

# THE BUTORS

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## "Vermonters Unmasked": Charles Phelps and the Patterns of Dissent in Revolutionary Vermont

*Phelps risked his life, suffered in prison, and lost most of his property in his struggle against Vermont authority.*

By J. KEVIN GRAFFAGNINO

When Timothy Phelps of Marlboro, Vermont, wrote to the grand jury of Windham County in May of 1813, the subject was murder. Phelps claimed possession of "a cloud of Evidence" proving that Ira Allen, Stephen Row Bradley, Jonas Galusha, and Moses Robinson had directed an "ungodly Cursed Crew" in the killings of Silvanus Fisk and Daniel Spicer. Fisk and Spicer had died at Guilford, Phelps informed the grand jurors, and their "Blood Cries Aloud to Heaven for Vengeance upon Those Murderers." Phelps had written to the grand jury in 1812, but the county had taken no action; now he demanded an immediate indictment. Word had just come of the recent death of Moses Robinson, and Phelps was worried that the other murderers might also pass away "before I Can have the pleasure and Satisfaction to hang them." If the jurors were hesitant to act against some of Vermont's most eminent past and present leaders, they could proceed unafraid: Phelps would offer them the full protection and weight of his considerable authority as "High Sheriff of the County of Cumberland in the State of New York when those Two Men Ware Killed." That Fisk and Spicer had been dead for twenty-nine years was immaterial: murder was murder, and the need for legal action was clear.<sup>1</sup>

Timothy Phelps's strange communication must have puzzled the men of the Windham County grand jury. In all likelihood few of them had ever heard of

the unfortunate Fisk and Spicer. By 1813 the fierce struggle of the early 1780s for control of the Vermont territory must have been a dim memory at best for most of Vermont's inhabitants. Certainly the issues that had inflamed passions in Windham County during and immediately following the American Revolution had faded, and most of the principals in the Yankee versus Yorker controversies that enlivened Vermont's early decades and claimed the lives of Fisk and Spicer were dead or retired. Vermont had been officially a state in the American Union since 1791, and the popular accounts of brave Yankee farmers defeating a few avaricious Yorkers and Tories were already part of the Green Mountain State's historical tradition. As a result, there was little concern in Vermont in 1813 for the bitter statements of men like Timothy Phelps and none at all for his insistence on retribution for "that Blood that was Wantonly Shed on the Confines of Guilford" in 1784.

Although Phelps's demands were quixotic and utterly futile (the grand jury ignored him), his outburst did draw attention to an important aspect of Vermont's early history. The popular historical tradition notwithstanding, the leaders of the fledgling state of Vermont had faced a great deal of internal opposition in the 1770s and 1780s. The westside oligarchy that became known as the Arlington Junto had considerable trouble maintaining the political balance crucial to Vermont's existence, and the question of whether or not the new state could survive remained undecided until after the Revolution. Many of Vermont's early settlers, particularly those east of the Green Mountains, had hopes and plans for regional autonomy that were definitely at odds with the goals of the men atop the pyramid of Vermont state government. Far from being just the unpatriotic work of a few disgruntled Yorkers and Tories, this internal opposition to Vermont's jurisdiction seriously threatened the ability of the Allen brothers and their allies to sustain the power of the state they had created.

The Phelps family of Marlboro was at the forefront of early Vermont's internal dissent. Timothy Phelps was active in the fight against Vermont, but it was his father, family patriarch Charles Phelps, who became the most annoying thorn in the embattled state's side. Beginning in the summer of 1777, only a few months after Vermont's declaration of independence, the senior Phelps devoted himself energetically to the state's destruction. He risked his life, suffered in prison, and lost most of his property in the process, but his tenacious hatred of Vermont authority never wavered. Long after most of Vermont's other dissenters had given up, Charles Phelps continued to lead his family in a posture of defiance. The Phelps story has not been part of Vermont's popular history, but it should be. It offers much that is of interest concerning the forces, issues, and individuals that shaped the state's eighteenth-century heritage.

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Like most of Vermont's first generation of settlers, Charles Phelps came to the area known as the New Hampshire Grants from southern New England. Born on August 17, 1717, in Northampton, Massachusetts, he grew up on what was then the northwestern New England frontier. As a young man Phelps followed his father's trade of bricklayer. He married Dorothy Root of Northampton in 1740; shortly thereafter they moved to nearby Hadley and settled down to raise a family. Phelps must have been an imposing figure in the small town: descriptions of him say he was 6' 3" tall, with a heavy build, a loud, commanding voice, and a love of fine clothes and flashy accessories for special occasions. By the late 1740s Phelps was prospering as a mason, with excellent financial prospects for his own and his children's futures.<sup>2</sup>

Success as a yeoman bricklayer, however, must not have been enough for Charles Phelps. Around 1753 he switched professions and became an attorney, which raised him into the "gentleman" class of colonial New England society. Although he soon developed a reputation for a pompous, exceptionally long-winded style at the bar, it did not hinder his progress. By 1757 he was a member of the Hadley board of selectmen. Two years later he obtained a commission as a county justice of the peace, a position of considerable influence and power in rural Massachusetts. For a man who had started out as a common laborer, Charles Phelps had apparently made good use of talent and ambition to reach for a place among the elite of Hampshire County. While he was not yet one of the "river gods" who dominated eighteenth-century society and government in the Connecticut River Valley, Phelps was only in his early forties. There was plenty of time to continue his ascension.

Unfortunately for Phelps, the "river gods" had other plans. Soon after he received his justice's commission, eleven other Hampshire County justices, led by Israel Williams, perhaps the most powerful conservative in the county, resigned in protest. The resigning justices told Governor Thomas Pownall that Phelps's appointment put them into company "they never intended to keep" and would make the county court contemptible in the eyes of the people. Whether Boston or the local aristocrats should control court appointments was clearly as important an issue as Phelps himself, but when the selectmen of Hadley and Northampton rallied behind Phelps, persuading the governor to keep him as a justice, Williams complained bitterly and repeatedly to Lieutenant Governor Thomas Hutchinson. Phelps was vain, disagreeable, and "obnoxious to ye People of the County in general," Williams wrote, and there was ample evidence of his dishonest, unethical conduct as a lawyer to disqualify him from the bench. Although Hutchinson eventually agreed, Governor Pownall apparently did not: Phelps's appointment stood and, even though the Hampshire County aristocracy continued to shun him, he remained a justice until 1761.<sup>3</sup>

While the local elite were rejecting Phelps, he was also having problems with the local religious establishment. As a youth in "March 1734/35" he had "received a spiritual Birth" during one of Jonathan Edwards's first New Light revivals in the Northampton area.<sup>4</sup> The religious debate between Old Light conservatives and New Light radicals split Hampshire County in the 1740s and 1750s, but by the late 1750s Phelps apparently had rejected both in favor of New Side Scots Presbyterianism. This decision placed him in simultaneous opposition to the structure of the Hadley Church of Christ and the relatively open admission policies of its moderate Old Light minister, Samuel Hopkins. In January of 1760 Phelps explained to the Hadley congregation that he had stopped attending church locally because he favored much more rigorous standards than his neighbors "in respect of the Qualifications of such as are to be admitted to full Communion."<sup>5</sup> The congregation dismissed him without criticism, but the break was another indication that the tide had turned against Phelps's hopes for power and influence in western Massachusetts.

His problems with the "river gods" and the Hadley church may have helped push Phelps out of Hampshire County. Whatever his reasons, in the spring of 1764 he moved his family north to the wilderness of the New Hampshire Grants town of Marlboro. He had been among the original proprietors of Marlboro under the New Hampshire charter of 1751, and he remained on the proprietor lists when Benning Wentworth rechartered the town in 1761 and 1764. The 1764 charter empowered Phelps to call and moderate the first proprietors' meeting; in fact, he and his sons soon bought the holdings of a number of the town's other owners, making them the frontier community's principal landowners. Charles Phelps, Jr., elected to remain in Hadley, where an advantageous marriage would win him the admittance into the local aristocracy that had eluded his father. After 1764, however, the fortunes and futures of the rest of the Phelps family were located in what would become Vermont.<sup>6</sup>

Charles Phelps's arrival in Marlboro coincided with the escalation of the dispute over who would control the Vermont territory. Phelps and most of the region's settlers held New Hampshire titles, but in July of 1764 the King-in-Council ruled that the Connecticut River was "to be" New York's eastern border. Although New York argued that the New Hampshire charters were invalid because the Vermont area had always been part of New York, the settlers and speculators who claimed ownership under New Hampshire responded that the use of the words "to be" in the Crown's decree signified a change in jurisdiction rather than a reaffirmation of New York's authority. It seemed a minor point for all except the men and women trying to carve out a life on the Grants. In fact, however, the Yankee versus Yorker struggles that followed the 1764 royal ruling would dominate events in Vermont for the next twenty years.

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Charles Phelps took the lead for his few Marlboro neighbors (the town had a population of twenty-seven in 1766) and the absentee proprietors in dealing with the New York-or-New Hampshire muddle. At first he opted for New York, applying for a confirmatory patent three times between 1765 and 1772, while working hard to keep New York from regranteeing the Marlboro area to new owners.<sup>7</sup> Although the colony never formally approved Phelps's applications for confirmation of title, he and his sons supported New York's claim to jurisdiction into the 1770s. When westside Yankee militants formed the Green Mountain Boys shortly after a New York court ruled against New Hampshire land titles in the Ejectment Trials of 1770, Solomon Phelps signed a petition to the king that requested protection from the depredations of the anti-New York faction.<sup>8</sup> The following summer Charles Phelps joined New York's Cumberland County bar and asked the colony for help in completing a road from Marlboro to Bennington.<sup>9</sup> Like many in the Connecticut River Valley, Phelps seemed determined to back New York against the New Hampshire adherents who had become a vocal majority west of the Green Mountains.

Yet Phelps's support for New York actually was wavering by the end of 1771. New York had begun issuing new grants to new owners for some New Hampshire-chartered towns east of the mountains, and when Marlboro appeared threatened Phelps led the wave of local protest. Letters and petitions to New York produced no assurances of secure title, so Marlboro's residents began to look elsewhere. The logical direction would have been west to the Green Mountain Boys, but Phelps had another idea. On December 31, 1771, he wrote to Thomas Hutchinson, governor of Massachusetts, for help in stopping New York's sale of New Hampshire-granted towns. Because many settlers on the Grants had come from Massachusetts, Phelps thought that Hutchinson might be willing to use his influence with the Crown on their behalf.<sup>10</sup>

Phelps's initial overture to Hutchinson asked only for assistance in petitioning the king. By the middle of 1772, however, he was after much bigger game: following two trips to Boston to meet with leaders of the Massachusetts government, Phelps drew up a new petition in July proposing that the Bay Colony claim seven southeastern Grants towns under the 1737 Massachusetts-New Hampshire boundary agreement.<sup>11</sup> While many eastside Grants residents continued to support New York, Phelps threw all his energy into this new idea. He traveled throughout the settled portions of the Grants in 1773-74 to promote the plan, and even persuaded the westside Yankee leaders to accept Massachusetts as a second choice if New Hampshire proved unwilling or unable to reassert its claim.<sup>12</sup> In May of 1774 he returned to Boston to put the final touches on a petition for Hutchinson to present to the king. This new document raised the stakes: instead of seven towns, Crown approval would allow

Massachusetts to absorb fifty communities in the southern portion of the Grants.<sup>13</sup> For a man who had once been a staunch Yorker, Phelps was now a considerable threat to New York's plans to govern east of the Hudson River.

While Phelps was abandoning New York and courting Massachusetts, tensions remained high on the Grants in the early 1770s. New York had incorporated the Grants into its county structure, but the Green Mountain Boys shut down New York's courts and harassed all New York-appointed officials, leaving the Grants without any effective government or legal system.<sup>14</sup> Partisans of both sides engaged in angry disputes, and raids, threats, and counterthreats became common throughout the area. Ethan Allen and other Yankee authors wrote fiery pamphlets, which offered emotional appeals to the spirit of justice, as rebuttals to the dry justifications of New York authority that their Yorker counterparts published. On the eve of the American Revolution, New York ruled the Grants on paper but not in fact; while the Yankee faction held the balance of local power, especially west of the mountains, but lacked any formal plan for a stable autonomous government.<sup>15</sup>

At the same time, the larger drama of the impending break between England and the American colonies exerted an important influence on developments on the Grants. Settlers on the northern New England frontier maintained strong ties to their old home towns, and the issues that inflamed Massachusetts, Connecticut, and the rest of the colonies also reached the Grants. Perceptive leaders in the Vermont territory soon realized that resolution of the future of the Grants would necessarily occur only against the broader backdrop of the struggle between American loyalists and revolutionaries. In October of 1774 an eastside convention at Westminster responded to a letter from the New York City Committee of Correspondence by criticizing Parliament's encroachments upon American liberties and forming a five-man Committee of Correspondence for Cumberland County. Following a second revolutionary convention at Westminster in November, the Cumberland County Committee of Safety effectively became the only government in operation on the southeast part of the Grants.<sup>16</sup>

Charles Phelps was an active participant in the early stirrings of revolutionary sentiment in the Connecticut River Valley. In February of 1775 he apparently attended the third Westminster Convention, which named him to a twenty-one-man standing Committee of Correspondence formed so "that the county might be kept well informed as to the doings of the friends of liberty in the different colonies."<sup>17</sup> The convention also instructed Phelps and Dr. Solomon Harvey of Dummerston to prepare extracts of the proceedings of all three Westminster meetings for publication. Taking advantage of the opportunity to attack tyranny at home as well as abroad, Phelps wrote a petition for the convention that complained about the inequities and inefficiencies of New York's court system. Although the convention's leaders failed to forward the

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petition before New York's last colonial assembly adjourned, Phelps's blend- ing of Whig and anti-New York sentiment and his willingness to associate at least temporarily with the more radical democratic elements east of the moun- tains were indicative of the fluidity of the local factions on the Grants in 1775.

Perhaps the third Westminster Convention failed to send Phelps's petition to New York because by the spring of 1775 the unhappiness over the Yorker legal system had become too strong for mere words. When a minor flare-up of debtor-creditor tension at the March session of the Cumberland County Court erupted into violence that left two anti-court rioters dead and eight more wounded, Whig and anti-New York leaders on both sides of the mountains seized upon the incident as a valuable propaganda tool. The courthouse altercation quickly became known as the Westminster Massacre, and perceptions of it blurred the local distinction between New York oppression and British tyranny. When news of the fighting at Lexington and Concord reached the Grants in late April, the two deceased courthouse rioters, William French and Daniel Houghton, were depicted as the first heroic martyrs of the American Revolution as well as the fight against New York. Although the alliances forged in the aftermath of the Westminster Massacre proved fragile, the potential it created for interaction and cooperation between east and west during the war years made it a pivotal event in Vermont history.<sup>18</sup>

Once the Revolution began, the Phelps family ardently supported the strug- gle against England. On May 1, 1775, Solomon Phelps wrote to his brother Charles in Hadley that the "bloody news" from Concord had aroused much enthusiasm on the Grants for helping the people of Massachusetts "*boldly defend your Rights.*"<sup>19</sup> When the freemen of Marlboro assembled three weeks later to consider "ye cruel and unjust and oppressive acts of the British par- liament," they chose Solomon Phelps as the town's representative to the Cum- berland County Whig convention scheduled to meet at Westminster in early June.<sup>20</sup> In November of 1775, the Cumberland County Committee of Safety nominated Timothy Phelps to serve as adjutant for a New York regiment of minutemen that was then forming on the Grants.<sup>21</sup> This initial adherence to the Revolution continued after 1775; unlike many on the Grants, the Phelps men remained constant in their fidelity to the patriot cause until the war ended in 1783.

The question of local allegiance, however, was more difficult for Charles Phelps and his family. In June of 1776 he wrote a letter for the county Com- mittee of Correspondence reaffirming the right of the southern Grants area to annex itself to Massachusetts. The Committee sent the letter off to New York and the Continental Congress, then had to disavow it in November in order to soothe New York's ruffled feathers and persuade the Empire State to help with the defense of the Grants' northern frontier.<sup>22</sup> In the autumn of 1776 Solomon Phelps began working with the westside faction that was pushing for a new

state on the Grants, but his father withheld his support for the idea.<sup>23</sup> Hedging his bets after Vermont's declaration of independence on January 15, 1777, the senior Phelps flirted with the new government while renewing his courtship of Massachusetts with a rewritten justification for absorbing the southern Grants.<sup>24</sup> After a trip to Bennington on June 20, 1777, the unsatisfactory answers he received there deepened Phelps's reservations about Vermont, and when Ira Allen's plan for confiscating the estates of accused Tories and all other enemies of the state government went into effect in early July he "*bolted* outright" from the Vermont camp.<sup>25</sup> The Green Mountain State was off to an inauspicious start with Charles Phelps.

Yet despite Phelps's unhappiness with Vermont he did perform one important service for the state in the summer of 1777. When the surrender of Fort Ticonderoga to John Burgoyne's invasion force in early July threw Vermont into a panic, Phelps rode to Boston for help. His impassioned argument convinced Massachusetts leaders that the situation on the northern frontier was critical, and he returned home with 150 guns and a load of military supplies for local distribution. In appreciation, Vermont militia colonel Benjamin Carpenter of Guilford released the sixty-year-old Phelps from his obligation to join the troops marching "to the Westward" on August 16, the day of the Battle of Bennington.<sup>26</sup> For Phelps, however, any argument in Vermont's favor disappeared as soon as the American victory at Bennington eased the military pressure on the new state. By August 21 he was at work on yet another proposal for annexing the southern Grants to Massachusetts.<sup>27</sup>

Phelps was not alone in his rejection of Vermont. Many other settlers were also dissatisfied with the new state and its policies. Early in 1778 the Yorkers of Cumberland County began a long series of petitions to New York for protection against the "pretended state of Vermont."<sup>28</sup> When New York governor George Clinton responded with an anti-Vermont proclamation on February 23, the eastside dissenters took heart.<sup>29</sup> The following month a Yorker convention sent a "public and solemn Protest" against a break with New York to the Vermont legislature then convened at Windsor. The convention listed eleven reasons why Vermont should not exist, ranging from the 1764 Crown decision to the inexperience of the leaders of the "present infantile State of the intended government."<sup>30</sup> With other Yorker meetings continuing the agitation against Vermont throughout 1778, the state had its hands full during its second year of existence.<sup>31</sup>

Settlers in the Connecticut River Valley also produced another problem for Vermont's westside leaders in 1778. On March 17 sixteen towns on the New Hampshire side of the river petitioned the Vermont General Assembly for admission into the state. Despite the Arlington Junto's strong opposition, in June the legislature granted the request preliminary approval by a vote of 35-12. Faced with the prospect of a shift in power from west to east, the Allen broth-





*New York governor George Clinton supported the efforts of Charles Phelps and others who challenged Vermont's existence between 1777 and 1791.*

ers and their allies mounted a furious campaign against what was now known as the East Union. At the October 1778 session of the General Assembly, the westside faction used the threat of armed retaliation by Congress and New Hampshire to block final acceptance of the New Hampshire towns. The Allens' victory was not complete: the advocates of the Union idea refused to give up, and their so-called Dresden Party continued to work from its unofficial headquarters at Dartmouth College for an arrangement incorporating the entire valley under one government. The notion that the Connecticut River should be a link rather than a boundary would remain a problem for the Green Mountain State.<sup>32</sup>

Deep divisions along religious lines contributed to the political strife of the East Union and the other threats to independent Vermont's authority. The majority of the active supporters of the Yankee faction on the Grants in the early 1770s had been New Light Congregationalists or Separatists, and after 1775 the New Light enthusiasm for sweeping social reform and Calvinist fundamentalism characterized both the pro-Vermont and pro-Revolution move-

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ments. The area's Old Lights, Anglicans, and Old Side Presbyterians, who tended towards a more conservative political philosophy, supplied most of Vermont's Yorkers and Tories. That many Vermonters, including the state's principal leaders, favored a hazy Enlightenment rationalism over any particular brand of religious fervor confused matters; nonetheless, the differences between the major sects influenced the politics of the many settlers who took their religion seriously. Although religion was seldom the sole determinant of allegiance, the fierce antagonism between New Light radicals and Old Light conservatives often was evident in the ways Vermonters formed sides on the issues of the war years.<sup>33</sup>

While the proponents of a river-centered state were promoting their cause in 1778-79, the eastside Yorkers also continued their anti-Vermont activity. Emboldened by Vermont's failure to react to various minor acts of defiance, New York's supporters intensified the conflict in late April of 1779 by sending a contingent of one hundred unarmed men to Putney to "liberate" two cows that Vermont had seized from their Yorker owners. This time Vermont retaliated in a manner designed to remove all doubt about who ruled the Grants. The state arrested thirty-six "perpetrators" and jailed them at Westminster. Ethan Allen led 200-350 Green Mountain Boys over the mountains to serve as a highly visible security force during the public trial that followed. On May 26 and 27 a Vermont court tried, convicted, and fined thirty of the thirty-six defendants in an impressive show of strength for the state government. As a further object lesson, Ethan Allen and his troops erected a public whipping post in the center of town. Allen's presence alone might have sufficed to establish Vermont's authority: on the day before the trials began participants at a Yorker meeting in Brattleboro begged New York not to abandon them to the hero of Ticonderoga, a man "more to be dreaded than death with all its terrors."<sup>34</sup> The incident that became known as the Great Cow War had turned out well for Vermont.

Charles Phelps apparently managed to avoid the turmoil of the East Union and the Great Cow War. His wife Dorothy had died in September of 1777, and in November of the following year he married thirty-two-year-old Anstis Kneeland at Boston's Trinity Church. A grandson wrote in the 1840s that Phelps actually proposed marriage first to Kneeland's aunt and upon being rejected immediately asked for the hand of the niece. The engagement lasted one day, and after the ceremony Phelps took his new bride back to Marlboro, where she soon discovered that his glowing accounts of a fine mansion overlooking a gracious country estate had been somewhat exaggerated. The new Mrs. Phelps must have been an accommodating woman, since the grandson's recollection was that the shock of reality had no ill effect on her marriage to the self-proclaimed squire.<sup>35</sup>

By 1779 Phelps was solidly set against Vermont, but he still had trouble

choosing among the alternatives. He continued to bombard Massachusetts with new petitions for his annexation plan, assembling a long list of dusty precedents and dubious legal justifications for the idea.<sup>36</sup> The Bay State proved hesitant about pressing its claim, however, so Phelps kept his options open. Congress had ordered John Witherspoon of New Jersey and Samuel J. Atlee of Pennsylvania to investigate conditions in Vermont, and Phelps went to Bennington in late June of 1779 to tell them about the state's oppressive policies and proclaim his support for New York's jurisdiction. He told one neighbor that the pro-New York rhetoric was just a screen for the Massachusetts plan, since "he looked upon the authority of New York as composed of as corrupt a set of men as were out of hell."<sup>37</sup> A month later, however, Phelps was on his way to the New York legislature and Congress as official agent of the Yorkers of Cumberland County. Like some of his most effective Vermont opponents, he was becoming quite adept at playing both ends against the middle.

Phelps's first stop on his journey as Yorker emissary was at Poughkeepsie, New York. He met with Governor Clinton on August 6 and 7 to discuss the best ways of subduing the Vermont upstarts. Inspired by these talks, he also composed a rambling political essay that he entitled "A Friendly Address to the People of Vermont." The "Address," which was not friendly in any way, denied that Vermont had a right to exist and villified the state's leaders for their illegal and tyrannical actions. In one typically tortuous passage, Phelps urged Vermont's supporters to recant and repent:

... what ever pains you take & cost you expend to found & establish your Vermont government & pretended state upon[,] if its foundation is deceit, falsehood, usurpation, violence, forceable entry into anothers rights or by injustice, tyranny & usurpation holding of it from right owners & in a word whatever wrong measures you take or unjust management is used to found & establish your state[,] it is all null & void, no better to you than a meer non-entity.<sup>38</sup>

Phelps wanted to have the "Address" printed, but a lack of funds apparently kept him from putting his manuscript into pamphlet form. Undaunted, in early September he set off for Philadelphia to preach his anti-Vermont gospel to the members of Congress.

Phelps arrived in Philadelphia on September 7, 1779, and immediately set to work. He met with as many leaders as would talk to him and reported proudly to Clinton that his lobbying efforts were quite successful. Others were less certain: John Jay, also in Philadelphia at the time, informed the governor that Phelps had been urging delegates from both Massachusetts and New Hampshire to annex parts of Vermont. Still, Jay told Clinton, Phelps was doing some good simply by getting Congress to discuss the Vermont situation. "Properly directed," he had some value to New York, and manipulating him "is

easily done by encouraging the good opinion he entertains of his own importance."<sup>39</sup> The future Chief Justice was half right: although the size of Phelps's ego was indisputable, New York would find it difficult to control him in the years to come.

By December of 1779 Phelps was back in Marlboro, certain that Congress would soon take decisive steps against Vermont. He had brought back from Philadelphia copies of resolutions calling for peace on the Grants until Congress could settle the jurisdictional dispute, and he was positive that a final decision was imminent. Yet despite Phelps's optimism, Congress continued to vacillate on the Vermont question for several reasons: some of the small states were sympathetic to Vermont; Vermont's own strenuous lobbying efforts at Philadelphia were intermittently effective; and Congress seldom had the power or the will to act firmly on issues during the Revolution. Time and again between 1777 and 1783 Congress dashed the hopes of Vermont's Yorkers, the Dresden Party, and the other anti-Vermont factions by tabling or otherwise putting off any resolution of the dispute. As long as the war kept regional arguments on the back burner at Philadelphia, Vermont's future was for Vermonters to determine.<sup>40</sup>

With his trip to Philadelphia, Charles Phelps became one of the Arlington Junto's most conspicuous internal enemies. As an aggressive advocate for Massachusetts's claim he had been an annoying gadfly; now he had the potential to do serious harm. In April of 1780 Vermont began to move against him by including the sixty-two-year-old Yorker in a draft for nine months of military service. Phelps refused to serve, of course, and drove Vermont sheriff Abner Stockwell off his property when he showed up to collect the obligatory fine. This incident gave the state the grounds it needed for further legal action, which culminated in Phelps's appearance at Westminster before the August term of the Cumberland County Court. He grandly informed the court that Vermont had no authority over him, but the judges expressed a different opinion by fining Phelps and his son, Timothy, five hundred pounds and confiscating sixty acres of their land.<sup>41</sup> Vermont's warning was lost on Phelps, who wrote immediately to Governor Clinton about the advisability of the Yorkers arresting and prosecuting some of "the vile Vermonters for their injurious treatment of us. He had suffered the most, he proudly told Clinton, because the Vermont tyrants "think I have done more and my sons, to overturn their Vermont State than all the people hereabouts have."<sup>42</sup>

In addition to making an example of Phelps, Vermont experimented in 1780 with other ways of neutralizing its eastside dissenters. In March the legislature appointed Stephen Row Bradley, Jonas Fay, and Moses Robinson as a committee to meet with various Cumberland County Yorkers. The committee made only slight progress in the following months, but Ira Allen scored a major success that fall while attending Congress. Luke Knowlton of New

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*Moses Robinson was a leader of the forces that championed Vermont against the Yorkers during the state's formative years. Robinson served as governor of Vermont in 1789-1790.*

fane, one of the Yorkers' most capable and influential leaders, was at Phil-  
adelphia at the same time, and Allen persuaded him to switch to Vermont's  
side. Knowlton was one of the first important Yorker leaders to give up the  
fight, and his defection, which he and Allen apparently kept secret for several  
months, was a heavy loss for the New York faction.<sup>43</sup>

Concealing Knowlton's presence in the Vermont camp also apparently helped  
Allen subvert the Dresden Party's plans to launch another major campaign for  
a Connecticut River-centered state. Knowlton participated in a series of meet-  
ings on both sides of the river late in 1780, which culminated in a call for a  
convention at Charlestown, New Hampshire, in January of 1781.<sup>44</sup> On the day  
the convention opened, the delegates approved having New Hampshire annex  
eastern Vermont. Allen arrived in Charlestown that night, and by morning the  
convention had experienced a startling change of heart: a majority now voted  
to repudiate the first day's resolution and ask Vermont to absorb the towns of  
western New Hampshire in a second East Union. The addition of the New  
Hampshire towns would swing the balance of power in Vermont to the east  
side, of course, but from the Arlington Junto's perspective dealing with that  
problem was clearly preferable to losing half the state to New Hampshire.<sup>45</sup>

Vermont's westside leaders quickly found a way to offset the East Union. In April of 1781 they asked the Vermont General Assembly, which included thirty-five new members from New Hampshire towns, to consider expanding again by admitting a number of New York communities lying west of Bennington and Rutland counties. When the legislature approved by a narrow majority, Vermont created a West Union and welcomed the New York representatives to the Assembly's June session. This put the Allens back in control and dashed the hopes of the Dresden Party for a state capital at Dartmouth College. In six months Vermont had dodged an internal threat, nearly doubled its territory, antagonized both New Hampshire and New York, and given notice to the world that the Green Mountain State answered to no one. The legislature dissolved both Unions early in 1782 after George Washington assured Thomas Chittenden that doing so would ensure Congressional acceptance of Vermont statehood, but until then "greater Vermont" stood proud against the world.<sup>46</sup>

Charles Phelps took a dim view of all this. The East Union diverted eastside support for New York, and the West Union constituted actual theft of the Empire State's territory. Furthermore, Phelps and many other Yorkers saw in the Unions clear evidence that Vermont's leaders had become traitors to the Revolution. The Allens and a handful of others—Thomas Chittenden, Jonas Fay, Matthew Lyon—had entered into clandestine contact with Frederick Haldimand, commander of the British forces in Canada, in 1780. By the end of 1781 rumors and accusations about the nature and purpose of these Haldimand Negotiations had spread throughout Vermont. The fact that the Arlington Junto had begun letting large numbers of banished loyalists resettle in the state seemed to prove that the Allens planned to return Vermont to the British Empire.<sup>47</sup> Phelps charged that Ira Allen had persuaded the Charlestown convention to vote for the second East Union only by working with the Tories in attendance to spread fear of imminent British attack on all parts of the northern frontier not under Vermont's protection.<sup>48</sup> According to some critics, the Unions themselves were meant to increase the size of the new province Vermont would become and to serve as buffer zones against American invasion once the return to the Empire took place.<sup>49</sup>

Suspicion concerning the Haldimand Negotiations spread rapidly in 1782. Town meetings throughout the Connecticut River Valley passed resolutions condemning Vermont's government for betraying the United States. In New York, George Clinton collected affidavits accusing the Allens of treason and had them printed for distribution. Congress worried about the Vermont situation and considered various plans for invading the state to forestall a British takeover.<sup>50</sup> At home, suspicion and indignation brought together leaders who differed on most other issues, creating an angry coalition that demanded explanations from the heads of the Vermont government. The Arlington Junto weath-

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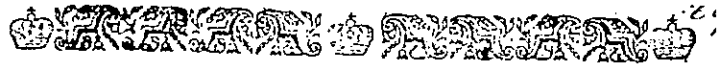
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ered the storm, but the damage to its credibility and popularity was considerable.<sup>51</sup>

Charles Phelps helped lead the Yorker protests against the Haldimand affair. "The minds of people are warmly engaged against Vermont for their treacher- ous dealings with us and their treasonable conspiracies with the British enemy," he wrote to Governor Clinton in March of 1782. In the following month he prepared a "remonstrance" against Vermont for the Yorkers of Brattleboro, Guilford, Marlboro, and Halifax.<sup>52</sup> At their urging, he also made another visit to New York to request substantive action against Vermont. He failed to persuade Governor Clinton and Chief Justice Richard Morris to make a trip to Vermont, but the governor did agree to appoint a new slate of civil and military officials for Cumberland County as the first step in reestablish- ing New York's authority over the Grants. When Phelps returned home to Marlboro, he carried enough titles to satisfy even an ego as large as his: Clin- ton had made him a justice of the peace, a commissioner to administer oaths of office, and an assistant justice of the "court of *oyer and terminer* and gen- eral jail delivery."<sup>53</sup>

While he was in Poughkeepsie, Phelps also tried his hand at more anti- Vermont propaganda. The result was a splenetic twelve-page pamphlet that bore the grandiloquent title, *Vermonters Unmasked, Or some of their evil Con- duct made manifest, from Facts too glaring to be denied, and many of them too criminal to be justified, as follows, viz.* The work presented twenty-one reasons for rejecting Vermont's claims to jurisdiction, and backed them up with numerous references to Grotius, Puffendorf, Vattel, Blackstone, Pope, Locke, and other authorities. Phelps detailed the state's many crimes against common and natural law, each one a stark contrast to the generosity and wisdom New York's government had displayed since 1775. The value of the work as propa- ganda must have been limited: certainly the dry and convoluted style was a far cry from the emotional fervor in some of the Vermont pamphlets the Allens and their allies produced. Yet despite its obvious limitations, *Vermonters Unmasked* was the only work by a Vermont Yorker that was published during the Revolution, and Phelps was probably quite proud of himself for making his side's arguments widely available for the first time.<sup>54</sup>

Vermont's leaders recognized in the summer of 1782 that they still had a Yorker problem. The June session of the General Assembly authorized Isaac Tichenor to negotiate with the eastside malcontents; in anticipation that the negotiations might fail, the same legislature also passed a law "for the punish- ment of conspiracies against the peace, liberty, and independence" of Ver- mont. Tichenor converted a few Yorkers, but the towns of Brattleboro, Guilford, and Halifax continued as trouble spots. Although more eastside peti- tions to New York brought only more letters of encouragement, the Yorkers must have been used to that by 1782. In July Phelps boasted to George Clinton



## VERMONTERS UNMASKED, *pp. 9*

Or some of their evil Conduct made manifest, from Facts too glaring to be denied, and many of them too criminal to be justified, as follows, viz.

1st Fact. **T**HE territory of country the Vermonters claim upon, was subject to the Crown of England, time immemorial.

2. And according to its incontestable prerogative, was assigned to the jurisdiction of the government of New-York in 1764, where it continued, in a time of peace, for about 13 years, until some time in the year 1777.

3. That until the last date, they acquiesced in all the just, lawful and constitutional administration of government, and were submissive to its laws; assisted in the election of the Legislature, and other officers of government, to make the laws and constitution of government since our abjuration of the English crown, and assisted to elect officers to execute those laws of the State of New-York; and applied to the crown authority of New-York continually, to confirm their landed titles; and a multitude of other acts the body of the people of Vermont did, and for the course of many years caused to be done, to evince their contentment under the crown, and independent administration, of the late Province, and present State of New-York.

4. The American revolution in 1775, by the declaration of its independence, never was understood, or had in contemplation by any of the thirteen States of America, to give a right to the people of a part of a State, to divide & tear themselves from thence, and without their consent, erect themselves into a separate State; and it is contrary to the established laws of nature and nations, so to do: See *Grotius*, *Puffendorf* and *Vattel* those renowned authors, on these subjects, who are all full to this purpose.

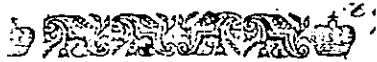
5. That all controversies, &c. between two or more States in the American Union, shall, by their confederation agreement, be decided by the Congress of the United States, conformable to the 9th article thereof.

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*The title page of Charles Phelps's Vermonters Unmasked (1782) presents five of the work's twenty-one reasons for rejecting Vermont's claims to jurisdiction. Courtesy of Special Collections, University of Vermont Library.*





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that the local Vermont authorities were powerless without westside troops and their "weapons of terror to scare or frighten or fight us." When two Vermont posses failed in attempts to arrest Timothy Church of Brattleboro and Timothy Phelps on August 22, it was proof to the jubilant Yorkers that Vermont's ability to govern east of the mountains had indeed disappeared.<sup>55</sup>

The celebration, however, was short-lived. Following the incidents of August 22 Thomas Chittenden ordered Ethan Allen to assemble 250 men for a secret march across the mountains. When Allen and his troops arrived in Windham County on September 8 with their "weapons of terror;" the Yorkers fled in panic. A brief resistance at Guilford crumbled at Allen's threat to lay the town "as desolate as Sodom and Gomorrah." The Vermonters and their eastside supporters rounded up twenty of the leading dissidents, including Timothy Phelps, and marched them off to Westminster for trial. A Vermont court convicted most of them, assessed fines and confiscations, and ordered Timothy Church, William Shattuck, Henry Evans, and Timothy Phelps banished from the state as traitors subject to death if they ever set foot in Vermont again. The severity of the state's show of strength served its purpose: for the next few months, at least, there was little overt anti-Vermont activity in Windham County.<sup>56</sup>

Charles Phelps was one of the few important eastside Yorkers to escape arrest in the September round-up. Although he managed to elude the Vermont troops who came looking for him, they nevertheless plundered his home, took his "silver hilted sword," and confiscated much of his library. The loss of his books was a grievous blow to Phelps. His library, probably the largest in Vermont at the time, included a wide range of titles on law, religion, history, and philosophy. He was tremendously proud of the collection, and it must have been especially galling to know that the lawyers among Vermont's leaders appropriated many of his volumes for their own shelves. Nathaniel Chipman and Micah Townsend used the legal texts as the foundation for their 1784 revision of Vermont's laws, taking their pay in Phelps's books. Stephen Row Bradley and others repeatedly ignored court orders to return Phelps's property to him. Phelps never recovered most of his books: although the 145 titles the inventory of his estate listed in 1789 were impressive by frontier standards, they were only a small portion of the library he had owned before the Vermonters came in September of 1782 "to take our property, imprison our bodies, and destroy our valuable effects."<sup>57</sup>

Phelps headed for New York again after eluding the Vermont posses. At Poughkeepsie Governor Clinton tried to dissuade him from traveling on to Philadelphia, but he was determined to tell Congress about Vermont's latest outrages. Henry Evans and William Shattuck had also gone to Philadelphia after their banishment from Vermont, and together the three Yorkers presented petitions, attended committee meetings, and did their best to convince the nation's

leaders of the need for action. Phelps cut a wide swath, drawing attention as a man who "overflows in the plenitude of his communicative powers."<sup>58</sup> Having left Vermont in a hurry, with no money for food or lodgings, the three men struggled along on small loans from the New York delegates. Shattuck and Evans finally gave up and headed north in mid-November, but Phelps refused to leave. Finally, on December 5, 1782, he got what he wanted: Congress passed resolutions criticizing Vermont for oppression of the Yorkers and ordering the state to restore their confiscated property.<sup>59</sup>

Having secured Congress's strongest anti-Vermont statement to date, Phelps returned home to Marlboro in January of 1783. The satisfaction that his Philadelphia success must have given him was tempered, however, by the weakened circumstances in which he found his fellow Yorkers. Timothy Church was in jail at Bennington, amid Vermont-planted rumors of his upcoming execution. William Shattuck had reentered Vermont in early December, but his defiance of the state's authority had gradually decreased after he failed in a series of attempts to arrest some Vermont officials. Henry Evans was keeping a low profile at his home in Guilford. After surveying the wreckage of his home and library, Phelps moved to Guilford to use the Yorker enclave there as a base for revitalizing the moribund anti-Vermont movement.<sup>60</sup>

If the Yorkers took little notice at first of Phelps's triumph at Philadelphia, Vermont was more attentive. When news of the December 5, 1782, resolutions reached the state, Thomas Chittenden responded with a long letter warning Congress to mind its own business. Because Vermont's "internal police" was its own affair, Congress had no right to rule on any aspect of the state's dealings with its Yorkers and other resident "Delinquents." The letter was a strong statement of Vermont's defiance of all outside authority, and Chittenden had it published as a pamphlet to spread the word. The text paid special attention to the December 5 resolutions, noting that even if Vermont admitted Congress's jurisdiction the state would never accept censure without an opportunity to confront its accusers. In this case, Chittenden wrote, Vermont knew where to place the blame: one individual had led Congress astray, and that man was "Charles Phelps (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been extended)."<sup>61</sup>

Three weeks after Chittenden published his opinion of Charles Phelps, another member of the Phelps clan responded with an audacious display of disdain for Vermont. Timothy Phelps had risked execution by returning from exile, and on February 4 he marched into a session of the Vermont Superior Court convened at Marlboro and commanded it to disband. He was there as New York high sheriff of Cumberland County, Phelps announced, which meant that all present were liable to immediate prosecution if they disobeyed his orders. His temerity shocked the Vermont judges, but they recovered in time to have sheriff Elkanah Day (an ex-Yorker) arrest Phelps before he finished

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Bennington, where he joined Timothy Church in jail and awaited his fate.<sup>62</sup>

Phelps suffered inordinately during his stay at Bennington. Determined to  
break his spirit once and for all, Vermont treated him abominably. His jailers  
taunted him and Church with frequent threats of execution. Ethan Allen stopped  
by on occasion to boast "that he would march into Albany with his Green Moun-  
tain Boys, and set up, and be absolute monarch of all America."<sup>63</sup> The food  
was bad, the jail was cold, and there seemed little hope of any outside assis-  
tance. Although Charles Phelps and his son both wrote frequent letters to  
George Clinton, New York did nothing to help. Vermont pardoned Timothy  
Church on February 21, but he continued to languish in jail because he could  
not pay the costs of his trial and imprisonment. When he finally secured his  
release on May 16, he left Phelps to "contemplate the wonders of Vermont"  
alone.<sup>64</sup>

Phelps maintained his proud defiance throughout the spring of 1783. Sit-  
ting in his bleak cell, he wrote comforting letters to his wife Zipporah, urging  
her not to worry about him. His resolve not to yield was steeled by regular com-  
munications from his father excoriating Vermont's leaders for "filling up the  
measure of their moral, political & theologically considered crimson coulered  
crimes as fast ever such an ungodly crew of Satan's servants & the Divil's chil-  
dren were hurried on to finish & fully compleat for their respective masters."<sup>65</sup>  
He felt he was right and eventually would defeat his enemies. "Jails don't  
disturb me," he wrote to Zipporah soon after Church's release, "and I have  
learned contentment. I am determined to lie here till I know who is my master,  
Vermont or Congress. I know my business."<sup>66</sup>

Yet even a man like Phelps had limits to his stubbornness. Suffering for New  
York and Congress was less acceptable as it became apparent that he would  
rot in jail before either helped him get out. Eventually the painful realization  
dawned on Phelps that the hated Ethan Allen was correct: "I have called on  
my god Clinton till I am tired; and now he tells me to call on my god Con-  
gress, and they will answer me like Clinton."<sup>67</sup> When his health began to dete-  
riorate rapidly in June, he realized that he had only two options: dying in prison  
or asking Vermont for mercy. Swallowing his pride, he chose the latter. At  
his release on June 24, he was in such poor condition that Zipporah sent a man  
to Bennington to help him make his way back over the mountains.

Despite what had happened to Timothy Phelps and Timothy Church, some  
of the eastside Yorkers continued to work against Vermont in the summer of  
1783. Charles Phelps was forced to flee to Poughkeepsie again in mid-June  
to avoid arrest, but he took along more depositions and petitions from allies  
who remained adamant "in opposition to the usurped powers of Vermont."<sup>68</sup>  
Still chasing the dream of absorbing Vermont, Governor Clinton responded by  
urging the Yorkers to seize Vermonters as hostages if Vermont continued to

harass them.<sup>69</sup> Although no major acts of resistance followed, by October Vermont's leaders were concerned about the level of tension in Windham County. The legislature came up with two solutions: Colonel Benjamin Wait would assemble one hundred men "well officered and equipped for War" to deal with troublemakers; and the state would pardon all Yorkers who swore allegiance to Vermont within thirty days.<sup>70</sup>

Phelps and his friends rejected both the carrot and the stick. A Yorker convention at Guilford on October 28-29 approved another Phelps diatribe, "Some Reasons why the New York state subjects on the New Hampshire Grants can't comply with the Vermont authority & jurisdiction or by any means come under it."<sup>71</sup> On November 16, a band of Yorkers "arrested" their ex-ally Luke Knowlton for dealing with the British in Canada and "deported" him across the Massachusetts line. Vermont in turn arrested some of the perpetrators, but angry Yorker mobs helped several others remain at large. Two weeks after Knowlton's deportation, Phelps and another Yorker party of more than seventy armed men captured former Vermont Lieutenant Governor Benjamin Carpenter at Guilford. Clearly, Vermont's authority in the southeastern part of the state was not yet securely established.<sup>72</sup>

Vermont began to move against the remaining eastside dissidents after the Carpenter incident. On Christmas Day the state arrested William Shattuck, who was technically still under a death sentence for returning to Vermont after his banishment in October of 1782. Charles Phelps petitioned on New Year's Day, 1784, for Shattuck's release as a step towards peace; instead, Vermont arrested Phelps on January 4 and packed him off to join Shattuck in the Bennington jail.<sup>73</sup> Stephen Row Bradley, Vermont's attorney general, wrote to the Yorkers in soothing tones to urge them to submit, but more arrests and raids by the state's troops at the same time provoked the dissidents into an angry reaction. On January 16 a party of fifteen Yorkers attacked several Vermont militia officers at their Brattleboro inn, seized ensign Oliver Waters, and headed south with him. Once safely across the Massachusetts line, they intended to turn west for New York, where they would present Waters for trial.

The Yorker vigilantes entered Massachusetts with their chained captive, but they overestimated Vermont's sense of respect for the state's borders. A Green Mountain posse ignored the boundary, caught up with them at Northampton, and freed Waters. Not content, the Vermonters then proceeded to Hadley, where they arrested Charles Phelps, Jr., on the assumption he was actually his brother Timothy. After discovering their error, the posse released Charles, grabbed Timothy, and started back home. They got as far as Deerfield before having to yield their prisoner to the Massachusetts militia. At Charles Phelps, Jr.'s, urging, the local Massachusetts authorities then concluded the comedy of errors by fining four of the Vermonters for violation of the Bay State's sovereignty.<sup>74</sup>

resistance followed, by October Vermont level of tension in Windham County. The response: Colonel Benjamin Wait would lead a force "armed and equipped for War" to deal with the rebels on all Yorkers who swore allegiance to the state.

The carrot and the stick. A Yorker convinced another Phelps diatribe, "Some of the New Hampshire Grants can't be annulled by any means come under the jurisdiction or by any means come under the jurisdiction of the state and be 'arrested' their ex-ally Luke Knowlton and 'deported' him across the Massachusetts border. Some of the perpetrators, but angry in at large. Two weeks after Knowlton's party of more than seventy armed men, Governor Benjamin Carpenter acted in the southeastern part of the state to bring them to justice."

The remaining eastside dissidents after the state arrested William Shattuck, sentenced for returning to Vermont after fleeing to New York. Charles Phelps petitioned on New Year's Day for clemency towards peace; instead, Vermont ordered him off to join Shattuck in the Bennington County jail. Vermont's attorney general, wrote to the dissidents to submit, but more arrests and raids provoked the dissidents into an angry response. In February, Yorkers attacked several Vermont towns, seized ensign Oliver Waters, and crossed the Massachusetts line, they threatened they would present Waters for trial in Massachusetts with their chained captive, but they respected for the state's borders. A Green Mountain Guard caught up with them at Northampton, Vermont. The mounters then proceeded to Hadley, Massachusetts, on the assumption he was actually a Yorker. On their error, the posse released Charles Phelps. They got as far as Deerfield before being stopped by Massachusetts militia. At Charles Phelps, the authorities then concluded the comedy of errors for violation of the Bay State's laws.

The Waters fiasco finally exhausted Vermont's patience with the Yorkers. Within a few days the state had assembled more than three hundred troops at Brattleboro. They routed a Yorker group at Guilford on January 20 and brought an end to the resistance in Guilford, Marlboro, and Halifax. One wild volley near the Massachusetts border left Vermont sergeant Silvanus Fisk fatally wounded, but there was little real fight remaining in the Yorkers. By the time Ethan Allen arrived with more Bennington County militia on January 22, there was not much left to do, and the Vermont troops began to disperse on the twenty-third. About eighty-five men stayed on, mostly in Guilford, to keep the peace and to act as security at the trials of the Yorkers who had been arrested. The court convicted twenty-five prisoners at Westminster in early February, then released most of them with relatively light fines. This leniency, however, did not extend to Charles Phelps: the state declared him a traitor, confiscated all of his property, and sentenced him to sixty days in jail. His seven years of being the loudest and most persistent of Vermont's resident enemies had brought a forceful retribution.<sup>75</sup>

The February trials at Westminster broke the back of the Yorker resistance. Timothy Phelps, who had avoided arrest in January, appeared in New York in early February and informed the Assembly of Vermont's crimes; however, the Empire State responded with the usual ineffectual indignation instead of the troops Phelps wanted. Back home in Vermont, most of the remaining Yorkers simply surrendered to the inevitable. Many of them petitioned the state legislature in February and March of 1784 for suspension of their fines and prison sentences, marking the end of any organized internal opposition to Vermont's existence. The state's leaders worried briefly about external trouble after some overzealous Vermont soldiers killed Daniel Spicer of Bernardston, Massachusetts, at Guilford on March 5, but Thomas Chittenden and Massachusetts governor John Hancock contrived to treat the incident as only an unfortunate mistake.<sup>76</sup> When Congress tabled the Vermont question for the last time on June 3, 1784, the decision in effect granted acceptance of Chittenden's assertion that his state was "amenable to no earthly tribunal."<sup>77</sup> Against great odds, Vermont had won.

Charles Phelps was among the Yorkers who asked Vermont for clemency in February of 1784. On February 28, one day after he "did voluntarily take the Oath of Allegiance and Fidelity to the State of Vermont," the state let him out of prison.<sup>78</sup> He apparently continued to make a nuisance of himself, since the state rearrested him in June under the terms of the old warrant of September 1782. Whatever he did, however, was his last act of open defiance. In October of 1784, along with two dozen other Yorkers, he petitioned for a pardon. Although the Governor and Council noted in a fine Yankee understatement that he had been "exceedingly obstinate against and troublesome to this State," they decided to be merciful because of Phelps's age, poverty, and erstwhile

good qualities.<sup>79</sup> If he would pay thirty-five pounds towards the cost of his prosecution and confinement, the state would drop all charges, return his property, and let the quintessential Yorker's Yorker become a real Vermonter.

Phelps's problems with Vermont dragged on in a petty fashion after October of 1784. He had trouble getting his silver-hilted sword back, even though Thomas Chittenden ordered Josiah Boyden to return it to him. The state's harassment and the confiscation of his property left him nearly penniless, but Vermont's officials occasionally dunned him for the thirty-five pounds he had agreed to pay in order to secure his pardon. Repeated requests for return of his books brought back only a few volumes to his near-empty shelves. When he sent the legislature an abject petition in May of 1785 for relief from the fine and help in rounding up the missing books, the only response was a Windham County Court summons two months later calling for immediate payment of his debt to the state.<sup>80</sup>

In his last years Phelps had troubles closer to home as well. His power and prestige in Marlboro had begun to erode in the mid-1770s with the arrival of new settlers who did not share his religious or political philosophies. By 1778 there was a pro-Vermont majority in Marlboro, which isolated Phelps in his own community.<sup>81</sup> In religion, his differences with the democratic tenets of the town's New Light establishment were sharp and acrimonious, and by the mid-1780s he and his sons were filing certificates of attendance from various other churches to avoid having to contribute to the support of Marlboro's Congregational minister.<sup>82</sup> Although he was out of favor in his own town, Phelps apparently retained some respect in Windham County, because the area's bench and bar assembled on at least two occasions in 1785-86 to listen to his "Discourse upon Law and Government."<sup>83</sup> He could not resist a few verbal jabs at his old Vermont enemies in the "Discourse," but generally he stuck to the need for better education and higher standards for the state's lawyers.

Phelps also remained interested in politics after giving up the fight against Vermont. When the remnants of the insurgent forces in Shays' Rebellion fled north from western Massachusetts into Vermont early in 1787, Phelps wrote a "Review" of the rebellion that expressed strong support for the uprising.<sup>84</sup> It would have seemed more logical for a staunch conservative like Phelps to oppose the Shays movement, but the "Review" argued that the rebels had legitimate grievances against the Massachusetts courts and state government. Perhaps the bitter memories of his treatment at the hands of the Hampshire County "river gods" three decades earlier helped him choose the side of the debt-strapped farmers who now sought to alter the structure of their rural economy and society. Another strong influence for Phelps might have been a belief that by supporting Shays he was opposing Vermont, albeit obliquely. Faced with their own recent outbreaks of "Regulator" violence and debtor-creditor tension, the state's leaders by 1787 had little use for the kinds of insurrection-

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ary tactics and demands that had served them so well against New York a  
 decade earlier; and Shays and his men received a chilly official reception in  
 Vermont.<sup>85</sup> For Phelps, Vermont's response to the Shays party may well have  
 been enough incentive to take their side.

Phelps remained emotionally opposed to Vermont long after he recognized  
 the futility of continuing the political struggle. In 1786 he joined other east-  
 side Yorkers in petitioning New York for grants of open lands as compensa-  
 tion for their losses in the battle with Vermont. As in the past, New York's  
 response disappointed Phelps: he received only 508 acres, far less than he felt  
 he deserved. With other ex-Yorkers such as Timothy Church receiving as much  
 as 3,840 acres, Phelps must have felt cheated by the government for which  
 he had fought so long and so hard.<sup>86</sup> Nonetheless, he remained a Yorker to  
 the end: three days before he died, he signed his last will and testament as  
 Charles Phelps, "of New marlborough late in the County of Cumberland and  
 Province since State of New York."<sup>87</sup> Regardless of how badly New York  
 had treated him, he could never have accepted Vermont as the alternative.

At his death, which came on April 17, 1789, at the age of seventy-one, Phelps  
 had little left to show for his years of adherence to the Yorker cause. The inven-  
 tory of his estate listed only his home farm of 360 acres, a few undeveloped  
 Marlboro lots, and 508 wilderness acres in Clinton, New York, as "undis-  
 puted." He left an assortment of clothes, five pairs of spectacles, three swords,  
 145 books, four cows, one clock, six chairs, a punch bowl, three beds, one  
 bear trap, and various other possessions to his wife, children, and grandchil-  
 dren. Although the appraised value of the estate was an impressive 3,232  
 pounds, more than 2,500 pounds was in disputed land titles and depreciated  
 Continental-currency loan certificates. The value of the undisputed property  
 was 695 pounds, considerably more than the average in late-eighteenth-century  
 Vermont, but considerably less than Phelps might have accumulated had he  
 chosen the winning side in the struggle for the Grants. In place of what might  
 have been, he left his family only the legacy of stubborn, unyielding resistance  
 to the Green Mountain State.<sup>88</sup>

For Timothy Phelps, the memories of his father's legacy exerted a power-  
 ful influence on the rest of his life. Congress and New York might accept Ver-  
 mont into the Union in 1791, but he would never admit the state's authority.  
 Vermont's refusal to respond to his demands for indictments in 1812-13 only  
 deepened his bitterness. In August of 1814 he drew up a list of "debts" due  
 to him for his and his family's sufferings during his imprisonment at Benning-  
 ton in 1783.<sup>89</sup> His son's pragmatic advice to "leave off all those vain hopes and  
 expectations beyond your reach" had little effect.<sup>90</sup> Phelps's last will and tes-

tament, drawn up two years before his death in 1817, listed his claims against Vermont, authorized bequests on the basis of expected payment for his grievances, and carried his signature as "High Sheriff of the County of Cumberland and in the State of New York according to my commission."<sup>91</sup> In the heart and mind of Vermont's last Yorker, at least, thirty years after the battle had been lost it was still not over.

For the rest of Vermont, however, each passing decade seemed to strengthen the impression that there had barely been a battle at all. By the middle of the nineteenth century, the accepted story of Vermont's beginnings concentrated almost entirely on the winners, with little attention to the Phelps, Timothy Church, William Shattuck, the Dresden Party, or any other internal opponents of the state's founding fathers. Early Vermont history became the chronicles of Ethan Allen and the Green Mountain Boys, brave westside Yankee farmers battling the British and a few greedy New York speculators. Popular and scholarly authors alike portrayed the Allens and their allies as paragons of virtue and their opponents as one-dimensional villains. In what soon became the standard and accepted version of the story, the southeastern Vermont Yorkers served merely as foils for the heroism of their westside adversaries.<sup>92</sup>

Only one major work of Vermont history broke this pattern of emphasis on the Allen brothers and their exploits. Published in 1858, Benjamin H. Hall's *The History of Eastern Vermont* was a valuable examination of the eighteenth-century heritage of the eastern half of the state. The descendant of an eastside pioneer, Hall gained access to the family archives of many eastside participants in the major developments of Vermont's formative decades. Working at a time when sons and daughters of the Connecticut River Valley's pioneer leaders could still provide information on their parents' experiences, he preserved much that would otherwise have been lost. Although he accepted most of the standard interpretations of such events as the Westminster Massacre, he provided many details about early Vermont that his predecessors had neglected. For readers of Hall's generation and those in the succeeding 130 years, *The History of Eastern Vermont* was a significant contribution to Green Mountain historiography.

Yet despite its obvious high quality and the importance of its subject, Benjamin H. Hall's work started no new trends in the published history of Vermont. Other state historians after 1858 continued to concentrate on the Arlington Junto, the Allen brothers, the Green Mountain Boys, and the faction that emerged victorious in Vermont's earliest controversies. Although some good eastside town histories offered local details on the pioneer generation, their authors invariably used the stereotypes of the Allen-dominated picture as their interpretational framework.<sup>93</sup> The existence of anti-Vermont groups and individuals within the state between 1777 and 1791 remained cause for apology or omission, not serious examination or explanation for Vermont's state and local



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historians. Even after 1935, when revisionist scholars began to dispute the tra- ditional interpretations of the eighteenth century, they continued to focus almost entirely on western Vermont. Assessments of the Allen brothers and their circle have changed drastically in the past fifty years, but the Arlington Junto is still the center of attention for almost all students of early Vermont history.

The approach of the 1991 bicentennial of Vermont's admittance into the Union provides an occasion to begin the serious study of the "other" side of Vermont's formative years. Charles Phelps and the pioneers who questioned the legitimacy of Vermont's existence between 1777 and 1791 were important participants in the protracted struggle for jurisdiction. The threat they posed to Vermont's leaders was as serious as any outside challenge by New York, Congress, or the British. That they chose the losing side in the battle for control of the area between the Hudson and Connecticut rivers is no reason to ignore them. Historians in recent years have revised their estimation of the Allens so that a more measured consideration of them has become possible. Now it is time to expand the view of those early years by putting Charles Phelps, the Dresden Party, the Cumberland County Yorkers, and the other elements of internal dissent into the picture. As researchers who accept the challenge will discover, there are many colorful personalities, controversial issues, and impor- tant events to study; numerous untapped sources in the state's libraries and historical societies waiting for use; and much work to be done on the lives and careers of those Vermonters who joined Charles Phelps in opposing the author- ity of the independent republic of Vermont.

## NOTES

<sup>1</sup>Timothy Phelps to the Windham County Grand Jury, May 12, 1813, manuscript at Vermont Historical Society, Montpelier, Vermont (hereafter VHS), MSS 7 813312; and Phelps to Grand Jury, May 28-July 25, 1812, VHS, MSC-162, James H. Phelps volume, pp. 25-27.

<sup>2</sup>The most detailed biographical sketches of Charles Phelps are Benjamin H. Hall, *History of Eastern Vermont* (New York: D. Appleton & Co., 1858), pp. 679-94; and James Lincoln Huntington, "The Honorable Charles Phelps," *Colonial Society of Massachusetts Publications*, 32 (February 1937): 441-60. Also quite useful is John Phelps, *Family Memoirs* (Brattleboro: Selleck & Davis, 1886).

<sup>3</sup>On the 1759 furor over Phelps's appointment as justice of the peace, see the Israel Williams Papers, Massachusetts Historical Society, Boston, Massachusetts, Box 2, Documents 101, 113, 115, 148, and 149. There is a summary of the incident in Robert J. Taylor, *Western Massachusetts in the Revolution* (1954; reprint ed., New York: Kraus Reprint Corporation, 1967), pp. 24-25.

<sup>4</sup>Charles Phelps autobiographical notes, manuscript at Amherst College Library, Amherst, Massachusetts, Porter-Phelps-Huntington Papers (hereafter Amherst, PPHP), Box 2, Folder 1.

<sup>5</sup>*Ibid.*, Box 2, Folder 9. There is a summary in Gregory H. Nobles, *Divisions Throughout the Whole: Politics and Society in Hampshire County, Massachusetts, 1740-1775* (Cambridge: Cambridge University Press, 1983), pp. 82-83.

<sup>6</sup>For some details of the early history of Marlboro, see Ephraim H. Newton, *The History of the Town of Marlborough, Windham County, Vermont* (Montpelier: Vermont Historical Society, 1930). On Charles Phelps, Jr., and the rest of his family in Hadley, see Sylvester Judd, *The History of Hadley, Massachusetts* (1863; reprint ed., Somersworth, N.H.: New Hampshire Publishing Co., 1976). Andrew Raymond, "A New England Colonial Family: Four Generations of the Porters of Hadley, Massachusetts," *New England Historical & Genealogical Register*, 129, 3 (July 1975): 198-220, notes that the family of Elizabeth Porter, Charles Phelps, Jr.'s wife, objected to their marriage because the Phelps family was not socially equal to the Porters.

<sup>7</sup>For manuscripts relating to Phelps's work to prevent New York from regranteeing the Marlboro area, see

University of Vermont Library, Burlington, Vermont (hereafter UVM), Charles Phelps Papers (hereafter CPP), Box 1, Folders 7, 11, and 22-27.

<sup>8</sup>The text of the petition is in E. B. O'Callaghan, ed., *The Documentary History of the State of New York* (Albany: Charles Van Benthuysen, 1851) 4: 663-67.

<sup>9</sup>Phelps's July 17, 1771, road petition is in UVM, CPP, Box 1, Folder 20.

<sup>10</sup>Charles Phelps petition to Thomas Hutchinson, December 31, 1771, MS at UVM, CPP, Box 1, Folder 28. See also Phelps's December 30, 1771, address to the towns of Newfane and Townshend, MS at UVM, CPP, Box 1, Folder 27.

<sup>11</sup>The July 6, 1772, petition is in the Massachusetts State Archives, Volume 118, pp. 643-46. There is a photocopy at VHS, Matt Jones MS XXXI. For additional material on Phelps's work in Massachusetts in 1772, see UVM, CPP, Box 1, Folder 29; and E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont* (Montpelier: Joseph Poland, 1873-80) 3:491.

<sup>12</sup>Walton, ed., *Governor and Council*, 3: 491-94.

<sup>13</sup>*Ibid.*, 3: 492-93. See also May 18, 1774, MS concerning Phelps's attempt to collect funds from residents of the Grants for work on the petition, UVM, CPP, Box 1, Folder 34; and Charles Phelps, Sr., to Charles Phelps, Jr., June 5, 1774, Amherst, PPHP, Box 2, Folder 1. This letter is published in Colonial Society of Massachusetts *Publications*, 25 (1922-24): 51-54.

<sup>14</sup>The New York counties for the Vermont area were Albany County (1764), southwest quadrant; Cumberland County (1766), southeast quadrant; Gloucester County (1770), northeast quadrant; and Charlotte County (1772), northwest quadrant and northeastern New York.

<sup>15</sup>For general details on events in Vermont 1770-75, see Matt B. Jones, *Vermont in the Making 1750-1777* (1939; reprint ed., New York: AMS Books, 1968); Hiland Hall, *The History of Vermont, from Its Discovery to Its Admission into the Union in 1791* (Albany: J. Munsell, 1868); and Benjamin H. Hall, *Eastern Vermont*.

<sup>16</sup>Walton, ed., *Governor and Council*, 1:317-22.

<sup>17</sup>*Ibid.*, 1: 329-30; Benjamin H. Hall, *Eastern Vermont*, 206-08.

<sup>18</sup>Walton, ed., *Governor and Council*, 1:330-38; O'Callaghan, *Documentary History of New York*, 4:903-14; Benjamin H. Hall, *Eastern Vermont*, chapter 9.

<sup>19</sup>Solomon Phelps to Charles Phelps, Jr., May 1, 1775, ms. at Amherst, PPHP, Box 4, Folder 3.

<sup>20</sup>Marlboro Town Records, Marlboro, Vermont, Volume 1, pp. 25-26.

<sup>21</sup>Walton, ed., *Governor and Council*, 1:342-43. MS of Timothy Phelps's commission, dated January 4, 1776, is at Brooks Memorial Library, Brattleboro, Vermont, Phelps Collection (hereafter BML, Phelps), #8.

<sup>22</sup>MS of the June 21, 1776, letter is at UVM, CPP, Box 1, Folder 40; Walton, ed., *Governor and Council*, 1:347-48; Benjamin H. Hall, *Eastern Vermont*, pp. 260-61 and 277-78.

<sup>23</sup>*Collections of the Vermont Historical Society* (Montpelier: The Society, 1870), 1:34-37; Benjamin H. Hall, *Eastern Vermont*, pp. 277-78, notes that the November 5-6, 1776, meeting of the Cumberland County Committee of Safety censured Solomon Phelps, presumably for his work with the westside faction.

<sup>24</sup>Two MS copies are at UVM, CPP, Box 1, Folder 42, and oversize MSS.

<sup>25</sup>Nathan Clark *et al.* to Timothy Phelps *et al.*, June 20, 1777, MS at BML, Phelps, #13; Charles Phelps petition to Vermont, MS at UVM, CPP, Box 1, Folder 44. These are published in Walton, ed., *Governor and Council*, 3:495-96 and 497-98. Quote from James H. Phelps to Henry Stevens, Sr., September 23, 1847, MS at VHS, MSC-162, James H. Phelps volume, p. 46.

<sup>26</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 300-02; Benjamin Carpenter, August 16, 1777, release to Charles Phelps, MS at BML, Phelps, #14. Hall says Phelps procured three hundred guns, but Phelps's August 21, 1777, communication to Massachusetts says 150; MS at UVM, CPP, Box 1, Folder 45.

<sup>27</sup>Charles Phelps, August 21, 1777, petition to Massachusetts (presented October 27, 1777), MS at UVM, CPP, Box 1, Folder 45.

<sup>28</sup>Benjamin H. Hall, *Eastern Vermont*, p. 309. Hall is a good source for other details on Yorker activity, 1778-84, as well.

<sup>29</sup>For the text of Clinton's February 23, 1778, proclamation, see Nathaniel Bouton, ed., *Miscellaneous Documents and Records Relating to New Hampshire at Different Periods* (Concord: Edward A. Jenks, 1877) 10: 256-58.

<sup>30</sup>For the text of the March 1778 Yorker "Protest," see Hugh Hastings, ed., *Public Papers of George Clinton, First Governor of New York* (New York and Albany: State of New York, 1899-1904) 6:607-13.

<sup>31</sup>On July 11, 1778, Ethan Allen wrote to Elisha Payne of Lebanon, New Hampshire, "Cumberland County is greatly infested with New York malcontents, especially the southerly part of it they hold conventions in defiance and direct opposition to us &c. under New York"; photostat at UVM, Allen Family Papers, Box 4, Folder 84. Benjamin H. Hall, *Eastern Vermont*, chapter 12, details the 1778-79 internal opposition to Vermont.

<sup>32</sup>For an overview of the first East Union, see J. Kevin Graffagnino, "'We Have Long Been Wishing for a Good Printer in This Vicinity': The State of Vermont. The First East Union and the Dresden Press, 1778-1779," *Vermont History* 47 (Winter 1979): 21-36.

<sup>33</sup>For a valuable study of the relationship between religion and politics in early Vermont, see Donald A. Smith, "Legacy of Dissent: Religion and Politics in Revolutionary Vermont, 1749 to 1784," unpublished Ph.D. dissertation (History), Clark University, 1980.

hereafter UVM), Charles Phelps Papers (hereafter CPP).

ed., *The Documentary History of the State of New York*

CPP, Box 1, Folder 20.

December 31, 1771, MS at UVM, CPP, Box 1, Folder  
: towns of Newfane and Townshend, MS at UVM, CPP,

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:491.

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5, see Matt B. Jones, *Vermont in the Making 1750-1777*  
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Callaghan, *Documentary History of New York*, 4:903-14:

1775, ms. at Amherst, PPHP, Box 4, Folder 3.

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<sup>34</sup>Quote from Walton, ed., *Governor and Council*, 1:519. For related documents, see Hastings, ed., *Papers of George Clinton*, 4:846-47 and 5:53-54. Benjamin H. Hall, *Eastern Vermont*, pp. 340-45, provides an overview of the 1779 Great Cow War.

<sup>35</sup>John Phelps, *Family Memoirs*, pp. 9-10.

<sup>36</sup>Phelps petition to Massachusetts, October 22, 1778, MS at UVM, CPP, Box 1, Folder 47. Phelps petition, July 28, 1779, MS at Amherst, PPHP, Box 2, Folder 7; this is published in Colonial Society of Massachusetts *Transactions* 25 (1922-24): 54-57.

<sup>37</sup>Benjamin H. Hall, *Eastern Vermont*, p. 681, for Phineas Freeman's January 19, 1783, deposition concerning his June 1779 conversation with Charles Phelps. Freeman recalled that Phelps told him "he would as soon come under the Infernal Prince as under the state of New York; and would as soon put manure in his pocket as a commission from New York."

<sup>38</sup>The MS of the "Friendly Address" is in the private collection of Gertrude R. Mallary, Bradford, Vermont (hereafter Mallary Collection); photostat and typescript at UVM, CPP.

<sup>39</sup>John Jay to George Clinton, October 7, 1779, published in Hastings, ed., *Papers of George Clinton*, 5:311-12, and in Benjamin H. Hall, *Eastern Vermont*, p. 682. For Phelps's September 21, 1779, report to New York from Congress, see O'Callaghan, ed., *Documentary History*, 4:996-99.

<sup>40</sup>For background on Vermont's relations with Congress, see Winn L. Taplin, Jr., "The Vermont Problem in the Continental Congress and in Interstate Relations, 1776-1787," unpublished Ph.D. dissertation (History), University of Michigan, 1955.

<sup>41</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 372-73.

<sup>42</sup>Phelps to George Clinton, September 1, 1780, published in Hastings, ed., *Papers of George Clinton*, 6:160-62.

<sup>43</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 375-76 and 675-76; Ira Allen, *The Natural and Political History of the State of Vermont* (1798; reprint ed., Rutland: Charles E. Tuttle Co., 1969), p. 92; Ira Allen, *Ira Allen's Address to the Freeman of Vermont* (Philadelphia: printed for the Author, 1808), p. 20.

<sup>44</sup>One of these meetings, on October 31, 1780, appointed Charles Phelps to a committee to promote the river-centered state idea, but there is no indication he ever served; Walton, ed., *Governor and Council*, 2:488.

<sup>45</sup>For material on the January 1781 Charlestown convention, see Bouton, ed., *Miscellaneous Documents*, 10:388-95; Allen, *History of Vermont*, pp. 93-94; and Walton, ed., *Governor and Council*, 2:280-83.

<sup>46</sup>For sources on the two Unions, see: Bouton, ed., *Miscellaneous Documents*, 10:396-485; and Walton, ed., *Governor and Council*, 2:277-395, which includes the text of Washington's January 1, 1782, letter to Chittenden recommending dissolution of the Unions, pp. 353-55.

<sup>47</sup>For the text of an April 9, 1781, petition from the town of Rockingham protesting Vermont's appointment of Loyalists to eastside court and government positions, see *State Papers of Vermont*, 8:38-39.

<sup>48</sup>[Charles Phelps], *Vermonters Unmasked* ([Poughkeepsie: printed by John Holt, 1782]), pp. 6-7. Allen, *History of Vermont*, pp. 93-4, says only that the Charlestown convention rejected New Hampshire after he exposed New Hampshire's plot to dismantle Vermont.

<sup>49</sup>For overviews of the Haldimand Negotiations, see Chilton Williamson, *Vermont in Quandary: 1763-1825* (Montpelier: Vermont Historical Society, 1949), chapters 7-8; Ian Pemberton, "Justus Sherwood, Vermont Loyalist, 1747-1798," unpublished Ph.D. dissertation (History), University of Western Ontario, 1972; and Clarence W. Rife, "Vermont and Great Britain: A Study in Diplomacy 1779-1783," unpublished Ph.D. dissertation (History), Yale University, 1922.

<sup>50</sup>For an anonymous October 7, 1782, plan for an American invasion of Vermont, see "Memorandum, October 7, 1782," UVM, Catalogued Manuscripts File.

<sup>51</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 415-20.

<sup>52</sup>Charles Phelps to George Clinton, March 23, 1782, MS at VHS, \* Folio x974.3 P513, p. 67. There are additional 1782 Yorker manuscripts in the Phelps material at VHS, UVM CPP, and BML Phelps. Walton, ed., *Governor and Council*, 3:231-32, mentions the April 1782 "remonstrance."

<sup>53</sup>Timothy Phelps was named sheriff of Cumberland County on June 5, 1782, as well. See Benjamin H. Hall, *Eastern Vermont*, pp. 762-70, for lists of New York's civil and military officials in Cumberland County 1766-82.

<sup>54</sup>The manuscript of "A Continuation," Phelps's unpublished appendix to *Vermonters Unmasked* is at VHS, \* Folio x974.3 P513, p. 117. "A Continuation" was apparently written early in 1783.

<sup>55</sup>See Benjamin H. Hall, *Eastern Vermont*, pp. 432-40, on the Yorker defiance in the summer of 1782.

<sup>56</sup>*Ibid.*, pp. 440-55; Walton, ed., *Governor and Council*, 3:240-42; Smith, "Legacy of Dissent," pp. 775-87.

<sup>57</sup>Quote from Charles Phelps MS note, at VHS \* Folio x974.3 P513, page 84; Benjamin H. Hall, *Eastern Vermont*, pp. 449 and 687; Charles Phelps estate inventory, October 27, 1789, MS at Marlboro Probate Court, Brattleboro, Vermont, Volume 1, pp. 145-50 (photocopy at UVM, CPP).

<sup>58</sup>James Duane to George Clinton, October 9, 1782, published in Hastings, ed., *Papers of George Clinton*, 8:44.

<sup>59</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 460-71; nineteenth-century copies of two Charles Phelps petitions, October 10 and November 6, 1782, MSS at VHS, MS-31; Charles Phelps petition, December 6, 1782, MS at VHS, \* Folio x974.3 P513, pp. 54 and 62.

- <sup>88</sup>Inventary of Charles Phelps estate, October 27, 1782, UVM, CPP.
- <sup>89</sup>Timothy Phelps list, August-September 1814, MS at VVM, CPP.
- <sup>90</sup>John Phelps to Timothy Phelps, October 2, 1814, "New York — you ought to care a little for them, as Cumberland here nor ever will be," *ibid.*, p. 134. New says, "It was both interesting and painful to hear Sheriff's impression of approaching manomania upon a subject with hood."
- <sup>91</sup>Timothy Phelps will, May 31, 1815, MS at VHS. "Change and Continuity in Vermont Histories and their Role" is the best early eastside town histories are Henry Sw. Johnson; The Castledonian Co., 1902; Lyman S. Hayes: towns Falls: Published by the Town, 1907; Edward Miller (1913; reprint ed., Groton, Vt.: Willbur F. Eastman, Jr. 1681-1895 (Brattleboro: E. L. Hildreth & Co., 1921), 2 interpretations, and a valuable source, is Henry S. Ward's *to 1781* (New York: Charles Scribner's Sons, 1927). As dents at the University of Vermont in the 1960s, nearly a the east side, while nearly all of the state historians (e.g. Box 1, Folder 60; MSS of May 29/30 and June 3, 1783, Yorker petitions are at VHS. \* Folio x974.3 P513, P513, p. 50; text published in Benjamin H. Hall, *Eastern Vermont*, pp. 498-500. <sup>89</sup>For texts of the two acts, see *State Papers of Vermont*, Volume 3, Part 2, pp. 208-09 and 212-13.
- <sup>92</sup>George Clinton to Timothy Church, June 24, 1783, Charles Phelps MS copy at VHS, \* Folio x974.3 P513, p. 50; text published in Benjamin H. Hall, *Eastern Vermont*, pp. 498-500.
- <sup>93</sup>Charles Phelps to Timothy Phelps, spring 1783, two drafts of MS at VHS. \* Folio x974.3 P513, p. 57.
- <sup>94</sup>Timothy Phelps to Zipporah Phelps, May 21, 1783, later MS copy in VHS, MSC-162, James H. Phelps volume, "Historical Incidents of Vermont," p. 201.
- <sup>95</sup>Timothy Phelps to George Clinton, May 28, 1783, later MS copy in *ibid.*, pp. 222-23.
- <sup>96</sup>Timothy Phelps to George Clinton, June 17, 1783, certificate as agent for the eastside Yorkers is at UVM, CPP, Box 1, Folder 60; MSS of May 29/30 and June 3, 1783, Yorker petitions are at VHS. \* Folio x974.3 P513, P513, p. 50; text published in Benjamin H. Hall, *Eastern Vermont*, pp. 498-500.
- <sup>97</sup>George Clinton to Timothy Church, June 24, 1783, Charles Phelps MS copy at VHS, \* Folio x974.3 P513, p. 50; text published in Benjamin H. Hall, *Eastern Vermont*, pp. 498-500.
- <sup>98</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 510-13; John Phelps, *Family Memoirs*, p. 37.
- <sup>99</sup>Benjamin H. Hall, *Eastern Vermont*, pp. 515-22; see Walton, ed., *Governor and Council*, 3: 305-06, for Stephen Row Bradley's account of the events of January 17-23, 1784.
- <sup>100</sup>Timothy Phelps report to New York, February 5, 1784, later MS copy at VHS, MSC-162, James H. Phelps volume, "Historical Incidents of Vermont," pp. 523-32; Walton, ed., *Governor and Council*, 3: 309-15; and *State Papers of Vermont*, 17: 624-26, for Thomas Chittenden to John Hancock, March 10, 1784, concerning the death of Daniel Spicer.
- <sup>101</sup>Thomas Chittenden to Congress, April 26, 1784, in *State Papers of Vermont*, 17: 628-29.
- <sup>102</sup>Walton, ed., *Governor and Council*, 3: 40 and 309-10; *State Papers of Vermont*, 13: 234-35, for text of March 1, 1784, act pardoning Phelps.
- <sup>103</sup>Vermonter warrant for Phelps's arrest for "reasonable conduct," at VHS, MSC-31; Walton, ed., *Governor and Council*, 3: 59 and 332-33; *State Papers of Vermont*, 13: 285-86, for text of October 26, 1784, act pardoning Phelps.
- <sup>104</sup>For MSS on Phelps's 1784-85 problems with Vermont, see UVM, CPP, Box 1, Folders 62-64; also, VHS, \* Folio x974.3 P513, pp. 5, 8 and 16; *State Papers of Vermont*, 8: 121-23, for text of Phelps's May 25, 1785, petition.
- <sup>105</sup>For a March [3], 1778, resolution by twenty-one voters of Marlboro (not including any Phelps) to accept the Vermont state constitution, see the Marlboro Town Records, Marlboro, Vermont, Volume 1, pp. 11-12.
- <sup>106</sup>Smith, "Legacy of Dissem.," p. 833. On Phelps's problems with the New Lights of Marlboro, see Charles Phelps, "To the Reverend Mr. Joseph Lyman of Hatfield," no date [ca. 1782?], MS at Mallary Collection: photograph and typescript at UVM, CPP.
- <sup>107</sup>MS of Phelps's "A Review of Some Incidents Respecting the Government Partis Agaisnt Shays Partic and Shays Partic Against Government," at Mallary Collection: photocopy and typescript at UVM, CPP.
- <sup>108</sup>MS of Phelps's "A Review of Some Incidents Respecting the Government Partis Agaisnt Shays Partic and Shays Partic Against Government," at Mallary Collection: photocopy and typescript at UVM, CPP.
- <sup>109</sup>MS of Phelps's law society discourse, delivered at Brattleboro on December 21, 1785, and at Westminster on June 6, 1786, at Mallary Collection: photocopy and typescript at UVM, CPP.
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- <sup>130</sup>MS of Phelps's law society discourse, delivered at Brattleboro on December 21, 1785, and at Westminster on June 6, 1786, at Mallary Collection: photocopy and typescript at UVM, CPP.

- pp. 131-44; photocopy at UVM, CPP.
- <sup>87</sup>Charles Phelps will, April 14, 1789, MS at Marlboro Probate Court, Brattleboro, Vermont, Volume 1, 46 and 757-60.
- <sup>88</sup>On New York's compensation to the eastside Yorkers, see Benjamin H. Hall, *Eastern Vermont*, pp. 541-48 and 757-60.
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<sup>89</sup>Inventory of Charles Phelps estate, October 27, 1789, MS at Ibid., Volume 1, pp. 145-50; photocopy at LVM, CPP.

<sup>90</sup>Timothy Phelps list, August-November 1814, MS at VHS, \* Folio x974.3 P513, p. 140.

<sup>91</sup>John Phelps to Timothy Phelps, October 2, 1814, "I am sorry to hear you say anything about Congress or New York — you ought to care a title for them, as they do for you. Depend upon it there is no County of Cumberland here nor ever will be," Ibid., p. 134. Newton, *History of the Town of Marlborough*, pp. 34-35, says, "It was both interesting and painful to hear Sheriff Phelps, even in old age, discourse . . . leaving the impression of approaching monomania upon a subject which had so intensely occupied his mind in early manhood."

<sup>92</sup>Timothy Phelps will, May 31, 1815, MS at VHS, \* Folio x974.3 P513, p. 22.

<sup>93</sup>For an overview of Vermont historians and their work, see J. Kevin Graffagnino, "The Vermont 'Story': Change and Continuity in Vermont Historiography," *Vermont History* 46 (Spring 1978): 77-99.

<sup>94</sup>The best early eastside town histories are Henry Swan Dana, *The History of Woodstock, Vermont* (1889; reprint ed., Woodstock: The Countryman Press, 1980); Frederic P. Wells, *History of Newbury, Vermont* (St. Johnsbury: The Caledonian Co., 1902); Lyman S. Hayes, *History of the Town of Rockingham, Vermont* (Bellows Falls: Published by the Town, 1907); Edward Miller and Frederic P. Wells, *History of Ryegate, Vermont* (1913; reprint ed., Groton, Vt.: Wilbur F. Eastman, Jr., 1974); and Mary R. Cabot, *Annals of Brattleboro 1681-1895* (Brattleboro: E. L. Hildreth & Co., 1921), 2 volumes. The only one to break with the traditional interpretations, and a valuable source, is Henry S. Wardner, *The Birthplace of Vermont: A History of Windsor to 1781* (New York: Charles Scribner's Sons, 1927). As T. D. S. Bassett often told his Vermont history students at the University of Vermont in the 1960s, nearly all of Vermont's good local historians have come from the east side, while nearly all of the state historians (good and bad) have come from the west side.

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