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THE
EARLY HISTORY OF VERMONT

AN ADDRESS DELIVERED BY

THE HONORABLE JOHN G. SARGENT

ATTORNEY GENERAL OF THE UNITED STATES

AT

THE CITY HALL, MONTPELIER, VT.,

WEDNESDAY EVENING, JANUARY 5, 1927

IN HONOR OF THE

SESQUI CENTENNIAL OF THE INDEPENDENCE

OF THE STATE

WITH AN ACCOUNT OF THE EXERCISES

Published by Order of the Legislature

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The early history of Vermont; an address
delivered by the Honorable John G. Sargent at the
City hall, Montpelier, Vt., Wednesday evening,
January 5, 1927... [Montpelier, 1927]

O.

SHelf CARD

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JOINT RESOLUTION OF THE LEGISLATURE OF 1925,
CREATING THE COMMISSION.

RESOLVED: By the Senate and House of Representatives, that the Governor of the State be requested, and is hereby authorized, to appoint a commission to be called the Vermont Sesqui-Centennial Commission, for the purpose of arranging and organizing a suitable celebration throughout the State of the 150th anniversary of its independence; such celebrations to include appropriate exercises in connection with the session of the Legislature of 1927, local demonstrations, and other means deemed desirable by the commission.

BE IT FURTHER RESOLVED, that the Vermont Sesqui-Centennial Commission shall also be authorized to arrange for suitable celebrations of the anniversaries of other notable historical events occurring prior to 1927.

BE IT FURTHER RESOLVED that for the use of the Vermont Sesqui-Centennial Commission in carrying out the objects aforesaid, the sum of \$500.00 is hereby appropriated to be paid on presentation of proper vouchers approved by the Governor.

W. K. FARNSWORTH

President of the Senate.

ROSWELL M. AUSTIN,
Speaker of the House of Representative

Approved March 19th, 1925,

FRANKLIN S. BILLINGS, *Governor.*

VERMONT SESQUI-CENTENNIAL COMMISSION

Authorized by Act of the Legislature

FREDERICK H. BABBITT,.....	Bellows Falls
JOHN BARRETT,.....	Grafton
EDWARD L. BATES.....	Bennington
JAMES C. COLGATE.....	Bennington
WALTER H. CROCKETT.....	Burlington
ADDISON E. CUDWORTH.....	So. Londonderry
DOROTHY CANFIELD FISHER.....	Arlington
FRANK L. FISH.....	Vergennes
FREDERICK G. FLEETWOOD.....	Morrisville
BENJAMIN GATES.....	Montpelier
ROBERT E. HEALY.....	Bennington
FRED A. HOWLAND.....	Montpelier
EARLE S. KINSLEY.....	Rutland
HALL PARK McCULLOUGH.....	North Bennington
GERTRUDE D. WEBSTER.....	Manchester
JOHN SPARGO.....	Bennington
ARTHUR F. STONE.....	St. Johnsbury
JAMES B. WILBUR.....	Manchester
BENJAMIN WILLIAMS.....	Proctor
STANLEY C. WILSON.....	Chelsea

President

JOHN SPARGO

Secretary

EDWARD L. BATES

Treasurer

CHARLES H. DEWEY

Honorary President
GOVERNOR FRANKLIN S. BILLINGS

Honorary Vice-Presidents

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STODDARD B. BATES.....	Derby
MRS. W. H. BRADFORD.....	Bennington
ELBERT S. BRIGHAM.....	St. Albans
HORACE S. BROWN.....	Springfield
MARY R. CABOT.....	Brattleboro
DANIEL L. CADY.....	Burlington
S. CARL CARPENTER.....	Richford
MRS. CHARLES M. CONE.....	Hartford
*JOHN C. COOLIDGE.....	Plymouth
PORTER H. DALE.....	Island Pond
FRED R. DICKERMAN.....	Bristol
FRANK C. DYER.....	Salisbury
ERNEST W. GIBSON.....	Brattleboro
FRANK L. GREENE.....	St. Albans
LYMAN S. HAYES.....	Bellows Falls
HARLAND B. HOWE.....	Burlington
KATHERINE HUBBELL.....	Bennington
MATT B. JONES.....	Waitsfield
ARTHUR H. KEYES.....	Rutland
PHILIP R. LEAVENWORTH.....	Castleton
EDWARD S. MARSH.....	Brandon
PATRICK M. MELDON.....	Rutland
PAUL D. MOODY.....	Middlebury
KARL A. PEMBER.....	Woodstock
CHARLES A. PLUMLEY.....	Norwich
GEORGE M. POWERS.....	Morrisville
REDFIELD PROCTOR.....	Proctor
JOHN W. REDMOND.....	Newport
WILLIAM A. ROOT.....	Bennington
LEIGHTON P. SLACK.....	St. Johnsbury
MRS. E. C. SMITH.....	St. Albans
WENDELL P. STAFFORD.....	St. Johnsbury
WILLIAM W. STICKNEY.....	Ludlow
MASON S. STONE.....	Montpelier
CHARLES E. TUTTLE.....	Rutland
HARVEY S. WARDNER.....	Windsor
JOHN E. WEEKS.....	Middlebury

*Deceased

ODE FOR THE SESQUI-CENTENNIAL CELEBRATION
OF THE INDEPENDENCE OF THE STATE
OF VERMONT

1777-1927

By JOHN CHIPMAN FARRAR

O Fair Vermont, nurse of the pine and maple,
Mother of mountains, gentle and strong and stern,
From your white winter hills and gleaming valleys,
From your high cities and your lowlands, turn.

Watch them march by in simple, mean array,
Men of your mountain country march today,
Keen-eyed and quiet, firm as your rocky soil,
Men of hard heads and hands,
Your men of toil.

O Fair Vermont, they know your magic of spring-time,
Their ears have known the trilling hermit thrush.
Into their hands the lilac blooms have fallen.
They hve dreamed greatly in your forest hush.

Watch them march by, these men of iron will,
It is your flag they raise, your soil they till,
Builders of State and Nation—they are your pride—
Men of the Mountains—men of the countryside.

O Fair Vermont, call you beyond your hills—
Send out your strength across the sea and land!
Call to the strong and simple of the world,
Gather them in to join your mountain band.

Tell them the story of your quiet hills,
Tell them the secret of your lovely lakes;
And show them where the spotted deer awakes,
When summer dawn the sky with glory fills.

Tell them the simple tale of field and beast,
The parlous record of the rock-bound farm.
Show them the sweet simplicity and charm
That bids your folk sit shyly at the feast.

Bid them watch with you as you stand today,
Mother of mountains—these the sons you gave—
Calm and direct and infinitely brave,
Men of old customs, fearful of display,
Men of the people, men of keen design,
Honest and fair, sturdy and brave and true;
Watch them—they owe their heritage to you,
Men of your mountains, marching line on line.

They face life firm as the surface of marble or granite.
They dream life with the quality of a mountain sunset.
They are soldiers because they know the bright swing of the
axe.

They are statesmen because they know the winds of the
mountains.

They are politicians because they have watched the barn-
yard,
They have watched its life and movement.

You cannot fool a Yankee on the ways of man.
He knows the idiosyncrasies of sheep,
The failings of hens,
The waywardness of cows.
He calculates humanity,
For he knows the beasts of the field.

Watch them as they march, O Fair Vermont!

Allens with keen eyes for shooting,
With keen brains for Law.
Evarts snapping his strident comments,
Coolidge dreaming over a furrow,
Balancing a testy problem
As he swings the axe over cord-wood.

He is a man of your mountains,
He is a man of your hills,
Firm and honest and gentle,
Leader and honest citizen—
He is a man of your breeding—
Coolidge—Man of the Mountains.

O Fair Vermont, nurse of the pine and the maple,
Fall in and march behind your mountain men—
From your high cities and your gleaming lowlands
Bid your great leader lead the world again.

INTRODUCTION.

By the terms of the Joint Resolution adopted by the Legislature in 1925, the Vermont Sesqui-Centennial Commission was directed to arrange for "appropriate exercises in connection with the session of the Legislature of 1927". Because the arrangements for such exercises necessarily had to be made some months in advance, in order to afford opportunity for the preparation of a commemorative address by a speaker of national distinction, the Commission decided that the exercises should be held on January 5th, 1927. This avoided the embarrassment of asking Governor Billings to sanction arrangements which would be binding upon whoever might be chosen as his successor.

The Commission and Governor Billings jointly invited the Honorable John G. Sargent, Attorney General of the United States, to deliver the principal address of the occasion, and were greatly gratified by his acceptance of the invitation.

The original plan was to hold the exercises in the Hall of the House of Representatives. It soon transpired, however, that the seating capacity of the Hall was much too limited to accommodate an audience of the size indicated by the widespread interest in the occasion. Accordingly, the exercises were held in the large auditorium of the City Hall, placed at the disposal of the Commission through the courtesy of the Mayor of Montpelier, the Honorable Edward H. Deavitt. Invitations were sent jointly by Governor Billings and the Commission to a large number of distinguished and prominent men and women, including the President of the United States, the Governors of the neighboring States, former Governors of Vermont, members of the Legislature, representatives of patriotic societies, and others. The response was exceedingly gratifying, and before the opening hour the large auditorium was crowded to its utmost capacity by one of the most distinguished and representative audiences ever assembled in the State. Seated upon the platform were many distinguished persons. The hall was appropriately decorated.

Promptly at eight o'clock, the advertised hour, the meeting was called to order by the president of the Vermont Sesqui-Centennial Commission, Hon. John Spargo, of Bennington, who called upon Governor Franklin S. Billings, honorary president of the Commission, to preside over the meeting. After the singing of

“America” by the audience led by a male voice chorus, the Right Reverend Arthur C. A. Hall, Bishop of the Diocese of Vermont of the Protestant Episcopal Church, offered the following invocation:

O LORD GOD of heaven and earth, we thank Thee for this fair and rugged land in which our lot is cast, and for the sturdy men and women who have peopled its hills and valleys. Make us a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Give to all in positions of authority courageous leadership, to our legislators wisdom, to our judges firmness and consideration. Grant that our Schools and Colleges may, as aforesaid, send forth many well trained for public service; that our Hospitals and Reformatory institutions may restore the sick in body and in soul to useful citizenship. Give fertility to our fields and flocks; to our people political integrity, commercial fellowship, domestic faithfulness, and religious unity. Make us a God-fearing, law-abiding, liberty-loving people, ready to share with others advantages that we prize for ourselves. All this we ask in the Name of our Lord and Saviour Jesus Christ. Amen.

The Secretary of State, Hon. Aaron H. Grout, then read several communications selected from among the large number of letters and telegrams which had been received by Governor Billings and the president of the Commission. These communications are printed as an appendix at the end of this volume.

The Honorable Ernest W. Gibson, Representative in Congress from the Second District, briefly extended the felicitations and good wishes of the Vermont delegation in the national Congress and also of the United States-Vermont Sesqui-Centennial Commission.

A poem composed specially for the occasion by John Farrar was then read. In the unavoidable absence of the author, the poem was read by Representative Herbert Wheaton Congdon, of Arlington. The poem is printed in full on a preceding page.

The Honorable John G. Sargent, Attorney General of the United States, then delivered his address on “The Early History of Vermont”, the complete text of which is given in the following pages. Following the address the Right Reverend Arthur C. A. Hall pronounced the benediction.

THE WHITE HOUSE
WASHINGTON

December 24, 1926.

MR. JOHN SPARGO,
President, Vermont State Sesqui-Centennial Commission,
Bennington, Vermont.

My dear Sir:

As I have suggested to you, the imperative necessity of my remaining here in Washington precludes the possibility of my attending the exercises at Montpelier. I sincerely wish that it were otherwise, and that I might have the pleasure of being present and joining with so many of my fellow Vermonters in commemoration of the one hundred and fiftieth year of the existence of the State. You are fortunate indeed to have Attorney General Sargent as the principal speaker upon this occasion, for there is no one who is better qualified to evaluate the history of our State and to give expression to its genius. Vermont is dear to me by reason of ties and associations of the profoundest character. I keep pictures of Plymouth constantly before me. They are at once an inspiration and a consolation. It is the place of my birth and the last resting place of those I loved. Please convey to the gathering at Montpelier my hearty greetings and my regret that I am unable to participate in person, though I shall do so in spirit.

Very truly yours,

CALVIN COOLIDGE.

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

December 30, 1926.

HON. JOHN SPARGO,
President, Vermont State Sesqui-Centennial Commission,
Bennington, Vt.

My dear John Spargo:

I am very sorry that I can not attend the official exercises in commemoration of the one hundred and fiftieth year of Vermont's independence. I would greatly enjoy hearing the commemorative address by Attorney General Sargent. My interest in and love for Vermont and her history are easily explained, because my father and my grandfather and my great grandfather were Vermonters, and since I was able to know anything I was taught by my father to reverence the sturdy manhood and cherish the practical ideals of the Green Mountain State. I was able to observe the free masonry

that existed between Vermont men who had moved to other States toward one another. I came to feel, as I now feel, that in that State is maintained, undiluted and undemoralized, that which we like to call the real American character. Its continued maintenance is the strongest security for the future of our country.

With the warmest regards, believe me,

Sincerely yours,

WM. H. TAFT.

STATE OF RHODE ISLAND & PROVIDENCE
PLANTATIONS
EXECUTIVE CHAMBER
PROVIDENCE

HONORABLE FRANKLIN S. BILLINGS,
Governor of Vermont,
Executive Department,
Montpelier, Vermont.

My dear Governor Billings:

I had hoped that I might arrange my affairs which would enable me to accept your kind invitation to attend the exercises to be held at the City Hall, Montpelier, Wednesday evening, January 5th, but as this is the day following the Inauguration in this State matters of great importance will need my attention, and I regret, exceedingly, that I can not be present.

I thank you for your thoughtfulness in considering me.

Respectfully yours,

A. J. POTHIER,
Governor.

Providence, R. I.,
December 20, 1926.

STATE OF NEW HAMPSHIRE
CONCORD
EXECUTIVE CHAMBER

HON. FRANKLIN S. BILLINGS,
Governor of Vermont,
Montpelier, Vermont.

December 7, 1926.

My dear Governor Billings:

I have received with appreciation your kind invitation to attend the exercises at Montpelier on January 5th, commemorating

the One Hundred and Fiftieth Anniversary of the Independence of Vermont.

I should like very much to be present and deeply regret that our new Legislature convenes on that day and it is necessary for me to be here to administer the oath of office.

Yours sincerely,

JOHN E. WINANT

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD

December 15, 1926.

HONORABLE FRANKLIN S. BILLINGS,
Governor of Vermont,
Montpelier, Vt.

My dear Governor Billings:

Your very cordial invitation to attend the exercises to be held at the City Hall, Montpelier, Vermont, on the evening of Wednesday, January the fifth, came to my office during my absence in Florida.

As you have already been informed the Governor's Inauguration and Ball occurs on the same day and will make it impossible for me to attend, which I regret very much.

With kindest regards to Mrs. Billings and yourself, I remain

Very sincerely yours,

JOHN H. TRUMBULL

TELEGRAM

Augusta, Me., Jan. 5, 1927.

HON. FRANKLIN S. BILLINGS,
Executive Office,
Montpelier, Vt.

The State of Maine extends most cordial felicitations to the State of Vermont upon the one hundred and fiftieth anniversary of its independence under God.

RALPH O. BREWSTER,

Governor of Maine.

TELEGRAM

January 5, 1927.

JOHN SPARGO,
Montpelier, Vermont.

The Commonwealth of Massachusetts sends cordial greetings to the State of Vermont commemorating the one hundred and fiftieth anniversary of its independence. From the first settlement Vermont has been blessed with a citizenship of sterling character and true patriotism. Its contributions to the establishment of the nation—at Hubbardton, Bennington, Crown Point, Stillwater, Saratoga and many other places, constitute a glorious page in our country's history. Its achievements in peaceful pursuits mark the simple, homely character in which lies the strength of the nation. Massachusetts is proud to acknowledge the warm friendship of its neighbor on this historic occasion.

ALVAN T. FULLER,
Governor.

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

December 31, 1926.

MR. JOHN SPARGO,
President, Vermont State Sesqui-Centennial Commission,
Bennington, Vermont.

Dear President Spargo:

I have your letter of the 28th. It is to be regretted that official duties will prevent my being present at the historical celebration of the 150th year of Vermont's independence. I know that your State must feel proud of its many achievements during that period, and I should certainly like to be present, to attest to the pleasant relations that have existed between two sister states.

I send to the Governor and the people of Vermont, New York's sincere and hearty greetings.

Sincerely yours,

ALFRED E. SMITH.

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

January 2, 1927.

HON. JOHN SPARGO,
President, Sesqui-Centennial Committee,
Bennington, Vermont.

Dear Mr. Spargo:

I regret that because of important hearings before the Committees of which I am a member I shall be unable to attend the sesqui-centennial exercises at Montpelier on the evening of January 5th. With every son and daughter of Vermont I feel a glow of pride and gratitude as we contemplate the one hundred fifty years of our splendid history which have witnessed the carving of our state out of the wilderness and its careful shaping, and the building of homes and of institutions to which we owe more than we can ever repay.

Recollection at this time of the sterling qualities and patriotic devotion of those whose lives have made such glorious history possible makes plain to us our debt to those who have given this precious legacy into our keeping and must inspire us to live and do our best to promote a healthy progress and at the same time maintain the old dignity of our State.

Very sincerely yours,

ELBERT S. BRIGHAM

THE UNITED STATES SENATE

WASHINGTON, D. C.

December 23, 1926.

HONORABLE JOHN SPARGO,
President, Vermont State Sesqui-Centennial Commission,
Bennington, Vermont

Dear Mr. Spargo:

I deeply regret that it will be impossible for me to attend the exercises at Montpelier on the evening of January fifth, 1927. Quite apart from all other reasons for this decision, I am held here by the imperative duties of my office. That I shall be with you all in spirit, proudly celebrating the arrival of the one hundred and fiftieth year of the existence of Vermont as a State, I do not need to assure you, I think.

That the undying spirit of our forefathers, who made glorious the year 1777, is still vigorous and strong is evidenced on every hand. The old pride and enthusiasm are still inspiring the Sons and Daughters of the Green Mountains.

Please express to the meeting my sense of loss arising from my enforced absence, and my best wishes for the success of the celebration. I anticipate the report of the Attorney General's remarks with eager interest.

Cordially yours,

FRANK L. GREENE

UNITED STATES SENATE

WASHINGTON, D. C.

January 3, 1927.

MR. JOHN SPARGO,

President, Vermont Sesqui-Centennial Commission,

Montpelier, Vermont.

My dear Mr. Spargo:

As conditions will not allow me to attend the first sesqui-centennial celebration, which is to be held at Montpelier, January fifth, will you kindly convey to fellow Vermonters in attendance my cordial greetings and good wishes.

May the first meeting of this anniversary year to celebrate the founding of the State of Vermont carry results as fortunate as the events recalled are of consequence.

May the occasion revive the spirit of devotion to the state and nation akin to the patriotism of the soldiers of Vermont on all the fields from Bennington to the Argonne.

Sincerely yours,

PORTER H. DALE

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

December 31, 1927

MR. JOHN SPARGO,

President, Vermont Sesqui-Centennial Commission,

Bennington, Vermont.

Dear Mr. Spargo:

I have your kind invitation to be present at the exercises in honor of the 150th year of Vermont's independence on January 5th. My duties here will make it entirely impossible for me to be present.

I revere the State of Vermont,—not only as the birthplace of my Father and of many relatives,—but because of the splendid record of the Green Mountain State. I am sure you will have much to celebrate and trust the occasion may be a most pleasant and profitable one for all.

I have been hoping to visit Vermont during the summer season, and possibly this hope may be gratified during the coming summer.

Very cordially yours,

THEODORE E. BURTON

ADDRESS
VERMONT STATE SESQUI-CENTENNIAL
CELEBRATION

Montpelier, Vermont
January 5, 1927

BY

THE ATTORNEY GENERAL OF THE UNITED STATES

JOHN G. SARGENT

We are meeting here to celebrate the one hundred and fiftieth anniversary of the Declaration of Independence of the State of Vermont.

Just why such a meeting should be called and held on the fifth day of January is not so clear to me, inasmuch as the Resolution declaring independence was not adopted until the sixteenth day of January, 1777.

But, though that formal action had not been taken, it had been determined upon in substance long before that date, just when is difficult to determine.

We Vermonters have a proud heritage of sacrifice and achievement by the founders of the state, and it is well to study and reflect upon their acts and their words; to glory in their deeds; but pride of ancestry counts for nothing unless it be the spur to drive us to exertion and action on our own part.

The circumstances in which the settlers upon the territory now Vermont found themselves in the years from 1765 to 1775 drove them to study the subject of government, and especially self-government, as a practical question, vital to their very existence.

So much has been said and written, by many eminent, painstaking and thoughtful scholars; the records and documents are so scant and fragmentary, that to undertake to add anything interesting or useful to the discussion by one who has no time for anything but the most general observations seems presumptuous.

I assume everyone in the sound of my voice is familiar with the published histories, collections of papers, and other data.

And yet I am wondering if you, or most of you anyway, do not experience a feeling, a sense of incompleteness that you would like to have cleared away.

When I have read, as I have many times in many places, that on the sixteenth day of January, 1777, the Westminster Convention adopted a resolution

“That the district of land commonly called and known by the name of New-Hampshire Grants be a new and separate state; and for the future conduct themselves as such,”

the query as to how and why such action came about has always arisen; an attempt to supply an answer shall be my contribution to the store.

I ask your indulgence of a notion that has gradually taken possession of my actions in trying lawsuits, namely, that the best way to argue a case is to quote the evidence in the words of the witnesses.

This evening I am going to tell the story of the development of the independent State of Vermont from the New Hampshire Grants, in the very words of those who came, saw and conquered,

For two reasons.

First, the language of those who spoke and wrote in the heat of action have an eloquence which no composition of mine can approach, and

Second, I would renew to those who have read it, and create in those who have not, acquaintance with the style of those masters of language who wasted not a word, and yet left nothing unexpressed.

How long had this thing been going on?

Before 1761 charters had been granted to only seventeen towns, Bennington, Halifax, Marlborough, Draper, Westminster, Rockingham, New Stamford, Townshend, Hinsdale, Brattleborough, Fulham, Putney, Flamstead, Guilford, Thomlinson, and Pownal; and in only seven of these, Westminster, Rockingham, Brattleborough, Fulham, (Dummerston), Putney, Guilford, and Hinsdale had the beginnings of settlement been made.

Outside these seven towns, of which six lay along the Connecticut, and one was accessible from the Connecticut by Broad Brook, the whole territory was an untouched wilderness.

The only semblance of a road in the territory was the Charlestown-Crown Point Military Road cut and constructed by General Lord Amherst in 1759.

In the six years, 1761-1766, more than one hundred and ten new towns had been chartered by the Provincial Government of New Hampshire; and in the sixteen years, 1761-1776, before the beginning of the year 1777, the owners of the land in most of those new towns had begun to make improvements on their lands.

At the risk of taking time and wearying you with recitals of matters you already know, and have thought out, I pause a moment to call attention to these Town Charters, as they are familiarly spoken of, because, as I feel, in these grants, and what was done under them, lies the germ of the event we celebrate.

The title of the land, and political jurisdiction, governmental control of the inhabitants of the land, was in the English Government. The New Hampshire Grant was a conveyance from the English Government, the owner of the land, in each case to about

sixty to seventy individuals. For it a purchase price had been agreed upon, and that price they had paid; it was their land, to do with as they pleased, to live on, to rent or to sell it. The New Hampshire Grant, besides so conveying the land, conferred upon "the Inhabitants that do or shall hereafter inhabit the said Township" the franchise of self government.

Of the New England townships Jefferson once said,—

"Those wards called townships in New England are the vital principles of their governments and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation."

Bryce in his American Commonwealth, says of them:

"They are to this day the true unit of political life in New England; the solid foundation of that well conditioned structure of self-government which Europeans have admired and the new states of the west have sought to reproduce."

These grantees, the owners of and settlers upon the land, were for the most part from the older portions of New England, where similar titles to land, and similar theories of government had for years been in force. They were intense individualists, and they at once began to convert their common title in the land so conveyed to them into individual ownership of specified parcels of the whole, either by some method of partition among themselves or by conveyance to other persons; so that by 1777 the land was occupied by men each one owning and dominating his particular field, without right as he saw it of anyone to interfere with him.

The grant of political rights the inhabitants of each town had proceeded to exercise to the full extent, asserting at least all the rights intended to be granted.

Into this situation, upon these people who had paid all they had for the land, who had fought nature, cold, privation, wild beasts, and Indians to establish homes upon the land for which they had paid the English Government, had been thrust the claim that the agent of the Government through whom they had paid their money and received their conveyances was not properly authorized by his principal, and therefore they must buy again, pay again, and take another deed from the same principal through another agent, or move away and lose all they had paid, done, and endured; and the further proposition that they must submit to a colonial government in which the town meeting, and through it control of their own affairs, played an unimportant role.

While aware that by historians, nearly if not quite unanimously the controversy over the title of the land is regarded as the one great cause of the Declaration of Independence of Vermont, I cannot escape the feeling and conclusion that something deeper in the being, the "genius and customs", of the people on the Grants was of at least equal force and potency in bringing on that event.

To put it in the words of Ira Allen in 1777,

"We principally emigrated from the New England States, the former laws, rules and regulations of which were nearly alike, in consequence of which the inhabitants of said Grants have been taught in one way. Their genius and customs have been so near correspondent that there is the highest probability that they would unanimously agree on a mode to govern the internal policy of a State, with the greatest unanimity, which is one of the greatest blessing ever bestowed on a free people.

"On the other hand the former laws, rules and regulations of the government, now State of New York, have been so materially different from those we have been accustomed to; and considering the conflict that has subsisted these many years between this district and the said government; there is the greatest reason to believe that, should this district connect with that State, to make one body politic, there would be as little hopes of a reconciliation ever taking place between them as there would be between Great Britain and the United States of America, which must render the situation of both very unhappy."

In October, 1778, in obedience to a resolution of his legislature Governor Clinton issued a proclamation pledging the faith of the State of New York to the performance of the determination of the legislature that all grants of land under New Hampshire or Massachusetts Bay should be confirmed and declared good, valid, and effectual, to all intents and purposes, as if the same had been made by the Government of New York; and this overture for peace was met by the Vermonters, with the argument voiced by Ethan Allen:

"Nothing can be more repugnant to the policy and genius of that Government than to extend their jurisdiction as aforesaid, on any other terms but to engross the lands and vassalage its inhabitants. To illustrate this proposition we will suppose this territory to be included in the jurisdiction of New York, and likewise that it was populated and the inhabitants held their property in that equal manner which they do at present; or as is common in the New England States which will be the case provided the right of soil be held under the New Hamp-

shire Grants; this would make a discord in the Government, and be a standing reproach to the inslaved part of the State, from whence animosities and strife would constantly arise, as one party would be for slavery, while the other would be for liberty, which would embroil the Government and end in a civil war; for their genius, polity, temper, spirit and manners would be as diametrically opposed to each other as they are now, or as liberty is to slavery.

“A people so opposite to each other in civil, political, and we may add, religious sentiments, can never subsist long under the same government, for the demonstration whereof we appeal to the current history of mankind.”

In that remarkable

“SERMON

Preached at Windsor, July 2, 1777, Before the Representatives
* * * for the forming the State of

VERMONT

By AARON HUTCHINSON, of Pomfret, A. M. Pastor of the Church in that and the two adjacent Towns, Hartford and Woodstock”

Entitled

“A well tempered Self-Love a Rule of Conduct towards others,”

The preacher said,—

“Let us call in self-love to our aid, and our justice and charity begin at home.

“We are chiefly from New-England; our genius and temper, and the laws we have been accustomed to, are very different from those of New York. Hence it may reasonably be supposed, that these counties would have been three or four times as numerous, at this day, had they never been annexed to that state. * * * But let us for a minute set all these aside, and consider” sundry other reasons. * * * A tender God enjoined his people *Israel*, Deut. 17: 14, on, to set no other as king or ruler over them but (as it is expressed) *one from among thy brethren shall thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother. ver. 10. That his heart be not lifted up above his brethren.* It is elsewhere mentioned as a curse, to have them that hate us rule over us. We know men by their fruits. Actions are more invincible proofs than words. We look upon all to be strangers that have no fellow-feeling with us; and all those as our brethren, that are afflicted in all wherein these plantations are afflicted.

“Now, if you find yourselves obliged to think that the rulers of that state hate us, are strangers to us, stand aloof

from our sore, have forged chains for us, and lift up themselves above us, not owning us as their brethren;—How, in the name of reason, can you expect they will assist us in opening a trade to the lake, in erecting those mechanical works, that are needful in these remote parts? It is no pleasure to me to renew your ancient griefs. But I must drop a few words. You have the feelings of humanity; judge ye what I say. Is it reasonable? is it just? is it for the public weal? that an infant country after the expense of a courthouse and goal, should have four country courts in a year, and to all these three or four times the number of jurymen be summoned, at the nod of a petty deputy-sheriff, that is necessary? And if any, at two days warning, tho' without an horse and cash, do not attend, at the distance of thirty, forty, or fifty miles, and stay the whole week, or till dismissed, upon their own cost, while they have nothing, or next to nothing to do; in a few days almost the only support of their poor families, except bread, must be seized by the officer. Is this justice? Is this to maintain the honor of government? Doth not righteousness, at this rate, spring up as poisonous hemlock in the furrows of the field? Doth it consist with justice, with mercy, with humanity, or with any thing laudable and praiseworthy, even among Pagans, to govern such infant settlements (or any other) by a law, in virtue of which a poor neighbour, at a small distance, may have his cow taken from him for a note of hand for three shillings with cost? Who that has one spark of humanity, but would sooner lose a dozen such trifling debts, than to be the maker, or executor of such a law? But I could wish many past things might be buried in oblivion, provided we might, with the consent of our neighbouring state, enjoy liberty and wholesome laws for the time to come. Is it then? I appeal to reason to conscience. Is it the mind of our gracious King, expressed in this perfect law of love and liberty, that we continue annexed to that state, against those principles of justice, resplendent in your consciences; and contrary to the most apparent interests of these territories? So speak ye, and so conduct in this weighty affair, as they that expect to be judged by this perfect law of liberty."

To return: With the exception of a bare half dozen towns along the Connecticut south from Bellows Falls, the entire population in the Grants had come in within fifteen years before 1777. The controversy over the titles and political jurisdiction had arisen and been in progress only within ten years.

Up to within five years before the Westminster Convention, the population was confined almost entirely to towns along the Connecticut on the East side of the mountains, and the southwest corner of the State on the west side.

A census taken by the sheriffs of Cumberland and Gloucester Counties in 1771 shows the entire population on the east side to number less than five thousand souls, with less than seven hundred and fifty heads of families.

Of the population on the west side, so far as I know no record exists, but some idea of the situation may be had from some affidavits and other documents. March 9, 1771, Lord Dummore, then Governor of the Province of New York, wrote to Lord Hillsborough:

“The inhabitants (on the New Hampshire Grants) now amount to between six and seven hundred families.”

Ebenezer Cole made an affidavit February 27, 1771, that he settled in Shaftsbury about six years before, and was one of the first settlers there, that when he went to Shaftsbury there were about twenty-five persons settled in the whole territory to the north of Shaftsbury, not more.

Simon Stevens made an affidavit March 2, 1771, that in 1764, there were very few settlers,—not above seventy families,—on the East side of the Mountains, and those along the River; and in the rest of the territory,

“to the farthest extent of the claims of New Hampshire on the West side of said River there was not at that time one inhabitant this Deponant verily believes, having been frequently over that Country, and was at that Time and is yet well acquainted with it.”

March 2, 1771, Samuel Wells made affidavit that he had lived at Brattleborough since July, 1762, was familiar with the Country, and that there are now ten times as many settlers in the tract formerly claimed by New Hampshire as there were in 1765.

From probably less than eight thousand in 1771 the population increased to about eighty-six thousand in the twenty years to the time the first complete census was taken, 1791.

What the relative increase per year was can only be guessed at, though it is certain it was more rapid in the latter part of the period.

Representatives from forty-five towns sat in some of the several conventions of 1776, and in the conventions of 1777 up to and including the Constitutional Convention of July 2, delegates from twenty-one more towns appeared and sat. Towns represented were from widely separated sections, from Colchester, Williston, Jericho, Newbury at the north; Addison, Bridport, Panton, Burlington on the Lake; Brattleboro, Rockingham, Windsor, Thetford

on the east; Pownal and Stamford at the south; Danby, Bromley, Hinesburgh, Woodstock, Pittsford, Clarendon, Wallingford, Hubbardton, Middlebury, Barnard, Cavendish, Corinth, Reading, Strafford, and towns between in the interior.

Such had been the change in five years from 1771.

That the idea that this territory would at some time become and be a District under a government by itself, separate and distinct from that of New Hampshire, New York, or any other province, was in the air,—a subject of discussion,—long before the record of any Convention suggests it, is shown in a peculiar way,—in a communication which in these days we call an endorsement for appointment to office; a request for political influence for a candidate.

On September 14, 1769, eleven clergymen attending a religious convention in New Haven, Connecticut, wrote to Sir William Johnson, Baronet, of New York, this letter:

“New-Haven 14 Sep^r 1769

“May it please your Excellency

“Whereas it has been expected, that the Lands to the Westward of Connecticut River, which were granted by Benning Wentworth Esquire late Governor of New Hampshire, (in which the Society for propagating the Gospel &^{ca} have considerable Interest) would be erected into a new Government and considerable Interest has been made in Favor of Partridge Thatcher Esq^r the Bearer hereof, that he might be made the first Governor thereof, and Application being made to this Convention in May last, to interest themselves in this Gentleman’s Favour, we (knowing his Worth, and firm Attachment to the present Establishment both in Church and State) did then write to the Society requesting their Interest with Administration in his Favour, should said Lands be erected into a Government.

“We now therefore ask your Interest to promote said Design should you in your Wisdom think proper,

We are

“May it please your Excellency

“Your Excellency’s most obedient

“And most humble Servants

Missionaries to the honorable Society for the Propagation of the Gospel in foreign Parts.	}	EBENEZER DIBBLEE	RICHARD MANSFIELD
		JOSEPH LAMSON	CHRISTOPHER NEWTON
		EBENEZER KNEELAND	JAMES SCOVIL
		RICHARD CLARKE	SAMUEL ANDREWS
			BELA HUBBARD
			JOHN TYLER
		SOLOMON PALMER.	

“To His Excellency,

“Sir William Johnson Bart”

The contentions of the New Hampshire grantees were not without support in opinions other than their own.

No less a person than Lord Shelburne wrote to the New York Governor Moore on the subject,—

“The Power of Granting Lands was vested in the Governours of the Colony originally for the purpose of accommodating not distressing settlers especially the poor and industrious any perversion of that Power, therefore must be highly derogatory both from the dignity of their Stations and from that disinterested Character which a Governor ought to support, and which His Majesty expects from every person honored by him With his Commission. The unreasonableness of obliging a very large Tract of Country to pay a Second Time the immense sum of thirty three thousand pounds in Fees according to the allegations of this Petition for no other reason than its being found necessary to settle the Line of Boundary between the Colonies in question is so unjustifiable that his Majesty is not only determined to have the strictest Enquiry made into the Circumstances of the Charge, but expects the clearest and fullest answer to every part of it”.

The claim of the New York Provincial Government that it had jurisdiction of the territory, and it alone could give valid title to the land, began to be asserted actively about 1765.

The provincial government of New Hampshire, up to about ten years of the Declaration, stoutly maintaining its jurisdiction over the land and the people, at last weakened.

“The governor of New Hampshire, at first, remonstrated against this change of jurisdiction; but was, at length, induced to abandon the contest, and issued a proclamation recommending to the proprietors and settlers due obedience to the authority and laws of the Colony of New York.”

The controversy over the land titles had reached a climax in 1770 when, in the trial at Albany of an ejectment suit between a person holding title under a New York grant and another holding title under an earlier New Hampshire grant for land in the territory which is now Bennington County, the New Hampshire grant had been held by the Court not to be evidence of title. Soon after report of these proceedings reached the Grants, a convention of the settlers was held at Bennington, where they resolved

“To support their rights and property which they possessed under the New Hampshire Grants against the usurpation and unjust claims of the Governor and Council of New York *By Force*, as law and justice were denied them.”

So, abandoned by the government that had created them, assailed by one of different "genius and customs", in an attempt to compel them to buy what they already owned, the few and scattered inhabitants were left to their own devices.

What those devices were can, perhaps, be as clearly understood by sketching a few of them in the words of the actors.

John Munro, a justice of the peace under the authority of New York, living in Shaftsbury, May 30, 1771, wrote to Governor Colden's Secretary Banyar:

"Sir:

"I inclose you different affidavits taken before me concerning the conduct of the Inhabitants of this Country in order that the Government may do something Speedily to prevent their Riotous behaviour every person that pretends to be a friend to this Government are in danger of both Life and property, for my own part I have done every thing that might be means to prevail, but all to no purpose for every act of Friendship that the Government and Ministers of Justice shows them seems to raise their Spirits as if the whole Government were afraid of them. They assemble themselves together in the night time and throws down all the Yorkers Fences &c as we are called and Drives the cattle into the Fields and meadows and destroys both Grass and corn, and do every mischief they can think of. Pardon the imperfection of this and the other papers herewith sent you as I am in confusion my House being full of Rioters and the Felon that Shot the Horse going to Goal which the Constable secured, and by his confession two more are concerned, but I doubt if we can secure them. I am in hast Sir

"Your Obed^t Servant

"JOHN MUNRO."

November 12, 1771, Alexander McNaughton, a justice of the peace under the authority of New York, issued a warrant growing out of an occurrence in Rupert reciting,

"County Albany ss:

"By Alex^r McNaughton Esq^r one of his Majestys Justices in & for said County.

"Whereas one Charles Hutchesson late Corporal in Col: Montgomerys highland regm^t of foot Compeared before me & being duly Sworn Deposeth and Saith.

"That upon the 29th day of Oct^r last or one or other of the days of said month the Deponent being at work upon a Lott of 200 acres of land granted him by Patent from under

the Seal of this Province of New York said land being vacant lying about 15 miles East of Hudsons river & 4 miles North of New Perth township in County Albany: There assembled Nine men who call themselves NEW HAMPSHIRE MEN about the Deponents house which he had built on said Lott and the Deponent observing all having fire arms & attempting to demolish his house he left his work came & earnestly desired them to stop whereupon one Sirnamed Allen, another Baker & one Sevil with Ro^t Cochran & 5 other names unknown to the Deponent said that they would burn it for that morning they had resolved to offer a burnt Sacrifice to the Gods of the world in burning the Logs of that house That then they kindled 4 fires on the Logs of the house Said Allen & Baker holding 2 clubbs over the Deponents head ready to strike Commanded him to leave that land & not say one word to them. That if ever he returned he should be barbarously used. That the fires being kindled said Allen & Baker Insolently said to the Deponent—Go your way now & complain to that Damned Scoundrel your Governor. Damn your Governour, Laws, King, Council & Assembly. That said Allen & Baker repeated said horrible curses. That when the Deponent reproved them for it the said Allen said Damn your Soul, are you going to preach to us—and further said That if ever any Constable attempted to arrest them they would kill them. That if ever any of them were put in Albany Goal they would break it down & rescue him, That then the Deponent fled to New Perth where he now resides with his family.

“That the Deponent is credibly informed they often boast they can on short warning raise many 100s New Hampshire men to prevent any Soldiers or others Settling on these lands & curse the regular troops—That said Rioters have also burnt down the house of one John Reid that same day, that 8 or 9 more familys were driven off their lands in the Deponents vicinity lately grant'd to them by N. York Government according to His Majestys Instructions. That said Expell'd people were all living in & about New Perth & suffer'd greatly by said Expulsion of said New Hampshire men who now claim said lands that the Deponent is also credibly Inform'd said Allen Denys the Being of a God & Denys that that there is any Infernal Spirit existing, & further Saith not.

“Sic Subscibitur

CHARLES HUTCHESON.

January 24, 1772, Benjamin Buck filed a deposition with Justice Munro:

“Albany ss: The information of BENJAMIN BUCK who being duly sworn saith that on or about the Beginning of this instant January he called at the House of Cap^t Stephen Fay

in Bennington Tavern keeper, for some refreshment for himself and Horse upon coming into the House he found a number of People in the House as if they were engaged in business, upon which the deponent asked, and if they were, he should go into another room, they all desired him to Join that their Business was not private upon which the deponent sat down amongst them; when Present Samuel Robinson of Bennington Ethen Allen of Salsbury Boston Government and Robert Cockrun formerly of Bennington, but at Present some whereabouts the Township called Rupert, with many other Persons; when the deponent went into the House the said Sam^l Robinson had the Governor's Proclamation dated at New York Dec^r 11th 1771, Reading of it to the Company and when he came to the following Paragraph 'whereas it is the ancient and incontestible right of this Colony to extent to Connecticut River as its Eastern Boundary, 'M^r Robinson was Pleased to say that he knew that to be a Damn lie, then he read on till he came to where His Excellency informs them of his receiving a letter from Governor Wentworth dated the 19th of Oct^r last, M^r Robinson in like manner assured the company that it was a grand falsehood, for he knew to the Contrary that the whole was a draught of Duanes and had been in a Draught for some years; after the Proclamation was read M^r Robinson asked the Deponent what he thought of it, to which the deponent answered and said, my oppinion is that York Government will hold all the lands, upon which the said Ethan Allen came up behind the Deponent and struck him three times and said you are a damn Bastard of old Munro's, we shall make a hell of His House and turn burn him in it, and every son of a—— that will take his part it's no wonder to suppose you one of that Principle for old Cole lives upon one side of you and old Willoghby the other side—the Deponent answered that if ie should be the right of New Hampshire, might would overcome right, M^r Allen said how can you be such a Damn fool have we not always overcome them, and one hundred miles to the Northward and if they shall ever come again we shall Drive them two hundred miles and send them to hell; upon their Reading the Governors name to the Proclamation. So your name is Tryon, tri on and be Damn he shall have his match if he comes here and many such Expressions and further the deponent saith not

“BENJAMIN BUCK”

David Wooster of New Haven, Connecticut, a Captain on half pay of His Majesty's 51st Regiment of Foot, on the 20th day of February, 1773, made a deposition, in which he said that having a grant from the Provincial Government of New York of about three thousand acres of land on the east bank of Lake Champlain, about five years since on visiting those lands he found five families

there settled, claiming under a grant of the New Hampshire Provincial Government. That he offered to let them remain if they would take leases from him, "which they absolutely refused to accept upon any terms whatsoever; but declared they would support themselves there by force of arms and they would spill their blood before they would leave the said lands." Whereupon he proceeded to serve declarations of ejectment returnable at Albany. Whereupon "they declared with one voice that they would not attend any court in the Province of New York nor would they be concluded by any law of New York respecting their lands, and asked the deponent how he would get possession after he had got judgment against them." And when he had told them he should bring the high sheriff to put him in possession, and apply for the assistance of the troops for the civil authority "they answered that if His Majesty's troops came to assist the civil officer to put any man in possession there they should have hundreds of guns fired at them, and that they further said it was the universal agreement of the people in that country, as the deponent understood, in this whole extent from north to south to defend themselves by force of arms in opposition to every attempt in support of the title to lands there under the Province of New York, and that they could raise multitudes of men for that purpose, sometimes mentioning a thousand, sometimes two thousand, and sometimes five hundred men." That one of the settlers expressed a willingness to submit and take a lease from him, whereupon that settler "was threatened by the rest of the company that if he did or acknowledged this deponent to be his landlord, his house should be burned over his head before the next morning."

Phillip Nichols, who undertook to live in Clarendon under the New York Grant of Socialborough, tells his experiences:

"Phillip Nichols of Socialborough in the County of Charlotte in the Province of New York being of Full age Deposeth and Saith.

That he in Company with his brother Purchased a Tract of land in the Township of Socialborough some years Past, and by their Industry have cleared and Cultivated such a Part thereof as would afford them a Comfortable Maintenance could they Enjoy it Peaceably, and the Deponent further saith, as he was Traveling the Road not Far from his Farm in the month of April last Past, where he was attacked by a man, one of those that call themselves the Mob and with a Club that he had in his hand Beat the deponent very much both with the club and with h's Fist, soon afterwards one Silvinas Brown and William Post, came to the Deponent when he was

at Work in his Field and Told the Deponent he had no Business there and that he should not work there no more, and ordered the deponent to pull down the Fences he had Put up with these and sundry other threatens the Deponent left the Field and the said Brown and Post went to Putting down the Fences and laid the Field waste; soon afterwards the said Brown, Post and one Michael Whitney Took Possession of the Deponants Farm and will not suffer the Deponant to go on it, being Deprived of Benefit of the law in this Part of the Country the Deponant is obliged to Work by days Work to Get his Bread and Further Saith not.

“PHILIP NICHOLS.”

A settlement was begun on the lower falls of Otter Creek about 1769 by New Hampshire Grantees. They were driven off by Colonel Reid, claiming the land under a New York Grant, and later,—on August 11, 1773, an event occurred which is described by one of Colonel Reid's tenants

“Dr Sir

We are Sorry to Acquaint you that Last night We Were over Poured By more Than one Hundred men Then it was Demanded That We should Emediatly Turn out Which We Were obliged To Doo, other Ways have all our Baggage Comited To The flames. Our Houses are all Brunt Doun. The Grist mill is All Put Down, The Mill Stones Brock and Throns in To The Creick, The Corn is all Destroed By There Horses, and When it was Proposed That We Shou^d Build houses and Keep Possion, They Threatned To Bind some of us To a Tree and Skin us Allive, Therefore We think its imposable To us To Live hear in Peace, Therefor as fast as Posable you must Acquaint The Colonel of the Contents and see What Most Be Done, it is imposable that We Can Stay hear With such Treatment.

This is all from
your Humble Servant

JAMES HENDERSON.

“Otter Creek August 12th 1773.
To M^r Mackentosh at Crown Point.”

The life of another New York Justice of the Peace, Benjamin Spencer of Durham, now Clarendon, is pictured by Jeremiah Gardner:

“JEREMIAH GARDNER of Durham in the Counte of Sharlote Being of ful age Deposeth and Sath,

“that on the 2 Day of August instance at night that he lodged at the Dwelling House of Squir Spenser and some time in the Still time of the night he heard a noys of people Round

about the House but saw no person but early in the morning he see Spencer's Cart turned over and a Slay on the top of it and a gallos arected on a Stomp hung up with achane and Several Sticks whipt or wore out a whipping the Stomp and lad a top of it, and further the Deponant Sath thare was much of the S^d Spencers fens throne Down and Seural posts puld up and carrat eight or teen Rods and much grane lade open to the common and a number of Cattle Destroying it and two horses in S^d Spencers paster hed thar mans and Tals cut and Disvegered and further Sath not.

“JEREMIAH GARDNER:

“August y^e 3 A D 1774.”

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A General Meeting of Committees from the towns was held at Manchester on the 12th and 13th days of April, 1774, at which a resolution was adopted

“that any person or persons in the New Hampshire Grants, under the present situation of affairs, that have or shall presume to take commission or commissions of the peace, shall, by the grantees in general, be deemed an enemy to their country and common cause, until his majesty's pleasure in the premises be further known,”

and copies of the record of such resolution delivered to the justices of the peace, among them Benjamin Hough.

“One Adams of Arlington became a partisan of New York and spoke in reproachful terms of the convention and of the proceedings of the Green Mountain Boys. He advised the settlers to submit to New York, and re-purchase their lands from that government. Being requested to desist, and disregarding it, he was arrested and carried to the Green Mountain tavern in Bennington. The committee, after hearing his defence, ordered him ‘to be tied in an armed chair, and hoisted to the sign, (a catamount's skin, stuffed, sitting upon the sign post twenty-five feet from the ground with large teeth, grinning towards New York,) and there to hang two hours in sight of the people, as a punishment merited by his enmity to the rights and liberties of the inhabitants of the New Hampshire Grants.’ This sentence was executed to the no small merriment of a large concourse of people; and when he was let down he was dismissed by the committee with the exhortation to ‘go and sin no more.’”

March 17, 1775, Benjamin Hough, the New York Justice of the Peace above mentioned, gave a deposition detailing his experiences:

“City of New York, ss. BENJAMIN HOUGH one of his Majesty’s Justices of the Peace for the County of Charlotte being duly sworn on the holy Evangelists of Almighty God, deposeseth & saith, that on or about the twenty Six day of January last past about eight o’clock in the morning, this Deponent being at some distance from His Dwelling House, but in view thereof observed three persons Stop at his door and enter his door and enter his Said House, this Deponent’s whole Family (except a child of about Six years of age) being absent; that immediately thereupon, this Deponent was attacked by about thirty persons a Number of whom were armed with Firelocks Swords and Hatchets: That upon their approach this Deponent attempted to get into his House to secure his arms and Stand upon his Defence but that this Deponent observing that Winthrop Hoyt of Bennington one of the three persons this Deponent had observed going into his House Stood at the Threshold of this Deponents Door, with this Deponents Sword and pistol in His Hands; he this Deponent found it would be to no purpose either to attempt to escape or to make Resistance. That thereupon Peleg Sunderland of the said County of Charlotte, came up to this Deponent with a Hatchet in his Hand and slapping this Deponent on the Shoulder told him he was his prisoner. That he the said Peleg Sunderland and the other persons who were with him forced this Deponent into a Sleigh and carried him about fifty Miles to the Southward of this Deponents place of Residence, to a place by them called Sunderland, where they kept this Deponent until the thirtieth of the said Month of January in close confinement part of the Time bound, and always under a strong Guard with drawn Swords. That Sylvanus Brown, James Meed, Samuel Campbell, one Devineles, one Powers, Stephen Meed one Cooly and one Lymen were among the persons who so Seized and detained this Deponent and with Respect to the Rest of them they were either Strangers to this Deponent, or he cannot recollect their Names at present. That while they had the Deponent so in Custody at Sunderland, some of the said Rioters informed this Deponent, that he could not have his Trial till the Monday following because they intended to send for Ethan Allen and Seth Warner who were then at Bennington and who are two of the principal Ringleaders of the Bennington Mob. That on the said thirtieth Day of January, the said Rioters appointed a Court for the Trial of this Deponent which consisted of the following persons (to wit) the said Ethan Allen, Seth Warner, Robert Cochran, Peleg Sunderland, James Meed, Gideon Warren and Jesse Sawyer, and they being seated ordered this Deponent to be brought before them as a prisoner—guarded by persons with drawn Swords. That thereupon the said Ethan Allen laid the three following Accusations to the Charge of this Deponent (to wit) 1st That this Deponent had complained to the Government of New York of their

(the Rioters) mobing and injuring Benjamin Spencer Esq^r and other person 2^{dly} That the Deponent had dissuaded and discouraged the people from joining the Mob in their proceedings and 3^{dly} That the Deponent had taken a commission of the peace under the Government of New York, and exercised his office as a Magistrate for the County of Charlotte, alledging that this Deponent well knew that they (the Mob) did not allow of any Magistrate there. That after the said accusations were so made the said Ethan Allen told the Deponent that he was at Liberty to plead for himself, if he had anything to say That this Deponent then demanded of him the said Ethan Allen and the rest of the pretended Judges whether he (this Deponent) had ever done Injustice to any Man in the Execution of his Office as Magistrate? To which they answered that they could not charge him with any Injustice in the execution of his Office, nor had they any complaint of that kind to make against him; the said Seth Warner in particular declaring that they would as willingly have him for a Magistrate as any Man whatever, but that they would not under their present circumstances suffer any Magistrate at all. That the Deponent then asked to said pretended Judges whether they could accuse this Deponent of busying himself or intermeddling with Respect to Titles of Lands? To which the said Ethan Allen answered; in the Negative and that they had not heard, nor did they pretend to charge him with any thing of that kind. That the Deponent then added that with respect to their three charges against him, that he admitted them to be true. That he had made such complaint to the Government of New York of the proceedings of the said Rioters against the said Benjamin Spencer and others. That he had used his Endeavors to dissuade people from joining the said Rioters in their proceeding, and that he had accepted a Commission from the said Government for and exercised the office of a Magistrate for the said County of Charlotte, and that all this he had a good Right to do and looked upon as his duty. That after some farther argumentation the said pretended Judges withdrew to another House to consider of their Judgment and in about two or three hours returned to the door of the House, where the Deponent remained, and ordered him to be brought out near a Tree, where the said pretended Judges placed themselves encircled by a Number of armed men, into the Midst of which Circle this Deponent was conducted as a prisoner by four men with drawn Swords, and that thereupon the said Ethan Allen who all along acted as the chief or principal judge pronounced the following sentence against this Deponent, which he read from a paper, which he held in his hand to wit, That they had erected a combination of judicious men for his trial and had accused him in the Manner before mentioned (repeating the accusation) That the Deponent had pleaded Self Justification which they (the said pretended Judges) had found insufficient to

excuse him from punishment, and that therefore their Judgment was that the Deponent should be tyed up to a Tree and receive two hundred lashes on the naked Back, and then as soon as he should be able should depart the New Hampshire Grants and not return again upon pain of receiving five hundred Lashes. That upon some persons observing that he this Deponent ought not to be suffered to return while Matters remained in their present condition, the said Allen added no, not 'till his Majesty's pleasure shall be known in the premises. That thereupon this Deponent immediately had his Clothes taken off and he was stripped to the skin, and four persons being by the said pretended Court appointed to carry the said sentence into Execution this Deponent accordingly received two hundred Lashes on his naked Back with whips of cords; which Lashes were inflicted by each of the said Executioners giving the Deponent alternately a Number of lashes, tho' at the close he thinks he received from each of them ten. That the said Robert Cochran who declared himself to be Adjutant of the Rioters stood during the whole scene near this Deponent and frequently urged the said Executioners to lay on their Blows well and to strike harder and particularly repeated such Directions with respect to the last ten inflicted by each of the said Executioners. That it was often mentioned by some of the Rioters, that if any of this Deponents Friends should intercede or in any Manner favour him they should share the same Fate. That the aforesaid Winthrop Hoyt of Bennington who professed himself to be Drum Major Abel Benedict of Arlington and John Sawyer and a person whose Name this Deponent could not learn were the four persons who so whipped this Deponent. That this Deponent was very much wounded and bled considerably by the said abuse; And the Deponent being very faint was put into the care of one Doctor Washburn who conducted him into a House. That the Deponent declared to the Rioters, that it was a great Hardship, that he was not suffered to take care of his Interest & Child who was left without Father or Mother; the deponent's wife being absent on a distant visit to her parents. That the Rioters notwithstanding insisted that the sentence should be put in Execution and the Deponent leave the Country accordingly. And the Deponent further saith that after he had been so abused the said Ethan Allen delivered him a paper in writing signed by him and Seth Warner in the words and figures following to wit,

'Sunderland January the 30th Day A. D. 1775. This may certify the Inhabitants of the New Hampshire Grants that Benjamin Hough hath this Day rec'd a full punishment for his crimes committed heretofore against this Country and our Inhabitants are ordered to give him the sd Huff free and unmolested Pasport toward the City of New York or to the

Westward of our Grants he behaving as becometh Given under our Hands the Day and Date aforesaid.

‘ETHEN ALLEN
‘SETH WARNER’

And he this Deponent having recovered his strength the next Day proceeded on Foot on his Journey towards the City of New York. That while this Deponent was in custody of the said Rioters he heard the said Ethan Allen say, that he expected they should be obliged to drive off all the Durhamites (meaning the Inhabitants of the Town of Durham in the County of Charlotte) That this Deponent frequently heard the said Rioters Declare that they would have little Walker (meaning Daniel Walker) and Thomas Bracton (the Constable that served under this Deponent) if they could be found above Ground and that they further threatened that they would for the future be more severe with the damned Yorkers (meaning persons who would not join with them in their riotous proceedings) and would whip them within an inch of their Lives. That for the future they would not be at the trouble and expense of giving them a Trial; but that the persons who met with should punish them immediately. That this Deponent while he was so confined heard the said Rioters further declare, that they were sorry that they had not inflicted upon Doctor Adams (who lived in Arlington and against whom they had taken offence) five hundred lashes instead of hoisting him up & exposing him upon Landlord Fay's sign post, where was fixed a dead Catamount. That this Deponent also heard the said Ethan Allen declare in the said Mob that he expected shortly to have a fight with the damned Yorkers, for that they would hear how the Mob had abused their Magistrates, but that he believed them to be damned Cowards or that they would have come out against them long before. That this Deponent on his way to New York called at the house of Bliss Willoughby and Ebenezer Cole Esq^r two of his Majesties Justices of the Peace for the County of Albany residing near Bennington. That he found them armed in great Distress and Danger and having people in their Houses ready to take arms in their Defence in Case they should be attacked by the Rioters, which as they assured this Deponent they hourly expected. That this Deponent on his way to New York also called at Pownal Town part of which lies within the Manor of Renselaerwyck as this Deponent has been informed by the Inhabitants of the said Town (who were) in great Commotion and uneasiness on account of the said Rioters. That he understood from some of the said Inhabitants, that they had agreed to take leases for their possession under the proprietor of the said Manor, but that they dared not for fear of the said Rioters who had threatened them severely and one of the said Inhabitants in particular told this Deponent that he had taken a Lease for

his Farm of the said proprietor but should on that account be obliged to give it up. That when this Deponent left the said Pownal Town he met George Gardiner Esq^r of Pownal Town aforesaid also one of his Majesty's Justices of the peace for the said County of Albany who told the Deponent that the State of the said Town was very dangerous and difficult, that he expected every day to be prevented by the Rioters from exercising his office. That he was apprehensive that unless Government should give them some protection many of the Inhabitants of the said Town would join the said Rioters and earnestly entreated this Deponent to exert his utmost endeavours to procure such protection. That this Deponent on his way to New York conversed with James Clark who was in his employ and who informed this deponent (and which Deponent verily believes to be true) that since this Deponent was so seized by the said Mob John Lord, Joseph Randel & Clark three of this Deponents Neighbours had been very much abused and insulted by the said Mob, and that the said John Lord was turned out of his possession and obliged to fly the Country And the Deponent further says that the said Mob robbed him of his arms to wit, a Hanger and pistol which he has not been able since to procure. And the Deponent further saith that he has frequently been informed and verily believes it to be true that the said Rioters have a design to put an End to Law and Justice in the County of Cumberland and that they went so farr as to appoint a Day upon which to make the Attempt: but it did not then take place and further the Deponent Saith not.

“BENJAMIN HOUGH.”

Notwithstanding the situation and conditions portrayed by the various depositions and complaints, and especially the certificate in the matter of Squire Hough, before quoted, it appears from the Journal of the Provincial Congress of New York that on July 4, 1775,

“The Congress resumed the consideration of the resolves of the Continental Congress, bearing date the 23d instant; and after some time spent therein, the Congress was informed that Ethan Allen was at the door and desired admittance.

“Mr. Sears then moved in the following words: I move that Ethen Allen be permitted to have an audience at this Board.

“And debates arising thereon, and the question being put, it was carried in the affirmative in the manner following: affirmative 18; negative 9.

“Ordered, That Ethan Allen be admitted.

“Seth Warner was also admitted at the same time. He delivered a list of officers, which is filed.

“Ethan Allen and Seth Warner having been heard, they withdrew.

“Ordered, That in consequence of a recommendation from the Continental Congress, a body of troops not exceeding five hundred men, officers included, be forthwith raised of those called Green Mountain Boys; that they elect all their own officers, except field officers that Major-General Schuyler be requested to forward this order to them, and receive from them a list of such officers as they shall elect, to be communicated to this Congress; * * * That the said troops, when raised, be considered as an independent body. * * *

“A letter from General Schuyler was received and read, and is in the words following:

‘GENTLEMEN—As I am ordered by the Continental Congress to liquidate the accounts of the people employed in the reduction of Ticonderoga, that they may be paid, and as Messrs. Allen and Warner were concerned, there will be money due to them, and as they are in want of some, I could wish you to advance them thirty pounds, and to make it a Continental charge, to which I shall debit them in their account with the public.

‘I am, gentlemen,

‘your most obedt. humble servt.

‘PH. SCHUYLER.

‘New-York, June 4, 1775.

‘To the gentl. of the New-York Provincial Congress.

“Thereupon an order was made to the President in the words following, to wit: * * *

“Ordered, that Peter Van Brugh Livingston, Esqr. be requested to advance £30 to the said Ethan Allen and Seth Warner, and take their receipt for the same.”

On the 26th of July, 1775,

“At a meeting of the committees of the several townships of the New Hampshire Grants, west of the range of the Green Mountains, convened at the House of Mr. Cephas Kent, innholder, in the township of Dorset, July 26, 1775, voted as follows:

* * *

“4th. Chose Mr. Seth Warner Lieutenant Colonel for the regiment of Green Mountain Boys by a majority of forty-one to five.

“5th. Chose Mr. Samuel Safford Major for said regiment by a majority of twenty-eight to seventeen. * * *

A copy of the record of the proceedings of this convention was forwarded to General Schuyler in a letter reading as follows:

“MAY IT PLEASE YOUR HONOR:—In compliance with the orders of Congress, as well as your recommendation, I

enclose the proceedings of our committee meeting on the New Hampshire Grants, upon due notice to the towns in general—all which is humbly submitted to your wisdom, not doubting but the warrants will issue agreeable to our wishes.

“We are your most obedient,

“In behalf of the committee,

“NATHAN CLARK, *Chairman.*”

On the 15th of August, 1775, a letter dated the 31st of July preceding was received by the Provincial Congress of New York from General Schuyler, transmitting the above letter from the Chairman of the Vermont Convention and the record of the proceedings, and saying:

* * *

“The clothing and tents, for the Green Mountain Boys, I wish you to forward as soon as possible.”

He also enclosed a copy of a letter from himself to Nathan Clark, Chairman:

“HEADQUARTERS,

Ticonderoga, July 21, 1775.

“SIR—Your letter, dated Dorset 28th, July, had been delivered to me by Capt. Fitch, together with the votes that were enclosed.

“The choice of the captains and lieutenants being left unconditional to the people, those chosen will receive their warrants as soon as they come to my hands; and that the levying of the men may not be retarded, you will signify to them that I hereby empower them immediately to proceed to that business, without waiting for the warrants.

* * *

“The votes I shall immediately transmit to Congress, that they may approve of the field officers, or appoint others out of your body, as they may think proper.

“I am, sir, your humble servt.

“PH. SCHUYLER.

“To Mr. NATHAN CLARK, Chairman, &c.”

The Journal of the Provincial Congress then shows:

“Ordered, That blank warrants be sent to Gen. Schuyler for the seven captains and fourteen lieutenants, of the troops to be raised by this Colony, from among those called the Green Mountain Boys.

“Ordered, That Gen. Schuyler be requested and authorized to appoint a lieutenant-colonel, or major, or both, for the troops to be raised by this Colony, from among those called Green Mountain Boys, when such a number of them are raised as (in his opinion) shall make it necessary.

“Resolved, That when the Green Mountain Boys are raised, each of them shall be furnished with a coat, and that Mr. Peter T. Curtenius be requested to purchase coarse green cloth for that purpose, and red cloth sufficient to face those coats, and to have two hundred and twenty-five coats, of a large size, made of the said cloth.”

The Journal of the Provincial Congress for the first day of September, 1775, contains:

* * *

“Resolved, That Seth Warner be appointed lieutenant-colonel of the said regiment of Green Mountain Boys.

“And Resolved, That Samuel Safford be appointed major of the said regiment.”

The Green Mountain Boys, to the number of about four hundred under the command of Warner, and Ethan Allen with a force of Canadians, were in the Continental Service under General Montgomery in Canada in the vicinity of St. Johns and Montreal in the Fall of 1775. On the 18th of September, 1775, Ethan Allen, with a small detachment was taken prisoner at St. Johns. Sometime in October, Warner, with about three hundred of the Vermont men, defeated General Carleton at Longueuil.

On the 10th day of December, 1775, a notice was circulated among the towns on the west side of the mountains:

“to warn the inhabitants on the said N. Hampshire Grants west of the range of Green Mountains, to meet together by their Delegates from each town at the House of Mr. Cephus Kent's in said Dorset on the sixteenth day of January next, at nine o'clock in the morning, then and there to act on the following articles,

* * *

“3^d. To see if the Law of New York shall have free circulation where it doth (not?) infringe on our properties, or Title of Lands, or Riots (so called) in defense of the same.

* * *

“5th. To see if they will choose an Agent, or Agents, to send to the Continental Congress.

“6th. To see whether the Convention will consent to associate with N. York, or by themselves, in the cause of America.”

Meanwhile other and larger events were brewing; on the Grants as well as in Massachusetts and other Colonies.

“At a meeting of the Inhabitants of the Town of Chester Duly Notified and meet at the usual place of Meeting Octo.^r 10th 1774.”

“At said meeting Resolved first That the People of America are Naturally Intitled to all the Priviledges of Free Borne Subjects of Great Britain, which Priviledges they have Never Forfeited.

“2^{ly} Resolved that Every Mans Estate Honestly Acquired is his Own and no person on earth has a Right to take it Away without the Proprietor Consent unless he forfeit it by Some Crime of his Committing

“3^{ly} Resolved that all Acts of the British Parliament Tending to take Away or Abridge these Rights Ought not to be Obeyed

“4^{ly} Resolved, that the People of this Town will Joyn with their Fellow American Subjects in Opposing in all Lawfull ways Every Incroachment of their Natural Rights

“Then the meeting was Desolved

‘ Test Tho Chandler Moderator’”

At a County Convention held at Westminster October 19th 1774, among other things it was

Resolved, “III. That considering the late Acts of the British Parliament for blocking up the port of Boston, &c., which we view as arbitrary and unjust, inasmuch as the Parliament have sentenced them unheard, and dispensed with all the modes of law and justice which we think necessary to distinguish between lawfully obtaining right for property injured, and arbitrarily enforcing to comply with their will, (be it right or wrong,) we resolve to assist the people of Boston in the defence of their liberties to the utmost of our abilities.”

At a meeting of the inhabitants of Dummerston October 29, 1774, action was had as shown by the town records:

“On the 28th of October, A. Dom. 1774, Lieut. Leonard Spaulding of the town of Fullham alias Dummerston, was Committed in the Common goal for high treason against the British tyrant George the third, by the direction of the infamous Crean Brush, his attorney, & Noah Sabin, William Willard, and Ephraim Ranney, Esqrs., and Wm Paterson the high shreeve, and Benj. Gorton, and the infamous Bildad Easton, and his Deputies; upon which, on the following day, viz. October the 29th, a majority of the inhabitants met on the green, and made Choice of Sundry persons to Serve as a Committee of Correspondancy to joyne with other towns or

respectable bodies of people, the better to secure and protect the rights and privileges of themselves and fellow-creatures from the raves and imbrassments of the British tyrant, & his New York and other immesaries.

“The persons made choice of were these, viz., Solomon Harvey, John Butler, Jonathan Knight, Josiah Boyden & Daniel Gates, by whose vigilance & activity Mr. Spaulding was released from his Confinement after about eleven days: the Committee finding it Necessary to be assisted by a Large Concourse of their freeborn Neighbours and bretherin, Consisting of the inhabitants of Dummerston, Putney, Guilford, Halifax and Draper, (Wilmington), who discovered a patriotic Zeal & true heroic fortitude on the important occation. The plain truth is, that the brave sons of freedom whose patience was worne out with the inhuman insults of the imps of power, grew quite sick of diving after redress in a Legal way, & finding that the Law was only made use of for the Emolument of its Creatures & the immesaries of the British tyrant, resolved upon an Easier Method, and accordingly Opened the goal without Key or Lockpicker, and after Congratulating Mr. Spaulding upon the recovery of his freedom, Dispersed Every man in pease to his respective home or place of abode. The afforgoing is a true and short relation of that Wicked affair of the New York, Cut throatly, Jacobitish, High Church, Toretical minions of George the third, the pope of Canada & tyrant of Britain.”

A second County Convention of Cumberland County met at Westminster November 30, 1774, and

“Immediately after (the convention of October 30, 1774), the people of the county aforesaid received the resolves of the continental congress. They called a county congress, and did adopt all the resolves of the continental congress as their resolves, promising religiously to adhere to that agreement or association.” (Of October 14 and October 24, 1774.)

* * * * *

On the 13th day of March, 1775, three days before Benjamin Hough made the affidavit above recited, at Westminster William French had been killed in an affair which was afterward described by the citizens of Rockingham as “the shedding the first blood that was shed in America to support Brittannic Government, at the Horrid and Never to be for Get Massacre Committed at Westminster Cortt House on the Night of the 13th of March 1775.”

Of this event Governor Colden, within a month, in his official dispatches to Lord Dartmouth, said:

“ It is proper your associate should be informed that the inhabitants of Cumberland County have not been made un-

easy by any dispute about the Title of their Lands. * * *
The rioters have not pretended any such pretext for their
conduct. * * * Yet I make no doubt they will be joined by
the Bennington Rioters, who will endeavor to make one
common cause of it, though they have no connection but in
their violence to Government.”

At a meeting of committees from towns on the east side of the
range of Green Mountains, at Westminster, on the 11th of April,
1775, it was:

* * * * *

“3. VOTED, as our opinion, That our inhabitants
are in great danger of having their property unjustly, cruelly,
and unconstitutionally taken from them, by the arbitrary
and designing administration of the government of New York;
sundry instances having already taken place.

“4. VOTED, as our opinion, that the lives of those
inhabitants are in the utmost hazard and imminent danger,
under the present administration, Witness the malicious and
horrid massacre of the night of the 13th ult.

“5. VOTED, as our opinion, That it is the duty of said
inhabitants, as predicated on the eternal and immutable law
of self-preservation, to wholly renounce and resist the ad-
ministration of the government of New-York, till such time
as the lives and property of those inhabitants may be secured
by it; or till such time as they can have opportunity to lay
their grievances before his most gracious Majesty in Council,
together with a proper remonstrance against the unjusti-
fiable conduct of that government; with an humble petition,
to be taken out of so oppressive a jurisdiction, and, ether
annexed to some other government, or erected and incorpor-
ated into a new one, as may appear best to the said inhabitants,
to the royal wisdom and clemency, and to such time as his
Majesty shall settle this controversy.”

At a full meeting of the delegates from the several towns in
the County of Cumberland, at Westminster, June 6, 1775, it was:

“1. Resolved, nem. con., That the late Acts of the
British Parliament, passed in order to raise a revenue in
America, are unjust, illegal, and diametrically opposite to
the Bill of Rights, and a fundamental principle of the British
Constitution, which is, ‘that no person shall have his property
taken from him without his consent.’

“2. Resolved, nem. con., That we will resist and op-
pose the said Acts of Parliament, in conjunction with our
brethren in America, at the expense of our lives and fortunes,
to the last extremity, if our duty to God and our Country
requires the same.”

On the 29th day of March, 1775, Major John Brown, of Pittsfield, Massachusetts, wrote to a committee:

“One thing I must mention as a profound secret. The Fort at Ticonderoga must be seized as soon as possible. * * * The people on the New Hampshire Grants have engaged to do this business, and in my opinion are the most proper persons for the job.”

On the 18th of April, 1775, was the fight at Lexington.

And on the 29th day of April following, Major Brown and Colonel James Easton, at Colonel Easton's hotel in Pittsfield, arranged with a body of men from Pittsfield and vicinity to assist Allen in carrying out the plan discussed and laid between him and Brown at least three weeks before the Concord fight for the capture of the British fortress at Ticonderoga, which plan the Green Mountain Boys, with about fifty men from Pittsfield and vicinity, with Ethan Allen, James Easton, Seth Warner, and John Brown as leaders, executed within ten days, as well as effecting the capture of the great fortress and works constructed by General Lord Amherst at Crown Point.

The convention by the notice of December 10, 1775, called for January 16, 1776, at Dorset, met as notified, and continued in session two days, and took no action on the 3d article of the warning. Among other proceedings, it

“VOTED, To represent the particular case of the Inhabitants of the N. Hampshire Grants to the honorable the Continental Congress by Remonstrance and Petition,” and

“VOTED, Messrs. Simeon Hathaway, Elijah Dewey, and James Breakenridge, (of Bennington,) or either two of them, be and are hereby appointed a Committee with power to warn a General Meeting of the Committees on the Grants when they shall judge necessary from Southern intelligence.

“And that Col. John Strong, Zadock Everest and Asahel Ward, (of Addison,) be a like Committee with like power of warning such General Meeting of Committees in the Grants when they shall judge necessary from northern intelligence.”

The first committee so appointed, on the 24th of June, 1776, issued a notice:

“These are to warn the several Inhabitants of the N. Hampshire Grants on the West side, and to desire those on the east side the Range of Green Mountains, That they meet by their several delegates in General Convention, to be held

at the dwelling House of Mr. Cephas Kent, inn-holder in Dorset, on Wednesday, the twenty-fourth day of July next at 8 o'clock in the forenoon, to act on the following articles,

* * * * *

“4th. To know the minds of the Convention, relative to their associating with the province of N. Hampshire.

“5th. In case the last article be objected to: Whether said Convention will agree to an association (not repugnant to that of the Continental Congress) and subscribe thereto, to do duty in conjunction with the Continental Troops (only) as Members of the District of Land which they inhabit.

* * * * *

“And 8th. To transact any other business that shall be thought necessary and in the power of S^d Convention for the safety of the liberties of the Colonies in General and the N. Hampshire Grants in particular.”

This convention of delegates, all from the west side of the mountains, met July 24, 1776, as notified and continued in session three days, and among other business voted:

“1st. That not more than one person be allowed to speak at the same time, and only by leave of the Chairman.

* * * * *

“Proceeded to the consideration of the fifth article of the Warrant, and

“Resolved, That application be made to the inhabitants of said Grants to form the same into a separate District, dissentients only one.

“Voted, To choose a Committee to treat with the Inhabitants of the New Hampshire Grants on the East side of the range of Green Mountains, relative to their associating with this body.

“Resolved, That it be, and it is hereby recommended to the several inhabitants on the New Hampshire Grants (who are friends to the liberties of the United States of America) that they subscribe the Association agreed on, and signed by the several Members of this Convention, and return the same to the Clerk thereof as soon as may be.”

“This Convention being fully sensible that it is the Will and Pleasure of the honorable the Continental Congress, that every honest Friend to the Liberties of America, in the several United States thereof, should subscribe an Association, binding themselves as Members of some Body or Community to stand in the defence of those Liberties; and Whereas it has been the usual custom for individuals to associate with the Colony or State which they are reputed members of: Yet nevertheless the long and spirited Conflict, which has for many years subsisted between the Colony or State of New York, and the inhabitants of that District of Land, Commonly

Called and known by the name of the New Hampshire Grants, relative to the title of the Land on said District, renders it inconvenient in many respects to associate with that Province or State, which has hitherto been the sole reason of our not subscribing an Association before this.

* * * * *

“We the subscribers inhabitants of that District of Land, commonly called and known by the name of the New Hampshire Grants, do voluntarily and Solemnly Engage under all the ties held sacred amongs Mankind at the Risque of our Lives and fortunes to Defend, by arms, the United American States against the Hostile attempts of the British Fleets and Armies, until the present unhappy Controversy between the two Countries shall be settled.”

* * * * *

“Resolved, Unanimously, That any person or persons inhabitants of the New Hampshire Grants that shall in future subscribe and return an Association to any the Committee or Committees of Safety for either of the Counties in the province of N. York, or to the provincial Congress thereof, otherwise than the Association contained in those Records and subscribed by the several Delegates of this Convention, shall be deemed enemies to the Common Cause of the N. Hampshire Grants.

“Resolved, That nine persons be chosen as a Committee of Appeals, who are to hear and determine such matters as may be properly exhibited to them (in writing) by any of the inhabitants of the New Hampshire Grants relative to the cause of American Liberty, by way of proper appeal from the judgment of either of the Committees of Safety on said Grants, any five of which Committee to be a Quorum. * * *”

“Lastly Resolved, To adjourn this Convention, and to meet at this place on Wednesday, the 25th day of September next at 8 'oclock in the Morning.”

On the 25th day of September, 1776, at Cephas Kent's in Dorset,

“At a General Convention of the Several Delegates from the Towns on the West side the range of Green Mountains the 24th day of July last, consisting of fifty-one Members, representing thirty-five towns, and held this day by adjournment by the representatives on the West and East side of the said range of Green Mountains;”

which was in session four days; among other things it was

“1st. Voted, That the records and proceedings of this Convention held at this place, from the 16th of January, 1776 to this time, be read to give light to those Gentlemen Dele-

gates from the East side of the Green Mountains in particular and the whole in general.

* * * * *

“5th. Voted, That no member of this Convention be permitted to speak more than three times to one case (at one sitting) without leave of the Board.

* * * * *

“7th. Voted, To take the following vote passed in July 24th, 1776, into consideration (viz.) ‘Proceeded to the consideration of the fifth article of the Warrant, and voted that suitable application be made to form that District of Land, commonly called and known by the name of the New-Hampshire Grants, into a separate District;’ passed in the affirmative—not one dissenting vote.

“8th. Voted, That Col^o Wm. Marsh, Dr. Jonas Fay, Doct. Reuben Jones, Capt. Ira Allen, Col^o Thomas Chittenden, Col^o Benjamin Carpenter and Col^o James Rogers be a Committee to form a plan for future proceedings and report to this Convention as soon as may be.”

* * * The Committee reported:

“A Covenant or Compact ought to be entered into by the Members of this Convention for themselves and their Constituents, to be governed and regulated by such rules as may be agreed on by the majority, (viz.):

“To regulate the Militia; To furnish troops according to our ability, for the defence of the Liberties of the United States of America.

“To return the numbers of the inhabitants on this District to the Continental Congress, and at all times to be governed by their Councils.

“A number of men to be elected to wait on the Honble Continental Congress with such Petitions as shall be agreed on by this Convention.

“To make suitable provisions that the whole of the inhabitants on Sd N. Hampshire Grants on each side of the Green Mountains be notified and have proper opportunity to join and coincide with the measures taken and to be hereafter taken for the benefit of forming Sd district into a separate State.

“As the troublesome and aged conflict existing between the State of New York and that District of Land commonly called and known by the name of the New-Hampshire grants relative to the title of lands on Sd district has not yet subsided,

“We do therefore vote that any law, or laws, Direction or Directions we may (for the time being) receive from Sd State of N. York will not in future be accepted neither shall we hold ourselves bound by them.

“Some measures to be entered into for the better securing the Tories in Sd District.

“That the Militia officers on each side the Mountains continue in their stations and after executing the orders to them heretofore received from the State of New York, to be under the direction of this Convention,”

and the report was accepted.

* * * * *

“23^d. Voted, That the Committee of Safety for the several towns on the District of the N. Hampshire Grants, be and are invested with the same authority as other Committees of Safety for other Towns in any of the Free States of America.

“24.th Voted, That a sufficient Goal be built on the West side of the range of Green Mountains, at some place, that shall be hereafter agreed on, for securing Tories.”

“25th. A Committee was appointed “to assign a place to erect a Goal as above, and provide some way to effect the same as soon as may be, and report to this Convention,”

which committee reported:

“It is hereby recommended to this Convention that a Goal be erected in the Township of Manchester; * * * for the confinement of Tories, and other offenders that may be adjudged to be confined: * * *

“And that some suitable person or persons be appointed to see the performance of the above strong hold; and to be retaliated * * * therefor by this Convention, or as they in their great wisdom shall order.”

and * * *

“26th. Voted, to accept the above report.

* * *

* * *

“29th. Voted, That Mr. Simeon Hathaway, Dr. Jonas Fay, Nathan Clark, Esq., Lieut. Joseph Bradley, Lieut. Martin Powell, Mr. Cephas Kent, Capt. Joseph Bowker, Capt. Joseph Woodward and Nehemiah How be a committee of War.

“30th. Voted, That the several Colonels on the west side of the range of Green Mountains issue their orders immediately to their several Captains under them to muster their companies, and to take the number of men gone in the service, and what service, and how many at home, and their arms, accoutrements and ammunition, and the Colonels to make their return to the Committee of War, and the Committee of War to this Convention.

* * * * *

“34th. Voted, That the Committee of War be and are empowered to issue their warrants in the name and by the authority of this Convention, to the several field officers of the Militia on the district of N. Hampshire Grants, that on any sufficient notice received from the General or Commander in Chief of any of the armies of the United States of America, the Honorable Continental Congress, or on any sudden emergency that shall be judged by s^d Committee of War to be for the immediate safety of the Grants, requesting the assistance of the Militia, and march immediately to the relief of such part of the Continent as they may be required to. And in case any person legally notified justly belonging to any or either the Companies of the Militia on s^d District shall refuse on such notifications to attend and perform the duty enjoined on him or them by the officers of the Regiment to which he or they do or may belong, that they be fined unless sufficient excuse be rendered to the Committee of War.

* * *

“47th. Voted, to adjourn this Convention to Wednesday, the 30th Oct^r next, to be held at the Court House in Westminster, at 10 o'clock in the forenoon.”

The convention met at the Court House in Westminster October 30, 1776, * * * according to the adjournment, and was in session two days, and

* * *

“3^d. Voted, That Mr. Ebenezer Hoisington, Mr. Joshua Webb, Capt. Ira Allen, Capt. William Fitch and Doct. Reuben Jones be a Committee to draw a plan for further proceedings of this Convention; and make a report as soon as may be.”

This committee reported:

“It is the opinion of this Committee that, by the reasons of the incursions of the Enemy, and that the Militia of this State have lately been called, and are now going to the relief of their distressed Brethren at Ticonderoga, and the Northern frontiers of this State, and that several of the Members of this Convention are more immediately called on to the relief of their families, &c., which has so far taken up our attention, and the attention of the People at large, that we have not collected the full sentiments of the People.

“It is not proper, therefore, to proceed to complete the Petition to the Hon^{ble} the Grand Council of the United States of America, or to fill up the Committee for the purpose of delivering S^d Petition.

“That an answer be made to a Pamphlet dated the 2^d October, 1776, and sent from the Hon^{ble} the Provincial Con-

gress of the State of New York to the County of Cumberland, and with S^d answer a Pamphlet setting forth the advantages that would arise to the people at large on the district of the New Hampshire Grants, by forming into a separate State, be wrote, printed and communicated to the inhabitants as soon as may be.

“That a Manifesto be put in the public newspapers setting forth the reasons, in easy terms, why we choose not to connect with New York,”

and it was:

* * *

“8th Voted, To accept the above report.

* * *

“15th. Voted, To adjourn this Convention to the third Wednesday of January next at 10 o'clock in the Morning, to be held at this place.”

On the 15th the third Wednesday of January 1777, at Westminster Courthouse, the convention opened according to adjournment, and was in session three days. Among other matters it was:

* * *

* * *

“4th. Voted, That Lieut. Leonard Spaulding, Mr. Ebenezer Hosington and Major Thomas Moredock be a committee to examine into the numbers that have voted for the district of the New Hampshire Grants to be a separate state from New York, and how many are known to be against it, and make report to this convention as soon as may be.”

This committee reported:

“We find by examination that more than three-fourths of the people in Cumberland and Gloucester counties, that have acted, are for a new state; the rest we view as neuters.”

* * *

“6th. Voted, N. C. D., That the district of land commonly called and known by the name of New-Hampshire Grants, be a new and separate state; and for the future conduct themselves as such.

“7th. Voted, that Nathan Clark, Esq., Mr. Ebenezer Hosington, Capt. John Burnham, Mr. Jacob Burton, and Col. Thomas Chittenden, be a committee to prepare a draught for a declaration, for a new and separate state; and report to this convention as soon as maybe.”

* * *

The Committee made its report:

“RIGHT 1. That whenever protection is withheld, no allegiance is due, or can of right be demanded.

“2^d. That whenever the lives and properties of a part of a community have been manifestly aimed at by either the legislative or executive authority of such community, necessity requires a separation. Your committee are of opinion that the foregoing has, for many years past, been the conduct of the monopolizing land traders of the colony of New York; and that they have been not only countenanced, but encouraged, by both the legislative and executive authorities of the said state or colony. Many overt acts, in evidence of this truth, are so fresh in the minds of the members, that it would be needless to name them.

“And whereas the Congress of the several states did, in said Congress, on the fifteenth day of May, A. D. 1776, in a similar case, pass the following resolution, viz. ‘Resolved, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government, as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general,’—Your Committee, having duly deliberated on the continued conduct of the authority of New York, before recited, and on the equitableness on which the aforesaid resolution of Congress was founded, and considering that a just right exists in this people to adopt measures for their own security, not only to enable them to secure their rights against the usurpations of Great-Britain, but also against that of New York, and the several other governments claiming jurisdiction of this territory, do offer the following declaration, viz.:

“This Convention whose members are duly chosen by the free voice of their constituents in the several towns, on the New-Hampshire Grants, in public meeting assembled, in our own names, and in behalf of our constituents, do hereby proclaim and publicly declare that the district of territory, comprehending and usually known by the name and description of the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be considered as a separate, free and independent jurisdiction or state; by the name, and forever hereafter to be called, known and distinguished by the name of N^w CONNECTICUT; * * and that the inhabitants that at present are, or that hereafter may become resident, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities and enfranchisements as are allowed; and on such condition, and in the same manner, as the present inhabitants in future shall or may enjoy; which are, and forever shall be considered, to

be such privileges and immunities to the free citizens and denizens as are, or, at any time hereafter, may be allowed to any such inhabitants of any of the free and independent states of America; And that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established at the next adjourned session of this convention."

"10th. Voted, N. C. D. ,to accept the above declaration.

* * *

"19th. Voted, That Mr. Ebenezer Hoisington, Mr. Benj^a Emmonds, Lieut. Leonard Spaulding, and Mr. Stephen Tilden be a Committee to draw a letter forbidding the Delegates from Cumberland county sitting in the Hon^{ble} Provincial Congress of the State of New York.

* * *

The committee reported a letter:

"WESTMINSTER, 17th Jan^y 1777.

"Gentlemen:—The General Convention consisting of Delegates from the several Counties and Towns through the tract of land known by the name of the New Hampshire Grants have met according to adjournment at Westminster the 16th. inst. and have resolved and declared the above District of Land shall hereafter be a distinct State or Government, and the Inhabitants thereof have full authority to make such laws as they shall from time to time think fit.

"The said Convention therefore desire and request that you will on sight, hereof withdraw yourselves from the Convention of the State of New York, and appear there no more in the character of Representatives for the County of Cumberland; as you were not chosen by a Majority of the people at large."

* * *

"22^d. Voted, To adjourn this Convention to the first Wednesday of June next to be held at the Meeting-House in Windsor at nine o'clock in the forenoon."

As you of course know, under the provincial government of New York, the whole territory of Vermont had been included in the New York counties of Albany, Charlotte, Cumberland, and Gloucester. The Provincial Congress of the State of New York on the 6th day of March, 1777, adopted the following resolution:

"Whereas divers ill disposed persons, inhabitants of this State, being unmindful of the great duties they owe to the same, have joined our cruel and inveterate foes; and the effects of such persons and of divers others now with the

enemy, are liable to waste, or may be employed for wicked purposes within this State, or consist of goods and merchandise useful to the well affected inhabitants of the same, in consideration thereof, and for divers other good causes and considerations,

“Resolved, That the commissioners hereinafter named, do take into their custody and possession, all the personal property of the persons aforesaid, and to cause the same to be sold at public vendue, upon notice thereof given at least ten days before the day of sale, and do file with the Treasurer of the State, accounts of the sale of such property, and do deposit the net amount thereof, together with such moneys as they shall find belonging to the persons aforesaid, in the treasury, to be hereafter paid to the respective owners thereof, or otherwise disposed of at the discretion of the Legislature of this State; leaving, nevertheless, to each of the families of the persons aforesaid, their apparel, necessary household furniture, and as much provisions as will be sufficient for their subsistence for three months,”

and also

“Resolved, That for the due execution of the foregoing resolutions within the several counties of this State, the following persons be, and they hereby are, appointed commissioners, with the powers and authorities aforesaid; and also with the power of sending for papers and examining witnesses under oath, in said counties respectively, viz: for the city and county of Albany, Cornelius Cuyler, of Schenectady, Harmanus Wendell, of the city of Albany, and Peter Van Ness, of Claverack, Esquires * * for the county of Cumberland, James Clay, Amos Robertson and Israel Smith, Esquires.

“AND WHEREAS this House, for want of information, cannot at present fix upon suitable commissioners for the counties of Charlotte and Gloucester;

“Resolved, therefore, That the appointment of commissioners for the said counties be deferred.”

On the 2nd day of April, 1777, that Convention appointed John Rowan, Aaron Fuller and John Moorhouse, Esquires, in Charlotte County, and on the 2nd day of May 1777, appointed Colonel Peter Olcott, Col. Jacob Kent and Major Israel Smith, commissioners in Gloucester county.

According to adjournment of January 17th, the Vermont convention met on the 4th of June, 1777, at Windsor, and remained in session four days, and among other business,—

I. “Resolved, That the Chairman of the Committees of Safety for the Counties of Cumberland and Gloucester immediately on sight hereof (be) and they are hereby directed

and required to desist acting in such capacity by virtue of any authority derived from the Honorable Convention of the State of New York, and that their several associates are directed strictly to observe the same.

2. "Resolved, That the several Committees of Safety acting under the authority of this State be and are hereby directed to take into their immediate custody all such estates of enemical persons who have heretofore or that may hereafter be by sufficient evidence proved to be such, which estates are not already in custody by virtue of such authority, and them safely keep for the use of this State during the recess of this Convention except what may be sufficient to defray the necessary charges arising for trial of such offender or offenders.

"Resolved, That all Commissioners appointed by the authority of the State of New York for the purpose of seizing the estates of enemical persons for the use of that State, to the prejudice of this, be and hereby are required to desist and surcease such commission or commissions immediately on sight hereof, and they are hereby severally strictly forbid disposing of any such estate so seized within this State except what is sufficient to defray the charge of trial, seizing, &c., until further order from this Convention or the orders of the President or Vice-President of this State with his Council during the recess of this said Convention.

"Resolved, That the Committees of the several towns in this State be and are hereby empowered to seize and secure all and every person and their estates that appear to be enemical to their country and to proceed to trial in manner and form following:

"That the Committee of any town in this State shall seize the person and estate of any such suspected enemies and if on examination they shall find just cause to proceed against the same they are hereby empowered to call thirteen committeemen from the adjacent towns including the committee of said town, which are hereby empowered to try such offender or offenders and give sentence against him or them and order the said judgment to be put in execution—Provided the offender or offenders is not worthy of death or other corporal punishment, in which case the committees are empowered to imprison the offender or offenders in the common gaol or gaols within this State, there to remain without bail until a proper court shall be established in this State to try him or them."

It was further

"Resolved, That the keeper of the common gaol for the County of Cumberland within this State be and is hereby directed to keep in safe custody all Prisoners already committed by any legal authority within this State until regularly discharged by this Convention or their further order had thereon, and that for the future the said keeper be and is

hereby directed to observe such orders as he shall receive from either of the Committees of Safety for either of the towns in this State during the recess of this Convention.

“Resolved, * * , unanimously, that the said district described in the preamble to the declaration at Westminster, aforesaid, shall now hereafter be called and known by the name of VERMONT,”

and

“Whereas, this convention did at its sitting at Westminster on the 15th day of January last make and publish a declaration that they would at all times hereafter consider themselves as *a free and independent state*, capable of regulating their own internal police in all and every respect whatever:

“And whereas no government sufficient to the exigencies of our affairs has been hitherto established; Therefore it becomes absolutely necessary for the safety, well being and happiness of the inhabitants of this state to form such a government as shall, in the opinion of the representatives of the people of this state, best conduce to the happiness and safety of their constituents in particular and America in general; and whereas the Honorable Continental Congress did, on the 15th day of May, A. D. 1776, make and publish the within recommendation for the express purpose of taking up government,

“Resolved, Therefore, that copies of the said recommendations be distributed to the inhabitants of each town within this state; and that it be and is hereby recommended to the freeholders and inhabitants of each town in this state to meet at some convenient place in each town on the 23d day of this instant June and choose delegates to attend a general convention at the meeting-house in Windsor, within the said state, on the second day of July next, to choose delegates to attend the general Congress, a Committee of Safety, and to form a Constitution for said state.”

The convention then appointed a committee to make a draft of a constitution, and a committee to wait on the commander of Ticonderoga Fort and to confer with him with reference to the preparations to defense of the frontiers, and adjourned to July 2, 1777, at the same place.

That the actions of the convention of June 4 were no idle gestures is evidenced by a statement presented to the New York Council for Safety on the 15th day of July, 1777, by James Clay, Chairman of the Cumberland Committee of Safety, declaring:

“That the Convention held at Windsor on the 4th day of June, instant, for the purpose of establishing their new state of Vermont, have taken into their possession the prison of this county, and have strictly forbid all committees acting

under the authority of the state of New York, so that it is become impracticable for the county committee, or any other committee, to proceed to any public business in this county.”

Meanwhile, events were moving rapidly on the northern frontier. The British plans for the campaign of 1777 included an attack by way of Lake Champlain. The command in Canada had been transferred from Sir Guy Carleton to Lieutenant-General John Burgoyne. An army of ten thousand men,—three thousand Canadians and Indians and seven thousand regular troops,—with an excellent and complete train of brass artillery, of whom it was said by the British that a more complete body of officers and men had never been seen in an army not more numerous, had been assembled and equipped, and had embarked at St. Johns and proceeded up Lake Champlain without any interruption or opposition as far as the River Boquet at Willsborough, just north of Crown Point. There they encamped and there met a considerable body of Indian warriors which had assembled there, and General Burgoyne, complying with Indian customs, gave them a war feast.

On the American side the command of the northern department had been assigned to General Schuyler, who arrived at Ticonderoga June 17th and found the defenses there much less effective than he expected, both the works and the garrison. The recruits ordered to that place had not arrived. The fortifications were not repaired or strengthened. Supplies were short, exhausted.

On June 21st, four days after General Schuyler arrived at Ticonderoga, General Burgoyne made a speech to the Indians feasting at Willsborough, in which he said in part:

“CHIEFS AND WARRIORS”:

“ * * * It remains for me, the general of one of his majesty’s armies, and in the council his representative, to release you from those bonds your obedience imposed. Warriors, you are free—go forth in the might of your valour and your cause—strike at the common enemies of Great Britain and America, disturbers of public order, peace, and happiness, destroyers of commerce, parricides of the state.”

This speech was two days before the date set for the election of delegates to, and eleven days before the date set for, the convention at Windsor, called to form and establish a Constitution for the State of Vermont. The delegates to that convention were from the west side of the state, even the lake shore, as well as other parts, and what was happening on the other side of the lake was, of course, known all over Vermont.

In such circumstances, composed of men who had been through the experiences so briefly sketched, that convention met and made it its first business to attend a religious service, and listen to a long and earnest sermon. On the second day of the session a dispatch was received from Seth Warner:

“RUTLAND, July 1, 1777.

“*To the Hon. the Convention now sitting at Windsor in the State of Vermont.*

“GENTLEMEN:—Last evening I received an express from the general commanding at Ticonderoga, advising me that the enemy have come up the lake, with 17 or 18 gunboats, two large ships, and other craft, and lie at Three Mile Point. The general expects an attack every hour. He orders me to call out the militia of this state, of Massachusetts, and New Hampshire, to join him as soon as possible. I have sent an express to Col. Simonds. Col. Robinson and Col. Williams are at Hubbardton, waiting to be joined by Col. Bellows, who is with me. When the whole are joined they will amount to 700 or 800 men. I know not to whom to apply except to your honorable body, to call out the militia on the east side of the mountain. I shall expect that you will send on all the men that can possibly be raised, and that you will do all in your power to supply the troops at Ticonderoga with beef. Should the siege be long, they will be absolutely destitute, unless the country exert themselves. If 40 or 50 head of beef cattle can be brought on by the militia, they will be paid for by the commissary on their arrival. The safety of the post depends on the exertions of the country. Their lines are extensive and but partially manned, for want of men. I should be glad if a few hills of corn unhoed should not be a motive sufficient to detain men at home, considering the loss of such an important post might be irretrievable. I am, gentlemen, with the greatest respect, your obedient and very humble servant.

“SETH WARNER.

“P. S. I am this moment a going to mount my horse in company with Col. Bellows for Ticonderoga. I left Col. (Moses) Robinson at Hubbardton this morning. That you may have wisdom to conduct in the business for which you are called together is the prayer of

S. W.”

July 4th General Burgoyne from his camp near Ticonderoga has issued a proclamation in which he said among other things:

“at the head of troops in the full powers of health, discipline, and valor; determined to strike where necessary, and anx-

ious to spare where possible, I by these presents invite and exhort all persons, in all places where the progress of this army may point, and by the blessing of God I will extend it far, to maintain such a conduct as may justify me in protecting their lands, habitations and families. The intention of this address is to hold forth security, not depredation to the country. To those whom spirit and principle may induce to partake of the glorious task of redeeming their countrymen from dungeons, and re-establishing the blessings of legal government, I offer encouragement and employment; * * *

“In consciousness of christianity, my royal master’s clemency, and the honor of soldiership, I have dwelt upon this invitation, and wished for more persuasive terms to give it impression: And let not people be led to disregard it, by considering their distance from the immediate situation of my camp. I have but to give stretch to the Indian forces under my direction, and they amount to thousands, to overtake the hardened enemies of G. Britain and America: I consider them the same wherever they may lurk.

“If, notwithstanding these endeavors, and sincere inclinations to effect them, the phrenzy of hostility should remain, I trust I shall stand acquitted in the eyes of God and men, in denouncing and executing the vengeance of the state against the wilful outcasts. The messengers of justice and of wrath await them in the field; and devastation, famine, and every concomitant horror that a reluctant but indispensable prosecution of military duty must occasion, will bar the way to their return.”

What must have been the resolution and determination of those men, many of them having families close to line of march of the triumphant enemy, to enable them to remain in session and continue upon the business in hand for six days more? They did continue. Before the session was over a letter was received from General St. Clair informing them of the fall of Ticonderoga, and that the American forces which had been in possession of that fortress were then in retreat toward Bennington through Castleton, and that Colonel Warner, with about a thousand men, had been attacked at Castleton with results then to the writer unknown.

They still continued in session and considered, adopted, and created a Bill of Rights and a frame of government, appointed a Council of Safety to administer the affairs of the state until government could be organized under the Constitution, and ordered that an election under the Constitution should be held in December, 1777, and appointed a committee to procure a supply of arms for the State, to be obtained, if possible, from government arsenals, but with authority to pledge the credit of the state if it were found necessary to purchase.

They sent a dispatch to the General Assembly and Council of War of the State of New Hampshire at Exeter, enclosing to that body a copy of Colonel Warner's letter, and making only one suggestion:

“Your Honour's wisdom will doubtless be sufficient for your conduct.”

The Convention at Windsor adjourned July 8th. The Council of Safety then attended to the affairs of the government, meeting at Manchester July 11th, and from there wrote, to the New Hampshire Council,

“IN COUNCIL OF SAFETY,
STATE OF VERMONT,

“Manchester, 11th July, 1777

“Gentlemen,—The inclosed is a Copy of General St. Clair's Letter to the Convention of this State, by which you will learn his request to the Militia of your state. No further accounts have arrived since the date of the enclosed except that there are Small Scouting Parties foregoing in the Woods. You will learn the Provision General Schuyler has made for the protection of this State, and you will naturally understand that when we cease to be a frontier your State must take it. Would beg your advice and assistance for the good of the whole, and have the honor to be,

“Gentlemen, with respect,

“Your most Obedt and Very Humble Servant,

“By order of the Council,

“IRA ALLEN, *Secr'y.*

“N. B.—News has this moment come to hand that General How, with his army, have got up North River as far as Tappan near the Highlands, and that the inhabitants are moving out of Albany. We hear General Washington is with his army in high spirits watching the motion of the Enemy.

“I. ALLEN.

“The Hon^{ble} the Council of Safety N. Hampshire State.”

July 10th, General Burgoyne was at the head of the Lake and from there sent out,—

“By Lieutenant General JOHN BURGOYNE, commanding an army and fleet of Great Britain, against the revolted Provinces of America.

“To the inhabitants of Castleton, of Hubbardton, Rutland, Tinmouth, the districts bordering on White Creek, Cambden, Cambridge, (N. Y.,) &c., &c., &c.,

“You are hereby directed to send from your several townships deputations, consisting of ten persons or more from each township, to meet Colonel Skeene at Castleton, on Wednesday, July 15th, at ten in the morning, who will have instructions not only to give further encouragement to those who complied with the terms of my late manifesto, but also to communicate conditions upon which the persons and properties of the disobedient may yet be spared.

“This fail not to obey, under pain of military execution.

“Head Quarters, at Skeensborough House, July 10th, 1777.

“J. BURGOYNE.

“By order of His Excellency the Lieutenant-General,

“ROBT. KINGSTON, *Secretary.*”

July 15th the Council of Safety again wrote, to the New Hampshire Council:

“IN COUNCIL OF SAFETY,
STATE OF VERMONT,
“Manchester, 15th July, 1777. } ”

“Gentlemen,—This State in particular seems to be at Present the object of Distruction. By the surrender of the fortress Ticonderoga a Communication is opened to the Defenceless inhabitants on the frontier, who having little more in present store sufficient for the maintenance of their Respective Families, and not ability to immediately remove their effects, are therefore induced to accept such Protections as are offered them by the Enemy: by this means Those Towns who are most Contiguous to them are under necessity of Taking such Protection, by which the next Town or Towns become equally a frontier as the former Towns before such Protection, and unless we can obtain the assistance of our friends so as to put it immediately in our Power to make a sufficient stand against such strength as they may send, it appears that it will soon be out of the Power of this state to maintain a frontier. This country, notwithstanding its infancy, seems as well supplied with provisions for Victualing an army as any Country on the Continent, so that on that account we cannot see why a stand may not as well be made in this state as in the State of New Hampshire, and more especially as the inhabitants are Heartily Disposed to Defend their Liberties. You, Gentlemen, will be at once sensible that Every such Town as accepts protection are rendered at that instant forever incapable of affording us any further assistance, and what is infinitely worse, as some Disaffected Persons eternally Lurk in almost every Town, such become

Doubly fortified to injure their Country. Our Good Dispositions to Defend ourselves and make a frontier for your State with your own, cannot be Carried into execution without your assistance. Should you send immediate assistance we can help you, and should you neglect till we are put to the necessity of taking protection, you Readily Know it is in a moment out of our power to assist you. Laying these Circumstances together will I hope induce Your Honors to take the same into consideration and immediately send us your Determination in the Premises.

“I have the satisfaction to be your Honors’

“Most Obed^t and very Hum^{bl} Serv^t.”

“By order of Council, IRA ALLEN, *Secr’y*.”

“The Honorable the Council of Safety, }
}

“STATE OF NEW HAMPSHIRE.

“P. S.—By express this moment received we learn that between 3 & 4 thousand of the Enemy are Fortifying at the town of Castleton. Our case calls for immediate assistance.

“I. ALLEN.”

and on the same day issued a circular letter,

“IN COUNCIL OF SAFETY }
STATE OF VERMONT, }
“Manchester, 15th July, 1777.”

“To all Militia Officers whom it may Concern:

“This is the second and perhaps the last express we may be able to send you from this Post. Your immediate assistance is absolutely necessary. A few hundred Military Troops to be joined to our present strength would greatly add to our present encouragement, as by late information we Learn that a large Scout of the Enemy are disposed to take a Tour to this post; the inhabitants, with their families, cannot be quieted without an assurance of the arrival of Troops directly for their assistance. You will Please to let us know your determination without delay.

“The Continental Stores at Bennington seem to be their present aim. You will be supplied with provision here on your arrival. Pray send all the Troops you can Possibly Raise; we can Repulse them if we have assistance.

“I have the honor to be your Most Obed^t Hum^{bl} Serv^t.”

“By order of Council, IRA ALLEN, *Sec’y*.”

and on the same day commissioned Col. Herrick

“STATE OF VERMONT,
IN COUNCIL OF SAFETY,
“Manchester, July 15th, 1777. } ”

“To Samuel Herrick, Esq.:

“We Reposing special trust and confidence in your Patriotism Valiours Conduct and Fidelity do by these presents Constitute you to be Lieutenant Colonel Commandant of a Regiment of Rangers Raised within this State for the Immediate defence thereof, and to be under the Special direction of this Council or the Commander in Chief of the Army Commanding the department the East side of Hudson’s River; You are therefore carefully and diligently to discharge the duty of a Lieutenant Colonel Commandant, by doing & performing all manner of things thereunto belonging—And we do Strictly Charge and Require all officers & soldiers under your Command to be obedient to your orders as Lieutenant Colonel Commandant. And you are to observe and follow such orders and directions from time to time as you shall receive from this Council or the Commander in Chief of the Army aforesaid, or any other other your Superior officer according to the Rules and discipline of War. In pursuance of the Trust reposed in you, this Commission to Continue in force until the first day of January next,

“By order of Council,

“THOMAS CHITTENDEN, *Prest.*

“Attest, IRA ALLEN, *Secy.*”

On the same day General Schuyler wrote to Col. Seth Warner:

“FORT EDWARD, July 15, 1777.

“Dear Colonel.—I am favored with yours of yesterday Inclose you an order for what clothing can be procured at Albany, which must be sent for. I have made a temporary appointment of M. Lyon to be your Pay Master, and have given him four thousand dollars, which is all I can at present spare. Colonel Simmonds, with four or five hundred of his Regiment, will join yours; but let the others come this way. We are informed the enemy are gone to Ticonderoga, to come by the way of Fort George, because they find it rather difficult to penetrate by the way of Skeensborough.

“Secure all the cattle and carriages you can. Much depends upon preventing them from getting supplies of that kind. Advance as near to the enemy as you possibly can. Secure all tories, and send them to the interior part of the country. Be vigilant; a surprise is inexcusable. Thank the troops in my name, for behaving so well as you say they did

at Hubbardton. Assure them that I will get whatever I can to make them comfortable. All of your Regiment that were here are already on the way to join you. If you act vigorously, we save the country. Why should we dispond? Greater misfortunes have happened, and have been retrieved. Cheer up the spirits of the people in your quarter.

“P. SCHUYLER.”

On July 16th he again wrote to Col. Warner:

“July 16, 1777.

“Sir,—I am this moment informed by Captain Fitch that the New Hampshire Militia are marching to join me. It is (not) my intention, much as I am in want of troops, that they should come hither, as it would expose the country in that quarter to the depredations of the enemy. I therefore inclose you an order for them to join you. If none are arrived, you will send express for them. I hope when they come you will be able, if not to attack the enemy, at least to advance so near as to bring off the well affected and secure the malignants, Let me hear from you soon.

“P. SCHUYLER.”

July 19th the Council of Safety of New Hampshire ordered:

STATE OF NEW HAMPSHIRE, }
“Saturday, July 19th, 1777. }

“To Brig^d Gen^l Jn^o Stark,—You are hereby required to repair to Charlestown, No. 4, so as to be there by 24th—Thursday next, to meet and confer with persons appointed by the Convention of the State of Vermont relative to the route of the Troops under your Command, their being supplied with Provisions, and future operations—and when the Troops are collected at No. 4, you are to take the Command of them and march into the State of Vermont, and there act in conjunction with the Troops of that State, or any other of the States, or of the United States, or separately, as it shall appear Expedient to you for the protection of the People or the annoyance of the Enemy, and from time to time as occasion shall require, send Intelligence to the Gen^l Assembly or Committee of Safety, of your operations, and the manoeuvres of the Enemy.

“M. WEARE.”

“IN COUNCIL OF SAFETY, }
STATE OF VERMONT, }
“Bennington, 28 July, 1777 }

“To———: You are hereby required (agreeable to a previous resolve of this Council) to seize all lands, tenements,

goods and chattels, of any person or persons in this State; whom you know or may hereafter learn, to have repaired to the enemy, and a true inventory thereof to take, and return to this Council, except articles as are wanted for the use of the army; which are wanted at Manchester or elsewhere, where there is a contractor to receive and pay for them. You will appoint three persons noted for good judgment, who are, after being duly sworn, to apprise the same; and all other movable effects you are to sell at public vendue, except such necessaries as humanity requires for the support of such families. And after paying necessary charges you are to remit the remainder of the money to this Council. You will take the natural and artificial marks of every creature you shall receive, or take, and their age, from whom they came, for what sold, and to whom sold. You are to lease out all such lands and tenements at a reasonable price, not exceeding two years, giving the preference to such persons as have been drove from their farms by this war. You are further authorized to arrest any person, or persons, you shall have sufficient grounds to believe are enemies to the liberties of this and the United States of America, and all such persons as you shall arrest you will seize all their movable effects (where there is danger of their being embezzled) and keep in safe custody until after trial. If they are acquitted, to give unto such person or persons such seizour; but if found guilty, to make return to this council. You are to call to your assistance such person or persons as you shall find necessary, keeping regular accounts of all your procedures.

“By order of Council,

“IRA ALLEN, *Secy.*”

July 30th, Stark was at Charlestown No. 4, and wrote the New Hampshire Council:

“CHARLESTOWN, No. 4, July 30th, 1777.

“Sir:—I received yours of the 22^d instant with the inclosed informing me of the situation of the Enemy, and of our own frontiers, but previous to your letter I had received an Express for Col^o. Warner, informing me of their Situation, and I forwarded 250 Men to their Relief, on the 28th. I Sent another detachment of this day, and as fast as they come in will Send them. I Expect to March myself to-morrow or next day; we are detained a Good deal for want of Bullet Moals as there is but one pair in Town, and the few Balls you Sent goes but a little way in Supplying the whole. I am afraid that we shall meet with difficulty in procuring kettles or utensils to Cook our victuals in, as the Troops have not brought any. If such articles could be procured, I believe it would be of the utmost importance to the Safety and Wel-

fare of the Troops. I am Informed this day by a Man from Otter Creek, that the Enemy is left Castleton, and is gone to Skeensborough with an intent to march to Bennington, but I rather think they do it by way of a feint to call the attention of General Schuyler from Fort Edward, or to Fatigue our Troops.

* * * * *

“I am, Sirs, your Honors most

“Obedient Humble Serv^t.”

“JOHN STARK.

“To Col^o. Bartlett, or the Chairman of the Committee of Safety for the State of New Hampshire.”

August 2nd he was still there, writing:

“CHARLESTOWN, Aug. 2, 1777.

“Sir,—The Brigade is not yet completed * * * As to the quantity of state stores at Bennington it is quite out of my power to give you an account at present, but refer you to Col. Williams’ letter, which I transmitted you by express, and which I hope came safe to hand. I set out for Manchester tomorrow * * * I would have sent you an account of the strength of the Brigade was it in my power, but cannot because they only arrived in small parties, and as soon as I can complete a division I give them marching orders to set out for Manchester without delay * * * I have ordered one company to tarry here to guard the state stores, and two companies I have stationed on the height of land between this place and Otter Creek for the security of the inhabitants.

“JOHN STARK.”

August 6th he had arrived at Peru, writing:

“BROMLEY, (Peru) Augt 6th. 1777.

“Col^o. Hunt,—I would request of you to fix them cannon at No. 4 immediately on proper Carriages, so that they may be ready for your defense in case of danger.

“I would also pray you to forward, with all convenient speed, all the rum and sugar that is in Mr. White’s Store belonging to the State. Be sure to employ some careful Teamsters to transport them.

“I am, Sir, your Hum^l Ser^t.”

“JOHN STARK, B’ D. G.

“N. B.—Get all the Cannon from Walpole brought up to No. 4, and fix them too on carriages.”

August 9th he arrived at Bennington.

Meanwhile information was obtained by Burgoyne's headquarters,

“which promised to bring about the happiest results, by relieving us at once from all the embarrassments attendant upon meagre supplies and inadequate means of transport. About twenty miles to the eastward of the Hudson lies the obscure village of Bennington, a cluster of poor cottages situated in a wild country between the forks of the Hosac. Here the enemy had gathered together a considerable depot of cattle, cows, horses, and wheel carriages, most of which were drawn across the Connecticut river from the provinces of New England; and as it was understood to be guarded by a party of militia only, an attempt to surprise it seemed by no means unjustifiable.”

August 14th Col. Baume reported to Burgoyne:

“SANCOICK, 14th August, 1777, 9 o'clock.

“Sir,—I have the honour to inform your excellency, that I arrived here at eight in the morning, having had intelligence of a party of the enemy being in possession of a mill, which they abandoned at our approach, but in their usual way fired from the bushes, and took their road to Bennington; a savage was slightly wounded; they broke down the bridge, which has retarded our march above an hour, they left in the mill about seventy-eight barrels of very fine flour, 1000 bushels of wheat, 20 barrels of salt, and about 1000*l.* worth pearl and pot ash. I have ordered thirty provincials and an officer to guard the provisions and the pass of the bridge. By five prisoners taken here, they agree that 1500 to 1800 men are in Bennington, but are supposed to leave it on our approach; I will proceed so far to say as to fall on the enemy to-morrow early, and make such disposition as I think necessary from the intelligence I may receive. People are flocking in hourly, but want to be armed; the savages cannot be controuled, they ruin and take everything they please.

“I am,

“Your excellency's most obedient,

“Humble servant,

“F. BAUME.

“Beg your excellency to pardon the hurry of this letter, it is wrote on the head of a barrel.

“General Burgoyne.”

And Burgoyne replied:

“NEAR SARATOGA, August 14, 1777, Seven at night.

“Sir,—The accounts you have sent me are very satisfactory, and I have no doubt of every part of your proceeding continuing to be the same.

“ I beg the favour of you to report whether the road you have passed is practicable, and if so, if it is convenient for a considerable corps with cannon.

“Should you find the enemy too strongly posted at Bennington, and maintaining such a countenance as may make an attack imprudent, I wish you to take a post where you can maintain yourself till you receive an answer from me, and I will either support you in force, or withdraw you.

“You will please send off to my camp, as soon as you can, waggons, and draft cattle, and likewise such other cattle as are not necessary for your subsistence.

“Let the waggons and carts bring off all the flour and wheat they can that you do not retain for the same purpose. This transport must be under the charge of a commission officer.

“I will write you at full to-morrow in regard to getting horses out of the hands of the savages.

“In the meantime any you can collect from them, fit to mount the regiments, at a low price, shall be allowed.

“I am with great esteem, Sir,

“Your most obedient humble servant,

“ J. BURGOYNE.”

August 15th the Council of Safety wrote:

STATE OF VERMONT,

Bennington, in Council of Safety, August 15, 1777.

“Sir,—You are hereby desired to forward to this place, by express, all the lead you can possibly collect in your vicinity, as it is expected, every minute, an action will commence between our troops and the enemies', within four or five miles of this place, and the lead will be positively wanted.

“By order of Council,

“PUAL SPOONER, D. Sec'y,

“The Chairman of the Committee of Safety,
Williamstown.”

What happened was told by General Stark:

“BENNINGTON, August 18, 1777.

“To the printer of the Connecticut Courant,—The following exertions of the Council for the State of Vermont since the evacuation of Ticonderoga, Mount Independence, &c., may be depended on as facts which I think justly deserve a space in your useful paper; you are therefore desired to publish the same.

“Those Gentlemen were with others attending a General Convention of that State at Windsor, when the above mentioned fortresses were besieged by the enemy, who constantly received intelligence of the movements of the several bodies. Every method in their power was taken to forward the militia in this and the eastern States to the assistance of General St. Clair, as well as provisions of every kind. On receiving authentic intelligence of the evacuation of those fortresses, and that a stand was to be made at Bennington, the same day, the honorable convention, then sitting as aforesaid, appointed twelve members as a council to transact public business of the state during the recess of the convention; who without delay repaired to Manchester, where Col. Warner’s regiment of Continental troops was at that time posted; which they finding were not a sufficient force to withstand the enemy in case of an attack, exerted themselves in a most spirited manner, and collected the militia of said state, which enabled Col. Warner to maintain that post. At the same time they wrote to the Hon^l the Council of the State of New Hampshire, setting forth in the most pressing terms the necessity of the assistance of the militia of that state to guard so valuable a part of the country from the immediate ravage of the Indians, as was threatened by Gen. Burgoyne’s manifesto.

“The Hon^l the Council of New Hampshire, taking the same under their immediate consideration, ordered a fourth part of twelve regiments to be forthwith drafted and put them under my command, at which time I received orders to march to Manchester and act in conjunction with Col. Warner. After my arrival at that place I received orders from Major General Lincoln, pursuant to orders from General Schuyler, to march my whole brigade to Stillwater, and join the main army then under his command. At the same time requested the whole of the militia (By Gen. Schuyler’s order) of the state of Vermont to join him and march to Stillwater as aforesaid. In obedience thereto I marched with my brigade to Bennington on my way to join him, leaving that part of the country almost naked to the ravage of the enemy. The Honorable the Council then sitting at Bennington were much against my marching with my Brigade, as it was raised on their request, they apprehending great danger of the enemy’s approaching to that place, which afterwards we found truly to be the case. They happily agreed to postpone giving orders to the militia to march, by which, together with their repeated applications for the militia of the state of Massachu-

setts Bay, and supplying with arms and ammunition, afforded the greatest assistance in obtaining the glorious and memorable victory over the enemy near this place on the 16th instant, who were determined to have penetrated the country.

“I cannot therefore in justice resist giving the Hon^l Council the Honor of exerting themselves in the most spirited manner in that most critical time.

“JOHN STARK, B. D. C. ”

The way General Burgoyne saw it he wrote to Lord Germaine:

“CAMP NEAR SARATOGA, August 20, 1777.

“My Lord:—It was well known that the enemy’s supplies in live cattle, from a large tract of country, passed by the route of Manchester, Arlington, and other parts of the Hampshire Grants, to Bennington, on order to be occasionally conveyed from thence to the main army. A large deposit of corn and of wheel carriages was also formed at the same place, and the usual guard was militia, though it varied in numbers from day to day. A scheme was formed to surprise Bennington. The possession of the cattle and carriages would certainly have enabled the army to leave their distant magazines, and to have acted with energy and dispatch: success would also have answered many secondary purposes. * * *

“The loss, as at present appears, amounts to about 400 men, killed and taken in both actions, and twenty-six officers, mostly prisoners; but men who were dispersed in the woods drop in daily. A correct return shall be transmitted to your Lordship the first opportunity.

“This, my Lord, is a true state of the event. I have not dwelt upon errors, because in many instances they were counter-balanced by spirit. The enemy will of course find matter of parade in the acquisition of four pieces of cannon; but that apart, they have small cause of exultation; their loss in killed and wounded being more than double to ours, by the confession of their prisoners and deserter, and of many inhabitants who were witnesses to the burial of their dead.

“The chief subject of regret on our side, after that which any loss of gallant men naturally occasions, is the disappointment of not obtaining live cattle, and the loss of time in bringing forward the magazines. * * *

“I have only to add * * * that if ever there was a situation to justify enterprise and exertion, out of the beaten track of military service, it was that in which I found myself. Had I succeeded I should have effected a junction with St. Leger, and been at Albany. * * * The great bulk of the country is undoubtedly with the Congress, in principle and zeal; and their measures are executed with a secrecy and dispatch that are not to be equalled. Wherever the King’s forces point, militia to the amount of three or four thousand

assemble in twenty-four hours; they bring with them their subsistence, etc., and the alarm over, they return to their farms. The Hampshire Grants in particular, a country unpeopled and almost unknown in the last war, now abounds in the most active and most rebellious race of the continent, and hangs like a gathering storm on my left. * * * I have the honor to be, etc.,

“J. BURGOYNE.”

August 19th, command of the Northern Department was taken by General Gates.

The storm continued to gather.

“IN COUNCIL OF SAFETY,
Bennington, August 26, 1777.

“To Adjutant Elisha Clark,—you are hereby required to make return of the names and number of the officers, non-commissioned officers and soldiers, belonging to Col. Samuel Herrick’s Regiment of Rangers, already raised within this State, for the defence thereof, to Ebenezer Walbridge, Arlington, at 10 o’clock of the morning of the 28th inst.; as he is appointed and authorized to muster, and return the several musters of the whole, in order to their being severally entered and entitled to their pay agreeably to their several ranks. And you are further ordered to take particular accounts of the several companies and names of the several soldiers of that corps, who may hereafter join, at every opportunity. Of this you are not to fail.

“By order of Council,

“THOMAS CHITTENDEN, *President.*

“Attest, IRA ALLEN, *Sec’y.*”

“BENNINGTON, 18 Sept., 1777.

“Dear General,—This day rec^d your orders to forward the militia, in consequence of which we have given orders for the militia to be raised immediately; also have forwarded copies to New Hampshire requesting the militia to be forwarded with all expedition, as also your letter to the County of Berkshire. Nothing in the power of this Council will be neglected to prosecute your orders when called upon.

“I am, D. General, Your Most Obedient,

“Humble Servant:

“By order of Council,

“JOSEPH FAY, *Sec’y.*

“The Hon. Maj. Gen^l. Gates,

“Commanding the Northern Department.”

“BENNINGTON, 18th September, 1777.

“Dr. Sir,—I am directed by the Council to enclose to you a Copy of a letter just rec^d from General Gates, by which you will see the importance of the exertion of the militia at this critical juncture for the salvation of this post, if not the whole country. Therefore it is expected that you will exert yourself and come forward with all the militia you can raise out of your regiment without one moment's loss of time. General Gates has sent to the State of Massachusetts, and ordered us to send to New Hampshire, which we have done, and to the upper regiment in this State.

“I am, by order, Your Most O^{bt} Hum. Servant,

“THOMAS CHITTENDEN, President

“N. B.—I heard by Capt. Dewey that your people now with the army are like sheep without a shepherd, and very uneasy at your being absent, and threaten to come off with General Stark's men.

“By order, “THOMAS CHITTENDEN.

“Col^o William Williams.

“Copy examined, JOSEPH FAY, Sec'y.”

“CAMP ABOVE STILLWATER 17th Sept^r., 1777.

“Dear Sir,—I embrace this opportunity by Express to inform you That the Troops under our Command is to leave this place Tomorrow, and the Enemy are within Six miles of our army, and an engagement is daily expected. This is to intreat you as a Lover of your Country to hasten your Troops to join the Army without Loss of time. It is probable the Fate of America may be determined in a few Days. Your Exertions in this will get you Everlasting Honor, and Neglect to the Contrary.

“I am, Sir,

“Your most O^{bd} very hble Servt,

“JOHN STARK.

“To the Commanding Officer of the Militia destined for the Northern Army, on the way from the State of New Hamp.^r”

“BENNINGTON, Sept. 21, 1777.

“To all Gentlemen concerned:

“The Council enclose a copy of the Hon. General Gates, particular and positive orders, of this date, to you, which he requests may be forwarded to you with the greatest speed. It seems that your assistance can never be more wanted than at

this critical moment. The armies are now in such position as renders it impossible for the enemy to avoid an action. It is a thing almost impossible for them to retreat; therefore, if you will now instantly give your assistance, you can never have it in your power to do yourselves, and your country, a greater service. So favorable a prospect of success, in the northern department, never before appeared. Pray exert yourselves, this once, and the matter cannot detain you long.

“I am, Dear Gentlemen, with great anxiety,

“By order of Council,

“Your most obedient, humble servant,

“THOMAS CHITTENDEN, *President.*”

“STATE OF VERMONT, }
“IN COUNCIL OF SAFETY, }
Bennington, 24 Sept., 1777. }

“Dear General,—The Council have rec^d certain intelligence this morning that a very considerable number of the militia from the Eastern States are now on their march to your assistance. Several companies have passed this place this morning for the above purpose. The bearer Capt. Angel will be able to give your honor further intelligence in the matter. The Council are every moment anxious to know your Honor’s present situation, your wants, (if any) and whether they be such as in their power to relieve.

“I have the honor to be, D^r General,

“Your most obedient Humble Servant.

“By order of Council,

“THOMAS CHITTENDEN, Pres.

“The Hon^{ble} Major Gen^l Gates.”

And on the 17th of October the storm broke; Burgoyne’s Northern Army was no more.

The people on the New Hampshire Grants, without any form of law, had given the alarm, had organized a military force, provided supplies, and with the men from New Hampshire and neighbors from the nearby parts of Massachusetts had struck the blow which disabled a powerful, boastful and victorious British army of ten thousand men.

That army in three months had lost in battle, from sickness, and desertion, twenty-nine hundred and fifty men; it had in hospitals five hundred and thirty; the capitulation of that army was an event until that time unknown in America, and was made to

forces which in all the proclamations and publications of its leaders had been styled traitors and rebels.

Of this period, Honorable Noah Smith, in an address at Bennington on the first anniversary of the Battle, said:

“Within eight days after Burgoyne appeared from the Lake, he found means to possess himself of the forts, which laid our numerous army under a necessity of fleeing before him, and filled the whole country with consternation and amazement. * * *

Whenever we had intelligence from our army it was marked by defeat and discouragement.

“Notwithstanding this town was then esteemed an asylum, yet the sagacity of the honorable Council then sitting at this place induced them to dispatch advices to the neighboring states for the purpose of procuring assistance.

“In consequence of which General Stark, who here was to complete the edifice of his glory, arriving from New Hampshire at the head of a detachment of the noble and spirited militia of that State, was welcomed to the command. * * *

“A length of time had now elapsed sufficient for the arrival of respectable militia from the adjacent towns in this state and that of Massachusetts. The exertions of the people in Berkshire County were extraordinary on this occasion and merited them particular honor.

“* * * those patriots who composed the Council at that time deliverably laid the plan which their penetration assured them would be the destruction of the enemy. * * * they were indefatigable in adopting such measures as might conduce to the success of the enterprise.

“In convening, resolution, like electric fire, diffused itself through the whole body of the troops, while bravery marked the countenance, and patriotism glowed in the breast of every individual.

“* * * So determined were our forces, that no circumstance of superiority in number, of perfection of discipline, or of finished entrenchments was sufficient to bring discouragement to their view. Stark gave command, the attack was made, the entrenchments stormed, and the enemy defeated.

“What miracles will resolution and perseverance effect.

“Ye Britons, * * * this action has evinced that a Stark a Warner, and a Herrick with a number of men little more than half equal to yours, could by the assistance of heaven defeat your enterprise upon the first attempt, and make two thirds of your body prisoners. * * *

“The fame of this action spread through every part of America, and was productive of the most salutary effects in raising the spirits of our army, which was worn out by fatigues and hardships, and in depressing those of the enemy, for a long time flushed with victory.

“This battle * * * had a powerful operation in effecting (Burgoyne’s defeat).”

The northern campaign having terminated so favorably to the Americans, the country about Saratoga soon became a quiet place.

In the towns of western Vermont which had been deserted, the inhabitants were soon back at their homes and busied through November and December with gathering crops of corn, hay, and provisions to live upon through the winter.

From prosecuting war against an invader, attention again turned to civil liberty and the constitution and laws under which they could find freedom, justice and protection.

The Council of Safety directed the President of the Convention:

“IN COUNCIL, 25 Nov^r. 1777.

“Sir,—The Confusion & Multiplicity of Business Occasioned by the Unhappy War in the Northern Department since the appointment of this Council has prevented their being able to git the constitution printed which oblidges us this Council to desire you to Call together the old Convention to meet at Windsor, on Wednesday the 24 of December Nexte, which you will not fail to do.

I am Sir (by order of Council)

“Your most Obedient Hum^{ble} Servent,

“THOS. CHITTENDEN, P^t.

“Capt. Bowker, (President.)

“P. S.—The business of the Convention will be to Adjourn the meeting of the General Assembly.

“THOS. CHITTENDEN.”

The Council issued an address to the inhabitants of the State:

“STATE OF VERMONT.

IN COUNCIL OF SAFETY,

“Bennington 6thFeb^r. 1778.

“To the inhabitants of the State of Vermont:

“Gentlemen,—The United & joint Representatives of this State in their General Convention held at Windsor, & on the Several Times afterwards by Adjournments, did on the 2d (8th) day of July last Compose & agree Unanimously on a Constitution for the future Government & Mutual advantage of its Inhabitants. It was then proposed by the joint agreement of the said Representatives that such Constitution should

be printed so as to have had them circulated among the inhabitants seasonably to have had the General Election of Representatives to Compose the General Assembly in December last, who (by agreement) was to have met at Bennington within this State in the month of January last, but finding by repeated experience that the Troubles of the War and Encroachments of the Enemy would of Necessity render it impossible, this Council did think fit to again call on the members of the General Convention to meet, who accordingly met at Windsor on the 24 day of December last, & did Unanimously agree to postpone the day of Election until the first Tuesday of March next, & the setting of the Assembly to be at Windsor, on the 2^d Thursday of garch next. The Constitution is now printed & will be distributed among the Inhabitants of the several Towns in this State, so early that they may be perused before the day of Election, which this Council hope will Sufficiently Recommend the most safe & just Method of Choosing of Representatives to compose the General Assembly. Nothing but a real zeal for the future well being of the Inhabitants of the United States of America in General & this in particular could have induced this Council to have undertaken the arduous Task of Setting so many Months successively to provide for the Safety of its Inhabitants. They therefore Flatter themselves that their Services will meet the approbation of their Employer The Council are fully of the opinion, that nothing but (the want of) a firm Attachment & joint Connection of the Inhabitants of this State can frustrate or prevent their being what they so reasonably wish to be.

“I am Gentlemen (by order of Council)

“Your most Obedient Hum^{ble} Servant,

“THOMAS CHITTENDEN, *Pres't.*”

The second Wednesday in March the Council of Safety entered orders:

“STATE OF VERMONT.

IN COUNCIL,

Windsor 12 March 1778.

“This Council do recommend to the Several Gentlemen appointed by the freemen of the Several Towns within this State to represent them in General Assembly, to Assemble at the Town house in this place immediately & to form a house of Assembly by choosing a Speaker & Clerk, and make Report of your proceedings hereon as soon as may be to this Council.

By order of Council, THOS. CHITTENDEN, *P.*”

"STATE OF VERMONT.
IN COUNCIL,
Windsor 12 March, 1778.

"To John Benjamin, Gentlemen:

"Whereas a number of the Inhabitants of this State are now met Together in this place, appointed by the freemen of the Several Towns within the same in order to form a house of Assembly; and Whereas it is found Necessary that some person be appointed to act in the Capacity of a Sheriff, you are therefore hereby appointed, authorized and empowered in the Capacity of Sheriff during the Session of this present Assembly (unless sooner discharged), and to Subject yourself to such rules as you shall from time to Time (receive) from this or a future Council of this State, for which this shall be your Sufficient Warrant.

By order of Council, THO^s. CHITTENDEN, Pr^t.

"Attest, JOSEPH FAY, *Sec'y.*"

The Assembly met, chose its own officers, canvassed votes for state officers.

The Governor, Deputy Governor, Treasurer, and Council were sworn to their several offices, and constitutional government was organized and ready to act.

F 843.784

