

CONNECTICUT SUPREME COURT HISTORICAL SOCIETY

MINUTES

FALL MEMBERS MEETING

October 3, 2006

After a period for cocktails and hor d'oeuvres, President Horton called the meeting to order at 6:15 p.m. He dispensed with reports from the Secretary, Treasurer, and the Society's committees. Mr. Horton reported that the membership in the society now was over 100, and that we had had a fabulous spring meeting, featuring a presentation by Yale Law Professor Akil Amar. He also reported that we have made arrangements for a presentation at our May, 2007 members meeting by Seth Waxman, former United States Solicitor General. Mr. Horton announced that the first edition of the Society's journal will soon be distributed, along with membership renewal forms. In sum, the Society had accomplished much in its first year.

Mr. Horton then introduced Judge William Rush, who had been the first Supreme Court law clerk in Hartford in 1959-1960, and who had given former Chief Justice Maltbie's charge book by the Chief Justice. Judge Rush presented the charge book to the Society and made comments about his time as a law clerk. Mr. Horton expressed the Society's appreciation for the gift.

Mr. Horton then introduced Jeff White, who introduced the evening's speaker, Professor Christopher Collier. Professor Collier's biography and hand out materials are attached. His presentation focused on the dispute between Connecticut and Pennsylvania over the Western Reserve. This was the background for the dispute reflected in Van Horne's Lessee v. Dorrance, 2 U.S. 304 (1795).

The meeting was adjourned at 7:10 p.m.

Respectfully submitted

Charles L. Howard,
Secretary

The Connecticut
Supreme Court Historical Society



Fall Meeting

Tuesday, October 3, 2006, 5:30 p.m.

Hartford Golf Club

134 Norwood Road, West Hartford, Connecticut

Speaker:

Christopher Collier

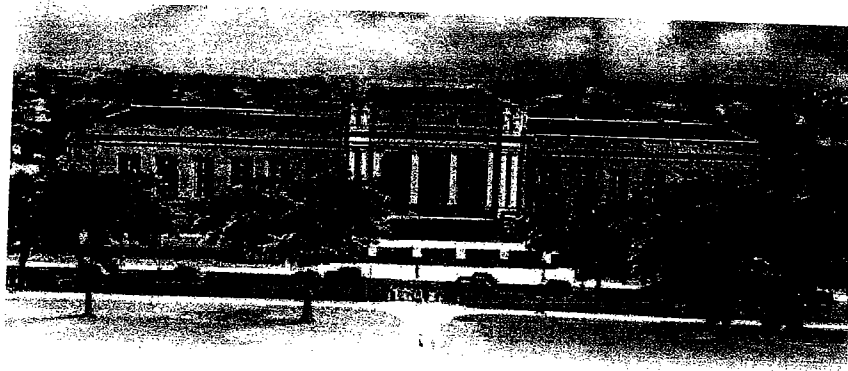
*Connecticut State Historian Emeritus and Professor
of History Emeritus, University of Connecticut*

"From the Charter of 1662 to Vanhorne's Lessee"

Complimentary hors d'oeuvres and cash bar.

*For more information about the Society,
please visit our website:*

www.jud.ct.gov/HistoricalSociety



Welcome...

Connecticut Supreme Court
Historical Society's Fall Meeting

Tuesday, October 3, 2006 at 5:30 p.m.
Hartford Golf Club
134 Norwood Road, West Hartford, Connecticut

PROGRAM

Cocktails, Hors D'oeuvres and Speaker

The Connecticut Supreme Court Historical Society (CSCHS) would like to introduce our speaker:



Christopher Collier is Connecticut State Historian Emeritus and Professor of History Emeritus at the University of Connecticut.

Collier's biography of the Revolutionary era lawyer, politician, and statesman, Roger Sherman, was a Pulitzer Prize nominee in 1971. With his brother, James Lincoln Collier, he has published a popular history of the creation of the U.S. Constitution of 1787, *Decision In Philadelphia*. Dr. Collier has taught the history of Connecticut generally, and in particular the state's constitutional and legal history, at the University of Connecticut School of Law as well as at the University's undergraduate and graduate schools. He is a frequent consultant to law firms and has participated as an expert witness in cases relating to state constitutional and other historical matters, including the landmark school integration case, *Sheff v. O'Neill*.

Collier's most recent book, *All Politics Is Local: Family, Friends, and Provincial Interest in the Creation of the Constitution*, explores the state-based economic and political demands that influenced in many particular ways the shape of the Constitution, and describes the individual personal pressures that caused forty of the 168 delegates to the state's ratifying convention to vote against the Constitution. A shorter monograph, "The Common Law and Individual Rights in Connecticut Before the Bill of Rights, 1636-1791" was recently published by the Connecticut Bar Association.

Christopher Collier is best known to the general public for the fiction and non-fiction works for teenagers he has done with his brother, including a twenty-three volume history of the United States for use in middle schools, and eight historical novels such as the now classic, *My Brother Sam Is Dead*.



About the Connecticut Supreme Court Historical Society

The mission of the Society is to promote and preserve the judicial and constitutional tradition of the Connecticut Supreme Court through scholarship, memorials, publication and education to foster greater awareness of the history of the Connecticut Supreme Court among supporters of the society and the public at large.

MEMBERSHIP INFORMATION: For more information about becoming a member of the Connecticut Supreme Court Historical Society, please visit our website <http://www.ctsupremecourthistory.org> or contact Jeffrey J. White, Esq. at 860-275-8252.

BOARD OF DIRECTORS

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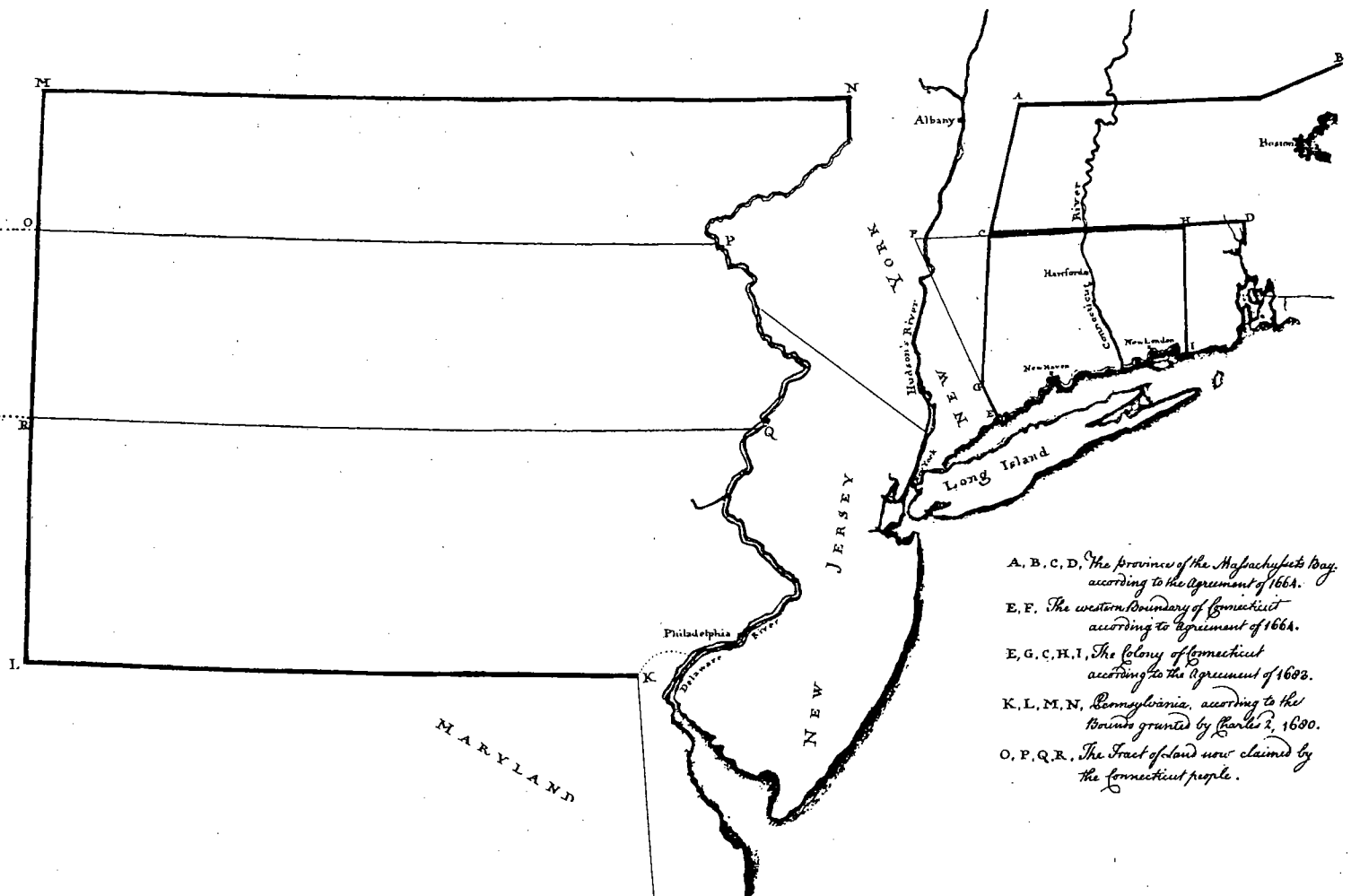
The Connecticut Supreme Court Historical Society gratefully acknowledges the significant financial support of the following firms and individuals.

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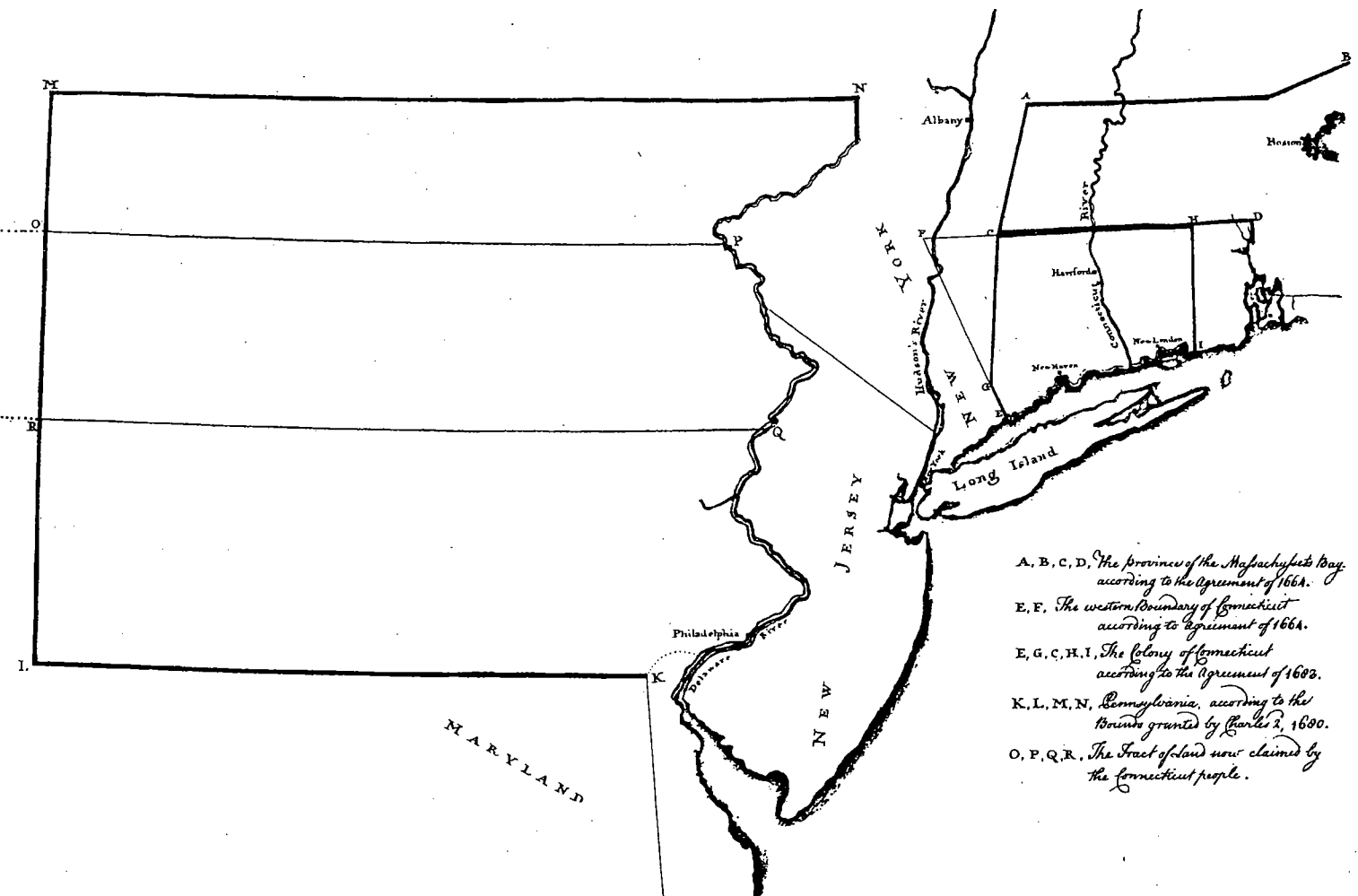
AND KNOWE YEE FURTHER, That Wee of our more abundant grace, certaine knowledge and meere mocon HAVE given, Graunted and Confirmed, And by theis presents for vs, our heires and Successors, DOE give, Graunt and Confirme vnto the said Governor and Company and their Successors, ALL that parte of our Dominions in Newe England in America bounded on the East by Norrogancett River, commonly called Norrogancett Bay, where the said River falleth into the Sea, and on the North by the lyne of the Massachusetts Plantacon, and on the South by the Sea, and in longitude as the lyne of the Massachusetts Colony, runinge from East to West, (that is to say,) from the Said Norrogancett Bay on the East to the South Sea on the West parte, with the Islands thervnto adioyneinge, Together with all firme lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mynes, Mynerals, Precious Stones, Quarries, and all and singular other Comodities, Iurisdiccons, Royalties, Priviledges, Francheses, Preheminces, and hereditaments whatsoever within the said Tract, Bounds, lands and Islands aforesaid, or to them or any of them belonging.

Map from Boyd, ed., Susquehannah Company Papers. I:8. Text from Register and Manual, 2005. pp. 66-67.



AND KNOWE YEE FURTHER, That Wee of our more abundant grace, certaine knowledge and meere mocon HAVE given, Graunted and Confirmed, And by theis presents for vs, our heires and Successors, DOE give, Graunt and Confirme vnto the said Governor and Company and their Successors, ALL that parte of our Dominions in Newe England in America bounded on the East by Norrogancett River, commonly called Norrogancett Bay, where the said River falleth into the Sea, and on the North by the lyne of the Massachusetts Plantacon, and on the South by the Sea, and in longitude as the lyne of the Massachusetts Colony, runinge from East to West, (that is to say,) from the Said Norrogancett Bay on the East to the South Sea on the West parte, with the Islands thervnto adioyneinge, Together with all firme lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mynes, Mynerals, Precious Stones, Quarries, and all and singular other Comodities, Iurisdiccons, Royalties, Priviledges, Francheses, Preheminces, and hereditaments whatsoever within the said Tract, Bounds, lands and Islands aforesaid, or to them or any of them belonging.

Map from Boyd, ed., Susquehannah Company Papers. I:8. Text from Register and Manual, 2005. pp. 66-67.



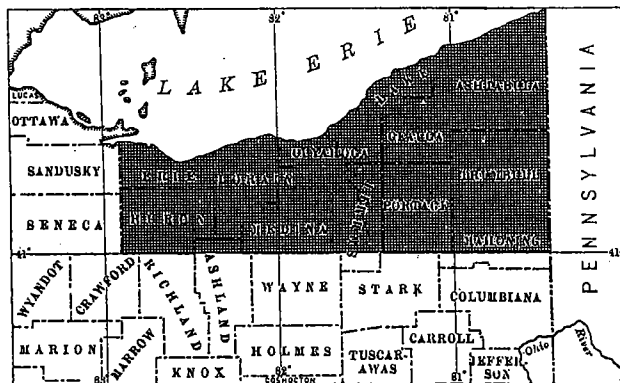


Map showing (by shading) parts of Middle States involved in the claim of Connecticut to lands extending indefinitely westward between the projected north and south bounds of her original charter.

Additional maps of the fancied Connecticut claim and the Western Reserve

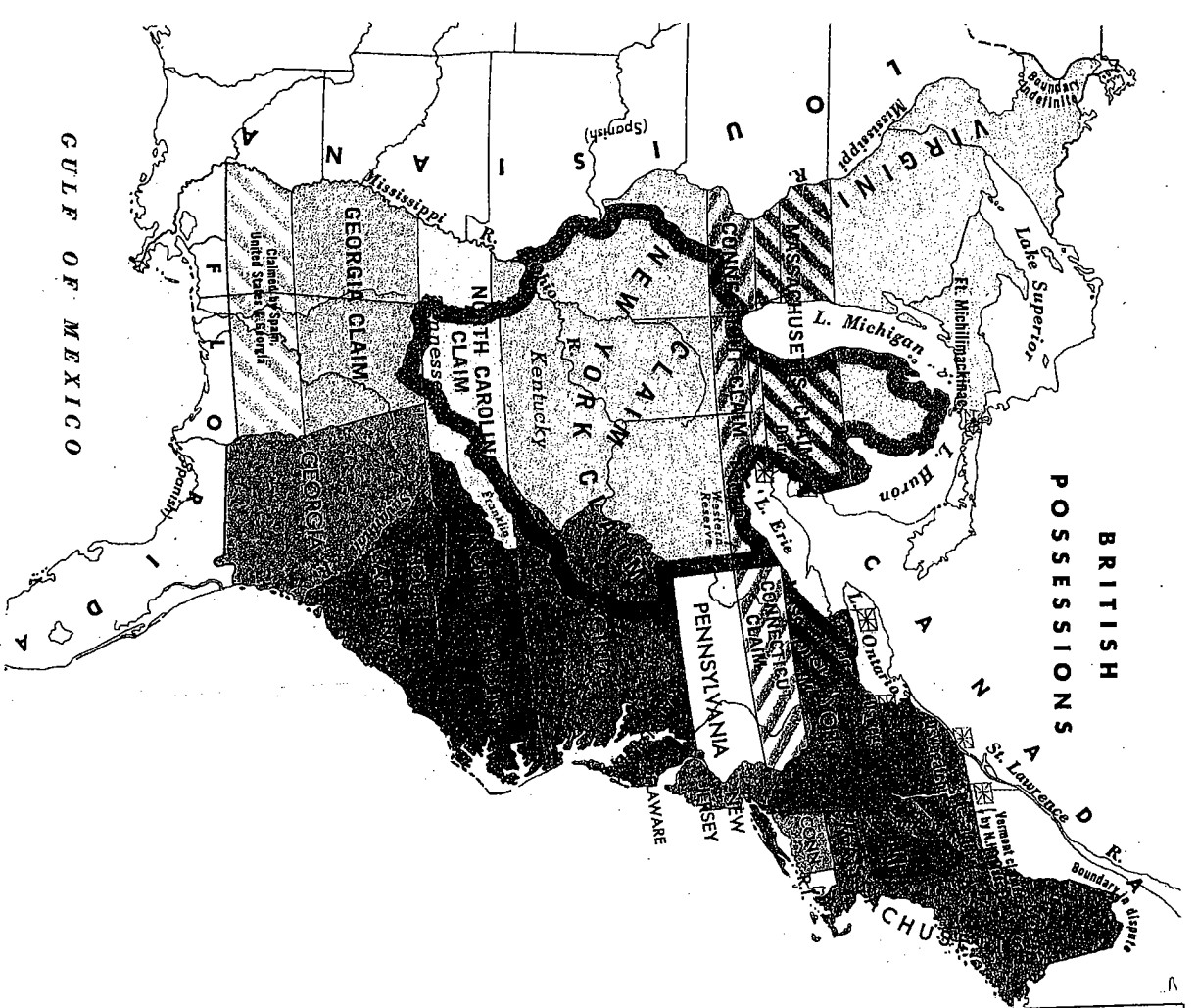
from Alfred Mathews, Ohio and her Western Reserve. pp. 59, 167.

As the survey progressed it was found that the entire Reserve of Connecticut, including "the Fire Lands" (500,000 acres), "the Salt Spring Tract" of General Parsons (25,450 acres), Kelley's and the several Bass Islands, lying in the lake off the western end of the



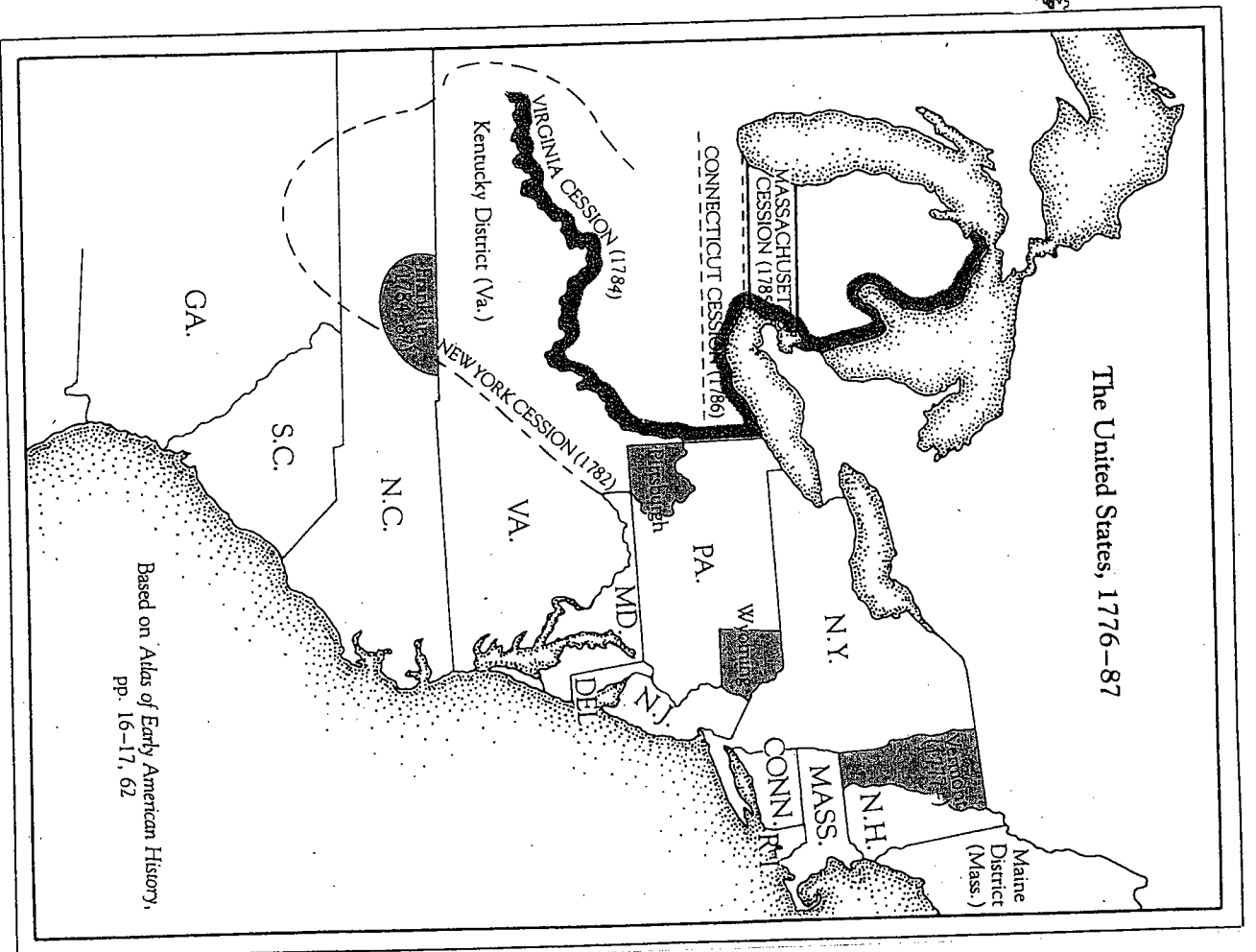
Map showing (by shading) the Western Reserve of Connecticut.

reservation (5,924 acres), contained a total of 3,366,921 acres—an excess over the area of the mother State of 173,921 acres.



States' land claims during the Confederation Era

Hammond, United States History Atlas. Rev. ed. 1989. U-17.



The United States, 1776-87

Based on Atlas of Early American History, pp. 16-17, 62

Western cessions and new state projects, 1784 - 1790

Onuf, Origins of the Federal Republic. 1983. p. 2.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever:

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

From Article IX of the Articles of Confederation

• • • • •

Mr. Sherman moved to insert after the words "between Citizens of different States" the words, "between Citizens of the same State claiming lands under grants of different States" — according to the provision in the 9th. art: of the Confederation — which was agreed to nem: con:¹⁵

Adjourned¹⁶

Madison's "Notes" of 1787 debate, August 27
Farrand. II:431-32

• • • • •

Section 2. 1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;— to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; [between a State and Citizens of another State;]* between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States;—[and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]**

U.S. Constitution, Article III
(* indicate XI Amendment alterations)