

# HISTORY

Volume 78, No. 2 Summer/Fall 2010



- The Sedition Act of 1798 and the East-West Political Divide in Vermont
- Impasse! Vermont's 1813 Legislative Session
- A Marriage Made in Maryland: Corporal Franklin Swan of the Tenth Vermont and Miss Mary Gaster
- Preaching the Gospel to Anarchists and Socialists:
   Baptist Missionaries in Barre 1899–1916

Robert D. Rachlin Kenneth A. Degree

Grant Reynolds

Paul Heller

#### VERMONT HISTORICAL SOCIETY

MARK S. HUDSON, Executive Director

MICHAEL SHERMAN, Editor

#### EDITORIAL ADVISORY BOARD

GLENN M. ANDRES, Middlebury
MARILYN S. BLACKWELL, East Montpelier
SAMUEL B. HAND, Burlington
JEFFREY D. MARSHALL, Georgia
D. GREGORY SANFORD, Marshfield
GENE SESSIONS, Berlin

#### **BOARD OF TRUSTEES**

President
SARAH L. DOPP, South Burlington

Vice Presidents

LAURA WARREN, Richmond

J. BROOKS BUXTON, Jericho

Treasurer
H. Nicholas Muller III. Essex. NY

Secretary
MARK S. HUDSON, Barre

#### Trustees

DAWN K. ANDREWS, Cabot
S. CROCKER BENNETT II, Hinesburg
RANDOLPH D. BROCK, Swanton
FRANK M. BRYAN, Starksboro
ANNE G. BUGBEE, Bennington
MARY ANN CHAFFEE, Essex Junction
VIRGINIA COOLIDGE, Grantham, NH
DENNIS J. DEVEREUX, Belmont
MARY P. FEIDNER, North Bennington
ROBERT GUARINO, Bennington

PENROSE JACKSON, Hinesburg
SUZANNE KAISER, DOTSET
RICHARD J. MAREK, Newfane
PATRICIA A. McDonald, Berlin
BARBARA MIEDER, Williston
FLETCHER PROCTOR, Westminster
GRANT REYNOLDS, Tinmouth
ANDREW SAXE, DOTCHESTER, MA
ROBERTA STEPONAITIS, Vergennes
VICTOR SWENSON, Burlington

Past President
JASON BACON, New Haven

Ex Officio Trustees

Deborah L. Markowitz, Secretary of State
Martha Reid, State Librarian

Honorary Trustees

Lola P. Aiken Mary Howland Sanborn Partridge

Preserving Vermont's heritage since 1838

# JERMON>

The Journal of the Vermont Historical Society

# HISTORY

Vol. 78, No. 2 Summer/Fall 2010



•••••

Explore many aspects of Vermont's rich heritage through the Vermont Historical Society, winner of the prestigious 2007 National Medal of Honor from the Institute of Museum and Library Services. Whether you're interested in a Vermont family, town, event, or person, you can research many topics in the library and museum collections of books, manuscripts, photos, maps, and artifacts from every geographical area and every chronological period in the state's history. Visit the award-winning Freedom & Unity museum exhibit at the VHS museum in Montpelier, next to the State House, and learn what it means to be a Vermonter. Throughout the state, Vermont's past can come alive for you at presentations and programs that change lives and build better communities.

Museum: Pavilion Building (next to State House), 109 State St.,
Montpelier, VT 05609 802.828.2291 (phone)

Offices, Membership Information & Library: 60 Washington St.,
Barre, VT 05641-4209 802.479.8500 (phone) 802.479.8510 (fax)
vhs-info@state.vt.us (email)

Web site: www.vermonthistory.org

--.

#### Vermont History

Copyright © 2010 by the Vermont Historical Society ISSN 0042-4161 online ISSN 1544-3043

The Vermont Historical Society partners with EBSCO to make the content of Vermont History available through the online subscription database, America: History and Life w/Full Text.

Vermont History is published two times a year by the Vermont Historical Society. Second-class postage paid at Barre, Vermont.

Except for brief excerpts for press notices or review purposes, no part of this publication may be copied or reproduced in any form whatsoever without the express written consent of the Editor of *Vermont History*.

The Vermont Historical Society is not responsible for the statements, interpretations, and opinions of contributors to *Vermont History*. Unless otherwise noted, all illustrations are from the collections of the Vermont Historical Society.

We invite submission of articles about the history of Vermont. Send electronic file and two printouts (double spaced) to the Editor, *Vermont History*, Vermont Historical Society, 60 Washington Street, Barre, VT 05641-4209. For styling rules, see *The Chicago Manual of Style* (University of Chicago Press).



Vol. 78, No. 2 Summer/Fall 2010

The Sedition Act of 1798 and the East-West Political Divide in Vermont ROBERT D. RACHLIN

123

Impasse! Vermont's 1813 Legislative Session Kenneth A. Degree 151

A Marriage Made in Maryland:
Corporal Franklin Swan of the Tenth Vermont
and Miss Mary Gaster
GRANT REYNOLDS
181

Preaching the Gospel to
Anarchists and Socialists:
Baptist Missionaries in Barre, 1899–1916
PAUL HELLER
196

#### **Book Reviews**

- Rebecca A. Brown, Ed., Where the Great River Rises: An Atlas of the Connecticut River Watershed in Vermont and New Hampshire.

  Christopher McGrory Klyza 208
- RANDOLPH ROTH, American Homicide. Paul Gillies 210
- Peter Benes, Ed., In Our Own Words: New England Diaries, 1600 to the Present. Volume 1: Diary Diversity, Coming of Age;
  Volume 2: Neighborhoods, War, Travel, and History.
  Jill Mudgett 212
- MARK BUSHNELL, It Happened in Vermont. Ann E. Cooper 214
- CYNTHIA A. KIERNER, Ed., The Contrast: Manners, Morals, and Authority in the Early American Republic. John J. Duffy 216
- VINCENT E. FEENEY, Finnigans, Slaters, and Stonepeggers: A History of the Irish in Vermont. Mark Bushnell 218
- Julie Foster Van Camp, Searching for Ichabod: His Eighteenth-Century Diary Leads Me Home;
- SANDRA M. LEVESQUE, *Under a Fig Tree: A Family Memoir*. Allen F. Davis 221
- LOUISE RANSOM, ET AL., EDS., Our Great War: Memories of World War II from the Wake Robin Community, Shelburne, Vermont.

  Lawrence L. Coffin 223
- MIKE AUSTIN, Stories from Vermont's Marble Valley.
  Cynthia D. Bittinger 225
- Wayne Carhart and Charles Fish, On the Job: The Brattleboro Public Works Department. Robert McCullough 227

More About Vermont History

Compiled by Paul A. Carnahan

229

#### About the Cover Illustration Clay model, bust of Hiram A. Huse, 1903

Hiram A. Huse (1843–1902) was an influential resident of Montpelier during the second half of the nineteenth century. He was state librarian for thirty years, from 1873 until his death in 1902. Simultaneously he was an editorial writer for the *Green Mountain Freeman*, practiced law with prominent partners, represented Montpelier in the legislature for one term, and served as the Vermont Historical Society's librarian for two periods totaling ten years (1873–74 and 1881–90).

Such prominence in state government and Capital City affairs warranted a substantial memorial. Soon after his death, Huse's law partners Fred A. Howland and U.S. Senator William P. Dillingham, along with his friend Vermont Governor John G. McCullough, discussed how best to honor the prodigious Mr. Huse. They rejected an oil portrait in favor of a bronze bust and considered William Frederick Pope of Boston, J. Massey Rhind of New York, and others for the commission. By November 1903 the committee had settled on Charles Albert Lopez, a young sculptor born in Mexico and living in New York City, who had just won the commission to create a sculpture of William McKinley for the City of Philadelphia.

Family and friends of Mr. Huse endorsed the selection of Lopez after seeing the clay model. Howland wrote to Lopez in 1904, "The bust is so satisfactory in every way that it would be a dangerous thing to attempt any modification of it." In a separate letter to Gov. McCullough, Howland confided that "As a whole I think the work is admirable. Much more satisfactory than I had expected it could be." Howland was so pleased with the model that he asked Lopez to provide six more photographs of the bust from the side view, presumably similar to the one that appears on the cover of this issue of *Vermont History*.

The completed bronze bust was installed in Montpelier on September 16, 1904. The next day Governor McCullough wrote to Howland saying, "I am pleased to learn that the Huse bust is suitably placed in the library, and that the same is eminently satisfactory to all who have seen it." The larger-than-life-size bust was placed on a pedestal in the State Library with a plaque honoring Huse as "A profound lawyer and an ideal citizen."



Studio photograph, Hiram A. Huse, state librarian and attorney. No date.

The volunteers and staff of the Vermont Historical Society library recently finished processing an extensive collection of papers of four generations of the Huse family of Montpelier and families related by marriage, of which Hiram A. Huse is the most prominent member. The collection, which has been given the collection number Doc 556, is housed in thirteen archival boxes and seven oversized folders in the Vermont History Center in Barre, making it one of the library's largest.

Although there are a few documents in the collection from the early 1800s, the bulk of the collection is the letters that Hiram A. Huse wrote to his family from 1854 until his death in 1902. As Priscilla Page writes in her finding aid to the collection, "H. A. Huse began the habit of penning careful, literate letters to his family at an early age." These early letters began when Huse was apart from one or the other of his parents as a child. Later he wrote letters to his own children when they attended camp, private school, or college. Page writes, "Although he often used black ink on his law firm's letterhead stationery, the formal appearance of these letters belied his affectionate tone and their informal content."

There are only brief glimpses of Huse's professional activities in the collection, but those can be significant. The 1885 proposed addition to the State House for the State Library and Supreme Court, for example, generated both the architect's specifications and correspondence about the project that are now part of the family papers.

The Huse family collection casts a wide swath of family history. The collection contains records of four generations of the direct Huse line. In addition, Mr. Huse and his daughter-in-law, Ruth Brooks Huse,

collected papers of families related to the Huses by marriage. These include the Blodgett, Smith, and Woodbury families of Randolph; the Vail, Brooks, and Bancroft families of Montpelier; and the Angier and Swasey families of North Haverhill, New Hampshire.

The collection also sheds light on individuals who wrote to Mr. Huse. For example, Huse saved a series of witty, light-hearted letters from Hugh Henry McIntyre (b. 1844), a distant cousin from Randolph. These letters span the period when both young men were finishing their education and embarking on their careers.

For less obvious reasons, the collection includes the "Daniel Baldwin Railroad Papers," concerning an 1840s controversy over the location of the Central Vermont Railway's tracks between Burlington and White River Junction. In spite of the opposition of Baldwin and others, ex-Governor Charles Paine's plan to route the railroad through his hometown of Northfield prevailed. Huse had no direct role in this controversy because he was a youth living in Wisconsin at the time. He may have collected these from one of the participants in his role as a lawyer and as a librarian with a strong interest in history, business, and government.

The collection contains five separate groupings of Civil War letters. Hiram himself served in the 12th Vermont for a nine-month enlistment. He spent the winter of 1862 doing guard duty and fighting boredom, but got so ill that his father was compelled to come visit him in the spring of 1863. Other Civil War letters include letters to Melzar Woodbury of Randolph from Lyman Woodbury and Elliston Waterman; a letter to Clara E. Smith of Bethel about the death of her brother, Private Lucius B. Smith; letters to Nathaniel Swasey of Haverhill, New Hampshire, from members of the 11th and 12th New Hampshire Volunteers; and the correspondence of Thomas Rea of Malone, New York, a volunteer in the 98th New York Regiment.

Unexpectedly, the collection also documents the California Gold Rush. In 1849 and 1850, Joel M. Angier, who married into the Swasey family, which was Ruth Brooks Huse's mother's family, wrote a series of letters to the Swaseys describing his journey to the California gold fields via the Isthmus of Panama and his success on arrival. According to Page, "His letters are long, detailed and literate."

The Huse Family Papers, though focused on one family, are expansive in scope, documenting many people and activities that touched on individuals and historical events outside the immediate family. As such, the collection contains much fodder for historical exploration.

PAUL CARNAHAN, Librarian

Editor's Note: The bronze bust of Hiram Huse may be found at the Vermont Department of Libraries in the Pavilion Building behind the VHS museum at 109 State Street, Montpelier. The complete finding aid to Huse Family Papers may be found online at www.vermonthistory.org/documents/findaid/huse.doc.

#### Call for manuscripts for Vermont History Vermont Civil War Sesquicentennial

The years 2011 through 2015 will mark the 150th anniversary of the Civil War. To commemorate Vermont's role in this pivotal and cataclysmic episode in U.S. history, the Vermont Civil War Sesquicentennial Planning Committee, chaired by Vermont Historical Society Director Mark Hudson, has developed a framework of five themes, summarized below. The topics are meant to examine how Vermonters at the time—in politics, on the battlefield, and at home—affected and were affected by events, ideas, and issues related to the conflict. For more information about the framework and themes, contact Mark Hudson at 802/479-8515 or mark. hudson@state.vt.us.

We invite submission of work of original research and interpretation based on the framework themes, and of previously unpublished letters, diaries, and other original source materials from the Civil War era, for review toward publication in *Vermont History* throughout the five-year commemoration.

- 2010/11 **1860/61:** The Year When Democracy Was Tested. This theme invites examination of the Secession Winter of 1860–1861, the near collapse of the American political system following decades of conflict and failed compromise over the issue of slavery, debates about slavery nationally and in Vermont, and the processes for resolving disagreements in a democratic political system.
- 2012 1862: The Year of Higher Moral Purpose. This theme invites examination of the effects on military and civilian life and institutions as the North mobilized resources to achieve victory over the Confederacy, recalibrated the cost and extent of the war, and redefined its purposes, culminating with President Abraham Lincoln's Emancipation Proclamation.
- 2013 1863: The Year of the Citizen Soldier—War, Politics, and the Home Front. This theme invites examination of battlefield and home front experiences during the year when the military began to draft eligible men and when African Americans, including many from Vermont, were allowed to enlist for the first time.
- 2014 1864: The Year of Suffering and Perseverance. This theme invites examination of the effects on military and civilian life of the enormous casualties and fatalities among Vermont soldiers during the most challenging and decisive year of the conflict. It was also the year of the St. Albans raid and the presidential election that returned Lincoln to office.
- 2015 1865: The Year of Reckoning and Reckoning Deferred. This theme invites examination of the effects and unfinished business of the war: the end of slavery; the ongoing struggle to redefine the extent and application of civil rights and suffrage; Vermonters' participation in "reconstruction"; and how the war has been remembered and commemorated over the past 150 years.

Submissions should conform to guidelines for articles, available online at http://vermonthistory.org/index.php?option=com\_content&task=view&id=261&Itemid=153. For more information, contact the editor at mnsherms@sover.net or by mail at the VHS, 60 Washington St., Barre, VT 05641-4209.



### The Sedition Act of 1798 and the East-West Political Divide in Vermont

Vermonter Matthew Lyon was the target of the very first prosecution under the Sedition Act. This initial foray against dissenters is the more remarkable in that its target was a sitting congressman. It is less surprising that this congressman represented the inhabitants of western Vermont.

By ROBERT D. RACHLIN

he Sedition Act of 1798 was the first, although not the last, U.S. legislation criminalizing speech critical of the government. Born in the wake of widespread hysteria over the prospect of war with France, the law had a mercifully short life, expiring with the presidential term of John Adams in 1801. Aimed chiefly at Republican opponents of the Federalist government, the Sedition Act had a mixed reception in Vermont, bisected both politically and geographically by the Green Mountains.

#### BACKGROUND

Politics in the 1790s was a rough affair, one party demonizing and challenging the patriotism of the other, casting about for scandals. The implacable battles between the Federalists and the Republicans were conducted largely, but not exclusively, along regional lines. The mercantile

ROBERT D. RACHLIN of Burlington is co-founder, senior director, and general counsel of the Vermont-New Hampshire law firm Downs Rachlin Martin PLLC. He is Visiting Associate Professor at Vermont Law School and Adjunct Lecturer in the Department of German and Russian, University of Vermont.

Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 123-150.

© 2010 by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043

North was resolutely Federalist; the agrarian South leaned sharply toward Jeffersonian Republicanism. The five New England states (Maine was not admitted until 1820) were Federalist fortresses, buttressing Massachusetts-born President John Adams. In the Fifth Congress (1797–1799) every New England senator and representative was a Federalist, with a single exception: Matthew Lyon, one of two Vermont representatives, was the region's lone Republican in Congress.

The lopsided Federalist majority in the Senate extended south to the Mason-Dixon Line. The senators from every state to the north of that divide were Federalists. To the south, every senator, except Federalist Humphrey Marshall of Kentucky, was Republican, also called "Democratic-Republican." In the House, Republicans and Federalists were more broadly represented both in the north and the south. In New York, for example, four of ten representatives were Republicans. The robust mercantile and financial interests of the North aligned with the Federalists, while the agrarian South felt threatened by these interests, particularly as Treasury Secretary Alexander Hamilton pressed for the creation of a consolidated national financial structure seen by many as favoring the moneyed commercial interests of the North. Sectional animosities were further aroused over slavery.

In Vermont, the political and philosophical antagonisms between settlers east and west of the mountains preëxisted statehood. Bennington, the first chartered town, was west of the mountains. But newcomers had earlier drifted up in the east, chiefly from Connecticut. and were imbued with the Calvinism and political conservatism prevailing in their former colonies.<sup>2</sup> The independent state of Vermont, established in 1777, was initially and for a few months thereafter called "New Connecticut." In the Connecticut River valley "orthodox Congregationalism was firmly intrenched."4 While eastern Vermonters imported Federalism, Calvinist religion, and respect for authority in their train, a large number of those who settled west of the Greens were of a different cast. Ethan Allen, Ira Allen, and Matthew Lyon, who purchased and occupied lands granted by New Hampshire Governor Benning Wentworth in disregard of prior New York claims, were among these westerners. Unlike their brethren on the other side of the mountains, these western settlers were dyed in an anti-authoritarian, free-thinking hue. Religious dissenters from southern New England and participants in Shays's Rebellion in Massachusetts fled to the wild regions centered around Bennington. As one contemporary observer noted, "In the place Religion is much out of style."5 Ailene Austin has neatly, if with a broad brush, characterized the philosophical fault line of the Green Mountains as a boundary between the ideas of Jean-Jacques Rousseau and those of Edmund Burke.6

Vermonters' possession of the new lands was soon under attack. New York vigorously contested the "New Hampshire Grants," asserting title to all the land east to the Connecticut River under a 1664 royal grant of Charles II to the Duke of York. Persistent, often violent, attempts by New York officials to evict the occupants of the New Hampshire Grants from their lands and homes and the equally determined armed resistance of the New Hampshire grantees, especially in the west, created a sustained state of perilous and insecure affairs for the settlers. From this precarious environment Ethan Allen's Green Mountain Boys emerged. The Grant lands west of the Green Mountains became an incubator of republican radicalism. Quoting the American Mercury of December 31, 1792, William Alexander Robinson writes, "'Itinerant Jacobins' were said to be holding forth in the barrooms of Rhode Island and Vermont and endeavoring to stir up opposition."7 Although the settlers east of the Greens were as subject to the New York claims as those in the west, "the backbone of resistance to the 'Yorkers' arose [west of the mountains] while the eastern counties were relatively supine."8 Matthew Lyon's attitude toward Vermonters east of the Green Mountains can be inferred from his characteristic reference to the "aristocrats over the mountain."9

The rebelliousness of the westerners was exacerbated by an uneasy relationship with lawyers, most of whom identified with the authoritarian, Federalist politicians. The ease with which lawyers settled into the ruling cadres of Vermont was a bone of contention with the westerners, as voiced by Lyon. In his Farmer's Library<sup>10</sup> he expounded "Twelve Reasons Against a free People's employing Practitioners in the Law, as Legislators." The insecurity of land speculators, such as Lyon himself, was reflected in the assertion that "these professional gentlemen are inclined to stand up for the claims of landlords, landjockies, and overgrown landjobbers, in preference to the poorer sort of people." The powerful Federalist tandem of Isaac Tichenor-governor of Vermont in the late 1790s—and Nathaniel Chipman—U.S. senator during the same period and a former federal district judge—were both trained lawyers, as was Charles Marsh, the U.S. district attorney who later prosecuted Lyon under the Sedition Act. The distribution of political loyalties between eastern and western Vermont was, of course, not unvarying. Both Chipman and Tichenor resided west of the mountains.

The French Revolution, beginning in 1789, further polarized the population. Thomas Jefferson saw the upheaval across the ocean as a validation of the principles of the American Revolution and the Declaration of Independence. Among the Federalists, the French tumult was widely viewed as a dark precursor of anarchy, class leveling, and atheism. The Federalists and Republicans responded to the French upheaval with

mutual demonization. To Jefferson and his followers, the Federalists were partisans of England, upholders of class distinction, and cryptomonarchists. To Adams and the Federalists, the Republicans were unruly atheists and Jacobins bent on overturning the established order and substituting mob rule for the orderly governance furnished by natural aristocrats. The words "democrat" and "democracy" were terms of reproach in the mouths and pens of Federalists. As the French Revolution became increasingly bloody and the guillotine evolved into the chief instrument of France's domestic politics, the Federalists acquired useful ammunition against the Republicans. When the French, incited by American commercial ties with England affirmed in the Jay Treaty of 1794, began to attack American merchant ships and contemptuously snubbed American diplomatic missions to the new government, popular belligerence toward the former ally erupted, giving Federalists a warrant to tar the Jeffersonian Republicans as conspirators with the common enemy.

Political flame throwing stirred up by the events in France were reflected on a smaller scale within the confines of Vermont in its first years as the fourteenth state of the Union, having been admitted in 1791 after protracted haggling with Congress. From an early date, the geographic division between eastern and western Vermont became a fact of political salience.11 Quite naturally, the towns to the west of the Green Mountains, populated by inhabitants of an independent, free-thinking spirit tended Republican; religious and social traditionalists in the east gravitated naturally to the Federalists.<sup>12</sup> Especially after the end of President Washington's second term of office in 1797 and the election of John Adams, the Federalist east began to face off more acrimoniously with the Republican west. This political division persisted far into the future. The impulse toward unity in the teeth of political enmity induced the General Assembly to meet in alternate years east and west of the mountains, a practice that continued until Montpelier was established as the state capital in 1808. The so-called "mountain rule," by which recruitment of major state offices alternated between residents of the east and west, continued until the election of Patrick J. Leahy as U.S. senator in 1974.13

The conflict with France during the Adams years ignited the first dramatic debate about the extent and limits of federal executive power and a corresponding impact on civil liberties. With much of the population in a near panic over the prospect of war with France, the Federalist government, confronting the opposition of the Republican Party, responded with the Alien and Sedition Acts of 1798. <sup>14</sup> Passed by Congress in four separate enactments between June 18 and July 14, 1798, the



John Adams. Robust criticism of President Adams led to indictments of Matthew Lyon and journalist-publisher Anthony Haswell under the Sedition Act.

Alien Acts greatly expanded the power of the president to detain and deport such aliens "as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any unreasonable or secret machinations against the government thereof." The requirements for naturalization were significantly increased. Where formerly an alien had to reside within the United States for five years before naturalization, 15 the first of the four acts increased the residency period to fourteen years. The Sedition Act, enacted last, criminalized speech and writings, a direct challenge to the First Amendment.

John Adams, in an 1813 letter to Thomas Jefferson, asserted that he had never once invoked the "Alien Law." He could not make this exculpatory claim with respect to the companion Sedition Act, Which brought immediate and oppressive constraints to bear on citizens generally and on newspaper publishers and the opposition Republican Party in particular. The political advantage gained by equating opposition with treason was not lost on the party in power. Federalist Senator Theodore Sedgwick from Massachusetts wrote of the snub of American emissaries by France: "It will afford a glorious opportunity to destroy faction. Improve it." Identification of the Republican opposition with the French furnished a pretext for the Federalists to treat the opposition as the "internal foe." The Act decreed imprisonment from five months to two years and a fine of up to \$5,000, equivalent to over

\$63,000 in 2010 money, for any persons who "shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States" or "to impede the operation of any law of the United States." Whoever "shall write, print, utter<sup>20</sup> or publish, or shall cause or procure to be written, printed, uttered or published" any "false, scandalous and malicious writing against the government" with intent to bring the president or Congress "into contempt or disrepute" was subject to two years' imprisonment and a fine of up to two thousand dollars. Writing in 1902, Woodrow Wilson, who later presided over the Espionage Act of 1917,21 reflected that "the Sedition Act cut perilously near the root of freedom of speech and of the press. There was no telling where such exercises of power would stop. Their only limitations and safeguards lay in the temper and good sense of the President and the Attorney General."22 A generation later, historian Richard Hofstadter criticized the Sedition Act, commenting that "the language . . . was vague enough to make a man criminally liable for almost any criticism of the government."23

It is plain from the charges brought under the Sedition Act that the target of enforcement was the opposition Republican Party as much as actual or supposed French-inspired machinations. Any criticism of the government could be viewed as seditious within the broad reach of the act's language, dependent only "on the temper and good sense" of the enforcement authorities. Such "temper and good sense" was not always in abundant supply.

By its terms, the Sedition Act was to expire on March 3, 1801, the last day of President Adams's current term. This provision, introduced by Representative George Dent of Maryland, was approved by the House without debate.<sup>24</sup> Final House passage of the Sedition Act on July 10, 1798, following extended and passionate debate, was by a close vote, 44 to 41.<sup>25</sup> While it is unclear why the act was to end with President Adams's first term, it is possible that the limitation resulted from a compromise by the Federalists to ensure the slim majority needed to pass the bill, which was approved by the president four days later.<sup>26</sup> Matthew Lyon, Vermont's lone Republican congressman, who was later to become a prominent victim of that law, voted against it. The vote of Vermont's other representative, Federalist Lewis R. Morris, is not recorded, although his sentiments in favor of the act are not hard to divine.<sup>27</sup> Vermont's two senators, Federalists Nathaniel Chipman and Elijah Paine, voted for the bill.

As might have been anticipated, enactment of the Sedition Act provoked energetic and bitter debate among state legislatures, newspapers, and the population at large.<sup>28</sup> Two state legislatures, Kentucky and

Virginia, passed resolutions condemning it.<sup>29</sup> Vermont newspapers divided along partisan lines. The outspoken *Vermont Gazette* (Bennington), published by Anthony Haswell, was in a small minority of Republican newspapers in the state. Haswell eventually became one of two<sup>30</sup> Vermonters prosecuted under the Sedition Act. Public outrage, by no means unanimous, erupted around the country.<sup>31</sup> "Liberty poles" were erected in many states as a challenge to the Act and to the federal government, including one at Wallingford, Vermont,<sup>33</sup> Congressman Lyon's first town of residence in the former New Hampshire Grants.

The clash between civil liberties and a perceived national security imperative, whenever it occurs in the United States, typically excites rhetorical clustering around extreme positions. The Sedition Act and its reaction were no exception. "Fear of 'Jacobinism,' associated with the French Revolution, furnished the chief support for the Alien and Sedition Acts." In Vermont as well as elsewhere, accusations of Jacobinism were hurled against opponents of the acts. On rare occasions, the epithet was used against the Federalists themselves. The Sedition Act proved a useful tool in Federalist attempts to squelch the Republican, i.e., Jeffersonian, opposition.

The resolutions passed by Virginia and Kentucky opposing the Sedition Act prompted rebuttals from other states. The state legislatures of Maryland, Pennsylvania, Delaware, Connecticut, New York, and Vermont all passed resolutions opposing the Virginia and Kentucky initiatives, which had been chiefly authored by James Madison and Thomas Jefferson, respectively. Although at least one state (Connecticut) explicitly approved of the Alien and Sedition Acts,<sup>37</sup> most states condemning the Virginia and Kentucky Resolutions grounded their opposition in a rejection of the broader issue of the nullification of federal enactments on constitutional grounds by state legislatures.<sup>38</sup> Vermont submitted a detailed minority report in opposition to the Alien and Sedition Acts, attacking the acts themselves and defending in limited terms the nullification prerogative of the states.<sup>39</sup>

The nullification prerogative of the states was not the only framing issue aroused by the Alien and Sedition Acts and the state responses to them. Enforcement of the Sedition Act raised another underlying question: Was the common law of England, which recognized the crime of seditious libel, automatically incorporated into the law of the United States? This issue was at the center of the 1799 prosecution in Massachusetts of Abijah Adams, a bookkeeper for the anti-federalist *Boston Independent Chronicle*.<sup>40</sup>

Abijah Adams was prosecuted, not under the Sedition Act, but under Massachusetts law, incorporating the English common law of seditious

libel. In certain respects, the Sedition Act was more lenient than common law libel. Section 3 of the act provided that the truth of the publication would constitute a defense,<sup>41</sup> which comports with modern American libel law.<sup>42</sup> Under the now-superseded English common law, "it is immaterial... whether the matter of it be true or false, since the provocation, and not the falsity, is the thing to be punished criminally."<sup>43</sup> Similarly, punishment of the publisher of defamatory statements was not, at common law, seen as an untoward restriction of press freedom: "[T]he liberty of the press, properly understood, is by no means infringed or violated [by punishment for libel]. The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no *previous* restraints upon publications, and not in freedom from censure for criminal matter when published."<sup>44</sup>

The contrasting defensive value of truth in the Sedition Act and under common law libel afforded the act's defenders an argument that the Sedition Act, far from being an instrument of oppression, was, in fact, a palliation of the more rigorous common law. Of course, this did not settle the question whether the common law of England was or was not imported with the original settlers into the law of Massachusetts or of the United States. In the event, Abijah Adams was convicted, fined \$500 (about \$6,300 in 2010 currency) and sentenced to serve thirty days in the county jail.

#### RESPONSE OF THE VERMONT LEGISLATURE

In 1798–1799, Vermont, particularly the eastern half of the state, was firmly in Federalist hands, as were the northern states generally. Federalist Governor Isaac Tichenor served until 1807, politically surviving the "Jefferson Revolution" of 1800. Federalists dominated but did not monopolize the Vermont legislature in the years 1798 to 1801. This is evident from the responses of the majority and minority of the legislature to the Virginia and Kentucky Resolutions. The two contrasting responses and the support each received within the assembly reflected the sharp partisan division of opinion within Vermont, a division likely exacerbated by the prosecution, conviction, and imprisonment of Vermont Congressman Matthew Lyon the preceding fall. The Lyon case is discussed below.

The Vermont majority resolution, as it pertains to the Sedition Act, can be summarized as making four chief points: (1) State nullification is rejected; (2) The "compact" theory of the Union is rejected; (3) Freedom of speech and of the press is subject to limitations of sedition and defamation; and (4) Vermont has itself sanctioned such limitations in its own legislation.

The Kentucky and Virginia Resolutions and those of the states that replied in opposition raised an issue even more inflammatory than the incursions of the Alien and Sedition Acts on personal liberty: the question of nullification. Did the states as parties to the compact creating the Union have the power to invalidate laws enacted by the national Congress? This question turned on interpretation of the Tenth Amendment to the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The competency of the individual states to nullify congressional acts that they deemed unconstitutional became intertwined with the pervasive controversy over "states' rights" that culminated in the Civil War and persists to this day. The attempt by South Carolina in 1832 to declare a national tariff law unconstitutional and its refusal to enforce it within its boundaries led President Andrew Jackson to threaten the use of military force against the recalcitrant state. A compromise settled that dispute; but in 1850, the Vermont legislature excited a national uproar and general disapproval by its enactment of the Habeas Corpus Law, which, in defiance of the federal fugitive slave laws, imposed on state's attorneys the duty to protect fugitive slaves. Vermont, the first state to outlaw slavery in its constitution, had a history of antislavery legislation predating 1850. The Vermont law was justly seen as an attempt to nullify the Compromise of 1850, signed by President Millard Fillmore, which greatly strengthened existing fugitive slave laws.

Although Vermont, in practice if not in theory, would in 1850 enact legislation that could be seen as supporting nullification in response to a strong moral imperative, its reaction in 1799 to the Kentucky and Virginia Resolutions was more cautious. The majority's response to the Virginia Resolution was brief and to the point: "Resolved: That the General Assembly of the state of Vermont do highly disapprove of the resolutions of the General Assembly of the state of Virginia, as being unconstitutional in their nature, and dangerous in their tendency. It belongs not to State Legislature[s] to decide on the constitutionality of laws made by the general government; this power being exclusively vested in the Judiciary Courts of the Union." This resolution was approved by a vote of 104–52 on October 30, 1799.

The more detailed majority response to the Kentucky Resolution both rejected the principle of nullification and asserted the merits of the Alien and Sedition Acts. Quoting from the Kentucky Resolution ("That the states constituted the general government, and that each state as party to the compact, has an equal right to judge for itself as well of infractions of the constitution, as of the mode and nature of redress"), the

Vermont majority did not equivocate: "This cannot be true." The majority acknowledged that the "old confederation" was indeed formed by the state legislatures, "but the present constitution of the United States was derived from a higher authority. The people of the United States formed the federal constitution, and not the states, or their Legislatures." The state legislatures could therefore propose constitutional amendments, but had no power "to dictate or control the general government." The majority then advanced a slippery slope argument: If state legislatures could invalidate these particular acts, they could at their discretion approve or reject all acts of Congress. "Would this not defeat the grand design of our Union?" In short, the Vermont majority rejected the "compact" view of the Union.

The majority proceeded to a defense of the Sedition Act on its merits, beginning with a logically dubious argument: Vermont could not consider the Sedition Act unconstitutional because Vermont itself had enacted sedition laws of long standing, providing severer penalties than the federal Sedition Act. This may have constituted a practical impediment to a declaration by Vermont that the Sedition Act was unconstitutional, but it hardly equated to a theoretical justification of the law. Both the federal and Vermont acts were arguably unconstitutional, especially as the majority acknowledged that in its own bill of rights, freedom of speech and of the press had been declared "unalienable." In its approval of the Sedition Act, the majority gave voice to its view of freedom's limitations as reflected in the state's own sedition law: "[T]he railer against the civil magistrate, and the blasphemer of his maker are exposed to grievous punishment. And no one has been heard to complain that these laws infringe our state constitution. Our state laws also protect the citizen in his good name; and if the slanderer publish his libel, he is not in a criminal prosecution, indulged, as by the act of Congress, in giving the truth of the facts as exculpatory evidence."51

Vermont, like Massachusetts, adhered to the common-law standard of defamation,<sup>52</sup> which, as seen in the Abijah Adams prosecution, did not admit truth as a defense. The majority thus indulged another argument of questionable force: If the Sedition law is bad, our own is much worse; therefore, we have no quarrel with the former.

We can pass over the balance of the majority resolution, which dealt with the Alien Laws. However, the majority's parting shot warrants a comment, as it rested on a manifest, perhaps deliberate, misconstruction of a word having multiple meanings: "In your last resolution [i.e., the last section of the Kentucky Resolution], you say, 'That confidence is everywhere the parent of despotism, free government is founded in jealousy, and not in confidence.' This is a sentiment palpably erroneous,

and hostile to the social nature of man: the experience of ages evinced [sic] the reverse is true, and that jealousy is the meanest passion of narrow minds, and tends to despotism."

While "jealousy" had even then the modern meaning of "the state of mind arising from the suspicion, apprehension, or knowledge of rivalry" given by the Oxford English Dictionary, that work also furnishes the sense that was clearly intended by the Kentucky legislature: "Solicitude or anxiety for the preservation or well-being of something; vigilance in guarding a possession from loss or damage." <sup>53</sup> Jefferson, the patron and chief draftsman of the Kentucky Resolution, himself used the word in the sense plainly intended by the Kentuckians, when in his first inaugural address he referred to "a jealous care of the right of election by the people." <sup>54</sup>

Significantly, no mention is made in the majority resolution of the external environment that was the ground asserted for the Alien and Sedition Acts: the developing threat of war with France. The responses of other states to the Kentucky and Virginia Resolutions rested mainly on the nullification issue. The Vermont majority resolution was not content to reject nullification in direct terms, but went beyond other states in defending limitations on freedom of speech and the press. The majority resolution in response to the Kentucky Resolution passed by almost the same margin as the response to the Virginians: 101–50.

The minority produced and recorded its own response.<sup>55</sup> If, given the recent imprisonment of Lyon under the Sedition Act, citizens in the anti-Federalist bastions of western Vermont were expecting a robust condemnation of the act's curtailments of the press and free speech, they were disappointed. The minority explicitly refrained from any assessment of the constitutionality of the act, but recorded its concurrence with John Marshall that the act "was calculated to create unnecessarily, discontents and jealousies, at a time when our very existence as a nation may depend on our union" (italics in the minority report original). Thus, the minority memorialized its dissent from the act on its merits without providing more than a broad, nonspecific reason for its opinion. The minority then went on to devote substantial ink to its objections to the Alien Acts, which we pass over here.

The minority did not shrink from addressing the issue of nullification, even if it trod a fine line, first stating:

For as it appears clearly by the twelfth [tenth] article of the amendments to the constitution, as has been before observed, that the states individually compose one of the parties to the federal compact or constitution, it does of course follow, that each state must have an interest in that constitution being pure and inviolate.

It later carefully added a prudent disclaimer:

Let it not be supposed, that in advocating the power of each state to decide on the constitutionality of some laws of the union, we mean to extend that right to any laws which do not infringe on the powers reserved to the states by the twelfth [tenth] article of the amendments to the constitution. We cannot therefore, be charged with an intent to justify an opposition, in any manner or form whatever, to the operation of any act of the union. That we conceive to be rebellion, punishable by the courts of the United States.

Adhering to the "compact" view of the Union repudiated by the majority, the minority carried the logic to its rational conclusion: States have the power and privilege of passing on acts of the general government that infringe on the terms of the compact, one of which was the amendment reserving undelegated powers to the states. The minority did not address the slippery slope argument of the majority; it contented itself with an assurance that it saw only those acts of Congress that infringed upon the powers of the "compact" members as vulnerable to nullification by state legislatures. It offered no guidance on how such susceptible enactments were to be identified. Rhetorically, the majority occupied the stronger redoubt on this issue.

The minority did prove itself better lexicographers than the majority when it came to the word "jealousy": "Whether jealousy, in a political sense, be a virtue or a vice, depends, we conceive, on the object by which it is produced, and the extent to which it is carried. As a proof of this, we will . . . quote an admonition of our illustrious Washington, in his farewell address to his fellow-citizens. 'Against the insiduous wiles of foreign influence (says he) I conjure you to believe me fellow-citizens, the jealousy of a free people ought constantly to be awake."

The Alien Acts aside, the chief arguments of the minority were: (1) The Sedition Act is vexatious for reasons barely set forth; (2) The Union is founded on a compact of states; and (3) States have the power of nullification when the compact is violated, an eventuality indistinctly described.

The diffidence of the minority about the merits of the Sedition Act is surprising from one point of view, given the incarceration under it of one of Vermont's two congressmen. From another point of view, its restraint is understandable. It must have felt a concern not to seem indifferent to the agitated state of affairs between the United States and France. By avoiding this issue, the minority members preemptively parried any imputation of an unpatriotic spirit. Such caution was foreign to the disposition of Matthew Lyon.

#### ENFORCEMENT IN VERMONT

Historians disagree about the number of prosecutions that were instituted under the Sedition Act. Frank Maloy Anderson estimates that about twenty-four or twenty-five people were arrested nationwide under the Sedition Act, adding that "only 10, or possibly 11, cases came to trial" and that ten cases ended in convictions. 56 John Ferling gives the number of indictments as seventeen.<sup>57</sup> James Morton Smith reports fourteen.<sup>58</sup> What is indisputable is that Vermont accounted for a disproportionate number of the prosecutions. Although Vermont in 1800 had about 3 percent of the national population, it accounted for 18 percent to 30 percent of the Sedition Act prosecutions, depending on whose total one accepts. Three Vermonters were indicted under the Sedition Act, if one includes a "Doctor Shaw," who, according to a dispatch from Windsor, Vermont, was acquitted.<sup>59</sup> It is also indisputable that a Vermonter was the target of the very first prosecution under the act. This initial foray against dissenters is the more remarkable in that its target was a sitting congressman. It is less surprising that this congressman represented the inhabitants of western Vermont.

#### Prosecution of Matthew Lyon

Born in 1749 in an Ireland tormented by the oppressive, confiscatory policies of England, Matthew Lyon emigrated to the United States at an age between thirteen and fifteen as a "redemptionist," one who barters his service in return for ship passage and board. Upon arrival in the United States, he was indentured to a tradesman who paid the ship captain Lyon's passage. Later, he was traded to another master in return for a pair of stags, prompting Lyon throughout his life to make oath "by the bulls that redamed [redeemed] me."

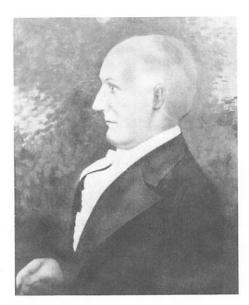
His early American domicile was in Litchfield County, Connecticut, birthplace of Ethan Allen. His precise movements are subject to conflicting reports. An old history of Woodbury, Connecticut, has him first indentured in that town and later sold to Hugh Hanna of Litchfield for a pair of stags worth about £12.61 The ambitious Lyon either bought his freedom or fled from his master. In 1773, he took advantage of the cheap land for sale in the New Hampshire Grants, purchasing property in Wallingford, Vermont.62 Moving there in 1774, Lyon quickly embroiled himself in the ongoing conflict with the "Yorkers" over rightful title to the land. Falling in with the Green Mountain Boys, he joined Ethan Allen (and Benedict Arnold) in the storming of Fort Ticonderoga on May 10, 1775. In 1777 or 1778 he moved to Arlington, Vermont, where he was employed as a laborer by Thomas Chittenden,63

the first governor of the self-proclaimed State of Vermont. After the death in April 1784 of Lyon's first wife, a cousin<sup>64</sup> of Ethan Allen, he soon married Chittenden's daughter, Beulah. The new family connection with the powerful Chittenden,<sup>65</sup> coupled with the common cause he made with the militant Allens, likely paved Lyon's path to the public offices he later held in the fledgling state of Vermont, including among others town representative of Arlington, deputy secretary of the governor and council, clerk of the assembly, and assistant to Treasurer Ira Allen.<sup>66</sup>

Lyon's military exploits included soldiering during the Revolutionary War. As a lieutenant in the Northern Army under the command of General Horatio Lloyd Gates, Lyon in 1776 was put in command of a detachment assigned to a remote, exposed position in Jericho, Vermont. Seeing themselves defenseless against an anticipated Indian attack in late spring 1777, Lyon's troops, with the tacit encouragement of other officers, mutinied and fled their post. Lyon repaired to Ticonderoga to report the action of his troops to General Arthur St. Clair. who was preparing the evacuation of the fort in the face of General Burgoyne's advance from the north. Lyon, along with his men, was accused of cowardice, tried by court-martial, and cashiered from the service, despite his protest that he had been powerless to prevent the flight of his troops.<sup>67</sup> Although Lyon was eventually restored to military duty and attained the rank of colonel, the Jericho events and his consequent disgrace dogged him throughout his later career. It was rumored that upon his ejection from the army he had been presented with a wooden sword. Taunts about the alleged wooden sword followed him.

Lyon moved from Arlington to Fair Haven, Vermont, in 1783, where he built several mills and a forge, and established himself as the "father" of the town. Ten years later, he turned to printing and produced a newspaper, *The Farmer's Library*, which became only the fourth newspaper functioning in the state at that time.

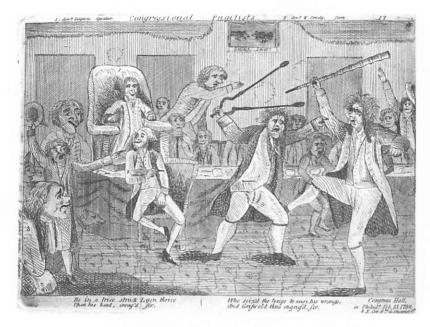
His experience of the "Whiteboy" rebellion<sup>68</sup> in Ireland (1761–1765) against the forcible dispossession of small farmers must have shaped his character, especially as his father was said to have been hanged by the British for his part in it. Lyon became the iconic western Vermonter, furnished with an eloquence and audacity that transformed him into an often reckless opponent of everything he perceived as tyranny. His character and temperament fit in well with the Allens, who had put their resolutely independent-minded stamp on Vermont west of the mountains. Not surprisingly, Lyon's political sympathies rested with the Jefferson Republicans, and he fiercely opposed the Federalists, placing him in continual conflict with the dominant Federalist governing class in Vermont.



Matthew Lyon, a sitting member of Congress from Vermont, was the first victim of the Sedition Act. From a portrait owned by Lyon's daughter; artist and date unknown.

Lyon went from one minority setting to another. After serving several terms in the Vermont legislature, he was elected to the Federalistdominated U.S. House of Representatives from western Vermont in 1797. He made few friends in Congress when, with his usual contempt for pomp and circumstance, he refused to participate in the customary reverential parade tendered to President Adams following his address to that body. On January 30, 1798, after repeated jibes about the "wooden sword" by Connecticut Federalist representative Roger Griswold, Lyon responded at last by spitting in Griswold's face. The Federalists seized on this opportunity to rid themselves of a vociferous opponent, by moving Lyon's expulsion from the House. Extensive debate consumed most of the following two weeks.<sup>69</sup> In the end, the motion gained a majority but fell short of the two-thirds required. Three weeks after the spitting incident. Griswold advanced on a preoccupied Lyon and proceeded to pummel him with a cane. Lyon finally gained his footing and engaged Griswold with the help of a pair of fire tongs snatched from the chamber fireplace. The Speaker of the House, Federalist Jonathan Dayton, looked on in amusement as Lyon and Griswold thrashed each other until some members finally dragged Griswold by the legs off Lyon. Naturally, this occasioned further prolonged debate. 70 A resolution to expel both members failed overwhelmingly.

Lyon sought reelection to the House in 1798. When the *Rutland Herald* refused to publish communications favoring his reelection,



"Congressional Pugilists," a contemporary cartoon of Matthew Lyon (holding the tongs) and Roger Griswold settling scores on the floor of the U.S. House of Representatives on February 15, 1798.

Lyon took up his own cause by founding a semimonthly magazine to publish his own views where other publishers refused. *The Scourge of Aristocracy and Repository of Important Political Truths* was furiously anti-Federalist.

Deprecated for railing against what he saw as the monarchical pomps with which Adams surrounded himself, widely despised for his outspoken republican sentiments, and disparaged by nativists for his humble Irish ancestry, Lyon presented an irresistible target of Federalist vengeance once a suitable weapon was at hand. On October 5, 1798,<sup>71</sup> Lyon was indicted under the Sedition Act, the first test of this law. The three-count indictment recited a letter he had written to *Spooner's Vermont Journal*<sup>72</sup> excoriating the "ridiculous pomp, foolish adulation, [and] self-ish avarice" which he clearly aimed at President Adams. A second count charged Lyon with procuring the publication of a letter supposedly from a "diplomatic character in France," referring to the "bullying speech of your President" and wondering why the House and Senate hadn't responded to it with "an order to send him to a mad house." The third

count simply accused Lyon of "assisting, counseling, aiding, and abetting the publication" of the letter cited in the second count.

Trial in the federal circuit court commenced on October 7, 1798, in Vergennes, with Supreme Court Justice William Paterson presiding, assisted by Samuel Hitchcock, who had succeeded Nathaniel Chipman as judge of the United States District Court for the District of Vermont—both staunch Federalists. With a Federalist district attorney and marshal, the outcome was predictable. In the politically charged environment, Lyon served as his own attorney. It must have been next to impossible to find a lawyer willing to defend him, as the lawyer himself could well make utterances in the course of Lyon's defense that would themselves be deemed seditious under the sweeping language of the act.

Lyon was not without defenses. He urged, first of all, that the Sedition Act was unconstitutional, a not unreasonable position in light of the breadth of utterance that the act declared criminal. Lyon also argued that the letter from the "diplomatic character" was written before the effective date of the Sedition Act and that he had opposed its publication. Finally, Lyon relied on the clause of the Sedition Act making the truth of the pertinent statements a defense.

At the time of jury arguments, Chief Justice Israel Smith<sup>74</sup> of the Vermont Supreme Court, a former congressman and political rival of Lyon, 75 appeared in court as defense counsel for Lyon, but did not participate in the arguments, claiming that he was unprepared. Why he appeared is unclear, unless it was simply to show support for the accused. Smith's appearance on October 9, 1798, was two days before the legislature convened, also in Vergennes. In that session, which became known as the "Vergennes Slaughterhouse," 76 Smith was described as "a man of uncorrupted integrity and virtue," but one who had undergone a party conversion. The dominant Federalists refused to reelect Smith to the supreme court "on account of his attachment to the republican party." Many other civil officers suffered the same fate and were replaced by "those who were of the most decided federal principles, and with the avowed design of encouraging the supporters of Mr. Adams, and of checking the progress of democracy."77 In light of the gathering anti-Republican storm, Smith's reluctance to take up the cudgel for Lyon is understandable, if not especially admirable. Following the "Jeffersonian Revolution" of 1800, Smith's journey to Damascus paid off: He served as a Republican in the U.S. House of Representatives and Senate.78

Justice Paterson took full advantage of his jury instructions to all but command the jury to return a guilty verdict, which it dutifully did after one hour's deliberation.<sup>79</sup> Lyon was sentenced to four months imprisonment, fined one thousand dollars (about \$12,600 in 2010 purchasing

power), and assessed the costs of the prosecution. He was promptly hustled off to the primitive jail in Vergennes, where he was treated with gratuitous severity by the Federalist jailer Jabez Fitch. While in jail, he campaigned successfully for reelection to Congress, the only instance in U.S. history of a successful congressional candidacy conducted from behind bars. With the help of friends his fine was paid, and he promptly returned on a journey to Congress, accompanied along his route by widespread popular adulation.

After completing his term in the House, Lyon moved to Kentucky, where he was also elected to Congress. Although Lyon lived his life in many places—Ireland, Connecticut, Vermont, Kentucky—it was as a Vermonter that he lived most of it and had his greatest impact. His exploits surely contributed to the blunt, fiercely independent, no-nonsense image of the "typical" Vermonter in the popular mind. But it is important to keep in mind that Lyon was a product, not just of Vermont, but of western Vermont, where such qualities shone to a greater extent than among the more tradition-bound easterners. The political divide in Vermont, symbolized by the geographic divide of the Green Mountains, was evident in the presidential election of 1800. Every Vermont county west of the Greens voted for Jefferson; every county east of the Greens voted for Adams. The electoral vote nationally was a tie, obliging Congress to decide the election. Lyon's vote is claimed to have finally broken the deadlock on the thirty-sixth ballot for president in 1800, resulting in the election of Thomas Jefferson.80

#### Prosecution of Anthony Haswell

English-born Anthony Haswell (1756-1816) was a multitalented printer and publisher and a redoubtable anti-Federalist. Settling in Bennington, he established the Vermont Gazette in 1783 with a partner and the following year built the first paper mill in Vermont. Haswell was an indefatigable pamphleteer and composer of verse, some of which he set to music. Apparently an ardent Freemason, he composed a Masonic hymn.81 From his pen flowed orations for various occasions, such as the death of George Washington,82 the anniversary of the Battle of Bennington,83 and the interment of a military officer.84 His interests extended to printing manuals for the young, including the quaintly titled Haswell's Easy and instructive lessons, for the use of American scholars, iust entering the paths of science compiled from the writings of various authors, and interspersed with original essays, on a great variety of subiects.85 When publisher after publisher refused to print Ethan Allen's deistic Reason: The Only Oracle of Man, Haswell accepted the commission, which could hardly have enhanced his reputation in the eyes of

# ANTHONY HASWELL 1756 — 1816 EDITOR AND PUBLISHER THE VERMONT GAZETTE. BENNINGTON UNCOMPROMISING IN DEFENSE OF FREEDOM OF THE PRESS. IMPRISONED IN 1800 FOR OPPOSITION TO ALIEN AND SEDITION LAWS AS THREATS TO THE NEWBORN DEMOCRACY ERECTED IN 1942 ON SITE OF FIRST PRINTING PRESS OF VERMONT GAZETTE BY SIGMA DELTA CHI NATIONAL PROFESSIONAL JOURNALISTIC FRATERNITY

Anthony Haswell's gravestone in the First Congregational Church cemetery, Old Bennington. Photo by the author.

the Federalists of eastern Vermont or the ruling Federalist power centers. When the majority of the copies, unsold and languishing in Haswell's attic, were destroyed in a fire, the catastrophe was "regarded by the pious as a belated manifestation of Divine displeasure."

Haswell relentlessly hounded President Adams in the pages of the *Vermont Gazette*, portraying him as a monarchist at heart and a squanderer of the nation's treasure. The issue of September 8, 1798, contained an extract from a piece in a New York paper arguing, on the basis of Adams's writings in praise of the British constitution, that the president was in favor of nobility. In the issue of September 1, 1800, four months after he was jailed, Haswell published an article mentioning the president's \$25,000 annual salary, noting that "last year he spent nine months snug in Braintree" and that it was "probable that Mr. Adams will spend the remainder of the fall at the same place. The 25,000 dollars is paid by the sweat of many an industrious brow."

When Matthew Lyon was indicted for his political utterances, Haswell sprang to his defense, although his personal relationship with the abrasive Lyon seems to have been tense. Despairing of raising the \$1,000 fine, without payment of which he would continue to languish in jail, Lyon devised a plan to raise the money by lottery. As prizes, he put up much of his property. Haswell promoted the lottery in the pages of his *Vermont Gazette*. In the issue of January 31, 1799, Haswell printed a message "To the Enemies of Political Persecution in the Western District of Vermont," which was to provide the pretext of his later prosecution for sedition. Whatever Federalist irritation was occasioned by this

article was surely aggravated by the tumultuous reception that Lyon received from the citizenry, prompting some earnest doggerel from Haswell's pen:

Come take the glass and drink his health, Who is a friend of Lyon, First martyr under federal law The junto dared to try on.<sup>88</sup>

Haswell was more careful than Lyon in his fulminations against the Adams administration, but it was widely believed that Haswell too would eventually fall into the trap forged by the Sedition Act.<sup>89</sup> In the October 12, 1798, issue of his newspaper, Haswell reported the arrest of Lyon and added that "we hear that bills [of indictment] were likewise found... against the printer of this paper."

His premonition was correct. Publication of his anxiety was overtaken by the reality. Haswell was arrested on October 8, 1799, with his trial scheduled for the United States Circuit Court sitting in Windsor. Haswell's lone biographer, John Spargo, comments that "by that fact the cards were stacked against him. His conviction was almost assured." Spargo adds: "It was practically certain that a jury drawn from that [i.e., eastern] side of the mountains, the Federalist stronghold, would be largely composed of the supporters of that party, and party feeling ran too high to permit fairmindedness." As in Lyon's case, Justice William Paterson presided. But this time, Israel Smith, having been scorned by the ruling Vermont Federalists in the "Vergennes Slaughterhouse," appeared from the outset as defense counsel. 22

The indictment was founded on an article that appeared in Haswell's *Vermont Gazette* on January 17, 1799, as Lyon—recently reelected to Congress despite his incarceration—continued as a prisoner in the Vergennes jail "holden by the oppressive hand of usurped power... deprived almost of the light of heaven [misquoted in the indictment as "right of reason"], and suffering all the indignities which can be heaped upon him by a hard-hearted savage." Noting that Lyon could not emerge from prison, even after completion of his term, without \$1,100 in fine and costs, which Haswell termed a "ransom," the article went on to describe the lottery to raise the needed funds. Haswell concluded: "May we not hope that this amount may answer the desired purpose, and that our representative shall not languish a day in prison for want of money after the measure of Federal vengeance [misquoted in the indictment as "injustice"] is filled up?"

The indictment concluded with an extract from an article that appeared in the August 15, 1799, Gazette. In this case, too, the language

of the indictment, as reported by Wharton, varied in certain details from the article itself, but the substance was the same. The actual language of the article extract charged in the indictment was as follows: "At the same time, our administration publicly notified, that Tories, men who had fought against our independence, who had shared in the desolation of our towns, the abuse of our wives, sisters and daughters, were men worthy of the confidence of the government."

On April 28, 1800, Haswell appeared with his two lawyers, Israel Smith and a "Mr. Fay," who promptly moved for a continuance to permit them to secure the attendance of witnesses who would support the truth of Haswell's statements. Justice Paterson denied the motion as to one of the witnesses, ruling that his anticipated testimony as described by counsel would not be admissible in any event, but granted several days' adjournment to bring the others into court. Wharton's report of the trial proceedings is either greatly abbreviated or the evidence produced by the defense was thin at best. In fact, the latter may well be the case, because the presentation of evidence, the charge to the jury, the jury's deliberation, and delivery of the verdict all appear to have taken place on a single day, May 5, 1800.

As in Matthew Lyon's case, Justice Paterson's charge to the jury left little option but for the jury to find Haswell guilty. Judicial incitement to that end was probably unnecessary. The empanelled jurors were from east of the mountains, and could be expected to have little sympathy for a "radical" from the other side of the hilly divide. Justice Paterson had to acknowledge that the Sedition Act, unlike common-law defamation, made truth a defense. Haswell had, in fact, called witnesses who testified to the hardships Lyon was enduring in the jail presided over by the arch-Federalist marshal, Jabez Fitch. No evidence appears to have been offered to prove the truth of Haswell's assertion about the alleged favors and benefits conferred on Tories.

But Justice Paterson, consistent with other sedition cases, instructed the jury that truth would exonerate Haswell only if the defendant met each and every contention of the indictment. He pointed out that "as to the charge against the administration of selecting Tories 'who shared in the desolation of our homes,' &c., no attempt at justification had been made." Justice Paterson laid one other possible doubt to rest: "Nor was it necessary that the defendant should have written the defamatory matter. If it was issued in his paper, it is enough." "95"

Despite an eloquent plea to the jury in his own defense, Haswell was found guilty "after a short deliberation," and he was fined \$200 and sentenced to two months' imprisonment, which he served in the Bennington jail. His release upon completion of his term was greeted with

much the same public celebration as attended Lyon's over a year earlier. "An immense concourse of people from the neighbouring country assembled to welcome him back to liberty... He marched forth from his quarters at the jail to the tune of 'Yankee Doodle,' played by a band, while the discharge of cannon signified the general satisfaction at his release."

#### Conclusion

In times of actual or perceived threat to the nation, civil liberties may be curtailed in the overriding pursuit of security. Freedom of speech and of the press, in particular, hang in the balance in such times. The suspension of habeas corpus by President Lincoln, enactment of the Espionage and Sedition Acts during World War I, and the forced relocation of ethnic Japanese during World War II were significant curtailments of civil liberties imposed during actual wars.

The calibration of civil liberties with the imperatives of national survival has an ancient pedigree. The principle that public safety must be the highest law<sup>100</sup> has been widely accepted as justification for trimming civil liberties in the context of a serious threat to national survival. 101 More controversial is the reduction of civil liberties in the face of circumstances other than actual or imminent war. The Cold War, the consequent rise of "McCarthyism," and the recent legislative and executive reactions to the perceived threat of terrorist attacks are examples within living memory. The USA PATRIOT Act, 102 widely viewed as a curtailment of civil liberties, has been subject to vigorous debate. The Sedition Act of 1798 did not emerge during an actual war and arguably has more in common with the McCarthy phenomenon and the USA PA-TRIOT Act than with the wartime measures taken by Lincoln, Wilson, and Franklin Roosevelt. It is only fair to note that in 1798 warlike acts had been committed by France against the infant United States: Scores of peaceful American merchant ships had been assaulted and captured by the French. When President Adams, in defiance of his saber-rattling Federalist cohorts, concluded a peace with France, the pretext for the Sedition Act vanished.

But Federalists did not readily loosen their hold on this law, which had been so useful a tool against their Republican opponents, including two western Vermonters. The act expired by its terms in 1801, but an attempt was made by Federalists in Congress to renew it. Matthew Lyon, the act's first victim, spoke eloquently against it, and Congress finally laid that dismal law to rest. <sup>103</sup> Congress later remitted the fines levied against Lyon <sup>104</sup> and Haswell, <sup>105</sup> in belated recognition of the injustice that had been visited upon them amidst the war frenzy of the late 1790s.

Although the 1917 and 1918 enactments recruited much of the description of criminalized speech from the Sedition Act of 1798, prosecutions were directed against acts that amounted to more than mere obloquy against the government. Schenck v. United States<sup>106</sup> upheld the conviction of a man who had urged men to resist the draft. In Abrams v. United States, <sup>107</sup> defendants had circulated pamphlets urging cessation of industrial production needed for the war effort. The socialist leader Eugene V. Debs was convicted under the Espionage Act of urging draft resistance. The conviction was upheld in Debs v. United States. <sup>108</sup> Whatever quarrel one may have with these cases (Abrams was, in fact, later reversed by the Supreme Court), <sup>109</sup> there is no basis for charging that the Espionage Act was used as a cudgel against opponents merely political, as had woefully been the case under the Sedition Act. The lessons of 1798–1800 had been absorbed.

Public attitudes and the Sedition Act prosecutions in Vermont dramatized the political divide between the eastern and western halves of the state. Western Vermont was home to the strongest anti-Federalist journals: Haswell's Vermont Gazette and Lyon's Farmer's Library and Scourge of Aristocracy. The newspapers of the east, dominated by Alden Spooner's Vermont Journal, tended for the most part to hew to the Federalist line.

After the controversy over the Alien and Sedition Acts subsided, western Vermont continued to carry the banner for the more radical brands of reform, most notably during the middle 1800s, when pressure for the abolition of slavery dominated the political and religious conversation. Some of the most vigorous supporters of William Lloyd Garrison in his push for immediate emancipation, renunciation of government or political solutions, rejection of gradualist "colonization" schemes, and reliance on moral suasion were western Vermonters, such as Orson Murray and Rowland T. Robinson. 100

While later enhancements in transportation, communication, and mass media, along with the changing demographics occasioned by immigration to the state, have obliterated the sharp ideological distinctions between eastern and western Vermont, the early history of the state cannot be appreciated without recognizing that early Vermont was, in many respects, a house divided. That the state held together partly by adoption of the "mountain rule" in the selection of other political leaders and, even until today, has alternated between Democrats and Republicans in every change of gubernatorial administration since that of F. Ray Keyser, ending in 1963, may be an unconscious memorial to the sharp divisions that set one half of the state against the other.

#### Notes

<sup>1</sup>Timothy Dwight, Travels in New-England and New-York, 4 vols. (London: William Baynes and Son, 1823), 453.

<sup>2</sup>David M. Ludlum, Social Ferment in Vermont, 1791-1850 (1939; reprint, New York: AMS Press, 1966), 5-6.

<sup>3</sup>The minutes of a convention in Westminster on January 15, 1777, make reference to the New Hampshire Grants, "an independent jurisdiction forever hereafter to be called, known, and distinguished by the name of New-Connecticut, alias Vermont." William Slade, Vermont State Papers (Middlebury: J. W. Copeland, 1823), 69-70.

Ludlum, Social Ferment, 13.

<sup>5</sup> Anna H. Weeks to Holland Weeks, 20 October 1796, quoted in Aleine Austin, Matthew Lyon: "New Man" of the Democratic Revolution, 1749-1822 (University Park: Pennsylvania State University Press, 1981), 48.

6 Ibid., 79-80.

<sup>7</sup>William A. Robinson, Jeffersonian Democracy in New England (New Haven: Yale University Press, 1916), 9. "Jacobins" were radicals in revolutionary France, deriving the sobriquet from the Parisian convent where they first met.

8 Ludlum, Social Ferment, 14.

<sup>9</sup>Letter from Lyon to Stevens T. Mason (14 October 1798) written from the jail in Vergennes, Vermont, quoted in Austin, Matthew Lyon, 109.

10 19 August 1794, 1, 4.

"It is significant that the record of the convention referred to in note 7 recites that it was attended by "the representatives on the west and east side of the range of Green Mountains," The delegates are listed as either from the west or the east. Slade, Vermont State Papers, 66.

12 William Doyle, The Vermont Political Tradition: And Those Who Helped Make It, revised ed. (Montpelier, Vt.: W. Dovle, 2003), 65.

<sup>13</sup>On the "mountain rule" generally, see Lyman Jay Gould and Samuel B. Hand, "A View from the Mountain: Perspectives of Vermont's Political Geography," in In a State of Nature: Readings in Vermont History, ed. H. N. Muller III and Samuel B. Hand (Montpelier: Vermont Historical Society, 1985), 186-190.

141 Stat. at Large, 566-572, 577-578, 596-597.

151 Stat. at Large, 414.

<sup>16</sup> John Adams to Thomas Jefferson, 14 June 1813, The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams (Chapel Hill: University of North Carolina Press, 1988), 329-330. Adams was responding to a letter from Jefferson to one "Dr. Priestly" (clearly meaning the renowned theologian/scientist Joseph Priestly, a known correspondent of Jefferson) in which Jefferson "disclaim[ed] the legitimacy of that Libel on legislation, which, under the form of a Law, was for Sometime placed among them" (quoted in Adams's letter to Jefferson). Adams, defending the legislation to Jefferson, declared that "we were then at War with France; French spies swarmed in our Cities and in the Country." Noting that Jefferson as vice president had also signed the law and that "I know not why you are not as responsible for it as I ," Adams added, "This Law was never executed by me in any Instance." <sup>17</sup>1 Stat. at Large, 596–597.

18 Letter from Theodore Sedgwick to unknown recipient, Philadelphia, 7 March 1798, quoted in James M. Smith, Freedom's Fetters: the Alien and Sedition Laws and American Civil Liberties. Cornell Studies in Civil Liberty (Ithaca: Cornell University Press, 1956), 21n. "Improve" in this context means "To turn (a thing) to profit or good account, to employ to advantage; to make profitable use of, take advantage of, avail oneself of, utilize; to make use of, use, employ." Oxford English Dictionary, s.v. "improve," entry 2, definition 2.

19 Smith, Freedom's Fetters, 20–21.

20 It is unclear from the language of the Act whether "utter" was used in a sense restricted to writings, which is fairly inferable from the context, or in the broader sense embracing spoken remarks. It appears that most, if not all, of the prosecutions under the Sedition Act were based, at least mainly, on writings.

<sup>21</sup>40 Stat. 219, amended by Act of 16 May 1918, ch. 75, 40 Stat. 553-54 (the Sedition Act), reenacted by Act of 3 Mar 1921, ch. 136, 41 Stat. 1359.

<sup>22</sup>Woodrow Wilson, A History of the American People in Five Volumes (New York: Cosimo Classics, 2008 [1901-1902]) 3:153-154.

<sup>23</sup>Richard Hofstadter, The Idea of a Party System (Berkeley: University of California Press, 1975), 107.

<sup>24</sup>United States, Annals, formerly Debates and proceedings of the Congress of the United States with an appendix, containing important state papers and public documents and the laws of a public

nature; with a copious index. (1789): 2137. The bill was originally introduced in the Senate on June 26, 1798, by Federalist Senator James Lloyd of Maryland (ibid., 589) and passed by the Senate on July 4 (ibid., 599).

<sup>25</sup> Ibid., 2171. The debate commences at 2139.

<sup>26</sup>Larry Gragg speculates that the date of expiration was selected "to underscore [the Act's] political purpose." Larry Gragg, "Order Vs. Liberty," *American History* 33 (1998): 24–29.

<sup>27</sup> A letter from Brattleboro (then Brattleborough), Vermont, to the Albany Centinel, 3 August 1798, 2, praised Morris for supporting the federal government against "foreign tyranny and domestic faction." The writer added: "When our country reflect on the integrity and federalism of a Mor-

ris, may they pardon the folly, the indecorum and phrenzy of a Lyon."

<sup>28</sup> Frank M. Anderson, "Contemporary Opinion of the Virginia and Kentucky Resolutions I," American Historical Review 5 (1899): 45-63, and "Contemporary Opinion of the Virginia and Kentucky Resolutions II," American Historical Review 5 (1899): 225-252. Douglas Bradburn, "A Clamor in the Public Mind: Opposition to the Alien and Sedition Acts," William and Mary Quarterly 65 (2008): 565-600; Thomas F. Carroll, "Freedom of Speech and the Press in the Federalist Period: The Sedition Act," Michigan Law Review 18 (1919-1920): 615-651, Adrienne Koch and Harry Ammon, "The Virginia and Kentucky Resolutions: An Episode in Jefferson's and Madison's Defense of Civil Liberties," William and Mary Quarterly 5 (1948): 145-176; John Chester Miller, Crisis in Freedom: The Alien and Sedition Acts (Boston: Little, Brown, 1951), Smith, Freedom's Fetters.

<sup>29</sup> Anderson, "Contemporary Opinion" I and II; Koch and Ammon, "Virginia and Kentucky Resolutions."

30 Possibly three: see note 59.

31 Bradburn, "A Clamor."

<sup>32</sup>"[A] tall flagstaff surmounted by a liberty cap, the flag of a republic, or other object regarded as a symbol of liberty." Philip B. Gove, Webster's Third New International Dictionary of the English Language Unabridged (Springfield, Mass.: G. & C. Merriam, 1976), 1303 s.v. "liberty pole."

<sup>33</sup>A characteristic newspaper philippic against the erectors of liberty poles is contained in the Federal Galaxy, Brattleboro, 25 August 1798, 2: "Almost every town exhibits a liberty pole, as they falsely term it, which these sons of Belial have erected to their idol faction." For a reference to the Wallingford liberty pole, see Hugh Gaine, The Journals of Hugh Gaine, Printer (New York: Arno, 1970), 188.

<sup>34</sup>Miller, Crisis, 143.

<sup>35</sup> Federal Galaxy (Brattleboro), 25 August 1798, 3, referring to "our sapient Jacobin French apologists"; Spooner's Vermont Journal (Windsor), 28 August 1798, 1: "Blush, Jacobins – for these are your friends and fraternizers – Hide yourselves, ye Sans Culottes; call upon the rocks and the mountains to cover you"; Rutland Herald, 29 October 1798, 2: "A Jacobin placed an headless effigy before Mr. [Elbridge] Gerry's house the other day – in hopes he would suppose it the doings of a federalist and be irritated against his government." These are just a few of over 150 references to Jacobins and Jacobinism in Vermont newspapers during John Adams's administration.

36 Vermont Gazette (Bennington), 11 August 1798, 2: "it is the intention of the federalists to in-

troduce into this country, the system of Jacobinism."

<sup>37</sup> Anderson, "Contemporary Opinion II," 247-248.

38 Ibid., 245-249.

<sup>39</sup> Ibid, 245–252. The Vermont minority protest is reproduced at 249–252.

<sup>40</sup> For an account of the indictment and trial, see Smith, *Freedom's Fetters*, 247–257. The editor of the newspaper, Thomas Adams, was not brought to trial on account of illness. The prosecution settled for the paper's bookkeeper.

41 1 Stat. at Large, 597.

<sup>42</sup> "The truth of the offensive statement or communication is an absolute or complete defense to a claim of defamation, whether the claim is one sounding in libel or slander, regardless of bad faith or malicious purpose or the malice or ill will of the publisher." 50 American Jurisprudence 2d, "Libel and Slander," §249. Footnotes omitted.

<sup>43</sup>William Blackstone, Commentaries on the Laws of England, 4 vols., (Chicago: University of Chicago Press, 1979 [1765–1769]), 4:150. Footnotes omitted.

"Ibid., 4:151.

45 "No. 16 - An Act Relating to the Writ of Habeas Corpus to Persons Claimed as Fugitive Slaves, and the Right to Trial by Jury," in Acts and Resolves Passed by the Legislature of the State of Vermont at the October Session, 1850 (Montpelier, Vt.: E. P. Walton and Sons, 1850), 9-10, cited in Horace K. Houston, Jr. "Another Nullification Crisis: Vermont's 1850 Habeas Corpus Law," New England Quarterly 77 (2004): 262.

<sup>46</sup>Article I, Chapter 1 (1777).

<sup>&</sup>lt;sup>47</sup> Houston, "Nullification Crisis," 265-266 and footnotes therein.

<sup>48</sup>On the issues raised by this Vermont initiative, see, generally, Houston, "Nullification Crisis." In 1858, the Vermont General Assembly enacted (No. 37) "An Act to Secure Freedom to all Persons within this State." In addition to penalties of fine and imprisonment for holding a person in slavery within the state, the Act provided (sec. 5), "Neither descent, near or remote, from an African, whether such African is or may have been a slave or not, nor color of skin or complexion, shall disqualify any person from being, or prevent any person from becoming, a citizen of this State, nor deprive such person of the right and privileges thereof."

State Papers of Vermont, Journal and Proceedings of the General Assembly of the State of Vermont 1797-1799, ed. Marlene B. Wallace, vol. III (Montpelier, Vt.: Secretary of State, 1978), 607.

Italics in original.

<sup>50</sup> Ibid. The complete text of the majority resolution on the Kentucky Resolution is in Journal of General Assembly, 607-610.

51 Vermont criminalized blasphemy and defamation until the laws (Vermont Statutes 1947, Title 13, §§801-802) were repealed in 1979.

<sup>52</sup> A law passed by the General Assembly of Vermont on February 11, 1779, established "the common law as it is generally practiced and understood in the New-England states." Slade, Vermont State Papers, 288.

53 Oxford English Dictionary, s.v. "jealousy."

4 Jefferson also used the word in its invidious sense, referring to "further discontents and jealousies among us." A Summary View of the Rights of British America.

55 The complete text of the minority resolution on the Kentucky and Virginia Resolutions is in. Journal of General Assembly, 675-680 (November 5, 1799).

Frank M. Anderson, "The Enforcement of the Alien and Sedition Laws," in Annual Report of the American Historical Association for the Year 1912 (Washington: American Historical Association, 1914), 120.

57 John E. Ferling, Adams vs. Jefferson: The Tumultuous Election of 1800 (New York: Oxford University Press, 2004).

58 Smith, Freedom's Fetters, 185.

59 New London Connecticut Gazette, 21 May, 1800, 3.

60 Background information about Lyon is drawn chiefly from Austin, Matthew Lyon; J. Fairfax McLaughlin, Matthew Lyon, the Hampden of Congress a Biography (New York: Wynkoop Hallenbeck Crawford Company, 1900) Pliny H. White, The Life and Services of Matthew Lyon. An Address Pronounced October 29, 1858, before the Vermont Historical Society, in the Presence of the General Assembly of Vermont (Burlington: Times job office print, 1858). The Austin biography is the single modern book-length treatment and is equipped with a satisfying scholarly apparatus. McLaughlin was Lyon's great-grandson. Although his treatment of Lyon was understandably somewhat tendentious, McLaughlin drew on cited archival sources as well as family communications. Reverend White, also a lawyer and journalist, presented an engaging account of Lyon, although not without some errors. White gives July 4, 1798, as the date of the Sedition Act. The correct date is July 14. White has Lyon born "about 1746"; Lyon was born July 14, 1749. Biographical Directory of the United States Congress, 1774-Present (United States Congress, 1998); available from http://purl. access.gpo.gov/GPO/LPS21383 (accessed July 31, 2009).

61 William Cothren, History of Ancient Woodbury, Connecticut: From the First Indian Deed in

1659 (Waterbury, Conn.: Bronson Brothers, 1854), 320.

Austin, Matthew Lyon, 158, n. 126 cites Ye Horsforde Book, 43, but does not provide any full bibliographic information that I was able to find. She is likely referring to H. H. Hosford, Ye Horseforde Booke: The Horsford-Hosford Family in the United States of America (Cleveland: Tower Press, 1936). I have not examined this source.

63 McLaughlin, Lyon, 175.

Some authors have described Lyon's first wife, Mary Horsford, as Ethan Allen's niece. Austin describes the actual relationship: Mary's mother was married to the brother of Ethan Allen's father. Austin, Matthew Lyon, 11.

65 The 1777 Vermont Constitution "provided mechanisms by which the Allen-Chittenden faction intended to control the wheels of state." Muller and Hand, In a State of Nature, 39.

6 Austin, Matthew Lyon, 22.

<sup>67</sup>The most complete account of these events was given by Lyon himself in an extended statement given to a congressional committee in his own defense, on the occasion of the fracas with Congressman Roger Griswold. United States, Annals, 5th Congress, 1025-1029. Given the self-serving purpose of Lyon's declaration, the accuracy of his narrative may be open to question in some particulars.

68 For a contemporary account of that rebellion, see James Gordon, The History of the Irish Rebellion (Philadelphia: John Clarke & Co., 1813), 96-102.

"United States, Annals, 5th Congress, 955-1029.

70 Ibid., 1034-1058.

<sup>71</sup> Reported as October 3, 1798 in White, *Matthew Lyon*. The October 5, 1798, date is based on Francis Wharton, *State Trials of the United States During the Administrations of Washington and Adams* (Philadelphia: Carey and Hart, 1849), 333.

<sup>22</sup>31 July 1798, 1–2.

73 Wharton, State Trials, 333.

<sup>74</sup>H. P. Smith, *History of Addison County, Vermont* (Syracuse, N.Y.: D. Mason & Co., 1886), 659-660. He should not be confused with Noah Smith, who is reported to have been an "Assistant Judge" on the Supreme Court in 1800. Vermont Supreme Court [from old catalog] and Royall Tyler, Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Vermont. With Cases of Practice and Rules of the Court (New York: I. Riley, 1809), 3; Zadock Thompson, *History of Vermont, Natural, Civil and Statistical, in Three Parts, with a New Map of the State, and 200 Engravings* (Burlington, Vt.: Stacy & Jameson, 1853), 123.

<sup>75</sup>Lyon had run unsuccessfully against Smith for Congress in the elections of 1790, 1792, and

1794, finally defeating him in 1796.

<sup>76</sup> Vermont Historical Society, [from old catalog] et al., *Addresses Delivered before the Vermont Historical Society* (Montpelier: Walton's Steam Printing Establishment, 1866), 37 (in an address by Pliny H. White, "Jonas Galusha: The Fifth Governor of Vermont").

<sup>77</sup>Thompson, *History*, 89.

<sup>78</sup>Senate. Historical Office, *Biographical Directory of the United States Congress, 1774-Present.* Online at http://bioguide.congress.gov/biosearch/biosearch.asp.

79 Wharton, State Trials, 336.

<sup>80</sup>The honor is debatable, based on how one views the order of voting on the crucial ballot. An extended defense of Lyon's claim to it is made in William P. Kennedy, "Matthew Lyon Cast the Deciding Vote Which Elected Thomas Jefferson President in 1801," ed., 2d Session, 77th Congress (Government Printing Office, 1942). However, a more realistic assessment bestows the honor on Lyon only because Vermont was the last state to vote. Before the final ballot was taken, the result was a foregone conclusion.

81 Anthony Haswell, Hymn on Masonry Presented to Temple Lodge, by a Brother, to Be Sung at

the Installation of Their Officers (Bennington, Vt.: Anthony Haswell, 1793).

<sup>82</sup> Anthony Haswell and Isaac Tichenor, *Illustrious and Beloved General Washington, Has Departed from Scenes of Mortal Life* (Bennington, Vt.: Anthony Haswell, 1799).

83 Anthony Haswell, An Oration, Delivered at Bennington, Vermont, August 16th, 1799 in Com-

memoration of the Battle of Bennington (Bennington, Vt.: Anthony Haswell, 1799).

<sup>84</sup> Anthony Haswell, An Oration Delivered at Shaftsbury, on Sunday, January 10, 1802, at the Interment of Capt. Aaron Cole (Bennington, Vt.: Anthony Haswell, 1802).

85 Bennington, Vt: Darius [Clark], 1819.

<sup>86</sup>Charles A. Jellison, *Ethan Allen: Frontier Rebel* (Syracuse, N.Y.: Syracuse University Press, 1969), 310.

<sup>87</sup>John Spargo, Anthony Haswell, Printer-Patriot-Ballader; a Biographical Study (Rutland, Vt.: The Tuttle Company, 1925), 56.

88 Reproduced in Smith, Freedom's Fetters, 245, and quoted in Austin, Matthew Lyon, 126.

89 Spargo, Haswell, 56-57.

90 Ibid., 58.

91 Ibid 67

92 Description of the trial is based on the report in Wharton, State Trials, 684-687.

<sup>93</sup>The language of the indictment is reproduced from Wharton, *State Trials*, 684–685. It is, of course, possible that Wharton has misquoted the indictment and that the indictment correctly quoted the article.

<sup>54</sup>Possibly David Fay, a Republican lawyer, then state's attorney of Bennington County. See brief biography in Prentiss C. Dodge, Encyclopedia Vermont Biography: A Series of Authentic Biographical Sketches of the Representative Men of Vermont and Sons of Vermont in Other States, 1912 (Burlington, Vt.: Ullery Publishing Co., 1912), 83.

95 Wharton, State Trials, 686.

% Ibid., 685-686, note.

97 Ibid., 687, note.

<sup>98</sup> For a historical survey of the wartime circumscription of free speech in the United States, see Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism* (New York: W.W. Norton, 2004).

99 See note 22.

100 "Salus populi suprema lex esto," Cicero, De legibus, 3.3.8.

<sup>101</sup> Clinton Rossiter, Constitutional Dictatorship: Crisis Government in the Modern Democracies (Princeton, N.J.: Princeton University Press, 1948); Richard A. Posner, Not a Suicide Pact: The Constitution in a Time of National Emergency (New York: Oxford University Press, 2006).

P.L. 107-56, 115 Stat. 271-402, 107th Congress.
 United States, Annals, 6th Congress, 973-975, 1049-1050.

104 H.R. 80, 26th Congress (1840). 105 H.R. 72, 28th Congress (1844). 106 249 U.S. 47 (1919). 107 250 U.S. 616 (1919).

108 249 U.S. 211 (1919).

109 Brandenburg v. Ohio, 395 U.S. 444 (1969).
 110 Ludlum, Social Ferment, 134-198; Jane Williamson, "Rowland T. Robinson, Rokeby, and the Underground Railroad in Vermont," Vermont History 69 (Supplement, 2001): 19-31.



# Impasse! Vermont's 1813 Legislative Session

By any standard of measurement, the 1813 legislative session in Vermont was a rousing success for the Federalist Party. They were able to obstruct any attempt by the supporters of the Madison administration to aid the war effort.

By Kenneth A. Degree

he War of 1812 found the State of Vermont at a political impasse, with the year 1813 the most divisive of all. The two parties, Federalist and Republican, were evenly matched, each party believing that, if the other became predominant, it would be the end of this fragile experiment in democratic republicanism. As with the nation in general, the denizens of the Green Mountains were held hostage by the ongoing hostilities between England and France. Federalists felt that it would only be natural if the young country should set its course by emulating and tying its economy to Great Britain. They were unsettled by the course the French Revolution had taken, and the rise of Bonaparte. Republicans still did not trust their former masters, and believed that the United States was obligated to align with France by treaty. Even after the republican experiment in France failed, Republicans still found being drawn into alliance with England a worse choice, expecting that the new nation would be turned into a mere economic satellite of the Crown.1

From 1793 onward, therefore, the United States found its fate inextricably woven into the ongoing conflicts between Britain, France, and

Kenneth A. Degree is an independent researcher especially interested in the political history of antebellum Vermont.

Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 151-180.

<sup>© 2010</sup> by the Vermont Historical Society, ISSN: 0042-4161; on-line ISSN: 1544-3043

their European allies. As the hostilities continued, American trade suffered, and despite negotiation, treaties, and a self-imposed embargo, the young nation was unable to bring the warring powers to economic heel. In the Green Mountains, the embargo only succeeded in reviving the prospects of the Federalist Party, who were concerned that continued provocation of Britain could lead to a more severe economic dislocation and possibly even war. By 1805, despite Federalist prodding, Vermont had joined the majority of the country in believing that Great Britain was the country with which we had the most differences. Constricting American shipping through its control of the seas, their stubborn reliance on impressment, using their Canadian foothold to menace their former colony militarily or to inflame tensions between Indians and white settlers on the frontier, the Crown displayed little respect for the young United States.<sup>2</sup>

### THE ELECTION OF 1812

President Madison's decision to place the United States on a war footing in June 1812 created in the Green Mountains what one historian dubbed a "patriotic reflex." The state gave its electoral votes to the incumbent for president, only one of three northern states to do so. Republican Jonas Galusha won his fourth term as governor by a margin of 3,000 votes out of a total of almost 36,000, the largest turnout in the state up to that time. Vermont's six congressional seats all went to Republicans, although by a narrow margin. Republicans captured the state legislature, and the two Vermont U.S. Senators were also Republican. Flushed by victory, the Republican majority moved quickly to pass its own "non-importation law." The act was harsh, so that only a "reasonable suspicion" that someone was driving horses, cattle, or any other property "towards" Canada was enough to risk having their property seized, being fined up to \$1,000, and being put to seven years hard labor. They also passed a law exempting officers and soldiers from civil process against themselves and their property while they were in military service. Finally, shaken by the closeness of the congressional elections and realizing that most of the volunteers in military service would be Republican supporters, they allowed any Vermont soldier to vote "for state officers in any town in the state, wherever he may happen [to be], [or] voting for town representative in the town where he belongs. Provided that they attended without their arms."3

This initial patriotic ardor slowly dissipated after the election. Despite giving their votes to the Republican Party, many Vermonters ignored the law and continued to trade with their partners across the border. Troops gathering in Burlington brought an unwanted guest to Vermont with them. During the winter of 1812–1813, a viciously contagious form

of pneumonia spread beyond the camps into the Vermont interior, resulting in over 6,000 deaths. Despite the fact that one soldier in eight had died over the winter in Burlington, Lieutenant Thomas MacDonough and his fleet emerged from winter quarters in ascendancy on Lake Champlain. However, through fate and folly, the lieutenant lost a significant portion of his flotilla that spring. This inspired a British raid that virtually swept the lake clean of merchant craft and military stores.<sup>4</sup>

The armed catastrophe that occurred on Lake Champlain, coupled with other failures in the Northwest, led a furious Vermont Senator, Stephen R. Bradley, to introduce a resolution during an extra session of Congress in July 1813. Bradley demanded the formation of a committee to investigate the cause of the United States' myriad military mishaps. "Instead of victory," he argued, "they have met with nothing but defeat, or if success has perched upon the unsteady standard it has been evanescent, unsupported and unimproved." Although the resolution was defeated, and Bradley strongly reprimanded by fellow Republicans, he was voicing the opinions of many of his constituents.<sup>5</sup>

The bad news just kept coming for the "war" party in Vermont. In late summer, as elections drew closer, Congress voted to levy a direct assessment of three million dollars on American taxpayers to help finance the war effort. Vermont's share would be almost \$100,000. Two Vermont congressmen, James Fisk and Charles Rich, were the only New England members of the House to vote for the measure. The Federalist editor of the Bennington Newsletter cautioned his readership, "Let the people bear it constantly in mind that this heavy tax goes to pay in part our proportion of the interest only of the late loans."

The war was the only thing on the minds of the voters as election day neared. Jedidiah Lane of Jericho proved to be a prescient prognosticator when he wrote to his brother about the state of politics in the Green Mountains, "the party spirit runs high the people are [divided] about half in favor of the war and the rest oppose it." As the race came down to the wire, anxious editors supporting each party tried their best to tip the scales in their favor and save the state from ruin. The editor of the Republican Rutland Herald laid out what he thought was at stake in this ballot. On Tuesday next, he blustered,

You will be called upon by the sacred ties of patriotism, of liberty, and of independence, to decide an important election; to decide whether you will become the vassals of tyranny and slavery, or the supporters of your national rights and privileges; whether the precious blood of your fathers, which was sacrificed on the altar of freedom, shall yet be venerated, or whether their glorious deeds shall sink into oblivion; whether an union of states shall remain, or whether a New England confederacy shall arise.<sup>8</sup>

The Bennington Newsletter added to the political drama with this outburst asking voters to question the motives and the results of the administration.

Men, who hold fat offices under the government, will tell you, everything that is done, is for the best – that the War is "just and necessary," for the honor of the nation, and that those who administer the Government, are the only true Patriots in the nation; while all who dare oppose them, are enemies of the country 'traitors', 'tories' &c. But there is an old maxim "by their fruits shall ye know them." Now by this unerring rule, what claim have these men to our confidence? – What "fruits" have they produced? – alas! Fellow citizens, what do we reap from their labors, but a most plentiful crop of disgrace, distress and ruin? To what solitary quarter of the Union can we turn our eyes, and behold peace and prosperity?

Yet the most influential words to be put on paper during this highly charged election season came from the pen of Vermont's senior United States Senator, Jonathan Robinson. Writing from Bennington in late August to Major General Wade Hampton, in charge of the troops in Burlington, Robinson requested election-time aid from the commander.

The [Vermont] legislature in 1812 provided by law that all soldiers who are Freeman in the State should have a right to vote in any town in the State where they should be stationed – our friends here, who are leading characters, believe that the exercise of their franchise as freemen will decide the Election for Governor and one branch of the Legislature [the Legislative Council].... Through this medium is our only hope of preventing the state of Vermont from becoming one of the Eastern Confederacy against our government.<sup>10</sup>

The state elections were held on the first Tuesday in September, and as the political pundit of Jericho, Jedidiah Lane, foretold, the election was narrowly divided. The elections for governor and lieutenant governor were too close to call. Federalists held a slim four-vote margin in the house, while Republicans captured eleven out of twelve executive council positions. As the days after the election passed, it became a certainty that the two highest state offices would have to be chosen by a joint assembly of the house and council. Republican newspapers remained confident that their candidate would eventually gain the governor's chair, much like the editor of the Burlington Centinel, who on September 24 blustered that Governor Galusha would surely be reelected to join a Republican council. Some somber Federalists seemed to agree with this opinion. The editor of the Bennington Newsletter glumly penned this article on September 21.

The Result of our Election Is yet unknown. Considering the pains which have been taken to deceive the people, and the willingness on

the part of the people to be deceived; considering the falsehoods, which have been circulated, the undue influence, which has been exerted, the time and money which have been lavishly expended, by those in the pay of Government (together with the aid of the SOLDIERY) it will not be strange, if the election, is lost.<sup>12</sup>

Now all citizens of Vermont waited for the opening of the legislature. The election of 1813 brought together a General Assembly almost evenly divided between the two political parties. The Federalists held a four-seat advantage, 108-104. Federalists were seen as elitists, described by one wag as being forged from "four-fifths of the lawyers, nine-tenths of the merchants and nineteen out of twenty of the clergy." Their makeup in the legislature would confirm this assumption, with lawyers such as Daniel Chipman of Middlebury, Bates Turner of Fairfield, Chauncey Langdon of Castleton, and George Robinson, the "witty, fun-loving, kind, generous-hearted lawyer" (a rare description for a student of the law) of Burlington, physicians such as Darius Mathews of Cornwall, Chauncey Smith of Benson, and Calvin Jewett of St. Johnsbury, and merchants such as tanner Ezekiel Ransom of Townshend, mill owner Joshua Isham of Shelburne, and storekeeper James Butler of Rutland, along with minister Asa Lyon of South Hero. There were also many sons of the sod in the "peace" party, particularly in the northern part of the state, irate over the policies emanating from Washington, such as Lewis Higbee of St. George, the first-born male child in that town, described as possessing "no more than ordinary profundity" but "an inexhaustible fountain . . . of wit and sarcasm, which made him an undesirable opponent." However, most turned out to be large landowners. 13

Republicans were indeed made up of farmers, yet these men were generally from long-established families in their towns, in a state where wealth generally ran hand-in-hand with persistence. Henry Olin was born in Shaftsbury in 1768 and settled in Leicester twenty years later, where he was "famed for his good sense, his sterling rectitude, his love of justice, and his quick perception of right." Joel Brownson arrived in Richmond in 1784, and held many positions in town. David Whitney arrived in Addison shortly after the Revolution and lived on his farm and was active politically until a few years before his death in 1850 at the age of 93. William Montgomery of Walden arrived in town in 1803, and served as a selectman and captain of the militia. John Crowley of Mt. Holly was town clerk for nearly a decade and "held every other office in the gift of the town, except that of constable." Yet the party also included men such as attorney Joel Pratt of Manchester, known as the judge in the Boorn murder case, and Heman "Chili" Allen of Colchester, who besides serving as town clerk, still dabbled in the lumber trade. Regardless of party, voters in Vermont still held to the Jeffersonian ideal of being represented by the "best men."<sup>14</sup>

# THE PARTIES CLASH IN THE LEGISLATURE

The members of the 1813 General Assembly began to organize by narrowly choosing Daniel Chipman of Middlebury to be speaker of the house on a strict party line vote. Vermont Federalists could not have made a more representative choice. Chipman was universally acknowledged as one of Vermont's more astute legal minds. He taught law at the fledgling Middlebury College and wrote upon the subject at length. His other burning interest was politics, where from the first he became a standard bearer for the Federalist creed. Whether as a solon in Montpelier or a private citizen, Chipman was always ready to weigh in on the issues of the day, from disestablishment, to the creation of a state senate as a check against the exuberance of democracy, to the war against Great Britain. In his trips to Montpelier as Middlebury's representative, he was instrumental in securing charters for Middlebury College. the Addison County Grammar School, and a branch of the Vermont State Bank. Yet it was his zeal to obstruct the war effort that made him the ideal choice as speaker by the members of the so-called "peace" party.15

Shortly after his election, Chipman began his mission in earnest. When a Republican Party leader, Henry Olin from Leicester, rose to suggest that three representatives from each county join with members chosen by the council to "receive, sort and count the votes for governor, lieutenant governor, treasurer, and councillors for the year ensuing," the motion passed swiftly. The new speaker packed the canvassing committee with fellow Federalists by selecting two Federalists and one Republican from each county, even heavily Republican Rutland, Windsor, and Orange. The only county that did not follow form was Grand Isle, where because all five representatives were Federalists, three Federalists were chosen for the job. This left the canvassing committee, who would be responsible for discerning the final official tallies of this evenly divided election, with an overwhelming 28–11 Federalist advantage. The council selected Republican Elias Keyes as their member of the committee, and he served as chairman. <sup>16</sup>

The committee briskly attended to its work, and finished their report before the end of the session that day. It was brought before the house, and the governor and council were informed that the Assembly was ready to receive the report of the canvassing committee. The governor and council then asked to postpone the joint meeting of both bodies until ten o'clock the next day, and the house agreed. That evening

Daniel Chipman consulted the state constitution, according to his old friend and Middlebury historian, Samuel Swift, and came away "satisfied" that the report of the canvassing committee was conclusive. The joint committee, Chipman was convinced, had no power to canvass the votes, only to vote by concurrent resolution for a candidate for the office. According to Swift, the new speaker decided that he would not resign his seat to the chief executive, when he and the council entered the house, allowing the governor to preside over the joint assembly, as was customary. Rather, Chipman resolved that he leave the governor, Jonas Galusha, to preside only over the council. Consequently, there would be no joint committee. Chipman's reasons would become clear the next day.<sup>17</sup>

The next morning, at ten o'clock, Governor Galusha and the members of the executive council arrived on the house floor. Chipman seated the governor to his right, instead of relinquishing his chair. The members of the joint assembly were stunned by this unprecedented maneuver. Silence reigned for several minutes. Then the canvassing committee gave their report. The most significant finding was that due to what they considered "voter irregularities," the entire vote of the town of Colchester was thrown out. The irregularities consisted of the process by which soldiers voted in the election. The amended results showed no winner in the election for governor or lieutenant governor. Yet by throwing out the votes of Colchester, three Republican councillors lost their seats to Federalists. Instead of an 11–1 majority in the council, the Republican lead was pared to 8–4.18

Pandemonium ensued. When a member of the Assembly tried to address the governor, Speaker Chipman called him to order, saying that he must address the speaker. Chipman also suppressed several additional attempts to address the governor. According to Swift, when a member of the council then addressed the chairman, Governor Galusha turned to Chipman and suggested "there seems to be great confusion." "There is indeed," countered Chipman. "But your excellency may rest assured that the most perfect order will be preserved in the House, over which I have the honor to preside." Realizing that the house was not going to act with them, Galusha led the members of the council out of the chambers.<sup>19</sup>

Why did Chipman insist on not giving up his seat to the governor? The simple answer is numbers. It seems clear that Chipman already knew the results of the canvassing committee report. Even though three Republican councillors had been removed, their three Federalist replacements were not at the State House. Therefore, any vote of the joint assembly, perhaps on whether the canvassing committee report could

be overruled, or perhaps a vote for the chief executive, would be with a three-vote Republican advantage. To Chipman and the Federalists, it would be in the state's best interest to wait.

Chipman was assailed in the Republican press for acting "in a most outrageous and indecorous manner." Samuel Crafts, Pliny Smith, and William Cahoon, the three deposed Republican councillors, presented a remonstrance and petition to the executive council, where they expected to get a better hearing against Daniel Dana, Gamaliel Painter, and Samuel Fletcher, the three Federalist gentlemen who took their place. Heman Allen, representative from Colchester, who was at the center of this controversy because he was also town clerk, wrote a pair of letters to John Johnson, a Burlington architect, surveyor, and justice of the peace. Allen pleaded with Johnson to get affidavits from every Republican voter in Colchester, identifying themselves and swearing that they voted in the negated election. In a letter to Johnson written the next day, Allen resorted to coaching him on what he wanted in the affidavits. He also told Johnson to secure affidavits from the town selectmen and justices of the peace offering that they were "unanimous in the opinion" that the soldiers who voted at the election were all citizens of Vermont "and that they saw no attempt in the officers to control the votes of the soldiers."20

It appears that the canvassing committee's depositions relied heavily upon the memory of Colchester Federalists. Conflicting testimony was presented by the town clerk, selectmen, justices of the peace, and other Republican witnesses. One would have expected this in these times of high drama, but both sides agreed on one thing, which was crucial to the Federalist case: None of the soldiers or officers were required to give their name or place of residence. Colchester's board of civil authority merely asked them if they were eligible to take the Freeman's Oath. John Johnson, in an almost miraculous assignment, was able to determine the identity of 176 soldiers who voted in town, but this was after the ruling of the canvassing committee. This would be the main reason the committee used for rejecting the votes. Merely taking the word of the soldiers that they were indeed freemen of Vermont did not provide a way to determine if they were telling the truth. Further, Federalists argued that not knowing the identity of these voters compounded their fear that allowing soldiers to vote put the power of their ballots into the hands of one man, their commanding officer. This was particularly crucial in this case because testimony was given to the canvassing committee that this group of soldiers was cherry-picked to gather Republican affiliates. Heman Allen argued that the soldiers were allowed to vote their consciences, but even the Colchester town clerk had to admit that

of "about one hundred ninety five ballots for councilors given in by the officers and soldiers, [only] four or five" were votes for the Federalist ticket, which seemed to confirm the charge.<sup>21</sup>

Republicans were apoplectic at the turn of events. The editor of the Rutland Herald charged that the Federalist members of the legislature had gathered in Montpelier previous to the convening of the session. "Having the exact knowledge of the state of the polls throughout the state, as they might have," they made arrangements to throw out "such and such towns and votes, with a view of defeating the voice of the people, and the reelection of [Governor] Galusha." Leonard Deming, writing about the election almost forty years later, echoed this sentiment. He went so far as to suggest that the Federalists did indeed meet prior the session and, "by comparing notes," knew that by eliminating Colchester's votes "and altering the votes of a few other towns" they would elect three more members to the executive council and bring the joint assembly to a tie. Yet this argument strains credulity. If the Federalists knew the vote tally this well before the session, why didn't they throw out enough votes to secure a majority in the joint assembly, instead of a tie?22

In a similar vein, Republicans charged their adversaries with trying to negate the votes of soldiers, which were predominantly for the "war" party. If this were the case, one would have to wonder about the results in Burlington, where the preponderance of troops was stationed. Here too, the ballots from the military affected the tallies. In 1812, Martin Chittenden had outpolled Jonas Galusha in this Federalist town, 170-112. Yet in 1813, with soldiers coming to the polls, Galusha held the upper hand, 296-253. Why wasn't there an attempt to throw out the votes here? If Federalists were merely trying to wring out the military votes, throwing out Burlington's vote should also have been considered. If the canvassing committee had done this, it would have given the Federalists two more seats on the council, and an advantage in the joint assembly. Yet it was not considered. Therefore, it appears that the Colchester board of civil authority's improper means of qualifying the soldiers was the main cause of rejection of the town's vote. This was an ironic twist. Some of the military officers present during the vote in Colchester told Heman Allen, as he deposed to the council committee, "that a part of the officers and soldiers had gone to Burlington to vote and they were apprehensive that the whole of the votes could not be taken there, was the reason of their coming to Colchester." Yet by coming here, the soldiers' votes were rejected, as were those from the rest of the town.23

If the Federalists in the house believed that they had put the canvassing committee controversy to bed, they were mistaken. Instead, it was

taken up by the council, which would give the issue a Republican slant. The council disagreed with the opinion of the house and asserted that the Colchester votes should be counted, feeling that the board of civil authority acted legally. They sent a resolution back to the house to admit the votes of Colchester and seat Crafts, Smith, and Cahoon. The Federalists were adamant that the decision of the canvassing committee could not be overturned. They rested their argument on three assertions drawn from the constitution.

- 1. That the house of representatives had the power to "judge of the elections and qualifications of their own members," but had no such power over members of the executive council.
- 2. The executive council had no power granted to it to judge of the election of its own members.
- 3. It was the duty of the canvassing committee to receive, sort, and count the votes, and declare the persons elected. The joint assembly did not appoint the canvassing committee, nor was any power given to that body, by either the constitution or statute, to revise the work of the committee.

The Republicans countered that they had found an example in which the judgment of the canvassing committee was overturned by the joint assembly. In the words of the *Rutland Herald*:

There is a precedent in the journals of 1793, in which John White having been declared a councilor by the canvassing committee, [the legislature] reversed their [the canvassing committee] report, and declared that Gen. Bailey was elected. However, I do not think the Federalists will pay any attention to precedents, as their conduct, so far, has no parallel for outrage and indecorum, in the annals of legislation.

The Federalists countered that the Bailey-White affair was a horse of a different color. That controversy arose because of confusion around the timing of the organization of the town of Duxbury, whereas the present Colchester problem centered on allegations of tainted voting. When the resolution calling for accepting Colchester's votes was called, the Federalists prevailed, defeating it 103 for-108 against. Every Federalist voted no and every Republican voted yes, save one who was absent. (A complete record of party voice votes for the 1813 legislative session is found in Appendix B; this was vote 4).<sup>24</sup>

Looking to prevent such maneuvers from happening in the future, the council proposed that the legislature "devise suitable rules, by which future canvassing committees shall be governed in receiving, sorting and counting votes for Governor, Lieutenant Governor, and Councillors."

However, the Federalists controlling the house were unwilling to give up a weapon they might need in the next election, and they beat back Republican challenges to the canvassing committee during several weeks of wrangling, during which the house was almost paralyzed with protracted deliberation.<sup>25</sup>

The same rigid exercise of discipline took place as the Republicans offered resolutions that the house join with the council and proceed to elect a governor and lieutenant governor. After the three Republican councilors were unseated, their political brethren were desperate to cast the vote before their Federalist replacements arrived. But Speaker Chipman and his Federalist allies continued to thwart them, and the frustrated Republicans resigned themselves to wait until the new councilors arrived (votes 1,2,3).<sup>26</sup>

Gamaliel Painter and Daniel Dana appeared at the State House and were sworn in on October 18, followed by Samuel Fletcher on the 20th. Now, with each party having 112 votes in the joint assembly, the Republicans attempted one last gambit. According to the Montpelier Watchman, Lieutenant Governor Paul Brigham suggested that as a member of the executive council, he had a right to vote in the proceedings. It would have been an unprecedented move, for the state had never before had a joint assembly evenly split by party (and it never would again). However, the Federalists once again outmaneuvered the Republicans as one of Speaker Chipman's floor generals, the brilliant lawyer David Edmond from Vergennes, offered a motion calling for "the Council elected for the present year" to take the vote, language that seemed to exclude the lieutenant governor. The Republicans backed off, and since they refused to test Brigham's theory, we will never know if the move would have been legal.<sup>27</sup>

After a few test votes, the real balloting began. When the votes were tallied, Martin Chittenden, the Federalist candidate, beat his brother-in-law, Republican Jonas Galusha, 112–111. Once again, the Republican membership cried foul. To their eyes, perfidy was clearly at play here. The Republican press, barely calmed down after the canvassing committee controversy, once again went on the attack. They agreed with the editor of the *Columbian Patriot* who roared that "intrigue and corruption are the grand supporters of *British* Federalism. To these serpents, who have insidiously coiled themselves around the weak and ignorant part of the community, we may look for immeasurable evils." To the Republicans, the situation darkened when the Federalists took advantage of the illness of a fellow solon to insure the election of William Chamberlain as lieutenant governor. Judge Bradford Kinne, Republican of Plainfield, had not been well from the beginning of the session.

He arrived late and missed some crucial early votes. He was ushered in for the important joint committee balloting and indeed cast his tally for governor. Kinne was also present for the first vote for lieutenant governor, which ended in a tie. However, his sickness overcame him and he decided to return to his lodgings to rest. In his absence, Chipman called for a second vote and William Chamberlain was elected, also 112–111. Yet the Federalist newspapers had a different spin on this situation. According to the Washingtonian, the joint assembly waited on Kinne to return for "some time" but were informed that he was too "exhausted" to return.<sup>28</sup>

Frustrated Republicans tried once more to convince their foes of their error. On Saturday morning, October 23, after a reading of a missive from Governor-elect Martin Chittenden stating that he would present himself in the house chambers at noon, Representatives Aaron Leland of Chester and Benjamin Fitch of Pawlet offered a remonstrance arguing for a stay in Chittenden's inauguration. The memorialists stated that although the official record of the vote was 112-111 for Chittenden, they could positively identify 112 people who voted for Galusha, proffering a petition signed by each of these men, who were also prepared to swear an oath testifying that this was the truth. Therefore, Chittenden did not receive a majority and was not duly elected to the office. "yet by the loss or failure to count one of said ballots, given for said Galusha, there appeared, contrary to fact, a majority of one ballot for Chittenden." They prayed that the joint committee reconvene and revote. This motion once again opened the oratorical floodgates. The Federalists, who held the power, refused to hear the evidence or read the certificates, arguing that no corrupt proceedings could now be corrected by the joint assembly. The Republicans must have known this ploy was fruitless. Rumors were rampant in Montpelier that certain members of the legislature were being urged with bribes to buy their vote. Any person willing to sell his vote would have no shame in also signing a petition stating that he voted for Galusha, or to swear an oath to the same. Federalists also warned that the swearing of an oath would destroy the privilege of the secret ballot and leave the process to "the rod of party terror." The debate went on for more than two hours, until interrupted by the arrival of the governor-elect and the lieutenant governor-elect. The two Federalist candidates were then sworn in. After the bitter struggle that had consumed the early days of the 1813 legislature, Federalists could stand by the editor of the Washingtonian, who saw the events leading up to the election of the executives as nothing less than "providential."29

# POLITICAL CONFLICT IN THE 1813 SESSION

The son of Vermont's first governor, Martin Chittenden was born into politics. He served as town representaive in both Jericho and Williston and as judge of the county court. From 1803–1813, he served as U.S. congressman from the Northwest district. His inaugural speech read chapter and verse from the Federalist creed. "Our political horizon is encircled with clouds somewhat portentous," Chittenden began. Apologizing for his "own inexperience and imperfections," the newlyminted chief executive hoped that he would be able to rely on the wisdom and intelligence of the legislature to "furnish all the information necessary to promote the public interest."

Chittenden's first topic, his interpretation of how the state militia should be used, was timely. The chief executive stated, "I have always considered this force peculiarly adapted, and exclusively assigned for the service and protection of the respective states, excepting in the cases provided for by the national constitution, viz. To execute the laws of the union, supress insurrection and repel invasions." Chittenden found the idea ludicrous "that the whole body of the militia were, by any kind of magic, at once transformed into a regular army for the purpose of foreign conquest." The new governor foresaw the need for "many alterations and amendments" to the current military system.<sup>31</sup>

Chittenden also felt that the state's precarious finances were a cause for concern. He told the joint assembly that he "hoped that no additional burdens will be necessary to meet the current expenses of the present year." With direct and internal taxes on the horizon, the governor urged the strictest economy, "both public and private." He finished his speech by upbraiding the Republicans and the Madison administration for getting the county into this war.<sup>32</sup>

The governor's speech is always sent to a legislative committee for perusal, and Chipman took no chances when he named the committee. The speech was sent to a committee of one: himself. After agreeing with all the comments made by the chief executive, the speaker went even further, accusing the Republicans of playing favorites among the belligerents and thirsting for Canada.

Whenever a nation is swayed by foreign or party influence, or deviated from her true interests by prejudice or affection, she endangers her peace and independence. When all her measures towards individuals and foreign governments, ought to be devised from pure motives, directed by a just and impartial hand. But when a nation, from inordinate love or attachment to one belligerent, or from implacable hatred or prejudice to the other, declares an offensive war, on slight occasions against one, it is a virtual alliance with the other. She becomes a pliant tool of one nation to gratify vain ambition, and the

most malignant of passions, the destruction of the human race. The fate of the nations of continental Europe reminds us of our danger; and the ashes of Moscow, prove no sacrifice is too great to secure the rights of self-government.<sup>33</sup>

Chipman argued that an examination of the diplomatic correspondence with France and Great Britain would prove that "the necessity, expedience, and justice of the present war" was doubtful at best. He wished that the treaty that James Monroe and William Pinkney had negotiated with the Crown in 1806 had been laid before the Senate and adopted. These American diplomats never felt that impressment was a cause for war, but rather a subject to be settled by negotiation. He hoped that the war supporters would now see that "the conquest of the Canadas, if obtained, will be an inadequate compensation for the blood and treasure which must be lost."

When the vote was called on Chipman's critique of the governor's message, it passed 96–89 (vote 25). Later in the session, Republicans presented the house with a list of reasons why they could not vote in favor of Chipman's response. They disagreed with Chipman "that the militia have been called into actual service, on any occasion, or for any other purpose than that contemplated and designed by the constitution of the United States, viz. to execute the laws of the union, and to repel invasion." The Republicans conceded that the militia "are properly designed to guard the sovereignty of the states." Yet, they countered, it also must be "ready at all times to act in concert with the general government, and to repel all our enemies so effectually as to render an invasion upon our territory totally ineffectual." 35

The Federalist charge that the administration was eager to wage an offensive war against Canada was also examined. Canada was under the complete dominion of the Crown, the Republicans contested, and was "the right arm of England for our annoyance," by the fact that the land was contiguous to the United States. Through Canada, the British were provided opportunities for water transport into the United States and influence with the Indian tribes, "the fatal effects of which we have so severely felt." The petitioners seemed certain of one thing. "If the British power and influence was destroyed or rendered weak in that quarter, their bold and daring aggressions upon maritime rights and the rights of our seamen, would, in our opinion, be less frequent." But however forceful their argument, the remonstrance was an exercise in futility.<sup>36</sup>

Chipman and his Federalist allies had such complete control of the house proceedings that they would not even let their opponents celebrate a rare military victory. After Oliver Perry's naval triumph gained control of Lake Erie, William Henry Harrison defeated a force of British regulars and Indians on the Thames River in Ontario, securing the Northwest, and killing the charismatic Indian leader Tecumseh in the process. Republican legislators were jubilant at hearing the news on October 25. A resolution was brought up in the council "asking that members of both Houses convene in the Representatives Room on Thursday next (November 3) at four o'clock to thank Almighty God for the 'complete' victory at the Thames River." Passed by the council, it was sent to the house for their approval. It was received in the assembly, read, and ordered to lie on the table until the next morning.<sup>37</sup>

When the resolution was brought up the following day, Federalist Benjamin Muzzy of Jamaica rose and offered an amendment, which would strike out everything in the resolution after the words "concurring therein" (meaning the entire resolution), and substituting the following:

That the members of both houses being impressed with the impolicy of the war, and sensible that victory is no evidence of a sufficient cause to warrant its declaration, or to prove the justice of its continuance, or to show that if the Canadas could be made ours, they would be an adequate compensation for the great sacrifices we have made and are making, in blood and treasure, to obtain them; and having heard of a victory obtained near the River Thames, in Upper Canada, on the 5th of October inst. by the American army under General Harrison, over the combined forces of Indians and British, under Gen. Proctor, will convene in the representatives room, on Thursday next, at 4 o'clock, P.M. to offer up thanks to Almighty God, that he has not suffered the enemy to destroy more of our people, and pray that he would assist our rulers in seeking peace, and the prosperity of our country. And that the Royal chaplain be requested to deliver a discourse, and to address the Throne of Grace, in prayer suited to the occasion.38

However, when the amendment was brought to a vote, twenty Federalists voted with ninety-five Republicans to defeat it, 86–115 (Vote 6). It was a rare circumstance to see division among the "peace" party. The twenty renegades were from no noticeable geographic area, but were randomly sprinkled throughout the state. They included some of the more loyal Federalist solons. It seems that Muzzy's speech just went too far for their taste, for later that day, when the original resolution was recalled, it was defeated soundly (Vote 8).<sup>39</sup>

The day before the meeting was proposed to occur, Henry Olin of Leicester, desperate for a resolution, offered up a motion with a slightly less offensive preamble.

Whereas a respectable number of this legislature have expressed a desire that thanks should be publicly given to Almighty God, for the

signal success with which he has been pleased to crown the arms of the United States, on the lakes and frontiers in Upper Canada; and for the consequent prospect of securing to our frontier settlement against the invasion of our savage enemies.<sup>40</sup>

Olin then asked that the house be adjourned before four o'clock the next day, so that the members of the legislature and council who so wished could use the representatives' room as a place of meeting. Before Olin's motion could come to a vote, David Edmond offered what the Federalists would accept for a motion. Moving to amend the resolution by striking out the whole, Edmond substituted the following: "The house will adjourn to-morrow afternoon, at four o'clock." The amended measure passed the house 97–95, again on a virtual party line vote. There was no mention of the thrilling battle, no thanks to the God Almighty, no permission to use the representatives' room, just an early adjournment. By this resolution, house Federalists thwarted Republican hopes to use a military victory for political traction.<sup>41</sup>

The Republicans were not only harried by the slim Federalist majority in the house, but were also hounded by the Council of Censors over laws they had passed in the previous session. This group, all Federalists save one, had been elected statewide on the last Wednesday of March 1813. (Since the executive council was also elected statewide, but in September, and was initially all Republican but one, the widely disparate make-ups of these two bodies depict just how volatile the electorate remained.) The Council of Censors had been dubbed the protectors of the state constitution, for their responsibilities were to examine recently passed laws for their constitutionality and to suggest amendments to the state constitution. Among other laws, the Council of Censors suggested that the acts passed to prevent intercourse with the enemies of the United States and to suspend civil process against the persons and property of the officers and soldiers of the state, while in service, were both unconstitutional. Despite a spirited Republican attempt to hold onto the laws they had passed the year before, they eventually gave way to the house Federalists.42

After all the fireworks that had already transpired during this session, the legislature had still not grappled with setting the state budget and figuring out how it would be paid for. A finance committee charged with examining the state of the treasury and determining what taxes would be required to support the government for the next year was not created until November 1. It took until the 9th before the finance committee would issue their report, and the situation was dire. They explained that the treasury held a balance of \$55,000, but \$45,000 of this sum was in Vermont Bank bills.

From the best evidence the committee have obtained on the subject, it is their opinion the bank will be unable, during the current year, to redeem any part of the bills now in the treasury: and it appears to the committee, the said sum of forty-five thousand dollars ought not to be taken into consideration in making an estimate of the sums necessary to defray the expenses of the ensuing year.<sup>43</sup>

In working up their budget, the finance committee estimated the state expenses for the current year to be \$33,000. However, they also had to pay the state militia, which had been detached for service with the United States Army in 1812. The legislature of that year granted a sum of not less than \$25,000 to pay for their service, making the whole of the state obligations to be not less than \$58,000. The committee suggested that a tax of two cents on each dollar of the Grand List of 1813 would raise the sum of \$58,640. Yet the committee also stated that they felt that two independent taxes of one penny each should be laid on the list of polls and real estate. One bill would be for the support of the government and one for the support of the militia. It was clear that the Federalists wanted two bills so they could show the voters the severe costs the war was placing on their pocketbooks.<sup>44</sup>

When the tax bill for the support of the government was read the first time, Republican Caleb Hendee of Pittsford moved an amendment to strike out the tax of one cent and replace it with two cents, essentially incorporating the two tax bills into one. The house Federalists refused to allow this gambit, wanting the Republicans to own up to the war's expense, and the amendment was rejected 84–94 (vote 28). The bill was passed to a second reading and made the order of the day for the next afternoon.<sup>45</sup>

The Republicans tried again to couple the two taxes the next day, but took a novel approach. When the bill was read a second time, Henry Olin moved to strike out the words "paying the sums due to the detachment of the militia of this state, in the service of the United States, in the year 1812," and insert "redeeming the bills of the Vermont State Bank." This was nothing more than clever Republican subterfuge, knowing that granting the bank the means to redeem the bills held by the state treasury provided the state the means to pay the militia, but they wouldn't have to say it. The house Federalists would have none of it. The amendment was crushed (vote 30) and the original bill engrossed (vote 31). The bill was sent to the council, who passed it with three amendments, including coupling the two tax measures. However, when they returned the amended bill to the house, the representatives rejected all three amendments and returned it to the council. They grudgingly accepted the proposals of the house on the next to the last day of

the session, only because Republicans Horatio Seymour and Frederick Bliss joined with the lieutenant governor and the Federalist councillors in favor.<sup>46</sup>

Even before Governor Chittenden suggested that "many alterations and amendments" were needed in the current militia system, the house had already formed a committee to investigate. However, the committee appeared to proceed at a rather leisurely pace. It wasn't until November 4 that a bill was reported out and then it was altered and passed around various other committees. Nothing had been accomplished when Chittenden decided to drop another political bombshell on the Republican war effort. He issued a proclamation on November 10 to the Third Brigade of the Third Division of the Vermont militia, which the governor was mortified to report had "been placed under the command and at the disposal of an officer of the United States, out of the iurisdiction or control of the Executive of this State, and have been actually marched to the [defense] of a sister State, fully competent to all purposes of self defense, whereby an extensive section of our own Frontier is left, in a measure, unprotected, and the peaceable good citizens thereof are put in great jeopardy, and exposed to the retaliatory incursions and ravages of an exasperated enemy."47

Feeling that the state militia should be within its own borders, Chittenden ordered these troops stationed at Plattsburgh "to return to the respective places of their usual residence, within the territorial limits of said Brigade." The chief executive surely expected some resistance throughout the state against this controversial decree, and indeed he was the subject of scathing editorials. However, he probably was more taken aback by the refusal of the militia to obey his order. In a missive dated five days after his "most novel and extraordinary" proclamation, members of the Third Brigade responded.

If it is true, as your Excellency states, that we "are out of our jurisdiction or control of the Executive of Vermont," we would ask from whence your Excellency derives the *right* or presumes to exercise the *power* of ordering us to return from the service in which we are now engaged? If we were *legally* ordered into the service of the United States, your Excellency must be sensible that you have no authority to order us out of that service. If we were *illegally* ordered into the service, our continuance in it is either voluntary or compulsory. If voluntary, it gives no one a right to remonstrate or complain; if compulsory we can appeal to the laws of our country for redress against those who illegally restrain us of our liberty. In *either* case we cannot conceive the right your Excellency has to interfere in the business. Viewing the subject in this light, we conceive it our duty to declare unequivocally to your Excellency, that we shall not obey your Excellency's order for returning; but shall continue in the service of our

country until we are legally and honorably discharged. An invitation or order to desert the standard of our country will never be obeyed by us, although it proceeds from the Governor and Captain General of Vermont.<sup>48</sup>

This brigade meant business. Chittenden sent a militia brigadier to take charge of these troops in Plattsburgh, but he was arrested upon arrival. Chittenden had created a firestorm that resonated throughout the country. The proper use of the militia became the subject of vicious debate, with political parties once again the dividing line. Republican Vermont Congressman James Fisk introduced a resolution in Congress that Chittenden be prosecuted "for [enticing] soldiers in the service of the United States to desert." On the other side, Massachusetts Federalist Harrison Otis proposed to his state's legislature that it was their "duty" to aid the governor of Vermont, if he should request it. Although neither proposal was adopted, their introduction demonstrates the power the issue had in the Northeast. In the aftermath of this firestorm, the Vermont house decided it would be wiser to table the militia bill for the session.<sup>49</sup>

### OTHER BUSINESS

Even during this most tempestuous of legislative sessions, Daniel Chipman found time to use his position to further his own interest and that of his hometown of Middlebury. Chipman (along with other Middlebury residents, councilor Horatio Seymour and John Willard) was a director of the Middlebury branch of the Vermont State Bank. The bank had been closed down by the legislature in the previous session because of chronic mismanagement and the souring of the economy due to the country's squabbles with the French and the British. A committee was formed to undertake an examination of the institution's four branches. They found that, despite some questionable practices, three of the branches would be able to pay off their obligations. However, the Middlebury branch was another matter. The books of that branch's dealings were virtually indecipherable. Large sums of money were unaccounted for. Outright defiance of legislative fiats was obvious. In order to investigate the charges drawn up by the committee, the 1812 legislature appointed the Vermont supreme court to reexamine the situation and allow the defendants an opportunity to defend themselves. This investigation followed the judges throughout the state on their judicial rounds. When the 1813 session opened, the court brought in its report. They found the directors liable for the amount of almost \$23,000, no small sum in those days.50

Chipman felt that despite the fact that the bank branch had been

overexamined, one more committee needed to take a look at the situation, a Federalist-dominated committee. The speaker went down to the house floor and moved that a committee of five from the house join a member from the council to inspect the report of the supreme court. Although Republican Henry Olin was chosen to name the committee in Chipman's stead, it was obvious by its composition that Olin was following Chipman's advice. Three Federalists and two Republicans were chosen, and the council sent Lieutenant Governor Chamberlain. This new committee found that the directors should be exonerated. Their decision was based partly on the ex parte testimony of a fourteen-yearold boy whose father owed money to the bank. However, the harsh truth was that the Republicans, who were the prime movers for a state bank. now wished that this issue would just go away, and they accepted the report and the council sheepishly agreed. The press would not be so forgiving. The editor of the Rutland Herald was particularly miffed. With the state in dire financial difficulty and the bank still looking for money to close up its business, he wailed, "Our reformed legislature has passed an act forgiving Daniel Chipman, Esq. and his bank associates, a debt in favor of the Middlebury branch amounting to nearly 23,000 dollars!"51

Chipman was not finished using his influence. A bill establishing a corporation named the Middlebury Turnpike Company was brought up after a favorable report by committee on November 8. When the bill came up later in the session, it failed by one vote to be engrossed (vote 36). It was rare that an issue near to the heart of the speaker had been defeated in this session. The next day, however, as the bill was about to be referred to the next session, a motion was made to reconsider, and this time the bill was engrossed (vote 38) and passed, as a score of Republican legislators who had voted nay the day before were not willing to cast a vote. The bill was sent to the council, who concurred, and Chipman and his hometown had their turnpike. 52

# THE BRIBING OF CARPUS CLARK

Republicans were decidedly downcast at the results of this legislative session. The Federalists had stymied any effort they attempted to help the national administration prosecute the war. Now ashamedly they began to look among their ranks for a scapegoat. On November 13, William Griswold of Danville rose from his seat to state that a communication had been received from Carpus Clark, Republican representative from Worcester, who had been given leave for the remainder of the session on November 4. Griswold asked that the letter be read, yet his request was ordered to lie on the table. Two days later, after no doubt a serious discussion among Federalists, the resolution was called up, and

the request to read the letter was overwhelmingly routed (vote 37). One could conclude from this vote that tainted Federalist hands might be exposed in the communiqué. Republicans clearly had this in mind when they presented a protest to the house, which allowed them to present their reasons for their vote. They used the protest as a way to subvert the ruling of the house and expose the contents of the letter.<sup>53</sup>

Carpus Clark had long held positions of trust in his hometown and in Jefferson County (now Washington County). Presently, apart from being town representative, he was a justice of the peace. Clark was continually chosen by the voters to carry petitions from the town to Montpelier: asking for the right to lay a tax in Worcester to repair roads and bridges, requesting the formation of a new county, and for the right to build a courthouse. However, as hard times engulfed Vermont, he had to confess he had become "a man of low circumstances as to property." Clark's straitened finances were no secret around the capitol as the legislature was about to begin.<sup>54</sup>

Carpus Clark's story went like this. On the first Saturday of the legislative session, as he was walking the streets, Clark was joined by Montpelier resident Wyllis Caldwell. Caldwell stated that he needed someone to carry a load to Boston and to bring one back. When Clark asked at what price, Caldwell countered that three or four hundred dollars wouldn't "be any stick in the business." Clark expressed an interest and called on Caldwell that evening. When Clark arrived, Caldwell had been joined by Vergennes businessman and current member of Governor Chittenden's staff, Amos Barnum. After Barnum repeated the offer, Clark called their bluff, asserting he knew that there was no load to Boston, but rather that they wanted him out of the crucial joint assembly votes in the legislature. The Worcester representative countered that he could be just as useful by casting his ballot the way they directed. Barnum agreed, but a dispute over how payment would be passed to Clark eventually nixed the deal. Two days later, he stated in his letter, he cast ballots for Jonas Galusha and Paul Brigham.55

While the report cast the Federalists in a bad light, Republicans would soon find themselves embarrassed by the behavior of Mr. Clark. On November 16, Federalist Adam Duncan of Barnet introduced a resolution to appoint a committee to do a thorough investigation into the dealings of Carpus Clark. Word had reached the assembly that Clark was attempting to sell his farm in order to pay his debts and move to the Ohio country. Many men, predominantly Republicans, were pestered by the indigent Worcester representative to relieve him of his burden, until George Rich of Montpelier purchased the property. After proving that in his present condition, Carpus Clark was a bit of a loose

cannon, and showing that both parties had been guilty of attempting to bribe him to suit their own ends, the Federalists were now ready to kick him out. Samuel Elliot of Brattleboro did the honors, moving,

That Carpus Clark be expelled [from] this house, for grossly abusing his privilege as a member, in corruptly suffering himself to be tampered with, and making his votes in this house the subject of barter and speculation.

The motion carried the thinly populated assembly, 86–28 (vote 42). The remaining Republicans just refused to vote, only twenty-three coming to the aid of a fellow party member. As the last act of the legislative session before adjournment, it was a fitting expression of the humiliation that the Republicans received during the 1813 legislative session.<sup>56</sup>

#### Conclusion

By any measure, the 1813 legislative session in Vermont was a rousing success for the Federalist Party. They were able to obstruct any attempt by the Green Mountain supporters of the Madison administration to aid the war effort. Yet even in victory, one could see that their majority would be short-lived. At its zenith, according to historian Edward Brynn, "Vermont Federalism was based largely on negative themes: frustration with the embargo; alarm at the impending depression, fear of war; and an imperfectly articulated dissatisfaction with politics and politicians in general."57 The longer the conflict was sustained, the more Vermonters were lured to the Federalist Party. Although the leaders of the "peace" party may have been dedicated to derailing the Republican war effort, many of their supporters merely wanted to voice their opposition to the dislocations of the war. The Federalists continued their hegemony in 1814, once again claiming the legislature, the governorship, and also the council, plus a full slate of representatives to the U.S. House and a U.S. senator. However, the Battle of Plattsburgh precipitated a rush to the colors and a slow, steady demise of their party. In 1815, Jonas Galusha regained the governor's chair. The next year, all the Vermont Federalists in the U.S. House were swept out by their Republican counterparts. The last Federalist officeholder, U.S. Senator Isaac Tichenor, was not reelected after his term expired. By 1821, Federalists were no more in Vermont.

The legislative session of 1813 also provided other interesting insights. In the pre-senate Vermont government, control of the house meant control of the government. Using his power as speaker of the house, Daniel Chipman and his fellow Federalists kept the party rank and file in line and parlayed a four-vote advantage in the Assembly into the power to elect the governor and lieutenant governor and to rule the

Republican-dominated executive council. There were forty-two roll call votes in the house, which meant that the Federalists had a possible 4,536 votes ( $42 \times 108$ ). They cast 3,972 of them or 87.6 percent. Of these votes cast, they voted with the majority of Federalists in 3,673 instances or 92.5 percent of the time. In contrast, Republicans had a possibility of 4,368 votes ( $42 \times 104$ ). They cast only 3,369 or 77.1 percent of these votes of which 3,050 or 90.5 percent were with the Republican majority.

The Federalists were firm in their attendance throughout the critical first few weeks of the session, and beat back Republican opposition in crucial showdown votes. By the first week of November, many members of the "war" party were disillusioned. Despite their best efforts, and that of the council they dominated, they could make no headway in their attempt to help support the war. Slowly but surely, many Republicans began to retreat to their firesides. By the last voice vote of the session, only thirty-eight were left in the State House to vote. The session clearly belonged to the Federalists in 1813, due to the dissension among the populace over the administration's prosecution of the war and the solid leadership of the Federalist bosses. However, election day in 1814 would prove to be bittersweet. Despite a Federalist sweep at the polls, it was also the day that the British crossed the border into New York bent on conquest. Within two years, the Federalist Party would be well on its way to extinction in the Green Mountains.

## APPENDIX A: ROLL CALL VOTES

Compiled from the Vermont General Assembly Journal, 1813.

VOTE 1 (pp. 16–17): Olin of Leicester resolved that the assembly and the council go into grand committee and proceed to the election of governor and lieutenant governor for the year ensuing. The motion was declared out of order by the speaker. Niles of Fairlee appealed to the house, as to whether the resolution was out of order. His appeal was defeated.

VOTE 2 (p. 21): A resolution sent down from the governor and council, that both houses meet in joint committee, for the purpose of electing a governor and lieutenant governor for the year ensuing at two o'clock that day. Amend to three o'clock? Amendment defeated.

VOTE 3 (pp. 21–22): Would the house concur with the resolution with an amendment to meet Wednesday at ten o'clock? Resolution defeated.

VOTE 4 (pp. 31-32): Will the house concur with the resolution of the governor and council, asking that the votes of Colchester be admitted and that Crafts, Smith, and Cahoon be seated? Resolution is defeated.

VOTE 5 (pp. 52-53): Shall the law passed November 6, 1812, entitled "An act to prevent intercourse with the enemies of this and the United States, on the northern frontier" be repealed? Law repealed.

VOTE 6 (pp. 60-61): Shall the house accept the amendment of Muzzy of Jamaica, which essentially changes the tone of the resolution sent down by the governor and council asking for a day in which both houses could meet and offer up thanks to God for the victory obtained by the American army on the river Thames? Amendment defeated.

VOTE 7 (pp. 61-62): An amendment by Olin of Leicester to a bill granting relief to Joseph Fessenden. Shall the amendment be approved? Amendment defeated.

VOTE 8 (pp. 62–63): The Thames resolution is reintroduced. Shall it pass? Motion defeated.

VOTE 9 (pp. 85–86): An amendment by Olin of Leicester attached to the law repealing the law protecting soldiers and officers from lawsuits while serving. Shall the bill be amended? Amendment defeated.

VOTE 10 (p. 100): Griswold of Danville resolves that the committee appointed to enquire into the proceedings of the canvassing committee calculate the number of votes that had been rejected. Edmond of Vergennes amended the resolve by striking out "the whole of the preamble." Shall the bill be amended? Amendment defeated.

VOTE 11 (p. 102): Olin of Leicester again resolves to hold a gathering in the representatives' room to give thanks to God for the military victory at the Thames. Edmond of Vergennes amends the motion by inserting "That the House will adjourn tomorrow afternoon at 4 o'clock." Amendment passed.

VOTE 12 (p. 115): Olin of Leicester offers an amendment to a nameless bill from the military committee. Shall the amendment pass? Amendment defeated.

VOTE 13 (pp. 119–120): The bill repealing "An act to prevent intercourse with the enemy" was sent down from the governor and council with a contradictory amendment. Shall the bill be amended? Amendment defeated.

VOTE 14 (p. 124): A bill calls for the relief of Joseph Fessenden. Shall the bill pass to a second reading? Bill passes to a second reading.

VOTE 15 (pp. 126–127): The committee formed to decide if the state capitol should be moved to another town decided that it shouldn't. Should the report be accepted? Report accepted.

VOTE 16 (p. 131): Edmond of Vergennes introduces a bill called "An act relating to advertisements." Shall it pass to a second reading? It passes to a second reading.

VOTE 17 (pp. 134–135): The act to repeal "An act suspending civil process" is read a second time. Shall it be engrossed? It is engrossed.

VOTE 18 (pp. 135–136): The bill dealing with Job and Theda Wood is sent back from the governor and council non-concurred. It is called up again in the house. Shall it pass to be engrossed? It is engrossed.

VOTE 19 (pp. 136–137): A bill has been moved to establish the Middlebury Turnpike Company. Hatch of Cavendish moved to strike out the third section of the bill. Shall it be struck out? It is defeated.

VOTE 20 (pp. 141–142): The bill granting relief to Joseph Fessenden was read a second time. Shall it be engrossed? It is not engrossed.

VOTE 21 (pp. 156–157): Olin of Leicester asks that the report on the canvassing committee be recommitted. Motion is defeated.

VOTE 22 (p. 158): Should the committee's report be accepted? It is accepted.

VOTE 23 (pp. 159–160): A bill is entitled "An act in alteration of the several statutes directing listers in their office and duty." Shall it be engrossed? It is engrossed.

VOTE 24 (p. 160): An act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty, is moved. Shall it be engrossed? It is engrossed.

VOTE 25 (pp. 160-161): Shall the response to the governor's speech be accepted? It is accepted.

VOTE 26 (pp. 161–162): Swift of St. Albans moves that the secretary of state "cause to be printed" 500 copies of the committee report on the canvassing committee "and all the depositions thereto annexed, for the benefit of the legislature." Griswold of Danville proposed an amendment, by adding after the word "annexed" the words "and also all other depositions which were taken and offered to be improved before the said committee and by them rejected." Shall the amendment pass? Amendment is defeated.

VOTE 27 (p. 162): Shall the above resolution pass? Resolution passed.

VOTE 28 (p. 168): Two tax bills have been drawn up; one for the support of the government, one for the support of the militia. Hendee of Pittsford amends the motion to combine the two bills into one. Shall the amendment pass? The amendment is defeated.

VOTE 29 (pp. 169–170): Parley Davis petitioned for compensation for acting to free David Robinson from arrest and imprisonment. The investigating committee calls for compensation. Shall the report be accepted? Report accepted.

VOTE 30 (pp. 172–173): The tax bill is read a second time. Olin of Leicester moves to strike out paying the sums due to the militia and insert redeeming the bills of the Vermont State Bank. Shall the amendment pass? The amendment is defeated.

VOTE 31 (pp. 173-174): Shall the tax bill be engrossed? The bill is engrossed.

VOTE 32 (pp. 175–176): A bill to compensate Parley Davis is created. Shall the bill pass to be engrossed? The bill is engrossed.

VOTE 33 (p. 179): A bill is created to free Ebenezer Eaton from arrest and imprisonment. Shall it be engrossed? It is engrossed.

VOTE 34 (pp. 183–184): The governor and council sent down a resolution asking that a committee be raised to join with the house to examine suitable rules by which future canvassing committees shall be governed. Olin of Leicester moves that the report be read. The question was defeated.

VOTE 35 (p. 184): Will the house concur with the governor and council in passing the resolution? The house does not concur.

VOTE 36 (p. 188): A bill is created granting the incorporation of the Middlebury Turnpike Company. Shall it pass to be engrossed? The question is defeated.

VOTE 37 (p. 189): The resolution of Griswold is called up. Shall it pass? The motion is defeated.

VOTE 38 (pp. 192–193): The Middlebury Turnpike bill was reconsidered. Shall it pass to be engrossed? It is engrossed.

VOTE 39 (p. 193): Governor and council sent down a bill repealing a bill from last year preventing intercourse with the enemies of the United States on the northern frontier. Will it pass the house? It passed.

VOTE 40 (p. 194): The tax bill is amended by the governor and council. Shall the amendments pass? The amendments are defeated.

VOTE 41 (pp. 209–210): Governor and council sent down a bill relating to advertisements, with certain amendments. Will the house concur? The house concurs.

VOTE 42 (pp. 218–219): Elliot of Brattleboro moves that Carpus Clark be expelled from the house. Motion passes.

APPENDIX B: 42 ROLL CALL VOTES BY PARTY\*

	Republican			Federalist			
Vote	Yea	Nay	Abstain	Yea	Nay	Abstain	Page #
1	102	1	1	0	107	1	16–17
2	100	0	0	0	108	0	21
3	96	1	6	1	107	0	21–22
4	103	0	1	0	108	0	31–32
5	61	18	25	98	0	10	53a
6	0	95	9	86	20	2	60-61
7	72	25	7	11	85	12	61–62 <sup>b</sup>
8	95	1	8	0	107	1	62-63
9	88	2	14	2	99	3	85-86
10	0	94	10	95	1	12	100°
11	0	94	10	97	1	10	102
12	88	6	10	1	103	4	115
13	85	8	12	0	103	5	119-20
14	9	81	14	86	12	1	124
15	33	49	22	89	6	13	126-27 <sup>d</sup>
16	1	79	24	92	0	16	131
17	5	76	23	91	1	16	134–35
18	9	63	32	92	2	14	135-36°
19	55	25	24	10	87	11	136-37
20	3	84	17	67	24	17	141-42f
21	85	1	18	0	100	8	156-57
22	1	86	17	99	0	9	158
23	43	34	27	51	38	19	159-60
24	33	52	19	84	7	17	160
25	0	88	16	96	1	11	160-61
26	81	0	23	0	97	11	161-62
27	1	74	29	97	0	11	162
28	81	1	22	3	93	12	168
29	8	62	34	87	7	14	169-70
30	61	18	25	0	95	13	172-73
31	4	71	29	94	2	12	173-74
32	8	58	38	83	8	17	175–76

<sup>\*</sup>Compiled from the Vermont General Assembly Journal, 1813.

<sup>a</sup>Actually, 18 voted no, instead of 19 as written in the Journal, if one counts the

bStone and Stanley are listed both in the yeas and nays.

<sup>&</sup>lt;sup>c</sup>Journal states 94 yeas, actually there are 95, if one counts the names.

<sup>&</sup>lt;sup>d</sup>Journal states 121 yeas, actually there are 122.

<sup>\*</sup>Smith of Vershire listed as yea and nay. Gave the yea vote to Smith of Eden instead.

<sup>&#</sup>x27;Journal states 109 nays, actually there should be 108. Brown is listed as both yea and nay.

Republican Federalist Vote Yea Nay Abstain Yea Nav Abstain Page # 183-84h 192-93 209-10<sup>i</sup> 218-19

#### **Notes**

¹In writing this article, I relied heavily on the following material: Richard Buel, Jr., Securing the Revolution: Ideology in American Politics, 1789–1815 (Ithaca: Cornell University Press, 1972); Buel, America on the Brink: How the Political Struggle Over the War of 1812 Almost Destroyed the Young Republic (New York: Palgrave MacMillan, 2005); Allen S. Everest, The War of 1812 in the Champlain Valley (Syracuse: Syracuse University Press, 1981); Kevin Hickey, The War of 1812: A Forgotten Conflict (Chicago: University of Illinois Press, 1989); Chilton Williamson, Vermont in Quandary, 1763–1825 (Montpelier: Vermont Historical Society, 1949); Edward Brynn, "Patterns of Dissent: Vermont's Opposition to the War of 1812," Vermont History 40 (Winter 1972): 10–27; Karen Stites Campbell, "Propaganda, Pestilence, and Prosperity: Burlington's Camptown Days During the War of 1812," Vermont History 64 (Summer, 1996): 146–148; H. N. Muller, III, "Smuggling into Canada: How the Champlain Valley Defied Jefferson's Embargo," Vermont History 38 (Winter 1970): 5–21 and "A 'Traitorous and Diabolical Traffic': The Commerce of the Champlain-Richilieu Corridor during the War of 1812," Vermont History 44 (Spring 1976): 78–96.

<sup>2</sup>Vermont Congressman Martin Chittenden presciently opined, "I fear the Embargo will reduce many of our honest industrious citizens to the necessity of experiencing the frowns of WANT, or to shake the cold hand of CHARITY- But we hope the best- fear the worst and expect- nothing." Martin Chittenden to Joseph Farnsworth, 7 January 1808, Joseph Farnsworth Papers, Vermont Historical Society.

<sup>3</sup>Paul S. Gilliés and D. Gregory Sanford, eds., Records of the Council of Censors of the State of Vermont (Montpelier, Vt.: Secretary of State, 1991), 189; Muller, "A 'Traitorous and Diabolical Traffic," 79–81; Christie Carter, ed., Vermont Elections, 1789–1989 (Montpelier, Vt.: Secretary of State, 1989), 181, 236; Laws of Vermont (1812), 131, 139; Vermont General Assembly Journal (1812), 187–188, 191; Records of the Governor and Council, 8 vols. (Montpelier, Vt.: J. & J. M. Poland, 1873–1880), 5: 378–380.

<sup>4</sup>Campbell, "Propaganda, Pestilence, and Prosperity," 146–148; Everest, *War of 1812*, 108–109, 116–121; Walter Hill Crockett, *Vermont: The Green Mountain State*, 5 vols. (New York: Century Publishing, 1921), 3: 67–68.

5Crockett, ibid.

6 Ibid., 3: 66; Bennington Newsletter, 31 August 1813.

<sup>7</sup>Jedidiah Lane to his brother, 28 August 1813, Jedidiah Lane MSS. Special Collections, Bailey/ Howe Library, University of Vermont; Campbell, "Propaganda, Pestilence, and Prosperity," 150.

\*Rutland Herald, 1 September 1813.

<sup>9</sup>Bennington Newsletter, 31 August 1813.

<sup>10</sup>Crockett, Vermont, 3: 69-70; Governor and Council, 6: 10-11.

<sup>11</sup>(Burlington) Centinel, 24 September 1813. The narrowness of the election was known by all, which brought the crucial votes of the soldiers into play. See the Rutland Herald, 24 November

gJournal states 127 yeas, actually there are 126.

<sup>&</sup>lt;sup>h</sup>Journal states 75 yeas, actually there are 74. Also, G. Wheelock is listed as a yea and a nay. Assumed that A. Wheelock was the nay.

Journal states 82 yeas, actually there are 83.

1813. Also the editor of the Washingtonian mockingly bemoaned the fact that the United States had not commenced a war with Canada to tamp down soldier voting.

12 Bennington Newletter, 21 September 1813.

13 Williamson, Vermont in Quandary, 259; H. P. Smith, ed., History of Addison County Vermont (Syracuse: D. Mason & Co., 1886), 432; H. P. Smith & W. S. Rann, eds., History of Rutland County Vermont (Syracuse: D. Mason & Co., 1886), 245, 278; Samuel Swift, History of the Town of Middlebury (Middlebury: A. H. Copeland, 1859), 143–144; W. S. Rann, ed., History of Chittenden County Vermont (Syracuse: D. Mason & Co., 1886), 406, 669, 675; Edward T. Fairbanks, The Town of St. Johnsbury (St. Johnsbury: The Cowles Press, 1914), 227; Dawn Hance, ed., Marvel G. Swan and Donald P. Swan, comps., Early Families of Rutland, Vermont (Rutland: Rutland Historical Society, 1990), 71; Castle Freeman, Jr., A Stitch in Time: Townshend, Vermont, 1753–2003 (Townshend: Townshend Historical Society, 2003), 33, 56; Crockett, Vermont, 5: 97–98; Hamilton Child, ed., Gazetteer and Business Directory of Franklin and Grand Isle County for 1882–1883 (Syracuse: The Author, 1883), 225.

"Smith, History of Addison County, 139, 171; Rann, History of Chittenden County, 557, 657; Lewis Cass Aldrich, ed., History of Bennington County Vermont (Syracuse: D. Mason & Co., 1889), 365; Smith and Rann, History of Rutland County, 677; History Committee [Walden, Vt.], A History of Walden, Vermont (Randolph Center, Vermont: Walden Public Library, 1986), 36. The Boorn murder case was one of the most unusual trials in American history. In 1812, Russell Colvin disappeared from his hometown of Manchester. Although no body was ever found, and after seven years of turmoil, his brothers-in-law, Stephen and Jesse Boorn were charged with murder. Both men were convicted: Stephen was sentenced to hang, while his brother, Jesse, was given life in prison. As they awaited their fates, a man came to town claiming to be Russell Colvin, and the convictions were reversed. For more on the case, see John Spargo, Return of Russell Colvin (Bennington: Bennington Museum and Art Gallery, 1945) and Gerald McFarland, The Counterfeit Man (New York: Pantheon Books, 1990).

1st The vote for interim speaker was Daniel Chipman 107, Aaron Leland 99, Henry Olin 1, David Edmond 1, Heman Allen (R- Colchester) 1. For speaker of the house, the vote was Chipman 107, Leland 100, Olin 1. See Rutland Herald 20 October 1813. Swift, History of Middlebury, 264-265, 376-385; Kenneth A. Degree, "Malfeasance or Theft? What Really Happened at the Middlebury Branch of the State Bank," Vermont History 68 (Winter/Spring 2000): 16.

<sup>16</sup>Vermont General Assembly Journal (1813), 6; Records of the Governor and Council, 6: 4. Henceforth, the General Assembly Journal for 1813 will be designated VGAJ. If a journal for any other year is used it will be given the appropriate classification. The same rule will apply to the Records of the Governor and Council for 1813, volume 6 which will be designated Governor and Council. All other volumes will be identified.

<sup>17</sup>VGAJ, 7; Governor and Council, 4; Swift, History of Middlebury, 265-266; Vermont Manuscript State Papers, 74: 43.

18 VGAJ, ibid.; Swift, ibid.; Vermont State Papers, ibid.

19 VGAJ, ibid.; Swift, ibid.

<sup>20</sup> Rutland Herald, 26 October 1813; Governor and Council, 6-7; Heman Allen to John Johnson, 16 October and 17 October 1813, John Johnson Papers, Carton 1, Folder 21, Special Collections, Bailey/Howe Library, University of Vermont.

<sup>21</sup>The report of the committee of the council can be found in *Governor and Council*, 38–50. The defense of the canvassing committee is found in *VGAJ*, 144–155. The results of John Johnson's quest are found in *Governor and Council*, 47–49.

<sup>22</sup> Rutland Herald, 26 October 1813; Leonard Deming, Catalogue of the Principal Officers of Vermont, 1778 to 1851 (Middlebury: The Author, 1851), 11–12; The Report of a Committee of Republican Citizens of the County of Addison (Middlebury: Slade and Ferguson, 1814), 11.

<sup>23</sup> Burlington Records of Town Meetings, 1: 394–395; Governor and Council, 45; Centinel, 10 September 1813.

<sup>24</sup> Rutland Herald, 26 October 1813; Washingtonian, 8 November 1813; VGAJ (1793), 22–24; VGAJ, 29–32; Governor and Council, 6–7, 14, 38–50. It is on the basis of this vote that we are able to define the party labels. Walton and all newspapers of the time state that it was voted on by party, and research seems to confirm it.

<sup>25</sup>VGAJ, 183-184; Governor and Council, n9; Vermont Republican, 17 January 1814.

<sup>26</sup>VGAJ, 16-17, 21-22. Hilariously, the editor of the Washingtonian on October 18th noted to his readership that "the election of Governor and Lieutenant Governor will probably be deferred until the new councillors are notified of their election and take their seats" (italics mine). Probably? Who was he kidding?

<sup>27</sup>VGAJ, 33-34; Governor and Council, 7-10; Smith, History of Addison County, 149. Montpelier Watchman as reported in the Washingtonian, 8 November 1813. For the motion of the house, see VGAJ, 33-34, 36.

.....

<sup>28</sup> VGAJ, 39, Governor and Council, 15, Rutland Herald, 26 October 1813; Danville North Star, 30 October 1813; Washingtonian, 8 November 1813.

<sup>29</sup> VGAJ, 44–45; Governor and Council, 16; Washingtonian, 8 November and 15 November 1813.

<sup>30</sup>Crockett, Vermont, 3: 72–73; Prentiss C. Dodge, ed., Encyclopedia Vermont Biography (Burlington: Ullery Publishing Company, 1912), 31–32; VGAJ, 45.

<sup>31</sup> VGAJ, 46.

32 Ibid., 46-47.

33 Ibid., 137-139.

34 Ibid., 139-140.

35 Ibid., 160-161, 199.

36 Ibid., 200-208.

<sup>37</sup>Buel, America on the Brink, 183; Hickey, The War of 1812, 136-139; VGAJ, 55-56; Governor and Council, 18.

38 VGAJ, 45.

39 Ibid.

40 Ibid., 101.

<sup>41</sup> Ibid., 102.

<sup>42</sup> Gillies and Sanford, eds., Records of the Council of Censors of the State of Vermont, 191–231. The council of censors were Federalists Isaac Tichenor, Nathaniel Chipman (Daniel's older brother), Daniel Farrand, Solomon Brigham, Jr., William Hall, Jr., Charles Marsh, Isaac Bailey, Luther Jewett, Ebenezer Clark, Elijah Strong, Nicholas Baylies, and David Edmond, who stopped attending after the first session of the council because he had been elected to the House of Representatives. The lone Republican, Robert Temple, was the secretary. The censors offered twenty-eight amendments to the state constitution, none of which were accepted by the constitutional convention. Centinel, 25 March 1813. VGAJ, 16, 38, 40, 52–53, 79, 85, 134–135. 190, 193; Governor and Council, 36, see also n2, 52.

43 VGAJ, 95, 166.

"Ibid., 166.

45 Ibid., 168.

<sup>46</sup>Ibid., 172–174, 193–195, 210–211; Governor and Council, 57–59. The direct tax laid by the national government hovered over these proceedings as well. Republican Uriel Hatch of Cavendish resolved on November 1 that a committee of four members be appointed with those chosen by the council to consider "the propriety of passing a law" that would allow the state treasury to assume the collection of the state's quota of the direct tax. However, the committee, after examining the situation, decided "that considering the shortness of the time allowed by the act of Congress for paying said tax, and the difficulties attending any mode of assessment and collection," it was not "expedient" to assume the national administration's duty. See VGAJ, 97, 186.

<sup>47</sup>VGAJ, 30, 32-33, 37, 119, 126; Marshall True and William Doyle, eds., Vermont and the New Nation (Hyde Park, Vermont: Vermont Council on the Humanities and Public Issues, n.d. [1985?]), 114-115.

<sup>48</sup>True and Doyle, *Vermont and the New Nation*, 114–116. One of the signers of this reply, Captain Sanford Gadcomb, continued the assault on his chief executive in his "Remarks on Chittenden's Proclamation," after returning home. See Sanford Gadcomb Papers, Carton 1, Folder 10, Special Collections, Bailey/Howe Library, University of Vermont.

49 Buel, America on the Brink, 194-195; VGAJ, 211.

50 VGAJ, 64-65. For a fuller examination of the State Bank affair, see Degree, "Malfeasance or Theft?"

<sup>51</sup> VGAJ, 76-77, 80, 164-165, 169. The committee chosen was Federalists Heman Allen of Milton, Chauncey Langdon, and Moses Robinson and Republicans Heman Allen of Colchester and William Griswold. *Rutland Herald*, 24 November 1813.

52 VGAJ, 136-137, 169, 188-189, 192-193; Governor and Council, 58.

53 VGAJ, 114, 185, 189, 195.

54 Manuscript Vermont State Papers, 46: 126; 47: 150, 229, 239; 48: 58; 66; 66: 10.

5° VGAJ, 195-198. For more information on the colorful Barnum, see Kenneth A. Degree, Vergennes in the Age of Jackson (Vergennes: The Author, 1996), passim, but particularly chapter 2 and pp. 63-66; and Smith, History of Addison County, 669.

56 VGAJ, 210, 212-219.

57 Brynn, "Patterns of Dissent," 21.



# A Marriage Made in Maryland: Corporal Franklin Swan of the Tenth Vermont and Miss Mary Gaster

What happened to Corporal Swan's wife after he was killed (as he apparently was) at Cedar Creek on October 19, 1864? Did she seek a widow's pension? Did Franklin Swan's mother know about the marriage? Did she conceal that knowledge in order to get the pension?

# By Grant Reynolds

he Tenth Vermont Infantry was recruited by the State of Vermont in the late spring of 1862, even though the War Department had shut down recruiting in April. It was satisfied then that it had all the soldiers needed to put down the Rebellion, but by June it was imploring Governor Holbrook to "send your tenth regiment!" The Tenth arrived in Washington, D.C., in September, 1862, with useless Belgian smoothbore muskets and very little military training. Within a week it was on its first long march, from Arlington, Virginia, just across the Potomac from Washington, to rural Maryland, northwest of the city. Its assignment: Take over guarding the Chesapeake & Ohio Canal from disruption by Confederates, and block the fords across the Potomac. The canal provided coal from the Maryland coal fields for

Grant Reynolds is a retired attorney and local historian in Tinmouth, Vermont. He and his wife Jo lived near the C&O Canal National Historic Park in Maryland for over forty years. They have spent many days bicycling on the canal, and are familiar with all the places mentioned in the article.

Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 181-195.

© 2010 by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043

Washington. The Potomac fords were used by Rebels, from guerilla companies to armies, to invade the North.

The Tenth was initially posted by companies along the canal from Blockhouse Point (which they called Muddy Branch) at mile 20.01 on the canal to Edwards Ferry at mile 30.84. Over the nine months they served along the canal their positions varied somewhat, going as far north as Monocacy Aqueduct at mile 42.19. Soon the regiment was camped together just below Seneca, with detachments sent out daily on picket duty at various spots along that stretch of canal.

The Seneca campsite was disastrous. Described as a hillside sloping down to a swamp, it seems to be about where the Bretton Woods Country Club soccer fields are now located on Violette's Lock Road (about mile 22.2). Here the first men died of disease.¹ Between their arrival on September 14 and their relocation in November to "the high ground east of Offut's Crossroads" (now the rise on Maryland State Road 190, east of Potomac Village), twenty-five Vermont soldiers died. This was a common pattern for Vermont regiments. Modern physicians speculate that Vermont men, largely from hill towns isolated from one another, had never developed antibodies to diseases common both in urban areas and in any large groups of people. Sanitation was poorly understood (the Roman army did it better) and germs spread like bad news. Seneca, however, remained an especially bad memory to men of the Tenth.

Since I lived in Potomac² for nearly forty years, and several men from my Vermont town of Tinmouth served in the Tenth, I've long had a particular interest in this regiment. The regiment fought no one in Potomac. Two days after it was withdrawn, though, General J. E. B. Stuart's cavalry crossed the Potomac River at Rowser's Ford, east of Seneca. One brigade, with Stuart accompanying it, marched through Offut's Crossroads (Potomac village) on their way to Rockville and, much too late, to Gettysburg.

A passage in Chaplain E. M. Haynes's History of the Tenth Vermont Infantry<sup>3</sup> caught my eye some years ago.

The regiment kept a guard at Seneca Lock, Maryland. Corporal Frank Swan<sup>4</sup> seemed to court the opportunity of abiding in that malarious neighborhood. He was often seen at the lock house when not on duty. He was visiting Miss Mary Gaster, a relative of the lock keeper from the interior of Maryland. They were married on June 14, 1863, by Chaplain Haynes, with friends, Col. Henry, Surgeon Child, and Captain John D. Sheldon being witnesses.<sup>5</sup> Swan soon left with the regiment. His bride was sent to Washington, D.C. He was missing in action at Cedar Creek and never has been heard from since.

Years after, Mrs. Swan, his mother, applied for a pension, claiming that Frank hadn't been married, either not knowing or not thinking it made any difference if she did. It was proved, however, that she did know of it, and kept it from her agent here in Rutland, and told her attorney, Mr. George E. Lemon of Washington, D.C., that the case was all right. In 1882 a pension of \$8 a month was granted, with arrears of \$1600 from 1864. In all, she drew \$2200 before the unlawfulness of the claim was discovered. She was prosecuted and confronted by General Henry and Captain Sheldon, who saw Chaplain Haynes perform the ceremony. Mrs. Swan declares she has done nothing wrong and still believes she is entitled to the pension.

This passage raised several questions in my mind, and over the last few years I have made several attempts to answer them. The bare facts are that Franklin Swan of Pittsfield enlisted in Company C of the Tenth Vermont Infantry in August of 1862. Company C was the "Rutland Company." Most of the men came from hill towns around Rutland, including nine from my little town of Tinmouth. Company C did serve for a time at Seneca Lock, and the whole regiment was camped there in the fall of 1862. But Seneca Lock turns out to have no part in this story.

Swan fought in some of the war's fiercest battles: The Wilderness, Cold Harbor, and Petersburg, in May and June 1864. In July the Tenth held the left end of the appallingly outnumbered Union line at the Battle of the Monocacy, north of Washington. One division of the Union Sixth Corps—by now thoroughly professional infantrymen—and Maryland militia were attacked by General Jubal Early with 20,000 men. The Union soldiers managed to fight most of the day, inflicting horrendous casualties on Early's force, but eventually were outflanked and forced to flee. Regrouped, they fought Early again at the Battles of Charleston and the Opequon, with Swan surviving them all. But at Cedar Creek he came up missing and was never seen again.

So here are my questions:

- Montgomery County, and especially the rural area where the regiment was posted, was Confederate in sympathy. While the residents were usually not personally hostile to the Yankee soldiers, most of them made no secret of their loyalty to the Confederacy. Lt. Col. "Lige" White of Poolesville commanded a partisan cavalry unit immediately across the river in Loudon County, Virginia, much like the better known Lt. Col. John Singleton Mosby's unit. He always seemed well posted on the regiment's activities. So why would a local girl marry a Vermont soldier—one of the enemy?
- What happened to Corporal Swan's wife after he was killed (as he apparently was) at Cedar Creek on October 19, 1864? Did she

seek a widow's pension? Did Franklin Swan's mother know about the marriage? Did she conceal that knowledge in order to get the pension?

• Why were the officers so hard on Mrs. Mary Swan? Was she well off and didn't need the pension? Were they protecting the widow's rights? After all, they knew her.

I did some research in the Vermont, Maryland, and D.C. censuses to see what I could learn, but it was limited. Franklin Swan was born in Pittsfield, Vermont, a hill town in the central part of the state, about 1843. Pittsfield lies in a narrow valley hemmed in by two ranges of mountains. Today only the central stream valley and a brook valley or two are open land. Much of the town is in Green Mountain National Forest or private forest. In 1860, though, quite a lot of the hilly terrain had been cleared for sheep farming and was supporting farm families. The Swan farm was not doing very well at supporting the Swan family, however.

"Ebin" Swan, 54, his wife Mary, 47, and son Franklin B., 17, appear in the 1860 census of Pittsfield. Mr. Swan (his full name was Ebenezer) owned real estate worth \$1,200 and personal property valued at \$300. Franklin had no property and no occupation.

One day in November 2008, I sat at a table in the National Archives in Washington, D.C. with two fat, dusty legal-size envelopes in front of me: the pension file for Private Franklin S. Swan, applicant Mrs. Mary Swan.<sup>6</sup> Pension files are generally gold mines of information about an individual's service, and what happened to them after the war.

Many soldiers turn out to have spent much of the war in and out of hospitals, though they returned to duty often enough to stay on the regiment's rolls for most of the war. An amazingly high percentage of Civil War veterans qualified for pensions under laws that varied over the years, giving differing weights to rank, age, level of disability, and service connection of their infirmities. An Old Home Day speaker in Tinmouth in 1905 named nearly all of the local soldiers who survived the war as those "who came back to us, but with wounds and broken in health." Widows received pensions, too, though under some circumstances widows seem to have been expected to show that they were poor. Parents seeking pensions had to show that they had been dependent on the deceased soldier for at least some of their support—and to need help now.

So Mary Swan had to show the professionally skeptical bureaucrats of the Pension Bureau three things to get a pension: 1) that Franklin was dead; 2) that she had relied on him for part of her support before he enlisted; and 3) that she needed support now. Although it wasn't obvious at the outset, she also had to show that Franklin was not married when he died. If he was, his widow got the pension, not his parents.

Sometime in 1879 a "pension agent" in Rutland, David Daly, began to gather affidavits to satisfy each point.

There seemed little doubt that Franklin was one of the many unknown dead who lay on the confused battlefield at Cedar Creek when the guns fell silent. The battle started as a surprise flank attack at dawn by Confederate General Jubal Early on Sheridan's Army of the Shenandoah. It was camped along Cedar Creek, a winding, shallow stream south of Winchester, Virginia. The surprise was tremendously effective. Most of the Union Eighth and Nineteenth Corps leapt from their tents and ran. The Tenth Vermont, however, made a series of stands, fighting all the way in retreat until the Confederate pressure eased as they reached the very much awake and organized Union Sixth Corps.

Franklin B. Swan . . . served with us until the spring of 1864 when he was detached as a sharp shooter. . . . [O]n the morning of October 19, 1864, after the sharp shooters had been driven in—and the 8th and 19th Corps also—we were drawn up in line of battle, and Franklin B. Swan came to our Co. He chatted with us a few moments and started to rejoin his Command—I have never seen or heard of him again. And have no doubt he was killed in that battle, the Battle of Cedar Creek. Immediately after he left the Rebels charged and we were driven back, and only recovered the lost ground at night. Many dead had been buried, others were so blackened and disfigured as not to be recognized—He was a brave man, never shirked his duty—his absence was proof to me of his death. Heman D. Bates (signed with his mark) of Royalton, May 20, 1880.

Leland J. Williams attested that "I stood ten feet from Swan at Cedar Creek and from the time a charge was made on us nothing has been heard from the said Swan since."

This satisfied the Pension Bureau. Franklin B. Swan died October 19, 1864, at Cedar Creek. Curiously, while Chaplain Haynes refers to him as "Corporal," his military record doesn't, nor is there any record of a transfer to the First or Second United States Sharpshooters. Both of those élite regiments were in the process of disappearing. Their three years term of service was up, and they had been steadily dissolving as a result of casualties and as men decided not to re-enlist. When the two regiments were disbanded in December, 1864, the few men remaining in them were transferred to regiments from their states. Possibly "the sharpshooters" referred to was an informal unit organized to provide the sniping and skirmishing services that were the specialty of the original U.S. Sharpshooters.

Mary Swan's second burden was to show that she had received at least part of her support from Franklin. She claimed that her husband,

Ebenezer, was in poor health long before he died in 1864. Franklin worked on the farm as an unpaid hired hand. He also "worked out" on other people's farms for a little cash money. When he enlisted he gave his father \$30, his enlistment bonus. He also sent his father his "extra state pay." Vermont, unlike other states, paid its soldiers \$7 a month to supplement the low government pay of \$13 a month for an enlisted man, probably less than a farmhand's pay at the time. However, the extra state pay wasn't sent to the soldier. It went to his family, if he had one; if not, to the town clerk to hold for him until the war was over. Franklin directed his to Ebenezer. 10

Several Pittsfield neighbors affirmed that Franklin had been substantially contributing to the support of the family, and that Mrs. Swan was left nearly destitute when her husband died on September 23, 1864, only a month before Franklin. Orvis B. Blossom attested at Pittsfield, on December 26, 1879, that "Franklin worked for me by the day and his wages went to support his parents. Their only means of support was the avails of their small farm and their son Franklin's labor. Now Mrs. Swan is left without means of support but what she earns with her hands and is in very poor health."

Ira Holt and William Davis of Pittsfield said that "Ebenezer was in poor health for many years. Franklin lived at home and worked out; his wages went for the support of the family. Since Franklin's death Mrs. Swan has worked out by the week and had no other means of support. Franklin was never married to our knowledge. 12

The pension file contains several other 1879 affidavits of Pittsfield neighbors stating how poor the Swans were, how Mrs. Swan's attempt to invest in another farm failed because it was worth less than the mortgage, and that Franklin had been supporting them when he went into the army.

With both her men dead, Mary had little property. The Pittsfield town clerk stated on July 26, 1879, that the Grand List (property assessment for tax purposes) "for Ebenezer Swan for 1864 was one hundred acres of land with the buildings thereon assessed at 2/3 its value at \$650. 1865: 50 acres at \$350—50 acres sold to pay debts. In 1866, 67, and 68—\$350. Since that time no list set to the estate or the widow." He went on to explain. "The farm was mortgaged in 1862 for \$600, and the mortgage remained unpaid at his decease. The property was sold for \$1200 leaving the widow with \$600. She invested it in another farm. In the depreciation in the value of real estate and a previous mortgage upon the property purchased renders her interest in the farm worthless. There was but a small amount of personal property, not enough to pay the expense of last sickness and funeral charges." 13

Mrs. Swan went to work as a domestic servant. She is listed in the census of 1870 as working in the home of Jasper Pinney, a farmer with a modest farm in Sherburne (now Killington), Vermont, the next town south of Pittsfield.

The date Mrs. Swan filed for her pension is unclear, but the certificate awarding her \$8 a month was issued March 17, 1882. However, a brief note from the Department of the Treasury on December 6, 1881, states that "We have paid Mrs. Swan for bounty and pay to October 18, 1864." This probably only meant that the Pension Bureau, in calculating what was due her, should only make a lump sum payment of back pension amounts (at \$8 a month), and not include any arrears of pay or allowances due to the soldier the day he died. They had already been paid to her, probably in 1864 or 1865.

But there was that other question: Was she aware that Franklin Swan was married? I couldn't find a document where she swore that he wasn't married. It is implicit in her application, though, that she was eligible—that there was no widow whose rights would supersede hers, even if the widow had remarried or was otherwise ineligible for a pension. It isn't clear how the question came up, or exactly when. There is no outraged letter in the pension file from Chaplain Haynes, for example, though he is certainly a likely candidate for whistle blower. However, he was in Meadville, Pennsylvania, not in Vermont. Perhaps Captain Sheldon or Colonel Henry raised questions when they became aware that Mary was applying for a pension when they were asked for evidence about Swan's marriage.

Not long after the pension was granted the Pension Bureau's "Special Examiners" were put on the job. They were detectives stationed throughout the country to ferret out "waste, fraud, and abuse" in the pension system. There was suspicion, rumor, and sometimes proof that healthy former soldiers or their widows were milking the government for un-earned pensions. This generalized suspicion lasted virtually until the last pensioner could no longer be expected to support himself—into the 1920s!

In Vermont, Special Examiner C. R. Bowman was assigned to the case. He obtained affidavits from Captain Sheldon on September 11, 1883, and from Colonel Henry on September 12. John Sheldon was now a marble dealer in West Rutland, age 45. He stated that Franklin Swan was married at White's Ford, Maryland, in the winter of 1862–63. He couldn't remember the bride's name. Col. Henry was now U.S. Marshall for Vermont. He remembered that Swan "married a girl whose father lived in the lock house at White's Ford, Maryland." 14

Two years later Special Examiner J. F. Fitzpatrick in Baltimore, Maryland, reported that "This case was forwarded to me for the purpose of

obtaining the full name and whereabouts of soldier's widow at Whitesford, Harford County, Maryland. E. M. Haynes swears that he married the soldier at Seneca Lock. John A. Sheldon, Capt. of the Co., states that the soldier was married at White's Ford and the Col. of the regiment William H. Henry says he was married to a girl whose father was living at the Lock House at Whitesford, Maryland. I went to Whitesford, Harford County, and learned that the name was known only for the last two years."<sup>15</sup>

Did some Washington bureaucrat look at a list of post offices, find Whitesford, and send poor Fitzpatrick on an obvious wild goose chase? Surely Fitzpatrick himself would have known that the canal was nowhere near Harford County. That is in northeast Maryland, eighty to a hundred miles from the section of Montgomery County, Maryland, where the Lock Houses on the C&O Canal were being protected by the Tenth Vermont.

Local records were of no help to Fitzpatrick. In an undated letter James Anderson, Clerk of the Circuit Court, Montgomery County, Maryland, said that "No record of marriages was kept in this County before 1865; no marriage license was issued to Franklin B. Swan and Mary Gaster in 1863." Apparently there was a distinction between "licenses" to marry and "certificates" that a marriage had taken place. The license authorized the wedding and the certificate was proof that it had occurred. Franklin had not applied for either one, at least as far as the county records were concerned.

Back in Vermont, Special Examiner Bowman issued his report on September 16, 1885.

Testimony shows soldier was married and pensioner was aware of it when she applied for pension. The pension money she has obtained from the government is invested in a farm in Pittsfield, Vermont. It also appears by his own testimony that David Daly was instrumental in the procurement of this pension even after he had been made acquainted with all the facts related to the marriage of the soldier. I respectfully recommend that Mrs. Mary Swan be prosecuted with a view of recovering the money she has unlawfully obtained from the Govt. 16

Only a week later, on September 21, 1885, the regional office in Pittsfield, Massachusetts, replied to Bowman. "The case is not in shape for prosecution as recommended by you. We need C. R. Haynes testimony." How was Examiner Fitzpatrick "aware" that Haynes had "sworn" that the wedding was at Seneca Lock, if he hadn't "testified" yet? Soon, though, Fitzpatrick traveled to Meadville, Pennsylvania, and talked with Chaplain Haynes. He reported to the Pension Bureau on November 4, 1885, that he had talked to Haynes, who had a copy of an original record that he had married Franklin and Mary.

Back in Vermont, C. R. Bowman went to see Mary Swan. He obtained a lengthy affidavit from her on October 6, 1885, in Ludlow, Vermont.

I am 72 years old. We received a letter from him after he had been in the service that he had married a girl in Maryland. I do not remember the girl's name except that her name was Mary. She wrote several letters to me and always wrote that as soon as this war was over she and Frank would come home north and live with us. Once Frank wrote he and his wife would come home when his time was out. I never knew any reason why he married her only that he loved her. He was not obliged to marry her as they never had any children and nobility would not compel him to marry her. I think they had been married about a year when he was reported missing. Never lived together and he only went back to see her once. He wrote that they gave him a furlough and he went and stayed with his wife. . . .

After the war was over some soldiers told us that Franklin's wife had a husband living when he married her and that she had gone away to live with him after Frank had left. I don't know who it was told me. I always told everyone that Frank was married and told the attorneys that Frank was married when I applied for any pension but they said it made no difference. His wife could not draw it if she had another man. We received one letter from her after Frank was reported missing and she wrote that Frank did not think anything of her because he did not come to see her. And Frank wrote he could not come to see her or come home. I don't think he left any minor children for I never heard anything about it. I have never heard a word from her since she wrote. Is

The next day Orvis Blossom in Pittsfield repeated the same gossip; she had another husband and went off with him when Frank left. Some of the soldiers told Mrs. Swan that he married her to avoid "a punishment. It seems he went to see her so often that he neglected his duties and would have to be sent for frequently. To avoid being punished he married her but I do not understand how he would avoid punishment by marrying her. It is my impression it was not very long after Frank wrote home recognizing the girl as his wife that he began to write that she had gone off with another man." 19

Nothing happened on the case that winter, but in March Fitzpatrick made a trip to Montgomery County, Maryland. He apparently knew a lot more about C&O Canal geography by now, and knew how to find White's Ford. Even better, he found a key to the puzzle. On March 17, 1886, he spoke with Mr. J. P. Natters, a farmer and postmaster at the tiny village of Martinsburg, not far from Poolesville. Here is Mr. Natters's affidavit:

J. P. Natters, occupation, farmer and postmaster Martinsburg, Md. Has lived within 2½ miles of White's Ford all his life. Number of the

lock nearest White's Ford is 26. In 1863 the lock was kept by Herman Lapold. He had a housekeeper whose name he can't remember. She had a daughter 16 years old and this daughter married a soldier from Vermont. He got his license and was married by the Chaplain. They continued to live in the lock house with her mother. Her father was dead. She never had been married to deponent's knowledge. She only was here a short time when she married the soldier. This woman's name now is Harris and her husband is Peter Harris. They live in Virginia just above Georgetown, DC. Can't remember when she married Harris. He never heard she had been married before. She was, in deponent's opinion, young. Deponent at this time was running on a packet and had known the girl but a short time prior to her marriage. Can't tell where she came from. Lapold the lock keeper is dead. Can't tell how long she lived about here after the soldier went away. He lived with her as her husband up to the time he went to the front.20

Here was the key to the mystery: the current name and rough address for Mary Gaster Swan, probably now Mrs. Harris. Fitzpatrick must have mounted his horse and ridden hard for Washington. The next day, March 18, he met a housekeeper in Georgetown, Mrs. Mary Harrison. (Mr. Natters didn't have the name quite right, but he was close.) Here is her account of her relationship with Franklin Swan and his family.

My name is Mary Harrison, Age 40. Occupation, housekeeper, p.o. Georgetown, DC. I married Franklin Swan, a soldier in a Vermont regiment, but can't tell the company or regiment. We were married at the lock house at White's Ford, Montgomery County, Maryland. Can't tell the date of the marriage. The Chaplain of the regiment married us. I was only 14 years old when I married Swan. I was not previously married. We got no marriage certificate. My maiden name was Mary A. Gaster and myself and mother came from Hancock, Maryland and was only at the lock house one month when we married. My mother was then a widow and was living with her uncle at the lock house. His name was Lapold. Both Lapold and her mother are dead. He the soldier only stayed with her 2 weeks when he went to Virginia with his regt and after he was gone about two or three months he came home and stayed five days. He then went away again and she saw his death in the paper. She wrote to his father and the mother and father wrote back that he was killed at the Harpers Ferry, West Virginia.21 She only wrote to his family once. Never saw any of his family. They know I was married to their son. Two years or so after the soldier's death I married Peter Harrison and have been living with him ever since. Our marriage occurred Oct 25, 1871. [Sic-more like seven years after Franklin's death] My certificate is mislaid. Don't know that his mother ever tried to get a pension. I never attempted to get one. After I was married to him I tried to induce him to get a certificate from the Preacher but he never did. I never lived with any man prior to her marriage to soldier and can't tell why anyone should think so. I never had any children with the soldier.22

A little census research shows that in 1860, Peter Harrison, age 23, was the son of John Harrison, a lockkeeper in the Rockville district of Montgomery County, and his younger brother was the lockkeeper on the next lock. The census lists a whole group of young men living together in the house next to the younger lockkeeper, with no occupation listed. I suspect they were the crew that helped keep the two locks operational 24 hours a day. Most likely they were at "Six Locks" near Great Falls, in the Rockville District, since there are no locks close together above there in Montgomery County. In 1870, Peter Harrison, age 34, was a common laborer living by himself in a house in Georgetown, D.C. In 1880, Peter Harrison, age 46, carpenter, with a wife Mary, 33, a son Peter, age 4, and his mother-in-law Ann Gaster were living in the "Washington District" of Alexandria, Virginia. That was probably the term for the 27 square miles that Virginia originally ceded to the Federal government as part of the District of Columbia. It was returned to Virginia in 1847 and later became Arlington County. A farm in the very hilly northern part of Arlington County would be "above Georgetown," as Mr. Natters said. So Mary Gaster of Lock 26 finds a little marital permanence. How old was she in 1863? No doubt we'll never know for sure. If 40 in 1886, she would have been 16 sometime in 1863; if 33 in 1880, she would have been 15. No doubt she was young, but it's questionable that she was only 14.

On March 19, 1886 Special Examiner J. F. Fitzpatrick filed his triumphant Special Examiner's Report.

The mother was pensioned March 1882 and it was afterwards learned the soldier left a widow surviving him. Testimony of the witnesses to the wedding led me to the widow. The only person along the line of the canal whom I could find that knew something about this matter was J. P. Natters. His and the widow's testimony complete the chain of evidence. The mother evidently knew of the marriage but excuses herself on the ground that she heard the woman had another husband living when she married the soldier. I don't know how that story could have been started as there appears to be no foundation for it. The woman Harrison says she was only about 14 years of age at the time of her marriage to Swan but according to her age now she was nearer 17. I doubt if the pensioner could be convicted before a Jury. It would be a hard matter to establish intent to defraud. She might have been impressed with the idea that the soldier's marriage was illegal, but she studiously avoided giving any information to the Office about any kind of marriage. I recommend that an effort be made to get this woman to disgorge.23

On April 21, 1886, Mr. Bowman in Vermont confronted Mary Swan with the unquestionable evidence. He learned some interesting things.

Her son-in-law Orvis Blossom drew the money for her when the pension was granted and gave her \$1600. So far as she knew that was all she was entitled to. Gave son Gus, who was sick, \$900 to pay off the mortgage on his farm. He gave her a deed to the farm, but she deeded it back to his children on condition that they would take care of Gus, his wife, and Mary. Gave Blossom \$400 and got a deed of one half of his home placed. He insisted on giving me a deed and that Gus do the same. Blossom put a mortgage of \$400 on his place for me but I refused to take it because I didn't want anything to do with mortgages. Have no accounts. Hasn't a penny in the world. "I don't even have a good dress." Paid off her employer Jefferson Baldwin's \$300 mortgage and he deeded the house to her and her daughter Emma Blossom provided he could have the use of it during his lifetime. Knew Franklin had been married in the Army but I thought I was his nearest heir. People kept urging me to make application and I did thinking I was perfectly honest. I haven't anything to make restitution about. If I had to, I couldn't. I don't think it's right. I will write the President of the United States and I will get my pension yet. They can do what they wish with me. They won't have me long.

[Bowman] "You are informed that measures will be taken at once to bring the matter to court."

[Mary] I don't care what they do. I don't believe I have got a guilty conscience. Everybody says it is a shame to stop this pension on me. Everybody thinks I ought to have something for my son. I am satisfied he was married. I told one of the lawyers about it. I supposed if the widow were dead or remarried I would be the next heir.<sup>24</sup>

What happened next? Did she "disgorge"? Of course not; she had nothing to make repayment with, not even "a good dress." She seems to have been overwhelmed with generosity when, for the first time in her life, she had a large sum of money and no pressing need for it. There are no later documents in the pension file, only some handwritten notes on envelopes that may once have held documents. One says "Mrs. Swan was paid \$2274 by April 3, 1886." Chaplain Haynes said, "She was paid \$2200 before the unlawfulness of the claim was discovered." His book was published eight years later, in 1894, so he should have known the outcome. But he doesn't mention it, other than by inference. He says that she was "prosecuted and confronted" by General Henry and Captain Sheldon, but in fact they gave fairly vague affidavits to the Special Examiner. Nothing in the file shows that they had anything more to do with it.

The last handwritten note says "Sept 6, 89-2 vouchers and 2 checks returned to Secretary." Does this mean that Mary's pension continued until she died in the late summer of 1889? Why else should checks and vouchers be returned? The file, so voluminous to this point, does not say. But perhaps Chaplain Haynes's obvious annoyance with her in the

passage that opened this article resulted in no small part from his failure to have her pension stopped.

Now, as to those four questions at the beginning.

 Why would a local girl in a Confederate neighborhood marry a Union soldier?

She wasn't local; she was from Hancock, in western Maryland. That area was Union, not Confederate, in sympathy, like the rest of northern and western Maryland. She had only been at Lockhouse 26 a month when she married Swan. The local politics may never have taken hold with her.

• What happened to Corporal Swan's wife after he was killed at Cedar Creek? Did she seek a widow's pension?

We know at least something about Mary Gaster Swan Harrison's biography post-Swan, but not much about the years between Swan's departure with the Tenth Vermont and her marriage to Peter Harrison in 1871. Probably she was cleaning houses in Georgetown. She didn't seek a pension.

• Did Franklin Swan's mother know about the marriage? Did she conceal that knowledge in order to get the pension?

Mary Swan knew about Franklin's marriage. Her thinking about what it meant to her was muddled and influenced by others who hoped to benefit from a successful pension application. Did she tell "the lawyers," as she said she did? Maybe. Did they rationalize that Mary Gaster Swan was dead or remarried, hence ineligible? Perhaps. Was this a knowing fraud by Mrs. Swan or by her pension agent or lawyer? At this distance, we can't really tell who, if anyone, intentionally defrauded the Pension Bureau. We can only determine that Mrs. Swan was not legally entitled to a pension. The Pension Bureau itself, with a clear set of facts in front of it showing she was ineligible, may not have cut her off. It seems likely that they stalled on making an unpleasant decision until she died in 1889.

Why were the Tenth Vermont officers so hard on Mrs. Mary Swan?
 Was she well off and didn't need a pension? Were they protecting the widow's rights? After all, they knew her.

"The officers" seem to boil down to Chaplain Haynes. The pension file doesn't show any outrage or "prosecution" by Captain Sheldon or Colonel Henry, who had only hazy memories of the incident. Haynes took the trouble to describe the incident in his book, with evident anger and no small amount of inaccuracy. Mary Gaster probably never went near Seneca Lock! It all happened at Lockhouse 26, now called Woods Lock, almost seventeen canal miles north of Seneca. The lock is near White's Ford, where Company C of the Tenth spent much of the winter of 1863. Examiner Fitzpatrick's remark that Haynes had sworn the marriage took place, long before he physically met Haynes, may mean that Haynes had submitted a complaint to the Pension Bureau that started the investigation.

Haynes may have had no idea what happened to the widow, and most likely he knew nothing of Mrs. Swan's finances. He probably was simply annoyed at Mrs. Swan's immorality in seeking a pension that he felt she wasn't legally entitled to. But her entitlement was a near thing. Montgomery County had no record of a marriage license or a marriage certificate. Haynes was from another state; and Maryland was not in rebellion, so its laws applied. Was a marriage license essential to a valid marriage under Maryland law? Was Haynes licensed to perform a marriage in Maryland? Perhaps the marriage was never legal after all, and Mrs. Swan really was, as she said in anguish, "the next heir."

#### Notes

- <sup>1</sup>Charles Dayton, who enlisted from Middletown but was a farmhand on his uncle's farm in Tinmouth, was the first to die, on September 26, only a couple of weeks after the regiment's arrival at Seneca.
  - <sup>2</sup>"Potomac" is today's name of the post office at what was called Offuts Crossroads in 1862.
- <sup>3</sup>E. M. Haynes, *History of the Tenth Vermont Infantry* (Rutland, Vt.: Tuttle Company, 1894), 30-31
- <sup>4</sup>Although Chaplain Haynes promotes Swan to corporal, there is no existing evidence that the Union Army did so.
  - <sup>5</sup>Sheldon was commander of Company C, Swan's company.
- <sup>6</sup>Pension file for Private Franklin S. Swan, Company C, Tenth Vermont Infantry, applicant Mrs. Mary Swan. From the National Archives, Washington, D.C. Hereafter "pension file."
- 'Affidavit of Heman D. Bates, May 20, 1880. Similar affidavit from Christopher George of Royalton, May 21, 1880, both in pension file.
  - <sup>8</sup> Affidavit of Leland J. Williams, May 21, 1880, from pension file.
  - <sup>9</sup>Mary Swan's Affidavit of July 26, 1879, from pension file.
- <sup>10</sup> Affidavit of John Page, State Treasurer, September 17, 1879, from pension file. Franklin's "Extra State Pay" of \$7 a month went to his parents.
- "Affidavit of Orvis B. Blossom, December 26, 1879, from pension file. While there's no significant reason to doubt Blossom, it must be noted that he was Franklin's brother-in-law.
  - <sup>12</sup> Affidavit of Ira Holt and William Davis of Pittsfield, September 18, 1879, from pension file.
  - <sup>13</sup> Affidavit of Ira Holt, Pittsfield Town Clerk, July 26, 1879, from pension file.
- <sup>14</sup>Both affidavits in pension file. Both were somewhat vague as to the details, but sure that Swan was married at White's Ford.
  - 15 Report of Special Examiner J. F. Fitzpatrick, from pension file.
  - <sup>16</sup>Report of Special Examiner C. R. Bowman, September 16, 1885, from pension file.
- <sup>17</sup>Letter from C. R. Booram, regional Pension Bureau office in Pittsfield, Mass, to C. R. Bowman, September 21, 1885.
- <sup>18</sup> Affidavit of Mary Swan, given in Ludlow on October 6, 1885, from pension file. In the 1880 census Mary is a housekeeper in the home of James Baldwin, a shoemaker.

- 19 Affidavit of Orvis Blossom, October 7, 1885, in Pittsfield, from pension file. As noted above, he was Franklin's brother-in-law.
- Affidavit of J. P. Natters, Postmaster at Martinsburg, Maryland, from pension file.
   She made two mistakes, probably meaningless: Ebenezer Swan died a month before Franklin
- And Franklin died at Cedar Creek, not Harper's Ferry.
   Deposition of Mary Harrison, March 18, 1886, from pension file.
   J. F. Fitzpatrick, Special Examiner's Report, dated March 19, 1886, from pension file.
   Deposition of Mary Swan, given to Special Examiner C. R. Bowman April 21, 1886. Bowman included his own remarks in writing up the "deposition." From pension file.



# Preaching the Gospel to Anarchists and Socialists: Baptist Missionaries in Barre, 1899–1916

Baptist Church officials noted a sizable Italian population in Barre that was not committed to Catholicism and anticipated a path to success similar to the one in Buffalo. What they had not anticipated was the very different character of the Italian immigrants from northern Italy.

By Paul Heller

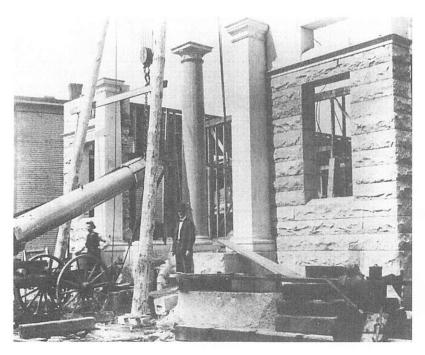
hy is it that socialists and anarchists do not wish to listen to the gospel? I am quite sure of the fact that it is not because they are superior in intellect to those who do respond to the gospel message. The fact is, that socialists and anarchists as a class are among the most bigoted and narrow-minded people that one can well meet. This is my conclusion, after a brief sojourn in Barre, Vermont, the greatest granite center in the United States." One can sense the frustration felt by Rev. Antonio Mangano in 1916 after costly and arduous attempts at establishing a congregation of the Italian Baptist Church in Barre met with failure.

Ariel Bellondi had initiated the mission in the Granite City on January 1, 1899. The Home Mission Society invested \$20,000 to erect a church Rev. Bellondi designed in the style of a country chapel common in his native Italy.<sup>2</sup> The façade was fashioned of local granite and presented a

Paul Heller is a retired librarian and innkeeper. He lives in Barre and serves on the board of the Barre Historical Society.

Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 196-207.

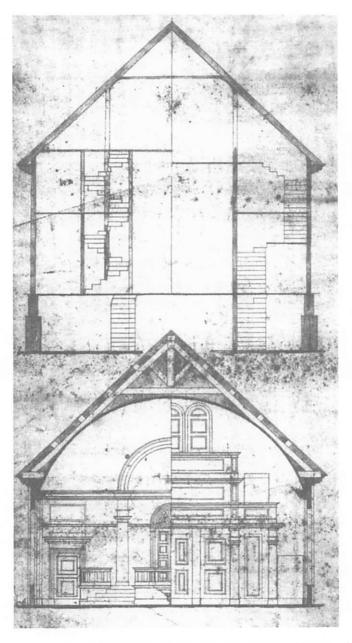
<sup>© 2010</sup> by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043



Ariel Bellondi on the steps of the Italian Baptist Church while under construction, c. 1907. Courtesy of the Vermont Division for Historic Preservation.

superficially grand entrance with Doric columns in a style that must have seemed as unlikely in Barre one hundred years ago as it does to-day. Bellondi intended to build the whole structure of granite, but sufficient financial support was never sustained by the few converts he could claim in Barre, and the remaining walls were framed in milled lumber and sheathed in brick. As reported by James M. Bruce, superintendent of foreign work for eastern states (Baptist Missions), in 1909: "His plans for the chapel were beautiful, but somewhat more ambitious than the available resources would warrant. He had in mind a classic temple architecturally imposing, though of moderate dimensions, which should be constructed entirely of handsome silver-grey granite from the famous Barre quarries. It was a serious disappointment to him that he could not fully carry out this plan, and after a prolonged but unsuccessful effort to raise the necessary funds, he found himself broken in health, and relinquished the work and went home to Italy."

In the 1880s, Protestant religious denominations sought to establish



Transverse sectional drawings of the Italian Baptist Church, found beneath the altar in the early 1970s. Courtesy of the Vermont Division for Historic Preservation.

congregations within immigrant communities. For Methodists and Baptists, these evangelical efforts were preceded by missionary efforts in Italy in the 1870s.<sup>4</sup>

The Baptist Church in America initiated their proselytizing efforts in the northeastern United States with English-speaking missionaries, and by 1889 they had instituted Sunday schools in New York, New Jersey, and Connecticut.<sup>5</sup> Ariel Bellondi, born in 1872 in Stedella, Italy, emigrated to the United States to attend Colgate University in Hamilton, New York, at that time a Baptist seminary. His father had been among the first evangelical ministers in Italy and had suffered harassment and intimidation by the Roman Catholics there. As reported in the May 1905 issue of *The Home Mission Monthly*, the magazine of the American Baptist Home Mission Society,

There was a concurrence of providential events in the inception of the work. The Buffalo Baptist Union in its survey of the needy fields of that city, turned towards the large and growing settlements of Italians, with a deepening conviction that effort should be made to evangelize them. In the classrooms of Colgate University was a young Italian, Mr. Ariel B. Bellondi, who had come to this country for a theological education. The Baptist Union adopted the work, and the Baptist Home Mission Society contributed generously to his support. The mission was attended from the outset with success. Thus was the city of Buffalo honored in being the birthplace of the first Italian Baptist Church in the United States.

Under the auspices of the American Baptist Home Mission Society, young Ariel instituted the model of Baptist missionaries of Italian heritage working with Italian populations. He was able to establish a vibrant and self-sustaining parish among the Sicilians of Buffalo, and church elders, satisfied with this achievement, sought to proselytize elsewhere.

Baptist Church officials noted a sizable Italian population in Barre that was not committed to Catholicism and anticipated a path to success similar to the one in Buffalo. What they had not anticipated was the very different character of the Italian immigrants from northern Italy. Skilled craftsmen from the area around Cararra arrived in Barre with a sense of alienation from the Catholic priests who preached an acquiescence to the established order. These immigrants had fled a homeland with an almost feudal class system for a new land with economic promise. Skilled carvers of granite could earn as much as \$10 a day in Barre in 1910, and laborers in the quarries earned over \$2.7

Settling in Barre's North End, the Italian stone workers established a colony of like-minded émigrés from Lombardy and Tuscany who did not seek the solace of a Catholic congregation, although 99 percent of the citizens of their native land were Catholic.8 Roberto Burrattini, a



Ariel Bellondi, architect and first pastor of Barre's Italian Baptist Church. Courtesy of the Aldrich Public Library.

Works Progress Administration literacy teacher in Barre in the 1930s, noted that the majority of "Vermont's Italian workers came from that section of Italy which had practically broken with the church. Now if the priests of the Roman Catholic Church had not been able to curb the anti-religious element at home, how could they do so here?" Thus many people remained hostile to religion in any form or shape. "Neither God nor Master," was the motto which guided many." Burrattini observed in Barre, "On Sunday morning, during the time for religious services, the Italians walk up the street, and stop to talk to friends, in good weather; or they go hunting or fishing, but not to church."

The anticlericalism of this wave of immigrants had its roots in a political struggle in their native land that had Vatican officials allied with oppressive elements in Italy to thwart attempts at Italian unification. The Roman Catholic Church feared that its religious monopoly would be threatened by a unified country. The Catholic hierarchy in America was allied with the Vatican and, naturally, continued to alienate the immigrants from the Italian north. One indication of this hostility toward the Church of Rome may be inferred from the comparative level of Church giving by Italians: "A missionary in Chicago calculated the

annual contributions to the Church per 10,000 population of various ethnic groups with equivalent means as follows: Poles, \$65,000; Irish, \$40,000; Germans, \$30,000; Italians, \$3,000."12

Nevertheless, Protestant missionaries perceived a ripe opportunity for promoting their sects in Barre, where there were thousands of Italians with no allegiance to Catholicism. "The Methodist Church established a mission in the north section of town to conduct kindergarten classes, to care for the children of those who worked, to conduct religious services and also to teach English to the foreign born parents."13 Rather than devote their efforts to building a granite chapel, the Methodist mission held services in a borrowed outdoor theater (later they rented a vacant railroad building) and concentrated their initial efforts on programs for children.<sup>14</sup> The Hedding Methodist Episcopal Church of Barre, established in the early 1800s, assumed some responsibility for the mission by 1903 and offered substantive support. In contrast to the Baptist mission, the efforts of the Methodists were administered and executed by women (Vermont Conference Women's Home Missionary Society). The successful result was characterized as a "miracle in Americanization."15 Consequently, many Italian residents of Barre remain Methodists to this day.

Generally, the Baptist churches felt obliged to establish separate congregations for the immigrants rather than incorporating them into their existing churches. The Baptist mission had a discrete hierarchy and leadership, and, in matters of administration, there appears to have been little cooperation among the two Baptist entities at each end of Barre's Main Street. Rev. Mangano, whose successful mission in Brooklyn was to become a model for the immigrant church, recommended separation. "If the converted foreigners speak little English and are of the laboring class, the attempt is always a failure. The vast majority of church-members will not mix with them and the Italians feel keenly their isolation, the social gulf between the races, and their own shabby clothes." Mangano also reported that established Baptist clerics were often at a loss dealing with immigrant members of their congregation. "

After his triumph in Buffalo, Rev. Bellondi was stunned by how he was received in Vermont. "The attitude of many of the people was not simply one of indifference, but of hostility to the truth. In their alienation from the Roman Church they had swung to the extreme of opposition to all churches. Not a few had adopted anarchistic views." 18

In 1903, a few years after Bellondi arrived in Barre, a sensational murder took place at the Socialist Labor Party Hall. Amid mounting tensions between anarchists and socialists, Elia Corti, the well-known granite carver and anarchist, was killed by a bullet from the gun of

Alessandro Garetto, a socialist. The shooting resulted in the conviction and imprisonment of Garetto.

Rev. Bellondi publicly defended Garetto, whom he claimed was a scapegoat as a consequence of the longstanding feud between the anarchists and socialists. Corti, Bellondi asserted, was not an anarchist, although the anarchist leaders swore to the contrary. "And, oh how they lied," the minister remarked. "Corti was a good fellow, liked by all. He went to a few of their meetings, but he was not one of them. I have talked to his brothers and his relatives. If he sometimes went with them, it was only because he liked everybody. Garetto, or anyone else, had no grudge against him. He had no enemies." 20

When Ariel Bellondi allied himself with one side in the political turmoil that swept through Barre, he may have sealed his fate among the anticlerical Italians who were predominant in the city, and ensured the failure of his mission. His stand reminded the immigrants in Barre's North End of the Roman Catholic priests at home who zealously defended the status quo and allied themselves with the "padroni," the oppressive class of landowners in Italy. It is impossible to determine if Bellondi's ultra-conservative views evolved from his antipathy toward the Barre anarchists, or if the failure of his ability to attract a congregation is attributable to his interest in preserving the established order.

Shortly after his public defense of Garetto, Bellondi was dismissed and, exhausted, he returned to Italy for an extended rest. He reappeared in Lawrence, Massachusetts, in 1912, pleading with striking textile workers to return to the mills. Bellondi spoke against the Bread and Roses strike and later conspired with the Italian ambassador to discredit an antifascist who had been making public statements unflattering to Mussolini.<sup>21</sup> It is not surprising that his missionary efforts were unsuccessful in Barre.

The Italian style chapel in Barre was completed under the direction of Dr. W. A. Davison, a Vermont Baptist. At the dedication on September 17, 1909, Supt. Bruce reported that the chapel was filled to capacity, but only twenty or so of the congregation were Italian immigrants, a surprisingly low turnout for the dedication of a new chapel dedicated to serving the Italian community. Bruce's report shows an appreciation for the character of the Italian settlement:

The Barre Italian Colony is important, not only numerically, but on account of its superior character. It is mostly from Northern Italy. There are many Carrara marble cutters and the prevailing mental and moral quality is above that of Sicilian laborers and peasants. Skeptical, socialist, and even anarchistic ideas are more or less current, not, however, in the way of lawlessness or violence. And the

people's minds are more open to simple and real religion than those of unquestioning Roman Catholics.<sup>22</sup>

Although the dedication was tepidly received by the Italian colony, Supt. Bruce felt that there was reason to feel hopeful about the future of the mission. A new pastor from Montreal, Rev. Castellini, was installed, and some dozen parishioners attended an informal evangelistic service after the ceremony. Supt. Bruce optimistically concluded his report, "There is good reason to expect a steady advance of the Italian work at Barre in the favorable conditions now established there."<sup>23</sup>

It is likely that the superintendent was attempting to put a good face on a bad situation. Just two years later it was noted in the annual report of 1911 that "anarchy and socialism of an atheistic type here have their chief center among Italian-speaking people; and here the chief Italian anarchistic paper is published [Luigi Galleani's *Cronaca Sovversiva*]. No God, no future life, no supernatural religion of any sort, are their doctrines."<sup>24</sup>

Rev. Castellini lasted only one year. In 1912 it was reported that Bellondi's and Davison's successor had moved to Buffalo, friendly territory in comparison. Although the 1912 annual report attempts to depict the situation favorably, only one baptism was reported, and the administration had been entrusted to a lay person.<sup>25</sup> The next few years saw the mission in decline and, in 1916, Antonio Mangano made one last attempt to rescue the effort from its trajectory of failure.

This charismatic luminary of the Baptist missionary movement was an accomplished scholar. Italian born, Mangano was a graduate of Colgate University and a product of graduate studies at Brown, Columbia, and Union Theological Seminary. His mission in Brooklyn, New York, was generally considered the most successful of the efforts to convert Italian immigrants. His 1917 sociological treatise, Sons of Italy, a detailed study of Italian life in America, is still in print and comprises an insightful treatise on immigrant culture. The fact that he married the niece of a highly placed church official only enhanced his ascent of the hierarchical church ladder.

In 1916, Rev. Mangano inspected the Barre mission during his summer vacation and made the discouraging assessment that, in spite of the hours and dollars invested, "anti-religious sentiment was so strong that only a very few of the people could be reached. The work was at a very low stage up to the last summer. A little Sunday school and a sewing class was all that remained of Italian work. My experience was most interesting, though at times disheartening. Everywhere I went people said to me, 'You must not talk of religion here, for the Italians will hoot you out of town' and then they told me how several years ago they had driven an Italian Priest from the city."<sup>26</sup>



Rev. Antonio Mangano, pastor, First Italian Baptist Church of Brooklyn. From The Baptist Home Mission Monthly 29 (September 1907).

Mangano decided to give a series of lectures on Italy and Italian history as a way to make contact with immigrant citizens, but he met with great difficulty in securing a venue for the speeches. Finally, through the help of a friend, he was able to procure the use of the Socialist Labor Party Hall on Granite Street, the same building where Corti had been killed several years earlier. The only condition on the use of the hall was that he "refrain from speaking on religion or politics." Rev. Mangano gamely delivered a slide presentation to an audience of about 250 people. At the conclusion he was amazed that no one offered applause. "They were as quiet as though at a funeral, and this is very strange for an Italian audience, especially when fine views of their own country are shown to them." 27

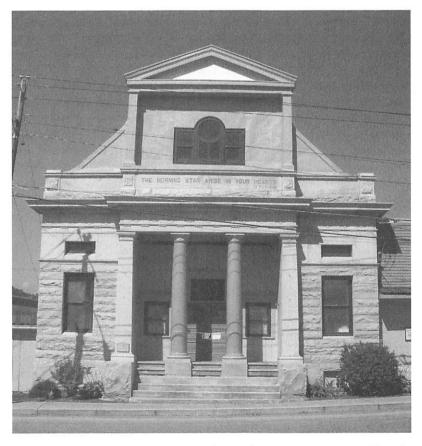
Mangano found later lectures were poorly attended and surmised that his efforts had been sabotaged by anticlerical elements in town. Rumors that he was a priest were "sufficient to shut all ears" to anything that he might have to say. In desperation, Mangano began offering English lessons. "I found that a number of these rabid socialists and anarchists were perfectly willing to study English and that gave me a point of contact. But when I suggested that the classes would be held in the Italian Baptist Mission, they politely informed me that they did not care to go inside the building." <sup>28</sup>

"My experience in Barre showed me that the preaching of the

gospel at that stage would not be effective among those people."<sup>29</sup> The accuracy of Mangano's conclusion about the mission was painfully obvious.

The efforts in Barre did not come to a complete end with Mangano's assessment. There were additional pastors who did not preach but rather chose to lead by example, but even that commitment began to dwindle. The last listing in the city directory for a clergyman at the Italian Baptist Mission was in 1927; and by 1935, the building was listed as being the lodge hall of the Improved Order of Red Men.

Vacant during the years of World War Two the building has again been dedicated for religious services. Today it is the home of the Morning



Morning Star Fellowship building, formerly the Italian Baptist Church, Brook Street, Barre, Vermont, 2010. Photograph by the author.

Star Fellowship (Church of God of Prophecy), an evangelical Protestant denomination.

The model of missions to the immigrant community has assumed different forms over the years and continues in America's urban centers to address the needs of new ethnic groups from yet new lands of origin. The missionary efforts of the Baptists in Barre appear in retrospect to have been well intentioned with the appointment of native Italian clergy, but years of oppression abetted by religious institutions in their native land, as well as progressive political views of the Italian immigrants to central Vermont, doomed the Baptists' ability to recruit a congregation for their Italian chapel on Brook Street.

Even the successful Baptist missions for Italians saw fundamental changes or dissolution in only a few decades. At the flagship church in Buffalo, the mission evolved as situations changed. "The area around the church became less Italian and more mixed in ethnic makeup." As a new generation of Italians grew up speaking English, the church services rendered in Italian were phased out, and by the mid to late 1920s were supplanted with English. Finally, the name was changed from "The First Italian Baptist Church" to the "Edison Street Baptist Church."

The Italian missions, where successful, served as a transition for the immigrant congregations until, through assimilation, the churches assumed the role of full partner with the American Baptist Church. Where they were unsuccessful, as in Barre, they were unfavorably perceived as an equivalent to the Catholic Church in Italy and in opposition to the immigrants' political ideals. The fate of the Italian Baptist Church in Barre was to disappear completely, leaving an Italian style granite chapel as the only artifact of its existence.

#### Notes

<sup>&</sup>lt;sup>1</sup>Antonio Mangano, "Italian Work in Barre," Missions: A Baptist Monthly Magazine 7 (June 1916): 476.

<sup>&</sup>lt;sup>2</sup>Ibid.

<sup>&</sup>lt;sup>3</sup>James M. Bruce, "Italian Chapel at Barre," *The Baptist Home Mission Monthly* 31 (November 1909): 467.

<sup>&</sup>lt;sup>4</sup>F. Aurelio Palmieri, "Italian Protestantism in the United States," Catholic World 107 (May 1918): 178.

<sup>5</sup> Ibid., 185.

<sup>&</sup>lt;sup>6</sup>E.E. Chivers, "Our Baptist Italian Mission Work," *The Home Mission Monthly* 27 (May 1905): 87.

<sup>&</sup>lt;sup>7</sup>Antonio Mangano, Sons of Italy (New York: Missionary Education Movement, 1917), 29.

<sup>&</sup>lt;sup>8</sup>Mari Tomasi, "The Italian Story in Vermont," Vermont History 38 (1960): 77.

<sup>&</sup>lt;sup>9</sup>Roberto Burrattini, "Italians and Italian Americans in Vermont." Unpublished Manuscript, Vermont Historical Society (Barre, Vt.: Works Progress Administration 193?), 21.

<sup>&</sup>lt;sup>10</sup> Ibid.

<sup>11</sup> Ibid., 22.

<sup>&</sup>lt;sup>12</sup> Rudolph J. Vecoli, "Prelates and Peasants: Italian Immigrants and the Catholic Church," *Journal of Social History* 2 (1969): 238.

<sup>13</sup>Tomasi, "The Italian Story in Vermont," 77.

<sup>14</sup>Corrine Eastman Davis, One Hundred Fifty Years of Methodism in Barre (Montpelier, Vt.: Capital City Press, 1948), 92.

15 Ibid., 96.

16 Mangano, Sons of Italy, 166.

17 Ibid.

- <sup>18 a</sup> Italians. First Fruits of Harvest. Barre, Vt.," Baptist Home Mission Monthly 25 (September 1903): 236.
  - 19 New York Times, 1 Nov. 1908: C8.

20 Ibid.

- <sup>21</sup> Peter D'Agostino, *Rome in America* (Chapel Hill, N.C.: University of North Carolina Press, 2004), 238.
  - <sup>22</sup>Bruce, "Italian Chapel at Barre," 467.

23 Ibid., 468.

- <sup>24</sup>"From the Home Lands," Missions: American Baptist International Magazine 2 (May 1911): 355.
- <sup>25</sup>Vermont Baptist State Convention. Minutes of the Vermont Baptist Anniversaries (Rutland, Vt.: The Tuttle Company, 1915): 30.
  - <sup>26</sup> Mangano, "Italian Work in Barre," 476.

27 Ibid.

28 Ibid., 477.

29 Ibid.

١

<sup>30</sup>Graham Miller, Edison Street Baptist Church (Buffalo, N.Y.: Edison Street Baptist Church, 1996), 26.

31 Ibid., 63.

### **BOOK REVIEWS**



## Where the Great River Rises: An Atlas of the Connecticut River Watershed in Vermont and New Hampshire

Edited by Rebecca A. Brown (Hanover, N.H.: Dartmouth College Press/University Press of New England, 2009, pp. xviii, 263, paper, \$35.00).

As a resident of the Champlain Basin, I write this review as a neighbor. Make that an envious neighbor. Squeezed between the Adirondacks and its wonderful The Adirondack Atlas (by Jerry Jenkins with Andy Keal, Syracuse University Press, 2004) and Where the Great River Rises, it seems that it is now time for an atlas of the Champlain Basin. But I digress. This current atlas is a project of the Connecticut River Joint Commissions, created by New Hampshire and Vermont in the late 1980s, in collaboration with Dartmouth College and Northern Cartographic, the excellent cartography shop based in Burlington. The atlas consists of thirty-six chapters, fifty-one maps, and dozens of excellent photographs and tables. As one might expect in an atlas, the chapters are typically sketches rather than fully developed narratives on their subjects, organized in eight sections covering natural and human history, from the deep past through the present.

One major challenge for any edited volume, especially magnified in Where the Great River Rises with its forty-one authors, is crafting a unified narrative. This book is best read as a series of stories from different perspectives, with the Connecticut River serving as the unifying theme. Among the many interesting essays and maps on natural history and processes, several stood out for me. These included the three essays on

Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 208–228. © 2010 by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043

weather and climate; maps illustrating the various subwatersheds within the larger Upper Connecticut Watershed; the maps of the natural communities and forest cover types in the West Mountain wildlife management area; and the essay on forests, accompanied by a series of excellent maps reporting the changing forest composition over time in the watershed.

Turning to the human history of the Upper Connecticut, the story is well told, though most of it is well known. The essays usually contain details specific to the region, but nothing particularly surprising. The essay on native spaces—especially regarding creation stories and place names—is particularly good, as is the one on the industrial era. There could have been more in these essays on the region's timber industry and its agricultural history (the two agriculture essays cover pre-1850 and post-1970). The essay on the region's demographics, followed by a set of essays on transportation and the accompanying maps, are also quite informative.

The book has a few shortcomings. First, I think the reader would have been well served by a better discussion of what the Upper Connecticut River Basin is and how it is defined. Second, there is a lack of consistency in the maps. Some include data for all of the Upper Basin, yet others only include information for the Vermont and New Hampshire sections—leaving the Massachusetts and Québec portions of the watershed blank. This is especially curious for an atlas based on watershed rather than political boundaries. Third, some of the chapters focus on just the Connecticut River and its nearby environs, while other chapters cover the entire watershed. Greater consistency on these maps and chapter foci would have made for a more coherent overall volume. Fourth, the lack of a comprehensive map of conservation lands in the watershed—national, state, municipal, as well as lands protected by private groups such as the Nature Conservancy and those protected by conservation easements—is a significant omission.

Like much of the northeastern hinterlands, the Upper Connecticut River Basin has been a place of dramatic natural and cultural change. The region is currently in ecological recovery—unlike much of the United States or the rest of the world. This recovery is rich in ambiguity: Animals and forests are returning, yet human population is growing and consumption is frequently displaced to elsewhere. Where the Great River Rises helps us to understand better these changes—through maps, texts, and photos—and the challenges and opportunities presented in the epilogue can help us better prepare for the future.

#### CHRISTOPHER McGrory KLYZA

Christopher McGrory Klyza is Professor of Political Science and Environmental Studies at Middlebury College. He is the coauthor of The Story of Vermont: A Natural and Cultural History (1999) and editor of Wilderness Comes Home: Rewilding the Northeast (2001).

#### American Homicide

By Randolph Roth (Cambridge, Mass: Belknap Press of Harvard University Press, 2009, pp. xi, 653, \$45.00).

Randolph Roth has completed his comprehensive study of homicide in the United States, and it is altogether intriguing. Roth, professor of history at Ohio State University, is the author of *The Democratic Dilemma: Religion, Reform, and the Social Order in the Connecticut Valley of Vermont, 1791–1850* (1987), has a long association with Vermont history, and is one of the most diligent researchers of our records. During the last several decades, he collected details of homicides from the seventeenth century to the present (2006) in England, five states, including Vermont, seven cities, and thirty-four counties in the United States, and has now produced a serious and important study of how and why Americans kill each other.

Homicide is a death of one person caused by another, and is broader than murder, which is unjustified homicide. Deaths in wartime, for instance, are included in the study. Deaths in every possible way are collated and analyzed here, and the results are fascinating. The numbers reveal interesting trends.

We are the most violent of nations, with homicide rates seven to ten times higher than other countries, depending on the decade. What inspires Roth's greatest interest is both why the numbers are so high, but also why they vary so widely over the years. There is no simple answer, but Roth's central thesis is that murder rates are correlated to the confidence of the society in its government—that there is a direct relationship between the trust and respect the public feels toward its representatives and the incidence of homicide.

Roth explains, "in the twentieth century, homicide rates have fallen during terms of presidents who have inspired the poor or have governed from the center with a popular mandate . . . [and] risen during the terms of presidents who presided over political and economic crises, abused their power, or engaged in unpopular wars" (p. 472). But before we cast blame entirely on political leaders, there are many other culprits. Poverty is at the heart of most homicides, but as most people kill only people they know, simple explanations and simple solutions continue to evade detection.

The research required to compile this book is astonishing. Consider the work done on Vermont, for example. There is no central bank of records here; no formal or even informal compilations of this data. To find details of homicides Roth and his associates had to review newspapers, county and state court records, and secondary material. Multiply that prodigious work for each of the jurisdictions chosen as representative of different sections of the country, and you can only begin to appreciate the hours and years spent in basic research. Of course, what matters is what Roth does with the data.

The subject is rich. There is spousal homicide, interracial homicide, religious homicide, fratricide, matricide, the killing of bosses by workers; death by the use of poison, tools, guns, knives, and pairs of hands. The availability of guns, the change in the balance of power between men and women, and the relative stability of government at all levels, are but a few of the reasons for the statistically surprising rise in homicides in the United States after 1840, in contrast to Europe and the British Empire. "Everywhere," writes Roth, "and under all sorts of circumstances, Americans, especially men, were willing to kill friends, acquaintances, and strangers" (p. 299).

Putting all these facts together reveals significant differences among various regions. While it is no surprise to find that cultural changes have a major impact on human behavior, especially homicide, there are interesting correlations. For example, Roth reports on the sudden increase in the number of romance murders among unmarried people beginning in the 1830s and 1840s in the U.S., attributing the change in part to the Romantic movement, the increase in magazine articles relating to love, and the idea that each of us is destined to meet and love one special person. Life being what it is, such dreams are often dashed, and murder follows. But this happened rarely in the colonial and post-revolutionary eras.

What people read in the nineteenth century changed their lives, and made them more homicidal, for a completely new reason. What a shocking idea that is. It portends dangerous impacts from the violence of our media and its influence on public and personal safety.

This book is provocative. Its impact builds as you course through the eras of American history and watch how homicide rates and their causes change. You begin to realize that democracy in this vast, tumultuous land came at a great cost. The liberation of the people from the bonds of hierarchy and Old World sensibilities—what to visitors from abroad seemed boorish and wild—created a climate of violence that never ebbed, even as the vacant spaces were filled in and the country became more gentrified, at least on the surface. We are the children of mountain men, pioneers, gunslingers, and gangsters;

and while we can be temporarily persuaded to be good, depending on how secure we feel, the homicidal spirit is right beneath the surface, waiting.

Paul Gillies

Paul Gillies is a Montpelier lawyer and historian who writes a regular column about Vermont legal history in The Vermont Bar Journal.

In Our Own Words: New England Diaries, 1600 to the Present.

Volume 1: Diary Diversity, Coming of Age; Volume 2: Neighborhoods, War, Travel, and

History

Edited by Peter Benes (Boston: Boston University, 2009, pp. [Vol. 1] 207, [Vol. 2] 180, paper, \$30.00 each volume).

stablished in 1975, the Dublin Seminar has become a New England institution. Its annual summer conference and published proceedings are both respected sources of information on New England material culture and social history. The latest publication, which focuses on the broad topic of New England diaries, consists of two volumes of essays detailing the words of diarists that readers may expect (young college women and travelers of all sorts), as well as less typical diarists, such as young children and crew members aboard whaling and fishing vessels. Taken together, the essays offer both new insights and new examples of known historical trends. Many essays discuss privately held diaries otherwise inaccessible to readers of these volumes, and a few consider multi-textual diaries that paired written text with ink sketches or fabric swatches. The essays vary in the extent to which they contextualize their findings by engaging secondary literature and in the degree to which they ask questions about the nature of diary authorship and audience.

The first of two essays about Vermont and Vermonters is Susan Ouellette's interesting research on Phebe Orvis, a young woman who longed for a formal education and relished her brief enrollment in the Middlebury Female Academy during the 1820 winter term. Ouellette nicely points out that Orvis used the traditional female labor of sewing and spinning to earn money for a formal education. She discusses the material preparations for school attendance; the description of Orvis spend-

ing her earnings on a new wardrobe reminds us that school was both an intellectual and social institution. Though Orvis soon warmed to life at the academy, she initially responded with "'very disagreeable feelings'"; as Ouellette notes, Orvis's sense of social isolation and intellectual inferiority as a new and unknown student will undoubtedly be familiar to modern readers with their own memories of adjustment to school (vol. 1, p. 149). Ouellette's discussion of the evolution of women's academy curricula left this reader thinking about the analyses of gender, education, and the rural emulation of refinement offered by historians such as Catherine Kelly, J. M. Opal, and Mary Kelley.

Orvis's family pulled her from school at the end of the winter term; she then used her diary to record her longing to return and her early doubts about marriage. Orvis made an effort to continue her diary after her marriage, but within less than a decade she was too preoccupied by the duties of motherhood and housework to keep it up. Ouellette argues that Orvis's brief stint at school made a lasting impression on her and colored the way she lived her adult life. Her study of Phebe Orvis is an ongoing project that promises to contribute to what we know about gender and education in northern New England during the early nineteenth century. Readers of Ouellette's essay undoubtedly will enjoy others in the two sections that address the topic of coming of age, particularly the late Priscilla Brewer's thoughtful and charming account of college women and courtship during the early decades of the twentieth century.

The other Vermont essay in the proceedings is Cameron Clifford's community study of diarists in North Pomfret. Clifford uses a total of 323 surviving diaries dating between 1840 and 1985 and representing thirty-eight diarists to offer a quantitative study of the group of diaries that also considers individual motivations for diary keeping, agricultural changes over time, and the relationships between and among the neighbors of North Pomfret. Clifford finds that the most active diary keeping occurred during the second half of the nineteenth century, and that diarists recorded the facts of agricultural life as well as news about one another, a preoccupation that makes sense, not only given the small neighborhood of North Pomfret but also because many diarists were related by birth or marriage.

Equally interesting is Clifford's own role in preserving the history of Pomfret and nearby towns. As Peter Benes and Mary Montague Benes point out in their introduction to the volumes, there are questions to be asked about the survival of so many diaries. Clifford attributes their collective preservation to "the interplay of geography, family, culture, and luck," and perhaps doesn't adequately acknowledge his own role in their preservation (vol. 2, p. 5). Clifford's account of salvaging a truckload

of diaries and personal papers literally en route to the dump adds a contemporary layer of drama to his narrative and will remind readers familiar with his work as a local historian that this essay is part of a larger project. He calls his privately held collection of primary source materials relating to Pomfret and surrounding communities the Clifford Archive, and in recent years he has drawn from that archive as well as from other public and private holdings to create especially well-done examples of local history.

Clifford's community studies challenge what too frequently are nostal-gic assumptions about community mutuality in rural Vermont. His earlier contribution to the Dublin Seminar proceedings (2003) uses similar sources from his archive to tell a less than idyllic story of gendered conflict within families and the larger community during the early twentieth century, while his wonderful 2007 book on Joe Ranger describes a mid-twentieth-century Vermont "character" whose life on the literal and figurative edges of mainstream Pomfret was not without its own injustice, class-based discord, and behaviors that did not fit standards of normalcy. Clifford's work is engaged in complicating the story of small-town Vermont by portraying a community characterized as much by conflict as by consensus.

The Dublin Seminar proceedings are always fun to read. The inclusion of essays from tenured faculty, independent scholars of all kinds, and museum professionals serves as a reminder of the diversity of work being done on New England history. The essays by Susan Ouellette and Cameron Clifford are the latest contributions to the body of Dublin scholarship on Vermont, and both are welcome additions to what we know about Vermont history.

JILL MUDGETT

Jill Mudgett lives in Lamoille County, teaches at the Community College of Vermont and Johnson State College, and has interests in cultural and environmental history.

#### It Happened in Vermont

By Mark Bushnell (Guilford, Conn.: Morris Book Publishing, 2009, pp. viii, 151, paper, \$14.95).

It is easy to see how a book in a series called "It Happened In"—one for each state presumably—might turn out to be a rehash of the trite and apocryphal. You'll be glad to know it didn't happen here. This book is a gem and, thanks to Mark Bushnell's easy style and his command of

subject matter, all readers, from browsers to scholars, will be entertained and educated.

Text on the front cover announces that the book presents "thirty-two events that shaped the Green Mountain State." But it does much more. Bushnell, a former newspaper editor, has for the last seven years written a weekly newspaper column called "Life in the Past Lane" for the Rutland Herald and Barre-Montpelier Times Argus. His talent lies in his ability not only to analyze and synthesize, but to place these accounts in their broader historical and social context, so in addition to being interesting and amusing anecdotes, they deepen our understanding of the events and the times. All with a light touch, a sense of proportion, and a sense of humor.

The book is organized chronologically, starting with the ordeal of French soldiers at Fort Sainte Anne on Isle la Motte during the winter of 1666–1667, and ending with the international celebrity of a few men in a far corner of the state who in 2001 took it all off in the hope of raising a few dollars for a local community center. It is a fascinating selection of incidents, both famous and obscure. Included, of course, are accounts of the Westminster massacre, the year without a summer, the raid on St. Albans, the 1927 flood. Others, whose inclusion might at first seem quirky, are always pertinent and illuminating.

The narratives about the early days of settlement and the Revolution highlight the precariousness of life here, in terms of climate and topography of course, but also in terms of the constant and very personal political animosities between Yankees and Yorkers, Vermonters and the English, settlers and Indians, "The Black Snake Affair" is more than a good story about smuggling and skullduggery on Lake Champlain in the early 1800s. It places the event in the context of Vermont's and the nation's commercial history in the time leading up to and following the War of 1812. The chapter on Clarina Howard Nichols's 1852 plea to the Vermont legislature for women's rights spotlights not only women's legal status at the time, but also the fact that what she was asking for, what she risked ridicule and insult for, was simply the right to vote at school meetings. Minor, from our vantage point, but earthshaking at a time when, Nichols reminded the legislators, she didn't even own the dress she wore: "[M]y husband owned it—not of his own will, but by a law adopted by bachelors and other women's husbands" (p. 63).

Bushnell does not sugarcoat Vermonters or Vermont history. Amid stories of heroism and kindness, some, such as "A Counterfeiting Scheme," highlight human weakness. "The Trial of Matthew Lyon," "The Jailing of a Minister," and "The Novikoff Firing" hammer home the local ramifications of national paranoia. And the 1980 discussion in

"To Dome or Not to Dome," about erecting a dome over the town of Winooski in the interest of energy conservation, indicates that even flinty Yankees can be seduced by the visionary and impractical.

Instead of retelling the story of the interstate highway, Bushnell tells us about Vermonters' resistance to and defeat of plans for a parkway that would have run along the sides and tops of the Green Mountains, a decision whose ramifications benefit us still today. And, delightfully, accounts of the 1886 Burlington Winter Carnival and the shooting, in 1920, of Lillian Gish's ice floe scene from the movie Way Down East illustrate the interactions and mutual (mis)perceptions of Vermonters and people from away.

In sum, while an initial glance at the table of contents might raise an eyebrow, these stories, taken together, give a real sense of Vermont's history and character locally and in relationship to the rest of the world. Anyone looking for a good yarn will enjoy any entry in this book. For those wanting more detail, Bushnell, always conscious of his readers, has included a brief bibliography for each chapter. "Something for everyone" in this case is not a dismissal but a gift.

ANN E. COOPER

Ann E. Cooper is an independent scholar and the former editor of Historic Roots: A Magazine of Vermont History.

## The Contrast: Manners, Morals, and Authority in the Early American Republic

Edited by Cynthia A. Kierner (New York: New York University Press, 2007, pp. 147, paper, \$18.00).

On April 16, 1787, Royall Tyler (1757–1826) of Braintree, Massachusetts, a lawyer with more than the usual literary talents of his professional peers, saw his play, *The Contrast*, a comedy of manners, premier in New York's John Street Theater, the city's only playhouse. While other plays besides Tyler's had been written and performed in the new United States during its first ten years of independence—notably propaganda plays to boost revolutionary morale during the War for Independence—*The Contrast* was the first by an American playwright to be performed by a professional theater company. Being first out of that exclusive gate has given the play minor celebrity in American theatre history.

For the dramatic subject of his play, Tyler knew from direct experi-

ence that establishing a republic was a contentious affair. In the previous year he had come face to face with conflicting interpretations of republican political values that the young American political experiment had already generated. By the mid-1780s, a lengthy postwar economic recession had drawn cash money out of the rural, agrarian sector of the economy occupied by most Americans. In Vermont, debt and foreclosures bore down heavily, bringing out mobs threatening to shut down several county courts. Mounted militia routed an armed mob at the Rutland court. In western Massachusetts, farmers found their courts and sheriffs too complicit with Boston speculators and merchants by enforcing contracts, exacting payments, and executing foreclosures, a state of affairs that prompted war veteran Daniel Shays to lead an insurgency against state government, which also replied with militia force. Tyler assisted in suppressing Shays's Rebellion in the summer of 1786, and pursued some of Shays's followers into Vermont. In March 1787 he was in New York on a similar mission.

Tyler's experience in these events led to a play that explores the contrasts between republican simplicity and European-style ostentation and duplicity and poses the question whether the rejection of a monarchy in 1776, which was sufficient for American independence, also required rejecting European social forms. Tyler's cast of characters and the dramatic structure of the play prompt the audience to consider the ideals and conduct Americans should value. The main characters are young people, so sex, fashion, and the seductions of the city are the center of their lives. *The Contrast* also explores gender ideals, family relationships, courtship, and marriage.

The Contrast had a four-night run in New York, followed by single performances in New York, Baltimore, and Philadelphia between 1788 and 1790. Rarely performed in the nineteenth century and in the twentieth century usually only for college audiences, the play was revived for a five-week run in 2006 at a New York City theater. Addressing some of the most prominent issues in the post-revolutionary debate over how a republican citizenry should conduct themselves in the 1780s, it was a play whose didactic solutions were briefly interesting for Tyler's audiences, but less appealing to later times.

Tyler returned to Vermont in 1790 to settle and practice law in Guilford, one of the two largest towns in Vermont at the time. Ten years later, he was chief justice of the Vermont Supreme Court, where he had the opportunity to initiate a dramatic spectacle that drew an audience probably far beyond the combined attendance at all of *The Contrast*'s performances from 1787 to 2006. In 1809 he presided over the grand jury that handed down an indictment charging the smuggler Cyrus Dean

of Highgate with murder in the death of a U.S. customs agent in the notorious Blacksnake Affair. Dean was convicted and hanged on Court House Square before an audience of ten thousand, 6 percent of the state's population at the time, the largest crowd in Vermont until several rock concerts in the 1990s.

In the early 1970s, when the University of Vermont transformed its ancient field house from the oldest collegiate athletic building in New England into the Royall Tyler Theater, Professor of Theater Edward Feidner produced and directed *The Contrast*. Adding a touch from the then fading Age of Aquarius for timeliness, no doubt, Feidner's version was a musical.

Professor Cynthia Kierner has written an interesting introduction to Tyler's play and its place in an important debate in the 1780s, supplemented by extracts from relevant contemporary documents addressing the central questions of the play and the times, and discussion questions about them as they are also treated in the play. Her book offers a valuable instructional approach to the cultural history of the early American republic.

JOHN J. DUFFY

John J. Duffy of Isle La Motte is emeritus professor of English and Humanities at Johnson State College.

## Finnigans, Slaters, and Stonepeggers: A History of the Irish in Vermont

By Vincent E. Feeney (Bennington, Vt.: Images from the Past, 2009, pp. 256, \$19.95, paper).

Any book that sets out to tell the history of a people runs serious risks. It can face criticism for being insufficiently encyclopedic, since it will inevitably omit details that some readers believe should be included. Conversely, it can draw fire for being too encyclopedic. By worrying so much about including every last detail, a writer can get bogged down and forget to make the book actually interesting.

Vincent Feeney finds a middle course between these extremes. His Finnigans, Slaters, and Stonepeggers: A History of the Irish in Vermont is the first book to take an in-depth look at the subject, and is therefore an important addition to our understanding of Vermont's past.

The story Feeney tells is gripping and often gritty. For many Irish

Vermonters, life here may have been easier than what they would have experienced in Ireland, but that is not to say it was easy. The book's title hints at the frank history that Feeney presents. "Finnigans, Slaters, and Stonepeggers" refers to a trio of nicknames, two of them rather derogatory, that were pinned on Irish in Vermont.

During the Fenian uprisings of the mid-1800s—a series of raids by Irish-American nationalists into British-controlled Canada from Vermont and other border states—the Rutland Herald dismissed the Fenians by labeling them with the common Irish last name "Finnigans." The term "slaters" typically referred to the Welsh immigrants who formed the backbone of the slate industry in western Rutland County. But many Irish laborers also worked in the state's slate quarries, hence the nickname. Feeney notes that the quarries wouldn't have been able to take on so many workers if not for the growth of railroads, which Irish workers played a key role in constructing. The derivation of "stonepeggers" is less clear, but some trace it back to an anti-draft riot in West Rutland during the Civil War, during which rioters supposedly threw stones at military recruiters. (Another version of the story has it that the name came from an incident in which West Rutland fans allegedly hurled stones at a rival baseball team.)

The nicknames are emblematic of the rough-edged existences of many early Irish in Vermont. They faced discrimination from neighbors and visitors alike. Author Nathaniel Hawthorne visited Burlington in 1832 and later wrote a harsh description of the Irish he saw there. Hawthorne reported seeing them "swarming in huts and mean dwellings" by the Lake Champlain waterfront. He described the Irish as "lounging" about, but added somewhat contradictorily that they would "elbow the native citizens" out of jobs.

Other Vermonters often viewed the Irish with suspicion and accused them of bringing all manner of troubles to the state, Feeney writes. When the steamship *Phoenix* burned in 1819, money being carried on board went missing. Newspapers declared that the culprit had been an unnamed Irishman. When smallpox broke out in Royalton in 1842, people again blamed an unnamed Irishman, this one having supposedly come into town on a stagecoach.

Religion was a focal point for Protestant mistrust of the Irish, who were mostly Catholic. In 1842, the *Rutland Herald* mocked the Irish Catholics of Castleton and their rumored plans to start a newspaper. "They have at Castleton, a meeting-house for jabbering mass, a priest to pardon sin and give tickets for a passage to Heaven, and now a Printing Press, with its immense power, to be added to the facilities for building up the Pope of Rome" (p. 44).

Occasionally, Catholics and Protestants managed to find common cause. When the Catholic St. Mary's Church in Burlington burned down in 1838, many suspected arson triggered by religious hatred. Whatever the cause, the Rev. Jeremiah O'Callaghan managed to raise enough funds to rebuild the church. Much of the money came from sympathetic Protestants in the community.

Still, a schism existed between the religions, even among Irish immigrants. Protestant Irish sought to distance themselves from Catholic Irish. Feeney notes that they did so by using code words. Protestants began identifying themselves as "Scots-Irish" or from "North of Ireland" to distinguish themselves from Catholics.

Feeney also delves into the labor strife involving Irish workers, including the so-called "Bolton War," a railroad strike, and the "Ely War" in Vershire, a copper mine strike, both over unpaid wages.

The second generation of Irish immigrants found greater acceptance in Vermont than the first. The *Burlington Free Press* noted in 1869 that members of the second generation were educated at public schools and found better jobs than their parents. Some had assimilated by converting to Protestantism. In general, the *Free Press* wrote, the Irish had begun to "freely mingle with the rest of the community as thoroughly American citizens" (p. 117). "By the 1920s," Feeney writes, "the Irish had been established so long in Vermont that many citizens of the Green Mountains considered them as Yankee as the Yankees" (p. 183).

At a time when two members of Vermont's congressional delegation are of Irish ancestry, it is easy to forget that the path to acceptance for the Irish in Vermont has been a long one. Thanks to Vincent Feeney's new book, we now have a record of that journey.

MARK BUSHNELL

Mark Bushnell writes a regular Vermont history column, "Life in the Past Lane," for the Sunday Rutland Herald and Barre-Montpelier Times Argus. He is the author of It Happened in Vermont, published by Globe Pequot Press.

# Searching For Ichabod: His Eighteenth-Century Diary Leads Me Home

By Julie Foster Van Camp (Lopez Island, Wash.: BookSurge Publishing, 2009, pp. x, 231, paper, \$13.99).

### Under a Fig Tree: A Family Memoir

By Sandra M. Levesque (Randolph, Vt.: The author, 2009, pp. xi, 223, paper, \$24.95).

We seem to be living in the age of the memoir. Browse through any bookstore and you will find dozens, even hundreds, of memoirs, autobiographies, and barely disguised autobiographical fiction, along with ghost-written books telling the life history of athletes and politicians. Many of these books describe trauma and recovery from alcoholism, sexual abuse, terror, and war. Yet there is another kind of memoir based on a genuine need to discover one's roots and to place family stories in some kind of meaningful context. These two attractive, self-published books represent the second category of memoir and family story. They both describe voyages of discovery and personal searches for ancestors and family history.

Julie Foster Van Camp, in Searching for Ichabod, writes about her thirty-year mission to recover the story of Ichabod Foster, her great-greatgreat grandfather. She describes her quest as she searched in archives and town records, explored old cemeteries and census records, checked the Internet, and asked questions of innkeepers and archivists. We even follow her as she drives along back roads in Vermont searching for her ancestor and sometimes for a bed and breakfast. Her big break came when she made contact through the internet with a distant relative who had preserved Ichabod's diary. Much of the book is devoted to her efforts to translate and decode the diary as she traced her ancestor as he moved from Rhode Island to Clarendon, Vermont, before the Revolution, then to Whiting in the west central part of the state, and eventually in 1811 to the Holland Purchase in western New York State. In the process she tries to connect cryptic and sometimes almost unreadable entries to larger historical forces and events. Not only does she reference the American Revolution and the War of 1812, but she also describes ordinary tasks of planting, harvesting, trading, traveling, and the intimate human stories of sickness, death, and childbirth. In the process Van Camp adds new details to the story of the early settlers and their struggle to survive. She uses Laurel Thatcher Ulrich's A Midwife's Tale to understand the culture of childbirth in Vermont in the early nineteenth century, and she uses other scholarship to make sense out of the diary entries. "When I first came to Vermont," she writes. "I was searching for threads of inheritance that connected me to my past, seeking the earth of my ancestors. Today, that connection has a life beyond land deeds and vital records. A personality flows through the words of Ichabod."

"American History becomes my history," Van Camp remarks. Occasionally she is a little sentimental ("I picture Ichabod's calloused hands touching what I am touching"), and she is always romantic. Yet we become intrigued by her search and we follow her story with anticipation. "Searching for ancestors is like having a disease for which there are no antibiotics, just stimulants that put a smile on my face." The book moves beyond genealogy to family history and makes the process of research in original documents compelling and personal.

Sandra M. Levesque, in *Under a Fig Tree*, describes a different kind of pilgrimage. She travels to Randazzo and other places in Sicily to recover her family history and folklore, then to Ellis Island to recapture her family's immigrant experience. She relates the story of her grand-parents, Francesco Paolo and Antonia Delpopolo, who came to America in 1920 and settled in Rutland, Vermont. The result is a fascinating volume filled with many illustrations, old photos, maps, letters, recipes, and much more. Sometimes it seems more like a collection of information than a book, but it is always entertaining.

Under a Fig Tree is about history; it is also about memory. The central figure in the story is the author's grandmother (Nana). "'Nana' spoke in a soothing Sicilian dialect, which bore little resemblance to the classical Tuscan Italian, the language of Dante. I understood and loved her foreign sounding words. She understood English, but would not utter a syllable of it. When surprised, frustrated, or otherwise excited, she broke her usual reserve with arms lifted to the heavens and uttered the all-purpose expletive. 'Madonna.'"

The book is also about the Italian community in the southwestern section of Rutland, about their church (Saint Peter's) and the nuns of the order of Saint Joseph. It is about their food and their festivals, especially the Festival of the Assumption. It is a romantic story. There is little mention of prejudice or conflict here. Some of the men worked in the marble industry, or for the Howe Scale Company. Others ran stores and shops. The men were important, but the women ruled the home and prepared the meals—la cucina povera or peasant's cuisine. There are recipes in the book for salt cod, meat balls, chicken stew, pasta, and more. The book lovingly describes the folkways and the foodways of the Italian community in Rutland at a particular time in history, a time that is now past.

These two books (which would be more accessible if they had indexes)

should inspire readers to discover, preserve, and write down their family stories, if not for publication at least for the younger family members who often have little appreciation of their heritage.

ALLEN F. DAVIS

Allen F. Davis is professor emeritus of history at Temple University. He is writing a memoir about growing up in Hardwick during the 1930s and 1940s.

### Our Great War: Memories of World War II from the Wake Robin Community, Shelburne, Vermont

Edited by Louise Ransom, et al. (Shelburne, Vt.: Wake Robin Residents' Association, 2008, pp. x, 357, paper, \$19.95).

There are many voices that tell us of World War Two. Thousands of memories recorded in all media give varied accounts of the complicated event that is total war. Recording those memories becomes even more important as the generation that experienced the war years passes on. Recollections untold are, in the words of Charles Morrisey, "a perishable commodity."

At the suggestion of Louise Ransom, the residents of Wake Robin community in Shelburne, Vermont, have gathered their war experiences in *Our Great War*. This anthology contains sixty-five vignettes, direct personal stories that range from a half page to more than thirty pages. It groups them within broad topics ranging from actual combat to stateside home front conditions and the experiences of civilians in wartime Europe. Most of the personal accounts are presented in the first person and describe participation in some of the most dramatic events of the war.

The observations are recalled in varying degrees of complexity. While some of them have not previously been recounted, even to family members, most of them are recalled in sharp detail. The intensity of the experiences has given these storytellers memories that in the words of one contributor, "I will carry to my grave." Some are enhanced by the research of others who were involved in similar experiences. Each is presented with a wartime photo.

The war years are presented from a variety of perspectives: members of every branch of the service, pilots and combat engineers, doctors and nurses, prisoners and refugees, enlisted men and officers, housewives and children. They experienced landings on Pacific islands, medical procedures under fire, being torpedoed at sea, and living under German occupation. They were in London during the blitz, at Normandy and the

Battle of the Bulge, at the liberation of concentration camps, and at the Japanese war crimes trials. They collected scrap metal and "made do" with war-time shortages.

As varied as the experiences, there are some common threads in the stories. The storytellers were all young at the time and their lives were changed by the war. They tell their stories in a refreshing and candid style. Personal credit for bravery and contributions is taken only when deserved, a humility enhanced by the greater sacrifice of compatriots and strangers. Exasperation for stupidity is expressed, especially when it leads to unnecessary losses. The whole range of emotions that war creates is evident: patriotism, anger, fear, hope, pride, disillusion, and dedication.

Amazement is frequently shown at the close calls, the coincidences, the luck as well as the skills and competencies that saved them from capture, serious injury, or death. Lives balanced on chance interactions and happenstance. As is true in most military situations, participants had only a limited knowledge of the larger picture at the time and only in later years did they come to realize they had touched or been touched by some of the most dramatic events of the twentieth century.

Each story ends with an epilogue that chronicles the individual's postwar experiences. Most of them are not Vermonters by birth. Some came to the state to work and live, whereas others came to retire at Wake Robin. As their postwar careers developed, they become corporate executives, educators, administrators, lawyers, doctors, and homemakers. Some of them are well known for their contributions to the Vermont/New Hampshire community over the past half century and their names will be easily recognized by many.

The project had the advantage of having skilled professionals on hand who played pivotal roles, including experienced editors Ruth Page and Louise Ransom, assisted by Sherry Worrall and Donald Robinson. Their two-year self-described "labor of love" achieved the goal of keeping the voices of the individuals whose stories are told.

The resulting professional-quality product deserves high praise as a model for others who may be inspired to consider such a community effort. Students will find this a useful tool in the study of World War Two.

Our Great War does not claim to be a comprehensive history. It is easy to list groups of participants who might have been included, if the contributors were not limited to the residents of Wake Robin. It does claim to be a "gift" of these select few to "all the future generations who will consider 'how it really was.'" It is just that.

LAWRENCE L. COFFIN

Lawrence L. Coffin is a retired social studies teacher, who taught in Bradford for forty-two years. He serves as President of the Bradford Historical Society and writes a monthly column on local history for Bradford's Journal Opinion. His column can be found online at larrycoffin.blogspot.com.

### Stories from Vermont's Marble Valley

By Mike Austin (Charleston, South Carolina: The History Press, 2010, pp. 190, paper, \$21.99).

Mike Austin's premise in his book is that "historians are intellectual detectives, searching out present-day clues to see how things have come about" (p. 7). I enthusiastically agree. The best historians carry the reader right along in their explorations.

Each chapter heading in the book provides a clue as to what is being researched and written about. Chapters one and two describe how Rutland and its environs became a marble valley. Austin sets the stage for his story by describing the early settlement of the area and the big boom that came with the railroad, which "opened up opportunities for the mining, quarrying, and manufacturing industries" (p. 21). Labor of the new immigrants—Irish, Swedish, Italian, and French Canadian—would be important to growth as well as the integration of the production processes. By 1860, there were fifty quarries in the state and Rutland was the most populous city with 12,000 people by 1880 (pp. 30–37).

Chapter three's question: How did Redfield Proctor become king of the hill? Born in 1831 in Proctorsville, Proctor's career included the mastery of law and being elected state representative, state senator, and governor from 1878–1880. He had considerable political power since he also served as secretary of war under Benjamin Harrison (1889–91) and as a U.S. Senator from 1891 to his death in 1908. Political contacts became helpful as he bought up marble companies, and by 1880 he controlled 55 percent of the marble trade in Rutland. By 1903, he owned the largest marble company in the world and when he created a cartel, they controlled 85 percent of the marble in Rutland County. Proctor lobbied for protective tariffs and lured away Italian carvers. The U.S. consul in Italy did his bidding by restricting marble exports to the United States.

Rutland was to be an extension of Proctor's personality: sober, hardworking, moral, and thrifty, a model of an "industrial community" (p. 87). As Austin tells the story, the Clement family was the "chief political and social rival" to the Proctors (p. 90). Fueled by marble wealth, Percival Clement by 1886 ran the Rutland Herald and promoted a "city-oriented vision" for Rutland (p. 92). The Clements favored the village of Rutland whereas the marble workers and Redfield Proctor favored the "outlying districts" (p. 92). Moreover, the Proctors were a positive, paternal force in improving the area through support of churches, civic projects, and libraries. They provided insurance and healthcare for workers.

Once the workers became active, forming a union with the Knights of

Labor in 1886, the Workingmen's Party slate won in Rutland. The elites sought to "divide and isolate immigrant power" (p. 88). Redfield Proctor accordingly supported the division of the town into four political units: Rutland, Rutland Town, West Rutland, and Proctor. (Sutherland Falls became Proctor, named after Redfield Proctor.) The Vermont legislature sided with him when it voided the elections of 1886 since the town was now divided and those "representatives did not fairly represent their new constituencies" (p. 106). Also, bonds need to be posted of \$1,000 to \$5.000 to run for office; workers could not meet this demand. As Austin continues the story in chapter seven, "The Struggle for Control," the workers finally discovered that to have a public voice, they would need to be part of the two-party system and work with the Democrats. Labor strife continued with strikes in 1902 and 1904; and in 1935-36, the Danby, West Rutland, and Proctor employees of the Vermont Marble Company "went out on one of the most bitter strikes Vermont ever witnessed" (p. 143). Radicals dynamited power lines leading to the Danby Quarry and torched a power plant in West Rutland. Now the relationship between workers and the company "degenerated into bitterness and distrust" (p. 152).

In the years following World War II, the towns of West Rutland and Proctor competed for scarce resources. Still the marble industry continued to have some influence on the Vermont economy until the early 1960s. As the railroads declined, however, so did the marble industry, with only 8 quarries in operation today. The focus is now on calcium carbonate and marble slurry rather than construction and ownership of the company is from out of country. Austin's summary of the marble story in his conclusion is worth the price of the book alone, where he encourages a new chapter for the marble valley today.

Austin has provided excellent pictures to illustrate his points in the book. He uses a host of primary and secondary sources, first hand accounts, and newspaper reports. The book is highly engaging with excellent research to give a history student a view of a town in the making. One of my students at the Community College of Vermont gave it a "thumbs up, as chock full of information," but he wanted "to be drawn in by more personal stories." He hoped to read more about the workers' lives and their perspective.

Knowledge of the history of marble in Vermont is long overdue. Vermont's industrial past has largely been forgotten. It took tenacious research to dig through archives to find the story of Rutland's growth and political power. Mike Austin has done the heavy lifting and we should thank him for it.

CYNTHIA D. BITTINGER

Cynthia D. Bittinger teaches Vermont History for the Community College of Vermont and is a commentator for Vermont Public Radio.

# On the Job: The Brattleboro Public Works Department

By Wayne Carhart and Charles Fish (Brattleboro, Vt.: The Brattleboro Area Chamber of Commerce, 2009, pp. 52, paper, \$15.00).

After reading Wayne Carhart's and Charles Fish's concise tribute to the Brattleboro Public Works Department, I decided to conduct a simple experiment at the Vermont State Library in Montpelier. That institution keeps the state's best collection of published annual town reports, dating back to the middle of the nineteenth century. Those reports provide fascinating glimpses of local activities, and I often worry that space- or budget-conscious administrators will decide one day to discard these familiar and irreplaceable research tools.

My goal that morning required the random selection of a Vermont town report from the mid-1800s to learn how much money had been spent on roads and bridges in a single year. Beginning at the middle of the alphabet seemed reasonable, and Ludlow's accounting for 1858 happened to be near the top of a loosely organized box of unbound reports. On page fourteen, the selectmen offered a recapitulation of expenses for the year: \$1,468.45. Of that amount, \$523.24 had been devoted to roads and \$542.06 to bridges, or a combined total of roughly 72 percent of the town's total outlays. I wasn't particularly surprised, but that figure seemed a little too high to be typical, so I investigated Brattleboro's report for 1866, a year when the town's annual expenses reached \$20,459.68. After subtracting more than half that figure paid for soldier bounties, the cost of roads and bridges, \$2,546.63, amounted to about 28 percent of all town expenses.

It didn't take very long that day to verify one of the principal themes illuminated in the Carhart and Fish book: We, as communities, are expensive to operate and require constant maintenance. The danger, as the authors tactfully observe, is that we become so accustomed to essential community services that we no longer see the extent, complexity, and cost of the fundamental structure required to make those services available. More importantly, we become too far removed from the lives of the people who toil to keep that structure in working order. What's more, if those people do their jobs well, we move about our ordinary lives without ever having to think about what makes our daily routines possible.

During an era of near-frantic budget scrutiny, these are important messages. Yet the authors are too astute to state their concerns bluntly

in the form of an argument. Instead, the book provides an informative and richly illustrated study of the extensive buildings, structures, and land features that comprise community civil engineering. Short chapters explain water supply systems, wastewater treatment, and the myriad aspects of keeping transportation networks functioning. I selected roads and bridges in my library experiment partly because I've grown increasingly concerned about our often blind devotion to an unsustainable means of travel, the automobile; partly because that means of travel presents such hazards to one of our most sustainable methods of transport, the bicycle; and partly because five of the nine chapters in the book are related in some manner to highways, an entirely justifiable approach given the astronomical costs of automobile travel to the economy, to the environment, to productivity, and to personal health.

The unusual topic gives the book part of its appeal. Yet the subject shouldn't be a surprising one, for we can explore almost any aspect of public works engineering and discover long and absorbing histories, full to the brim with invention. During post-Civil War decades, in particular, America's progressive engineers garnered international acclaim for their design of high-service, steam-powered pumping engines for water works. Large reservoirs, made possible by these engines and by improvements in the design of dams, dramatically reshaped cultural environments in many cities, a topic deserving further exploration. Communities large and small also integrated park planning and municipal watershed forestry into the designs for these water-supply systems.

The book also points to an underlying truth that frequently becomes lost in the debate about allocation of limited public funds: Often, it is far less expensive to maintain and repair structures and buildings—carefully and regularly—than to replace them. The topic of maintenance is of enormous import for those who are concerned about the conservation of cultural resources. Far too often, the root cause for the loss of historic buildings and structures can be traced directly to a lack of maintenance, and we haven't learned this lesson very well. Let's take the authors' cue and begin focusing greater attention on this important subject.

ROBERT McCullough

Bob McCullough teaches in the Graduate Program in Historic Preservation at the University of Vermont and writes about American landscape history.

## More About Vermont History



# Recent Additions to the Vermont Historical Society Library

#### Воокѕ

- Abbott, Collamer M., Looking Back: The 1950's in Vermont and New Hampshire. White River Junction, Vt.: Northlight Digital, 2009. 90p. Source: Blurb.com. List: \$44.95 (paper). Photographs of Windsor County and surrounding areas.
- \* Austin, Mike, Stories from Vermont's Marble Valley. Charleston, S.C.: The History Press, 2010. 190p. List: \$21.99 (paper).
- \*Belding, Russell J., From Trolley Tracks to Traffic Lights: A History of North Main Street, Barre, Vermont, 1915–1940. Barre, Vt.: Potash Brook Publishing, 2010. 348p. List: \$29.95 (paper).
- Bolio-Minnis, Vangie, *Emily's Bridge: The Way I See It.* Savanna, Ill.: Dusk 2 Dawn Pub. Co., 2008. 172 p. Source: The publisher, P.O. Box 20, Savanna, IL 61074. List: \$19.95 (paper). "A Pictorial of Vermont's only haunted covered bridge."
- \*Chamberlain, Dennis D., Run Chamberlain, Run!: Solving the 200-Year-Old Mystery of Runaway Pond. No location: Mount Olympus Publishing Co., 2010. 142p. List: \$12.95 (paper). Based on event in Glover in 1810.

<sup>\*</sup> Indicates books available through the Vermont Historical Society Museum Store. Vermont History Vol. 78, No. 2 (Summer/Fall 2010): 229–234.

<sup>© 2010</sup> by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043

- Cohen, Janie, ed., Architectural Improvisation: A History of Vermont's Design/Build Movement 1964–1977; essays by Danny Sagan and Kevin Dann. Burlington, Vt.: University of Vermont Press and Robert Hull Fleming Museum, 2008. 84p. Source: University Press of New England, 1 Court St., Lebanon, NH 03766. List: \$20.00 (paper).
- Colburn, Richard A., *The History of a Country Church: East Charleston, Vermont, 1841–2007.* Newport, Vt.: Vermont Civil War Enterprises, 2008. 378p. Source: The author, P.O. Box 46, East Charleston, VT 05833. List: \$25.00 (paper); \$35.00.
- \*Collea, Joseph D., Jr., *The First Vermont Cavalry in the Civil War: A History.* Jefferson, N.C.: McFarland & Co., 2010. 331p. List: \$45.00.
- \*Collins, Carol Johnson, Captain Robert H. Domey: The Namesake of Domey's Dome. South Duxbury, Vt.: Free Thoughts Press, 2009. 47p. List: \$15.00 (spiral).
- \*Davis, Thomas C., Echoes of Vermont: People and Politics in the Green Mountains. No publisher, 2010. 174p. List: \$16.95 (paper). Recollections of late twentieth century in Vermont politics.
- \*Donnis, Erica Huyler, *The History of Shelburne Farms: A Changing Landscape, An Evolving Vision*. Barre, Vt.: Vermont Historical Society; and Shelburne, Vt.: Shelburne Farms, 2010. 243p. List: \$44.95 and \$34.95 (paper).
- \* Edgerton, James A. & Nan O'Brien, *The Unknown Rockwell: A Portrait of Two American Families*. Essex Junction, Vt.: Battenkill River Press, 2008. 278p. List: \$29.95 (paper).
- \*Guyette, Elise A., Discovering Black Vermont: African American Farmers in Hinesburgh, 1790/1890. Burlington, Vt.: University of Vermont Press, 2010. 213p. List: \$26.95 (paper).
- \* Hewitt, Ben, The Town that Food Saved: How One Community Found Vitality in Local Food. Emmaus, Pa.: Rodale, 2009. 234p. List: \$24.99. Hardwick in the present.
- Hoberman, Michael, How Strange It Seems: The Cultural Life of Jews in Small-Town New England. Amherst, Mass.: University of Massachusetts Press, 2008. 253p. Source: The publisher. List: \$28.95 (paper). Includes Bennington.
- \* Hubbard, Ethan, *Thirty Below Zero: In Praise of Native Vermonters.*Montpelier, Vt.: Craftsbury Common Books, 2009. 222 p. List: \$19.95 (paper). Primarily photographs.
- \* Kanell, Beth, *The Darkness under the Water*. Cambridge, Mass.: Candlewick Press, 2008. 304p. List: \$16.99. Fictional account of Abenaki girl in the 1920s.

- Lawson, Kenneth E., Mills D. Andross: Vermont's Defender of the Alamo. San Juan, P.R.: The author, 2010. 11p (paper). Source: Privately published.
- \* Luskin, Deborah Lee, *Into the Wilderness: A Novel.* Amherst, Mass.: White River Press, 2010. 292p. List: \$18.00 (paper). Fictional account of Vermont in the 1960s.
- Marino, Ralph A., An Enduring Flame: The History of Troy Annual Conference, 1982–2010, with the Story of Troy Conference Camps, 1805–2010.
  Troy, N.Y.: United Methodist Church, Troy Annual Conference, Commission on Archives and History, 2010. 349p. Source: The publisher, 396 Louden Rd., Saratoga Springs, NY 12866. List: \$15.00 (paper). Includes Vermont Methodist churches and camps.
- Maroney, James H., Jr., The Political Economy of Milk: Reinvigorating Vermont's Family Dairy Farms. No location: Gala Books, 2008. 225p. List: \$21.95 (paper).
- \*McKone, William L., Vermont's Irish Rebel, Capt. John Lonergan: In the American Civil War & Fenian Invasions of Canada. Jeffersonville, Vt.: Brewster River Press, 2010. 591p. List: \$29.95 (paper).
- \* Middleton, David, Quite a Sightly Place: A Family Dairy Farm in Vermont. Beverly, Mass.: Commonwealth Editions, 2010. 199p. List: \$29.95. Many photographs.
- Miller, Angela, Hay Fever: How Chasing a Dream on a Vermont Farm Changed My Life. Hoboken, N.J.: John Wiley & Sons, 2010. 290p. List: \$24.95.
- Peebles, Giovanna, et al., Lake Champlain Voyages of Discovery: Bringing History Home. Montpelier, Vt.: State of Vermont, Agency of Commerce and Community Development, 2009. 56p. Source: The publisher. List: \$5.00 (paper).
- Perkins, Raymond C, Jr., *The Mystery of the Silver Statue*. Coventry, Vt.: Radiant Hen Publishing, 2010. 96p. Source: The publisher. List: \$9.95 (paper). Children's story about finding a statue from Roger's Rangers raid.
- Perrin, David and Marilyn, A Vermont Friendship Quilt Goes West in 1856: Information about the Girls Who Signed It in Cabot, Vt. Charlotte, Vt.: The authors, 2009. 70p. Source: Privately published.
- \* Pownal Historical Society, *Pownal*. Charleston, S.C.: Arcadia Publishing, 2010. 127p. Source: Pownal Historical Society. List: \$21.99 (paper).
- Puterbaugh, Parke, *Phish: The Biography*. Cambridge, Mass.: Da Capo Press, 2009. 318p. List: \$25.00. About the popular Vermont band.

- Rotelli, Richard L., "Let me be a light": The Faith Journey of Father Ron Lawson. West Conshohocken, Pa.: Infinity Publishing, 2010. 474p. Source: InfinityPublishing.com. List: \$21.95 (paper). About a Catholic priest who grew up in Montpelier.
- Rothschild, Robert Friend, Two Brides for Apollo: The Life of Samuel Williams (1743–1817). New York: IUniverse, 2009. 469p. Source: www.iuniverse.com. List: \$39.95. About the founder of the Rutland Herald.
- \*Schaefer, Inge, *Chronicles of Colchester*. Charleston, S.C.: The History Press, 2009. 143p. List: \$19.99 (paper).
- \*Smith, Richard B., Ethan Allen & the Capture of Fort Ticonderoga. Charleston, S.C.: The History Press, 2010. 127p. List: \$19.99 (paper).
- State of Craft: Exploring the Studio Craft Movement in Vermont, 1960–2010. Bennington, Vt.: Bennington Museum, 2010. 14p. Brochure accompanying exhibit at Bennington Museum. Source: The publisher, 75 Main St., Bennington, VT 05201. List: Free (paper).

#### ARTICLES

- Allen, Mel, "A Leap of Faith." *Yankee* 74, 1 (January/February 2010): 16–18, 20. About Harris Hill ski jump in Brattleboro.
- Goodman, David, "Foodtopia: How a Handful of Organic Farmers, World-Class Cheesemakers and a Localvore Restaurant Transformed One Poor, Rural Town into a Foodie Mecca." *Eating Well* 8, 4 (July/August 2009): 50-59. About Hardwick.
- Hall, Elton W., "The Stinehour Press: Half a Century of Fine Printing in the Northeast Kingdom." *The Chronicle of the Early American Industries Association* 62, 3 (September 2009): 91–105.
- Hudson, Mark S., "Dream of a Generation: The Rise and Fall of the Lake Champlain Bridge." *Vermont Magazine* 22, 2 (March/April 2010): 46-49.
- ——, "Hail to the Chief: Short Stories of Vermont and the American Presidency." *Vermont Magazine* 21, 6 (November/December 2009): 61–62, 64–65.
- Jermanok, Stephen, "A Town for All Seasons." *Preservation* 62, 1 (January/February 2010): 24–29. About Grafton.
- Lindman, Morris, "Restoring the Old Mill at Weston, Vermont." *Old Mill News* 37, 4 (Fall 2009): 6–11.
- Ray, Fred L., "'Mimic War' No More: 'Little Phil' and 'Old Jube' Get Serious." *Civil War Times* 49, 1 (February 2010): 52–58. Includes Vermonter Aldace Walker.

- Soodalter, Rod, "Fury in Vermont: A Tiny Town near the Canadian Border Should Have Been the Last Place for a Confederate Attack—or Diplomatic Disaster." *America's Civil War Times* 22, 5 (November 2009): 26–33.
- "Terra Nova: A New Beginning for an Historic Wilson Globe." *Art Conservator* 4, 2 (Fall 2009) 15–17. Globe in the collection of the Bradford Historical Society.
- Wood, Paul, "Butter-Making Tools and Machinery, Part I." *The Chronicle of the Early American Industries Association* 62, 3 (September 2009): 117–129. Includes excerpts from a diary kept by Mary Foster of South Walden.
- Wood, Paul, "Cheese-Making Tools and Machinery." *The Chronicle of the Early American Industries Association* 62, 1 (March 2009): 17–28 and 62, 2 (June 2009): 53–70.

#### GENEALOGY

- Clark, Deanna Dee Thomas, *Direct Routes and Trails of the Clark Family History*. Saint Simons Island, Ga.: The author, 2009. 48p. Source: Unknown (paper).
- Harvey, Brian, From the Green Mountains to the Red River Valley, 1787-1948: Report on Researches into the Ancestral Origins in America of the Harvey Family Line.... Iowa City, Iowa: Shaggy Dog Stories, 2009. 115p. Source: The author, 18 Ferson Ave., Iowa City, IA 52246. List: Unknown.
- Hutchinson, Roger W., The Descendants of Barnard Hutchinson. Canton, N.Y.: The author, 2007. 198 leaves. Source: The author, 4 Orebed Road, Canton, NY 13617. Hutchinson family of Norwich, Vermont.
- \* Murphy, Robert M., Marriages in Montpelier, Burlington, and Berlin, Vt., 1789–1876: An Index to Vermont Marriages, Vol. 1. Barre, Vt.: Vermont Historical Society, 2009. 87 leaves. List: \$15.00 (photocopy).
- Nichols, Elizabeth L., Joseph Bonett (Bonnett, Bonnette, Bonnet, Bonat) 1757-1824: American Soldier during the Revolutionary War... Salt Lake City, Utah: The author, 2009. 137p. Source: The author, 8 Hillside Ave #105, Salt Lake City, UT 84103. List: Unknown.
- Spooner, Al, Louis Poulin Alias Spooner (1844–1921). Montvale, N.J.: The author, 2009. 7 leaves. Source: Unknown (paper). Windsor County family.

Vermont French-Canadian Genealogical Society, comp., Baptism Repertoire, Immaculate Heart of Mary: Plus records from "Sacred Heart" and "Our Mother of Sorrow" Catholic Church, Rutland, Vermont, 1869–1939 plus. Burlington, Vt.: Vermont French-Canadian Genealogical Society, 2010. 329p. Source: The publisher, P.O. Box 65128, Burlington, VT 05406-5128. List: \$40.00.

Vermont French-Canadian Genealogical Society, comp., St. Mary's Cathedral Baptism Repertoire, Vol. 2, Cathedral of the Immaculate Conception, Formerly "St. Mary's" Catholic Church, Burlington, Vermont, 1858–1936. Burlington, Vt.: Vermont French-Canadian Genealogical Society, 2009. 640p. Source: The publisher, P.O. Box 65128, Burlington, VT 05406-5128. List: \$60.00.

#### Member Dues Changes

As always, our top priority at the Vermont Historical Society is to preserve Vermont history and bring it to people in all corners of the state.

We truly appreciate our members' support of our work and of our state and community heritage. In turn, we try to keep members' dues as affordable as possible. At the same time, however, we need to be fiscally responsible and cover our expenses.

At this time, even though we have tailored our budget to be as frugal as possible, we need to increase our dues levels for the first time in a number of years. The new dues levels are as follows:

Institutional Members: \$50.00 Senior Members: \$40.00 Individual Members: \$45.00 Household Members: \$55.00

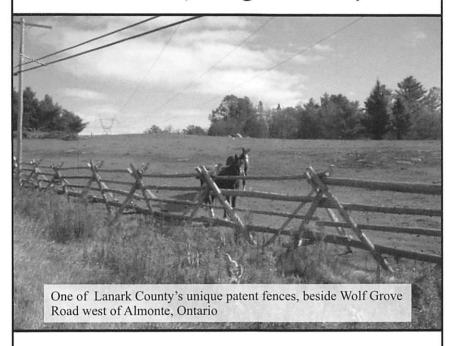
(Upper membership dues levels will remain the same.)

The increases took effect at the start of our current fiscal year: July 1, 2010.

With the increased dues, we will be able to maintain our current level of membership benefits for the foreseeable future. We thank all members in advance for their understanding, and we again want to express our gratitude for members' support.

# 400 YEARS OF LOG FENCES

by Eugene L. Fytche



This one-of-a-kind book records the place of log fences in the settlements of pioneer North America before barbed and woven wire became readily available. With photographs of twelve different designs of log fences, some supported by posts, some specifically for rocky soil that didn't allow for post holes, it is shown that log fences are still being used to mark property lines and to contain livestock. Although the photographs have been taken in Eastern Ontario, similar fences could once be found across the continent.

A unique feature of the book is the inclusion of descriptions of how to build the fences, with working drawings, so that any do-it-yourself enthusiast can build his own fence maintaining this aspect of rural heritage.

A resource for schools, libraries, historians and historical societies

66 pp, with 27 illustrations ISBN 978-0-9809420-1-9 \$15 plus \$6 postage. Quantity discounts available Contact: efytche@xplornet.com or at (613) 256-1798



VERMONT HISTORICAL SOCIETY 60 Washington Street BARRE, VT 05641-0209 NONPROFIT ORG.
U.S. POSTAGE
PAID
BARRE, VT 05641
PERMIT NO. 222