

## A Story of How Colonel Fenwick's Land Substantial Land Holdings in the Saybrook Colony Found its Way to the Lynde Family

A certified copy of Colonel George Fenwick's will is preserved in Volume 1 of "Private Controversies," Doc. No. 9., and included in a book entitled "The Public Records of the Colony of Connecticut, prior to the Union with New Haven Colony", May, 1665, the transcribed documents transcribed in Hartford by Brown & Parsons, 1850. The book is available in digital form online.

Colonel George Fenwick was the only one of the original fifteen patentees – "men of quality" – to come to the Saybrook Colony in 1635. When Fenwick died in his native England in 1656/57, he had a substantial estate that he left behind. He left the greatest portion of what was a fairly sizable fortune to his second wife Katherine. He married Katherine after returning to England following the death of his first wife, Lady Alice Fenwick, at the Saybrook Colony and after selling the Saybrook patent to the Connecticut Colony in 1644. Lady Alice is buried in Cypress Cemetery after having been moved from "Tomb Hill" in 1870 prior to the construction of railroad facilities at the Saybrook Point riverfront.

Amongst the numerous benefactors of Fenwick's estate were his two daughters by Lady Alice, Elizabeth and Dorothy, and his sister Elizabeth Cullick. Both of Fenwick's daughters eventually accompanied him back to England following the death of Lady Alice, while his sister Elizabeth remained behind in New England with her husband Captain John Cullick, which is the likely reason the will ended up the way that it did. Sister Elizabeth first married Hartford founder Cullick who died in 1662/63 after they removed to Boston with their two children. Following his death, she married Richard Ely of Boston and they ended up returning to the CT Colony (formerly the Saybrook Colony) where they lived in what is now the Town of Lyme. Elizabeth and Richard Ely, who died in 1683 and 1684, respectively, are buried in Ely Cemetery in Lyme, Connecticut, just upriver from the location of the original Saybrook Colony.

According to the records of his will, Fenwick left to his daughter Elizabeth, "*the suit of Landscape hangings,*" and to his daughter Dorothy, "*that of Susanna*" with the remainder of the household "stuff" to be divided between them. He made eldest daughter Elizabeth the sole executrix of his will, and he gave to her "*the remainder of his personal estate and chattels*". To Dorothy, he gave a £100 per annum to be paid "*out of [his] lease of the lands in Sussex [England].*" To his two sisters, "Ledgard" (Ledyard) and "Cullick" (identified by their married names), he left each £50, and to their husbands £10 each; and to the children of Elizabeth Cullick he left £100 apiece. Both sisters came to Saybrook Colony with the Colonel and Lady Fenwick in 1639 and lived at the Fenwick home. As a note, based upon their year of birth, Fenwick's eldest Elizabeth couldn't have been much older than 13 or 14 years old at this time with Dorothy being approximately 11 or 12 years old.

The next day he changed his mind and rearranged the will through the use of a codicil. In the revised version, he reduced the £100 per annum given to Dorothy to £50 per annum, and instead of "*all gifts of sum or sums of money, by will, [previously bequeathed] to Sister Cullick and her children,*" he gave her "*all lands, chattels, real & personal, that are in New England, and my debts that are oweing there unto mee, [were] to be divided amongst them and in such manner as yet her eldest sonne may have a double portion; and likewise that out of itt may bee had five hundred pound, which I doe hereby give to ye publique use of that country of New England...*". The will was "proved" at London and committed to Elizabeth, his daughter as executrix, on April 27<sup>th</sup>, 1657.

Following the rearrangement of the will, what Fenwick essentially did was, instead of leaving any money to the Cullicks, he left all of his land and possessions back in the Saybrook Colony to her. Instead of receiving £100 per year, Dorothy ended up with £50 per year. Daughter Elizabeth apparently retained the remainder of the portion of the estate which *didn't* include what was back in New England. Instead of the funds originally left to his sister Elizabeth Cullick and her children, he left all that was owed to him back in the Colony (including the tariff that he negotiated be paid to him by ships passing the fort as they headed up-river, referred to as an annual "Fort rate") to split between his sister and her children. Cullick's oldest son was to receive twice what the rest were to receive. Because of the small "twist" that follows below, those debt funds apparently never came to the Cullicks. Further, one can't be sure that the £500 that Fenwick willed to "*that country of New England*" for public use ever found its way into public coffers either.

The reason is that there was a controversy with Colonel Fenwick's estate. The Connecticut Colony claimed that he owed them a portion of what was paid to buy the Saybrook Colony's patent because when he negotiated the sale in 1644, part of the agreement was not only for the Saybrook Colony but for the remainder of the original patent that extended east from the Connecticut River to the Narragansett River, which he said he would transfer in the event it "*came into his power*" to do so. In that the remainder of the patent never came into his personal possession or control prior to death, the Colony wanted repayment of £500 of the £1600 that they paid to him, otherwise the Colony said it would refuse to surrender Mr. Fenwick's estate at the mouth of the river to his sister. In addition, the Colony wanted all debts to Fenwick expunged, presumably including the "fort rate". In order for the land to go to Fenwick's sister, her husband Captain Cullick agreed to pay the £500 and eliminate "*all claims against the colony growing out of the agreement for the purchase of the River.*" When deal was finalized, the Colony released the land to the Cullicks.

The significance of this history is that the Cullicks received all of Fenwick's land but apparently none of Fenwick's substantial fortune because of the debt the Colony said he owed them. The land was subsequently handed down from Captain and Elizabeth Cullick to their daughter Elizabeth (Fenwick's niece) and her husband Benjamine Batten who in turn sold all of the Fenwick land to Simon Lynde of Boston in 1675. That land included the 16 acre lot on Saybrook Point later to become the Saybrook Collegiate School, and all of the Fenwick lands from present day Lynde Point (the Borough of Fenwick) west to Cornfield Point and beyond. Ten years later in 1685, Simon Lynde handed down the Saybrook land to his third son Nathaniel Lynde prior to the elder Lynde's death in 1687. It was Nathaniel who loaned his house on Saybrook Point (originally that lived in by Colonel Fenwick and his family) for use by the fledgling Saybrook Collegiate School in 1701 that eventually, upon relocation sixteen years later to New Haven, became Yale University. Nathaniel and Susanna Lynde, many in their family, are buried in the southern portion of the ancient burial ground.