

1990

Bucking the tide :: Charles Phelps and the Vermont land grant controversies, 1750-1789/

Peter E. Dow

University of Massachusetts Amherst

Follow this and additional works at: <https://scholarworks.umass.edu/theses>

Dow, Peter E., "Bucking the tide :: Charles Phelps and the Vermont land grant controversies, 1750-1789/" (1990). *Masters Theses 1911 - February 2014*. 1465.

Retrieved from <https://scholarworks.umass.edu/theses/1465>

This thesis is brought to you for free and open access by ScholarWorks@UMass Amherst. It has been accepted for inclusion in Masters Theses 1911 - February 2014 by an authorized administrator of ScholarWorks@UMass Amherst. For more information, please contact scholarworks@library.umass.edu.

UMASS/AMHERST



312066013809177

BUCKING THE TIDE:
CHARLES PHELPS AND THE
VERMONT LAND GRANT CONTROVERSIES, 1750-1789

A Thesis Presented

by

PETER E. DOW

Submitted to the Graduate School of the
University of Massachusetts in partial fulfillment
of the requirements for the degree of

MASTER OF ARTS

February 1990

History

BUCKING THE TIDE:
CHARLES PHELPS AND THE
VERMONT LAND GRANT CONTROVERSIES, 1750-1789

A Thesis Presented

by

PETER E. DOW

Approved as to style and content by:

Winfred E. A. Bernhard

Winfred E. A. Bernhard, Chairperson of Committee

Leonard Richards

Leonard Richards, member

Ronald Story

Ronald Story, member

Roland Sarti

Roland Sarti, Department Head
History

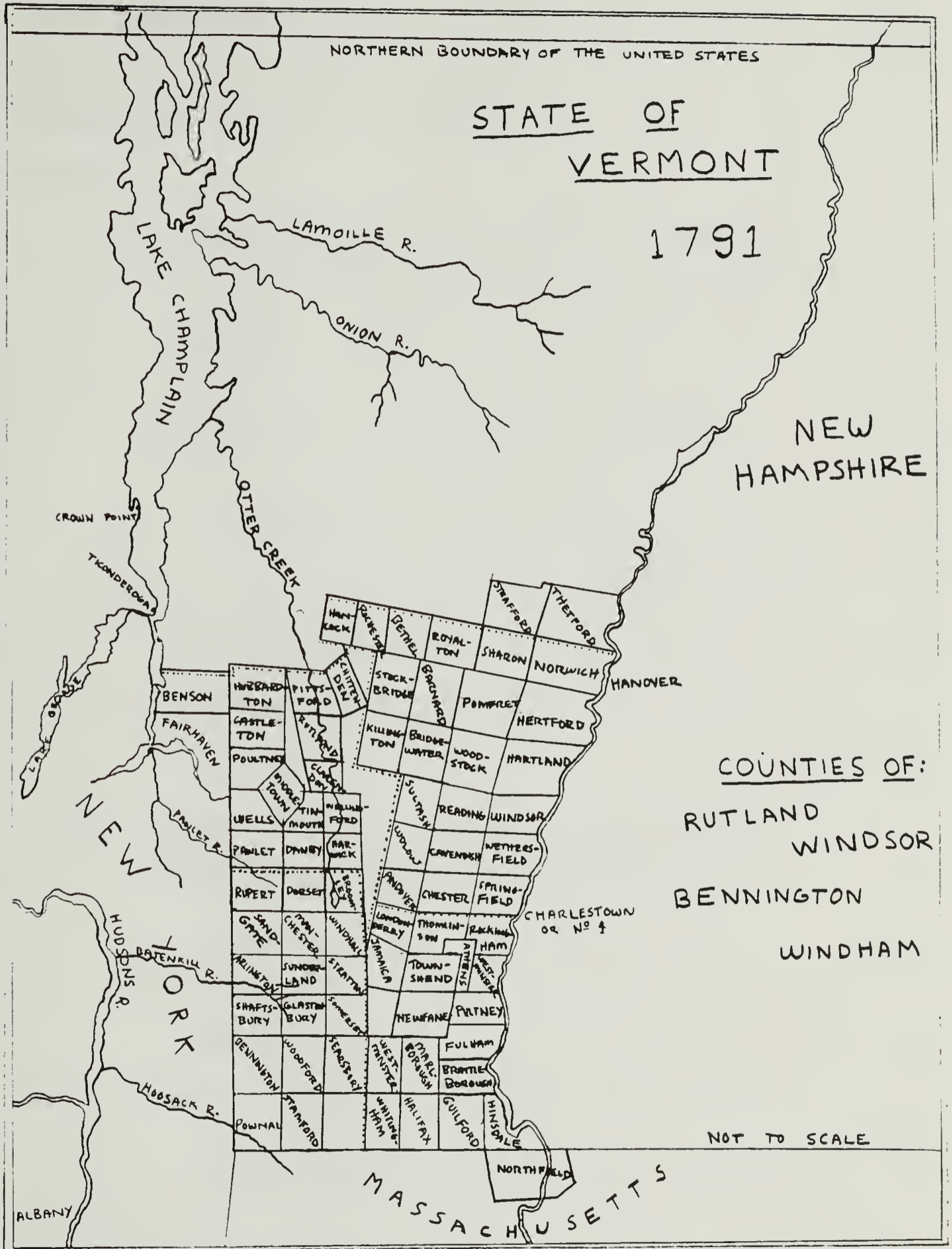
ACKNOWLEDGEMENTS

Throughout the past year, many people have assisted me in advising, researching, and editing this project. Each deserve my heartfelt thanks for their encouragement as the research progressed, the car mileage mounted, and the manuscript underwent revision.

First and foremost, I would like to thank Professor Winfred E.A. Bernhard who served as the chairman of my M.A. committee. He gave important constructive criticism of the manuscript and provided guidance in defining the scope of the project. Professors Ronald Story and Leonard Richards also served on the committee, and offered many helpful suggestions.

The staffs of the archives of Amherst College and the University of Vermont also provided important assistance during the long hours which I spent in their facilities. I would also like to thank Susan Lisk, curator of the Porter-Phelps-Huntington Museum in Hadley, for her special interest and support of this project.

Finally, I owe a great debt of gratitude to my parents and to Kelli, who offered words of encouragement during those difficult moments and helped make this thesis a reality.



STATE OF
VERMONT

1791

NEW HAMPSHIRE

COUNTIES OF:

- RUTLAND
- WINDSOR
- BENNINGTON
- WINDHAM

NOT TO SCALE

TABLE OF CONTENTS

	<u>Page</u>
ACKNOWLEDGEMENTS	iii
MAP	iv
INTRODUCTION	1
Chapter	
I. THE EARLY YEARS: CHARLES PHELPS IN HAMPSHIRE COUNTY, 1717-1764	7
A. Religious Controversy in Hampshire County	11
ENDNOTES	21
II. CHARLES PHELPS AND NEW YORK JURISDICTION, 1764-1771	24
A. Charles Phelps and the Early History of Marlborough	25
B. A Brief History of the New Hampshire Grants ...	33
C. New Hampshire Grantees React to New York Jurisdiction	42
D. A Turning Point: Charles Phelps and the Howard Grant of 1771	53
ENDNOTES	59
III. LOOKING IN A NEW DIRECTION: THE FIGHT FOR MASSACHUSETTS BAY JURISDICTION OVER THE NEW HAMPSHIRE GRANTS, 1771-1779	66
A. Overtures to the Massachusetts Bay Government: 1771-1775	66
B. The Claims of Massachusetts Bay in the New Hampshire Grants	73
C. The Legend is Born: Ethan Allen and the Green Mountain Boys	82
D. The New Hampshire Grants and the American Revolution	88
E. Charles Phelps and the Independent Government of Vermont	94

F. The Revival of Massachusetts Claims, 1771-1779	103
ENDNOTES	114
IV. THE LAST STAND: CHARLES PHELPS AND NEW YORK JURISDICTION, 1779-1784	121
A. Early Yorker Opposition to Vermont, 1777-1779	121
B. Charles Phelps and the Continental Congress ..	125
C. Vermont Actions to Squelch Internal Dissent, 1779-1780	136
D. "Treacherous Dealings:" Vermont and the Haldimand Negotiations, 1780-1782	142
E. The Guilford Wars: Vermont Moves Against the Yorkers, 1782-1784	152
ENDNOTES	176
V. THE AFTERMATH OF THE VERMONT STRUGGLE	185
A. The Final Years, 1784-1789	185
B. The Legacy of Charles Phelps	191
ENDNOTES	194
APPENDIX: BIBLIOGRAPHICAL ESSAY ON PRIMARY SOURCES...	195
BIBLIOGRAPHY	197

INTRODUCTION

The political situation in the territory of what eventually became the State of Vermont might have been characterized as a "revolution within a revolution" during the 1770s and 1780s. Not only were revolutionary forces fighting the British, but conflicts also occurred between factions among the population which competed for political control over the wilderness of the New Hampshire Grants. While most historiographical attention concentrates on the Allen and Fay brothers, Thomas Chittenden, Seth Warner, and other leaders of the victorious independence movement, there was vehement, and occasionally violent, opposition to statehood for the Grants. Throughout the Revolution and afterwards, one of the leaders of this opposition movement was Charles Phelps, a lawyer, land speculator, and native from the Connecticut River Valley of Hampshire County, Massachusetts, who proved to be a painful thorn in the side of the Allens and the crusade for Vermont statehood until his death in 1789.

Born on Northampton in August 1717, Charles Phelps followed in his father's profession and worked as a bricklayer and mason in his younger years, moving across the Connecticut River to Hadley in the early 1740s. By the following decade, however, Phelps had educated himself in the practice of law and had become, according to his grandson, John Phelps, "a lawyer of eloquence as well as eminence." His new profession and his service to the Crown

as Justice of the Common Pleas for Hampshire County elevated him to the status of a "gentleman" in Connecticut River Valley society. Indeed, John Phelps writes that "few country gentlemen for wealth and respectability were more distinguished" than Charles Phelps.

Phelps' interest in the New Hampshire Grants began in 1751, when he began speculating in New Hampshire land titles in the southeastern area of the Grants. For reasons to be considered in the first chapter, Phelps and his family settled in the wilderness, in the town of Marlborough in April 1764, forty five miles north of Hadley. They were one of the earliest settled families who had received title from New Hampshire Governor Benning Wentworth.

In 1764, however, title of all New Hampshire lands west of the Connecticut River, held by Phelps and others, was called into question by a royal Order in Council which determined that New York had held jurisdiction over the Grants, as far east as the Connecticut River, since 1664. Additional confusion developed from the conduct of Massachusetts and New Hampshire, which asserted, with varying degrees of intensity, jurisdiction over the right to grant townships and land titles on the Grants. Not until 1791, when Vermont officially entered the Union, was the matter settled and hostilities ended.

From the time Charles Phelps settled in the Grants until his death in 1789, he and his two eldest sons, Solomon and

Timothy, were important actors in the jurisdictional disputes. Indeed, the activities and opposition of the Phelps family were a significant reason for the delay of Vermont statehood until 1791. While Phelps consistently opposed Vermont independence, however, he advocated other, often contradictory, positions. Although he held grants from Governor Wentworth of New Hampshire, for instance, Phelps frequently petitioned both New York and Massachusetts to assert their authority over the Grants. During another period in the mid-1770s, Phelps collaborated with the Allens and others in opposition to New York control: yet shortly thereafter he had begun to pen vehement denunciations of the leaders of the independence movement. And in the early 1780s, Phelps assumed perhaps his most prominent role in early Vermont history when he travelled to Philadelphia and petitioned Congress for political and military assistance, and appealed to the members to oppose Vermont statehood. In short, it seems that the only side of the Grants issue that Phelps did not support was the victorious one.

In many histories of early Vermont, however, Charles Phelps' convictions have been misinterpreted and his role downplayed by Vermont historians, many of whom are quite sympathetic to the independence movement. Indeed, much of the historiography portrays Phelps as an ardent Yorker who labored tirelessly to secure New York jurisdiction eastward to the Connecticut River. Charles Thompson, for instance, argues

that, despite "one or two" flirtations with Massachusetts jurisdictions, Charles Phelps "remained true to his convictions that New York was the lawful owner of the trans-Connecticut grants ... and was faithful to that generally unpopular government through thick and thin."

This frequent classification of Phelps as a Yorker, however, although accurate for the last decade of his life, oversimplifies his complex and, indeed, perplexing career in the Grants. While advocating the diverse interests of New Hampshire, Massachusetts, and New York at various times, above all, Phelps' first loyalty rested with whichever cause he believed would best secure his property in the Grants.

Phelps' personality and character contributed to his reputation as a colorful and controversial figure not only in the Grants but also in Hampshire County and the Connecticut River valley. Standing six feet three inches in height, Phelps "possessed a commanding person (with) a sense both of firmness and power." According to John Phelps, his grandfather was "severe in his manner, particularly in his family government..." This severity also evidenced itself in religious matters, as Phelps' Edwardsean theological principles were troublesome during his residence in Massachusetts. By nearly all accounts, Phelps was an obstinate individual with condescending and garrulous manner. At best, in the words of his grandson, Charles Phelps was "severe:" at worst, accord-

ing to Vermont Governor Thomas Chittenden, Phelps was a nuisance to mankind."

My first contact with Charles Phelps came when I was an assistant at the Porter-Phelps-Huntington House Museum in Hadley, Massachusetts. A well-preserved eighteenth century home with a rich and well-documented family history, the house was owned by Phelps' son, Charles Jr., and served as a backdrop for several events in the controversies involving Charles Phelps and the Grants.

In addition to the intriguing character of Phelps and his adventurous life in Vermont, another factor contributed to turning my initial interest into a full-fledged thesis project. A wealth of primary source material dealing with Phelps has become accessible in the last two decades, much of which illustrate the important role played by Phelps in early Vermont history. Moreover, since much of the historiography was written in the nineteenth and early twentieth centuries, this new information also justifies a reconsideration of Phelps. In the Wilbur Collection at the University of Vermont, the Charles Phelps Papers, dated from 1754-1785, highlight his attempts to secure New York and Massachusetts jurisdiction and his encounters with the Allens and the Vermont government. Additionally, archives from the Porter-Phelps-Huntington House, on extended loan to Amherst College, contain numerous deeds, letters, and documents pertaining to the controversies surrounding the New Hampshire Grants. Both

of these resources are invaluable for reconsidering outdated interpretations of Charles Phelps.

While this thesis is not a biography of Charles Phelps, it is rather an investigative narrative of the Vermont land grant controversies and Phelps' involvement in them. For the most part, the paper develops in a chronological manner, with analyses of the major events in this period of Vermont history and an emphasis on the involvement of Phelps. This study I hope will contribute to a better understanding of the colorful and controversial figure of Charles Phelps, the history of the New Hampshire Grants, and the formidable challenges which faced the young state of Vermont.

CHAPTER I

THE EARLY YEARS: CHARLES PHELPS IN HAMPSHIRE COUNTY, 1717-1764

Born in mid-August, 1717, Charles Phelps was the first child in the fourth generation of the Phelps family in Northampton, Massachusetts. His father, Nathaniel, was a bricklayer by trade:² and although few records detail Charles' early life or education, it is evident that the younger Phelps followed his father in this profession.

Phelps was successful in his masonry and bricklaying career, for in February 1740 he purchased a house and its eight acre lot in the village of Hadley.³ Two months later, on April 24, 1740, Phelps married Dorothy Root of Northampton and within the year the couple had moved across the Connecticut River⁴ to their new home.

The decade of the 1740s was one of continued success and growing prominence in Hadley for the Phelpses. Charles continued working as a bricklayer, and by 1750 he and his wife had had four children, including two sons, Solomon and Timothy, who later became embroiled along with their father in the controversies surrounding the New Hampshire Grants. Additionally, Phelps began purchasing land throughout Hampshire County in the 1740s, ranging from small parcels in the center of Hadley and Hockanum meadows to large tracts of land on the Massachusetts frontier west of Deerfield and Hatfield. Although the former lands were perhaps acquired for his sons'

future needs, the latter purchases were likely for speculation.

While many contemporary portrayals and some later interpretations of early American economic history characterize the land speculator as a greedy "land jobber," many of them, such as Charles Phelps, were hard-working and ambitious men who had acquired some wealth and wished to improve their economic standing. Indeed, the restrictive mercantilist policies of Great Britain denied investment in local manufacturing, making investments in land and proprietorships more attractive. Further, dramatic increases in the population of Massachusetts Bay, and Hampshire County in particular, pressured the opening of lands west of the Connecticut River for settlement. The population of Hampshire County, for instance, exploded from 17,298 in 1765 to 34,947 by 1776. Additionally, the development of western lands in the county increased during the mid-eighteenth century: whereas prior to 1740 there were four towns incorporated west of the Connecticut River, by 1774 settlers had received incorporations for⁷ eighteen fledgling settlements.

By 1760, then, large scale land speculators in Hampshire County tracts, such as Ezekiel Kellogg of Hadley, stood to earn significant profits on land they had purchased, typically, at one to three shillings per acre.⁸ Likewise, although to a lesser degree, Charles Phelps continued to prosper throughout the 1750s and 1760s, purchasing and selling

lands in Hadley, Sunderland, and other Hampshire County areas. More importantly, in 1751 Phelps turned his attention northward as well, to the fertile and undeveloped Connecticut River valley lands in the southeastern region of the New Hampshire Grants.

Phelps' success in the bricklaying trade provided not only resources for his land speculation but also elevated his standing in Hadley and Connecticut River valley society. Indeed, by 1756, several of his deeds identified the buyer as "Charles Phelps of Hadley Gentl⁹mn." Shortly thereafter, Phelps took up the study of law and began to write legal papers in his own hand.¹⁰ In May 1759, the Hampshire County Court of General Sessions recorded that "Charles Phelps Esq. ... now published his commission," and from this date follow-¹¹ing, Phelps' deeds describe his profession as "Esquire."

One of Phelps' first cases occurred in front of the Hampshire County Court in February 1760, where he defended a number of rambunctious young men charged with disorder. Phelps' appearance as counsel was most intriguing, as we shall see later, since he adhered to strict Christian principles. The matter centered on the activities at Ebenezer Pomeroy's tavern in Hockanum on August 6, 1759. The indictment accused eight young men of drinking and "tippling" for some hours, and charged them with "fiddling, singing, dancing, and reveling for 'three hours after nine o'clock'"

at the tavern. Charles Phelps defended the rabblers, and managed to get them set free without a fine.¹²

Accompanying Phelps' legal study and subsequent career in law was an interest in local and county politics. Phelps served as constable and on the 1st Precinct Committee in Hadley, and in 1757 sat on the board of selectmen for the town.¹³ Additionally, he was a Hampshire County Justice of the Peace, appointed by Massachusetts Bay Governor Thomas Pownall.

As his career in law progressed and his prominence in Hadley politics and society grew, however, Phelps gained a reputation as a troublemaker, a rabblouser, and an obstinate man who frequently adopted "contrary opinions" to those of the majority. Indeed, this reputation would gain further adherents in the later New Hampshire Grants jurisdictional disputes, and remain with Phelps until his death in 1789. Certainly the personality, character, and manners of Charles Phelps provided the foundation upon which his negative image, in both the eyes of many of his contemporaries and the writings of most Vermont historians, rested.

Standing over six feet tall, Phelps possessed a commanding physical stature: his frame was "erect, ample and bony, and gave full scope to a body inclining to be corpulent to favorably develop itself." His light gray and lustrous eyes were set beneath a "high, squarely turned forehead" which conveyed "a sense both of firmness and power."¹⁴ His fea-

tures mirrored his manners, personality, and actions, which contemporaries and historians alike have characterized as "condescending," "severe," "garrulous," and "eccentric." Phelps seemed to welcome the attention he attracted and he thrived on the controversies he was often at the center of. In the courtroom, for instance, one gains an indication of what Phelps was like when he was given a public stage: "The length of Mr. Phelps' pleadings at the bar made him intolerable. The four hours allowed him by the court would often bring him to the threshold only of his argument, and he was frequently obliged to stop without touching upon the merits of the case."¹⁵

A. Religious Controversy in Hampshire County

While few historical sketches are flattering in their evaluations of Charles Phelps, it is clear that he was a very principled man who uncompromisingly adhered to his ideals. The first evidence of this is his relationship with the Church of Christ in Hadley and its pastor, Samuel Hopkins.

After removing to Hadley in the early 1740s, Charles Phelps joined the Hadley church during the latter stages of the Great Awakening in Hampshire County.¹⁶ Phelps brought with him a strong family heritage in the Northampton church, in which his family had been active from its creation in 1661. As a member of the church during the pastorate of Jonathan Edwards,¹⁷ Phelps adhered to the revivalist's

strict guidelines concerning church membership and admission to communion. However, by the early 1740s, Edwardsean revivalism and his preachings were met with increasing opposition in Hampshire County, particularly among more liberal congregations such as gathered in Hadley.

A logical starting point for discussion of this dramatic theological controversy which tore the social and political fiber of Hampshire County and, indeed, much of colonial America is the ordination of Solomon Stoddard as the pastor of the Northampton church on November 7, 1672.¹⁸ Frequently referred to as the "Congregational Pope," Stoddard was greatly revered not only by most in his Northampton congregation but particularly by later historians who created an aura and mysticism around his image. His patriarchal style did, indeed, resemble the role of a father, combining stern leadership for discipline and gentle emotional support for guidance. Indeed, Stoddard's followers represented "his children-relatively unfit to govern, of course, but beloved and tenderly comforted when obedient, encouraged but also¹⁹ disciplined."

This atmosphere of respect and love from his congregation buoyed Stoddard in his attacks upon traditional New England congregationalism. Previously, established practice had dictated that only those parishioners who had undergone a true conversion experience and delivered a convincing conversion narrative were voted a full membership by the church

minister or its committee of elders. Additionally, only full members of the church were devout enough to partake of the Lord's Supper, and thus the church excluded all others from communion.

Stoddard, however, challenged these basic tenets of eastern Massachusetts puritan orthodoxy by relaxing the strict guidelines for church membership and instituting open communion. He doubted whether one could fully express the enormity of the conversion experience, and had even less faith in the ability of church members to judge the narratives accurately. Stoddard denounced the distinctions between full and halfway memberships, which seemed needlessly divisive within the congregation and intimidating to outsiders interested in joining. In beginning open communion, Stoddard challenged the sacredness of the sacrament and argued that it was impossible for one to know definitely who was regenerate. At the very least, offering the Supper to all except the worst individuals in town would begin the transformation of an individual from a sinner to a saint. This arduous trek required a strong hand of discipline and leadership from the minister, the "compassionate guide of souls in the torments of conversion."²⁰

Indeed, Stoddard became the dominant religious leader in the Connecticut valley from 1672 until his death in 1729, and brought a new ecclesiastical order to Northampton and most of the other churches in Hampshire County. His success-

ful evangelism within the open church structure led many other churches to adopt this approach, and even in the mid-eighteenth century most Hampshire County congregations followed Stoddardeanism.²¹ Consequently, however, with his death, the stable ministry in Northampton and evangelical unity in the valley suffered a significant setback.

The minister chosen to succeed Stoddard was his grandson, Jonathan Edwards, who had served under Stoddard for two years in Northampton and had developed great respect for his predecessor doctrines, power over his congregation, and revivalist evangelism. Indeed, Edwards praised the impact of Stoddard's tenure in Northampton; its people were "as sober, and orderly, and good sort of people, as in any part of New England ... (and) without question, the religion and good order of the county and their purity in doctrine has, under God, been very much owing to the great abilities and eminent piety of my venerable and honored grandfather Stoddard." In short, Solomon Stoddard had made Northampton "the freest of any part of the land from unhappy divisions and quarrels in our ecclesiastical and religious affairs."²²

Initially, Pastor Edwards fully embraced the Stoddardean positions on church sacraments and conversion; indeed, the principle of open communion remained a crucial part of the conversion process. Shortly after assuming the Northampton pulpit, however, Edwards noticed a disturbing decline of piety and harmony in his congregation, lamenting that "just

after my grandfather's death it seemed to be a time of extraordinary dullness in religion ... (as) licentiousness for some years greatly prevailed among the youth of the town." ²³ Additionally, Edwards believed too few churchgoers were taking advantage of the opportunity for salvation represented by open communion, and accused them of being "so in love with sin and with the world that rather than part with those you will reject this glorious privilege and happiness." ²⁴ By neglecting present opportunities to commit themselves to God, they "gain nothing ... but give Satan more opportunity to darken their minds, to deceive them and lead them astray ..." ²⁵

Concentrating his efforts on the young people of Northampton and attempting to strengthen the authority of the pastorate, Edwards sought to counter this lack of piety and re-create the success of his grandfather. Beginning in 1734, the religious revival in Northampton flourished as "the spirit of God began extraordinarily to set in, and wonderfully to work among us ... the only thing in (the congregation's) view was to get the kingdom of heaven, and everyone appeared pressing into it." ²⁶ The religious excitement of the revival and the Great Awakening, however, also concerned Edwards, for among the large numbers of conversions there were, no doubt, some who lacked a sincere faith in God. Thus Edwards gradually determined that "if any person should offer

to come into the church without a profession of godliness, I must decline being active in his admission ..."²⁷

Edwards retreated from the revered Stoddardean doctrines he had initially embraced, and rejected, for instance, open communion as a legitimate conversion instrument. He rejuvenated the strict congregational standards of the previous century, arguing that membership should be based on the testimony of the conversion and that one person would deliver a judgement as to the truth of the testimony. No doubt Edwards felt the minister alone was capable of rendering this judgement, since the minister "should have the power to teach them who are Christians and who not ..." Indeed, because the congregation recognized that "I was under the infallible guidance of Christ, and I was sent forth to teach the world the will of Christ," then, Edwards posited, "I should have power in all the world."²⁸

By the late 1740s, the clash between the seventeenth century congregational principles of Edwards and the early eighteenth century Stoddardean practices generated hostility towards Edwards and those whom his doctrines guided. When both personal and doctrinal disputes led to Edwards' dismissal from the Northampton church on June 22, 1750, problems also arose for his disciples in Hampshire County.

Charles Phelps, who was a full member of the Northampton church and experienced Edwards and the Great Awakening revivals firsthand, joined the Hadley Church of Christ after he

removed across the Connecticut River in the early 1740s. The Hadley church, however, was not of the same sentiment as the Northampton church during the heyday of Edwards. Indeed, despite the power of Edwards' preaching and message and the revivalism he fostered in many congregations, the Hadley church, the second oldest in Hampshire County, adhered to the Stoddardean doctrines espoused by Edwards' esteemed grandfather. Isaac Chauncy, for instance, who led the Hadley congregation from 1695 to 1738, adopted a modified form of open communion and supported Stoddard in the formation of the Hampshire Association of Ministers in 1714. Additionally, Chauncy directly confronted Jonathan Edwards in early 1736, when he assisted in the ordination of Reverend Robert Breck of Springfield. Breck, a "theological liberal" whose doctrines threatened to infect the congregations of Edwards and other strict county ministers, raised their ire and earned him the label of "heretic."²⁹ Chauncy's successor, Chester Williams, also opposed Edwards, and was of the opinion that those persons not yet converted should be admitted to the Lord's Supper. In fact, Williams sat on a council and voted in favor of a motion which dismissed Edwards in June 1750.

In short, Charles Phelps clearly found himself in the minority concerning religious views. While there is no evidence of confrontation between Phelps and Williams, by the late 1750s Phelps' strict Edwardsean principles had pushed him to conclude that he could no longer support the

Stoddardean practices of the Hadley church. He "appeared and declared himself of different sentiments from this church in respect of the qualification of such as are admitted to full communion ..." While not a separatist, Phelps held such high principle and deemed this issue to be "a point of such importance" that he "could not in conscience hold communion with a church of different sentiments from him in it and of a practice in the admission of members so differing from what he thought it ought to be as that of this church ..."

Samuel Hopkins, who became pastor in 1755 following the death of Chester Williams, found himself in a difficult position in the Phelps matter. Phelps was a man of some standing in the town, having been active in politics, and, most recently, having served on Hadley's board of selectmen; and thus Hopkins risked the possibility of division within the church and further challenges to his authority if the Phelps incident did not resolve itself smoothly. After expressing doubt as to whether Phelps' allegations "justify his forsaking our communion," Hopkins and the church concluded that while "it became them in such a case to shew lenienty and toleration of conscience as to not censure his conduct as gross scandal or proceed against him as a scandalous offender," they nonetheless "could not look upon his conduct as any other than a breaking off from us ..." Thus on January 19, 1760, the church voted that "Charles Phelps Esq. by long absenting himself from the communion of it and this church es-

teems and declares itself discharged from any further jurisdiction over him." ³⁰

In the search for explanations as to what might have motivated a successful Hampshire County lawyer and family man like Phelps to start anew in the wilderness of the New Hampshire Grants, this incident involving religious dissent certainly played a part. Indeed, in a New England community where religion so captivated and dominated colonial society, Phelps' dismissal impacted nearly every aspect of his life. Unlike most secular leaders, Phelps possessed a personality and abided by principles which seemed to prevent him from distinguishing his strong theological convictions from his everyday political responsibilities. Phelps, for instance, like another prominent secular figure, Joseph Hawley of Northampton, soon found himself in disfavor among other local politicians for his religious conviction. Indeed, the eleven Hampshire County Justices of the Peace, led by Israel Williams of Hatfield (the most influential politician in the county in the mid-eighteenth century), described their colleague, Phelps, as "company they never intended to keep."

In short, despite the fact that he had begun speculating in the New Hampshire Grants in 1751, it was not until after his troubles with the church that Phelps undertook the arduous task of beginning a new settlement in the town of Marlborough in 1764. Thus it is probable that by the early 1760s, the religious turmoil had made Phelps an outcast from

Hadley and Hampshire County society, and prompted him to move northward. Irrespective of his contemporaries' opinions of his abrasive personality, his egotism, and his uncompromising nature, Phelps deserves admiration for being one of the pioneer settlers in the frontier wilderness which would eventually, despite his vehement objections, enter the Union as the fourteenth state.

ENDNOTES

1. Charles Phelps' birthdate varies, depending on the source. Vermont historian B. H. Hall, Phelps' grandson, John, and Hadley historian Sylvester Judd claim Phelps was born on August 15th. But Phelps' descendant, Dr. James Lincoln Huntington, supported by the evidence of Phelps' tombstone in Marlboro, posits that the date was August 16.
2. Deed, Daniel Webb to Nathaniel Phelps, 29 May, 1738, in Porter-Phelps-Huntington Family Papers, Special Collections Department, Amherst College Library. Hereafter this collection is referred to as the PPH Papers.
3. Deed, John Stebbins to Charles Phelps, February 20, 1740. PPH Papers.
4. Deeds, February 20, 1740 and October 21, 1742. PPH Papers. While local historian Sylvester Judd dates Phelps' move to Hadley as "1743 or 1744" (The History of Hadley, p. 110), the deeds illustrate it was earlier. The February 1740 deed identified Phelps as being from Northampton, while the October 1742 deed claims he resided in Hadley.
5. Deeds, 1741-1749. PPH Papers.
6. Historian Gregory Nobles, for instance, expresses a common characterization of the speculator: "...the yeoman farmer, who made an honest and productive use of the land, had to contend with the parasitic speculator, who took his wealth from the land without even touching it." Gregory Nobles, Divisions Throughout the Whole (Cambridge University Press; New York; 1983) p. 124.
7. IBID., p. 108, ppgs. 195-6.
8. Sylvester Judd, The History of Hadley (H. R. Huntington and Company; Springfield; 1905) ppgs. 291-292.
9. Deeds, March 5, 1752, January 31, 1755, and February 27, 1756. PPH Papers.
10. Numerous deeds are written in Phelps' distinctive style, and state the transaction as from the seller "to myself."

11. Court of General Sessions, Hampshire County, May 15, 1759. Cited in Dr. James Lincoln Huntington, "The Honorable Charles Phelps," Transactions of the Colonial Society of Massachusetts November 1936-April 1937. Volume XXXII, Boston, 1937. p. 443. Deeds, December 9, 1761, June 17, 1763, May 10, 1764. PPH Papers.
12. The incident was described in Judd, History of Hadley, p. 289.
13. Records of the 1st Precinct of Hadley, March 1735-1760. Hadley First Congregational Church Archives, Hadley, MA.
14. Descriptions from Charles Phelps' grandson, John, in Family Memoirs (Selleck and Davis, Book and Job Printers; Brattleboro; 1886). While the historian must be cautious in relying upon memoirs, in some cases they provide enlightening descriptions not found in other sources.
15. Benjamin H. Hall, History of Eastern Vermont (D. Appleton and Company; New York; 1858) p. 680.
16. Unfortunately, specific dates cannot be assigned for early events in the Hadley Church of Christ because fire destroyed all the church records in March 1766. Sylvester Judd, p. 47.
17. Northampton Church Records, Forbes Library, Northampton, Massachusetts.
18. IBID., frame 12.
19. Patricia Tracy, Jonathan Edwards, Pastor (Hill and Wang; New York; 1980) p. 48. Tracy's work presents an enlightening portrayal of the background to Jonathan Edwards' tenure in Northampton. For an informative discussion of the impact of Stoddard, Edwards, and the Great Awakening, on Hampshire County society, see Gregory Nobles, Division Throughout the Whole.
20. Tracy, p. 30.
21. IBID., p. 31. Stoddard's success was helped by his formation of the Hampshire Association of Ministers in 1714, a group designed to give advice to heal all manner of inter- and intra-congregational disputes. The Association developed a regional unity among the valley's ministers, led by Stoddard, and acted collectively in implementing Stoddardean doctrines and defending themselves against threats from within the region and without (such as the Mathers from Boston).

22. Jonathan Edwards, "A Faithful Narrative of the Surprising work of God." In C. C. Goen, ed. The Great Awakening, Volume IV. Works of Jonathan Edwards (Yale University Press; New Haven; 1972) ppgs. 144-145.
23. IBID., p. 146.
24. Jonathan Edwards, Sermon, June 1734. Quoted in Tracy, p. 56.
25. Jonathan Edwards, I Kings 18:21, Sermon on "The Unreasonableness of Indetermination concerning Christianity." Sheldon B. Quincer, ed. Edwards' Sermon Outlines (William B. Eerdmans Publishing; Grand Rapids; 1958) p. 31.
26. Jonathan Edwards, "Faithful Narrative," ppgs. 149-150.
27. Jonathan Edwards, quoted in G. Nobles, p. 60.
28. Jonathan Edwards, "Miscellanies," No. 40. Harvey G. Townsend, ed. The Philosophy of Jonathan Edwards (University of Oregon; Eugene; 1955) p. 200.
29. For a more complete discussion of the liberal doctrines of Arminianism and their impact on the Hampshire County clergy, see G. Nobles, ppgs. 38-44, and Tracy, ppgs. 79-80.
30. Samuel Hopkins, pastor, "To Whom It May Concern," January 27, 1760. PPH Papers.

CHAPTER II

CHARLES PHELPS AND NEW YORK JURISDICTION, 1764-1771

Leaving Hadley in the spring of 1764, the Phelps family travelled north to the newly settled town of Marlborough, six miles north of the Massachusetts border in the southeastern corner of present-day Vermont. For the next twenty five years, until the death of Charles Phelps in 1789, the Phelps family would be embroiled in the Vermont jurisdictional controversies.

While Phelps had received title to his land from Governor Benning Wentworth of New Hampshire, from the outset he supported New York jurisdiction over the territory. Shortly after his arrival in Marlborough, the British had ruled that the New York claims eastward to the Connecticut River were valid; and thus, from 1764-1771, Phelps lobbied hard as an agent for the town's proprietary committee to secure New York title for their property. Not until 1771, when it appeared to Phelps that New York might betray even its most loyal subjects and jeopardize the security of their titles, did he abandon the New York position and explore other possibilities for jurisdiction over the Grants.

A. Charles Phelps and the Early History of Marlborough

Governor Wentworth originally patented Marlborough to Timothy Dwight and Theodore Atkinson, "agents for the grantees," on April 29, 1751.¹ Among the list of proprietors were names from familiar families in western Massachusetts and the vicinity of Northampton, including Strong, Parsons, Warner, Lyman, and Phelps. Of all the original proprietors, however, only Charles Phelps of Hadley and his family eventually settled in the town; the others sold their shares to prospective settlers.

Like many other similarly planned towns granted by Wentworth west of the Connecticut River, Marlborough contained twenty three thousand and forty acres, and measured thirty six miles square. Wentworth stipulated that the tract "be divided in to sixty four equal shares" among the grantees, "their heirs, and assignes forever."² However, when Wentworth accounted for sixty four one-acre lots at the center of town, in addition to the "shears" for "the first settled minister," the school, the Governor of New Hampshire, and "a glebe for the benefit of the Church of England," there remained for the proprietors fifty seven lots containing 360 acres each. Charles Phelps, like the other grantees, then took his chances and drew his lot "for better or worse." He received lot #17, one of the western-most parcels on the outskirts of Marlborough, abutting lands in the Wilmington³ grant.

Consistent with British colonial policy encouraging the clearing and settlement of wilderness areas, Marlborough's charter resembled most others in requiring "fifty families resident and settled thereon" prior to the opening of a "market" and the election of town officers (the meeting for which was to be called by the first moderator, Timothy Dwight of Northampton). Additionally, further conditions called upon "every grantee, his heirs, or assigns (sic)" to clear or cultivate "five acres of land within the term of five years for every 50 acres contained in his or their share or proportion of land" in Marlborough. If these conditions were not met, inhabitants would not "be enfranchised with and intitled (sic) to all and every the privileges (sic) and immunities (sic) that other towns within our said province (New Hampshire) by law exercise and enjoy," and thus they would forfeit their shares of land within Marlborough. The lost claims would then revert back to the Crown and be "regranted to such of his (Majesty's) subjects as shall⁴ effectually settle and cultivate the same."

This was the fate of Marlborough's first charter as the conditions for settlement were not fulfilled by any of the proprietors. The grantees forfeited their claims, and for over ten years Marlborough remained but a plan drawn upon a surveyor's map, its dense forest undisturbed by the settler's axe. On September 21, 1761, however, Wentworth determined that a renewal of the original township grant was valid, and

thus the Governor of New Hampshire re-chartered Marlborough to the same persons on the 1751 charter.

The grantees attributed the ten year lapse which prompted the forfeiture of their claims within Marlborough to the disruptions caused by the French and Indian War. Indeed, the proprietors claimed that "the intervention of an indian warr" made it "impracticable to comply with and fulfill the conditions" of settlement stipulated in 1751. Thus they requested Wentworth to "lengthen out and grant them some reasonable time" after the war in order to settle the town.⁵

The Indian depredations in the Connecticut River Valley during the war certainly posed dangers for the few established settlements, and made it nearly impossible for pioneering settlers. The small garrison at Fort Dummer, for instance, had withstood numerous Indian incursions since its construction in 1724, and it was not until the French had evacuated Fort St. Frederick in 1757 that the western frontiers of Massachusetts and New Hampshire enjoyed some security. Indeed, many outposts and towns in the region, stretching from Charlestown, New Hampshire and Brattleborough southward to the Massachusetts settlements of Northfield and Greenfield,⁶ were targets for attacks during the French and Indian War.

While the dangerous situation in the Connecticut River Valley made settlement in the New Hampshire Grants very risky, it was unlikely that many of the grantees ever intended to settle Marlborough or other townships in the

first place. Even after the war, only Phelps from among the original proprietors moved to Marlborough; and this was likely prompted by the religious confrontation within Hadley and not necessarily by a long-held and adventurous pioneering "spirit."⁷ Unlike Phelps, most grantees were quite satisfied to subdivide their 360 acre lots and sell title to sincere settlers.

Wentworth issued a second charter for Marlborough in September 1761, yet the first settlers did not arrive until the spring of 1763. Abel Stockwell and his family from West Springfield, Massachusetts purchased New Hampshire title on the eastern border of Marlborough, while Francis Whitmore settled in the southwestern part of town. According to local lore, the two families lived only several miles apart, yet due to their isolated clearings and the dense surrounding forests, the families survived the hardships of a rough first year without knowledge of each other's existence.⁸

Charles Phelps, his wife, Dorothy and their family followed the Stockwells and Whitmores to Marlborough in the spring of 1764.⁹ Like the first two families, the Phelpses also faced severe adversities, quite in contrast to their secure life in Hadley. Upon arrival in the town, the settlers first had to clear the heavy stands of sugar maple, spruce, birch and elm (and all the while being careful to preserve pine suitable for masts in the royal navy).¹⁰ Fortunately for the elder Phelps, who was approaching fifty years

of age, he could rely upon his young, able-bodied sons, Solomon, Charles Jr., and Timothy, for much labor.

Additionally, the first mill of any kind did not operate in Marlborough until 1772, when Captain William Williams¹¹ opened a sawmill. The lack of a grist mill forced settlers to carry grain southward from Charlestown, or northward from Northfield or Deerfield, Massachusetts, an arduous task made more difficult by the lack of roads and the scarcity of horses or oxen. Many of these adversities facing the early settlers in the Grants would prove difficult to overcome. Even in 1775, for instance, Phelps still relied upon cattle grown and driven north from Hadley by his son, Charles Jr.: and since salt continued to be "exceedingly dear and scarce" in Marlborough, Phelps hoped that his son would "provide (it)¹² seasonably, enough for us and yourself."

In spite of these challenges, Phelps seemed determined to play a prominent role in the growth of Marlborough and other towns chartered by Benning Wentworth in the Grants. Consistent with his diligent and untiring efforts to provide for the welfare of his family, Phelps continued the political, economic, and social involvement which characterized his earlier life in Hampshire County.

Prior to his move to Marlborough in the spring of 1764, for instance, Phelps filed a new petition with Governor Wentworth requesting a third charter for the Marlborough parcel,¹³ on behalf of a somewhat different group of grantees.

The "Marlborough Regrant," approved by Wentworth on April 19, 1764, contained the same acreage, dimensions, conditions for settlement, and fee schedule as the original 1751 charter and its 1761 renewal. However, largely due to the efforts of Phelps, the Governor did make significant changes in the regrant. First, the town underwent a name change and was incorporated by New Hampshire as "New Marlborough." Second, numerous new grantees were among the list of 1764 proprietors, including Charles Phelps' sons. Thus the Phelps family held four 360 acre lots in New Marlborough by April 1764. Finally, Wentworth replaced Timothy Dwight as agent for the proprietors with Phelps, giving the latter the responsibility for calling the "first meeting for the choice of town officers," and acting as the moderator at that gathering. For all the effort and expenses involved in securing the regrant, New Marlborough's new proprietary committee approved payment of over 160 pounds for Phelps in December 14 1765.

While members of the Phelps family played important roles in the early settlement of New Marlborough, they also held interests in several other townships within the Grants. Seventy miles north of New Marlborough, for instance, lay the adjacent townships of Strafford and Thetford. The Strafford parcel, measuring thirty six miles square and contain 23,040 acres, was granted by Wentworth to "Solomon Phelps and sixty three associates" on August 12, 1761. The charter of its

eastern neighbor, Thetford, also granted on August 12, listed Timothy Phelps among the grantees. And twenty miles west of New Marlborough, in the southern ranges of the Green Mountains, Charles Phelps held a grant in Stamford, dated September 21, 1761.¹⁵ Indeed, like many grantees listed throughout the charter records of the New Hampshire towns west of the Connecticut River, the Phelpses held claims in several townships.

Beyond the economic interests embodied in land speculation or the political involvement tying him to the future of New Marlborough, Phelps also dreamed of someday establishing an institution of higher education on his New Marlborough property. Having largely educated himself in the profession of law, Phelps was also well-read in political philosophy and current events. In 1775, for instance, he requested Charles Jr. in Hadley "not to fail to bring up with you (to New Marlborough) Cato's Letters and Josephines's Antiquities," as well as any "newsletters," since "we are not favored with any late papers."¹⁶ In addition, Phelps assembled a library of some importance, which even gained the attention of state officials in October 1784. As we shall see, Phelps' controversial activities against Vermont authority prompted the State to confiscate his property, and two men on the Council of Revision of the laws of Vermont, Nathaniel Chipman and Micah Townsend, requested "such books of Charles Phelps, Esq." as would help them in their task.

Chipman and Townsend also asked compensation for their services from among their choice of books from Phelps' collection.¹⁷

In addition to designing a large and resourceful library, Phelps also planned to build a "college establishment." While Phelps located the library on the first floor, the second and third stories were divided into "recitation," "lecture," and other classrooms, in addition to having dormitory rooms to board young men "of superior mental faculties, moral virtue, and of good understanding and copious knowledge in the Holy Scriptures and the Articles of Christian Faith." Upon his death, Phelps bequeathed the building and its contents to his grandson, Charles, appointed him as the college's first Trustee, and dedicated his property to be an institution for higher learning "from age to age, in perpetual succession, forever."¹⁸

For all of Phelps' grand dreams, however, the "college establishment" was largely a product of his imagination. While he may have indeed been sincere in his original intentions to found a college, the solemn tone of his appointment of his grandson as Trustee with power over all the resources of the college must have seemed farcical in reality. According to John Phelps, there were no chimneys, nor glass windows in the building, and the upper stories, originally designed as classrooms and dormitories, "were always used for hay-lofts." Indeed, Charles Phelps seemed to be "making un-

authorized drafts upon his imagination" in his will, as he described "what his college might be, rather than what it was."¹⁹

B. A Brief History of the New Hampshire Grants

No doubt many dreams and aspirations, like Phelps' desire to establish a college, went unfulfilled for much of the second half of the eighteenth century in the Grants. Indeed, just three months after moving to New Marlborough, the British Crown dramatically altered the future of the Phelps family and all settlers on the Grants. A July 20, 1764 Order by the King in Council jeopardized the New Hampshire titles held in the 128 townships granted by Benning Wentworth between 1750 and 1764, and fueled the jurisdictional controversy which would not be finally settled until Vermont gained statehood in 1791.

Approved by the King, the Order in Council fixed the boundary line between New York and New Hampshire at the Connecticut River, northward from the "45th degree of northern latitude," the point at which the river entered the province of Massachusetts Bay.²⁰ Thus the Order forced settlers and proprietors to either accept New York jurisdiction and petition New York to confirm their New Hampshire titles, or reject New York claims and advocate for the jurisdiction of New Hampshire or Massachusetts (or, eventually, assert the independence of the Vermont territory altogether). As will

be shown in greater detail later, Charles Phelps found himself on several sides of the jurisdictional controversies over the next 25 years, yet throughout the period he consistently and vehemently opposed Vermont statehood.

Before progressing further, it is important to provide a background of the evolution of the jurisdictional disputes preceding the King in Council order of 1674. Thus one will have a broader context of early Vermont history within which to analyze and understand the involvement of Charles Phelps.

Benning Wenworth's granting of townships west of the Connecticut River, beginning with Bennington and Halifax in 1750 followed by Marlborough in 1751, clouded the jurisdictional issue which the Crown had failed fully to resolve since

²¹
1664. In that year, when Charles II granted the former province of New Netherland to his brother James, Duke of York, stipulating that the grant included "...all the land from the west side of Connecticut to the east side of Dela-

²²
ware Bay..." It was unclear whether this boundary settlement, referred to the Connecticut River, or to a northern line drawn on the western boundary of Connecticut, as the eastern extension of New York. Thus in June 1674, Charles II granted a confirmatory charter which explicitly encompassed "all the lands from the west side of the Connecticut River to

²³
the east side of Delaware Bay.." The apparent discrepancy between these two documents eventually created much confusion, which was compounded by the British government's

failure to issue an authoritative statement on the charters until 1764.

For decades following the 1674 charter and into the eighteenth century, however, the jurisdictional question over the Grants territory was not of much concern, primarily because the dangers of the wilderness discouraged significant settlement. In addition, the political, economic, and social loyalties of the few lumbermen, brave farmers, and furtrappers living between the upper Connecticut River and the Lake Champlain-Hudson River territory were not towards one colony or another, but were based upon the realities of geography.

Split by the Green Mountains and bounded on the east and west by major drainage systems, the Grants territory lacked the necessary political, economic, and social institutions and development to be either a part of another colony or exercise its own colonial identity. Simply by examining a map, three major geographical sections of the territory become apparent. East of the Green Mountains, the upper Connecticut river and its system of tributaries attracted settlers and tradesmen from Massachusetts Bay, New Hampshire, and Connecticut, and thus much of this region was oriented towards the New England colonies.

West of the mountains, however, were two other geographical sections. In the southwest, the flow of the Hoosick and Battenkill Rivers into the upper Hudson oriented that region to the economy, politics, and society of Albany and the

province of New York. In the north, the 130 mile length of Lake Champlain and the westward flow of Otter Creek and the Onion and Lamoille Rivers drained northward into the Richelieu and, eventually, the St. Lawrence River in French Canada. Thus fur traders and others entering the Champlain Valley likely held French loyalties to Canada and Montreal.

These territorial distinctions played important roles in the history of the Vermont region and contributed to a delay in the resolution of the jurisdictional issue prior to the French and Indian War. Following the French evacuation of Ticonderoga and Ft. St Frederick and the fall of the French in Quebec and Montreal, however, the Champlain, Connecticut River, and Hudson River valleys were united under British authority, and soon the jurisdictional controversy became heated.

While New York Jurisdiction over the territory remained unchallenged (and unasserted) during much of the first half of the eighteenth century, the outcome of other boundary disputes during this period provided ammunition for Governor Wentworth in his battle to secure New Hampshire authority west of the Connecticut River. The settlement of the New York-Connecticut boundary dispute and the tentative resolution of the Massachusetts-New York border, for instance, encouraged New Hampshire to challenge New York claims in the Grants.

Indeed, New York often found the territories it claimed encroached upon by neighboring colonies. In the case of Connecticut, that colony had strongly encouraged settlements westward of the Connecticut River and asserted the jurisdiction over a large portion of land claimed by New York under the stipulations of the royal charters. By November 1683, however, Governor Thomas Dongan had conceded the validity of Connecticut's claims, and agreed that "a line parallel to Hudson's River in every place twenty miles distant from Hudson's River shall be the bounds there between the said territory or province of New York and the said collony of Connecticutt....," extending northward as far as the southern boundary of the Massachusetts Bay colony.²⁴

Likewise, Massachusetts Bay also challenged the limit of the Connecticut River as its western border, pushing its settlements past the river and into the Berkshires. By May 1757, the Board recommended to George II that he resolve the controversy in a manner similar to the New York-Connecticut boundary by running a line "northerly from a point on the south boundary-line of the Massachusetts Bay, twenty miles distant due east from Hudson's River, to that line which divides the provinces of New Hampshire and Massachusetts Bay..."²⁵ The Board hoped that this boundary would be "a just and equitable line of division," and was encouraged knowing that this settlement closely resembled the accepted principle of agreement between New York and Connecticut in 1683.

Thus Governor Wentworth, encouraged by the outcome of these New York boundary controversies, hoped that the Crown might also invalidate the border of the Connecticut River as the western limit of New Hampshire. Since Connecticut (and shortly, Massachusetts Bay) had persuaded the Crown to settle on the twenty mile line for its western boundary, Wentworth posited that an extension of that line northerly to Lake Champlain was a reasonable western boundary settlement for his colony. Indeed, given the previous border disputes as well as other evidence, Wentworth concluded that a definite partition had not been determined by the royal charters of 1664 and 1674, and was, at the very least, still open to challenge.

Beginning with Bennington in 1750, Wentworth issued grants of townships on the assumption that any challenge to New York authority would be strengthened by actual settlements made on the Grants. Wentworth observed the success of this strategy in the Massachusetts-New York border dispute. Indeed, although Surveyor General Cadwallader Colden of New York maintained that the boundary was "everywhere disputed," by 1738 he admitted that Massachusetts Bay "may at last make their claim good by the numerous settlements they have already and are daily making upon it."²⁷

Thus between 1750 and 1754, Wentworth undertook a campaign to spread New Hampshire claims west of the Connecticut River, and by the coming of the French and Indian War he had

granted charters for sixteen towns, officially totaling over 357,000 acres of territory.²⁸ These bold initiatives prompted little more than lackadaisical initial responses from most New York officials. On November 17, 1749, for instance, Governor Clinton of New York had received notice from Benning Wentworth that the latter intended to approve "grants of land... which will fall in the neighborhood of your government," and thus Wentworth requested to be informed "how far north of Albany... and how many miles to the eastward of Hudson's River" the jurisdiction of New York extended.²⁹ Yet nearly five months had passed before the Council of New York advised Clinton, in a communication dated April 9, 1750, to notify Wentworth of New York's eastern boundary as stipulated in the charter from Charles II to the Duke of York.³⁰ In the meantime, however, Wentworth had granted Bennington on January 3, 1750: and it was not until after pressure from Richard Bradley and Cadwallader Colden, Attorney General and Surveyor General of New York, respectively, that the Governor of New York took the threat from New Hampshire seriously and began to appeal to the British Board of Trade and the King to resolve the controversy.³¹

The Crown, however, left the border dispute unresolved, and with the outbreak of the French and Indian War in 1754 the issue was forgotten for several more years. For Governor Wentworth, the war temporarily halted his grants of township

charters west of the Connecticut River: indeed, he would not sign another grant until that of Pownal in January 1760.

This apparent setback, however, also had its advantages for New Hampshire. Since much conflict occurred on the Grants, many troops became familiar with the territory and recognized the potential offered by the rich soil and untapped resources of the wilderness west of the Connecticut River. Fort Dummer in Brattleborough, for instance, frequently required reinforcements and supplies; and many regiments from Hampshire County, Massachusetts, led by officers such as Major Joseph Hawley of Northampton and Colonel Israel Williams of Hatfield, often travelled northward in pursuit of Indian raiders. Additionally, the Crown Point military road, completed in October 1760 by Colonel Zadock Hawkes and Captain John Stark, stretched the breadth of the Grants from a point across from Charlestown's Fort #4 on the Connecticut River, over the Green Mountains, to the eastern shore of Lake Champlain.

By the end of hostilities in 1760, many had traversed and explored the Grants territory, and had become attracted to it for settlement or, in the case of the land speculator, for its profit potential. Governor Wentworth, once again faced with an opportunity to extend New Hampshire claims westward, began granting charters to proprietors at a dizzying pace, occasionally even patenting two or three townships per day. Beginning with Pownal in January 1760 and finishing with

Hubbardton in June 1764, Wentworth granted an additional 112 towns totalling nearly three million acres of land. Thus between the two periods of granting lands, Wentworth had chartered roughly one-half of the territory of the present state of Vermont.³²

The British Board of Trade, however, was clearly upset with Wentworth's activities, and voiced its disapproval just before the July 20, 1764 Order in Council ruled against New Hampshire jurisdiction in the Grants. According to the Board, Wentworth's method of patenting land represented "a conduct ... of so extraordinary a nature" since it was "in every particular totally inconsistent with the mode of settlement prescribed in your Majesty's instructions..."³³

Indeed, Wentworth stood in blatant violation of royal instructions issued to him shortly after he took office as Governor in 1741.³⁴ The Crown stipulated that no townships nor lands were to be granted until fifty families were prepared to settle. Additionally, consistent with the British efforts to encourage settlement and discourage land speculation, the orders forbade Wentworth to grant acreage in excess of a settler's "ability to cultivate the same," allowing Wentworth to issue no title for "more than fifty acres for every (each) man, woman, and child of which the grantees family shall consist at the time such grant shall be made."³⁴ Wentworth frequently overlooked these two important restrictions, however, since numerous grantees held titles in more

than one town, with the typical grant ranging from 340-380 acres.

Also in the 1764 statement, the Board of Trade strongly criticized Wentworth's grants west of the Connecticut River which appeared "to have been made with a view more to private interest than public advantage."³⁶ Indeed, while Wentworth may have had a sincere interest in the welfare of the colony, he was favored with significant economic considerations as well. In all the towns chartered from 1750 to 1764, Wentworth reserved at least one proprietary share averaging 500 and netted more than 60, 000 acres for himself over the fourteen year period. In several charters, Wentworth even arranged his lots in adjoining corners of townships in order to assure himself of contiguous tracts.

C. New Hampshire Grantees React to New York Jurisdiction

Thus, based largely upon Wentworth's "extraordinary conduct" as well as an aggressive campaign by Lt. Governor Cadwallader Colden of New York, the July 20, 1764 British Order in Council decision ruled against New Hampshire jurisdiction over the Grants. The Order in Council, however, still did not conclusively resolve the jurisdictional controversy, for the decision declared "the western banks of the river Connecticut ... to be (emphasis added) the boundary line between the said provinces of New Hampshire and New York."³⁸ Thus for proprietors and settlers holding New

Hampshire titles, the language of the ruling left the validity of their grants in question. The Crown did not make it clear whether this decision simply reaffirmed New York jurisdiction dating from the royal charters of 1664 and 1674, or whether it represented a transfer of jurisdiction from New Hampshire to New York. Pending final clarification by the Crown, the decision forced those holding an interest in the Grants to either accept New York authority from 1664 and appeal for confirmation of their New Hampshire title from New York, or reject it and lobby for a reversal of the Order.

In the Grants, the Order in Council proclamation, published in the New York Gazette of April 17, 1765 and the New Hampshire Gazette of April 22, 1765,³⁹ and likely spread by word of mouth before that, prompted both settlers and proprietors to evaluate their situations and consider whether or not they would submit to New York jurisdiction. For many, this judgement depended upon one's financial status and the amount of acreage held under New Hampshire title. Indeed, after filing a New York petition for confirmation of a New Hampshire grant and having it approved, one had to pay significant fees in order to obtain a patent for the grant. In the 1760s, fees on a thousand acre lot totaled nearly 14 pounds sterling, or around 300 pounds sterling for a town-⁴⁰ship measuring 36 square miles. While these fees were not outrageous (particularly in comparison to the purchase prices realized for land secured under New York title), they were

steep enough to cause many large scale speculators to bristle at the thought of capitulating to New York jurisdiction.

In order to ensure New York jurisdiction, however, the Governor and Council of New York ruled in June 1766 that all holders of New Hampshire titles must appear and produce "all deeds, conveyances, or other instruments by which they derive any title or claim to said lands." If one did not comply within three months, his land could be granted to others.⁴¹ Thus by 1769, with this order as incentive, the grantees from 79 townships had appeared before the New York Council and petitioned for confirmation of their charters.

For the Phelps family in New Marlborough, the questions raised by the 1764 Order in Council represented additional challenges to survival in a fledgling community. Indeed, only a year after moving to the Grants, the validity of Phelps' New Hampshire grant was in jeopardy. However, as the primary grantee in the April 1764 regrant of New Marlborough, as well as the agent for the town's proprietary shareholders, Phelps was given both the authority and the financial resources to secure confirmation of New Marlborough's charter as well as individual titles.

In his capacity as proprietary agent, Phelps worked energetically to secure New York confirmation of his clients' titles. Typically, an agent was responsible for travelling to New York and employing an attorney to assist in the legal formalities of confirmation; and thus Phelps journeyed for

twenty days to Albany and New York City in 1766 to report "a survey of the land" in parts of New Marlborough and to get "further advice" on the confirmation procedure.⁴² This was done in preparation for filing a petition for a New York charter of New Marlborough, which Phelps did on October 15,⁴³ 1766.

Characteristic of New York's less than speedy consideration of petitions for confirmation, however, the province did not grant a charter until June 15, 1772, and the New Marlborough proprietors, in fact, never did patent the town under New York authority. Nonetheless, the town's proprietary committee praised Phelps' conduct in May 1768, as the members reviewed the progress made as well as the expenses incurred by Phelps. The committee reported that Phelps had "faithfully adhered to...the interest of sd. proprietors in the sd. service to their grate satisfaction;" and thus having reviewed the accounts of Phelps, the proprietors awarded him over 170 pounds "lawful money of the province of Massachusetts Bay"⁴⁴ for his services.

While rendering these services, Phelps also took advantage of the slumping value of New Hampshire titles following the July 1764 Order in Council. In May 1768, Phelps traveled to Portsmouth and acquired two proprietor's shares from original Marlborough grantees named in the 1751 charter. From John Wentworth, Phelps purchased Lot #7 in the southeastern corner of town for 15 dollars; and from Theodore

Atkinson, Phelps bought lot #22 (which, like the Wentworth lot, also contained 360 acres) for 20 dollars.

While initial acceptance of New York jurisdiction was significant in the Grants and while many titleholders, like Phelps, pursued New York confirmation, the budding signs of opposition to the colony of New York were growing. Several sources of discontent contributed to this dissent. First, many speculators holding large tracts of land could not afford to pay additional fees for New York confirmation, and Governor Sir Henry Moore, who arrived in America on November 12, 1765, was unwilling to compromise on the New York confirmatory fees. Particularly west of the Green Mountains, where many men had purchased thousands of acres for speculation and extended their credit to the limit, opposition to New York grew quickly.

In 1767, a group of speculators and settlers holding New Hampshire grants west of the Green Mountains decided to petition directly to the Crown for confirmation of their titles. Clearly, for many holding significant acreage under New Hampshire title, the expenses involved in securing New York confirmation far exceeded the similar costs charged by New Hampshire. Indeed, the original grant of a 36 square mile township from New Hampshire averaged 17 pounds sterling, a far cry from the average 300 pounds sterling in fees charged for New York confirmation. Thus a group of New Hampshire titleholders, unwilling to accept the Order in

Council decision as the final ruling, chose Samuel Robinson of Bennington to go to England and lobby the Board of Trade and the Privy Council to confirm their titles. Robinson, previously from Hardwick, Massachusetts, had moved to the Grants in 1761 and, like many others, had become involved in purchasing lots from proprietors in surrounding towns. Unable to meet the expense of New York confirmation and having acquired significant holdings, however, Robinson and others realized their fortunes would be ruined unless the Crown confirmed their New Hampshire titles. Thus opposition to New York, which would later develop into the main force behind Vermont statehood, had begun west of the Green Mountains.

Opposition also grew as a result of New York efforts to eject New Hampshire titleholders from their land. Beginning in 1769, New York undertook proceedings in nine cases, each carefully chosen to represent a test case for likely ejection scenarios. The case against James Breakenridge of Bennington, for instance, concerned ownership of the Walloom-sac grant, a patent issued by New York in 1739 and covering territory within the Wentworth grant of Bennington as well as within the accepted bounds of New York. Attempts by New York authorities to survey the grant, including the Breakenridge farm, resulted in a confrontation between New York commissioners and a group of Bennington farmers in October 1769. While the parley ended peacefully enough, the defiant New Hampshire titleholders did "persuade" the New York sur-

veyors to abandon their task. Thus, using the tool of intimidation which became a useful tactic for Ethan Allen and the Green Mountain Boys just a few years later, the farmers⁴⁶ resolutely stood against New York authority.

While rejection of New York authority by New Hampshire titleholders west of the mountains centered primarily on land jurisdiction, opposition in the Connecticut River Valley also coalesced around the issues of judicial jurisdiction and New York courts. The controversies rested in New York's efforts in 1768 to create Cumberland County (approximately the area of present day Windham and Windsor counties), appoint judges for the county Court of Common Pleas, and erect a courthouse and jail in Chester, the county seat. By 1770, however, the New York institutions and the efforts of their officials had prompted growing and vehement disapproval from many settlers. In Windsor, for instance, on the Connecticut River fifty miles north of the Massachusetts border, Colonel Nathan Stone led an impassioned fight against the "sham" of Cumberland County, and the "corruption" of judges, justices, and other court officers. In particular, Stone denounced a Chester lawyer, John Grout, who had often represented creditor interests in the Inferior Court of Common Pleas. In his estimation, the courts "were ruled entirely" by John Grout and his cronies, and thus Stone resolved "to oppose their⁴⁷ authority while he had a drop of blood in his veins."

Stone's opportunity came on June 5, 1770, the day scheduled for the opening of the semi-annual court session in Chester. The target of an arrest warrant for the "rough treatment"⁴⁸ of John Grout and his family, Stone and three other Windsor residents led thirty men to disrupt the Inferior Court. According to an affidavit from Samuel Wells of Brattleborough, one of the court justices, Stone and his followers entered the court in "a riotous and tumultuous manner."⁴⁹ Stone, armed with a sword, approached the bench and "demanded of the court what business they had to sit there as a court." Not satisfied with the judges' reply that their authority rested in the "Ordinance erecting the County and the Commision of the Pleas which were always read at the opening of the Court," the rebels then denied New York the authority to establish Cumberland County and erect courts. Further, Stone demanded that the court "expell" John Grout "in such a manner as never to have the Privilege of Practicing as an Attorney" in Cumberland County again. If the justices did not follow, Stone vowed that "We shall do something which I shall be sorry to be obliged to do which will make your Honours Repent not Complying with our request." While the justices did deny Stone's demands, the intimidating and disruptive presence of the mob, armed with "large clubbs," did force the justices to adjourn the session until the following day.

Although the Chester court riot of June 1770 was minor event in early Vermont history, it was nonetheless indicative of the growing tensions over the jurisdictional issue. Indeed, following the events in Chester, the inhabitants of Cumberland County produced a flood of petitions to British authorities. On November 1, 1770, for instance, 435 grantees sent a petition to George III urging him to confirm their New Hampshire titles and "grant them such releif (sic)" from the jurisdictional confusion and the threats from the "disobe-
50
dient and riotous persons" who instigated the Chester riot. Shortly thereafter, on December 3, most of the previous petitioners also signed a similar petition to Governor Dunmore of New York, asking "compassion" from the Governor by lowering the patent fees and thus more easily securing New York
51
confirmation.

In response to this significant support for New York authority, a smaller number of grantees circulated a petition urging the King and his Council to re-annex to Grants to New Hampshire. The 68 signatories complained of New York ejectment proceedings and the higher confirmation fees, pleaded for "relief from immediate poverty, distress, and ruin," and placed faith in the King's "lenient and paternal interposition," without which the supporters of New Hampshire juris-
52
diction faced "an inevitable ruin. "

Underlying the growing polarization of the population within the Grants was the fundamental problem of distance be-

tween the Grants and the seat of New York government. Indeed, while a journey to Albany from Bennington was just over 60 miles, Albany was at least 85 miles from the nearest town along the Connecticut River. Moreover, the longer trek required travellers to cross the formidable Green Mountains. Not only was there a significant physical barrier which inhabitants in Cumberland County had to overcome, but also a psychological one. The mountains served to limit communication and contact between settlers and New York authorities, and this gradually alienated many grantees from New York. Thus, although many in Cumberland County had signed the 1770 petitions in support of New York, their sentiments swung as the years passed and New York efforts to integrate and administer the territory fell short.

Charles Phelps, however, perceptively recognized the troubles related to factors of distance and isolation, and made specific recommendations to alleviate the growing pressures of opposition which New York faced. Indeed, while Phelps did not sign the two petitions favoring New York authority, and despite the aggravating efforts by New York to eject settlers and exact higher confirmation fees, it was clear that Phelps remained favorable to that government. Thus in the summer of 1771, he prepared a memorial and petition to present to Governor Tryon and his Council, which Phelps hoped would bring peace to the Grants at last.

Setting out from New Marlborough in late June, Phelps arrived at his son's farm in Hadley, Massachusetts on June 30. Charles Jr. had married Elizabeth Porter a year earlier, and had taken over the responsibilities of her family's large farm on the eastern bank of the Connecticut River. Here, Phelps rested for the night and prepared for his long trip, a practice which became frequent in later years as Phelps travelled from New Marlborough to destinations in New York and eastern Massachusetts.

Phelps presented his memorial and petition to the Governor and his Council on July 17, and strongly urged New York to undertake programs which would prevent further alienation of the population within the Grants.⁵⁴ First, Phelps recommended that New York clear a road through the Green Mountains, connecting Bennington and Brattleborough. From Bennington, one could travel with relative ease along "a good waggon (sic) road to Albany." Phelps, a resident of New Marlborough and active in exploring possible routes for the road, explained in his memorial that about fifteen miles of road had already existed "for the passing of teams and carriages" westward from the Connecticut River. Thus Phelps estimated that there remained "about twenty miles yet to be cut out," primarily through the heart of the sparsely-populated mountains.

Phelps also made an additional recommendation in the hope of overcoming the problems of distance and isolation. He

suggested further appointments of magistrates "within and for the County of Cumberland for the due execution of justice and graeter ease and convensioning (sic) of the people..." Indeed, one sheriff and semi-annual sessions of the Court of Common Pleas for the entire county were inadequate, and forced some residents "to travel many times 70 or 80 miles out and home to obtain the least thing appertaining to justiceship..."

Clearly, then at this point in 1771 Phelps continued to express faith in the New York government. Although the problems surrounding the extension of New York authority in the Grants were becomong more obvious, Phelps hoped New York would take "proper measures" to alleviate growing dissent. Indeed, Phelps was confident that the construction of a passable highway westward from the Connecticut River and the strengthening of the county's judicial system "would much advance the common wealth and publick utility of both city and county."

D. A Turning Point:
Charles Phelps and the Howard Grant of 1771

Phelps' strong support of New York jurisdiction, however, was soon shattered by Governor Tryon in late 1771. One Colonel Thomas Howard, a friend of the Governor, had obtained a mandamus from the Crown which entitled him to a grant of 10,000 acres, which Tryon patented in the town of Hinsdale. For many inhabitants of the Grants, Governor Tryon's actions

represented a blatant disregard for the rights of settlers, since the lands involved in the Howard grant were originally patented by Massachusetts Bay in 1672 and regranted by New Hampshire in the 1740s. Indeed, settlers had actually farmed and improved the land for about seventy years before the Howard grant. To make matters worse, Colonel Howard demanded that settlers lease their lands from him or face eviction from their plots.

For many New Hampshire titleholders who had supported New York confirmation, the Howard grant represented a turning point in the Grants controversy. In the southeastern towns of the region, this action by Governor Tryon generated deep resentment against New York and produced fierce denunciations of New York authority from many grantees. For Phelps and others, the devastating implications of Tryon's actions hit close to home. If New York could so callously regrant lands in settled towns such as Hinsdale and Guilford, then it could also do the same in other townships, regardless of the status of their petitions for New York confirmation. Thus Phelps realized that, despite having supported New York jurisdiction and having filed for confirmation of the New Marlborough charter in October 1766, the validity of his titles and those of others remained in question.

On December 12, 1771, immediately following the Howard grant, Phelps addressed a lengthy letter to Goldsboro Banyar, the Deputy Secretary of New York, in which he expressed sur-

prise with New York actions in the Howard affair. Indeed, given the efforts made to support New York authority and confirmation as well as "our hard labour to bring these lands out of rough uncultivated wild nature," Phelps confessed that the episode "puzzels (sic) me prodigiously." In long, rambling paragraphs which characterized many of his petitions and memorials, Phelps expressed his concern over the future if New York did not overturn the Howard grant.

The poor distressed families there residing (upon the Grants) endured in hopes of obtaining for themselves and young numerous offspring in some future auspicious years a more comfortable subsistence (sic) and support (sic). But alas how are our hopes dashed and overwhelmed in heart sinking despare (sic). Now we find our selves turned out of our possessions and from our lands (which are now) being chartered from us to gentmn. (sic) who have ever lived in easy, soft, and delicate circumstances of life, who never struck a blow on that land so obtained from us... (55)

Clearly, Phelps and others felt betrayed by New York, a government which they "had reason sufficient to believe and depend upon would be our protection and defence..." The Howard grant, however, had cast "a gloom over our minds at the fearful apprehensions of our own fate..." With rumors spreading throughout the Grants of other grants similar to Howard's, Phelps and others in charge of their town's proprietary committees voiced their concern over the actions which were "so much against the principles of property allowed in all civilized states..." Additionally, Phelps feared a depreciation of property values if New York allowed

the Howard grant to stand, claiming that "land wont (sic) fetch halfe the money now they would before Colonel Howards patent took air..."

By the end of 1771 even the most reliable supporters of New York authority had begun to look elsewhere for confirmation of their New Hampshire titles. One option was to follow a similar route as Samuel Robinson of Bennington, who had journeyed to England in 1767 to secure confirmation of his lients' titles directly from the Crown. Phelps considered this option, for on December 18, 1771 he sought advice on the matter from John Burling of New York, who had given financial support to Robinson's earlier mission. Since the Howard grant was "of a threttening (sic) aspect upon us," Phelps sought "to advice of your (Burling's) people interested in the New Hampshire patents what they think of sending home (an agent) or whither they can contrive a better scheem (sic), and let us know your mind in the affair..."⁵⁶ In the meantime, Phelps issued a caveat, aimed at New York officials, which forbid New Marlborough "nor any part thereof" from being "granted to aney (sic) whatsoever without my being heard..." Indeed, speaking "in behalfe of my selfe and my associates," Phelps argued that it would be a grave injustice for New York to deny the town's settlers the fruits of their "cultivating" and "bringing forward the settlement ... and large improvement" of New Marlborough, particularly

since they had already filed a petition for a New York confirmatory charter five years before.⁵⁷

In short, by 1771 submission to New York authority had waned significantly in the Grants. Throughout the previous decade, confusion surrounding the issue of jurisdiction over the Grants, combined with British inability to settle the controversy had left New Hampshire grantees west of the Connecticut River uncertain as to the validity of their titles. Furthermore, the hurdles of higher confirmation fees and ejectment suits erected by New York, compounded by a slow and involved confirmation process, exasperated the patience of the titleholders. Thus early on in the decade of the American Revolution, the New Hampshire Grants seemed poised on the verge of open revolt themselves. Numerous confrontations between New York authorities and rebels, such as the Chester riot of 1770, portended a pervasive and growing sense of insecurity.

There were several political factions in the New Hampshire Grants, and each supported the jurisdictions of rival colonies over the territory. First, while there remained a sizable support for New York, its popularity had slipped in the wake of offensive actions by its administration. Its antagonist, however, the body of grantees supporting New Hampshire jurisdiction which soon spearheaded the movement for an independent Vermont, had grown considerably, particularly west of the Green Mountains under the leadership

of the Allens. Yet a third faction also gained prominence during the 1770s, although it has received less recognition by Vermont historians. For Charles Phelps and others, the prospects of jurisdiction by either New York or New Hampshire did not represent an option which would best secure their titles. Thus they turned in another direction: to secure the "ancient jurisdiction" of Massachusetts Bay.

ENDNOTES

1. Albert S. Batchellor, ed. State Papers of New Hampshire Vol. 26. Town Charters (Concord; Edward N. Pearson; 1895). ppgs. 269-271. Hereafter referred to as New Hampshire State Papers.
2. New Hampshire State Papers, Vol. 26: p. 269.
3. New Hampshire State Papers, Vol. 26: p. 273, 559-560.
4. New Hampshire State Papers, Vol. 26: p. 270.
5. New Hampshire State Papers, Vol. 26: p. 274.
6. Despite its age, B. H. Hall's Eastern Vermont remains one of the best sources for chronology and details of the Indian crisis facing Connecticut River Valley settlements in Massachusetts Bay, New Hampshire, and the Grants. See B. H. Hall, History of Eastern Vermont (New York; D. Appleton & Company; 1858). p. 25-104.
7. One of Phelps' descendants, for instance, posits that Phelps' move from Hadley was possibly due to "the adventurous spirit which existed in the family..." While this may be accurate, Huntington does not devote much analysis to the significance of Phelps' religious dissent. Dr. James L. Huntington, "The Honorable Charles Phelps." Publications of the Colonial Society of Massachusetts. Vol. 32. Boston, February 1937. p. 441-455.
8. B. H. Hall. History of Eastern Vermont. ppgs. 97-98.
E. H. Newton. The History of Marlborough, Vermont (Montpelier; Vermont Historical Society; 1930). ppgs. 28-29.
9. As of 1764, The Family of Charles Phelps included: Solomon, born October 24, 1741; Charles, born August 24, 1743; Timothy, born January 25, 1746; Dorothy, born November 23, 1749; Abigail, born August 13, 1751; and Experience, born December 26, 1760.
Charles Phelps, notes on his family history, 1780s.
PPH Papers, Amherst College.
10. The Marlborough charter stipulated that "all white and other pine trees within said township fit for masting our royal navy be carefully preserved for that use and none be cut or felld (sic) without his Majesties especial lycence for doing so first had and obtained upon the penalty of forfeiture of the right of such grantee his heirs or assignes." April 29, 1751. New Hampshire State Papers. Vol. XXVI. p. 270.

11. Captain Williams had moved to Marlborough from Northborough, Massachusetts, in 1769. He later served admirably as a colonel leading a regiment of Green Mountain Boys at the Battle of Bennington in August 1777.
12. Charles Phelps to Charles Jr., May 1775. PPH Papers, Amherst.
13. New Hampshire State Papers. Vol. 26: ppgs. 275-278.
14. New Hampshire State Papers. Vol. 26: p. 276. Certificate of New Marlborough Proprietary Committee, December 5, 1765. Charles Phelps Papers, University of Vermont, Burlington, Vermont. Hereafter referred to as CP Papers, University of Vermont.
15. New Hampshire State Papers. Vol. 26: ppgs. 467, 491, 449.
16. Charles Phelps to Charles Jr., May 1775. PPH Papers, Amherst College.
17. Proceedings of the General Assembly, March 4, 1784. Records of the Governor and Council of Vermont. Vol. 3. (Montpelier; J. & J. M. Poland; 1875). p. 310. Also see B. H. Hall's Eastern Vermont for a narrative account of this event.
18. John Phelps. Family Memoirs (Brattleborough; Selleck & Davis; 1886). ppgs. 10-11. Will of Charles Phelps, September 7, 1789. Marlborough Probate Court, Brattleborough. Vol. 6: p. 140. In Charles Phelps Papers, University of Vermont.
19. Phelps. Family Memoirs. p. 11.
20. Order in Council, July 20, 1764. E. B. O'Callaghan, ed. The Documentary History of the State of New York. Vol. IV. (Albany; Charles Van Benthuyssen; 1851). ppgs. 574-575. Hereafter referred to as Documentary History of New York.
21. Several excellent works have been written on the complex political history of early Vermont, such as Matt B. Jones Vermont in the Making, 1750-1777, and Chilton Williamson Vermont in a Quandary. Thus I will only cover the controversies in brief.
22. E. B. O'Callaghan, ed. Documents Relative to the Colonial History of the State of New York (Albany; Weed, Parsons & Company; 1858). Vol 2: p. 296. Hereafter referred to as Documents Relative to the Colonial History of New York.

23. Report of the Commisioners of Statutory Revision. The Colonial Laws of New York (Albany; James B. Lyon; 1896). Vol. I: p. 105. According to the New York General Assembly, Charles II issued the 1674 charter "to remove any doubt of the validity of the Duke's title, either from the want of seizin (sic) in the Crown when it originated, or on account of the intermediate (1664-1674) conquests of the Dutch." p. 104.
24. J. Hammond Trumbull, ed. The Public Records of the Colony of Connecticut (Hartford; Press of Case, Lockwood & Company; 1859). Vol. 3: p. 331. While New York and Connecticut had reached this boundary agreement in 1683, it was not confirmed until October 1730. Public Records, Vol. 7: p. 294-296.
25. Board of Trade to the King, May 25, 1757. Documents Relative to the Colonial History of New York. Vol. 7: p. 223-224. Despite this Board of Trade recommendation, the governments of New York and Massachusetts Bay did not definitely settle the line of partition until May, 1773. Governor Tryon to the Earl of Dartmouth, May 31, 1773. Documents Relative to the Colonial History of New York. Vol. 7: pp. 371-372.
26. Boundary disputes between New Hampshire and Massachusetts Bay, for instance, also contributed to the jurisdictional confusion over the Grants. Numerous Massachusetts Bay grants of land had been made west of the Connecticut River in the area of Dummerston, Putney, and Brattleborough, since the colony claimed jurisdiction extending forty miles north of its present border. The Bay colony also maintained Fort Dummer, located in the southeastern corner of Brattleborough, as a frontier defense for its Connecticut River Valley settlements.
- However, in 1740 when the King in Council settled the Massachusetts Bay-New Hampshire boundary dispute in the latter's favor, Massachusetts Bay lost jurisdiction over the fort. The royal decision directed New Hampshire to assume responsibility for maintaining the post, despite the fact that it was within the jurisdiction claimed by New York. Thus Wentworth had another piece of evidence with which to challenge the validity of New York claims.
- For persuasive arguments that New York jurisdiction was never intended to extend east of a line running from the western limits of Connecticut northerly to Lake Champlain, see Hiland Hall. The History of Vermont (Albany; Joel Munsell; 1868). pp. 3-54.

27. Mr. Colden's Answers to the Queries of the Lords of Trade, February 14, 1738. Documents Relative to the Colonial History of New York. Vol. 6: p. 125.
28. The number of towns and acreage was compiled from New Hampshire State Papers. Vol. 26.
29. Governor Wentworth to Governor Clinton, November 17, 1749. Documentary History of New York. Vol. 4: pp. 531-532.
30. Governor Clinton to Governor Wentworth, April 9, 1750. Referred to in Governor Wentworth to Governor Clinton, April 25, 1750. Documentary History of New York. Vol. 4: p. 533.
31. Report of the Attorney General of New York to Governor Clinton, and Surveyor General's Observations on Mr. Bradley's Report, October 14, 1751. Documentary History of New York. Vol. 4: pp. 537-547.
32. The number of towns and acreage compiled from New Hampshire State Papers. Vol. 26. Also, see M. B. Jones, Vermont in the Making, pp. 76-77.
33. Representation of the British Board of Trade, July 10, 1764. Appendix A, Vermont in the Making. p. 397-403. (Quoted from pp. 398,402).
34. Laws of New Hampshire. Vol. 2. pp. 607-652. Cited in Vermont in the Making, pp. 23-24.
35. Laws of New Hampshire. Vol 2. Cited in Vermont in the Making, p. 24.
36. Representation of the British Board of Trade, July 10, 1764. Vermont in the Making, Appendix A, p. 402.
37. Proclamation by the Honorable Cadwallader Colden, December 28, 1763. Also, letters from Colden to the Board of Trade, January 20, February 8, and April 12, 1764. Documentary History of New York. Vol. 4: pp. 558-569, 572-574. Colden not only asserted New York's ancient rights over the Grants dating from 1664, but also the importance of a trading center and water transportation at Albany, and the higher revenues for the Crown derived from higher New York quitrents.

38. Order in Council, July 20, 1764. Documentary History of New York. Vol. 4: pp. 574-575. The ancient jurisdiction of New York over the Grants eastward to the Connecticut River was confirmed by the Supreme Court in Vermont vs. New Hampshire. The Court determined that "the purpose and effect of the (July 20, 1764) Order were to leave undisturbed the boundary of New York as established by the grant to the Duke of York of all the lands from the west side of the Connecticut River..." Stating the ruling further, the Court declared that "the history of the controversy clearly establishes that the intention of the (1764) Order was to confirm and not to change the boundary as fixed by the grant to the Duke of York..." Vermont vs. New Hampshire, U.S. Supreme Court Reports. Vol. 289. (Washington, D.C.; Government Printing Office; 1933). pp. 593-620 (quotes from pp. 600, 605).
39. New York Gazette, April 17, 1765. American Antiquarian Society, Microprint Card Box #37.
New Hampshire Gazette, April 22, 1765. American Antiquarian Society, Box #22.
40. Lt. Governor Colden to the Board of Trade, October 13, 1764. New York Historical Society Collections (New York; 1876). pp. 387-390.
Governor Moore to Lord Shelburne, April 25, 1767. Documents Relative to the Colonial History of New York. Vol. 7: pp. 921-922.
41. Order of the Governor and Council of New York, June 6, 1766. Documents Relative to the Colonial History of New York. Vol. 4: p. 587.
42. Charles Phelps, expenses for trip to Albany and New York City, 1766. Charles Phelps Papers, University of Vermont.
43. New York Land Papers, Vol. 21: pp. 183, 185. Cited in Dr. James L. Huntington, "The Honorable Charles Phelps." p. 444.
44. Certificate of Enoch Clark, Clerk for New Marlborough Proprietary Committee, May 4, 1768. Charles Phelps Papers, University of Vermont.
45. Governor Moore to Lord Shelburne, June 9, 1767. Documentary History of New York. Vol. 4: p. 602.

46. Two conflicting accounts exist of this significant confrontation. For the New York perspective, see the Proclamation by Lt. Governor Cadwallader Colden, December 12, 1769. Documentary History of New York. Vol 4: pp. 615-616. For the version of the New Hampshire grantees, see the affidavits by James Breakenridge and Samuel Robinson, February 14, 1770. Vol. 4: pp. 617-619.
47. Affidavit of Samuel Wells, Justice of the Cumberland County Court of Common Pleas, August 9, 1770. Documentary History of New York. Vol. 4: p. 641.
48. Charles M. Thompson. Independent Vermont (Boston; Houghton-Mifflin Company; 1942) p. 87.
49. Affidavit of Samuel Wells, August 9, 1770. Documentary History of New York. Vol. 4: p. 643.
50. Petition from Cumberland and Gloucester to the King, November 1, 1770. Documentary History of New York. Vol. 4: pp. 663-667.
51. Petition for Confirmation by New York of Certain New Hampshire Grants, December 3, 1770. Documentary History of New York. Vol. 4: pp. 668-671.
52. Petition of Certain Parties to be Re-Annexed to New Hampshire, January 27, 1771. Documentary History of New York. Vol. 4: pp. 672-675.
53. Most likely, Phelps did not sign the petitions because he was in Hadley during their circulation in New Marlborough. From the records kept in the diary of his daughter-in-law, Elizabeth Porter Phelps, Phelps apparently stayed with his son for much of the 1770-1771 winter. However, Solomon Phelps, the eldest son, did sign both the November 1 and the December 3, 1770 petitions. Diary of Elizabeth P. Phelps, entries of August 19, October 28, December 9, 1770, and April 21, 1771. PPH Papers, Amherst College.
54. Charles Phelps, An Application to the Governor and Council for a Road to Bennington and Appointment of Justices in the County of Cumberland, July 17, 1771. Charles Phelps Papers, University of Vermont.
55. Charles Phelps to Goldsboro Banyar, December 12, 1771. Charles Phelps Papers, University of Vermont.
56. Charles Phelps to John Burling, December 18, 1771. Charles Phelps Papers, University of Vermont.

57. Public Warning by Charles Phelps, December 16, 1771.
Charles Phelps Papers, University of Vermont.

CHAPTER III

LOOKING IN A NEW DIRECTION: THE FIGHT FOR MASSACHUSETTS BAY JURISDICTION OVER THE NEW HAMPSHIRE GRANTS, 1771-1779

Hardly a month had passed following the New York grant to Colonel Thomas Howard before Charles Phelps had charted a new course to secure his New Hampshire titles in New Marlborough. Indeed, just as quickly as he embraced New York authority in the aftermath of the July 1764 Crown decision, Phelps reversed his support of New York jurisdiction in late 1771 and revived claims by Massachusetts Bay over the New Hampshire Grants. Until the end of the decade, this new direction would be the main focus of Phelps's energy, despite the founding of the independent state of Vermont in 1777 and its growing popularity.

A. Overtures to the Massachusetts Bay Government: 1771-1775

Since he was in frequent contact with acquaintances and other proprietors from Hampshire County, Massachusetts, Phelps consulted "the most sensible and wisest men" for advice on how to proceed in the wake of the Howard grant. In a December 30, 1771 address to the residents of Newfane and Townsend, two adjacent townships just north of New Marlborough, Phelps communicated this advice, saying "it is not advisable by any means to apply for patents of our lands at New York."¹ Indeed, given the implications of the Howard

grant, Major Joseph Hawley of Northampton warned of the pitfalls of New York jurisdiction, which would "ruin ourselves and our posterity after us from generation to generation if we take out charters" from that province.

Having rejected New York confirmation, Phelps urged the residents of Newfane and Townsend to endorse an effort to petition Massachusetts Bay Governor Thomas Hutchinson for his services in confirming their titles from the King in Council. In stating their case, Phelps argued that the grantees had fulfilled the original conditions for settlement stipulated in their New Hampshire grants, and thus the Crown should not expect them to pay the additional fees and higher quitrents required by New York. The petitioners viewed the enlistment of Governor Hutchinson's support as pivotable since he "is of so much influence with thinking and council (sic) and knows so fully our circumstances as to these lands and he is universally esteemed to be the wisest and best man to apply unto in this behalf in all of North America."

On the final day of 1771, "the subscribers dwelling up on those lands" in the Grants issued their petition to Hutchinson, praying the Governor make "a representation of our unhappy circumstances for certain obvious reform" to the King in Council.² Illustrating their fearful memories of the Howard grant, the petitioners asked Hutchinson to oppose any orders which "may be given to patent our lands from us to

others or turn us off the same to the ruin of our selves and all our poor, distressed, (and) numerous families."

Although the petition presumably flowed from a Cumberland County Committee of Grants' settlers, there was little doubt that Charles Phelps was the impetus behind it. In its manner of adulation, style of argument, and distinct lack of punctuation, the petition closely resembled many of Phelps's later writings. Indeed, throughout the seven years in which inhabitants of the southeastern area of the Grants lobbied Massachusetts Bay, they placed their trust in and financially supported Charles Phelps as their representative to Boston. By early January 1772, for instance, the residents favoring Massachusetts Bay drew up a petition to leaders in that government stating their "earnest desire (for) your kind assistance" in the matter.³ They chose Phelps to state their case, whose "skill, prudence, and fidelity in our common interest" they hoped would serve as a "grate (sic) promoter of the common good of all our infant plantations..."

While Phelps's initial journeys to Boston and overtures to Massachusetts Bay were only to secure that colony's assistance in petitioning the King, by mid-1772 his efforts assumed a larger purpose. In July, Phelps, along with Benjamin Edwards of Wilmington, John Powell of Fulham, Jonathan Hunt of Hinsdale, and four other residents of that region, filed, a petition with the General Court of Massachusetts Bay.⁴ The signatories denounced the "strange and

unnatural decree" of July 1764 which favored New York jurisdiction over the Grants. Additionally, they recounted the situation in the Grants in the wake of the 1771 Howard grant, as New York officials threatened to re-grant lands which already were "inhabited and in good measure cultivated by the possessors." These actions, combined with the New York requirement of additional confirmation fees and annual quit-rents, represented "iniquitous and cruel extortion" for the petitioners.

After requesting the "countenance and assistance of this ancient and truly respectable government" in pleading their case before the King, the petitioners further asked the General Court to become directly involved in the Grants controversy by reviving Massachusetts Bay's jurisdictional claims over the region. Indeed, the petitioners saw their only hope to secure their New Hampshire titles in a campaign to persuade Massachusetts to assert its "indefeasable right in the premisses (and) defeat the absurd and ridiculous pretense of the New York claim ..."

Although the petitioners ardently and enthusiastically supported Massachusetts Bay jurisdiction over the Grants, they were fighting an uphill battle from the beginning. The most formidable hurdle was the King in Council ruling of April 1740, which established the Massachusetts Bay-New Hampshire boundary. The decision stated that the border would follow a curved line three miles north of the Merrimack River

from the Atlantic Ocean westward to Pentucket Falls, near present-day Lowell, from which point it would extend due west until it met "His Majesty's other governments." Thus not only did the faction represented by these petitioners have to overturn the 1740 Crown decision, but also faced the challenge of reviving rejected Massachusetts Bay claims which had laid dormant for over a generation. Indeed, while Phelps and the others had denounced New York jurisdiction as "strange and unnatural," the idea of Massachusetts Bay authority over the Grants seemed at least as deserving of that description by 1772.

Nonetheless, Phelps and his cohorts were undaunted in their efforts, and found significant support in Boston. Many titleholders originally resided in Massachusetts Bay before moving north, and this provided important credibility in the early stages of their campaign. In addition, the rousing rhetoric of their petitions, remonstrances, and letters struck a receptive chord in the minds of some Massachusetts Bay citizens who still smarted over the loss of territory and prestige following the 1740 boundary decision, as well as in those who looked to the Grants to relieve the colony's burgeoning population.

Indicative of the warm response the 1772 petition received was the July 13 report of the committee appointed by the House of Representatives. The chairman, William Brattle of Cambridge, announced that they had "most maturely con-

sidered" the July 6 petition, and had voted unanimously to ask Governor Hutchinson to represent the case before King George III. According to the committee, Hutchinson was "well-acquainted with the whole of the controversies," and thus he was the best qualified "to state the whole matter to His Majesty, and use his kindest influence (so) that justice might be done to the petitioners."⁶ The committee directed Brattle and Harrison Gray, both of whom held New Hampshire titles within the Grants, to meet with Governor Hutchinson and urge him to assist the petitioners.

In Governor Thomas Hutchinson, Phelps and the others found an ear willing to listen, and an offer of the Governor's services. While not financially interested in the Grants, Hutchinson had followed the controversy closely, and had expressed concern over the plight of the region's inhabitants since many originally hailed from his province. Thus shortly after receiving the 1772 petition and its favorable committee report, Hutchinson sent two letters to Lord Hillsborough which criticized the treatment of the Grants' settlers.⁷ In both correspondences, Hutchinson reviewed the evolution of the controversy, denounced the New York demand that New Hampshire titleholders pay additional confirmation fees, and portrayed the people of the Grants as innocent victims of the York administration. Particularly troubling to Hutchinson, as it was infuriating to Phelps and others, was the 1771 Howard grant, which the Governor claimed

was "so contrary to equity" that the Crown would not approve
it.⁸

Despite Hutchinson's apparent wholehearted support of the 1772 petition, he refused to become more involved in the controversy and disappointed those New Hampshire titleholders who urged Massachusetts Bay to reassert its authority over the Grants. The Governor "thought it proper to desist from any further concern in the affairs" of the Grants, and flatly refused "to intermeddle with the affairs of another province (New York)." Indeed, Hutchinson claimed that if the General Court "had not made this formal application to me, I should not have mentioned the subject to your Lordship (Hills-
borough)."⁹

Hutchinson's refusal to interfere was a damaging blow to the cause of Massachusetts jurisdiction over the Grants. He only satisfied one request in the 1772 petition when he asked the King to prohibit further granting of land in the region: indeed, Hutchinson ignored the petitioners' request to "vindicate" claims over at least seven townships in the south-
eastern area of the Grants.¹⁰ Undoubtedly, that cause represented a political "hot potato" the Governor was not willing to handle.

As discouraging as the Governor's pragmatism was, however, Charles Phelps continued to favor Massachusetts Bay authority, and actually intensified his efforts to secure his native colony's jurisdiction over the Grants. Not one to

lose a battle for lack of a fight, Phelps again appealed directly to Hutchinson for assistance in securing New Hampshire titles. In August 1772, Phelps travelled to Milton, Massachusetts, and called on Hutchinson at his home. According to the Governor, Phelps pressed him for advice on whether to send an agent to represent their case to the King. Expressing concern over the plight of those settlers "so much harassed" by the land controversies, and in the wake of the Howard grant, Hutchinson described their treatment as "what the French call outree." However, despite his sympathy, Hutchinson again disappointed Phelps by declining to become more deeply involved. He explained that he had already stated Phelps's case and sent it to England, and reiterated the pledge he made to Lord Hillsborough that he would "excuse myself in a dispute between the Governor and the people of another province..." Clearly, Hutchinson did not want to appear as a force behind rebellion in the Grants, and thus simply advised Phelps to postpone sending an agent to England since the settlers in the region "are in no danger of suffering by delay..."

B. The Claims Of Massachusetts Bay in the New Hampshire Grants

While the Governor and General Court of Massachusetts Bay failed to assert actively the colony's "ancient" jurisdiction over the Grants during this period, Charles Phelps and his cohorts continued to press their case. Indeed, they

argued that, regardless of the 1740 boundary decision, Massachusetts Bay held legitimate claims over much of the territory to the north.

For decades prior to the 1740 decision, Massachusetts Bay had claimed lands which extended three miles north of every part of the Merrimack River, as stipulated in her first charter. As interpreted by colony officials, this charter permitted the extension of claims northward to the town of Franklin, New Hampshire, the northernmost point of the river. When run west, this latitude corresponded approximately with the present town of Windsor, Vermont, fifty miles north of the 1740 boundary settlement.

The first of many land grants by Massachusetts Bay extending north of the 1740 boundary was Northfield, chartered by the General Court in 1672. Originally named "Squakheag" after the local Indian population, the Northfield grant stretched 4.5 miles on both sides of the Connecticut River and extended from Deerfield, Massachusetts north into the present states of New Hampshire and Vermont. In subsequent land transactions with Indians in the valley, proprietors, primarily from Hampshire County, acquired deeds to tracts in the present towns of Northfield, Hinsdale, New Hampshire, and Vernon, Vermont. Thus following the final indian deed in August 1678, the area covered 72 square miles.

In addition to the Northfield grant, Massachusetts Bay granted townships in the area between Bernardston and

Colrain, Massachusetts in 1734 and 1736, respectively, as well as grants to individuals in present-day Vernon and Guilford. But perhaps the strongest claims made by Massachusetts Bay followed the settlement of the "Equivalent Lands" controversy with Connecticut.

In July 1713, the colonies of Connecticut and Massachusetts Bay agreed to appoint a joint commission to resurvey their common border, which had been in dispute since the Massachusetts Bay charter of 1628. The commission agreed that if, as a result of the new survey they determined that either colony had granted tracts within the jurisdiction of the other, then "the lands shall be confirmed ... by the government within which they fall (so) that no persons be prejudiced in their improvements..." In order to rectify any encroachments, the colonies further agreed that the offending government "shall make an equivalent (grant) to such government, town, or persons respectively of like quantity of un-¹⁴granted lands."

When the commission ran the survey from Wrentham, Massachusetts westward to the Connecticut River and beyond to Westfield in June 1714, it ruled that Massachusetts Bay had overstepped its southern border. Indeed, for nearly nine decades, the colony had based their jurisdiction on the provisions within the 1628 charter, in which its southern boundary was a line running due west from a point three miles south of the southernmost point of the Charles River. As a

result, although there was some discrepancy in the exact figure, the commission awarded Connecticut Equivalent Lands totaling over 105,000 acres, 43,973 acres of which lay beyond Northfield, in the territory of the Grants.

Before Connecticut had resurveyed many of the Equivalent Lands, however, the colony sold the tracts at public auction in Hartford on April 16, 1716, for the benefit of Yale College. Twenty-one proprietors paid a total of 683 Pds. for the territory and held the title in common until June 1718, when Governor Gordon Saltonstall of Connecticut and the proprietary committee partitioned the lands. The extensive tracts in the Connecticut River Valley fell to William Dummer, the Lt. Governor of Massachusetts Bay; Anthony Stoddard, a Boston merchant and judge; and John White, a "gentleman" from Boston.

The whole tract of over 43,000 acres lay west of the Connecticut River above Northfield, and covered the present towns of Brattleboro, Dummerston, and Putney. The settlement of the Equivalent Lands was important for Massachusetts Bay, since the territory proved beneficial for frontier protection of the valley towns of Northfield and Deerfield, as well as towns further to the south in Hampshire County. Indeed, as we have seen, Massachusetts Bay built Fort Dummer in 1724 to provide additional security for its western frontier. For several decades, the colony maintained Fort Dummer, located in the southeastern corner of present-day Brattleboro; and

Massachusetts Bay continued to supply it periodically, even after the 1740 decision by the Crown establishing the northern border of the colony had removed Fort Dummer from its jurisdiction.

In addition to the Equivalent Lands, Massachusetts Bay also claimed territory in present-day Vermont when it granted the "Canada Townships" in the 1730s. The towns received their name from an expedition led by William Phipps from Massachusetts Bay to Canada in 1690, and several officers, soldiers, and their descendants petitioned for eleven townships within the territory claimed by their native colony. One officer who commanded a company under Phipps, Captain Samuel Gallop, received a township in May 1735 west of the Connecticut River, which at first was known as "Gallop-Canada," but later became Guilford in 1754, the fifteenth town chartered by Governor Wentworth.¹⁷

Two other towns along the west bank of the Connecticut River also received charters from Massachusetts Bay, and strengthened the colony's claims in the region. Township Number One, later named New Taunton for the hometown of many of its grantees, sat twenty miles north of the eventual 1740 border settlement: and on November 11, 1752, New Hampshire rechartered New Taunton as Westminster. Likewise, Governor Wentworth also granted Rockingham to a new set of proprietors on December 28, 1752, located on the northern boundary of Westminster.¹⁸ Initially, Massachusetts Bay had chartered

Rockingham as Number Two, which was later known as Goldenstown until 1750.

Together, these claims represented the case for Massachusetts Bay authority over the Grants. With evidence ranging from the indian deeds of the 1670s and 1680s to the granting of Guilford, Westmister, and Rockingham wholly within later Vermont borders, Massachusetts Bay defended its assertion that its northern border should lie along a latitude at a point three miles north of the source of the Merrimack River. Similarly, over a generation later, Charles Phelps and his like-minded neighbors revived these arguments as they labored for Massachusetts Bay jurisdiction over their titles.

Phelps, not discouraged by the disappointing response from Hutchinson in August 1772, returned to New Marlborough and intensified his campaign. Indeed, Hutchinson's unwillingness to press Phelps's case seemed only to infuse Phelps with more determination, and for the next two years he journeyed throughout the Grants and urged the population to sign petitions and support Massachusetts Bay authority.

During 1773, Phelps spent several weeks in townships west of the Green Mountains where he met with other opponents of New York authority and discussed the possible reannexation of the Grants to Massachusetts Bay. On May 23, for instance, Phelps and Isaac Searl of Williamstown, Massachusetts met with the town leaders of Pownal, who urged Phelps "to use his endeavors (so) that they might be all brought into the Bay

Province." According to Searl, the leaders "knew the opinion of the people of the town so well" that they assured Phelps "that almost all that town would join therein with all cheerfulness possible ... (since they knew) the Bay Province to be a much better Province to live in, than New York was..."

On the same journey Phelps also met with the town committee in Bennington, a hotspot of rebellion against New York and home to many later leaders of the Vermont independence movement. For this reason, Phelps's visit of particular significance, since it represented one of the few occasions when the two parties were not vehemently opposed to each other. The formal declaration of the State of Vermont was still several years away, and the rallying cause of opposition to New York overshadowed their differences for the moment.

While the Bennington committee wholeheartedly supported New Hampshire authority over the Grants, they advised Phelps to inform the General Court that "in case New Hampshire did not get into their Province those lands in Bennington, they would immediately join with the Bay Province to have all the land brought again into the Bay Province..." The committee authorized Phelps to speak for them, confident that "they knew this to be the sincere desire of all persons inhabiting the towns of the Grants above Bennington, as far as Crown Point." Thus in June 1773, acting as agent for the

grantees and armed with numerous signed petitions, Phelps

traveled to Boston "to report what the people would do, who consented to join the Bay in so doing..."²¹ Having received recommendations from individual members of the General Court, Phelps returned to the Grants and reported to the committees in Bennington and other towns that several in the General Court supported his efforts to petition the King to reannex the Grants to Massachusetts Bay. This positive news, Phelps recalled in a somewhat grandiloquent manner, made the grantees "extremely pleased."²²

Buoyed by growing support for his cause, Phelps widened the geographical scope of his campaign. Indeed, initially he simply lobbied for Massachusetts Bay's assistance in persuading the King to confirm directly New Hampshire titles within the Grants; then, in 1772, Phelps and other petitioners urged the Bay colony to exercise its "ancient" jurisdiction and bring seven townships in the Grants within its authority. By 1773, however, Phelps had raised the stakes to include fifty townships, covering the lands between the 1740 northern boundary of Massachusetts Bay northward to the latitude of Windsor, and totaling nearly 2100 square miles.

For several months, Phelps worked vigorously on preparing and circulating a petition requesting reannexation of the Grants to Massachusetts Bay, which he hoped to give to Hutchinson to present to the King. For several weeks, Phelps had been boarding at his son's home in Hadley, but by early May 1774 he was ready to return to Boston and consult the

Governor and the General Court. On May 24, Phelps visited the "Castel William" once again to press Hutchinson for his support before he departed for England. The Governor tried to reassure Phelps that "he will do all he can for their good...", and encouraged "the People (of the Grants) by all means to send over a petition for their relief and settlement of their title..." Yet Phelps had heard this rhetoric two years earlier, and clearly the lack of progress towards Massachusetts Bay jurisdiction over the Grants had begun to discourage him. In a lengthy correspondence to Charles Jr. on June 5, Phelps conceded that, although several "of the leading gentlemen" in the General Court had "expressed their sincere desire of having my new petition answered and promise me using their influence for my obtaining the prayer thereof," some others still "fiercely oppose me" and thus "it remains very precarious whether I can get my affairs completed (satisfactorily) to my mind."

Also working against Phelps was the unfortunate timing of his petition during the June session of the General Court, following the British Port Bill which closed Boston harbor on June 1, 1774. The town was in turmoil, and Phelps realized his petition faced an even more difficult road ahead since attitudes "are in such a bad state at home (in Great Britain) against this Province..." "Nevertheless," Phelps declared, the negative "sentiments of administration at home" were "not aney (sic) reasonable objection" to filing the petition,

which he did. The petition, however, languished in committee, and thus Phelps's hope of Massachusetts Bay jurisdiction over the Grants faded, at least for the moment. The defeat brought out a range of emotions in Phelps, for in June 1774 he revealed his frustration to his son, saying "I am very sensible of my weakness and inability to perform a task so difficult and grate (sic) against such discouragements..." Yet in the same letter, Phelps exhibited his characteristically intractable and pretentious manner as he vowed that all that the additional hurdles did were "employ my mind with greater assiduity, more vigor and resolution to do something for a particular or general benefit ... I will if possible drive through all opposition thrown in my way..."

C. The Legend is Born:
Ethan Allen and the Green Mountain Boys

While Phelps and others had manifested their opposition to New York authority in petitions for Massachusetts Bay jurisdiction, another group within the Grants assumed a more confrontational approach. Centered primarily west of the Green Mountains during the 1770s, the Green Mountain Boys vehemently refused to recognize New York authority. Employing their well-known tactics of intimidation and bravado, the collection of speculators and settlers tormented New York officials and destroyed any effective administration and governing power that that province had in the Grants.

Synonymous with the Green Mountain Boys was the name of the Allen family, particularly brothers Ethan and Ira. Indeed, for the two decades following their arrival in the Grants, the Allens would dominate the history of the region and the early period of the State of Vermont.

While Charles Phelps had been one of the first settlers in the Grants in 1764, the Allens did not leave Connecticut for the northern region until 1770. Despite their late start, the Allen brothers quickly began purchasing inexpensive New Hampshire titles which had slumped in value after the 1764 Crown decision placed New York authority over the Grants. Ira Allen, for instance, began in the fall of 1770 to acquire numerous proprietary shares in Poultney, Castleton, and Hubbardton: but by 1772, his attention turned northward, towards the fertile and largely unimproved tracts of land east of Lake Champlain. Ira Allen was aware of the geographical advantages of the Champlain Valley, since the lake flowed north into the Richelieu River and offered access to the St. Lawrence River and its ports. Thus in 1772, Ethan, Ira, and Zimri Allen, and their cousin Remember Baker, formed the Onion River Land Company in order to acquire lands along the river and promote settlement in Burlington, Williston, Shelburne, Colchester, Essex, and Jericho.

In addition to the economic interests of the Allens, the family also entered the political realm. At the same time Ira Allen and Remember Baker attended to matters of land

acquisition and surveying in the Onion River Valley, Ethan remained near Bennington to manage political affairs. From the beginning, the Allens were staunch opponents of New York, and maintained that New Hampshire, not New York, held original claims since the 1664 grant from Charles II to the Duke of York. Echoing claims heard frequently throughout the Grants by the 1770s, Ethan Allen declared that since New York had secured authority over the Grants in 1764, "ex parte and contrary to the minds of the original grantees and settlers under New Hampshire," then that jurisdiction "therefore ought to be considered as null and void from the beginning."²⁷

Just as Samuel Robinson had found it necessary to travel to England to lobby the Crown directly in 1764, so too did the Allens and their cohorts realize that they had to secure confirmations of their New Hampshire titles or face losing it all. Like Robinson, most speculators west of the Green Mountains had extended their credit to the utmost, and could not afford to pay the additional fees and quitrents for New York confirmation. Recognizing the dire situation, Ethan immediately became an active opponent of New York jurisdiction when he assisted defendants in the New York ejectment cases of 1770.

Tried in the New York Supreme Court at Albany in June 1770, the ejectment cases were important contests which pitted New York plaintiffs, represented by land speculator James Duane and New York Attorney General John Kempe, against

New Hampshire claimants defended by attorneys Jared Ingersoll from New Haven and Peter Sylvester from Albany. The defendants were primarily Connecticut proprietors who held New Hampshire titles, and in March 1770 they hired Ethan Allen as their agent to coordinate the defense. Allen, entrusted with the funds raised by the committee, enlisted the counsel of Ingersoll, and traveled to Portsmouth to obtain copies of documents which would prove New Hampshire jurisdiction over the Grants and prevent the ejection of settlers and proprietors holding New Hampshire titles. The New York court, however, ruled that Allen's evidence was inadmissible as valid proof of New Hampshire jurisdiction, and thus ruled in favor of the plaintiffs.

Allen, in many ways similar to Phelps in his bold and pretentious conduct, reacted angrily to the decision. Indeed, in a style closely resembling Phelps's rejection of New York authority in the early 1770s, Allen portrayed the New Hampshire titleholders as poor, simple, hardworking farmers who had just been victimized by evil and wealthy New York land speculators. In this manner, Allen described the court scene:

The plaintiffs, appearing in great state and magnificence (sic), which, together with their junto of land thieves, made a brilliant appearance; but the defendants, appearing but in ordinary fashion having been greatly fatigued by hard labor wrought on the disputed premises and their cash much exhausted, made a very disproportionate figure at court. In fine, interest, conviction, and grandeur being all on one side, easily turned the scale against the honest defendants, and judgements without mercy, in

favor of the claimants under New York were given against them. (28)

Despite their defeat in the courts, the Allens and other opponents of New York jurisdiction vowed to challenge that province's authority at every opportunity. In language which reflected the influence of Whig political ideas, Allen declared that "laws and society-compacts were originally designed to protect the subjects in their property." Thus when New York violated such contracts and threatened "the ruin and destruction of the society it should secure and protect," the New Hampshire titleholders were "obliged to resist and depose such government." ²⁹ Armed with this right to revolution, the Allens led numerous riots against New York authority and inspired disruptions of county court proceedings in the Grants throughout the first half of the 1770s. Indeed, in many of the more rebellious townships, particularly west of the mountains, New York authority was virtually nonexistent: while New York held the rights to the Grants of paper, the New Hampshire titleholders ardently defended their physical possession of the land.

The early history of Vermont, both fabled and factual, would be incomplete without some mention of the Green Mountain Boys, who were certainly the primary source of the chaos which pervaded the Grants in the 1770s. Following the disastrous decisions in the ejectment suits, Ethan Allen founded the Green Mountain Boys in 1772 in order to intimidate New York into granting concessions and confirming New

Hampshire titles. The "Bennington mob," as Yorkers referred to the Green Mountain Boys, numbered approximately 300 men but was never a true army under its initial command by Allen. Indeed, they had no uniforms nor artillery, and were more accustomed to gathering and imbibing at the Catamount Tavern in Bennington than to drilling as a militia. Nonetheless, the Green Mountain Boys were effective in their guerilla tactics and intimidation of New York claimants and officials, and on several occasions that province issued arrest warrants for those "lawless persons" who possessed "a dangerous spirit of riot and licentiousness" and who stood accused of spreading "terror and destruction throughout that part of the country which is exposed to their oppression..."³⁰ The dire situation and near-anarchy on the Grants even prompted Governor Tryon in August 1773 to request General Frederick Haldimand, Commander in Chief of British regulars in the colonies, to occupy Forts Ticonderoga and Crown Point and provide "aid to civil authority," "put a stop to these daring³¹ outrages," and "restore tranquility" to the Grants.

In short, throughout the early 1770s this growing force led by the Allens emerged in the Grants, initially favoring New Hampshire jurisdiction but eventually forming the nucleus of the Vermont independence movement. Thus while Charles Phelps's opposition manifested itself in his tireless efforts to secure Massachusetts Bay jurisdiction, Ethan Allen and the Green Mountain Boys challenged New York authority head on.

D. The New Hampshire Grants and the American Revolution

While the jurisdictional confrontations were tearing apart the political and social landscape in the Grants, the growing tensions between the American colonies and Britain further exacerbated efforts to solve the disputes and restore peace on both sides of the Green Mountains. This looming confrontation sent deeper waves of faction throughout the Grants, and thus by the mid-1770s one might have described the chaotic situation as a "revolution within a revolution." For in addition to the contending "parties" of the Green Mountain Boys, Charles Phelps and those favoring Massachusetts Bay, as well as Yorkers who remained loyal to that province, the people of the Grants were now also divided into loyalist or patriot camps.

Revolutionary fervor was strong in the Grants region both in the period leading up to and after the outbreak of hostilities in 1775. Many settlers on the Grants had roots in New England (particularly Massachusetts and Connecticut) and often they denounced British colonial rule using familiar Whig arguments and political rhetoric. Acts of British "tyranny" which enraged revolutionary leaders in the thirteen colonies also prompted action in the Grants, as opponents of British rule formed Committees of Correspondence and held frequent conventions. In October and November 1774, for instance, twelve towns in Cumberland County sent delegates to two conventions in Westminster where they denounced the

a letter to his brother, Charles Jr., in May 1775. Solomon reacted with anger and "alarm" at news from Lexington and Concord, and prayed that "the brave, intrepid sons of America, and New England in particular ... will unsheath their swords," and defend "the eternal laws of nature and God ... even at the expence of their blood..." Solomon assured his brother that "our people (in the Grants) stand ready to assist you," and urged him to "take courage then, and boldly defend your rights." ³⁶

Like his children, Charles Phelps also supported the growing rebellious sentiments against Britain. Indeed, in February 1775 the third Cumberland County convention in Westminster appointed the patriarch of the Phelps family as one of 28 members of a standing Committee of Correspondence for the county. Representing New Marlborough along with Captain Francis Whitmore, Phelps joined men from twenty other townships east of the mountains. The convention also gave Phelps and Dr. Solomon Harvey of Fulham the responsibility for preparing "extracts from the votes and proceedings of this congress for publication," as well as from the previous ³⁷ Westminster conventions in the fall of 1774.

In addition to addressing the widening rift between the colonies and Great Britain, the convention also urged New York to take appropriate legislative steps to improve the court system in Cumberland County. In a petition penned by Phelps, the body related specific grievances to Lt. Governor

recent Boston Port Bill, resolved to form Committees of Correspondence, and endorsed the "non-importation, non-exportation, and non-consumption" agreement adopted by Congress on October 20, 1774.³² Voicing Whig ideals which illustrated the widespread influence of British Opposition thought in America, the convention railed against acts of Parliament which denied the American colonists "all the liberties and privileges of natural, freeborn subjects of England" and stood "in direct breach of the solemn compact between a former King ... (and) the first planters of these colonies..." In bitter language, the delegates concluded that the loss of those "natural rights as a British subject" made one, "in the fullest sense of the word, a slave," and thus "whoever endeavors to deprive (the colonists) of their privileges is guilty of treason against the Americans as well as the British constitution."³³

Like the more radical Green Mountain Boys and others on the Grants, the Phelps family embraced such revolutionary sentiments in the early 1770s and actively supported the war effort after 1775. Charles Phelps's daughter-in-law, Elizabeth, for instance, declared in June 1774 that "the people of this land are greatly threatened with cruelty and oppression from the Parliament of Great Britain...;" and in the wake of the closing of Boston harbor by the British, "greater calamities are daily expected."³⁴ Elizabeth's brother-in-law, Solomon, also expressed strong opposition to British rule in

Cadwallader Colden, such as poor compensation for farmers who had to serve on juries, as well as the lack of a probate office within Cumberland County. ³⁸ Phelps's petition, however, never reached New York, for leaders of the convention had neglected to send the petition before the final New York colonial legislature had adjourned.

The proceedings of the February 1775 Westminster convention were significant, for they were indicative of the growing tendency to combine the struggle against tyrannical British colonial rule with the fight against New York oppression. In a political atmosphere rich in Whig ideals of liberty and the right of revolution against oppressive governments, distinctions between the two struggles became quite unclear. Thus in the turmoil of the mid-1770s, it was not surprising for Solomon Phelps to equate the revolutionary fervor in Massachusetts with the situation in Cumberland County, which by 1775 was "now in a very critical situation - ye people in general are almost ready to revolt, from New York..." Likewise, Solomon characterized New York officials in a derogatory manner similar to the other unflattering descriptions of British officials: "such consummate knavery, and ignorance, is blended, in our magistrates (so) that they are insufferable." ³⁹

Indeed, for many people in the Grants, particularly the Allens and the Green Mountain Boys, one could not oppose British tyranny without simultaneously struggling to free the

Grants from the grip of New York. And one of the events which solidified this assimilation between the two separate revolutions was the Westminster Massacre in March 1775.

In the period just preceding the events at Lexington and Concord, revolutionary fervor was running high on the Grants as in the rest of New England: and in the early morning hours of March 14, the anti-New York ferment erupted in violence.⁴⁰ New Hampshire titleholders, outraged at the inadequate and expensive administration of New York courts, sought to interfere with the scheduled sitting of the Cumberland County Court of Common Pleas in Westminster. Approximately one hundred men "entered the court-house, about 4 o'clock in the afternoon," and, "armed with clubs and some firearms" (according to the New York version), barricaded themselves⁴¹ inside. By sunset, county sheriff William Patterson of Hinsdale and his posse of about twenty five men had arrived; and Patterson, reading the British riot act, vowed to "blow a lane through" the rebels if they did not disperse. While biased interpretations of the events which followed preclude a wholly accurate account, it suffices to say that by midnight additional attempts by sheriff Patterson to clear the building had failed, and thus he ordered his forces to storm the court. In the ensuing melee, bullets mortally wounded two anti-court rioters, and injured approximately a dozen others.

This "Westminster Massacre," as it later became known as, was significant for two reasons. First, it further strengthened the idea that revolution against New York was synonymous with revolution against Great Britain. Indeed, in the weeks following the incident, resolute opponents of New York portrayed the two men who had died, William French and Daniel Houghton, as brave and martyred victims of British tyranny. While French's gravestone read that he died "by the hands of cruel ministereal (sic) tools of George ye 3rd ... (and) his Tory crew,"⁴² it was more accurate to say that he died in the firestorm against the New York courts, not in the growing conflagration against British colonial rule.

Second, the massacre served as a symbolic "last straw." For many of the people on the Grants, it was no longer enough simply to oppose New York and hope for direct confirmation of New Hampshire titles by Britain: indeed, the massacre seemed to open many eyes to the need for a new, independent government. Thus in the aftermath of the incident, the first public suggestion for a new state appeared in the records of the fourth Westminster convention. Assembling on April 11, 1775, the delegates angrily denounced the "arbitrary and designing administration of the government of New York," and railed against the deadly actions of its officials at the Westminster courthouse.⁴³ Concerned over the fate of their property under such administration, the convention declared that New York had placed the inhabitants of the Grants "in

great danger of having their property unjustly, cruelly, and unconstitutionally taken from them..." Thus the convention concluded that a committee prepare a petition advocating that the Grants "be taken out of so oppressive a jurisdiction, and either annexed to some other government or erected and incorporated into a new one..."⁴⁴

The committee chosen by the Westminster convention was of particular note, for it brought together individuals who were later at each other's throats over the issue of Vermont independence. Fittingly, Ethan Allen served on the committee, along with Colonel John Hazeltine of Townsend: also joining them, however, was Charles Phelps. This combination was quite ironic: indeed, Phelps found himself working with Allen, later his archnemesis, to explore the possibility of an independent state, a concept Phelps came to oppose vehemently.

E. Charles Phelps and the Independent Government of Vermont

While Charles Phelps may have joined Ethan Allen on the committee to draw up this remonstrance and petition, from 1775-1777 he maintained a comfortable distance from the numerous conventions at Dorset and Westminster which sought "to form the Grants into a separate district."⁴⁵ However, Phelps's oldest son, Solomon, began to work with the leaders of the independence movement, and on October 30, 1776 an adjourned convention from Dorset reconvened at Westminster and

voted Solomon Phelps to join a committee and prepare documents justifying the separation from New York. Phelps, along with Colonel William Marsh and Captain Ira Allen, composed a "manifesto" to be published in newspapers which "set forth the reasons, in easy terms, why we choose not to connect with New York."⁴⁶ Apparently, the committee's work also was incorporated into Ira Allen's famous pamphlet in May 1777, entitled "Miscellaneous Remarks..." In it, Ira Allen offered a vigorous defense of Vermont independence, arguing that "by the Declaration of Independence (of the United States), all laws and connections with the British court were dissolved, which left all kingly government destitute of any law, or established mode of government, to establish us a free and independent state of America..."⁴⁷

Despite the actions of his son, Charles Phelps refused to join the faction advocating an independent government on the Grants. Indeed, although the January 15, 1777 Westminster convention declared the "separate, free, and independent jurisdiction" of Vermont and the Windsor convention passed the new state constitution on July 8,⁴⁸ Phelps's enthusiasm for the revolutionary government was, at best, lukewarm. Phelps, for instance, derided the actions of the January 15 convention, claiming that those who attended and "all the people they pretended to represent ... did not amount to one-hundredth part of the inhabitants of New York State."⁴⁹

There were several likely reasons which kept Phelps from endorsing the State of Vermont. First, Phelps, no doubt like many others, had reservations about the association of many of Vermont's founding fathers with "mob" and "riotous" activities following the formation of the Green Mountain Boys in 1772. In a rambling polemic against Vermont in 1779, Phelps denounced the "Vermont government and the pretended state upon (the Grants)" for its "Deceit, falsehood, usurpation, Violence, forcable (sic) entry into anothers rights or by injustice, and tyranny and usurpation..."⁵⁰ While it was true Phelps never suffered for lack of hyperbolic interpretations or inflammatory speech, he only arrived at this harsh characterization after years of observing the Green Mountain Boys and Vermont's leaders in action.

Particularly alarming to Phelps were any steps which the Vermont administration or its citizens took that threatened the sanctity of an individual's property . In June 1777, for instance, several residents of New Marlborough, including Timothy Phelps, requested that Vermont take action against squatters who refused to vacate land claimed by a number of New Hampshire titleholders. They alleged that three individuals had used "force and arms" to deprive the legitimate titleholders of "all their sacred and dear bought property..." Thus Timothy Phelps and two others addressed a request to Vermont leaders to provide "ample relief and full

cost" to the injured parties: and as their attorney and agent they appointed Charles Phelps to travel to Bennington.⁵¹

Charles Phelps, however, received a less than satisfactory response in late June 1777, which certainly did not bolster his opinion of Vermont nor its leaders. The committee which heard Phelps's case denied that they had the authority "to determine a matter of such consequence," and simply advised that all parties "suspend any coercive measure" until the July 2, 1777 convention at Windsor could settle the matter.⁵²

Accordingly, Phelps then appealed to the convention to move against "sundry evil-minded persons" who were "wickedly contriving and fraudently intending to deprive said second charter grantees" of their sacred property rights.⁵³ The delegates, however, understandably were preoccupied with approving the new state constitution, as well as dealing with the immediate British threat to Ticonderoga. Thus there were no records that the convention ever dealt with the New Marlborough land controversy, which undoubtedly increased Phelps's doubts that the new state and its leaders could effectively meet the needs of its people.

Additionally, Vermont's efforts to raise revenue by confiscating the estates and property of the "common enemy" fueled Phelps's growing hostility towards the new government. On July 28, 1777 Ira Allen announced that the state's provisional government, the Vermont Council of Safety, had resolved "to seize all lands, tenements, goods, and chattels of

any person or persons in this state" who had "repaired to the
54 enemy."

While such sequestration was necessary to raise revenue and stem the southward tide of Burgoyne's army, it struck at what Phelps held as one of the most important natural rights of man: the right of property. Phelps was certainly no Tory, but other vague stipulations in the sequestration order allowed for wide interpretations of what constituted an "enemy." For the Council had directed commissioners "to arrest any person, or persons, you shall have sufficient grounds to believe are enemies of this and the United States of America," and authorized them to "seize all their movable effects..." Once again, Vermonters had denied that anyone could support the American Revolution against the British while opposing the Vermont revolution against New York. Their oversimplification of the complex political relationships between factions within Vermont had effectively placed Phelps in the "enemy" camp, and had precipitated, in part, Phelps's later, renewed support for Massachusetts and then New York claims over the territory.

While this interpretation would satisfy an economic historian's understanding of what prompted Phelps adamantly to oppose the Vermont government, it was not a wholly adequate explanation. For such a limited analysis based on "economic determinism" ignored other crucial, non-economic, factors. Fundamental religious questions, for instance, also contributed to the widening gap between more conservative

forces and the revolutionary leadership in Vermont. As we saw in Chapter I, Phelps came from the strict Edwardsean tradition in Hampshire County, and while he may have "flip-flopped" on the issue of political allegiance over the years, he certainly maintained a consistent religious philosophy throughout his life. Beginning with his challenge to Samuel Hopkins and the Hadley Church, Phelps rejected more liberal religious traditions, such as congregationalism. Phelps maintained his Presbyterian faith and endorsed its hierarchical structure, high admission standards for membership, and restricted communion. Indeed, he vehemently denounced those faiths which permitted "every male church member (to be) a judge in matters the God of Nature never qualified (sic) them for..."⁵⁵ In derogatory language similar to his descriptions of nearly every opponent he faced, Phelps condescendingly chastised "such weak (sic) ignorant, unlearned, vulgar lay gents" for their differing faiths.

With such hostility towards Congregationalists, one could imagine Phelps's opinion of the Vermont leadership as a whole. Indeed, steeped in revolutionary teachings and Enlightenment thought which stretched across the realms of politics, economics, and religion, many Vermonters professed a Deist faith. Ethan Allen, for instance had become acquainted with the Philosophes and other Enlightenment thinkers at an early age, and their challenges to religious orthodoxy inspired Allen's rejection of Puritan tradition,

the Great Awakening, and organized religion as a whole. Allen embraced the Deist concept of an omnipotent and benevolent God who created the perfect universe and set it in motion, but did not interfere with the laws of nature which guided man's daily activities and decisions. Not one to shy away from criticism of the norm, Allen attacked the Bible and facetiously recommended that society fire all ministers and spend those salaries "in an economical manner which might better answer the purpose of our happiness, or lay it out in good wine or old spirits to make the heart glad, and laugh at the stupidity and cunning of those who would have made us mere machines."⁵⁶

While such radical pronouncements had the imputations of atheism, Allen likely only wished to convey his beliefs in a universal, all powerful, and omniscient God. Nonetheless, such atheistic implications certainly offended a number of people in Vermont and it was not improbable, given the intense faith Charles Phelps held throughout his life, that religious considerations were factors in determining political allegiance.

A final underlying cause which prompted Phelps to reject the fledgling state of Vermont was the serious threat which Burgoyne posed to the vulnerable Vermont territory. This other half of the "dual revolution," the fight against the British, was of primary concern for Phelps. Like the rest of his family, he was an ardent patriot, and concluded that a

struggling state was politically and economically incapable of sustaining a war effort on its own.

The British peril threatening the Vermonters in 1777 was indeed alarming. The British forces seemed unstoppable, as General John Burgoyne and eight thousand troops sailed up Lake Champlain in June 1777 and prompted the evacuation of Fort Ticonderoga, known to New Englanders as "The Gibraltar of the north," on the night of July 5-6. The British victory over Seth Warner's retreating troops at Hubbardton a couple of days later also did not bode well for the security of the young state.

While duty called Timothy Phelps to serve in a New York regiment of minutemen, his sixty year old father turned his energies toward securing arms, ammunition, and supplies for the revolutionary forces. Following the "very bad news ... (that) our forts at Ticonderoga were given up to our enemies hand," Phelps immediately set out for Boston to appeal to the General Court for assistance. ⁵⁷ On July 20, 1777 he returned to Hadley and enlisted his son, Charles Jr., to haul the "one hundred fifty firearms and a suitable quantity of ammunition" ⁵⁸ he had procured from Massachusetts back to Vermont. A month later, Phelps again traveled to Massachusetts in order to buy salt for New Marlborough and Guilford and petition the General Court to assist in "the joynt (sic) protection of this and the other eastern United American States..." Although Phelps only requested "one hundred firearms more and

two or three hundred weight of powder and ball and flints," he received 130 guns and ammunition and returned to Vermont in early September.⁵⁹

The initial setbacks suffered by the Americans in the Hudson River Valley - Lake Champlain campaign in 1777 undermined the confidence of many Vermonters in the state's leadership. Phelps, for instance, characterized the loss of Ticonderoga as a "shameful giving up," and thus he turned towards "ancient and patriotic" Massachusetts for assistance. Undoubtedly alarming to Phelps, as to many others, were Vermont's seemingly misguided priorities: indeed, in the same week that convention delegates met at Westminster to approve the first state constitution, the British gained control of Ticonderoga and defeated the Green Mountain Boys at Hubbardton.

While the tide turned against the British at Bennington and Saratoga in the late summer and fall of 1777, Phelps's opinions of the fledgling state did not become more favorable once the immediate British threat had dissipated. In fact, for the several reasons discussed above, by 1778 Phelps had turned adamantly against Vermont's leadership. For the rest of his life he maintained that Vermont was a "pretended" and "usurped state" led by "very vicious, corrupt, and ignorant men."⁶⁰

F. The Revival of Massachusetts Claims, 1777-1779

While Phelps had rejected flatly the independence of Vermont, deciding which jurisdiction to support now became a more difficult matter. Although the Revolution had taken priority and dampened Phelps's hope for immediate settlement of the land controversy in favor of Massachusetts, he nonetheless kept this option alive. In June 1776, for instance, the Cumberland County committee addressed letters of instruction to Joseph Marsh of Hartford, Deacon John Sessions of Westminster, and Simon Stevens of Reading, the County's representatives to the provincial congress.⁶¹ In a passage proposed by Charles Phelps and accepted by the committee on June 21, the County agreed to join the revolutionary government of New York but reserved "to themselves the full liberty of an absolute disavowance" of that civilian administration if they were not satisfied with it. As if that clause was not impudent enough, Phelps further declared that the people of Cumberland County had "the full liberty of pursuing their former petition" to reunite with "the ancient, ever respectable, and most patriotic government of the Massachusetts Bay Province..."⁶² The tone of this audacious letter certainly offended the New York Congress, which, combined with the County's urgent need for 250 New York rangers, prompted an embarrassed Cumberland County committee to withdraw Phelps's letter on November 7, 1776.

This letter to the New York Congress was apparently Phelps's only effort to secure Massachusetts jurisdiction in 1776, for there still remained a somewhat cordial relationship between him and the Vermonters. By 1777, however, the remotest possibility that Phelps might have joined forces with the independent Vermont movement had vanished, and he began to bombard the General Court with petitions. In a May 28, 1777 communication to the Legislature, Phelps revived the familiar arguments he had relied on a few years previous, demanding justice for the "poor people" in Vermont who had tamed the foreboding wilderness "at an immense expense of their blood and treasure..."⁶³ Phelps reiterated that Massachusetts natives had settled in the southeastern area and held "an uninterrupted possession thereof (for) the greatest part of ... a hundred and fifty years." Phelps claimed that his efforts in the early 1770s had given the grantees "high expectations of being soon reduced to this ancient and most patriotic government:" and those hopes had not diminished in the intervening years, despite the erection of the Provincial Congress in New York. Indeed, opposition to that state continued since it still insisted on collecting high colonial quitrents for its own treasury. Phelps also made the questionable claim that even the "multitude" of Vermonters, who had just declared their independence of New York in January, were "cheerfully inclined to be admitted to this state (Massachusetts) if they failed in their indepen-

dence movement." In short, the petition urged the Court to move towards reannexation, thus both preventing any future "intrigues and artifices of New York lawyers and powerful monopolizers" and delivering justice to the Vermont population "so long denied and deprived of our ancient and most sacred rights..."

Phelps's renewed overtures to Massachusetts coincided with his efforts to secure arms and supplies for defense of the Vermont territory against the British, and thus the Revolution was likely significant impetus for his latest efforts. Indeed, Phelps complained that the lack of an effective government by New York and Vermont had reduced Vermont's ability to provide "soldiers for a military protection of the United States and resistance of the common enemies ... all which has already proved injurious to the public will and prejudicial to all the American United States." ⁶⁴ Thus during his August journey to Boston Phelps not only secured arms, ammunition, and supplies for the American cause, he also asserted the rights of the "ancient mother state" and urged Massachusetts to "commission military officers over the military companies" in Vermont.

In this August 1777 petition, Phelps unveiled some new legalistic and philosophical justifications for Massachusetts jurisdiction over Vermont. In Phelps's analysis, Great Britain had "torn off" Vermont from Massachusetts and "reduced it to the Province of New Hampshire" in 1740: how-

ever, according to the "laws of nature and nations, the American resistance of the despotic power of Grate (sic) Britain" thus nullified that boundary line. Furthermore, not only could Massachusetts reannex Vermont, but the "laws of nations" also prohibited the establishment of an independent state since "the old body (Massachusetts) has not relinquish-its rights thereto..." Phelps bolstered his argument with the June 30, 1777 Resolution of the Continental Congress which denied that Vermont could derive any "countenance or justification from the (May 15, 1776) Act of Congress (which declared) the united colonies to be independent of the Crown of Great Britain, nor from any other act or resolution of Congress." ⁶⁶ Phelps respected these Resolves of the "wiser and better sort of people" in Congress, and advised that "it won't be conducive to the publick will and tranquility of the people (in the Vermont territory) any longer to encourage the further carrying on or writing with that new state... ."

While the General Court granted Phelps's immediate request for arms, ammunition, and supplies, it delayed consideration of the accompanying petition urging reannexation of Vermont until October, 1777. Undoubtedly, this delay resulted in part from the absence of Phelps's lobbying pressure during Spetember. Early in September, Phelps and his wife of 37 years, Dorothy, had left their son's home in Hadley and set out for New Marlborough. At "brother Amos Allen's of Greenfield," however, Dorothy, who had been sick

with "dysentery" (according to her daughter-in-law), died
"about sunset" on September 11.⁶⁷

While the General Court chambers missed the presence of Charles Phelps, his absence from the political scene lasted only a few weeks. By October 1 Phelps was back in Boston preparing for another attempt to persuade Massachusetts to reannex Vermont. Perhaps due to General Burgoyne's surrender in mid-October following the battles of Saratoga, Phelps found the Court somewhat more relaxed and responsive to his petition of a non-military nature.

On October 27, 1777 Phelps presented his memorial to the Council of Massachusetts, utilizing similar arguments from his previous petitions. On this occasion, however, Phelps made specific reference to the various indian deeds from the 1670s and 1680s transacted under Governor Jonathan Belcher of Massachusetts Bay. As discussed earlier, these deeds gave to that colony jurisdiction extending from Northfield into the present town of Vernon, Vermont. Further, Phelps declared that at Fort Dummer "on or about the year 1725 or 1730," representatives from indian tribes in the Connecticut River Valley and officials from Massachusetts Bay consummated a treaty which confirmed the Bay colony's authority over the
⁶⁸
lands.

The Fort Dummer treaty and other corroborating evidence, however, had been destroyed in the 1747 fire at the provincial courthouse in Boston. Thus Phelps urged the Council

to take the deposition of Colonel Israel Williams of Hatfield, the sole remaining witness to the signing of the treaty. The Council agreed with Phelps, and on October 29, 1777 it resolved that "it may be in the future advantageous to the people of Massachusetts Bay to have all the evidence of their right to the lands on the west side of the Connecticut River..."⁶⁹

At last, by late 1777 Phelps had begun to find some satisfaction in his five year struggle to reannex Vermont to his native state. He returned to New Marlborough in early November, encouraged by the favorable response from the Council of Massachusetts. This contrasted with his fallen hopes of 1772-1774, when Governor Hutchinson simultaneously supported Phelps's efforts in private but flatly rejected to press the claims in front of King George III.

By 1778, however, the commitment by the Council had lapsed, and Phelps found it necessary to memorialize the body once again. Following the encouraging actions by Massachusetts in October of the previous year, Phelps had done some more investigation on his own. He reported to the Council that he had located a commission from Governor Belcher which appointed a Massachusetts committee to pursue the purchase of a large tract of western indian land. The commission, in the possession of Solomon Stoddard of Northampton and dated at Boston on September 30, 1737, named John Stoddard of Northampton, Eleazar Porter of Hadley, Israel Williams, and

two others to travel to Fort Dummer for the negotiations. Phelps urged the Council to record the commission, worried that Massachusetts might fail to hear the elderly William's deposition before he died: "If it (the deposition) be omitted during his life and memory, grate (sic) loss to this state might in all probability" follow, and thereafter it would be irretrievable to prove the state's right of soil to theat western territory."⁷⁰

Phelps kept up the pressure on Massachusetts in July 1779 when he urged the Bay State to press its claims in Congress "respecting the fifty townships" in southern Vermont.⁷¹ In October, Phelps received his biggest boost from Samuel Adams, President of the Massachusetts Council. Although portrayed by many Vermont historians as favoring Vermont independence, during 1779-1780, Adams wholeheartedly endorsed Phelps's efforts to "return" Vermont to its rightful jurisdiction. In a letter to Governor Thomas Chittenden of Vermont in late 1779, for instance, Adams unequivocally asserted that Massachusetts "hath an ancient and just claim to all the territory lying between the rivers Connecticut and Hudson, bounded ... westerly by the eastern line of New York" and extending northward to the original boundary claimed by Massachusetts prior to 1740. Not one to mince words, Adams flatly declared to Chittenden that Massachusetts would defend its claim "against the protestations of any people whomsoever," notwithstanding the 1740 border decision in favor of New Hamp-

shire, which Adams maintained "we have ever (since) considered to be unjust."⁷² In order to further emphasize his disapproval of the independent state of Vermont, Adams blatantly ignored protocol in addressing his correspondent as "Thomas Chittenden, esq.," a private citizen, rather than formally and properly acknowledging Chittenden as the "Governor of the State of Vermont."

A hot confrontation between Ethan Allen and Charles Phelps in front of the General Court prompted Adams' rather abrasive 1779 letter to Chittenden. Allen, acting as an agent for "the pretended Governor and Council of Vermont," according to Phelps, urged Adams and the General Court to abandon their claims and recognize the independence of Vermont. Would Congress serve justice, Chittenden argued in the letter Allen read, if it subjected Vermont to any state or divided it between two or more of them, "merely to allow them a stretch of jurisdiction, and thereby augment their power?"⁷³ Certainly not, argued Allen, without compromising "the strict rules of justice and equity" and violating the "spirit of freedom" embodied in the Declaration of Independence.

Allen may have expected his impressive figure and brilliant Brigadier General's uniform to command instant respect among the members of the Court and win support for the Vermont cause. Indeed, his splendor, quick temper, and intimidating tactics certainly brought much success on the

Vermont frontier. Yet in Charles Phelps, Allen had met an opponent equal to the challenge. In public appearances, Phelps dressed impressively as well, donning the finest frilled linen, silk stockings, a blue broadcloth coat or satin vest, golden buckles, and gems for buttons. According to his grandson, Phelps also wore a "brilliant" on his finger and a full powdered wig on his head.⁷⁴ Nor was Phelps, standing six feet, three inches tall, dwarfed by Allen's stature, for the Vermont hero stood only two inches taller.

While Phelps may have equaled Allen in dress and stature, this self-educated lawyer excelled in debate, as his rhetorical skills, fluency, and long, drawn out arguments exasperated the straightforward Ethan Allen. Allegedly, the confrontation became quite heated, and Allen's temper so raged that, according to Phelps, "he threatens to kill me."⁷⁵ Undoubtedly, Phelps derived some satisfaction from pushing the hotheaded and bullying Allen to the point of physical retaliation.

If there was a declared "winner" in this bout, the reaction of the General Court indicated the decision favored Phelps. For on December 28, 1779, the court ignored Allen's arguments and appointed James Bowdoin, Samuel Adams, and John Lowell to examine the validity of Massachusetts' claims. At last, Phelps's long and persistent campaign, which began in 1771, had started to pay dividends: the General Court, as a whole in 1779, declared that Massachusetts did indeed have a

"clear and indisputable right" to claim southern Vermont.

While the future of Massachusetts reannexation of Vermont looked bright by the end of 1779, this actually represented the high water mark for Phelps's cause. Afterwards, Massachusetts interest in pursuing its claims flagged, no doubt due in part to the continual and intensive efforts by Governor Chittenden, Ethan and Ira Allen, and other Vermonters to refute any claims which jeopardized that state's independence. In January 1780, for instance, Ethan Allen and Jonas Fay collaborated to produce a pamphlet entitled "A Concise Refutation of the Claims of New Hampshire and Massachusetts Bay to the Territory of Vermont... ." Additionally, on several occasions throughout 1780, Governor Chittenden addressed proposals to the Continental Congress to "remove the cloud that has hung over Vermont" ever since Massachusetts began its campaign to reannex the territory.

Thus by the end of 1780, Phelps's dream of restoring Vermont to "the ancient mother state" of Massachusetts had died. The Massachusetts General Court, just a year after it had declared that the Bay State had "a clear and indisputable right" to the southern area of Vermont, switched sides and determined that the claim was an "infringement on the rights of Vermont." In the Congress on September 29, 1780 Massachusetts instructed its delegates to move and campaign for the postponement of settlement until "time and circumstances will admit of a full and ample discussion" of the Vermont

question, thus buying time for the fledgling state.⁷⁷ Finally, on March 8, 1781, the Massachusetts General Court, once and for all, relinquished its claim, conceding that Vermont "should be a sovereign, independent state" and urged that Congress admit it "into the Confederation with other American states..."⁷⁸

In short, another phase of Phelps's continuing campaign to establish undisputed jurisdiction over Vermont had ended. Instead of following the lead of many people and recognizing the authority of Vermont, however, Phelps reverted to his original position that New York held valid claims over the territory. Indeed, his vehement opposition to Vermont and his disdain for its leaders ruled out any other possibility. For much of the next decade, until his death in 1789, Charles Phelps, his family, and other Yorkers became a painful thorn in the side of Vermont, and secured their permanent position in Vermont historiography as enemies of the fourteenth state.

ENDNOTES

1. Charles Phelps, An Address to the Respectable Inhabitants and Gentlemen of Newfane and Townsend, 30 December, 1771. CP Papers, University of Vermont.
2. Petition to Governor Hutchinson, 31 December, 1771. CP Papers, University of Vermont.
3. Announcement of Charles Phelps as Representative to Massachusetts, 8 January, 1772. CP Papers, University of Vermont.
4. Charles Phelps, et al., Petition to Massachusetts Bay General Court, 6 July 1772. Massachusetts Archives, Vol. 118: pp. 643-646.
5. Mass. Archives, Vol. 118: p. 645.
6. Committee Report by William Brattle, 13 July, 1772. Mass. Archives, Vol. 118: p. 647.
7. Governor Hutchinson to Lord Hillsborough, 15 July, 1772 and 17 July, 1772. Mass. Archives, Vol. 27: pp. 363-365, 369-370.
8. Governor Hutchinson to Lord Hillsborough, 15 July, 1772. Mass. Archives, Vol. 27: p. 364.
9. Governor Hutchinson to Lord Hillsborough, 17 July, 1772. Mass. Archives, Vol. 27: p. 370.
10. Petition to General Court, 6 July, 1772. Mass. Archives, Vol. 118: p. 645.
11. Governor Hutchinson to Colonel John Worthington, 17 August, 1772. Mass. Archives, Vol. 27: pp. 371-373.
12. Unfortunately, most pertinent documents were destroyed in the Boston Courthouse fire in December 1747. Thus we must rely primarily on ex post facto primary accounts or secondary works for the history of early Massachusetts grants in the region of present Vermont. See B. H. Hall, Eastern Vermont, pp. 6-52. And H. W. Denio, "Massachusetts Land Grants in Vermont," Transactions of the Colonial Society of Massachusetts, March 1920, Vol. 20: pp. 35-39.

13. Originally, the townships of Bernardston and Colrain were named Falls Town Gore and Township Number 2, respectively. Falls Town Gore Petition to Francis Bernard, 16 December, 1761. Mass. Archives, Vol. 117: p. 268. Township Number 2 Petition to William Shirley, 10 June, 1755. Mass. Archives, Vol. 117, p. 32.
14. Extract from the Agreement between the Colonies of Massachusetts Bay and Connecticut, 1761. Mass. Archives, Vol. 117: p. 689.
15. Copy of an Act of the General Assembly of Connecticut, 13 October, 1715. Mass. Archives, Vol. 2: pp. 276-276A. Also, Connecticut Colonial Boundaries, Vol. 3: p. 54. Cited in Denio, "Massachusetts Land Grants in Vermont," p. 44.
16. B. H. Hall, Eastern Vermont, p. 14. Copy of a Deed of Equivalent Land given by the Connecticut Commissioners to Gordon Saltonstall, et al., 5 June, 1716. Mass. Archives, Vol. 117: pp. 277-283.
17. Benjamin Labaree, Colonial Massachusetts, (Millwood, N.Y.: KTO Press, 1979), pp. 117-119. Broad Brook Grange, ed. Official History of Guilford, Vermont, (Brattleboro: Vermont Print Company, 1961), pp. 7-8.
18. Westminster Charter in New Hampshire State Papers, Vol. 26: pp. 541-546. Rockingham Charter in New Hampshire State Papers, Vol. 26: pp. 376-382.
19. Testimony of Isaac Searl, 1773. E. P. Walton, ed. Records of the Governor and Council of the State of Vermont, (Montpelier: Joseph Poland, 1873-1880). Vol 3: p. 493. Hereafter referred to as Governor and Council.
20. Testimony of Isaac Searl, 1773. Governor and Council, Vol. 3: p. 493.
21. Charles Phelps, Record of Expenses, 1773-1774. Governor and Council, Vol. 3: p. 491.
22. Charles Phelps, Record of Expenses, 1773-1774. Governor and Council, Vol. 3: p. 492.
23. Account of Charles Phelps, 17 March, 1774 and 22 June, 1774. Governor and Council, Vol. 3: p. 492.
24. Charles Phelps to Charles Phelps, Jr., 5 June, 1774. PPH Papers, Amherst.

25. Charles Phelps to Charles Phelps, Jr., 5 June, 1774. PPH Papers, Amherst.
26. Several excellent works have been done on the Allen clan, including Edwin P. Hoyt, The Damndest Yankees, (Brattleboro: Stephen Greene Press, 1976); John Pell, Ethan Allen (Boston: Houghton Mifflin Company, 1929); and Stewart Holbrook, Ethan Allen, (New York: MacMillan Company, 1940). Perhaps the landmark work on Ira Allen remains James B. Wilbur, Ira Allen, Founder of Vermont, 2 Vols. (Boston, 1928).
27. Ethan Allen, "A Vindication of the Opposition of the Inhabitants of Vermont to the Government of New York...", 1779. Governor and Council, Vol. 1: p. 445.
28. Ethan Allen, quoted in Pell, Ethan Allen, pp. 31-32.
29. Ethan Allen, "A Vindication of the Opposition..." Governor and Council, Vol. 1: p. 512.
30. Proclamation by Governor William Tryon, 9 March, 1774. O'Callaghan, Documentary History, Vol. 4: pp. 871-872.
31. Minutes in the N.Y. Council, 31 August, 1773. O'Callaghan, Documentary History, Vol. 4: pp. 843-844.
32. Records of the First and Second Cumberland County Conventions, 19 October, 1774 and 30 November, 1774. Governor and Council, Vol. 1: pp. 317-328.
33. Records of the First Cumberland County Convention, 19 October 1774. Governor and Council, pp. 318-319.
34. Entry in the Diary of Elizabeth Phelps, 19 June, 1774. PPH Papers, Amherst.
35. Solomon Phelps to Charles Phelps, Jr., 1 May 1775. PPH Papers, Amherst.
36. Records of the Cumberland County Congress and Committee of Safety, 21 November, 1775. Governor and Council, Vol. 1: p. 342.
37. Records of the Cumberland County Convention, 7-9 February, 1775. Governor and Council, Vol. 1: p. 328.
38. For a detailed record of the Phelps petition, see B. H. Hall, Eastern Vermont, pp. 205-208.

39. Solomon Phelps to Charles Phelps, Jr., 1 May, 1775. PPH Papers, Amherst.
40. For conflicting contemporary accounts of the Westminster Massacre, see "A Relation of the Proceeding of the People of the County of Cumberland and the State of New York," 23 March 1775; and "State of the Facts," 14 March, 1775. Governor and Council, Vol. 1: pp. 332-338. For accounts of the Massacre in later secondary works, see Matt Jones, Vermont in the Making, pp. 268-277; and B. H. Hall, Eastern Vermont, Chapter 9.
41. "A Relation of the Proceedings...", 23 March, 1775, and "State of the Facts," 14 March 1775. Governor and Council, Vol. 1: pp. 334, 337.
42. Gravestone of William French, quoted in B. H. Hall, Eastern Vermont, p. 215.
43. Records of the Convention at Westminster, 11 April, 1775. Governor and Council, Vol. 1: p. 336.
44. Records of the Convention at Westminster, 11 April, 1775. Governor and Council, p. 338-339.
45. Records of the Convention at Dorset, 24 July, 1776. Governor and Council, Vol. 1: p. 20.
46. Report of the Proceedings of the Adjourned Session at Westminster, 30 October, 1776. Governor and Council, Vol. 1: p. 38. For the text of the "Manifesto," see Governor and Council, Vol. 1:p. 390-393.
47. Ira Allen, "Some Miscellaneous Remarks, and Short Arguments, on a Small Pamphlet, Dated in the Convention of the Representatives of the State of New York, October 2, 1776, and Sent from said Convention to the County of Cumberland, and some Reasons Given, Why the District of the New Hampshire Grants had Best be a State," May 1777. pp. 376-389.
48. Report of the Adjourned Session at Westminster, 30 October, 1776; and Records of the Convention at Windsor, 2-8 July, 1777. Governor and Council, Vol. 1: pp. 38-51, 62-75.
49. Charles Phelps, Extract from a Statement of the Facts, undated. Governor and Council, Vol. 1: pp. 43-44.
50. Charles Phelps, "A Friendly Address to the People of Vermont, August 1779. typescript of original in CP Papers, University of Vermont.

51. John Clark, et al. to Bennington Committee of Safety, 18 June, 1777. Governor and Council, Vol. 3: pp. 495-496.
52. Bennington Committee of Safety to John Clark, et al. 20 June, 1777. Governor and Council, Vol. 3: pp. 496-497.
53. Charles Phelps, Petition to Windsor Convention, 2 July, 1777. Governor and Council, Vol. 3: pp.497-498.
54. Records of the Council of Safety, 28 July, 1777. Governor and Council, Vol. 1: p. 136.
55. Charles Phelps to the Reverend Joseph Lyman, undated. Typescript of original in CP Papers, University of Vermont.
56. Ethan Allen, Oracles of Reason, 1785. Quoted in Charles Jellison, Ethan Allen, p. 306. For other analyses of the faith of Ethan Allen and religion in Vermont, see John Pell, Ethan Allen, pp. 13-18, 226-228: and Edwin P. Hoyt, The Damndest Yankees, pp. 225-227.
57. Entry in the Diary of Elizabeth Phelps, 6 July, 1777. PPH Papers, Amherst.
58. Entry in the Diary of Elizabeth Phelps, 20 July, 1777. PPH Papers, Amherst. Charles Phelps, Petition to Massachusetts Council of State, 21 August, 1777. CP Papers, University of Vermont.
59. Charles Phelps, Petition to Massachusetts Council of State, 21 August, 1777. CP Papers, University of Vermont. Charles Phelps, Memorandum Book, 1777. Vermont Historical Society, Microfilm #204, Public Records Office, Montpelier, Vermont. Hereafter referred to as VHS #204.
60. Charles Phelps, "Some Reasons Why the New York State Subjects on the New Hampshire Grants Can't Comply with Vermont Authority...", 28 October, 1783. VHS #204.
61. Journal of the Cumberland County Committee of Safety, 22 June, 1776. Governor and Council, Vol. 1: p. 351.
62. Cumberland County letter to New York Provincial Congress, 21 June, 1776. Text Printed in B. H. Hall, Eastern Vermont, p. 261.
63. Charles Phelps, Petition to the Massachusetts Legislature, 28 May, 1777. CP Papers, University of Vermont.

64. Charles Phelps, Petition to the Massachusetts Legislature, 28 May, 1777. CP Papers, University of Vermont.
65. Charles Phelps, Petition to the Massachusetts Legislature, 21 August, 1777. CP Papers, University of Vermont.
66. Resolution of the Continental Congress, 30 June, 1777. Governor and Council, Vol. 1: pp. 396-397.
67. Entry in the Diary of Elizabeth Phelps, 7 September, 1777. PPH Papers, Amherst.
68. For an account of Phelps's Memorial to the Council of Massachusetts, see Governor and Council, Vol. 2: p. 197.
69. Resolutions of the Council of Massachusetts, 29 October, 1777. CP Papers, University of Vermont.
70. Charles Phelps, Memorial and Petition to the Council of Massachusetts, 27 October, 1778. CP Papers, University of Vermont.
71. Charles Phelps, Petition to the Council of Massachusetts, 28 July, 1779. PPH Papers, Amherst. Reprinted in J. L. Huntington, "The Honorable Charles Phelps," Transactions of the Colonial Society of Massachusetts, Vol. 25 (1922-1924), pp. 54-57.
72. Samuel Adams to Thomas Chittenden, undated (circa late 1779). Governor and Council, Vol. 2: pp. 195-197. For the letter which prompted Adams' response, see Thomas Chittenden to Samuel Adams, 28 October, 1779. Vol. 2: p. 197.
73. Governor Chittenden to Samuel Adams, 28 October, 1779. Governor and Council, Vol. 2: p. 194.
74. For a vivid description of Charles Phelps, his mannerisms and physical appearance, see John Phelps, Family Memoirs, pp. 7-16.
75. Charles Phelps to Governor Clinton, 28 December, 1779. Hugh Hastings, ed. Public Papers of George Clinton, (Albany: James B. Lyon, 1901). Vol. 5: p. 436. Hereafter referred to as Papers of George Clinton.

76. Ethan Allen and Jonas Fay, "A Concise Refutation of the Claims of New Hampshire and Massachusetts Bay to the Territory of Vermont; with Occasional Remarks on the Long Disputed Claim of New York to the Same," 1 January, 1780. Governor and Council, Vol. 2: pp. 223-224. For Governor Chittenden's relevant correspondence, also check Vol. 2.
77. See B. H. Hall, Eastern Vermont, pp. 306-307, and Governor and Council, Vol. 2: pp. 197-198 for discussion of the Massachusetts position.
78. Resolution of the General Court of Massachusetts, 8 March, 1781. Governor and Council, Vol. 2: p. 199.

CHAPTER IV

THE LAST STAND: CHARLES PHELPS AND NEW YORK JURISDICTION, 1779-1784

In August 1780, Charles Phelps celebrated his sixty-third birthday, yet instead of relaxing and enjoying the final decade of his "golden years," Phelps became even more deeply involved in the Vermont land grant controversies. Indeed, from the time Phelps began exclusively to support New York authority in Vermont until the General Assembly pardoned him in 1784, Vermont had threatened, fined, chased, arrested, and imprisoned Phelps and his family, and confiscated their property for auction. The Phelps clan proved to be so obstinate and troublesome in their opposition to the Green Mountain State that a frustrated Governor Chittenden angrily denounced Charles Phelps in 1783 as "a notorious cheat and nuisance to mankind..."¹

A. Early Yorker Opposition to Vermont, 1777-1779

While Phelps was concentrating on securing Massachusetts jurisdiction and did not swing his full support behind New York claims until mid-1779, many of his fellow Vermonters were organizing a vocal group in support of New York authority. Referred to in a contemptuous manner by many Vermont historians, these "Yorkers" were concentrated primarily in Cumberland County, east of the Green Mountains. From the

outset, the Yorkers denounced the declaration of an independent Vermont in January 1777, and shortly thereafter began a prolific campaign against the new state. On January 28, for instance, an assembly of Yorkers in Brattleboro addressed a petition to the New York legislature which denounced the "pretended state of Vermont" and its new constitution, and called for assistance from New York to defend against any Vermont encroachment.²

Governor Clinton's response on February 23, 1778 only fanned the flames of Yorker discord in Cumberland County. While Clinton tried to calm the dissension and peacefully solve the controversy, he nonetheless pledged that New York would take "necessary measures for protecting the loyal inhabitants of this state ... in their persons and property..."³ Yorkers welcomed the promise of defense in the event of coercion by Vermont officials, and Clinton's support stiffened their resolve.

The reasons for the vehement Yorker opposition were many, as an April "Protest Against the Green Mountain Constitution" from the Brattleboro convention indicated.⁴ Addressed to the Vermont Assembly at Windsor, the "Protest" cited eleven arguments against Vermont, including the July 1764 British King in Council decision determining that New York held jurisdiction over the Grants, as well as the June 30, 1777 Resolution of the Continental Congress which dismissed Vermont's appeal for admission to the Confederation.⁵ Addition-

ally, the Yorkers argued that the revolutionary New York government would provide much more adequately for the needs of its people than "the present infantile state of the intended government (Vermont)." In short, Vermont's efforts to establish a separate state were "imprudent, impolitic, and dangerous," and threatened to jeopardize the Revolution against Great Britain, "disunite the friends of America and stimulate a spirit of separation and sedition which may end in the ruin of the United States."⁶

In early 1779, ill will between adherents of New York and Vermont erupted into open conflict. Hilkiah Grout of Weathersfield held a commission as a Justice of the Peace from New York, which made him a target for those supporting an independent state. Vermont, having just erected courts of justice and eager to establish their authority, began to prosecute Yorkers for their "illegal" commissions. In February 1779, a Vermont posse arrested Grout, transported him to Rutland, and held a Court of Inquiry to investigate his "treasonable practices" against the state. In June, the Superior Court tried and convicted Grout, and ordered him to pay a fine and court costs totaling more than 180 £.⁷

In April 1779, hostilities flared again during what one recent historian termed "The Great Cow War".⁸ Vermont authorities, in compliance with the state's militia law, began to levy fines against Yorkers who refused to serve in the Vermont militia. In one case, a Vermont sergeant,

William McWain confiscated two cows owned by Yorkers from Putney who refused to pay the fine. A group of one hundred Cumberland County Yorkers then seized the confiscated animals and returned them to their rightful owners.

Vermont authorities, however, were not inclined to accept this defiant conduct without a response. Vermont issued warrants for forty four persons charged with "enemical conduct" in opposing the state's authority: and in May, the Vermont Superior Court at Westminster convicted thirty offenders and assessed various fines among them. In addition, Governor Chittenden had authorized Ethan Allen to assemble a force of Green Mountain Boys and travel across the mountains to Westminster.⁹ Ostensibly, Allen and his boys were sent to ensure the smooth proceedings of the Westminster court, held in the midst of strong Yorker sentiment. Allen's appearance, however, also served as a strong public display of Vermont authority over Cumberland County, and certainly dispelled some doubts about the ability of Vermont's leaders to administer the affairs of the day and defend the embattled state from its detractors.

Yet despite Vermont's victory in "The Great Cow War" of 1779, commanding obedience to the young state continued to prove difficult in the early 1780s. Three factors contributed to keeping Vermont in a state of turmoil until 1784. First, the Continental Congress, under intense pressure from all sides, consistently failed to settle the controversy once

and for all; indeed, the body repeatedly favored postponing the issue rather than facing a full consideration of it. Secondly, Yorkers in Vermont frequently received encouragement and promises of aid (little of which actually materialized) from Governor Clinton and the New York legislature, which continued to ferment Yorker opposition. Finally, the ongoing deprivations against Yorkers and their property by Vermont officials and the hatred that these engendered precluded the possibility that many Yorkers would accede quickly or peacefully to Vermont's authority.

B. Charles Phelps and the Continental Congress

As we have seen, during much of this period marked by growing Yorker opposition to Vermont, Charles Phelps was active in promoting Massachusetts claims over the Vermont territory. Yet by mid-1779, Phelps's exclusive support for Massachusetts jurisdiction had begun to wane, as he may have lost confidence in the sincerity of legislators in the General Court to pursue their state's "ancient" claims. Indeed, for Charles Phelps the period from 1771 to 1779 represented a frustrating series of victories and setbacks, with numerous promises from Bay State officials but little actual movement towards the reannexation of Vermont.

Secondly, however, Phelps may also renewed his support of New York in 1779 in order to hold better advantage in the political arena. In June 1779, for instance, Phelps alleged-

ly told Phineas Freeman of New Marlborough that he did not support New York as an act of "good will," but rather he wished "to throw the people of Vermont into confusion... (since) his ultimate design was to procure the territory of Vermont to be annexed to the Bay State...." ¹⁰ Thus if Phelps could play one side off against the other, he might have been able not only to gain secure Massachusetts title to his land, but also to prevent the radical Vermonters from entering the Confederation.

In either case, by the summer of 1779 Phelps had joined with the Cumberland County Yorker movement, while still actively promoting the conflicting cause of Massachusetts jurisdiction (which he would continue for another five months). Meanwhile, tensions remained high in Cumberland County during this period, as Vermont authorities attempted to quell Yorker unrest, and Yorkers repeatedly called upon New York to take action against Vermont oppression. The seeming lawlessness of Ethan Allen and the Green Mountain Boys in arresting the county's New York officials, for instance, prompted one Yorker to declare that being targeted by Allen "is more to be dreaded than death with all its ¹¹ terrors." Reports of Vermont repression angered Governor Clinton, who requested from General Washington in June 1779 "the six brass six pounders together with their apparatus" loaned to the Continental army arsenal, as part of New York's

"necessary arrangements for vindicating the authority of this government" in Vermont.¹²

In the midst of this turmoil, Phelps joined the New York cause: and, apparently realizing the magnitude of the controversy, began to state his case on the national level. In June, Phelps set out from New Marlborough for Bennington to meet with a committee of Congress "to promote an amicable settlement of all differences and prevent divisions and animosities so prejudicial to the United States."¹³ Meeting with Reverend John Witherspoon of New Jersey and Samuel J. Atlee of Pennsylvania on June 27, Phelps related the grievances of those in Cumberland County who had suffered at the hands of Vermont. While by the end of 1779, Vermont authorities confiscated only one cow and some land in New Marlborough from Phelps, in later appeals the list of Phelps's personal losses would grow.¹⁴

Apparently following the advice of the committee, Phelps returned to Brattleboro and offered his services as a representative to the New York legislature and the Continental Congress. On July 23, a convention of the Cumberland County Committee of Safety appointed Phelps as their official agent, and charged him with delivering a petition praying Congress¹⁵ to interfere in the Vermont controversy.

On August 2, Phelps left his son's home in Hadley and set out on a two month journey which he hoped would halt the plunder by Vermont and succeed in eradicating the state.

Phelps arrived in Poughkeepsie on August 6, immediately gained an audience with Governor Clinton to confer "on the affairs of my agency:" first, Phelps laid before Clinton all the grievances of the Yorkers, followed by recommendations for methods of suppressing the Vermont rebels. While Phelps did not press Clinton on military options such as borrowing New York's "six pounders," he did suggest that Clinton send a New York "Court of Oyer and Terminer" to Bennington, the hotbed of the Vermont rebellion. Perhaps scheming to give independent Vermonters a taste of their own medicine, Phelps urged Clinton to use the judicial system and place the Vermont offenders on trial for opposing the authority of New York.

16

As he often did when hearing Yorker testimony of Vermont encroachments, Clinton apparently sympathized with Phelps's accounts, and encouraged Phelps and other Yorkers to continue their campaign against Vermont. His spirits uplifted by Clinton's endorsement, Phelps composed a long diatribe against Vermont and its "evil" leaders in an effort to promote defections from the Vermont cause. Ironically titled "A Friendly Address to the People of Vermont," the discourse was hardly "friendly" at all. In attempting to drive a wedge between the leadership of Vermont and its citizens, Phelps succeeded in only insulting all Vermonters and hardening their resolve. He denounced Vermont's leadership for having created a state "without aney (sic) real existence, void of

either right power or any true honour, being criminally conceived & having an avaricious appetite for wealth, honour, gradure (sic) & domination among and over mankind far better than themselves, which seems (to the shame of maney of our species, be it confessed) to infect the minds of all your leaders and others among us in a grater (sic) or less degree..."¹⁷

In an attempt to woo average Vermonters, Phelps, with a strong air of condescension, excused their mistaken obedience as misguided actions of "illiterate and ignorant men." In repetitious passages which often insulted the education and intelligence of Vermonters, Phelps rhetorically asked how "men of No Learning, having never been acquainted with the Arts and Sciences nor Books which treat of them, how can such ignorant people be masters & and thoroughly posted in matters of this nature, be their natural Genius ever So bright and shining?" For Phelps, of course, topics such as "the illustrious & sublime science of jurisprudence & polic(i)e" were the proper domain of "men of celebrated (sic) character." Undoubtedly he included himself in this group. Indeed, Phelps declared one needed "the help of the best authors (and required) the most Elaborate Studies of a Long Course of years to Quallify (sic) a man for the Just Character of a Grate (sic) Statesman & Learned Politician."

Phelps would have liked nothing better than to have his essay and harangue against Vermont printed and circulated as a

pamphlet, and to this end he consulted at least one printer
in Early August.¹⁸ Despite the failure of this effort,
Phelps nonetheless continued his mission against Vermont with
the encouragement of New York and Governor Clinton.

In early September, Phelps set out from New York for
Philadelphia to fulfill his duties as the Cumberland County
agent to the Continental Congress. Having spent much of
August preparing papers on the Vermont affair for
presentation, Phelps also served as a messenger for Governor
Clinton, carrying relevant New York documents to John Jay,
President of the Continental Congress.¹⁹ Indeed, in Phelps
New York had found a hardworking advocate eager to join with
the New York delegation, engage the Vermont representatives,
and settle the Vermont controversy once and for all. For New
York, any further delay by Congress represented "counte-
nancing, and has a manifesto tho' we do not say a designed
tendency to establish and confirm the secession (of Vermont
from New York)."²⁰

Arriving on September 7, Phelps began his campaign at
once, meeting with John Jay followed by testimony in front of
a committee of five on the next day. While the New York
delegates presented their state's documents and "sundry
papers" in committee, Phelps also read a petition from the
Cumberland County committee convention which sent him to
Philadelphia. Dated July 23, 1779, the petition declared
that internal opposition to Vermont was very strong, although

not openly active since many "for fear of public rage durst
not publicly oppose it (Vermont)."²¹ In phrase and manner
similar to the dozens of anti-Vermont petitions by Cumberland
County Yorkers, the convention decried Vermont encroachments
on their personal property: in addition, the petition made an
impassioned and patriotic plea for opposition to Vermont in
order to strengthen the revolution against the British. How
could Congress condone "an internal revolution undertaken at
this critical juncture," Phelps admonished, (which would) be
attended with bad consequences to the common case of Ameri-
ca?" Arguing that the "powers of government" in Vermont and,
indeed, throughout the young nation "must at such a time be
necessarily weak, and consequently inadequate to the extraor-
dinary exertions which our country required from us, both of
men and money," Phelps posited that any action which further
undermined the fragile national unity would be devastating.

Despite the best efforts of himself and his New York
allies, the committee report deeply disappointed Phelps. For
the beleaguered Yorker, anything less than an immediate and
wholehearted endorsement of New York authority over Vermont
undoubtedly would lead to "a grate (sic) effusion of blood as
soon as I return home..."²² Phelps was apparently so con-
cerned that Congress might delay a decision on the Vermont
controversy or act contrary to New York claims that he began
to appeal to other delegates for assistance. Indeed, at a
time when there still remained legitimate hope for the claims

of Massachusetts (or even New Hampshire), Phelps continued to maintain positions on each side of the issue except the victorious one of Vermont independence.

One week later, however, the June 24, 1779 Resolutions of Congress relieved some of Phelps's fears. While Congress approved postponing full consideration until its next session, the body did attempt to alleviate the tensions in the interim. Since there remained four jurisdictions (New York, Massachusetts, New Hampshire, and Vermont) still vying for authority over the Green Mountain territory, Congress ordered each government and its officials to refrain from asserting any authority over those citizens who professed allegiance to any other state. Thus, for instance, the resolutions prohibited Vermont courts from pursuing all varieties of litigation against Yorkers: and in order to insure compliance, Congress threatened to take appropriate steps to prevent "a breach of the peace of the Confederacy."²³

Despite the seemingly unworkable and unenforceable plan, the elderly Yorker prided himself on the role he had played in Philadelphia. Indeed, from Phelps's perspective, not only were consideration and final settlement of the controversy close at hand, but Congress had also, as a result of his earnest exhortations, taken significant steps to protect the families and property of himself and other Yorkers. In February 1780, for instance, Phelps appealed to the New York legislature to recompense for his loyal service of the

previous September: he sought financial appreciation for his actions "in behalf of this patriotic state in a matter of so much importance to the justice, the sacred rights of jurisdiction, the emolument and lasting tranquility of this whole state..."²⁴ Instead of treating like a hero and a valuable asset, however, Phelps complained that New York had insulted him and belittled his "assiduity, Zeal, and most Engaged attention" to the Vermont dispute by agreeing only to reimburse expenses. Phelps sarcastically remarked that New York must consider him "worthless" and "the most Insignificant Subject or the Least one of the most minute members of the State, for no Doubt the Court would Give even a Common Scavenger as much as his Pocket Expense to do a Drudgery for the State..."

Phelps's appearance in Philadelphia was his first widespread exposure as an agent for New York claims in Vermont, and in this atmosphere, away from much of the emotional and political turmoil which engulfed the Vermont region, one can gain a more balanced and objective interpretation of Phelps, his character, and his role on the controversy. While Phelps entertained a high opinion of the importance and success of his efforts, other delegates and prominent national politicians, even some of Phelps's Yorker allies, withheld full endorsements of his actions and tactics. Following the passage of the resolves of September 24, for instance, John Jay expressed mixed opinions of Phelps in an October 7 corre-

spondence to Governor Clinton. Jay offered qualified praise for Phelps,

"... whose fidelity to New York I have a good opinion; tho' I cannot approve of all his man-oeuvres to serve the State on this occasion. He appears neither to want Talents or Zeal, but the latter is not always according to Knowledge, and the former carry him sometimes into Forrests." (25)

Particularly disturbing to Jay and other delegates were Phelps's discussions with representatives from other states in early September, as the Cumberland County agent tirelessly lobbied to oppose Vermont. As we have seen, Phelps continued to actively support Massachusetts claims until late 1779, and thus his contacts at Philadelphia were not unexpected. At the same time, however, Jay discovered that Phelps had been talking to the New Hampshire delegation, and "had been playing the same game." Again, like the Vermont leadership, Phelps had become quite adept at changing his stripes and playing off opposing sides against each other.

Jay made no comment to Phelps about the latter's questionable tactics, and he only mentioned the incidents to Clinton "as a Circumstance which marks the man." Overall, Jay lauded Phelps, saying "he has, by talking on the subject with every body, done good." By stroking Phelps and nudging him in the right direction, Jay predicted he could be valuable to New York: indeed, men like Phelps who were "sincere in (their) attachement (to New York and) ... of his Turn and Talk are always useful when properly directed." Furthermore,

taking advantage of Phelps "is easily done by encouraging the good opinion he entertains of his own importance."

Jay's honest and accurate characterization of Phelps was notable, given the highly charged and emotional atmosphere surrounding the Vermont controversy, which tended to polarize the parties involved. Jay, a moderate Yorker, supported a limited New York authority, stretching over only the Vermont territory west of the Green Mountains, since he concluded that New York already had "unquestionably more territory than we can govern, and the loss of that strip would not in my opinion over-ballance (sic) the advantages resulting from it." Jay criticized the hardline Yorker position Phelps represented, saying "the less our people have to do with the Connecticut River the better."²⁶

Phelps, however, had no intention of settling upon such a compromise without a valiant fight: and his vocal appearance at Philadelphia in 1779 would not be the last time Congress would hear from him. For while Jay perceptively recognized Phelps's sincerity in the New York cause and his strong egotistic personality, he greatly overestimated New York's ability to "properly direct" and control Phelps. The combination of Phelps's rapidly growing "good opinion he entertains of his own importance" and his stern, obstinate and uncompromising nature turned Charles Phelps (and his sons) into somewhat of a "loose cannon" in the Vermont territory.

C. Vermont Actions to Squelch Internal Dissent, 1779-1780

Charles Phelps returned to New England in the late fall, stopping at the home of Charles Jr. in Hadley to recuperate from his long journey. Tired and financially strapped from the mission to Philadelphia, Phelps nonetheless was heartened by Congress' promise of protection of Yorker property in Vermont, and confident that Congress would soon settle the dispute and restore peace to the region.

Along with the notoriety brought to Phelps in his efforts on behalf of New York in front of the Continental Congress, however, also came the wrath of a frustrated Vermont leadership. Indeed, Vermonters were vehement in the rejection of many of the resolutions of September 24, and on October 21 the Vermont General Assembly unanimously voted to support their right to independence and challenge any solution which compromised their sovereignty.²⁷ Thus Phelps's challenge to their authority had thrust him into prominence among Vermont's Yorker opponents, and had made him a most likely target for retribution by the state. Moreover, as we have seen, Phelps further angered Vermont leaders in December 1779 when he confronted Ethan Allen before the Massachusetts General Court. Phelps certainly raised the ire of Allen, and the founder of the Green Mountain Boys undoubtedly placed Phelps near the top of his list of Vermont enemies.

In April 1780, Vermont authorities took action against Phelps and other persistent Yorkers. In violation of the

September 24, 1779 resolutions by Congress prohibiting coercion of those who held allegiance to another government, Vermont began to issue draft orders and collect fines for noncompliance. This thinly veiled, token attempt to punish Yorkers was even more transparent in the case of Charles Phelps, who was sixty two years old when called to serve and twelve years beyond the maximum age allowed for military

28

duty. When Phelps defied the order, Vermont Sheriff Abel Stockwell, one of the first settlers of Marlborough along with Phelps in 1764, attempted to collect the fine. In the confrontation which ensued, Charles and Timothy Phelps allegedly did "beat, bruise, cut, wound, and evil entreat" Stockwell to the point that his "life was greatly despaired of."

29

In the summer of 1780, Phelps was at Westminster, answering a complaint from Stockwell and defending his defiance of Vermont. In court, Phelps apparently made an impassioned plea to respect the principles of property and return the sixty acres of land which Vermont had confiscated. No doubt he believed he was obliged to enlighten the "ignorant and illiterate" Vermont justices in the matter of political theory, for he based his defense on the concept of self-preservation: his property "wrenched" from him "by force and arms," Phelps's retaliation was justified "by the laws of nature and nations" which commanded man to protect his rights when encroached upon. Despite his pleas, the court upheld

the seizure of property in Marlborough, and levied an additional fine of L500 against both Charles and Timothy Phelps.

Vermont's actions against Phelps, however, only stiffened his resolve and emboldened him. While angered by the court judgement, Phelps also gloried in his widening role as one of Vermont's most important internal enemies. In early September, for instance, Phelps announced in a letter to Governor Clinton that because of the actions, the Vermont leadership possessed "a more peculiar ill will against me than aney (sic) or perhaps all the subjects of the state, for they think I have done more and my sons, to overturn their Vermont state than all the people hereabouts have..." Yet the obstinate Phelps was not prepared to concede, for he asked Clinton to send a New York magistrate to arrest "two or three of these Vermont evil workers by a warrant" and transport the "vile Vermonsters" to "Pokipsee (sic) goil (jail) or Albany or the goil he can best take them to on the Hudson River..."³⁰

As Charles Phelps and his Yorker allies continued their fight against Vermont, the struggling state also faced challenges from other factions east of the Green Mountains favoring the erection of an independent state centered along the Connecticut River. This group revived the efforts of sixteen New Hampshire towns who received initial approval from the Vermont General Assembly in June 1778 to create an "East Union." For the inhabitants of many towns along both sides of the Connecticut, the river did not represent a

political division between sovereignties, but rather a connection unifying the whole river valley. However, the Vermont leadership west of the mountains, including Governor Chittenden and the Allen brothers, opposed the East Union, for it would swing the locus of Vermont's power eastward, in addition to jeopardizing the tenuous relationship between Vermont and Congress. Thus in October 1778, the General Assembly succumbed to the intense lobbying and skillful political maneuvering by the Vermont leadership and defeated the requests by New Hampshire towns for admission into the Green Mountain state.

31

Dreams of an independent state centered along the Connecticut River, however, did not fade following the setback for supporters of the East Union. By late 1780, continued dissatisfaction with the Vermont and ongoing postponements by the Continental Congress in settling the controversy prompted several towns on both banks of the river to call for a convention at Charlestown, New Hampshire. On October 31, 1780, for instance, a meeting of Cumberland County towns chose a committee to consider a delegation to the Charlestown convention: and among the list of committee members was the name of Charles Phelps, who likely welcomed this additional opportunity to challenge Vermont authority.

32

On January 16, 1781 forty three towns convened at Charlestown and resolved to endorse a union of the Vermont territory with the state of New Hampshire. The bold initia-

tive to extend New Hampshire jurisdiction to the New York boundary was necessary, the delegates argued, since many anti-Vermont people had "subsisted for some time without any regular form of government, and have been destitute of civil regulations, for want of which they are thereby reduced to lamentable circumstances..." Furthermore, the establishment of the independent state was ill-advised during the period of revolution against the British, for it jeopardized the safety of the territory's inhabitants: and "until they are firmly united" under New Hampshire authority, "nothing considerable can be done by the inhabitants (for) their own defence..."³³

The January 16 resolutions of the Charlestown convention severely threatened the power of the Vermont leadership west of the mountains, in a manner similar to the first East Union of 1778. Thus the Governor and Council of Vermont appointed Colonel Ira Allen as its representative to Charlestown and empowered him "to take such measures as his prudence should dictate, and which might be conducive to the interest of the state." Allen's presence bore immediate results, for after consulting "some influential persons," the majority of the body voted to accept Allen's compromise to include the New Hampshire towns along the river in a second East Union with Vermont.³⁴

Vermont's compromise and hopes for a second East Union were shortlived, however. At the February 1781 session of the General Assembly, Vermont's leaders demonstrated their

political skills as they proposed a West Union incorporating all New York territory east of a northerly line corresponding to " the center of the deepest channel of Hudson's River." The recommendation to the Assembly justified the West Union on New York's "avaracious and ambitious claims" over Vermont and the former's inadequate protection of the frontier against the British: however, it was also a thinly veiled and effective neutralizer of the political strength of the East Union. For by admitting the two unions into the state, the geographical balance of power remained west of the Green Mountains, in the area of Bennington.³⁵

The defeat of the threat from the East Union in 1781 was a significant boost for Vermont, for it eliminated a troublesome faction of opposition to its authority. Additionally, it had shown to national leaders that Vermont would not submit to New York, New Hampshire, Massachusetts, nor the Continental Congress without a fight. Indeed, Vermont's encroachments prompted a letter from George Washington to Governor Chittenden in January 1782, in which the General urged Vermont to dissolve both the East and West Unions and "withdraw your jurisdiction to your old limits." Washington offered a "carrot and stick" approach, raising the hopes of Vermont's admission as a state if they relinquished their claims, and threatening "the necessity of coercion on the part of Congress" if they did not.³⁶

While the topics of the East and West Unions may have preoccupied Vermont and the General Assembly for a time, the strength of ongoing Yorker opposition did not long distract Vermont authorities. Vermont could not squelch vehement Yorker activity as adeptly and easily as it neutralized the serious threat from the second East Union, and numerous disgruntled advocates of the East Union actually joined the ranks of the Yorkers after their defeat. Thus as time passed and the controversy continued unresolved, a political solution became less feasible and a violent confrontation seemed imminent.

D. "Treacherous Dealings:"
Vermont and the Haldimand Negotiations, 1780-1782

As if the relationship between the Yorker and Vermont camps needed further agitation, in 1780 widespread concern over the apparent negotiations between some high level Vermont leaders and British officials in Canada sparked renewed denunciations of the state, from both within and without. The secret contacts involved several chief Vermont authorities, including Governor Chittenden, Ethan and Ira Allen, and Dr. Jonas Fay, who negotiated with General Frederick Haldimand, the Governor of Quebec and Commander of British forces in Canada. By 1782, the allegations of Vermont's collusive and traitorous activities with "the common enemy" had infuriated Vermont's internal opposition, and from their perspective served as a few more nails in the coffin of the young state.

While knowledge of the clandestine negotiations was not widespread until the early 1780s, a concerted British effort to negotiate with separate states and individuals had been ongoing since the summer of 1778.³⁷ Originally launched with the intention of negotiating with the Continental Congress for a return of the colonies to the Empire, Lord North's Carlisle Commission soon realized it would have more success through private contacts with prominent revolutionaries, such as Benedict Arnold. Thus in mid-1779, Sir Henry Clinton, Commander in Chief of the British forces in North America, initiated British efforts to communicate with Ethan Allen and persuade him to withdraw from the Revolution.³⁸

British overtures, however, went unanswered until late September 1780, when Governor Chittenden requested a conference with Haldimand to negotiate a prisoner exchange. Haldimand agreed, and on October 29, representatives of Vermont and the British met at Castleton, beginning a series of long and difficult negotiations for the return of Vermont to Britain that continued, in fact, until the opening of the negotiations leading to the Treaty of Paris in 1783. Throughout this period, Ethan and Ira Allen and Jonas Fay acted as the chief Vermont negotiators, and Justus Sherwood, a former Green Mountain Boy and close friend of Ethan Allen who remained loyal to Britain throughout the Revolution, was their British counterpart.

Throughout the talks with Vermont, the British exploited the state's frustration with the delays of the Continental Congress, pressuring the Allens and Chittenden to repudiate the vacillating and preoccupied national assembly. The British offered to give Vermont colonial status, with all its attendant rights, and protect it against retribution by the Congress. Yet the Vermonters frequently postponed a final decision, maintaining British interest while never finalizing reannexation.

Much British correspondence and records has survived from the Haldimand negotiations which document British intentions, negotiating positions, and personal motivations of actors in the affair. On the Vermont side, however, few records exist which illustrate the precise impetus for the small group of Vermont leaders to enter into discussions with the British enemy they had been so bravely fighting for years. While charges of "treason" and "traitor" flew freely in the wake of the rumored contacts with Britain, the Vermont leadership most likely hoped to force Congress into more readily accepting their admission into the Confederation. Indeed, engaging once again in the familiar political game of playing one side off against the other, the Vermonters apparently responded to British overtures as a way to gain a stronger hand in their ongoing appeals to Congress.

Contemporaries of the Allens, however, did not have the benefit of such historical hindsight, and thus the severe

accusations against the Vermont leadership, as well as some questionable actions, shocked both Vermont and anti-Vermont factions. Within the Vermont camp, the General Assembly heard remonstrances on November 1780 from William Hutchins and Simeon Hathaway directed at Ethan Allen and critical of his activities in concert with the British.⁴⁰ Vermont residents in the town of Rockingham also voiced their disapproval of Vermont actions which indicated a closer relationship with the British cause. In April 1781, the town petitioned the Governor and Council of Vermont to overturn the commissions of several Windham County officials who, they alleged, were "friends to ministerial tiorany (sic) and usarpation (sic)...(and) a vowed enemies to all authority save what derived from the Crown of Great Britton (sic)."⁴¹

In a similar manner, other political factions within the state expressed concern over the rumored Haldimand negotiations. General Jacob Bayley of Newbury, for instance, a vehement critic of Vermont and advocate for New Hampshire claims over the territory, stated that Allen's "treasonable conduct" was "very alarming to me." Bayley's suspicion was prompted by the inactivity of a large British force from Canada, which had remained encamped at Crown Point and Onion River since late September 1780. Why was it, Bayley queried, that ther British had "yet not...kiled (sic) or captivated (a man) nor a house burnt" west of the Green Mountains, yet depredations continued against opponents of both Vermont and

New York east of the peaks? Bayley's alarm was not without justification, for when Ethan Allen had met with Justus Sherwood at Castleton in late October, Vermont and the British did negotiate a truce.

But the most vocal outcries came from the Yorkers in Cumberland County, still a strong force in Vermont which state authorities had yet to silence. Indeed, the Haldimand affair provide a perfect propaganda opportunity for the Yorker proselytizers to fuel their campaign against the "evil" Allens, Chittenden, Fays, and other westside leaders. Throughout the territory east of the mountains, for instance, Yorkers held town meetings, such as in Guilford and Halifax, to denounce the Vermont discussions with Haldimand and the "treaty entered into with the British." They used the occasion once again to pledge to "withdraw all allegiance or obedience from the state or authority of Vermont," announce that "the territory called the New Hampshire Grants justly owe their allegiance to the State of New York," and call on Governor Clinton to "establish civil government" under New York until Congress resolved the controversy.⁴²

For Charles Phelps, this additional opportunity to denounce his Vermont enemies strengthened his image as one of the most visible, vociferous, and active opponents of the state. In a letter to Governor Clinton on March 23, 1782, Phelps announced that there were growing elements of discontent among Vermonters who were struggling under burdensome

taxes and denouncing the treachery of their leaders. For some time, Phelps proclaimed, Vermonters had seen "none (of) what their wicked rulers have all along intended to do with the British," but by 1782 "the minds of the people are warmly engaged against Vermont for their treacherous dealings with us and their treasonable conspiracies with the British enemy against us all and the United States of America..."⁴³ While Phelps exaggerated the level of discontent among Vermonters when he assured Clinton that the establishment of an effective New York government in Cumberland County would be "easily done now," he nonetheless perceived that the political atmosphere was most conducive for a major campaign by New York to appoint civil officials and erect additional courts.

Towards that end, on April 26 Phelps prepared a petition for the Cumberland County committee of the towns of Brattleboro, Guilford, and Halifax, which formally presented their oft-repeated charges against Vermont. The document even accused Vermont of assembling an army, with financial support from Britain, to be used for "the destruction of the liege subjects" of the United States. Similar to the recommendations made in his personal letter to Governor Clinton on March 23, Phelps urged New York to appoint civil officers as well as commission officers to be used for the "good regulation" and "compleat (sic) protection" of the people.⁴⁴

On May 6, Clinton responded with an encouraging promise to "use my best endeavors" to approve the appointment of

civil and military officers for the county. Nevertheless, Clinton advised the Yorkers in the meantime to abide by the September 24, 1779 resolutions of Congress and refrain from encroaching upon the rights of Vermonters unless necessitated in self-defense.⁴⁵ He reassured the dissenters in Cumberland County that the New York legislature remained committed to asserting its jurisdiction over Vermont, as evidenced by two April 14 acts which attempted to woo Vermonters to abandon their allegiance to their leaders. One act was particularly notable for its efforts to "quiet the minds" of all the inhabitants of Vermont by confirming all of their "prior charters, patents, and grants" regardless of their source of issue.⁴⁶ In conclusion, Clinton declared that should all of these efforts fail and should Congress "delay or wholly decline" to settle the controversy itself, then New York would have "no alternative left, but must necessarily have recourse to compulsory means to maintain those rights and enforce that authority so essential to our future peace and security."

These promises, however, although heartening for the Yorkers, were nonetheless only general commitments: and, indeed, Clinton and New York had been making such pledges for years, but often had failed to follow through. Thus on May 17, the committee of Cumberland County voted to unleash its most effective political weapon, Charles Phelps, and send him as their official agent to Poughkeepsie. Phelps carried several instructions, including directions to invite New York

Chief Justice Richard Morris to hold court in Cumberland County, which would raise the spirits as well as "naturally embolden" Yorkers and conversely "sink the hearts and deaden the resolution of all the Vermont party..."⁴⁷

Although Morris declined to travel to Vermont, Phelps did succeed in securing fifteen New York commissions for Justices of the Peace, and four appointments for military posts. In addition to Justice of the Peace, Phelps himself bore the titles of Justice of the Quorum, Commissioner to administer oaths of office, and Justice of the Court of "Oyer and Terminer" (the highest court of criminal jurisdiction in New York). At the same time, New York also appointed Timothy Phelps as Sheriff of Cumberland County.⁴⁸

Beyond securing these important appointments, however, Phelps's journey to Poughkeepsie was particularly notable for it was there that he had an opportunity to appeal to laymen for support of the New York cause in Vermont. Vermonters Unmasked, a vehement twelve page pamphlet written by Phelps under the pen name "A Citizen of the United States," was another of his efforts to reach beyond the halls of government and enlighten New Yorkers about the "evil conduct" of Vermont.⁴⁹ While Phelps had failed in 1779 to have "A Friendly Address..." published, on June 10, 1782 he met with success as Vermonters Unmasked became one of the most important Yorker pamphlets published to that date. In this pamphlet and its unpublished supplement, "A Continuation,"

Phelps composed lofty legal arguments and appealed to the emotional charge of "treason" to denounce "the usurping domination of the Vermonters rebellion..."⁵⁰ As one of twenty one reasons why Vermont's independence was unjustified, for instance, Phelps relied on Grotius, Pufendorf, and Vattel to deny that the American Revolution gave "a right to the people of a part of a state to divide and tear themselves from thence, and without their consent, erect themselves into a separate state..." Furthermore, Phelps decried Vermont's efforts to coerce opponents like himself who had "professed subjection to New York," since it was "absolutely against the rights of a free people and all mankind..." Indeed, Pufendorf as well as a host of other theorists of natural law argued that all valid and binding contracts had to be self-imposed obligations. For in order "to join a multitude, or many men, into one Compound Person... 'tis necessary, that they shall have first united their wills and powers by the intervening of covenants; without which, how a number of men... should be link'd together, is impossible to be understood."⁵¹

Consistent with his deep religious differences with many individual Vermont leaders, Phelps also portrayed the Vermonters as having acted "contrary to the duties of every Christian, (and) against the unalterable principles of Christian religion..." Indeed, for their encroachments upon the sovereign citizens of New York, their "usurped admini-

stration," and their endless violations of natural law and the law of nations, Phelps declared that Vermont leaders "may justly be reprobated throughout all Christendom." ⁵²

Yet in the wake of the disclosure of the Haldimand negotiations and other suspicious dealings with the British, Phelps's strongest anti-Vermont venom consisted of labeling Vermont leaders as traitors to the struggle against the "common enemy." Indeed, in contrast to the tired philosophical and theoretical arguments against Vermont, accusations of treachery intensified an already volatile situation. Phelps, for instance, denounced Vermont's appointment of several Cumberland County officials who allegedly were "rank Tories and others of a Toryistical disposition." Ironically, Phelps and other Yorkers found themselves aligned with ardent Vermonters on this issue, for both factions were loyal patriots: as we have seen, Rockingham residents registered a similar protest in April 1781.

In short, even as time passed, by 1782 Vermont continued to face not only ambivalence from the Continental Congress but also stiff opposition from Yorkers east of the Green Mountains. And the latter was not likely to dissipate soon, for many concurred with Phelps that Vermont possessed an "insatiable appetite to lawless domination, founded on avarice, injustice, tyranny and usurpation, with which their New York neighbors have been worse scourged than by the common enemy of the United States of America." Phelps

proclaimed to his pamphlet readers that he would resort to any tactic to protect his family, property, and rights as a New York citizen, including "levying a war" against any Vermont "invader," since such action "is not murder, but justifiable by law."⁵³

E. The Guilford Wars:
Vermont Moves Against the Yorkers, 1782-1784

If the sixty-four year old Yorker anticipated a war against Vermont, then that was soon what he got. Following Phelps's return from Poughkeepsie in June 1782, the Vermont General Assembly realized that Yorker opposition had not diminished, but in fact seemed to have intensified. As a protective measure the legislature passed laws against all malcontents who conspired "against the peace, liberty, and independence of the state."⁵⁴ The General Assembly appeared determined to squash all resistance once and for all, for it called for opponents acting in "conspiracies" to "suffer banishment, or imprisonment...and their goods, chattles, and estates shall be seized, condemned, and sold, by order of the Superior Court, as forfeited to the use of this state." Furthermore, if the state exiled a defendant and that person refused to depart, or returned to Vermont "without first obtaining liberty from the General Assembly," then the Assembly ordered that a convicted violator "shall suffer death."

The primary targets of Vermont's retribution were the towns of Brattleboro, Guilford, and Halifax, the location of

solid Yorker sentiment. Meanwhile, in other valley towns, small numbers of Yorkers lived in relative political and social isolation, and had to resist pressures from local populations largely sympathetic to Vermont. The Phelps family, for instance, found themselves alone among Vermonters in Marlborough, a testimony to the ineffective, unsupportive, and virtually nonexistent New York administration in Cumberland County. Indeed, Phelps's two earliest neighbors in the original 1764 settlement of the town, Abel Stockwell and Captain Francis Whitmore, were two of the town's most active advocates of Vermont authority.

While perhaps outnumbered, the Yorkers sounded as passionate and determined as the Vermonters in defending their rights. On July 10, for instance, Charles Phelps boasted to Governor Clinton that Vermonters "dare not...meddle with us Yorkers (unless) people come from Bennington County with weapons of terror to scare or frighten us." In order to strengthen their military capacity, and as a show of force, Phelps urged General Washington to send four cannon from Springfield to Brattleboro. ⁵⁵ Furthermore, in response to the threatening acts of the General Assembly in June 1782, the Yorkers raised six New York companies to engage Vermont forces in the event they arrived from the west.

Vermont was active also during this period, preparing for what the state's leaders hoped would be the final confrontation with the Yorker insurrectionists. In late August 1782,

Governor Chittenden exercised the power granted to his office in the June 21 act of the General Assembly and ordered Ethan Allen to command a 250-man force against the Yorkers.

Chittenden instructed Allen to travel east over the mountains and "march into the County of Windham as a Posse Comitatus for the assistance of Civil Authority..." Allen undoubtedly relished this opportunity to crush the pesky Yorker opposition, and the Phelps clan in particular, whose elderly patriarch had defeated Allen in the political arena of the Massachusetts General Court nearly three years earlier.

The expected military confrontation failed to materialize, since the sheer numbers and overwhelming weaponry of the Vermonters took the disorganized Yorkers by surprise. The state's ranks, totaling over four hundred mounted and armed men (including Allen's forces plus the militia of Windham County), must have been a frightening sight indeed, not to mention the imposing figure and fearsome reputation of their commander, Colonel Allen. His tall stature, combined with his impressive military regalia, and bellowing and intimidating manner of speech, was enough to induce most Yorkers to abandon thoughts of resistance. At Guilford, for instance, Allen and his troops encountered some armed Yorker resistance which proved no match for Allen's boastful threats nor his detachments' firearms. According to local legend, Allen issued an ultimatum to the Guilfordites, proclaiming

"I, Ethan Allen, do declare that I will give no quarter to the man, woman, or child who shall

oppose me, and unless the inhabitants of Guilford peacefully submit to the authority of Vermont, I swear that I will lay it as desolate as Sodom and Gamorrah, by God." (57)

Needless to say, no one from among the Yorker ranks quite compared to Allen, nor possessed such a powerful, commanding presence and impassioned, threatening aura as the founder of the Green Mountain Boys.

Thus in one day, by moving militarily against the Yorkers, Vermont had severely weakened the troublesome internal faction. Allen arrested a number of prominent Yorkers for treason, and they were tried at a special session of the Westminster court on September 11. Among the convicted Yorkers was Timothy Phelps, the New York sheriff of Cumberland County who the court ordered, along with three others, to be exiled from Vermont under the laws passed by the General Assembly in June, liable to "suffer death" if they ever returned to Vermont again without permission. In addition, Vermont seized and auctioned the property of the imprisoned Yorkers, which, in the case of Timothy Phelps, included "all his goods...except his wife's apparel, the
58
beds, and one cow."

Ethan Allen's success in Windham County, however, must have been tempered somewhat by the knowledge that he had failed to locate and arrest Charles Phelps. Indeed, Phelps had escaped the Vermont roundup of Yorkers when he sought refuge at his son's home in Hadley. Following the retreat to

Hampshire County, Phelps gained time to plot his next move, while his daughter-in-law prayed for divine intervention to end the "bloddshed" to the north: "O mighty God (we) are all in thine hand as clay in the hand of the potter, glorify thy name, if it may be commanded peace be better than our fears... ." ⁵⁹

While Phelps escaped the grasp of the Vermonsters, he was not so fortunate with his property in Marlborough. A complaint charged Phelps with spreading "a seditious libel, with a manifest intent, wittingly and designedly to raise an insurrection and public rebellion:" and the sources of many of Phelps's seditious and rebellious ideas were the volumes of political philosophy resting on the shelves of his library. As we have seen in Chapter 2, Phelps owned a library which, at the time in backwoods Vermont, was supposedly the largest and most valuable collection in the state. It was from those volumes that Phelps gained a knowledge of republican theory, learned the classical philosophies of the laws of nature and man, maintained his strict Edwardsean religious doctrines, and inherited the tradition of James Burgh and British opposition thought. ⁶⁰

If Vermonsters could not apprehend Phelps, then they could at least confiscate his property and seize the sources of his troublesome ideas. Thus on September 11, the Westminster court issued a warrant for the arrest of Phelps should he ever return to Vermont, and authorized Vermont officials to

seize Phelps's property, including the valuable library, and dispense with much of the collection at auction.⁶¹ Also infuriating to Phelps was the confiscation of his prized "silver-hilted sword" in the raid, which "cost thirty dollars in New York before the war..."⁶²

Livid with anger at Vermont's efforts "to take our property, imprison our bodies, and destroy our valuable effects," Phelps decided once again to plead the Yorker case in front of the Continental Congress.⁶³ Indeed, this uncompromising Yorker, with little regard for the significant setbacks his cause had suffered, refused to concede the battle. He left from Hadley on September 18, once again empowered as the agent for Yorkers in Cumberland County. When he stopped in Poughkeepsie, however, Governor Clinton attempted to quell Phelps's fervor and dissuade him from traveling to Congress, for he told the obstinate Yorker that his presence might be "troublesome and perhaps burthensome" to the delegates, particularly James Duane and Ezra l'Hommedieu from New York.

By 1782, such responses by Governor Clinton must have greatly frustrated the Yorkers in Vermont, for they continued to receive mixed signals and token actions from New York. Indeed, Clinton deserved much of the blame for the long, drawnout controversy, for he encouraged the yorkers yet refused to commit fully New York's resources to the Yorker cause. Clinton refused, for instance, to send any correspondence or instructions by Phelps to the New York delegation in

Philadelphia, yet in late September he urged Yorkers to keep the faith and not "submit to the usurpation or to swerve from your duty or allegiance" to New York. Clinton also urged his subjects in Vermont to adhere to the September 24, 1779 resolutions and abstain "from all acts of force or violence" except for "immediate self-defense:" yet he nonetheless hoped that if Vermont continued to imprison Yorkers then New York officials would take "an equal number of insurgents" and hold them as hostages.

64

Phelps did not appreciate Clinton's pragmatism nor advice to wait and allow the Congress to settle the land dispute. And, indeed, Congress seemed to confirm Phelps's apprehensions when it failed to consider the question of Vermont's independence in September. Thus Phelps left Poughkeepsie for Philadelphia on October 1 to join two other Yorkers, Henry Evans of Guilford and William Shattuck of Halifax, whom Vermont had banished from the state (along with Timothy Phelps) in mid-September.

Upon his arrival at Congress, Phelps immediately set to work lobbying legislative leaders of the country to undertake quick action to resolve the Vermont crisis. On October 9, Phelps appeared before a committee to present his case and accompanying documents for "Two or Three hours, with very little interruption..." The committee deemed the situation so immediate and serious that they did not prepare a report, but instead urged Phelps to present his case directly to the body of Congress.

65

Thus on October 10, 1782, Phelps memorialized Congress in an impassioned plea "for the relief and protection of those unhappy sufferers" who professed allegiance to New York.⁶⁶ In particular, Phelps denounced Ethan Allen and his "sudden descent" in September on Yorker strongholds in Guilford, Halifax, and Brattleboro, for it was a "direct violation" of the September 24, 1779 resolutions of Congress. Indeed, Phelps even claimed that Vermont's actions against the Yorkers were wholly unjustified, since the Yorkers had "religiously observed" the restrictions stipulated in the resolutions. While this certainly was an exaggeration, Phelps's presentation nonetheless generated some sympathy and support from the Congress.

Throughout October and November 1782, as Congress and various committees continued to study the Vermont question, Phelps maintained his pressure on the delegates. His determination to see his memorial through to the end drove him into debt, as his expenses mounted and exceeded what few resources he had brought when he hastily departed from Hadley. According to James Duane, for instance, Phelps was "terribly distressed; without cloaths (sic) fit for the season; (and) without money or credit to pay for his board..." Fortunately, charity from friendly sources supported Phelps, as he received donations from Duane, Ezra l'Hommedieu, and Alexander Hamilton.⁶⁷

By early December 1782, Phelps's persistence had paid off: indeed, while Yorkers Shattuck and Evans had left Philadelphia in early November, Phelps remained and was instrumental in securing the resolutions of the Continental Congress on December 5. The Congress acted favorably upon requests and documents prepared by Phelps and other Yorkers, and resolved that Vermont did violate the September 24, 1779 resolutions. Thus Congress condemned Vermont for its actions which were "highly derogatory to the authority of the United States and dangerous to the Confederacy," and ordered officials "to make full and ample restitution" of property and damages to victimized Yorkers. Furthermore, Vermont was to revoke the death penalty on Yorkers who violated their exile by returning to the state, and instead should assure "that they be not molested in their persons or properties on their return to their habitations..." Finally, Congress pledged to defend threatened Yorkers, promising to "take effectual measures to enforce a compliance with the...resolutions, in case the same shall be disobeyed by the people of the said district..."

68

The crucial role Phelps played in the passage of these resolutions gained the attention of many interested parties, and prompted a range of responses. James Duane, for instance, reacted somewhat differently to the arrival of Phelps in Philadelphia than John Jay did in 1779. Rather than expressing mixed emotions and the need to direct Phelps proper-

ly, Duane praised Phelps's arrival and believed "his confidence will be well employed." Since Duane had a personal stake in the outcome of the Vermont question, he welcomed an aggressive ally like Phelps to join in the battle for New York jurisdiction. Indeed, because Phelps's "singularity draws attention, and he overflows in the plenitude of his Communicative Powers," Duane proved correct in predicting that Phelps "has opportunities" to secure New York authority in Vermont.⁶⁹

Vermont's reaction to Charles Phelps and his efforts in Philadelphia, however, was quite the opposite. Governor Chittenden, for instance, reacted angrily towards Phelps and the December 5 resolutions of Congress in a published remonstrance on January 9, 1783. In renouncing the resolutions, Chittenden relied on two arguments: first, that if it weren't for Congressional procrastination, Vermont "should have been taken into the federal union of the United States, previous to the date of the passing of the (December 5) act;" and second, Congress had no authority "to interfere in the internal authority of this state." Chittenden expressed frustration at the indecision of Congress, as well as anger at those Yorkers who were much to blame for the ongoing controversy. In particular, Chittenden singled out Charles Phelps for criticism, for it was at "the special instance" of Phelps that Congress had arrived at a decision without hearing testimony from the Vermont agents. How could Congress, Chit-

tenden wondered, act in such a manner so "contrary to the law of nature and nations" after listening to "Charles Phelps (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been extended)"?⁷⁰

When Phelps returned from his four month absence from Marlborough, he discovered that Vermont officials were sincere in their promise to take action against internal enemies. The Phelps family was a primary target for punishment, since Vermont attributed the passage of the hostile congressional resolutions to one "infamous person" in particular, Charles Phelps. Thus when Phelps arrived home in early January, he not only discovered his "abused" and "ruined" library, but also found that Vermont had "taken possession of four or five thousand acres" of his land in Marlborough and the neighboring towns of Somerset and⁷¹ Draper. Finally, Phelps also found out that Vermont had issued a warrant for his arrest, and thus he moved temporarily from Marlborough to Guilford where a strong Yorker community already existed.

While the elder Phelps took action to avoid his capture by Vermont authorities, Timothy Phelps was not so prudent. Since his banishment from Vermont in September 1782, Timothy Phelps had, on at least three occasions, traveled to Marlborough, almost daring Vermont to imprison him and carry out the sentence of death.⁷² Indeed, the younger Phelps seemed to inherit his father's bold and obstinate personality, for

on February 4 he entered the Superior Court in Marlborough, defiantly read the December 5 resolutions of Congress, and ordered the body to disperse. His New York commission as sheriff of Cumberland County, however, carried no weight in the Vermont court, and thus Chief Justice Moses Robinson, amazed at the audacity of Phelps, ordered him arrested and incarcerated in the Marlborough jail.⁷³

On February 11, Vermont took Phelps to the Bennington jail where he joined fellow Yorker, Timothy Church, who had languished in prison since late December. Vermont treated both very poorly, allegedly far worse than the jail's common felons. Clearly, Vermont abused Phelps and Church in the hope that the two outspoken Yorkers finally would submit to Vermont authority. In several letters to his father, his wife Zipporah, and Governor Clinton, Phelps described his poor treatment and the verbal abuse he received from Vermont officials. His jailers, for instance, told Phelps "that I shall be in jail to all eternity unless I petition to their Governor:" but Phelps, his resistance still strong, retorted that "I will see them all damned before I will, without Congress shall make them a state. It is to my own masters I stand or fall."⁷⁴

During the spring of 1783, Charles Phelps was active while his son suffered at Bennington, as he dashed off pleas for assistance to Clinton and sent what few funds he had to support his imprisoned son. In letters to Timothy, Charles

Phelps urged him to "bare (sic) up your drooping spirits with an heroic fortitude." For Phelps assured his son that "your friends & New York State are doing for you as fast as things will possibly permit." However, Phelps's repeated assurances that "Vermont's tyrannic legislature will liberate you soon...or they may expect their rebellion will bring upon them just, vengeful, and speedy punishment" seemed designed as much to shore up his own sinking hopes as to offer encouragement for Timothy Phelps.⁷⁵

As the months dragged on and failed to bring any action for his release, the confidence of Timothy Phelps in Clinton and the Continental Congress sank. Indeed, even the ridicule of Ethan Allen had begun to ring true: "You have called on your god Clinton till you are tired. Call now on your god Congress, and they will answer you as Clinton has done."⁷⁶ Thus, in failing health and without prospect for outside relief, Timothy Phelps conceded to the authority of Vermont and received a "pardon and discharge from his sentence of banishment" on June 24, 1783.⁷⁷ Phelps pledged obedience and allegiance to Vermont, as he presented "his sincere and hearty penitence and determination to behave orderly and submissive..."⁷⁸

Charles Phelps, however, apparently learned nothing from his son's ordeal at Bennington, for he continued to lead a vocal but shrinking Yorker opposition to Vermont. During early 1783, Phelps was busy receiving depositions and col-

lecting documents for another case against Vermont. ⁷⁹ On
June 17, Cumberland County Yorkers again chose Phelps as
their agent to Poughkeepsie, expressing a "special trust and
confidence in the fidelity, prudence, and wisdom" of him to
oppose the "evil and unjust measures" of Vermont. ⁸⁰

Phelps apparently escaped from Marlborough in the nick of
time, for on June 14 a fellow Yorker had warned Phelps that
Vermont officials had "intentions to imprison (him) and other
officers of New York State." ⁸¹ Arriving in Poughkeepsie,
Phelps received an audience with Clinton, who again refused
to end support for the Yorkers and concede to the authority
of Vermont. Indeed, as the situation grew more bleak,
Clinton and a shrinking group of hardline Yorkers hardened
their resolve. In instructions sent to Cumberland County,
for instance, Clinton advised

"In case of an attempt by the usurped govern-
ment of Vermont to compel obedience and submission
from any persons claiming to be subjects of this
state, to call out your regiment under the militia
law, and by opposing force to force, endeavor to
quell the insurrection...and to retaliate (for the
taking of your prisoners) by taking as many insur-
gents, and detaining them under secure conduct as
hostages, until the matter can be represented to
Congress." (82)

Tension grew throughout the summer and fall of 1783
between Vermonters and New Yorkers as the rebels, parti-
cularly in their Guilford haven, disrupted Vermont admini-
stration, defied its laws, and prevented the collection of
taxes. By October, Vermont officials decided once again to

take military action against the Yorkers in this undeclared "Guilford War." The General Assembly declared that "to enable the civil authority to exercise their offices in the southern part of the County of Windham, and to suppress an insurrection in the said County," Vermont would assemble a hundred-man force under the command of Colonel Benjamin Wait. The Assembly, confident that this matter could be dealt with quickly and easily, limited the term of service to six months and instructed the troops "not to meddle with the persons or property of anyone who quietly submit to this government."⁸³ To further induce submission, the Assembly approved a proclamation from Governor Chittenden offering "a free and ample pardon for all offences committed against this state" if the Yorkers "shall take an oath of allegiance before any Justice⁸⁴ of the Peace within thirty days."

The Yorkers in Cumberland County, however, had not learned their lesson nor did Vermont's actions induce them to submit. In late October 1783, Yorkers gathered in Guilford for another Cumberland County convention and pledged to continue resistance to Vermont's actions "of a most tyrannic and sanguine nature..." They complained that Vermont had violated the December 5, 1782 resolutions of Congress by failing "immediately or without delay to make ample restitution and damage to New York State sufferers who had their property taken away..." And until Vermont compensated Yorkers for their losses, the rebels vowed "to repel their (Vermont's)

military force against us by (a force) of our own similar to theirs as far as we are able at the expense of all our lives and fortunes in which we expect a grate (sic) effusion of human blood..."⁸⁵

As justification for their ongoing resistance, the convention also approved a proclamation by Charles Phelps which discussed five reasons why the Yorkers "Can't Comply with Vermont authority and Jurisdiction or by any means come under it..." Reciting many of the same, tired arguments he used previously, Phelps concluded that "it is impossible in such a vicious situation of things of their (Vermont's) administration (for) any people (to) enjoy their just rights or liberties either civil or religious: neither is there any security of life, liberty or property nor ever can (there) be in Vermont under such an unjust, corrupt, and abhorred administration..."⁸⁶

Unyielding attitudes prevailed in late 1783, as both sides took prisoners in the hope of forcing their enemy to concede. For the Yorkers, the taking of Vermont "hostages" seemed a last desperate effort, as only a small pocket of diehards remained in the Guilford region. Thus, following the advice of Clinton to detain Vermont "insurgents," on November 16 Yorkers led by Francis Prouty of Brattleboro arrested Luke Knowlton, once a strong voice for New York authority in Vermont. A defector from the Yorker camp, Knowlton joined the Vermont cause in 1780 and now stood accused of engaging in treason with the British. Addition-

ally, a larger group of Yorkers arrested Benjamin Carpenter in Guildford on December 1. Carpenter, an ardent Vermonter and former Lt. Governor of the state, succumbed to a mob of over seventy Yorkers, including Charles Phelps, who brandished "dangerous and offensive weapons."⁸⁷

Vermont's final campaign to quell the stubborn Yorkers in Windham County began on December 25, as Brattleboro sheriff Oliver Waters arrested William Shattuck and imprisoned him at Westminster. Shattuck, whom Vermont had banished from the state in 1782 along with Timothy Church, Henry Evans, and Timothy Phelps, was sentenced by the Westminster court to be held in Bennington without bail. State officials also moved against Charles Phelps, who had been a constant source of Vermont's troubles for some time. The elderly Phelps had petitioned on January 1, 1784 for the release of Shattuck: yet instead of granting Phelps's request, Vermont issued a warrant for his arrest on January 3.⁸⁸ The following day, the state captured Phelps and sent him off to join Shattuck in the "Bennington gaol," where he would languish until the end of February.⁸⁹

The incarceration of Shattuck and Phelps, two of the most important Yorker leaders, finally indicated to their remaining allies that the end was approaching. Indeed, Vermont had established authority throughout the rest of the state, and rapidly was neutralizing staunch Yorker opposition in Windham County. Thus on January 6, 1784, sixteen Yorkers met in

Brattleboro and petitioned Chittenden "for a general pacification, and an amicable settlement of past misunderstandings and things which have happened..." The Yorkers, including Timothy Phelps and Henry Evans, requested Vermont to release Shattuck and Phelps, "cease from acts of the like kind," and restrain the Vermont troops in Windham County. In return, they pledged to appear in front of the February session of the Vermont General Assembly and propose "some equitable and salutary measures to prevent all kinds of severity against each other..."⁹⁰

Vermont, however, was not prepared to release the pressure on its most persistent internal opposition. Indeed, conciliatory measures in the past had seemed only to encourage more ardent Yorker dissent. Thus on January 10, Chittenden dismissed the Yorker petition for conditional surrender, stating that the General Assembly undoubtedly "would have no bargain to make with the people who have given us so much trouble without any object." Further, Chittenden assured the Yorkers "that nothing short of an immediate and universal submission" could prompt the Assembly to disperse the Vermont troops in Windham County.⁹¹ In order to confirm this rejection of Yorker requests and strengthen the state's authority, January Vermont continued to issue warrants and arrest prominent Yorkers, including Henry Evans, and Eleazar Church and Francis Prouty of Brattleboro.

The Yorkers, however, made another show of strength on January 16, illustrating once again that Vermont authority had not yet been established fully. In Brattleboro, a number of Yorkers responded to Vermont deprivations against their property and persons by attacking the Brattleboro Inn where several officers of the Vermont militia were quartered. The Yorkers fired on the structure, then seized Oliver Waters, the Vermont sheriff responsible for the arrest of William Shattuck. The sanctity of a sovereign government's boundary proved an obstacle to neither the Yorker nor the Vermont parties, as the captors headed south with Waters, hoping to transport him to New York for trial. In pursuit was a company of Vermont militia, which followed the Yorker band into Massachusetts.

On January 18, 1784 in Northampton, the Vermont posse overtook the Yorkers, liberated Waters, and arrested the perpetrators. In addition, the Vermonters crossed the Connecticut River to Hadley and the home of Charles Phelps, Jr. Timothy Phelps had taken refuge there a week earlier on his way to Poughkeepsie and a visit with Clinton: thus he was a convenient target for "extradition" to Vermont.

The confrontation at the Phelps home was a violent one, according to Elizabeth Phelps, as "five men came to take brother Timothy-they abused my husband and took Timothy-(then) went off." Despite having "a most dreadful fright," Elizabeth thanked God that "no lives (were) lost." Her

husband, however, was not in such a thankful mood, for immediately he set out to free his brother. Indeed, the strong will and fearless character so evident in the patriarch of the Phelps family seemed to have passed to all his sons, as Charles Jr., along with Hampshire County sheriff Elisha Porter, led a thirty-man posse to catch the Vermonters. On January 19, the Hampshire County contingent met Timothy Phelps's captors at Deerfield, released their prisoner, and returned the Vermonters to Northampton, where they were tried and fined for "riotous conduct."⁹⁴

This relatively obscure but colorful interstate incident marked the final "victory" for the Yorkers, for a few days later Vermont intensified its military and legal actions against Yorkers opponents in the Guilford region. On January 17, Vermont Attorney General Stephen Bradley ordered the assembling of a two hundred-man militia for active service, and on January 19 the troops marched to Guilford where there was a "whole body of Yorkers who were determined to oppose the collecting (of) taxes, and in short, all government" of Vermont.⁹⁵ The Yorkers, however, managed little opposition, as many scattered southward to Massachusetts in the face of overwhelming odds. Other Yorkers surrendered to Vermont authorities, relinquished their arms, and took the oath of allegiance to Vermont, thus finally ending the Guilford War and the vocal Yorker opposition which had threatened the

struggling state since its declaration of independence in 1777.

Furthermore, statehood for Vermont seemed to be only a matter of time, as states which had challenged Vermont authority recognized the futility of the fight and the validity of the Vermont cause. Massachusetts, for instance, in response to the several incidents in which the Vermont-Yorker controversy spilled over its border, ordered its citizens to "conduct themselves according to the strictest rules of neutrality, and...give no aid or assistance to either party..." Despite the wishes of Yorker sympathizers in the Connecticut Valley, Governor John Hancock refused to become entangled in the controversy and forbade citizens of the Commonwealth "to take arms in support of, or engaging in the service, or contributing to the conquest, success, or defense of either of the said parties..."⁹⁶

In addition, many delegates in Congress were prepared to recognize Vermont's entry into the Confederacy, or at least to ignore New York's request for an immediate decision and postpone it indefinitely. On May 29, 1784, the committee of Congress for the admission of Vermont into the Union recommended that Vermont be "recognized and declared...a free, sovereign and independent state...(and) considered a part of the Confederacy..."⁹⁷ While Congress did not approve this resolution until 1791, repeated New York efforts to secure a decision were in vain, for on June 4, Congress resolved "that

the further consideration of the subject be postponed..."⁹⁸

Thus, Vermont statehood seemed destined, as the assembly defeated New York's final attempts to secure jurisdiction in Vermont.

For Charles Phelps, the growing likelihood of an independent Vermont was a difficult pill to swallow. Vermont's retribution against the 67 year old Yorker was particularly harsh, since he had been a primary source of trouble for Vermont over the years. The Westminster court arraigned two dozen Yorkers, many of whom received light fines: yet for Phelps, the court was much tougher. Vermont accused him of treason, ordered "that he be confined in close confinement for the space of 60 days, and that all his estate real and personal be forfeited to the use of this state..."⁹⁹

At last, the obstinate Phelps conceded to Vermont authority. With the assistance of Charles Jr., Phelps petitioned the General Assembly for a "discharge from imprisonment," which Chittenden approved on February 27. Phelps appeared before the Governor and Council, "did volutarily take the oath of allegiance and fidelity to the state of Vermont," and was released from his jail sentence.¹⁰⁰

By October, Phelps hoped to secure his property which Vermont had confiscated, and thus he petitioned the General Assembly on October 23 "for a full pardon and reversion of a sentence of the Supreme Court."¹⁰¹ A committee considered the petition, and reported that Phelps "has been meritorious

in his former opposition to the government of New York's grant lands...(and) has been very serviceable to his country by procuring and selling without profit to himself a quantity of arms, ammunition, and salt..." They recommended that Phelps was "a fit object of mercy," and should receive a full pardon "on account of his former merit, his advanced age and the bad circumstances of his family." Thus, on October 26, 1784, Phelps's open rebellion against Vermont authority ended, as he and twenty six other Yorkers (including Francis Prouty, Timothy Church, and Henry Evans) received pardons and had their confiscated property returned.¹⁰²

At last, the long career of Charles Phelps as an open and vocal opponent of Vermont had ended by late 1784. Despite the intimidation of the Green Mountain Boys and Vermont troops, the repeated confiscations of Yorker property, and the frequent arrests of key Yorker opponents, it had taken Vermont several years to squelch the defiant faction east of the Green Mountains. This long and divisive campaign was due in large measure to the actions of Governor Clinton of New York, who emboldened Yorkers with his moral encouragement, yet refused to support his instructions with New York's judicial, political, and economic resources. While it is risky to conclude that New York's defeat in the Vermont land grant controversy was "inevitable," Yorker faith in Clinton's promises certainly prolonged the battle which, in hindsight, they seemed destined to lose. Vermont authorities enjoyed

popular support, as well as significant geographical advantages over their New York opponents.

Charles Phelps was one of the Yorkers who placed great trust in the words of Clinton, and his determination to defeat Vermont also prolonged the struggle. Vermonters had to endure "two revolutions" to secure their independence, a testimony to the military and political skill of their leadership: and this feat was even more remarkable given the unyielding, obstinate, and uncompromising opposition from Yorkers like Charles Phelps.

ENDNOTES

1. Governor Chittenden to the President of Congress, 9 January, 1783. Governor and Council, Vol. 3: p. 261.
2. See B.H. Hall, Eastern Vermont, p. 309 for an account of the January 1778 Brattleboro convention and a summary of the petition.
3. Proclamation of Governor Clinton, 23 February, 1778. Nathaniel Bouton, ed. Miscellaneous Documents and Records Relating to New Hampshire at Different Periods, (Concord: Edward A. Jenks, 1877), vol. 10: p. 258.
4. "Protest Against the Green Mountain Constitution," April 1778. Hastings, Papers of George Clinton, Vol. 6: pp. 607-613.
5. Resolutions of the Continental Congress, 30 June, 1777. E.B. O'Callaghan, Documentary History, Vol. 4: pp. 944-946.
6. "Protest...", Hastings, Papers of George Clinton, Vol. 6: p. 612.
7. For an account of the Hilkiah Grout case, see the Records of the Vermont Supreme Court, 2 June, 1779. William Slade, ed. Vermont State Papers, (Middlebury: J.M. Copeland, 1823), pp. 552-553. Also see B.H. Hall, Eastern Vermont, pp. 329-331: and Winn L. Taplin, "Hilkiah Grout and Vermont Independence," Vermont History, Vol. 44, Fall 1976: pp. 214-221.
8. J. Kevin Graffagnino, " 'Vermonters Unmasked:' Charles Phelps and the Patterns of Dissent in Revolutionary Vermont," Vermont History. Vol. 57: Summer 1989. pp. 133-161. This an excellent study of Charles Phelps and his role in the Vermont controversies.
9. For accounts of The Great Cow War, see J. Kevin Graffagnino, " 'Vermonters Unmasked:'. . .," pp. 17-18; and B.H. Hall, Eastern Vermont, pp. 332-346.
10. Deposition of Phineas Freeman, 19 January, 1783. Quoted in B.H. Hall, Eastern Vermont, p. 681.
11. Samuel Minott to George Clinton, 25 May, 1779. Documentary History, Vol. 4: pp. 965-966.

12. Governor Clinton to General Washington, 7 June, 1779. Documentary History, Vol. 4: pp. 975-976.
13. John Jay to Governor Clinton, 1 June, 1779. Documentary History, Vol. 4: pp. 967-968.
14. John Jay to Gov. Clinton, June 3, 1779. Documentary History, Vol. 4: pp. 969-970.
Charles Phelps, Memorandum Book, June-August, 1779. VHS #204.
Charles Phelps, "An Account of my Losses...", 1779-1784. VHS #204.
15. Extract from the Minutes of the Cumberland County Convention, 23 July, 1779. CP Papers, University of Vermont.
16. Charles Phelps, Memorandum Book, 6 August, 1779. VHS #204.
17. Charles Phelps, "A Friendly Address to the People of Vermont," August 1779. Typescript in CP Papers, University of Vermont.
18. Charles Phelps; Memorandum Book, 7 August, 1779. VHS #204.
19. Governor Clinton to John Jay, 1 September, 1779. Papers of George Clinton, Vol. 5: p. 251.
20. Instructions of the New York Legislature to its Delegates in Congress, 27 August, 1779. Governor and Council, Vol. 2: p. 181.
21. Petition of Cumberland County to the Continental Congress, 23 July, 1779. E.B. O'Callaghan, Documentary History, Vol. 4: p. 982.
22. Charles Phelps to the Legislature of New York, 21 September, 1779. E.B. O'Callaghan, Documentary History, Vol. 4: p. 997.
23. Resolutions of Congress, 24 September, 1779. Governor and Council, Vol. 2: p. 184.
24. Charles Phelps to Governor Clinton, February 1780. E.B. O'Callaghan, Documentary History, Vol. 4: p. 1000.
Despite Phelps's pleas, a committee of the New York legislature rejected his request, stating that Phelps had already been "amply allowed and paid for the services alluded to in (this) petition..." p. 1002.

25. John Jay to Governor Clinton, 7 October, 1779. Papers of George Clinton, Vol. 5: p. 312.
26. John Jay to Governor Clinton, 7 October, 1779. Papers of George Clinton, Vol. 5: p. 314.
27. Resolutions of the Vermont Assembly, 21 October, 1779. Governor and Council, Vol. 2: p. 191.
28. Laws of Vermont, February 1779. Slade, Vermont State Papers, p. 307.
29. For an account of the controversy, see B.H. Hall, Eastern Vermont, pp. 372-373.
30. Charles Phelps to Governor Clinton, 1 September, 1780. Papers of George Clinton, Vol. 6: p. 160.
31. For documents and accounts of the first East Union, see Governor and Council, Vol. 1: pp. 405-441, and J. Kevin Graffagnino, " 'We Have Long Been Wishing for a Good Printer in this Vicinity:' the State of Vermont, the First East Union and the Dresden Press, 1778-1779." Vermont History, Vol. 47: #1, Winter 1979. pp. 21-36.
32. Resolution of the Convention of Cumberland County, 31 October, 1780. Governor and Council, Vol. 2: p. 488. Apparently, however, Phelps was not active on the committee, for he was preoccupied with a family crisis through the winter of 1780-81. His oldest son, Solomon, was allegedly "darkened with the obscurations of insanity," and in November 1780 attempted to commit suicide by "breaking his skull with an axe." In January 1781, Solomon "began to go crazy (sic)" again, and once more tried to take his life. Although he recovered from these episodes, in 1790 he did succeed in ending his life "by cutting his throat with a razor." Entry in Diary of Elizabeth Porter Phelps, 26 November, 1780- 4 January, 1781. PPH Papers, Amherst. For a biography of Solomon Phelps, see B.H. Hall, Eastern Vermont, p. 691-692.
33. Resolutions of the Charlestown Convention, 16 January, 1781. Governor and Council, Vol. 2: p. 282.
34. Ira Allen, The Natural and Political History of the State of Vermont, 1798. (Rutland: Charles E. Tuttle Co. reprint, 1969), p. 93.
35. Joint Resolutions of the Charlestown Convention and the General Assembly of Vermont, 14 February, 1781. Governor and Council, Vol. 2: p. 287-288.

36. According to Washington, Vermont's "late extension of claim has...rather diminished than increased the number of your friends" in Congress, and thus any further hostile actions from Vermont "must involve the ruin of that state against which the resentment of others is pointed." George Washington to Thomas Chittenden, 1 January, 1782. Governor and Council, Vol. 2: pp. 353-355.
37. For documents and accounts of the Haldimand negotiations Vermont, see Chilton Williamson, Vermont in a Quandary, pp. 90-126: and Edwin P. Hoyt, The Damndest Yankees, pp. 195-210.
38. Henry Clinton to William Eden, 24 December, 1778, and 21 August, 1779. Quoted in Williamson, Vermont in Quandary, pp. 91-92.
39. However, the actions of the Vermont leadership in late 1782-1783 might lead one to dispute this conclusion that the Allens, Fay, Chittenden, and others did not actively desire to join the Empire. In March 1783, for instance, Ethan Allen allegedly reported to Justus Sherwood that he was fearful of Britain granting independence to America at Paris: and thus Allen urged the British to claim Vermont and prevent it from joining the American states. See Williamson, Vermont in Quandary, pp. 123-126.
40. For accounts of the readings of the remonstrances to the assembly, see Charles Thompson, Independent Vermont, (Boston: Houghton Mifflin Co., 1942), pp. 432-433; and Williamson, Vermont in Quandary, p. 98.
41. Petition of Rockingham, 9 April, 1781. Edwin Hoyt, ed. State Papers of Vermont, (Burlington: Lane Press, 1952), Vol. 8: p. 38. On 16 April, 1781, the Governor and Council, however, rejected the request for new elections in Windham County.
42. Resolutions of the Guilford Town Meeting, 13 March, 1782. CP Papers, University of Vermont.
Resolutions of the Halifax Town Meeting, 14 March, 1782. VHS #204.
43. Charles Phelps to Governor Clinton, 23 March, 1782. VHS #204.
44. Cumberland County Remonstrance to Governor Clinton, 26 April, 1782. Quoted in B.H. Hall, Eastern Vermont, p. 421: and Governor and Council, Vol. 3: pp. 231-232.

45. Governor Clinton to the Committee of Cumberland County, 6 May, 1782. Documentary History, Vol.4: pp. 1010-1012.
46. Two Acts of the New York Legislature, 14 April, 1782. Governor and Council, Vol. 2: pp. 391-394.
47. For an account of Phelps's Poughkeepsie trip, see B.H. Hall, Eastern Vermont, pp. 429-432.
48. For a list of New York Civil and Military Appointments in Cumberland County, see B.H. Hall, Eastern Vermont, pp. 762-773.
49. {Charles Phelps}, Vermonters Unmasked, or Some of Their Evil Conduct made manifest, from Facts too glaring to be denied, and many of them too critical to be justified, as follows, viz, 10 June, 1782. Reproduced in Clifford K. Shipton, ed. Early American Imprints 1639-1800 (Worcester: American Antiquarian Society, 1958), Evans #17674.
50. Charles Phelps, "A Continuation of the Same Subject being an Appendix to Vermonters Unmasked," VHS #204.
51. For summaries of important political theorists cited by Phelps, such as Pufendorf, Grotius, Vattel, and Blackstone, see George H. Sabine, A History of Political Theory (New York: Henry Holt & Co., 1937); and Francis W. Coker, Readings in Political Philosophy (New York: MacMillan, 1938).
52. Charles Phelps, "A Continuation....," VHS #204.
53. Charles Phelps, Vermonters Unmasked, p. 12.
54. Laws Passed by the General Assembly, June 1782. Slade, Vermont State Papers, p. 454.
55. Charles Phelps to Governor Clinton, 10 July, 1782. Quoted in B.H. Hall, Eastern Vermont, p. 434.
56. Proceedings of the Governor and Council, 29 August-2 September, 1782. Governor and Council, Vol. 2: p. 163. On 16 February, 1781, Vermont subdivided Cumberland County (New York's single administrative unit covering the whole territory east of the Green Mountains) into three counties: Orange County, from Norwich, Vermont north to Canada; Windsor County, south of Orange County to Rockingham; and Windham County, south of Windsor County to the northern border of Massachusetts.

57. Ethan Allen's Proclamation to Guilford Yorkers, 9 September, 1782. Quoted in B.H. Hall, Eastern Vermont, p. 445.
58. For an account of the Westminster court trials and their aftermath, see B.H. Hall, Eastern Vermont, pp. 446-452.
59. Diary of Elizabeth Phelps, 8 September, 1782. PPH Papers, Amherst.
60. In Phelps's estate inventory following his death in 1789, one can gain an appreciation for Phelps's educational background and the foundations of his political and religious philosophies. Charles Phelps Estate Inventory, 27 October, 1789. Marlboro Probate Court, Brattleboro, Vermont. Photocopy in CP Papers, University of Vermont.
61. For an account of the Westminster court decision and the subsequent confiscation of Phelps's property, see B.H. Hall, Eastern Vermont, p. 449.
62. Charles Phelps, "An Account of Losses...", 8 September, 1782. VHS #204.
63. Charles Phelps, "An Account of Losses...", 8 September, 1782. VHS #204.
64. Governor Clinton to Joel Bigelow, 15 September, 1782: Governor Clinton to the Convention of Cumberland County, 27 September, 1782. Documentary History, Vol. 3: pp. 1012-1014.
65. Ezra l'Hommedieu to Governor Clinton, 9 October, 1782. Papers of George Clinton, Vol. 8: pp. 41-42.
66. Memorial of Charles Phelps of Cumberland County, 1 October, 1782. Papers of George Clinton, Vol. 7: p. 632. Also printed in James L. Huntington, "The Honorable Charles Phelps," Transactions, pp. 453-455.
67. Charles Phelps, "An Account of my Losses...", December 1782. VHS #204.
68. Resolutions of the Continental Congress, 5 December, 1782. Governor and Council, Vol. 3: p. 249.
69. James Duane to Governor Clinton, 9 October, 1782. Papers of George Clinton, Vol. 8: p. 44.

70. Thomas Chittenden, Copy of a Remonstrance of the Council of the State of Vermont, Against the Resolutions of Congress on the 5th of December Last Which Interfere with their Internal Police, (Hartford: Hudson & Goodwin, 1783). Reprinted in Governor and Council, Vol. 3: pp. 254-262.
71. Charles Phelps, "An Account of my Losses....," January 1783. VHS #204.
72. Diary of Elizabeth Phelps, 6 October, 27 October, 22 December, 1782. PPH Papers, Amherst.
73. For an account of Timothy Phelps's court appearance, and his subsequent incarceration, see B.H. Hall, Eastern Vermont, pp. 492-500.
74. For quotes from the correspondence of Timothy Phelps while imprisoned in Bennington, see B.H. Hall, Eastern Vermont, pp. 495-498 (The original manuscripts are in the archives of the Vermont Historical Society, but were in storage and unavailable for research).
75. Charles Phelps to Timothy Phelps, Spring 1783. VHS #204.
76. Quoted in B.H. Hall, Eastern Vermont, p. 497.
77. Records of the Governor and Council, 24 June, 1783. Governor and Council, Vol. 3: p. 22.
78. "An Act Granting a Pardon....," February 1783. Slade, Vermont State Papers, p. 470.
79. Depositions of Thomas Frink and Jonathan Kittredge, 20 January, 1783. CP Papers, University of Vermont.
80. Certificate from Cumberland County Convention, 17 June, 1783. CP Papers, University of Vermont.
81. Samuel Knight to Charles Phelps, 14 June, 1783. CP Papers, University of Vermont.
82. Governor Clinton to Timothy Church, 24 June, 1783. Quoted in B.H. Hall, Eastern Vermont, p. 499.
83. Proceedings of the General Assembly, 22 October, 1783. Governor and Council, Vol. 3: p. 299.
84. Proceedings of the General Assembly, 22 October, 1783. M. Wallace, ed. State Papers of Vermont, (Bellows Falls: P.H. Gobie Press, 1925), Vol. 3, Pt. 2: pp. 202-213.

85. Resolutions of the Cumberland County Convention, 29 October, 1783. CP Papers, University of Vermont.
86. Charles Phelps, "Some Reasons why the New York State subjects on the New Hampshire Grants can't comply with Vermont authority....," 28 October, 1783. VHS #204. Another variation of Phelps's proclamation is in CP Papers, University of Vermont.
87. B.H. Hall, Eastern Vermont, p. 503. For a detailed account of the activities of both the Yorkers and Vermont officials in late 1783-early 1784, see Hall, pp. 503-520.
88. Petition of Charles Phelps, 1 January, 1784. VHS #204. Also, see B.H. Hall, Eastern Vermont, p. 506.
89. Diary of Elizabeth Phelps, 27 February, 1784. PPH Papers, Amherst.
90. Yorker Petition to Vermont, 6 January, 1784. Governor and Council, Vol. 3: p. 303.
91. Reply of Governor Chittenden, 10 January, 1784. Governor and Council, Vol. 3: p. 303.
92. Diary of Elizabeth Phelps, 11 January, 1784. PPH Papers, Amherst,
93. Diary of Elizabeth Phelps, 18 January, 1784. PPH Papers, Amherst.
94. For another account of the incident at the Phelps home in Hadley, see B.H. Hall, Eastern Vermont, pp. 511-513.
95. Stephen R. Bradley to the Printers of the Vermont Journal, 24 January, 1784. Governor and Council, Vol. 3: pp. 305-306.
96. Proclamation by Governor John Hancock, 26 March, 1784. Governor and Council, Vol. 3: p. 314.
97. Report of the Committee of Congress for the Admission of Vermont into the Union, 29 May, 1784. Governor and Council, Vol. 3: p. 328.
98. Resolution of Congress, 3 June, 1784. Governor and Council, Vol. 3: p. 325.
99. Records of the Westminster Supreme Court, 7 February, 1784. VHS #204.

100. Proceedings of the General Assembly, 27 February, 1784.
Governor and Council, Vol. 3: pp. 309-310.
101. Proceedings of the General Assembly, 23 October, 1784.
Governor and Council, Vol. 3: p. 332.
102. Proceedings of the General Assembly, 26 October, 1784.
Governor and Council, Vol. 3: pp. 332-334

CHAPTER V

THE AFTERMATH OF THE VERMONT STRUGGLE

For Charles Phelps, defeat at the hands of Vermont was never accepted fully, despite the state's rather conciliatory attitude and grant of a pardon in 1874. Phelps's unyielding character, which seemed to have hardened as the years passed and the Vermont battle intensified, precluded any reconciliation with the "evil and usurped" Vermont victors. Indeed, until his death in April 1789, Phelps continued to express diehard opposition to the Vermont government: for even in his will he identified himself as "Charles Phelps of New Marlborough late in the County of Cumberland and Province since state of New York..."¹ Unlike numerous Yorkers who ended their fight, accepted pardons, and even became elected officials in Vermont in later years, both Charles Phelps and his son, Timothy, remained outsiders in their town and in the young state of Vermont.

A. The Final Years, 1784-1789

In many regions throughout the country, religion and politics became deeply intertwined in the lives of eighteenth century Americans. As we have seen in Chapter I, this was the case for Charles Phelps as well, as his strict and controversial Edwardsean beliefs contributed to his political

downfall in Hampshire County. Likewise, Phelps's adamant opposition to Vermont in the 1780s coincided with his increasing religious isolation in New Marlborough. As the popularity of Edwardsean theology and the religious fervor of the Great Awakening faded, Phelps found himself outnumbered by Vermonters who were more liberal and "democratically-minded" in religious matters.

Long after his 1760 excommunication from the Hadley Church of Christ, for instance, Phelps continued to denounce "the congregational mode" of admitting church members and granting full communion. Echoing his earlier opinions on the practices of the Hadley church, Phelps proclaimed that "true Christianity and grate (sic) saintship don't alone qualify men to be good, grate (sic) or learned and able ecclesiastical judges or impart to them those scientific acquisitions which properly constitutes a grate (sic) master of Calvi(ni)stical refinements & enigmatical debates upon cases of conscience which commonly are brought before our ecclesiastical tribunals for a just and impartial decision... ." ²

The "congregational platform" of the New Marlborough church clearly angered the Presbyterian Phelps, who was one of the founders of the town church in 1776. In addition, Phelps denounced the congregational church for its attempts to exercise authority over him, and when that failed, for the decision to excommunicate Phelps and "cutting me off from the priviledges (sic) of Christs visible kingdom... ."

Phelps's religious controversy in New Marlborough was a notable episode, for it dramatically illustrated the close relationship between religion and politics in the eighteenth century. Particularly revealing was the similar language Phelps used to describe the religious and political groups he opposed. For Phelps, the New Marlborough congregationalists exhibited the same characteristics as the political leadership of Vermont, as the former "impelled" Phelps "to submit to an unjust, tyrannic, unscriptural & erroneous administration and discipline... ." Reminiscent of his denunciations of the state's political leadership, Phelps proclaimed the church had "no jurisdiction or ecclesiastical authority over me, ondy (sic) a usurped, unjust, tyrannical sham, pretended power."³

Phelps's assimilation of the practices of the Congregationalists with the Vermont leadership served to perpetuate his deep resentment towards the state. In addition, this opposition was further strengthened by the difficulties Phelps encountered in his efforts to recover property confiscated by Vermont. Phelps's "silver-hilted sword," for instance, became the object of some state concern in late 1784, as Governor Thomas Chittenden ordered Josiah Boyden to return it to its owner, since Phelps had complied with the conditions of his pardon.⁴

Also an ongoing concern of Phelps's was the fate of his library, which Vermont had confiscated in 1782 in response to

Phelps's relentless hostility towards the state. By 1785, Phelps was dissatisfied with Vermont's efforts to return his books safely, and thus on May 25 he petitioned the Vermont General Assembly for help in recovering "more than twenty vollumes (sic)" which "are scattered about in various & verry (sic) far Distant places in the state (and) I cant (sic) possibly get them... ." Even the books which were returned by Stephen Bradley, Phelps claimed, "were exceedingly dammisged (sic)."⁵

In short, even after Phelps's commitment to end the Yorker political fight in October 1784, he continued to be a troublesome figure and nuisance to Vermont. While the turmoil of the fierce land controversy had subsided, Phelps still waged a moral battle against the state, which prompted state officials to press repeatedly for collection of the 35 note levied against him in 1784. Much of the fine, a part of the settlement of Phelps's pardon by Vermont, went unpaid as Phelps maintained that losses of his property more than compensated for the balance. Vermont, however, did not heed Phelps's claims that he was in such a "poor state of helth (sic) & poverty ... that I Hant (sic) a dollar on earth in hand," and in July 1785 again ordered Phelps to appear in Windham County court to answer Treasurer Ira Allen's complaint.⁶

Phelps's dire financial situation, as well as his continued hostility towards Vermont, prompted him to join other

former Yorkers and urge New York to grant them "some relief in their deplorable situation." In the February 1786 petition, Timothy Church, William Shattuck, and Henry Evans stated that the Yorkers had "sacrificed their all, suffered such exquisite tortures, banishments, imprisonments in loath-som (sic) gaols (sic), half starved, and threatened with being put to ignominious deaths...": in response, New York issued land grants in Clinton (now Bainbridge) township to over 130 Yorkers as compensation for their losses.⁷ While Timothy church received the most acreage for an individual (3840 acres), Phelps received 508 acres, or fourteenth largest on the list. The amount of Phelps's grant seemed a small reward for his many sacrifices on New York's behalf, yet it was nonetheless recognition of his important⁸ contributions.

Phelps's final opportunity to denounce the state of Vermont came in the period of Regulator riots in Vermont and Shays Rebellion in Massachusetts. Phelps's sympathized with the Shaysites, who had complaints "justly founded against some in the administration" of Massachusetts, and thus they deserved "the removal of all just causes of complaint as soon as the exigencies of things will possibly admit."⁹ In a lengthy exposition defending Shays Rebellion, the conservative Phelps employed arguments similar to those used to justify Yorker opposition to Vermont, including references

to the laws of nature and to philosophers such as Grotius, Pufendorf, and Vattel.

In the same period, Vermont also faced a number of internal challenges, as groups voiced their dissatisfaction with economic hardships facing farming communities. In the late fall of 1786 in Windsor and Rutland, for instance, Regulators sought to disrupt the proceedings of the courts and confront Vermont's leadership until the state relieved the heavy burden of debt many suffered under. While the state did make an effort to aid the distressed, it also was not hesitant to employ the militia and squelch any opposition and disruption of county court sessions.

While Phelps's reaction to the Regulator violence in Vermont was not as well documented as his strong support for the Shaysites, it was probable that he also endorsed the Vermont insurgents. Indeed, the Regulators and the Shaysites voiced many of the same grievances "too intolerable to be endured," and Vermont's opposition to Shays Rebellion only reinforced Phelps's hostility towards the state. Indeed, given Vermont's reaction to the Shaysites, as well as its treatment of the Regulator opposition in 1786-1787, it was not surprising that Phelps would ally with a movement which challenged the government of Vermont.

B. The Legacy of Charles Phelps

With the death of Phelps in 1789, Vermont lost one of its most vocal opponents, and one of the major reasons why the state found its entry into the Union delayed until 1791. This uncompromising and vehement opposition is the legacy of Charles Phelps: indeed, there are no statues marking Phelps's important place in Vermont history, nor are there any commemorative plaques honoring his patriotic efforts to defend the Vermont territory during the American Revolution.

Instead, Charles Phelps has received a tarnished image over the years, largely because of his family's position on the losing side of the Vermont-New York struggle. In much Vermont historiography, for instance, Phelps frequently has been villified as a greedy land speculator, and grouped with the likes of James Duane and other Yorkers who held significant economic interests in the Vermont territory. Since many nineteenth and early twentieth century Vermont historians strongly defended the Allens and the fight for Vermont independence, they often classified Vermont opponents as either greedy Yorkers or Loyalists.

Yet, as we have seen, Phelps deserved a more balanced analysis than he received. Certainly, there is no doubt that he was often obstinate and unreasonable in his political positions over the years: indeed, his unrelenting hostility towards Vermont in his later years seemed based more on vengeance than rationality. Yet his personality, mannerisms,

and character are no reasons for historians to downplay his important role in this crucial period of Vermont history.

While Phelps's opposition to Vermont seemed extreme at some points, he did have some serious grievances against the Vermont leadership. Most Vermont historians, for instance, adequately highlight the economic grievances held by Yorkers: the latter undoubtedly feared the confiscation of their property by Vermont. The element of "fear," emphasized by Vermont historians as a primary motivation of Yorkers, was not the case for Phelps. While one Historian labeled Phelps a "trimmer," the implication that Phelps was cowardly and acted only out of political expediency is an inaccurate one.¹¹ Indeed, if Phelps wanted to follow the path of least resistance, early on he would have succumbed to the intimidation of Vermont and the Green Mountain Boys.

As we have seen, Phelps opposed Vermont for several reasons. First, there was the very divisive religious issue, as Phelps strict Edwardsean beliefs clashed with the more liberal congregational and Deist practices of many Vermonters and their leaders. Given Phelps's stern character as well as the close connection between religious and political philosophy, it is not surprising that this was an important factor in Phelps's overall rejection of Vermont and its leadership.

In addition, Phelps vehemently opposed the connections between the Vermont leaders and the British in Canada. To an

ardent patriot like Phelps, the Haldimand negotiations represented nothing less than treason. While the Allens and Governor Chittenden may have only opened communication with the British in order to better negotiate statehood with the Continental Congress, for many Yorkers this action simply proved that the Vermonters were, indeed, "corrupt" and "evil."

In short, the role that Charles Phelps played in early Vermont history was an important one, and deserves to be analyzed in more depth. Despite the tendency of early historiography to idolize Vermont's leaders such as the Allens, Fays, and Thomas Chittenden, recent historians have taken a more balanced look at the role of other actors, particularly the Yorkers. And a more comprehensive history of early Vermont must include the long and tumultuous career of Charles Phelps and the story of his unyielding opposition to the young state of Vermont.

ENDNOTES

1. Will of Charles Phelps, 14 April, 1789. Marlborough Probate Court, Brattleborough. Photocopy in CP Papers, University of Vermont. p. 1.
2. Charles Phelps to the Reverend Joseph Lyman, undated. Typescript in CP Papers, University of Vermont. p. 3. Historian J. K. Graffagnino, who transcribed many important documents of Phelps's from the private collection of Gertrude Mallary of Bradford, Vermont, estimates that the letter to Lyman dates circa 1782.
3. Charles Phelps to Joseph Lyman, typescript in Cp Papers, University of Vermont. p. 4.
4. Order from Thomas Chittenden to Josiah Boyden, 30 December 1784. CP Papers, University of Vermont.
5. Edward Hoyt, ed. State Papers of Vermont. Vol. 8: p. 122.
6. Petition of Charles Phelps, 25 May, 1785. State Papers of Vermont. Vol. 8: p. 122. Windham County court order to Charles Phelps, 22 July, 1785. CP Papers, University of Vermont.
7. Timothy Church et al. to the Legislature of New York, 24 February, 1786. Documentary History. Vol. 4: pp. 1015-1016.
8. List of Vermont Sufferers, Documentary History. Vol. 4: pp. 1017-1020.
9. Charles Phelps, "a Review of Some Incidents Respecting the Government Partie Against Shays Partie and Shays Partie Against the Government," circa 1787. Typescript in CP Papers, University of Vermont.
10. Will of Charles Phelps, 14 April, 1789. Photocopy in CP Papers, University of Vermont. p. 4.
11. George P. Anderson, Commentary on Dr. James Lincoln Huntington, "The Honorable Charles Phelps," Transactions of the Colonial Society of Massachusetts. Vol. 32: p. 456.

APPENDIX:

BIBLIOGRAPHICAL ESSAY ON PRIMARY SOURCES

In any research involving historical figures such as Charles Phelps, the depth and significance of primary source material is crucial for the success of a primarily biographical project. In this instance, I have been fortunate to have accessed a wide variety of material in several collections, sufficient for a detailed analysis of a prominent actor in the Vermont land grant controversies.

The available archives of Phelps material are scattered, however, and require significant research to gain a full picture of the man. Indeed, given the range of Phelps's positions on the political spectrum during his period in Vermont, it is easy to categorize Phelps inaccurately into a certain political faction. Much early historiography of Vermont, for instance, contemptuously described Phelps as a "Yorker:" yet after investigation in several archives, it is clear that his political affiliations were much more complex than this "Yorker" label indicated.

At the University of Vermont, the Bailey/Howe Library houses a valuable collection of Phelps family material, dating from 1754-1785. This collection of Charles Phelps Papers contains many petitions, affidavits, and letters of notable figures in the Vermont controversy. The Phelps Papers are particularly valuable for documentation of Phelps's activities both in favor of and in opposition to New York jurisdiction.

In Montpelier, the Vermont Historical Society also has an important collection of Phelps material. Unfortunately, the holdings were in storage and I was not able to access the Phelps manuscripts. However, the Vermont Public Records Office did have a microfilm reel available, which provided additional documentation of Phelps's activities from 1764-1789.

Finally, the Porter-Phelps-Huntington Papers at Amherst College proved to be a very significant source for my research on Charles Phelps. The PPH Papers, on extended loan to Amherst College, are owned by the Porter-Phelps-Huntington Foundation in Hadley, Massachusetts, which was the home of Charles Phelps, Jr. and is now a house museum. While the material on Phelps himself is limited, it provides one with additional insight into Phelps's activities in support of Massachusetts' jurisdiction over the Grants. In addition, Elizabeth Porter Phelps kept a detailed diary of events during her father-in-law's life, recording dates of his visits to Hadley, and journeys to Boston, Poughkeepsie, and Philadelphia. In short, the PPH Papers complement the archives of the University of Vermont and the Vermont Historical Society, and provide a fuller understanding of Phelps's early political and religious life in the Connecticut River valley and insights into his later allegiances in Vermont.

BIBLIOGRAPHY

- Alexander, Edward P. A Revolutionary Conservative: James Duane. New York: Columbia Press, 1938.
- Allen, Ira. The Natural and Political History of the State of Vermont, 1798. Reprint: Rutland: Charles Tuttle & Company, 1969.
- Batchellor, Albert S., ed. Provincial and State Papers of New Hampshire. Concord: Edward N. Pearson, 1895.
- Broad Brook Grange, ed. Official History of Guilford, Vermont, 1678-1961. Brattleboro: Vermont Printing, 1961.
- Denio, H.W. "Massachusetts Land Grants in Vermont," Publications of the Colonial Society of Massachusetts. Vol. 24: March 1920. pp. 35-59.
- Gay, W.B. Gazetter of Hampshire County, Massachusetts, 1654-1887. Syracuse: W.B. Gay, 1888.
- Gerlach, Larry. "Connecticut, the Continental Congress, and the Independence of Vermont," Vermont History. Vol. 34: July 1966. pp. 188-193.
- Goen, C.C. Jonathan Edwards: the Great Awakening. Vol. 4. New Haven: Yale University Press, 1972.
- Graffagnino, Jonathan K. "Sources for Vermont Historians: Manuscript Holdings of the Wilbur Collection," Vermont History. Vol. 48: Summer 1980. pp. 154-172.
- "Vermonters Unmasked: Charles Phelps and the Patterns of Dissent in Revolutionary Vermont," Vermont History. Vol. : Summer 1989. pp.
- Hall, Benjamin H. The History of Eastern Vermont. New York: D. Appleton & Company, 1858.
- Hall, Henry Davis. Ethan Allen: the Robin Hood of Vermont. New York: D. Appleton & Company, 1892.
- Hall, Hiland. The History of Vermont. Albany: Joel Munsell, 1868.
- Hastings, Hugh. The Public Papers of George Clinton. Reprint: Albany: AMS Press, 1973.
- Holbrook, Stewart H. Ethan Allen. New York: Macmillan, 1940.

- Holland, Josiah G. History of Western Massachusetts. Springfield, Mass.: Samuel Bowles & Company, 1855.
- Hoskins, Nathan. A History of the State of Vermont. Vergennes, Vermont: J. Shedd, 1831.
- Hoyt, Edwin P. The Damndest Yankees: Ethan Allen and his Clan. Brattleboro: Stephen Greene Press, 1976.
- Jellison, Charles A. Ethan Allen: Frontier Rebel. Syracuse: Syracuse University Press, 1969.
- Jones, Matt B. Vermont in the Making, 1750-1777. Cambridge: Harvard University Press, 1939.
- Judd, Sylvester. History of Hadley. Springfield, Mass.: H.R. Huntting & Company, 1905.
- Labaree, Benjamin. Colonial Massachusetts: A History. Millwood, New York: KTO Press, 1979.
- Lockwood, John H. et al, eds. Western Massachusetts: A History. New York: Lewis Publishing Company, 1926.
- Miller, Perry. Jonathan Edwards. Amherst: University of Massachusetts Press, 1981.
- Morris, Richard B. John Jay: The Making of a Revolutionary. New York: Harper & Row, 1975.
- Newton, Earle W. ed. Essays in the Political and Economic History of Vermont. Montpelier: Vermont Historical Society, 1943.
- The Vermont Story: A History of the People of the Green Mountain State. Montpelier: Vermont Historical Society, 1949.
- Newton, Ephraim H. The History of the Town of Marlborough, Vermont. Montpelier: Vermont Historical Society, 1930.
- Nobles, Gregory H. Divisions Throughout the Whole. New York: Cambridge University Press, 1983.
- Nye, Mary G. ed. "Sequestration, Confiscation, and Sales of Estates." State Papers of Vermont, Vol. 6: 1941. pp. 5-10.

- O'Callaghan, E.B. ed. Documentary History of New York. Albany: Weed & Parsons & Company, 1849-1851.
- Documents Relative to the Colonial History of New York. Albany: Weed & Parsons & Company, 1856-1861.
- Pell, John. Ethan Allen. Boston: Houghton Mifflin, 1929.
- Phelps, John. Family Memoirs. Brattleboro: Selleck & Davis, 1886.
- Quincer, Sheldon B. Edward's Sermon Outlines. Grand Rapids: William B. Eerdmans Publishing, 1958.
- Raymond, Allan. "Benning Wentworth's Claims in the New Hampshire-New York Border controversy: a Case of 20/20 Hindsight?" Vermont History. Vol. 43: Winter 1975. pp. 20-32.
- Secretary of State. State Papers of Vermont. Montpelier: 1918-1978.
- Slade, William ed. Vermont State Papers. Middlebury, Vermont: J.W. Copeland, 1823.
- Taplin, Winn L. "Hilkiah Grout and Vermont Independence," Vermont History. Vol. 44: Fall 1976. pp. 214-221.
- Thompson, Charles M. Independent Vermont. Boston: Houghton Mifflin, 1942.
- Townsend, Harvey G. The Philosophy of Jonathan Edwards. Eugene: Univeristy of Oregon Press, 1955.
- Van de Water, F.F. The Reluctant Republic: Vermont, 1724-1791. Taftsville, Vermont: Countryman Press, 1974,
- Walker, Alice M. Historic Hadley. New York: Grafton Press, 1906.
- Walton, E.P. ed. Records of the Council of Safety and the Governor and Council of the State of Vermont. Montpelier: J. & J.M. Poland, 1873-1880.
- Wardener, Henry S. The Birthplace of Vermont. New York: Scribners, 1927.
- Wilbur, James B. Ira Allen: Founder of Vermont, 1751-1814. Boston: Houghton Mifflin, 1928.

Wilbur, Lafayette. Early History of Vermont. Jericho,
Vermont: Roscoe Printing House, 1899-1903.

Williamson, Chilton. Vermont in a Quandary, 1763-1825.
Montpelier: Vermont Historical Society, 1949.

