pound —*

## RHODE ISLAND HISTORY

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### PICTURES OF PROVIDENCE IN THE PAST, 1790-1820

#### THE REMINISCENCES OF WALTER R. DANFORTH

edited by CLARKSON A. COLLINS, 3rd.

WHEN Walter R. Danforth, fourth mayor of Providence, died in 1861, *The Providence Daily Journal* in concluding its long and laudatory obituary stated, "His 'Reminiscences of Providence' embraced in a series of lectures, are the most valuable and interesting contributions ever made to our local and personal history, and we hope that they will now be published." For many years after Danforth's death members of his numerous audiences continued to express the hope that his notes might be discovered and placed in printed form as a permanent addition to the history of Providence. Only recently, however, have the longhand pages of the lectures come to light, scattered among the other material in the Carter-Danforth Papers at the Rhode Island Historical Society.

Walter R. Danforth was well qualified to recreate in the minds of his listeners the rapidly vanishing Providence scenes of the end of the eighteenth century. Born in Providence on April 1, 1787, he had spent his youth in the home of his father, Job Danforth, on the north side of Westminster Street just west of the site of the Industrial Trust Company Building. In 1805 he was graduated from Brown and shortly thereafter entered the law office of the Hon. James Burrill, becoming his partner for a short period after serving an apprenticeship. A legal career, however, appears not to have satisfied young Danforth; he soon abandoned the law in order to engage in two, at the time, inseparable callings: journalism and politics. From 1807 to 1810 he was Clerk of the Supreme Judicial Court of Providence County; and from 1811 to 1818, Clerk of the Court of Common Pleas. Between 1818 and 1828 he served as a member of the Town



Council. His newspaper career began in 1820 as editor and co-proprietor of the *Providence Gazette*, which had formerly belonged to his father-in-law, John Carter. In 1825, after resigning his partnership in the *Gazette*, he founded the short-lived *Microcosm* and again in 1841 reengaged in the journalistic battle as editor of the *Dorrite Daily Express*.

Though he entered politics as a conservative, Danforth soon swung over to the side of Jacksonian Democrats, receiving his reward in 1829 when President Jackson appointed him Collector of the Customs of the Port of Providence, at that time, before the town's extensive overseas commerce had withered away, an important political plum. This post he held until 1841, when the Whigs, under Harrison and Tyler, were swept into power. He again held political office in 1853 when he was elected mayor of Providence for a single term.

Busy though he might be with political or editorial tasks, Mayor Danforth always found time to observe the changing scene about him and to store away in his capacious and accurate memory the details of the persons encountered and places visited in the rounds of his daily life. The first of his popular lectures on the Providence of his youth was delivered in the middle 1830's; the last, not long before his death on August 11, 1861. At the Cabinet he addressed members of the Historical Society, to whom he explained the Society's famous theater curtain view of Providence painted by Worrall in 1809.

From time to time Danforth changed the arrangement of his lectures, omitted passages or inserted others, and made modifications in phraseology. The editor has therefore felt free in preparing the manuscript for publication (even as Danforth was often urged to do) to make such necessary alterations in spelling and punctuation as the author himself would doubtless have approved. The first lecture, as printed here, is substantially as it was delivered in 1850, though a few sections then omitted but included in earlier versions have been inserted. Since Mayor Danforth delivered it a century ago, the town that he observed so carefully and loved so well has undergone changes even greater than those that took place during his own lifetime. The structures which had replaced those he knew as a boy have by now grown old in their turn or have been demolished. We are fortunate indeed that time has preserved these lectures to revitalize an era now long past.

### "REMINISCENCES OF PROVIDENCE"

WE ARE ASSEMBLED this evening, my respected auditors, to look back on days that are past and to review the scenes of olden times. This is an exercise of the faculty of reflection, taken in an extensive sense, that may be productive of profit and amusement. We are wayfarers on the journey of life; our starting point was our earliest aspirations of hope; our goal is the haven of happiness; and at the several stages of our tour, it may not be unprofitable to look back and review our steps that we may be satisfied our course has been right and that we continue in the most direct path to the object of our pursuit. The main object, however, of this evening's address is not so extensive, nor will it come within our scope to direct your attention to a review of moral conduct, but one of less importance, yet not without its utility; it is to retrospect in order to show you the appearance and the picture of Providence as it was when the oldest of us were young and many of you were but "to-be" residents in its pleasant limits.

Few places in New England have been noted for a more steady and healthy growth than the city of Providence. Within the memory of many of us its aspect has been wonderfully changed—highways have been established through rich meadows and luxuriant fields; orchards and groves and forests have fallen by the axe to give place to the works of art; the waters from the ocean have been commanded to retire to a distance by that application of enterprise and labour which said, "hitherto shalt thou come and no farther." Edifices, private, public, and sacred, have arisen around us displaying fair proportions, architectural taste, and beauty. Its naturally increasing growth has been augmented by emigration from surrounding places and across the broad Atlantic till our population is large [41,512 in 1850]; and is as sober, respected, and enlightened and as well regulated as that of any city in the union.

What it is now, we all know—what it was 50 or 60 years ago, the greater portion of those who are present this evening, can only faintly imagine, as many had not then entered this busy world, and others tho' bustling on its surface were strangers to this delightful spot. The subject this evening is local reminiscences; and those who have lived in Providence during the period to which these recollections extend



may take some pleasure in the exhibition of a picture, tho' unskillfully delineated, of the scenes of former time; while those to whom the sketch will be new may derive some satisfaction in viewing our original features, learning what we were in by-gone days, examining the topographical appearance of the place, and seeing who were the characters that trod their busy hour on the stage and now are seen no more.

In adverting to individuals who have flourished here, I shall speak freely, giving some of those characteristics and peculiarities by which they were distinguished in their lives, disclaiming any intention to disturb the ashes of the dead,

"Or draw their frailties from their dread abode."

Should there be present any of the descendants or connections of persons noticed either by name or otherwise, it is hoped that they will do the speaker the justice to believe that his only wish is to speak with biographical accuracy of the characteristic traits of their departed relatives. Would not the dying prefer to be thus remembered rather than to be shrouded in the dark mantle of oblivion forever? There are few who are not candidates for posthumous fame, and the man cannot be found who would consent that the tomb which receives his body should forever conceal his name, his person, and his character.

"For who, to dumb forgetfulness a prey,  
This pleasing, anxious being e're resigned,  
Left the warm precincts of the cheerful day  
Nor cast one longing, lingering look behind?"

But if thro' the fondness and scrupulosity of surviving friends the name of a deceased person is transmitted to posterity, decorated with a picturesque character, intended for effect, but dissimilar to the real one, that man loses his personal identity and might as well have been shrouded in oblivion. For myself, without arrogating anything great for mental or personal qualities nor claiming ought for imitation in any of the relations or modes of life, I would say, in advance, to my biographers, as said the Moor of Shakespeare:

"Speak of me, as I am  
Nothing extenuate, or set down aught in malice."

I shall in the recollections given this evening go back to a period of from 30 to 60 years,<sup>1</sup> and no farther, intending only to notice such

<sup>1</sup>1790-1820.

appearances and such persons as have come under my own observation and are treasured in my own memory. It would be easy to cast the eye of retrospection through a more extended vista and give interesting sketches of a personal and local nature on traditional authority, but what is said this evening, and is promised for our next meeting, shall be on the speaker's own responsibility, and not from records, but from memory alone.

I shall confine myself to no chronological order in noticing persons or events, nor shall I in all cases deem it necessary to recur to dates. When they are essential to the elucidation of any remarks, they will not be omitted; but a frequent recurrence to them would be of little interest and occupy time that might be otherwise more profitably employed. The plan will admit of little methodical arrangement and from the nature of this subject must necessarily be discursive.

Were it in my power at any time, or on any occasion to employ eloquent diction or to summon to my aid the flowers of rhetoric and soar aloft on the wings of fancy, it would certainly be out of place on the subject this evening selected, which will admit only of the most simple, plain, and unadorned style of narrative.

What I ask of you is that you will take yourselves back in imagination a half century and accompany me in a ramble about the town of Providence, for *town it was* and *no city*, during the period to which I shall call your attention, that you may be apprised of many land marks hitherto unnoticed by, or unknown to you, and be introduced to many interesting characters of a past generation.

\* \* \*

ON Jefferson Plains,<sup>2</sup> or the hill north of the Cove Basin,<sup>3</sup> during the early part of these reminiscences, there might be seen the far famed and much frequented Fenner Angell tavern, and two or three small old buildings on the highest part of Orms St. and then the next, north and west, was the Pinkney house. After a few years Col. Henry

<sup>2</sup>Smith Hill where the State House now stands.

<sup>3</sup>Providence Cove, which covered the area from Canal Street across Exchange Place and the site of the railroad station, as far as the Nicholson File Co., had been partially filled and enclosed in a circular basin in 1847.





Photograph in R. I. H. S. Library

SMITH-DUNCAN HOUSE  
[see page 7, note 5]

Courtesy of Rhode Island Society of Colonial Dames

Smith<sup>4</sup> erected the house which is now the residence of Alexander Duncan,<sup>5</sup> and being one of the warmest of the Jeffersonian Republicans of that day he called what had previously been known as Camp Hill, Jefferson Plains. Col. Smith was extensively engaged in the distillery business at the foot of the hill towards Charles Street, and not relishing some of the acts of old John Adams and his administrations had inscribed on his large sign at the distillery works the words: "liberty, equality and no excise."

This plain thus unoccupied furnished a charmingly retired promenade for all classes of citizens, and was much frequented for its extensive prospect and salubrious air. It was then the place for general muster for the militia at a regimental or brigade review, as a portion of it continues to be at the present day, but then the review ground was unbroken save by the Fenner Angell tavern, and that, on such occasions was used as a sort of barracks, for their officers and soldiers; and citizens there found a supply of solid condiments, and liquid stimulants. Here too, throughout the day, might be witnessed the jocund dance of the young of both sexes to the enlivening music of the violin and the fife. These military parades drew vast numbers of spectators to the ground and all was delightful both to the observed and the observers, the men who were clothed in military garb and shouldering epaulettes feeling evidently rather larger than on ordinary occasions. There was in those days something fascinating in a military dress and in a military man with chapeau and sword and title. The men gazed on such an object; the women gazed; and the young girls and youth gazed; and they admired and loved and venerated the military. There was something solacing in it even in distress and grief, as may be made evident by the following anecdote,

<sup>4</sup>Col. Henry Smith (1766-1818), son of Job and Ruth (Harris) Smith, received his commercial training in John Brown's counting house and later himself gained prominence as a merchant. For many years Col. Smith was active in the affairs of the Republican Party, and in 1805 after the deaths of Governor Fenner and Lieutenant Governor Mumford he served as Acting Governor. In the following year he ran for governor; but as the Republican vote was split between him and another candidate, no one obtained a majority, and the governor's seat was filled by the Lieutenant Governor.

<sup>5</sup>Alexander Duncan (1805-1889), a native of Scotland, married Sarah, only daughter of Samuel Butler and niece of Cyrus Butler, both leading Providence merchants. The latter, who left the bulk of his fortune to his niece, was reputedly the wealthiest inhabitant of Rhode Island at his death in 1849. The fine mansion built by Col. Smith and later owned by Mr. Duncan stood on the site of the present State House Annex.



which had its origin in the remote period to which our ken has been directed.

(Here give—Oh Major, if my husband had only been  
a military man.)<sup>6</sup>

We will take a stroll around the suburbs of the easterly part of the town before we enter the more densely settled portion. Traveling eastward through Harrington's or Olney's lanes, or across lots, we find abundant sylvan scenery to delight the eye and regale the senses. The whole view from Prospect St., south and east, was picturesque, no houses intervening east of that as far down as Angell Street. A continued walk [to the eastward] brought the pedestrian to what was once a very popular retreat called the Grotto,<sup>7</sup> a spot of uneven ground in the recess of a deep wood, with such a profusion of shrubbery as to give it at noon a most sombre aspect, but affording a soothing relief from the brightness of a scorching summer sun. How many are gone forever, who, nearly 50 years since, took a pleasure in seeking this vale and deep solitude.

"Where heavenly, pensive contemplation dwells,  
And ever musing melancholy reigns."

The walk down the whole distance from the vicinity of the Grotto, near which is now Swan Point Cemetery and the Insane Asylum, [Butler Hospital], to India Point, [near Washington Bridge] on the margin of the Seekonk river, was charming—just as the sun was rising from his orient bed, or when he was verging towards his occidental chamber for the night. From India Point the transition to Fox Point and its wood covered hill was easy; and in the memory of some of my auditors, probably the picture of this hill is yet vivid—with its oaks, its evergreens, its varied and luxuriant shrubbery, its serpentine paths of verdure, where hundreds of devoted admirers of nature's loveliness were daily walking with jocund steps, intent on gathering the flowering laurel, the swamp apple blossoms, the wild lily, and other flowers, and satiating their eyes with a view of the extensive and delightful water prospect below.

<sup>6</sup>Unfortunately Mayor Danforth failed to write out a number of the jokes with which he enlivened his lectures. If readers can supply the deficiencies they will, if suitable, be printed in an addenda.

<sup>7</sup>From which Grotto Avenue takes its name.

"Here all around, the gentlest breezes play,  
Here gentle music melts on every spray,  
Creation's mildest charms are here combin'd."

But a change has come over the scene—its shrubbery of evergreen is gone; its verdant carpet has been removed; its shady walks are destroyed; the hut of the hermit Robert,<sup>8</sup> which at a less remote time was there, has long since disappeared, and all those rural beauties, sleep in death.

At the threshold of this delightful sylvan retreat stood a tall and branching oak near the margin of the river, and under its shade might be often seen on vernal and summer days crowds of attentive and silent spectators of both sexes and of all ages and hues, assembled to witness the solemn rite of baptism by immersion administered by the Rev. Dr. Gano;<sup>9</sup> and few there were, within the scope of his powerful voice, who were not seriously affected by his impressive manner, his fervent prayers, and his serious and affectionate admonitions.

At the period when these reminiscences commence, there were not more than thirty houses standing eastward of those on the easterly side of Benefit St. as far down as Wickenden Street; but in the last named street, and the region round about, known as Tockwotten, several buildings had been erected as far down as India Point, and new streets were there laid out and paved; massive stone walls had been built as far out as the channel, and vast areas had been filled with sand and gravel from hills in the vicinity. Here also were store houses to receive the rich cargoes of vessels laden with foreign merchandise.

All this was the work of one man of industry, enterprise, and public spirit, a man of sound judgment, quick decisions, and liberal views,

<sup>8</sup>Information concerning this mysterious individual may be found in a little book entitled *Life and Adventures of Robert the Hermit of Massachusetts Who has lived 14 years in a Cave, secluded from human society . . .*, published at Providence by Henry Trumbull in 1829. According to Robert's own account he was the son of a Negro slave and an English gentleman. After numerous adventures and tribulations he settled at "an extreme point of uninhabited land (Fox Point) situated about one mile south of Providence bridge. There [Robert says] I built a hut and dwelt peaceably therein for several years, and until annoyed and discommoded by the youth of the town, and by labourers employed in levelling the hill in the neighborhood of my dwelling." He then moved to property owned by Tristram Burges in Seekonk, now East Providence, where he was able to continue his solitary mode of life unmolested.

<sup>9</sup>Rev. Stephen Gano, M.D. (1762-1828) was a surgeon during the Revolution and pastor of the First Baptist Church from 1792 until his death.



who eminently possessed the rare talent of combining his own and the public good in his enterprises, and that man was John Brown. He was a liberal promoter of education and the means of religious instruction, being one of the most active and prominent men in building the College in this place, and in erecting the First Baptist Church, subscribing bountifully to those laudable objects. By his assiduity, economy, prudence and sagacity, he accumulated a large fortune and became a public benefactor. He gave an impulse to commercial business and to public improvements, such as had not been known before his time, and his various branches of enterprise created a demand for labor and afforded it a reward. He was extensively engaged in foreign commerce, and by his foresight and general intelligence was successful in most of his commercial transactions. His political influence was great; and at, and before, the adoption of the Constitution, he was a strong political partisan of Federal principles, was a member of the General Assembly, and under the Confederation represented the State of Rhode Island in the Congress of patriots and great men of those days. In that body there were few members of better judgment or sounder understanding, or of more enlarged and liberal and enlightened commercial views. His knowledge was practical, and his opinions were received with deference and not lightly appreciated.

He caused to be erected the large brick house near the corner of Benefit and Power Streets, which was his residence up to the time of his death nearly 50 years ago; and notwithstanding the progressive improvements in the arts since the time of its erection three score years ago or more, that edifice still remains a model of architectural symmetry and grandeur.

John Brown was the first president of the Providence Bank, which was the first bank established in this state and the second in New England, its charter having been granted in 1791; and although the people were still suffering under the effects of paper money as emitted by Congress and the State legislatures, and clung with tenacity to specie, yet they received with avidity the bills of this bank, having full confidence in their signature by John Brown. The other early officers

of this bank were Olney Winsor,<sup>10</sup> cashier, Edward K. Thompson,<sup>11</sup> first, and John B. Chace,<sup>12</sup> second clerks.

In stature, John Brown was of a medium height, but when I knew him was fleshy and rather unwieldy in movement and might then be observed riding daily in all the business portions of the town in a one horse sulky, driving bargains and personally superintending all the branches of his affairs at the counting house, at his stores, at the shipyard, on the wharves, at the bank, and wherever his business operations called. He had a peculiar voice, the tones of which I can well recollect, and in his employment was a black man who could imitate his voice so well that he would often deceive the clerks of the establishment, who, expecting from the well known tones in the entry way that Mr. Brown was about to appear, would be surprised, when the door opened, to see no one but darky.

Within the time we have in view, the house which divides the roads leading to Pawtucket and the North Burial ground, or ancient cemetery, was built by Amasa Gray<sup>13</sup> and leased to a tenant for a public house, assuming the name of the Amasa Gray Tavern. Its owner wore a plain garb and attended the Friends Meeting, but was not then, I believe, a regular member. For many years he stood high in the community. He had a quick perception, a discriminating mind, and integrity of character, and was made an arbitrator, umpire, or referee in controversies amongst citizens; and his decisions and awards were generally satisfactory to the parties. He once went into an evening meeting where he was a frequent visitor, and the officiating

<sup>10</sup>Olney Winsor (1753-1837), son of the Rev. Samuel Winsor, pastor of the First Baptist Church. He served as cashier of the bank from 1791 to 1810. From 1798 until his death he was a trustee of Brown University.

<sup>11</sup>Edward K. Thompson, who died March 8, 1825, served for many years as cashier of the Providence Bank. He was a colonel in the Rhode Island Militia, in which he served as quartermaster general.

<sup>12</sup>John Barnet Chace (1782-1863) worked as office boy and clerk in the Providence Bank from about the age of thirteen until he was twenty-one. He then turned to the sea as supercargo of the Brown and Ives ship *Isis*. After several other voyages, Chace gave up his seafaring career in 1809 and opened a grocery store on North Main Street near Market Square. This store has continued in operation near its original location up to the present day. Chace was also an active and influential member of St. John's Church and a major in the militia.

<sup>13</sup>Amasa Gray (1751-1798) married Sarah Turpin in 1775. The tavern, which stood at the corner of Branch Avenue and North Main Street, has been destroyed, but a photograph of it is preserved in the Society of Colonial Dames of Rhode Island Collection of Photographs of Rhode Island Houses in the Rhode Island Historical Society.



pastor being absent, he rose and remarked that as the congregation might be disappointed at not hearing a lecture or a sermon, he would supply the pastor's place and submit something for their consideration. "Brethren", said he in a solemn and impressive tone, "cease to do evil—learn to do well"—and then, without comment resumed his seat. An epigram made more than a century ago in England on a rather prosy preacher who discoursed from the text—"Watch and pray" could not apply to this case. The epigram was this:

"By our parson perplex'd, how can we determine?

'Watch and pray' says the text; *go to sleep* says the sermon."

Amasa Gray outlived his reputation, and the secret of his decline might illustrate another scripture text—"Wine is a mocker."

A little south of this tavern, on the westerly side of North Main Street, was a one story building in which for many years Power Knowles<sup>14</sup> kept shop, having a saddle painted on his sign board. He was a man somewhat eccentric in manners and opinions, was industrious in his calling, was steady, and honest. He was a musician, and for many a year was out on muster days with one of the companies discoursing most excellent music from the fife. He was ingenuous, open and independent in all his dealings, and when he did not meet a reciprocation in others, but discovered a disposition to evade, dodge, or conceal, he would utter a reproof thus—"Come, thir, I always fathe the works, and scorn to skulk and now, thir, I want you to come up like a man and fathe the works too, that's my way of doing business."

A customer went into his shop and asked him if he had any bridles for sale—(Give it orally)

(Also how to make a short winter)

Prior to the time of the commencement of these reminiscences this part of the town, being the section between the Amasa Gray house and the junction of North Main and Benefit Street, was the Court end, the fashionable and business part of the town. Here for many years was the residence of Gov. Elisha Brown,<sup>15</sup> and in this long brick

<sup>14</sup>Power Knowles, a son of Jonathan and Ann (Power) Knowles, was born c. 1775. His will was dated Feb. 24, 1835. In the *Providence Directory* of 1824 he is listed as a grocer at 411 North Main Street.

<sup>15</sup>Elisha Brown (1717-1802), uncle of the famous "Four Brothers," was prominent in politics during the colonial period, serving as Deputy Governor 1765-7. He accumulated a considerable fortune, which he later lost.

building one half of which still remains,<sup>16</sup> were stores for dry goods and fancy articles, and the young belles of those days who wanted gloves and ribbons and personal ornaments to set off their charms to the best advantages, had to go up and beyond Constitution Hill for their supplies. In process of time the retail stores gradually extended down North Main Street to the southerly part of the town, and last of all to the then sparsely populated portion of the place west of Weybosset Bridge.

The Montgomery tavern<sup>17</sup> more than 50 years ago stood at the junction of North Main and Stampers streets,<sup>18</sup> now the site of an engine house. The sign board represented that distinguished military officer, General Montgomery. This was the first place where Alpheus Ammidon<sup>19</sup> opened a public house in Providence and he, aided by his accomplished wife, afterwards won an enviable fame in that business, as successor of Henry Rice at the Golden Ball Inn, now the Mansion House,<sup>20</sup> which under the Ammidons bore a reputation equal to any house of the day.

[to be continued]

<sup>16</sup>Unlike the majority of the buildings mentioned by Mayor Danforth the Elisha Brown house is still standing at 537 North Main St. Its lower story still contains stores though no longer for "dry goods and fancy articles."

<sup>17</sup>A letter written by James C. Bucklin and published in the *Providence Journal* of October 8, 1883, states that the Montgomery tavern at the head of Constitution Hill was erected by Major Simeon Thayer in 1781 and was torn down in 1808. Thayer had served with Montgomery during Benedict Arnold's Quebec expedition in 1775.

<sup>18</sup>Stampers Street formerly ran between North Main and Hewes Streets. When North Main Street was widened in 1932 the houses between it and Stampers Street were demolished and the old street lost its identity in the section of North Main Street now called Capt. J. Carleton Davis Memorial Boulevard.

<sup>19</sup>Alpheus Ammidon was born in Mendon, Mass., Nov. 14, 1768, and died in Providence in 1861.

<sup>20</sup>This famous hostelry, also known as Henry Rice's Hotel, Daggett's Tavern, and the Roger Williams Hotel, stood on the corner of South Court and Benefit Streets. It was demolished in 1941.



## THE EARLY HISTORY OF RHODE ISLAND'S COURT SYSTEM

by JOHN T. FARRELL

[concluded from October, 1950, v. 9, no. 4, p. 117]

With judges and jurors prescribed, with allowance made for pleading one's own case or for the use of an attorney,<sup>62</sup> the court structure was rounded out in 1650 with the creation of the offices of Attorney General and Solicitor. The Attorney General was to have full power "to impleade any transgression of the lawe of this State in any Courte of this State; but especially to bring all such matters of penall lawes to tryall of the Generall Courte of Tryalls, as also for the tryall of the officers in the State at the Generall Assemblies, and to impleade in the full power and authoritie of the free people of this State, their prerogatives and liberties. . . ."<sup>63</sup> Upon information of "transgressions or transgressors of the lawes, prerogatives and liberties of the people, and their penal lawes," he was "under hand and seale" to "take forth summons from the President or Generall Assistants, to command any delinquent, or [one] vehemently suspected of delinquencie in what kind soever accordinge to the premises, to appeare at the Generall Courte [of Trials], if it be thereto belonginge, or to the Generall Assemblie in those matters proper thereunto; and if any refuse to appeare at that mandamus in the State of England's name and the free people of this state, he shal be judged guiltie, and so proceeded with according to fine or penaltie." The Solicitor was to prepare all complaints for the Attorney General, "not hindering any authoritie of the Atturanie by oration presented in the Solicitor's absence if he please." William Dyre was named the first Attorney General; Hugh Buit was named Solicitor.<sup>64</sup>

<sup>62</sup>The Code of 1647 also envisaged, without any concrete result, two "discreet, honest and able men for understanding," who would be available "two in a Towne," each to be known as an "Attorney that belongs to the Court," for litigants who did not have their own attorney but desired to make use of one. R.I.C.R. I, 200-201. References to attorneys occur frequently in the records, but they are simply "attorneys in fact for purposes of litigation." Cf. Professor George Woodbine's use of this phrase in the *Yale Law Journal* XLIII, 1037. A class of lawyers did not develop in Rhode Island until the eighteenth century.

<sup>63</sup>"And because envy, the cut throat of all prosperitie will not faile to gallop with its full careere, let the said Attorney be faithfully ingaged and authorized and encouraged." R.I.C.R. I, 225.

<sup>64</sup>*Ibid.*, 225-226. The office of Solicitor did not survive the lapse of charter government during the Andros regime. When the Court of Trials belatedly resumed regular sessions in September, 1693, it got along with only an Attorney General. Ms. Record Court of Trials 1671-1724.

That the Assembly had a very precise notion of the way in which the Court of Trial was to carry out the intentions of the law-makers is obvious from their orders for the conduct of court business, which they made an integral part of the Code:<sup>65</sup>

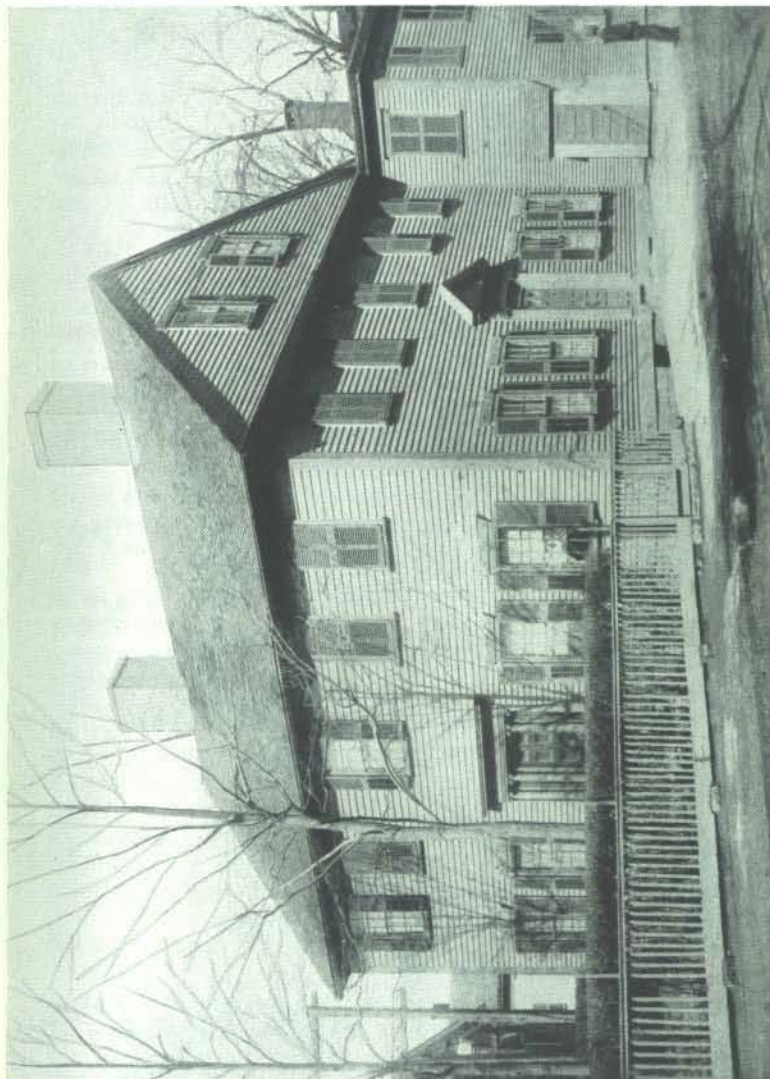
And . . . be it enacted, as that which adds to the comely and commendable order of this Court of Judicature, that at eight of the clock in the morning of those dayes upon which the Court is appointed at the farthest, the President, the Towne Assistants, and the Head Officers of the same Towne where the Court shall be kept, (for their Councill and helpe,) shall sit in the publicke Sessions house, and also the Generall Recorder, where shall attend those that seeke for justice, their pleaders, witnesses, Tryars and the Generall Sarjant with his prisoners ready either to rid his hands of them, or else to doe execution upon them or others as Justice shall require.

In the first place, the Recorder shall present, and if there be time read over the bills of indictment by an inquest before, then shall he pass them over; if not, then shall the President sett apart the honest and lawfull men prepared for that purpose, by a solemn engagement, faithfully to enquire touching the bills, and soe shall send them forth with the same.

Then, in case there be any controversies or difficulties between partie and partie that are lawfully and orderly presented to that Court for Tryall, the Recorder shall read them over in the open Courte, and that which was first joyned for issue, shall come first to the hearing. And because the twelve men are to have the hearing and determining of all controversies and differences depending between partie and partie, they shall be first called forth by the President and placed in order before those that are to be judged, from whom they shall receive a solemn charge upon the perill and penaltie the law hath provided, to do justice between the parties contending, according to evidence. This done, then shall the parties, (having first had their lawfull challenges,) or their Attornies plead their cases before them, produced [sic] their witnesses for what they affirme, which shall be taken upon the like perill. When they have sufficiently discussed the difference, then shall the President or any other of the Assistants mind the inquest of the most material passages and arguments that are brought by one and other for the case and against it, without alteration or leaning to one party or another, (which is too commonly seene,) and soe shall the President advise the

<sup>65</sup>R.I.C.R. I, 202-204. In 1656 the Assembly found it necessary to forbid a magistrate to leave the bench while a case was being pleaded, lest he prejudice the jury by doing so. The penalty fixed was £5 if the case involved no more than £100, or £10 if more than £100 was at stake. At the same time it was allowed that any magistrate dissenting from his fellows' decision might enter a protest in the record if he paid in eighteen shillings! A like privilege was allowed members of the Assembly if they wished to record disapproval of any of its acts. *Ibid.*, 333. For an example of a dissent in the Court of Trials, see the case of John the Indian, Ms. Record Court of Trials 1671-1724, June 15, 1671.





Photograph in R. I. H. S. Library

Courtesy of Rhode Island Society of Colonial Dames  
 AMASA GRAY TAVERN  
 Junction of North Main Street and Branch Avenue  
 [see page 11]

inquest to goe forth and do justice and right between their neighbours, according to the evidence that has been brought, for what has been pleaded. These being gone forth, then may the Court proceed to deale with such as are bound by recognizance eyther to release them or to continue their Bonds, according as there is just cause, and may read over the Indictments that have been enquired into before, and are now presented as true bills. The twelve men returning with a verdict it shall be recorded, and soe shall they be employed, untill all the differences be ended.

And forasmuch as it belongs to the Justices to taxe the costs, lett the vacant times be so employed.

These controversies, differences and demands being thus all issued, then let the Recorder call to the Sarjant to bring forth the Prisoners. Before each prisoner lett his indictment be read, and he demanded if he will be tryed by God and the Country, sci: his countrymen. If he consents, the President shall call forth the twelve men before him, wish him to look upon them, and ask if he have any thing against them; if not, then he shall charge them upon the former perill, to deale faithfully and truly in the matter; it being a matter of consequence and moment, and to proceed to determine according to the light of their consciences, upon the evidence given in, and if any be found Guilty of death, to be reprieved to the next Court. And thus having issued all matters depending, the President with the assistants and councillors shall give forth writs unto the Generall Sarjant for the severall executions, and so break up the Court for that time and sitting.

But of course the elected officials of the colony might require a check if they exceeded their authority or were found out in some wrongdoing; therefore it was declared that "no officer employed in this Colonie shall think it strange or hard dealing to be brought to his faire Tryall, and Judgment for what he hath done amiss." Officers were to be tried and judged in the Generall Assembly "by a committee of the most able and impartiall men, chosen out from among them, against whom they may have also their lawfull challenges." This applied to the "Chiefe Officers of the Colonie, Island, or Townes;" all other officers abusing their positions were to be tried either in the town where they were chosen or, if the town consented, in the General Court of Trials.<sup>66</sup> The first example of the trial of an official was that of Hugh Buit before the Assembly at Providence in 1652. He was acquitted of the charge of "treason against the power and authoritie of that honourable State and Commonwealth of England."<sup>67</sup> This Assembly, as noted above, was the first one of a representative nature

<sup>66</sup>R.I.C.R. I, 204-205.

<sup>67</sup>*Ibid.*, 254-255.



since 1647, consisting of commissioners of the townes. This novelty may have been the reason for the clarification which was made in 1653:<sup>68</sup>

Whereas, the lawe that was formerly made by the Collonie for the triall of Generall Officers is ambiguous, and not so cleare as is meet to bring them to a certaine triall. It is therefore ordered, that the triall of all Generall officers, shall be by the Generall Assembly of Commissioners (six chosen by each Towne) for their misdemeanures in their office, any former lawe to the contrary notwithstanding.

Then a further adjustment in 1669 referred back to the Code of 1647 with the words, "forasmuch as the Constitution of the Generall Assembly . . . was of the whole body of the freemen [italics supplied], out of whome the Committee for the tryall of officers was to be chosen;" now, under the Charter of 1663, if any general officer should happen to be indicted "or complained against for any delinquency," he was to be tried by a jury of twelve men of the Assembly or, if he or the Assembly were so minded, by twelve "indifferent men least suspected" outside of the Assembly. According to the verdict of these "his said peeres" he was to be judged guilty or not guilty, "any objection pretended from the Charter to the contrary, or notwithstanding any law or lawes, clawes or clawes, or pretence of either, to the contrary hearof in any wise notwithstanding."<sup>69</sup>

In view of the extent of the trial work undertaken by the Assembly in the eighteenth century, it is remarkable that a careful separation between legislative and judicial activities throughout most of the seventeenth century left to the lawmaking body only that task of determining the cases of general officers. Yet it was more a separation of functions than of powers, for the Code of 1647 defined a method of recourse to the Assembly by way of petition. In the event that any man should sue for justice "against an officer or other, and he cannot be heard, or is heard and cannot be righted by any Law extant among us, then shall the party grieved petition to the Generall or Law making Assemblie, and shall be relieved."<sup>70</sup> The function of making law<sup>71</sup>

<sup>68</sup>*Ibid.*, 262.

<sup>69</sup>R.I.C.R. II, 239-240. It was also made clear at this point that an indictment was no bar to office after election by the freemen. In such cases, the person elected was to take office and then be tried by twelve lawful men.

<sup>70</sup>R.I.C.R. I, 205. In 1657 the Assembly referred to itself as "the law making Court of this Colony." *Ibid.*, 358. The introduction of representation by commissioners of the towns, in place of the whole body of freemen for all purposes

gave the Assembly many occasions when it acted to make rules for the conduct of specific cases before the Court of Trials. Thus, even when cases did not go an actual trial<sup>72</sup> before the Assembly, almost any part of the judicial process was open to its inspection and to its correction. For instance, when Richard Burden petitioned<sup>73</sup> in May, 1655, to be discharged of his bond in the Court of Trials, he was so discharged and relieved of the necessity of prosecuting a complaint against Samuel Wilson. Again, in 1656, the lawmakers declared that a grant by the Court of Trials of a rehearing to William Coddington in the case of *Brenton v. Coddington* "was a legall act."<sup>74</sup> But on a petition presented by Edward Richmond it was ordered that "the business shall be suspended till it be heard in the Court of trials."<sup>75</sup>

except the election of officers, gave rise to the term, "Court of Commissioners," used alternatively with "General Assembly of Commissioners," until the Charter of 1663 confirmed a system of representation by "deputies." The records of the Assembly for 1656 show a rare instance where Bartlett, the editor, permitted an intrusion of the Court of Trials' business. First, there appears the entry, "The General Court of Tryalls held at Warwicke the 11th of March, 1655-6." The names listed include the President, Roger Williams, and four Assistants, besides three Magistrates of Warwick, the Recorder, the Sergeant, and the Attorney General. Fifteen jurymen were also listed. The Court of Trials was in session half an hour, according to the record, "and then the Commissioners to apeere." The Court of Commissioners included six from each of the towns, among them some of the bench and some of the jurors of the Court of Trials who were doubling as Commissioners. These attended to a small amount of business, whereupon "the Court [of Commissioners] adjourned till the Court of Tryalls be over." *Ibid.*, 325-327.

<sup>71</sup>For about five years after 1658 the legislative competence of the Assembly was compromised by a sort of referendum procedure. In November of 1658 it was ordered that the Recorder should send to the towns copies of all laws made at any Assembly, within ten days of its dissolution. The towns were to have ten days to review the work of the representatives and, if they chose to do so, vote down "any law." If it happened that "the major parte of the people in each town" disallowed any law, "then such a law to be in noe force." R.I.C.R. I, 401. In 1660 this was amended to give the towns three months to take action, and the law was clarified to indicate that disallowance was to follow on the registering of the will of "the major parte of the free inhabitants of this Colony" to that effect by votes transmitted from each town to the Recorder. *Ibid.*, 429. However, in March, 1664, the repealing "of the acts of the General Assemblies by votings in town meetings" was adjudged contradictory to the form of government established by the Charter of 1663, and therefore no longer a valid practice. R.I.C.R. II, 27.

<sup>72</sup>Exception must be made for divorce proceedings, about which there was no law made in the Code of 1647, and which was therefore a matter for petition. In 1654 the Assembly took under consideration the case of John and Elizabeth Coggeshall. Each was given the liberty to contract a new marriage. R.I.C.R. I, 280, 314, 319.

<sup>73</sup>*Ibid.*, 315.

<sup>74</sup>*Ibid.*, 348.

<sup>75</sup>*Idem.*



In 1657 many rules were revised and penalties modified: Plaintiff and Defendant were each to be entitled to one postponement; after a *nihil dicit* entered in the Recorder's office the Defendant might nevertheless appear in court and the case proceed to trial; either party, after judgment, could ask for a rehearing, but only one rehearing could take place; jury service was to be imposed only with three days' notice before the court sat; goods under distraint might be redeemed within ten days on payment of the fine and the charges of the distraint, and such a redemption was not to be taken as a confession of guilt; the General Sergeant could, in matters not relating to his office, be served with a summons by a Town Sergeant. At the same session of the Assembly, the case of *Brenton v. Coddington* was assigned to arbitrators, with the declaration that no court was to take action in case the arbitrators failed to agree. The arbitrators here were given power to make awards out of "the visible estate in horse kinde or sheepe, or other cattell of either of the parties." Execution was ordered "in the case that was found against Mr. Dyre at the last Court of tryalls in March, where only through neglect, judgment was not entered."<sup>76</sup> All of these rulings demonstrate the supervisory powers of the legislature as exercised in the seventeenth century; all of them likewise indicate an avoidance of any actual trial work which would make the Assembly a Court of Appeals.<sup>77</sup>

<sup>76</sup>The above appears in R.I.C.R. I, 356-365. In March, 1656, the Assembly repealed an act of the preceding year which had permitted composition in cases of feloniously taking another's goods! The original motive for the repealed act seems to have been one of economy. It is more significant that this oddity remained on the books only one year than that the lawmakers should have permitted the lapse to have occurred at all. *Ibid.*, 334.

<sup>77</sup>R.I.C.R. II, 85-86. The concern of the Assembly with particular developments in judicial affairs was a continuous one. Cf. for example R.I.C.R. II, 362, where (in 1670) in the suit of *Knowles v. Wawenockshott*, the Court of Trials having stopped the case because the Indian "could not understand the way of our proceedings," the Assembly turned the matter over to the three Assistants of Providence and the two Assistants of Warwick, with full powers "to issue and determine in the premises." In the same session the Assembly ruled that the Charter of 1663 gave to them a free disposal of fines and forfeitures, which under the law of England belonged to the king. No such provision can be found in the Charter, but the estate of Thomas Flounders, lately executed for murder, was used to defray charges and the residue turned over to his widow. This was consistent with the principle mentioned above (note 33) in connection with petty treason in the Code of 1647, that "the wives and children ought not to beare the iniquities of the Husbands and Parents." General rules were sometimes stated for the guidance of judges, as in 1656, when by law it was "concluded that those that execute justice shall be paid by those that occasion their services." R.I.C.R. I, 334; cf. preceding note. An exception was made to this in favor of those acquitted of crime,

It was not until May of 1680 that a breach was made in the rule which excluded the actual trial of causes from the business of the Assembly. It was effected after some failures, the first notable one in 1664 when William Dyre was unable to induce the legislators to reverse two judgments of the Court of Trials. His "adrese and appeale" were rejected.<sup>78</sup> Not even a reference by the Royal Commissioners of this same case and another, *Harris v. Horrod*,<sup>79</sup> to the General Assembly, the executions having been stayed pending action by the Commissioners, could persuade them to act as an appeals court. In regard to *Harris v. Horrod*, "seeing it had already passed . . . in a Court of Records, as the . . . Governor and magistrates declare in open Court," it was only for the "law making Assembly" to declare that "exicution of the judgment of Court abovesaid be exicuted without farther delay." No more rebuffs were necessary until 1678, and at this time the

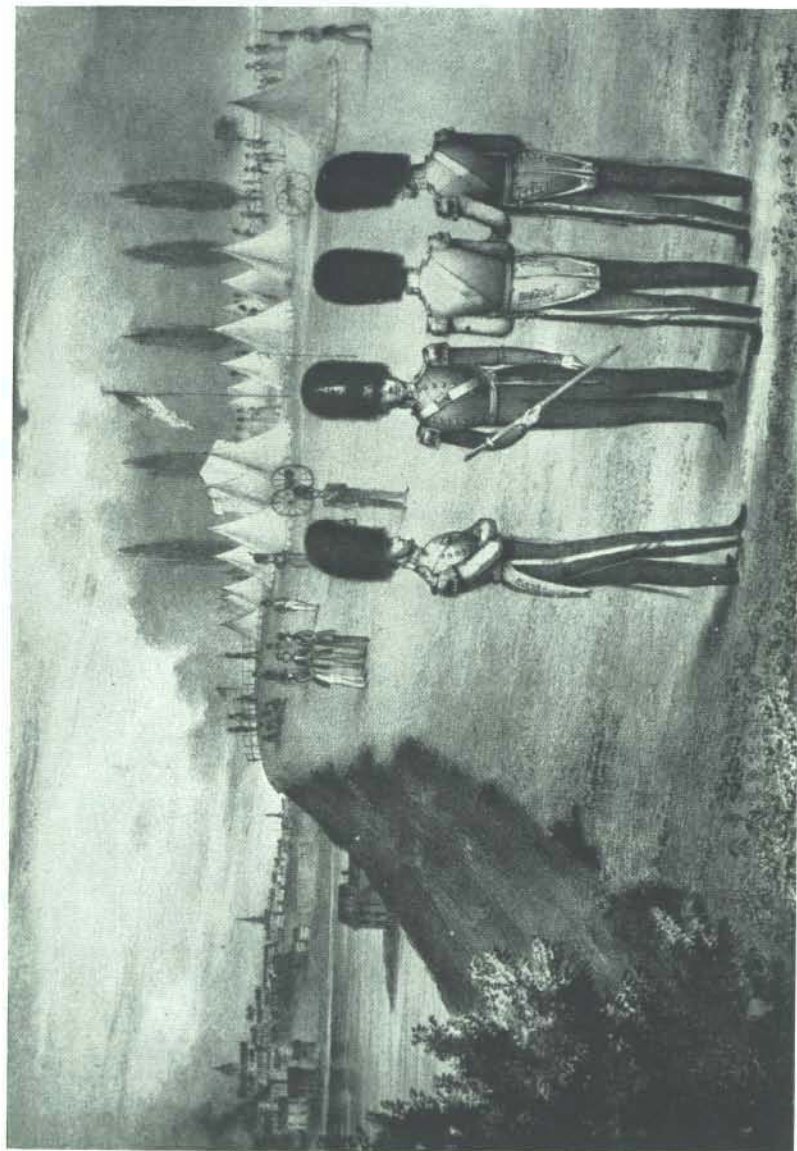
even though an indictment had been laid against them. Even so, fees were demanded on acquittal, as for example in the case of Christopher Almy (Oct. 1678) who was found by the jury not guilty, then "cleared by proclamation in open court, paying fees." Ms. Record Court of Trials 1671-1724. Fees are not costs, but it is difficult to determine what the legislative intent was. A fee on acquittal is provided for in the 1730 printing of *Rhode Island Acts and Laws*, and Durfee is sure (*Judicial Gleanings*, 136) that it was required down to 1769.

The Assembly could interrupt a court session, or change the time for a session. R.I.C.R. I, 402. Suits against towns were provided for by the Assembly and the town treasurer instructed to act as defendant. *Ibid.*, 424. Obstructions to the returns of the grand jury were called to the attention of the Court of Trials, which was instructed to take action. *Ibid.*, 501. The petition of William Thomas for remission of sentence of death for burglary was refused (R.I.C.R. II, 393), but on "request, appeale and petition" of Roger Goulding, the Assembly remitted sentence in a bastardy case. Cf. Ms. Record Court of Trials 1671-1724 for Oct. 23, 1672, and R.I.C.R. II, 480. A special court was ordered for the trial of two Indians in June, 1671, and the Recorder, Sergeant, and Attorney General were all ordered to attend as at any Court of Trials. R.I.C.R. II, 393-394. William Timberlake on petition in June, 1671, had a sentence of whipping remitted, but was ordered to pay his fine. *Ibid.*, 398-399. The same favor was allowed Elizabeth Lee in November. *Ibid.*, 420-421. Execution against a bondsman was ordered after a request by the Recorder that he be given guidance in 1672. *Ibid.*, 445-446. In the same year, an Assistant, Captain John Greene, was denounced for his presumption in granting a divorce. *Ibid.*, 479. In May, 1673, the friends of the lately executed murderer, Thomas Cornell, were granted permission to bury him under certain conditions, "otherwise, the said Thomas Cornell is to be buried under or near the gallows." For the disposition of Cornell's forfeited estate the Town Council of Portsmouth was curiously ordered to "make a will." *Ibid.*, 485-486. Then, in September, 1673, the Assembly ruled that an Indian might be a valid witness against one he accused of selling him liquor. Cf. note 28. One may conclude from all this that the Rhode Island Assembly in the seventeenth century reserved to itself much of what is today undertaken by the courts in America and sometimes referred to as "judge-made" law.

<sup>78</sup>R.I.C.R. II, 85-86.

<sup>79</sup>*Ibid.*, 143, 253.





Lithograph in R. I. H. S. Library

ENCAMPMENT OF THE NEW ENGLAND GUARDS  
Smith's Hill, Providence, July, 1844  
[see page 7]

petition of one Colson was rejected with the explanation that it did not belong to the legislators "to judge or to reverse any sentence or judgment passed by the General Court of Tryalls, according to law, except capitall or criminal cases, or mulct, of fines."<sup>80</sup> Yet the significant part of this is as much that constituted by the exceptions as the part which is general.<sup>81</sup> As a matter of fact, no decision of the Court of Trials in a criminal case had ever been "reversed," but to link "capitall or criminal cases" with "mulct or fines," the latter frequently modified by Assembly action in the past, was to warn of impending changes. The next year, on petition of Captain John Albro<sup>82</sup> relating to an indictment of John Albro Jr. in the Court of Trials, the Assembly ordered judgment suspended until it made its own final determination. In December the case was referred to as that of "John Albro Jr. and Margaret Hall," with the observation that the Assembly had accepted the report of a committee; and it was ordered that judgment should not go forth from the Court of Trials.<sup>83</sup> This amounted to a command to stop any sentence, not a reversal; but the same December Assembly brought a first mention of the case of *Almy v. Pococke*,<sup>84</sup> which became the first to be tried on appeal by the Assembly and may have occasioned that sharp break with traditional practice in the law for appeals to the Assembly which was made in 1680. It was voted in May of that year "that in all actionall cases" in the Court of Trial either plaintiff or defendant might, if "aggrieved after judgment entered in Court, appeal to the next General Assembly for relief."<sup>85</sup>

<sup>80</sup>R.I.C.R. III, 19-20. The petition was "said to be in behalfe of Miles Forster." Cf. Ms. Record Court of Trials 1671-1724, Oct. 1677, May 1678, for *Sanford v. Forster*. When the case was first tried the jury had been sent forth three times but persisted in a verdict for the plaintiff of the horse sued for, two pence damage, and costs; on a rehearing the jury again found for the plaintiff the horse sued for, with twelve pence damage and costs.

<sup>81</sup>Cf. Richman, *op. cit.*, II, 230, 273-274, for some political developments which may have had something to do with a gradual change in the Assembly's view of its own functions.

<sup>82</sup>R.I.C.R. III, 32-33.

<sup>83</sup>*Ibid.*, 74-75.

<sup>84</sup>*Ibid.*, 75.

<sup>85</sup>*Ibid.*, 87. The "engagement" of the deputies of the Assembly to try appealed cases is in Ms. Rhode Island Records 1671-1686 (State House, Providence) and dated October 27, 1680. Why Bartlett did not print it in the third volume of the printed records must remain a mystery. The engagement was followed by the trial of *Pococke v. Almy*, an action of debt which had first been tried in the Court of



But an alteration in appeals procedure became only a minor detail among the difficulties experienced by Rhode Island in the last quarter of the seventeenth century. In that period the judicial structure was apparently discredited. Part of the trouble came about as a result of the lack of continuity in administration, but other well known factors produced occasional disorders, even to a lapse of legislative and judicial memory which would require a gradual reconstruction of the colony's constitution in the eighteenth century: King Philip's War; disputes over boundaries, that with Connecticut enabling residents of the Narragansett country to disregard Rhode Island authority when it suited their purposes to improve their reputations with the neighboring jurisdictions; the interlude of the Dominion of New England; the dominance of the Quakers in the colony, and their very casual attitude toward the judicial process; and, most important, the confusion induced by pressure from English authority, which destroyed much of the confidence in the laws and constitutions of Rhode Island. By 1697 the colony could not, or would not, produce an adequate summary of these laws for transmission to England. In 1699, Lord Bellomont was denouncing Rhode Islanders for harboring pirates and for their failure to administer the laws fairly or in accordance with the laws of England. He referred to the officials as a poor or corrupt set and singled out John Pococke, the Attorney General, as

Trials for May, 1680, with the result that the jury had found for the plaintiff the debt sued for, with six pence damages and costs. On review by the next (September) court, the jury had found for the defendant his costs. Now, "this Court [i.e. the Assembly] doe determine, and that according to the equity of the said case, the said defendant shall pay unto the said plaintiff the sum of tenn pounds in money, in full performance of his said part of the said covenant or obligation, which he was bound to pay; and that the said plaintiff shall allow the five pounds and the barrill of beife, which the said defendant was to have paid, more than the sum of tenn pounds, as appears by the said covenant or obligation, in consideration of the damages sustained by the said defendant for and by reason of every the covenants in said covenant or obligation, which ought to have been performed on the part of Mary, his late wife, and relict of the late deceased John Almy, of Portsmouth, aforesaid; and each to beare his owne due." R.I.C.R. III, 91-92. This judgment was qualified by the order to the Recorder that he should grant execution according to the judgment given in the Court of Trials if the defendant neglected to pay ten pounds to the plaintiff before the first Tuesday of the ensuing January. *Pococke v. Almy* was the only suit tried on appeal by the Assembly in the seventeenth century. Despite the law of May 1680, and further provision made for trials by the "Grand Committee" of both houses after the establishment of a bicameral legislature in 1696 (R.I.C.R. III, 313), there is no record of another appeal tried until that of Stephen Arnold in May, 1702. R.I.C.R. III, 444.

an ignorant mechanic.<sup>86</sup> Either the records were really in such disorder that no one could say what the laws should be, or else there was so much fear of exposing the origins of these laws in the time of the Long Parliament that a conspiracy of silence operated to conceal them. It is self-evident that there existed no class of lawyers to preserve any continuity. Finally, it was an appropriate mark of the end of the seventeenth century, as well as a key to the subsequent reconstruction in the eighteenth century of a jurisprudence more in tune with the rulings of the English courts that the Assembly of August, 1700, enacted that the laws of England were to be considered in operation in the colony where no Rhode Island law or custom was applicable. Thus a basic principle of the Code of 1647, the self-sufficiency of that Code and amendments thereto, was overthrown.

<sup>86</sup>R.I.C.R. III, 387. Bellomont's report to the Board of Trade on the irregularities of Rhode Island is printed on pages 385-388. Among the transcripts of the papers sent by Bellomont in 1699 in The John Carter Brown Library (Stevens Transcripts Vol. VIII) is the reference of Mr. Thomas Newton to Pococke as "a Barbour and Brewer very ignorant." Newton adds that the "Govr and Assits rely for his opinion and knowledge of the Law; and who draw's all Indictments (of his own notions—without any known forme) against Criminall Offenders in his own name; vizt, I John Pocock do Indict & ca and tho' the Subscriber and others have informed him, that all Indictments must be in the Kings name, and he ought to know better and have better forms, yett he still proceeds in the same manner." Pococke's last appearance in court as Attorney General was in March, 1702. Ms. Record Court of Trials 1671-1724. It should be noted that he was not holding office when his suit with Christopher Almy was tried by the Assembly in 1680, but he was elected May, 1682, in the same session which saw him made a freeman of the colony. R.I.C.R. III, 107. He dropped out of sight in 1685 and reappears as Attorney General in 1696, holding that place until 1702. He may have been the same John Pococke who had been Clerk of Assembly in Barbados, moving to Rhode Island sometime after 1665 when his name appeared on a petition of the Barbados Assembly complaining of the arbitrary acts of the Governor, Lord Willoughby. See *Calendar of State Papers Colonial V* (1661-1668), 309.

## THE 129th ANNUAL MEETING

THE ONE HUNDRED TWENTY-NINTH annual meeting of Rhode Island Historical Society was held September 20, 1950, at 8:15 P. M. at John Brown House, President Richard LeBaron Bowen presiding.

The Secretary read the call of the meeting and declared a quorum to be present. Since the minutes of the previous annual meeting had been printed in *Rhode Island History* and sent to all members, upon motion the reading of these minutes was omitted. The minutes of the stated meeting held April 12, 1950, were read and accepted.



Mr. Howard W. Wilson, Treasurer, submitted his report which showed an operating surplus of \$402.69, a non-operating deficit of \$1,270.69, and an over-all deficit of \$868.00. The balance sheet as of June 30, 1949, showed total assets of \$266,413.23, of which \$22,144.48 was in cash, and \$136,298.71 in securities. "John Brown House," and "Books and Manuscripts" were each carried at \$50,000.00. The John Brown House Fund contained \$7,770.00.

At the conclusion of his report, Mr. Wilson spoke of the pleasure he had had in serving as Treasurer and the sorrow he felt in relinquishing the position which had been occasioned by his moving from Rhode Island.

The following Resolution was then moved, seconded, and unanimously passed by those present:

#### RESOLUTION

WHEREAS — Mr. Howard W. Wilson, on account of leaving Rhode Island, has found it necessary to retire from the office of Treasurer of the Rhode Island Historical Society, and

WHEREAS — For a period of four years he filled the office of Assistant Treasurer and for five years that of Treasurer, and

WHEREAS — He has filled those offices with great efficiency and ability devoting much time and conscientious care to the ever increasing duties connected therewith, and therefore be it

RESOLVED — That the Rhode Island Historical Society hereby expresses its deep regret at the loss of his valued services, its thanks for, and sincere appreciation of those services so freely rendered and extends its best wishes to him in his new field of endeavor. His genial personality will indeed be missed as well as his faithful work as an officer of the Society. And be it further

RESOLVED — That a copy of this resolution be forwarded to Mr. Wilson as a slight token of the appreciation and esteem in which he is held by the members.

In the absence of Mr. Arnold W. Jones, Chairman of the Membership Committee, Mr. Ivory Littlefield, Jr. read the report of that Committee. A net gain of fifty new members was obtained for the year bringing total membership as of June 30, 1950, to 1,412. The guest book was signed by 1,202 persons during the year.

Mr. William G. Roelker read the report of the Lecture Committee for Mr. Henry D. Sharpe, Chairman. The report showed that 12

meetings of the Society had been held with total attendance of 837. Thirty-four organizations held meetings in John Brown House with total attendance of 2,132. Mr. Roelker addressed six organizations, Mr. Monahan one, and Mr. Collins two.

Dr. Francis H. Chafee read the report of the Publications Committee for Mr. Paul C. Nicholson, Chairman. Four issues of the Society's quarterly, each of 32 pages were published during the year. In total these were composed of 11 articles, 4 book reviews, 1 report, 44 notes, 4 lists of new members, 2 charts and maps, and 19 cuts.

Mr. William G. Roelker read the report of the Buildings and Grounds Committee for Mr. Frederick P. Austin, Jr., Chairman. The report called attention to the acquisition of an Oriental rug for the main hall and new carpet for the stairs. Further redecorating, including the Director's office, was recommended.

As the members stood in respect, Mrs. Axel A. Christensen read the report of the Committee on Necrology. Thirty-nine members died during the year.

Mr. M. Randolph Flather read the report of the Finance Committee for Mr. Albert H. Poland, Chairman. The security portfolio, as of June 30, 1950 was valued at market at \$152,830.88 and was invested 24% in bonds, 38% in preferred stocks and 38% in common stocks. Annual income is \$6,721.50, a yield of 4.42%.

The report of the Audit Committee was read by Mr. Edward C. Palmer for Mr. J. Cunliffe Bullock, Chairman. The report stated that Mr. John E. Jackson, Auditor, had found the books and accounts to be in good condition.

Mr. Clifford P. Monahan, reporting as Librarian and also for the Library Committee, then delivered his report. Mr. Monahan spoke of the large amount of microfilming that had been done and anticipated a great use in the future of this method of preserving records. He also spoke of the large number of Rhode Island imprints owned by the Society. Mr. Monahan called attention to a few of the many gifts received by the Society during the past year.

Mr. William G. Roelker, Director, then presented his tenth annual report. After reviewing various phases of the Society, including membership and finances, Mr. Roelker pointed to the need for greater endowment. Although the endowment has grown from



\$65,000 to \$152,000 in ten years another \$100,000 is needed. Physical property should be enlarged and particularly needed is a fireproof library addition. A lecture room is also desired but this is considered of secondary importance to more library space. A committee has been appointed to draw up preliminary plans and when these are available it is hoped that some of our members will contribute generously.

President Richard LeBaron Bowen presented his report. He said that the Rhode Island Historical Society was the sixth oldest in the United States and that its collections were of immense value to students of both history and genealogy. He analyzed the operating figures and compared the years 1939 and 1950 showing the great improvement in the Society. In conclusion he said, "When John Nicholas Brown in May, 1941, offered the John Brown House to the Society, many of the members and some of the officers believed that the gift should not be accepted, because of the substantially larger expenditures involved.

"William G. Roelker who had been appointed Librarian on November 1, 1940, foresaw a larger Society, which would give greater service to the public. He believed that the acquisition of the John Brown House, one of the most notable 18th century houses in America, would do much to increase the prestige of the Society and would attract many new members. His confidence that he could raise the additional money for the larger project overcame the opposition. At a special meeting held 9 December 1941 the Society voted to accept Mr. Brown's generous gift.

"John Brown House was officially opened as the home of the Rhode Island Historical Society in July, 1942. This is the tenth year of Mr. Roelker's directorship of the Society. In that period membership has increased from 392 to 1412 and the operating income from \$6,700 to \$25,000 and, perhaps best of all, the Society operated in the past year with a balanced budget; many others are losing \$1000 a month."

Mr. Godfrey B. Simonds, Chairman, presented the report of the Nominating Committee for officers and committee members. There being no counter nominations the Secretary was instructed to cast one ballot for the slate as presented. This accordingly was done and the slate was declared elected to serve until the next annual meeting or until their successors are chosen.

Mr. Addison P. Munroe then presented the following Resolution:

#### RESOLUTION

RICHARD LEBARON BOWEN is, to-night, retiring as President of the Rhode Island Historical Society, after filling that office faithfully and efficiently.

During his terms of office the Society has derived great benefit from his excellent judgment and executive ability; his administration has been outstanding, not only in an executive way, but also as a distinguished author and historian, realizing that "The roots of the present lie deep in the past," he has given freely of his time, talent and labor to the Society and to the community at large.

The publication of the *Index to the Early Colonial Records of the Town of Providence* under the sponsorship and as a publication of the Rhode Island Historical Society is, in itself, an outstanding memorial to his administration, and the financing of the same by the City of Providence is a tribute to his diplomatic handling of the matter. Now therefore be it

RESOLVED — That the Rhode Island Historical Society, in annual meeting assembled, hereby officially extends its thanks and appreciation to its retiring President, Richard LeBaron Bowen, for his able leadership and hopes to continue to be the beneficiary of his sound judgment and advice as the years roll on. And be it further

RESOLVED — That a copy of this preamble and resolution be presented to Mr. Bowen as a slight token of our esteem and regard.

The resolution was seconded and passed unanimously.

Mrs. Charles A. Gale then presented the following Resolution which was seconded and unanimously passed:

RESOLVED: That the thanks of the Society be extended to Mrs. Howard Johnson Greene, chairman of the Entertainment Committee, for her work in connection with the lectures, which contributed so much to the enjoyment of those attending the meetings.

Mr. Westcote H. Chesebrough, the newly elected President of the Society, made a few remarks in which he expressed his pleasure in the honor that had been conferred upon him, and stated that he looked forward to another successful year.

There being no further business to be transacted the meeting adjourned. Coffee was served.

Respectfully submitted,

M. RANDOLPH FLATHER  
Secretary



## TREASURER'S REPORT

JULY 1, 1949 — JUNE 30, 1950

OPERATING		RECEIPTS	
Dues . . . . .		\$ 7,579.00	
Corporate Memberships . . . . .		1,310.00	
State Appropriation . . . . .		6,500.00	
Interest and Dividends . . . . .		7,165.27	
Contributions . . . . .		2,029.27	
John Brown House Fund Income . . . . .		162.72	
Sales of Publications, Books, etc. . . . .		437.44	
Sundry Receipts . . . . .		493.43	
			\$ 25,677.13
NON-OPERATING			
Aldrich Estate Bequest . . . . .		1,000.00	
State of R. I. for Newspapers . . . . .		583.75	
John Brown House Fund Contributions . . . . .		250.00	
Revolving Publication Fund . . . . .		724.00	
Library Fund . . . . .		690.84	
Fireproof Library Building Fund . . . . .		1,000.00	
Profit on Securities Sold . . . . .		86.27	
		4,334.86	
TOTAL RECEIPTS . . . . .		\$ 30,011.99	
OPERATING		EXPENDITURES	
Salaries (Including \$1,182.50 Tax) . . . . .		\$ 14,089.45	
Director's Discretionary Fund (net) . . . . .		741.89	
Telephone and Office Supplies . . . . .		845.49	
Maintenance Grounds and Building . . . . .		2,275.86	
Heat and Light . . . . .		1,731.84	
Committees: Lecture . . . . .		392.03	
Library . . . . .		1,285.82	
Membership . . . . .		501.02	
Publication ( <i>R. I. History</i> ) . . . . .		2,404.26	
Insurance . . . . .		838.18	
Audit . . . . .		50.00	
Sundry Expenditures . . . . .		423.43	
		\$ 25,579.27	
NON-OPERATING			
Newspapers and Microfilm . . . . .		601.75	
Expended from Aldrich Estate . . . . .		2,716.08	
Expended from Gen. Endowment Fund . . . . .		219.80	
Expended from Revolving Pub. Fund . . . . .		854.52	
Expended from Library Fund . . . . .		224.00	
Expended from Fireproof Library Fund . . . . .		573.00	
		5,189.15	
TOTAL DISBURSEMENTS . . . . .		\$ 30,768.42	

## ASSETS

CASH ACCOUNT		
R. I. Hospital Nat. Bank and Cash . . . . .	\$ 11,825.56	
Providence Institution for Savings . . . . .	318.92	
U. S. Savings Bonds, Series G . . . . .	10,000.00	
	\$ 22,144.48	
INVESTMENT ACCOUNT		
Securities . . . . .	\$136,140.09	
R. I. Hospital Trust Co. . . . .	158.62	
	136,298.71	
JOHN BROWN HOUSE FUND		
R. I. Hospital Trust Co. Agent . . . . .	7,770.00	
PROPERTY		
John Brown House . . . . .	50,000.00	
Books and Manuscripts . . . . .	50,000.00	
Furniture and Museum Material . . . . .	2.00	
Four Parcels of Land . . . . .	4.00	
	100,006.00	
ACCOUNTS RECEIVABLE . . . . .	194.04	
	\$266,413.23	

## RESERVES

General Endowment Fund Reserve . . . . .	\$182,046.24
John Brown House Fund Reserve . . . . .	7,955.00
Ward Papers Fund Reserve . . . . .	1,391.76
Wilbour Endowment Fund Reserve . . . . .	41,102.41
Calder Fund Reserve . . . . .	13,909.11
Aldrich Estate Fund Reserve . . . . .	16,769.59
Life Membership Fund Reserve . . . . .	5,750.00
Sustaining Membership Fund Reserve . . . . .	1,000.00
Fireproof Library Building Fund Reserve . . . . .	427.00
Revolving Publication Fund Reserve . . . . .	146.93
Library Funds Reserve . . . . .	466.84
Index to Publication Fund Reserve . . . . .	25.00
Securities Fund Profit and Loss . . . . .	505.21
Surplus (Deficit) . . . . .	—5,081.86
	\$266,413.23

HOWARD W. WILSON, *Treasurer*

Examined and found correct:

J. CUNLIFFE BULLOCK, *Chairman Auditing Committee*



# RHODE ISLAND HISTORICAL SOCIETY



## NEW MEMBERS

*October 1, 1950 — November 30, 1950*

Mrs. Torrey Allen	Mrs. Samuel J. James
Mr. Ellsworth L. Baker	East Providence, R. I.
Cranston, R. I.	Miss Mabel T. Johnson
Mr. Lincoln E. Barber	East Providence, R. I.
Mr. and Mrs. Frederick O. Bartlett	Mr. D. Graeme Keith
Mr. George R. Beane	Mrs. E. John Lownes, Jr.
Cranston, R. I.	Mr. J. Whitney MacDonald
Mr. William T. Broomhead	Mr. and Mrs. George V. Meehan
Barrington, R. I.	Dr. Michael B. Messoré
Miss Marion E. Brown	Mr. Earl P. Perkins
Mr. T. Dawson Brown	Narragansett, R. I.
Mr. Wendell S. Brown	Mr. George E. Sinkinson
Mr. Harry G. Bruns	Mr. H. Stanton Smith
Mr. and Mrs. Charles H. Carswell	Mr. and Mrs. Max W. Sullivan
Mrs. Stuart T. Cole	Mrs. Frederic Swan
Mrs. Morgan Cutts	Barrington, R. I.
Miss Lillian S. Furber	Mr. William A. Viall
Mr. Randall A. Harrington	Mr. and Mrs. Harold B. Walcott
East Greenwich, R. I.	Mr. John W. Wall
Mr. E. Smith Jackson	

### OPEN TO THE PUBLIC

*Except holidays*

Monday through Friday 9:00 to 5:00

Sunday afternoon 3:00 to 5:00

*Library only*

Tuesday evening 7:00 to 9:00

*Closed Sundays and Tuesday evenings,  
June, July, and August*