

**First Trial – August 22, 1833**

- ◆ Held at the County Court House in Brooklyn, CT, the County Seat

**Presiding Chief Judge, Joseph K Eaton from Plainfield**  
**Associate Judges, Griffin and Chase**

- ◆ **Judge Eaton** had been president of the Windham County Bank when Andrew Judson, Rufus Adams, and would-be prosecuting attorney Chauncey Cleveland were members of the Board of Directors. Also served with Judson as a director of the Windham County Mutual Fire Insurance Company.
- ◆ Eaton had also been a member of Senator Philip Pearl's committee that had formulated the "Black Law" which was passed by the CT state legislature on May 24, 1833.

**Crandall's Defense Attorneys: William Wolcott Ellsworth**  
(US Congressman at the time,  
elected Governor of CT in 1838)  
**Calvin Goddard**  
**Henry Strong**

**Prosecuting Attorneys: Andrew T. Judson, Canterbury**  
Due to illness, Chauncey Fitch Cleveland  
was excused and replaced by  
**Jonathan Welch, from Brooklyn**  
**Ichabod Bulkley**

Prudence was charged with instructing and boarding students who were not inhabitants of Connecticut without the prior consent of the civil authority and selectman of her village.

Students were called in as witnesses. Though the defense objected, saying that the girls couldn't be expected to answer questions that might implicate them in a crime, the prosecution prevailed. Called were Ann Peterson and Catherine Ann Weldon from NY, and Ann Eliza Hammond from Providence. They refused to answer the questions posed.

Att. Welch called numerous individuals to the stand who had visited the school, though none could recall ever seeing Prudence instructing the girls in their studies. Mary Benson (a resident of Brooklyn) when called, however, admitted having seen Prudence teaching geography and arithmetic. With that, Welch had his case.

**Summation for the Prosecution:** Andrew Judson didn't dispute the fact that CT allowed for the education of black children, but maintained that towns had a right to decide who should be allowed to become inhabitants by residents within their limits. Therefore it was not fair or safe to allow someone without the towns consent to open a school and invite any class of pupil from other states. He pointed out that many states, northern and southern, regarded blacks as a population that required special legislation. ("Tanners, ...surveyors, doctors, and manufacturers were liable to similar scrutiny, he said, and that was only right and reasonable." *A Whole-Souled Woman* by Susan Strane, pg. 101)

**For the Defense:** Henry Strong and William Ellsworth didn't dispute that Crandall kept a school for black students, but stated that each jurist needed to determine not only if a law had been broken, but if that law were constitutional. They saw the question as being – could the legislature of Connecticut pass a law prohibiting the citizens of other states from coming to Connecticut to pursue the acquisition of knowledge in a way open to Connecticut's own citizens? He felt the black people were already citizens. "Furthermore, colored men could appeal the laws for protection of their rights in every state; could they do this if they weren't citizens?" (Strane, pg. 102)

Judge Eaton "somewhat timidly" counseled the jury regarding the issue of constitutionality. After deliberating for several hours the jurors reported a deadlock. After deliberating again, the foreman told Judge Eaton that they were irreconcilably split, 7 for conviction, and 5 for acquittal. Eaton dismissed them and continued the case to the next term of the county court in December.

References:

Strane, Susan. *A Whole-Souled Woman*. New York: W.W. Norton and Company, 1990.

*Report of the Arguments of Counsel, in the case of Prudence Crandall, plff. in error, vs. State of Connecticut before the Supreme Court of Errors, at their session at Brooklyn, July Term, 1834.* By a Member of the Bar. Boston: Garrison and Knapp, 1834.