

## JUDGE PETER BURR. [8.]

JUDGE Peter Burr was one of those important personages from Fairfield, mentioned by Hinman as having rendered the name of Burr illustrious. He was one of the first of the name who graduated at Harvard, having entered that institution in 1686, and graduated in 1690.

After receiving his degree he taught a school in Boston for some years, then entered upon the study of law, and when admitted to the bar, settled at Fairfield in the practice of his profession.

Shortly after—May 9, 1700—as Auditor of the Colony, he entered upon that public career which continued without intermission until his death in 1724. Oct. 10, 1700. he was returned for the first time Deputy for Fairfield, and again May 8, 1701, Oct. 9, 1701, and Oct. 8, 1702. In October and May he was Speaker of the House, and as such was allowed, by a vote of that body, “three pounds for his good conduct in May and October.” From this time his promotion was rapid. Oct. 9, 1701, he was nominated for Assistant, but failed of an election. Again nominated Oct. 8, 1702, and elected May 13, 1703, and again May 11, 1704, May 10, 1705, May 9, 1706, Oct. 10, 1706, (nominated, elected each term in the following May.) Oct. 9, 1707, Oct. 14, 1708, Oct. 13, 1709, Oct. 12, 1710, Oct. 11, 1711, Oct. 9, 1712, Oct. 8, 1713, Oct. 14, 1714, Oct. 13, 1715, Oct. 11, 1716, Oct. 10, 1717, Oct. 9, 1718, Oct. 8, 1719, Oct. 13, 1720, 1721, 1722, 1723, and 1724. He was present in Court as Assistant, Oct., 1703, 1704, 1705, 1706 and 1707, May, 1708, Oct., 1708, June, 1709, Oct., 1709, May, 1710, Aug., 1710, Oct., 1710, May, 1711, June, 1711, (Special Court at New London, on French and Indian war.) Oct., 1711, May, 1713, Oct., 1713, May, 1714, Oct., 1714, May, 1715, Oct., 1715, May, 1716, Oct., 1716, May, 1717, Oct., 1717, May, 1718, Oct., 1718, May, 1719, Oct., 1720, May, 1721, Oct., 1721, Oct., 1722, May 1723, Oct., 1723, May, 1724, and Oct., 1724.

He appears in Council (Governor and Council,) Feb. 6, 1706, Aug., 1711, Sept., 1711, Oct., 1711, Oct. 26, 1711, March, 1712, Feb., 1713, March, 1714, May, 1714, Oct., 1714, (at New Haven on the death of Queen Anne and accession of George,) Oct.,

1714, March, 1715, Oct., 1715, May, 1716, Oct., 1716, May, 1717, Oct., 1717, Nov., 1717, Oct., 1718, Dec., 1718, March, 1719, Nov., 1720, Oct., 1721, Nov., 1722, May, 1724, Oct., 1724. Jan. 16. 1725, Joseph Wakeman was appointed Judge of Probate for Fairfield, *vice* Hon. Peter Burr, deceased.

The records of some of the above meetings of the Council in which he participated are of great public interest.

That of Dec. 3, 1718, was called for consultation on the famous Yale College case. Shortly before the college had been removed from Saybrook to New Haven, not without protests, however, from several of the trustees and other parties interested, in particular Mr. Daniel Buckingham, of Saybrook, a trustee, having books and papers of the college, refused to deliver them up, alleging that he had no books or papers belonging to Yale College. The Council, however, thought differently, and, (we quote from the records,) "The said Buckingham continuing refractory, the Sheriff of the County of New London was instructed to demand the books, and on his refusal, to enter into the said house and chamber and deliver to the rector of the said college, Mr. Samuel Andrew, or to either of the gentlemen, viz: Mr. Samuel Russell, of Branford, or Mr. Thomas Ruggles, of Guilford, by him appointed to receive them, and the said Buckingham was ordered to give bonds with surety in the sum of one hundred pounds for his appearance at the General Court at Hartford in May, to answer for misdemeanor and contempt in refusing to deliver up the said books and papers."

Feb., 1707, a letter from Gen. Schuyler of New York was read, "saying that he was informed, that the French and enemy Indians were preparing to make a descent upon the frontier towns of New England," also one from Capt. John Minor and Mr. John Sherman, "signifying their suspicion that Pohtatuck and Owiantonuck Indians were invited to join with the enemy, and these two tribes were ordered to be removed with all convenient speed to Fairfield and Stratford, and if this could not be done, then two of their chiefs were to be taken to Fairfield, and held there as hostages for their good behavior; orders were also sent to the "frontier towns" of Symsbury, Waterbury, Woodbury, and Danbury. "to provide with all possible speed, a sufficient number of well fortified houses, for the safety of themselves and families, in their respective towns; and that they maintain a good scout out every day, of two faithful and trusty men, to observe the motions of the enemy."

March, 1712, "ordered that Lieut. Wm. Crocker of New Lon-

don, be forthwith dispatched with a party of volunteers, not exceeding 15 men (if they can be obtained), consisting of English and Indians, to march into the province of Hampshire, to join with the scout that shall be sent from thence up to Coasset, to meet with the Indian enemy, (if it may be) that. according to information are hunting in those parts."

In March, 1719, the Council adopted the following plan for a new State-House, to build which the sum of five hundred pounds had been voted by the General Court of 1718.

" Resolved that a house of 72 feet long, 30 broad, 24 between joints, with a range of pillars under the middle of the beams of the chamber floor, a door on each side and at each end, a staircase at the southwest, and another at the southeast corners, two chambers, 30 feet long at each end, one for the Council, and the other for the Representatives, with a space of twelve feet between the two houses, and a staircase into the garret, and on the other side a lobby to the Council Chamber. will well serve the occasions designed by the Assembly, and answer their expectations in the grant aforesaid."

Judge Burr several times filled the important office of Auditor of the Colony, viz : May 9, 1700, May 8, 1701, May 14, 1702, May 10, 1710, Oct. 11, 1711, May 8, 1712, May 14, 1713, May 13, 1714, Oct. 14, 1714, Oct. 13, 1715, and May 8, 1718. In Oct., 1718, he was appointed with Roger Wolcot, Richard Christophers, and John Copp " to inspect and audit the Colony's accounts so far back as they judge needful, in order to rectify some mistakes, which are supposed to be therein, and to report thereof to this assembly " as soon as may be ; he was continued as Auditor May 14, 1719, May 11, 1721, May 9, 1723, and May 14, 1724.

He was appointed Justice of the Peace for Fairfield May 8, 1701, and May 14, 1702 ; Judge of Probate Court, Oct. 10, 1723, and May 14, 1724 ; Judge of County Court, May 13, 1708, May 12, 1709, May 11, 1710, May 10, 1711, May 8, 1712, May 13, 1714, May 12, 1715, May 10, 1716, May 9, 1717, May 8, 1718, May 14, 1719, May 12, 1720, May 11, 1721, May 10, 1722, May 9, 1723, May 14, 1724 ; Judge of the Superior Court, May 10, 1711, May 8, 1712, May 14, 1713, May 13, 1714, May 12, 1715, May 10, 1716 ; Chief Judge of the Superior Court, Sept. 7, 1712, May 9, 1723,

and May 14, 1724. During this year—1724—he performed efficiently the duties of five important offices—Auditor, Assistant, Judge of the Probate Court, of the County Court, and Chief Judge of the Superior Court.

He probably held in addition the commission of Major of the 4th regiment, which had been given him in 1708. His services on the committees appointed by the various assemblies were important and arduous, and are presented here somewhat in detail as necessary to the complete filling out of the record, necessarily brief, of his public career.

At the General Court. Oct. 8, 1702, he appears on a committee with Capt. Nathan Gold, Mr. John Elliot, Capt. Thomas Hart, and Capt. Ebenezer Johnson, “to endeavour an amicable agreement with the government of Rhode Island, or a committee by them appointed, respecting the settlement of the line between the Colonies of Connecticut and Rhode Island.”

At the same court he was appointed with Capt. Nathan Gold, and Lieut. John Wakeman, “to lay out to the town of Fairfield six hundred acres of land, granted to them May 9, 1672. for the benefit of a grammar school there.” Same court appointed with Mr. John Wakeman “to lay out to the heirs of Major Gold one hundred acres of land granted May 12. 1687.” Same court, with Major John Chester, Capt. Gold, Capt. White, Capt. Hart, and Lieut. Talmage, appointed to draw a bill to prevent “disorders in retailers of strong drinke, and excessive drinking, also to prepare a bill to put in execution the reformation lawes.” Oct. 14, 1703, on committee with Capt. Gold and Mr. John Wakeman. “to repair to the town of Greenwich, and there to endeavour a reconciliation of such differences (concerning rights and privileges of the old town) as are amongst them.” General Court, May 11, 1704. on Committee of Safety for Fairfield County, with Capt. Gold, Mr. Curtis, Capt. Wakeman, Capt. Judson, Capt. Olmsted, and Mr. Stiles. These committees played a very important part in the military polity of the Colony. They were clothed with full powers, in their respective counties, “to consult, advise, direct, and command, in all things necessary for the defence of her Majesty’s subjects, and carrying on the war against the common enemy.”

General Court, Oct. 11, 1705, appointed committee with Gov. Winthrop, Rev. Timothy Woodbridge, *et al*, “to consider in behalf of this government the complaints laid against this Colony, in England, and to furnish our agent in England with what

directions or informations they can, in order that he may answer such complaints." Oct. 10, 1706, on committee with Capt. Gold, to lay out to Mr. Samuel Wakeman 200 acres of land, and to Richard Osborn, of Fairfield, 80 acres "for his good service in the Pequot war."

General Court, May 13, 1708, with Joseph Curtis and Richard Christophers, Esqrs., Capt. Fowler, and Mr. John Sherman, of Woodbury, "to settle the unhappy differences between the town and village of New Haven." (This committee reported to the General Court of Oct., 1708, and the report was laid on the table until the next General Court, "unless the parties concerned come to an agreement before the convening of the same," which they probably did, as there is no further mention of it.)

General Court, Oct. 13, 1709, appointed Committee of War for Fairfield County, with Gov. Gold, Capt. Joseph Wakeman and others.

Same court, a committee with Richard Christophers, John Alling, *et al*, "to examine and pass the accounts between the Colony and the officers and men employed in the late Canada Expedition, and to take especial care that the Colony have no wrong or damage thereby, and that none of the Colony's creditors, in their said accompts, do charge the Colony debtor for any service, matter, or thing whatsoever, more than the law allows, and to draw and sign orders to the Colony's treasurer, for paying all the sums due out of the treasury;" the committee was sworn "without partiality or respect of persons, to truly and faithfully do, perform, and execute the office and trust committed to and reposed in them," and were allowed the sum of four shillings per day, for their time and expenses in the aforesaid service. Same court, with Mr. Moses Dymon, a committee for the County of Fairfield, "to take care of all arms, cloathing, utensils, or any other things lodged in the county by any of our soldiers on the late expedition to Wood Creek, or other persons, which the Colony have paid for, and to sell the same to the best profit and advantage of this Colony."

Oct. 12, 1710. "*It is ordered and enacted by this Assembly, that Nathan Gold, Esqr., Peter Burr, Esqr., and Joseph Curtis, Esqr., shall be commissioned with full powers under the seal of this corporation, to apply themselves to Col. Robert Hunter, Governor and Commander-in-chief of her Majestic's Province of New York, &c., and in behalf of this corporation, to pray his Excellen-*

cy to joyn with said commissioners, such and so many gentlemen as his Excellency shall thiuk fit, with full power in behalf of the said Province of New York, to run the dividing line, between the said Province and this Colony of Connecticut, according to the establishment thereof made by his late Majestie, King William the Third, of happy memory, and monuments and bound marks upon the said dividing line, to erect and make, such and so frequent as the Commissioners of both parties shall think necessary, for the perpetual limitation and bounding of the said Province, and this Colony."

The commissioners were to take with them a surveyor and such other help as the Governor should think fit, and were to sign and seal an agreement with the commissioners of New York, as to the line above mentioned, which was to be preserved "*in perpetuam rei memoriam,*" and prevent all such disputes and inconveniences as haply might otherwise arise." It was not, however, until after years of wrangling, and the appointment of near a score of commissioners, that the boundary question was finally settled. Oct. 11, 1711, on committee with John Copp, County Surveyor, to lay out to the heirs of Major Gold, deceased, 100 acres of land.

May 8, 1712. On petition of the town of Danbury for the small slip of land lying between that town and Fairfield, it was ordered that that and all the country lands between Danbury on the north and Fairfield and Norwalk on the south, should be sold at vendue. The persons "to sell the same," were Nathan Gold and Peter Burr, Esqrs, "the first time of sale to be the first Wednesday of August next, at such time as the said gentlemen shall appoint; and the place shall be at Fairfield meeting house, reserving meet passages for highways."

The money made by such sales was to be "improved to the building a public house or houses, for the use of the Assembly and other Courts."

At the same court he was on committee with Nathan Gold and others, "to inspect and view the whole affair relating to the settlement of New Town, and to report whether in their judgment the place was capable of containing more inhabitants than had been admitted."

Oct. 9, 1712, a committee with Nathan Gold, Deputy Governor, and Rev. Mr. John Davenport, "to endeavour an agreement between the societies of Greenwich, Old Town and Horse Neck."

May 13, 1714, to receive and count the votes of the freemen.

May 10, 1716, same committee.

May 9, 1717, same committee. Same court, with Capt. Wakeman and Lieut. Hubbell, "to set off a new parish from the northern part of the town of Stratford. May 8, 1718, to count votes of freemen. Same court on committee to receive the dead stock in the hands of the administrators on the estate of the late treasurer, deceased. Oct. 9, 1718, committee on New York boundary. Same court, with Richard Christophers and Roger Wolcott, Esqrs., "to inspect the audit of the Colony's accounts, so far as they judge needful in order to rectify some mistakes which are supposed to be therein."

Same court, to receive of the treasurer the bills brought in by rates and exchange, and to burn and consume them.

May 14, 1719, Commissioner on New York boundary. Oct. 10, 1723, "*Enacted by the Governor and Council, and Representatives in General Court assembled, that Peter Burr, Samuel Eells, Roger Wolcot, and Jonathan Law, Esqrs., be Commissioners on the part of this Colony for performing the said work (i. e. of completing the New York boundary line,) in conjunction with such commissioners as shall be in like manner appointed by the government of New York.*

*"And it is hereby further enacted*

*"That whatsoever line shall be ascertained and established, with monuments erected therein by the said commissioners, according to the aforesaid agreement made in 1683, and the survey that followed thereon as in conscience it ought to be, shall forever after be and remain, the line of partition between this Colony and the Province of New York."*

At the General Court of Oct. 8, 1724, on receipt of a letter from Gov. Burnett of New York, naming the third Tuesday of the succeeding April for the commissioners of the two colonies to meet, the above commissioners were reappointed, with the addition of John Copp, surveyor, and Mr. Edmund Lewis, his assistant, "on the third Tuesday of April next, to meet with the gentlemen commissioners from New York, to treat with, settle, agree, run, ascertain, and fix the partition line between the Province of New York, and the Colony of Connecticut, from Lyon's Point to the Massachusetts line, according to the agreement made at New York on the 23d day of November, 1683, and the survey made thereupon, and after confirmed by an act of King William in Council, on the 28th day of March, 1700."

The last public service of Judge Burr was rendered at the General Court of October, 1724, as chairman of a committee "respecting the motion of the Lt. Governor, and Council of Massachusetts, laid before the assembly by Col. John Stoddard, in reference to the war between that Province and the Eastward Indians." The report of this committee is found on page 503, vol. vi. of the Colonial Records of Connecticut. After remarking "that this Assembly never was advised with, when that war began, and that it had never been shown by said Province, that the grounds of that war were lawful and just," it proceeds, "but your committee are of opinion it is not best at present, to desist lending said Province some help if there should be need, and that therefore the Committee of War at Hartford, the detached men in Hartford County, together with other measures already concerted by this Assembly for the defending Hampshire County and our own frontiers, all continue in the state they are now in, until this Assembly in May next and no longer," and concludes as follows, "but lest the government of the Massachusetts should think we are unwilling to cultivate that good understanding that hath been between the two governments, your committee are of opinion that this Assembly do recommend to the General Assembly of that Province, that they would once more maturely look into the grounds of said war, lest haply, thro' haste or otherwise, the matter hath not yet been thoroughly examined, and if the war should proceed, (without sufficient grounds) much blood should be spilt. and the country greatly distressed and impoverished, it would be very lamentable, and the desired success could not be expected."

The foregoing is a complete record of his services on the committees of the Assembly, but his name appears yet further on the records of the Colony in connection with public business.

May 10, 1705, he was appointed Lister of the town of Fairfield, and as such added to the list of the town 1578£ 19s. May 9, 1706, appointed with Capt. Gold "to receive land purchased by Justis Bush, Samuel Hawley, *et al.* of the Indians without libertie from the corporation,"—for which they were to be prosecuted at the next County Court, unless they should resign the title to the above purchase, before the session of the Court." Oct. 14, 1708, he was commissioned Major of the 4th regiment in the County of Fairfield.

General Court, May 8, 1712. "It is ordered, that Major Peter



Burr do make out his warrants to the clerks of the respective trainbands in Norwalk, that they send him an attested account of the number of officers and souldiers in their muster roles; and if it appear to him that their numbers are sufficient to make two captains' companies, this court allow and order that they be divided into two companies, and order the said Major to state the line between said companies, and lead them to a choice of officers, and make return of the proceedings therein to this Assembly on October next."

Governor and Council at New London, July 31, 1724. "*Resolved*, that Major Peter Burr, and Major Samuel Eells, and the gentlemen near them in military and civil command, consider whether the friend Indians in the western parts of this Colony, at New Milford, Potatuck and elsewhere, (who are now restrained from hunting) may not be safely employed to the number of 14 or 15, under the conduct of Lt. Gaylord, of New Milford, or some other suitable person, with two or three more Englishmen, to range the woods to the northward of the westward towns of the Colony, and endeavour to take a scalp of the enemy Indians that are sculking in that frontier; and that if they judge they may be trusted they immediately form such a scout, and that blank commissions be for that purpose sent to them.

"The scout must be assured that besides the stated wages, there is fifty pounds to be paid them for every scalp they bring in."

Oct. 10, 1723, on the death of Deputy Governor Gold, he was elected to that position by the Upper House, but was negatived by the Lower, which elected Joseph Talcott, who was in turn negatived by the Upper House. A compromise was effected the next day in the election of Joseph Talcott by both houses. The fact that the late governor and Mr. Burr were natives and residents of the same town, (Fairfield) was the principal cause for this action on the part of the Lower House.

In private life Judge Burr was universally beloved and respected. As a public man he exerted an influence for good in the Colony—then in the formative period of its career—not exceeded, and rarely equaled by any of the fathers of the Commonwealth, and in ability, attainments, and public services he was eclipsed by none. He died Dec. 25, 1724, and was buried in the old Fairfield burying ground. His tombstone, half sunken in the ground, bears this inscription:

Here lyes interr'd  
The body of the Honor'ble Peter Burr, Esqr.  
aged 56 years and 9 months,  
who departed this life  
Dec. the 25th  
Anno 1724.

Feb. 18, 1725, nearly two months after his decease, the *Boston News Letter*, a weekly journal of that city, contained the following paragraph :

“ We hear from Fairfield, in the Colony of Connecticut, that the Hon. Peter Burr, Esq., formerly a schoolmaster in this place, and since an Assistant in that Government, lately died there.”

Fac simile of Autograph from a State paper :

*Peter Burr*  
1709