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Lympus and Lilliesville in 1855
Chief Justice William Smith and the
Haldimand Negotiations
Two Letters about a Book
Yankees and Yorkers. *A Review*
Postscript

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CHIEF JUSTICE WILLIAM SMITH AND THE HALDIMAND NEGOTIATIONS

By A. J. H. RICHARDSON
Public Archives of Canada

Who revealed the negotiations between General Haldimand and the Allens and Chittenden—to the consternation of the General and the Green Mountain leaders? This question is one of many that have shadowed the history of the state for over a century and darkened the reputations of the Vermont leaders involved. With this analysis by Mr. Richardson, based on documents which he has forwarded, we begin a series of studies which, we hope, will as they progress throw a gradual light on this old problem. Whether it will ever be solved is another question; the final evidence may have been written in correspondence destroyed long ago. The most reasonable conclusion, in all probability, for the present is simply that Allen and his associates in desperate moments were sincere in their feeling that the Grants should turn to the British rather than be dismembered by New York and Congress; at other times, it is possible that they used the negotiations to check threatening action by their colonial foes.
Editor.

READERS of the *History of New York during the Revolution*, compiled by that stern old Tory, Thomas Jones, will remember how hard the author tries to discredit his fellow-lawyer, William Smith. Smith was a former Whig leader who had remained a neutral at the beginning of the war, had come into the British lines in 1778, and had shortly afterwards been made royal Chief Justice of New York. In Jones' narrative he appears as one of a triumvirate of ill-omen to the British cause (a "fifth column" within Loyalist New York City), the others being the royal Governor, General James Robertson, and Lieutenant-Governor Andrew Elliot. Many are the anecdotes that Jones relates to discredit these men, and one of them is of particular interest to Vermonters, for it concerns the "Haldimand Negotiations."

As Jones tells the story, "in the winter of 1781, Sir Henry Clin-

ton [then British Commander-in-Chief at New York] received an express from the Governor of Quebec, with proposals made by the inhabitants of Vermont for returning to their allegiance and putting themselves under the protection of the Crown." Clinton, he asserts, was "suspicious that he might not have full power to act in this matter, though he was one of the Commissioners for restoring peace to the Colonies"; consequently, he "laid all the papers before Mr. Chief Justice Smith for his opinion and advice upon this momentous business,—business, if carried into execution, of such amazing consequence to Great Britain. Smith's opinion was, that Clinton had no authority, in consequence of his commission or instructions, to act in a matter of this kind. That all the documents, letters, and papers received, should be sent to England, laid before the King and Council, and an Act of Parliament passed for the purpose, without which the General had it not in his power to interfere, without which, in short, nothing effectual could be done."

"This happened in December, 1781," Jones continues. "In February, 1782, as appears by Sam. Loudon's rebel paper, printed at Poughkeepsie, George Clinton, then titular Governor of New York, called the Assembly together, and laid before them a number of affidavits, proving the treaty between the Governor of Quebec and the Vermonters, the proposals of the latter, the Governor's reference to Clinton, Clinton's application to Smith for his advice, and even Smith's opinion after a perusal of the papers." At the recollection of this event, the author pours forth a torrent of outraged rhetoric. "What are we to gather from all this?" he asks. "Can any man in his senses believe that Sir Henry Clinton would have made a matter of such amazing consequence to the nation, and which might so materially injure the inhabitants of Vermont, public? It is natural to suppose it was a secret, and confidentially communicated by Clinton to Smith for his advice and opinion. And yet, surprising as it is, the rebel Governor of New York, formerly the bosom, the fast, the confidential friend, nay, the pupil of Mr. Chief Justice Smith, who had been his patron, his protector, and his adviser, was soon made acquainted with every circumstance relating to this transaction. How came he by the secret? The General hardly gave him the intelligence. The question then is, *who did?* It certainly was known to the rebel Governor, he laid Smith's very opinion before his Assembly. How could this matter transpire? It must have been done by somebody."

The answer, of course, is obvious to Jones, and he tries to make it as obvious to the reader. "A member of his Majesty's council, a counsellor to the Commissioners for restoring peace to the Colonies, a clerk in his Majesty's Court of Chancery, and the Chief Justice of a British colony," he declares, "can never be suspected. Smith, therefore, must in the eyes of the public stand fully and clearly exculpated from a transaction of so dark and dangerous a kind. He had at this time, however, nearly 100,000 acres of land in Vermont, held under New York grants, subsequent to those of New Hampshire; where, also, his three brothers, Thomas, John, and Joshua Hett Smith, his relations, William Livingston, Esq., then Governor of New Jersey, James Duane, Esq., Peter R. Livingston, his brother-in-law, his relation Robert Livingston, then the American Minister for Foreign Affairs, his particular friends, John Morin Scott and Richard Morris, Esqs., all held, under the like grants, large and valuable tracts of land, and every one of these parties at that time was in open rebellion. All this property of these people must have been given up, had the proposals offered by Vermont been accepted by Great Britain, and that region formed into a separate colony. From these premises I make no observations, form no conclusions, nor draw any inferences. Facts speak louder than words. Let the public judge for themselves."¹

Now, this is the tone of all of Jones' references to Smith. Their violence has been explained as the jealousy of a judge at a "practising attorney" promoted to the Chief Justiceship over his head, of a steady Tory at seeing this newly-converted Tory preserve his estates from confiscation by the Americans while his own were taken;² and this in the main seems true. It is, indeed, likely that it was personal ambition that finally brought Smith into the Loyalist camp,³ yet there

1. Thomas Jones: *History of New York during the Revolutionary War*, edited by E. F. DeLancey (New York, 1879), Vol. II, pp. 210-2.

2. *Ibid.*, Vol. I, pp. 234-5.

The Magazine of American History, Vol. VI (New York and Chicago, 1881), pp. 421-2, 429 ("William Smith—The Historian," by Maturin Delafield).

3. B. F. Stevens: *Facsimiles of Manuscripts in European Archives*, No. 438. April 11, 1778. Rev. John Vardill to William Eden, "Sketches of American Public Characters" (original in Auckland Mss., British Museum).

Ibid., No. 487. 1778 (?). "Minutes respecting political Parties in America," in the hand of Paul Wentworth (original in Auckland Mss.).

Ibid., No. 1204. New York (Bowery), November 2, 1778. William Smith

is no reliable evidence that he came as a "fifth columnist." There is definite evidence that George Clinton, in common with the rank and file of the revolutionaries, already regarded him as a renegade from their ranks, and that Smith for his part was a genuine moderate—who at first attempted reconciliation,⁴ and then for at least two years urged vigorous action against what he regarded as a minority revolution.⁵

But the particular case of the "Haldimand Negotiations" is another matter. Haldimand's own papers and (more clearly) those of Lieutenant-Governor Simcoe of Upper Canada indicate that here Jones has laid his finger on the true culprit; they are now reproduced in the following pages, from the transcripts in the Public Archives of Canada,⁶ that the reader himself may make the final judgment. They also hint, it will be noticed, at an added treachery of which Jones does not seem to have been aware. When, by Germaine's desire, Haldimand had resumed the negotiations in the spring of 1782, "This Crisis . . . arrived when Coersion Alone must decide the Part Vermont will take," it was Smith's false alarm of an attack on Canada by the French fleet that prevented the "Coersion."

Whether Jones exaggerated the importance of this betrayal is difficult to decide without a careful study of Haldimand's large and sometimes contradictory correspondence on the negotiations. The letters printed here show the alarm it caused Haldimand at the time; perhaps the maturer judgment would be that Yorktown did more

to William Eden (original in Public Record Office, Series C.O. 5, Vol. 181, f. 435).

Ibid., No. 1286. London, April 19, 1779. Earl of Carlisle and William Eden to Lord George Germaine, "Private" (original in Public Record Office, Series C.O. 5, Vol. 181, f. 431).

4. *Public Papers of George Clinton*, edited by Hugh Hastings (Albany, 1900), Vol. II, pp. 484-7. Manor of Livingston, October 28, 1777. William Smith to George Clinton.

Ibid., p. 492. October 31 (?), 1777. George Clinton to William Smith.

Public Archives of Canada, "Cole" Simcoe Papers, Packet S ("Ross Robertson Typed Transcripts," Vol. 3, p. 10). Quebec, March 3, 1792. Memorandum by Lieutenant-Governor J. G. Simcoe of a conversation with Smith.

5. See the many letters from Smith (mostly to members of the Carlisle Commission) reproduced in the Stevens *Facsimiles*—especially Nos. 124, 125, 127, 724, 728, 731, 746, 747, 1005, 1229.

6. The Haldimand Papers (originals in the British Museum) are transcribed in the "B" Series of the Public Archives of Canada.

to doom the negotiations, or that the Allens never intended to come to terms with Britain anyway.

A third point remains to be settled—the Chief Justice's motives for this apparent treachery to the British cause when he had supported it for three years. He certainly had New York titles to large areas in Vermont. When the \$30,000 was divided among the New York claimants, he received compensation for 23,600 acres, and his son-in-law for 22,000 more that had been Smith's.⁷ He may, as Jones asserts, have had a full 100,000 at stake in 1781; many who got no share in the \$30,000 had once held large grants, and, besides, Haldimand's proposed proclamation would have recognized the "West Union," where the Chief Justice had lands in Pittstown⁸ and his father's executors' lands in Kingsbury Patent.⁹ Then, too, he was a creditor of Colonel Wells,¹⁰ the leader of the grantees of Deerfield.¹¹

Of the other landholders named by Jones, James Duane is famous as an unyielding opponent of the "Hampshire Grants"; William Livingston was the principal grantee of Royalton, Robert R. Livingston of Camden, and John Morin Scott of Kingsborough.¹¹ Of the rest, we cannot speak with certainty. Most, as Jones declares, were "in open rebellion," and most had been associated with Smith in his pre-war Whig days or (like the former Tory Duane¹²) were linked by marriage, as he was, to the powerful Livingston family. Indeed, the whole group may be well termed "the Livingston group." As for the Chief Justice's protagonist in the betrayal, George Clinton, his violence against Vermont is also explained by the fact of "all his estate lying there."¹³

7. Hiland Hall: *Early History of Vermont* (Albany, 1868), pp. 508-9.

8. *Second Report of the Bureau of Archives for the Province of Ontario* . . . 1904 (Toronto, 1905), Vol. I, pp. 213-5. St. John, N. B., November 27, 1786, and Montreal, November 27, 1787. Evidence on the Loyalist claim of Charity French.

Ibid., Vol. II, p. 941. Quebec, June 23, 1787. Evidence on the claim of Henry Ruiter.

9. *Ibid.*, Vol. I, p. 398. Montreal, January 30, 1788. Evidence on the claim of Daniel Jones.

10. B. H. Hall: *History of Eastern Vermont* (New York, 1858), p. 724.

11. *Collections of the Vermont Historical Society* (Montpelier, 1870), Vol. I, pp. 147-58.

12. *Early History of Vermont*, p. 475.

13. Stevens *Facsimiles*, No. 115. February 1, 1779. Paper of intelligence

Before the war, Smith seems to have taken a moderate attitude towards the New Hampshire claimants and favoured Tryon's plan for compensating them, but the declaration of Vermont's independence convinced him "that we are not to flatter ourselves with the Hope, of winning over the Vermontees to the Crown side, by any Project for an impartial adjudication of the Question of Property." "They were led to set up for themselves," he said, "upon iniquitous Principles. If they acquire the whole Legislative and Executive, the Rights under New York will be totally extinguished, and Thousands of *loyal* as well as disloyal Subjects, in various Parts of the King's Dominions, will be ruined."¹⁴ Moreover, in 1779, the new state proceeded to sequester his property and that of his brother Thomas.¹⁵ Now a Loyalist, and convinced that the Republican cause was doomed,¹⁶ he began to urge that the Carlisle Commission (or a separate Council of Police) be given power by Act of Parliament to deal with the Vermont question.¹⁷ It is possible that he was hoping in this way (for he was a counsellor to the Commission) to rescue the property of his Republican friends as well as of the Tory claimants. Alone of the Loyalist members of the provincial Council, he was left out of the Act of Attainder passed in 1779 by the revolutionary authorities of New York,¹⁸ nor was his estate ever confiscated by them; so there *may* all along have been some secret agreement with

transmitted by Andrew Elliot to the Earl of Carlisle (original in Carlisle Mss., Castle Howard).

Ibid., No. 114. January 19, 1779. Intelligence by Mr. Thomas Fanning, enclosed in William Smith to the Earl of Carlisle, February 2, 1779, and in Smith's own hand (original in Carlisle Mss.).

14. *Ibid.*, No. 108. New York, December 19, 1778. William Smith to the Earl of Carlisle (original in Carlisle Mss.). Smith's moderate course is also described in Matt B. Jones: *Vermont in the Making* (Cambridge, Mass., 1939).

15. *Records of the Governor and Council of the State of Vermont* (Montpelier, 1876), Vol. IV, pp. 102-4. Bennington, February 23, 1779. Commission of sequestration, signed by Governor Thomas Chittenden.

16. Stevens *Facsimiles*, No. 1264. New York, February 28, 1779. William Smith to William Eden, extract in Eden's hand (original in Auckland Mss.).

17. *Ibid.*, No. 108. New York, December 19, 1778. William Smith to the Earl of Carlisle (original in Carlisle Mss.).

Ibid., No. 744. New York, November 10, [1780]. William Smith to William Eden (original in Auckland Mss.).

18. *History of New York during the Revolutionary War*, Vol. II, pp. 510-23 (notes by the editor).

the rest of the Livingston group to preserve their lands whichever side won. There is no definite evidence on this point. It is clear, though, that when in 1781 it became evident that Germaine and Haldimand, weighing the chances of winning over New York and Vermont, had decided that "by Sacrificing a part of one, to the interest of the other, a Reunion of the most Valuable, with the Mother Country Can be Effected," Smith acted to prevent that sacrifice—which would have involved himself and the same Livingston group. There is the strongest suspicion, too, that the motives were purely personal. If he really thought that the betrayal to George Clinton would have won New York over to the British cause, he would probably have tried to win Sir Henry's support for the scheme beforehand.¹⁹ There is no evidence in George Clinton's published papers that the Governor ever considered joining the British at that time, or that there was any such sentiment among the state authorities; but it must be admitted that Smith had more than once overestimated his power of influencing them.²⁰ The Chief Justice may even seriously have believed that the French intended to attack Canada by the St. Lawrence, for many others then believed it; we leave to the student this question of the French plan of campaign.

Did General Robertson have any hand in the betrayal? It is true that he told Haldimand that he would willingly give up "a very good estate in that Country" to bring Vermont into the British fold, but he, too, had his links with the revolutionary landholders. He had, like Smith, escaped the New York Act of Attainder of 1779, and after he left America his property was cared for successively by the Chief Justice, the latter's brother Thomas, James Duane, and James Morris.²¹ Suspicion might also attach to Andrew Elliot, the other

19. Sir Henry Clinton's papers in the Clements Library of the University of Michigan ought to throw further light on Smith's motives, and firsthand evidence of what Simcoe only gives at secondhand in the documents now published.

20. *Public Papers of George Clinton*, Vol. II, pp. 484-7. Manor of Livingston, October 28, 1777. William Smith to George Clinton.

Stevens *Facsimiles*, No. 1204. New York (Bowery), November 2, 1778. William Smith to William Eden (original in Public Record Office, Series C.O. 5, Vol. 181, f. 435).

History of New York during the Revolutionary War, Vol. I, pp. 159-61.

21. *Ibid.*, Vol. II, pp. 402-5 (notes by the editor from papers of the Robertson estate in his possession). Robertson had 5,000 acres in Cumberland County and 4,000 in Charlotte County, remaining in 1791.

member of the triumvirate, for he again had New York grants in Vermont,²² and had preserved them from the Act of Attainder.²³

There is a postscript to this story. Simcoe, as we see, believed in 1791 that Smith (now Chief Justice at Quebec) was still in league with the New York group, and was once again throwing his weight against the union of Vermont with the British Empire. The mysterious "Evan Paul," who also thought that the "royal, loyal, republican Judge of Canada" wished for "Commotions in verdmont, a Quarrel with Canada and a junction of verdmont with Congress," suggested a reason. The Federal Constitution, he said, put all interstate land disputes under the jurisdiction of the Supreme Court, "at the head of which is John Jay, (a Newyorker)."²⁴ This explanation loses its point when we recall Jay's leading part in the petition of July 8, 1789, by which fifty-seven New York claimants are said to have agreed to take any compensation, however small, if Vermont would join the Union.²⁵

Yet we know that Smith's anxiety for his Vermont property, and indeed for all his land in the States,²⁶ had continued since the war. When he left New York for England in 1783, he made his will in the city just before his departure, so that it would be the will of a resident—evidently confident of his standing with the new authori-

22. He was the grantee of 30,000 acres in Minto. *Collections of the Vermont Historical Society*, Vol. I, p. 150.

23. Perhaps this was not through collusion with the revolutionaries; however, at the end of the war, Elliot reported to a friend that Washington and George Clinton "assure me my Estate in this Province [New York] is safe"—*The Pennsylvania Magazine of History*, Vol. XI (1887), p. 145 ("Andrew Elliot," by Eugene Devereux).

These, it should be noted, were not the only Tory landholders who had managed to hold their New York titles to Vermont lands. There were at least two within the enemy's lines, and these had probably the biggest holdings of all of New York lands in Vermont—Goldsbrow Banyar with his 150,000 acres and John Kelly with his 115,000. (*Early History of Vermont*, pp. 456, 509.)

24. *Proceedings of the Vermont Historical Society*, New Series, Vol. I, No. 1 (Montpelier, 1930), pp. 18-9. September 7, 1791. "Evan Paul" to "Lewis Alden" [Levi Allen].

25. *Early History of Vermont*, p. 445.

26. *Public Archives of Canada*, "Cole" Simcoe Papers, Packet S ("Ross Robertson Typed Transcripts," Vol. 3, p. 10). Quebec, March 3, 1792. Memorandum by Lieutenant-Governor J. G. Simcoe of a conversation with Smith.

ties—while he left his wife behind to look after his interests.²⁷ In the fall of 1785 she got William Samuel Johnson of Connecticut to beg Chittenden not to regrant her husband's land in Mooretown, a measure that "would seem to be but too similar to the Conduct of the late Province of New York in regranting the New Hampshire Townships,"²⁸ (this while the Chief Justice was still insisting to the British Government that it was the New Hampshire grants that were illegal!).²⁹ The following year Smith himself wrote to Chittenden "relative to Lands owned by him & intrusted to his care." What he asked, and what reply he received, are not known, except that the Council recommended the Governor "to assure him that this Government have in all their official Transactions, Inviolably adhered to the articles of Treaty which he refers too [*sic*]."³⁰

This sounds like a noncommittal answer that would have left him with small expectations from Vermont. At any rate, it was in the post-war period that he gave his opinion that a holder of a New York grant in that state "can have no hope of regaining it, unless New York regains her Dominion over that Country, and he was not Attainted nor his Estate confiscated . . . or unless Vermont awed by the Dread of the British Power in Canada, or in the Affection she bears to the Loyalists, will exempt their Lands by Legislative Acts of her own"—a vain hope, for Vermont had "made free with the Lands that were granted only by the Great Seal of New York; selling for Taxes, what the new Acquierer tho' a Loyalist, will not be

27. *History of New York during the Revolutionary War*, Vol. I, p. 647; Vol. II, p. 403 (notes by the editor).

28. Connecticut Historical Society, William Samuel Johnson Papers, Document 107. New York, October 19, 1785. William Samuel Johnson to Governor Chittenden.

29. *Proceedings of the Vermont Historical Society*, New Series, Vol. I, No. 1 (Montpelier, 1930), pp. 6-7. Unsigned "Notes Respecting Vermont," undated but written after the Peace (original in *British Audit Office*, Series 107, No. 37). It is not certain that these are by Smith; yet in places the language is identical, and the reasoning throughout is similar, to the "Notes respecting that part of the Country called Vermont" of April 28, 1781 (*Public Archives of Canada*, Series C.O 5, Vol. 1304), which Simcoe understood were Smith's (see p. 93 of the present issue of the *Proceedings*).

30. *Records of the Governor and Council of the State of Vermont* (Montpelier, 1875), Vol. III, p. 119. February 17, 1787. Minutes of the Council of Vermont.

Ibid., p. 122. February 20, 1787. Minutes of the Council of Vermont.

Ibid., p. 400. February 16, 1787. Minutes of the Assembly of Vermont.

willing to restore to the Original owner of the same political Attachment.³¹ If such were still his views in 1790, we would do well to heed Simcoe's warning, that "admitting to . . . Billy Smith . . . a life of loyalty and every good wish to the Government of this country in Church and State . . . his, Mr. Smith's opinions should be examined with caution and the utmost scrupulousness on any point in which Vermont or New York may interfere with Canada."³² Also, we should use the same caution with Dorchester's opinions; there is abundant evidence that the Governor was under the influence of his Chief Justice and their mutual friend, the British merchant, Brook Watson,³³ and Watson was yet another holder of New York patents in Vermont who had escaped the New York Act of Attainder.³⁴

DOCUMENTS

[I]

[Thomas Jones: HISTORY OF NEW YORK DURING THE REVOLUTIONARY WAR, edited by E. F. DeLancey (New York, 1879). Vol. II, pp. 210-2]

In the winter of 1781, Sir Henry Clinton received an express from the Governor of Quebec, with proposals made by the inhabitants of

31. *Proceedings of the Vermont Historical Society*, New Series, Vol. I, No. 1 (Montpelier, 1930), pp. 9-10. Unsigned "Notes Respecting Vermont," undated but written after the Peace (original in British Audit Office Series 107, No. 37).

32. *Public Archives of Canada*, "Cole" Simcoe Papers ("Ross Robertson Typed Transcripts," Vol. 1, p. 7). Wolford Lodge, December 3, 1789. Colonel J. G. Simcoe to Evan Nepean, Under Secretary of State.

33. A. L. Burt: *The Old Province of Quebec* (Toronto and Minneapolis, 1933), Chapter XVII.

The Correspondence of John Graves Simcoe, edited by Brig. Gen. E. A. Cruikshank, Vol. I (Toronto, 1923), p. 96. New York, January 3, 1792. Charles Stevenson to Simcoe.

Public Archives of Canada, "Wolford" Simcoe Papers, Book 2, p. 91. [London], Harper Street, April 26, 1792. Alexander Davison to Simcoe, "Private."

Numerous other references on this point could be added. Smith's papers in the New York Public Library show that he even drafted some of Dorchester's despatches to the Secretary of State.

34. *Early History of Vermont*, p. 509. Watson claimed 24,000 acres in 1791.

Vermont for returning to their allegiance and putting themselves under the protection of the Crown. The Commander-in-Chief, suspicious that he might not have full power to act in this matter, though he was one of the Commissioners for restoring peace to the Colonies, laid all the papers before Mr. Chief Justice Smith for his opinion and advice upon this momentous business,—business, if carried into execution, of such amazing consequence to Great Britain. Smith's opinion was, that Clinton had no authority, in consequence of his commission or instructions, to act in a matter of this kind. That all the documents, letters, and papers received, should be sent to England, laid before the King and council, and an act of Parliament passed for the purpose, without which the General had it not in his power to interfere, without which, in short, nothing effectual could be done. This happened in December, 1781. In February, 1782, as appears by Sam. Loudon's rebel paper, printed at Poughkeepsie, George Clinton, then titular Governor of New York, called the Assembly together, and laid before them a number of affidavits, proving the treaty between the Governor of Quebec and the Vermonters, the proposals of the latter, the Governor's reference to Clinton, Clinton's application to Smith for his advice, and even Smith's opinion after a perusal of the papers. What are we to gather from all this? Can any man in his senses believe that Sir Henry Clinton would have made a matter of such amazing consequence to the nation, and which might so materially injure the inhabitants of Vermont, public? It is natural to suppose it was a secret, and confidentially communicated by Clinton to Smith for his advice and opinion. And yet, surprising as it is, the rebel Governor of New York, formerly the bosom, the fast, the confidential friend, nay, the pupil of Mr. Chief Justice Smith, who had been his patron, his protector, and his adviser, was soon made acquainted with every circumstance relating to this transaction. How came he by the secret? The General hardly gave him the intelligence. The question then is, *who did?* It certainly was known to the rebel Governor, he laid Smith's very opinion before his Assembly. How could this matter transpire? It must have been done by somebody. But a member of his Majesty's council, a counsellor to the Commissioners for restoring peace to the Colonies, a clerk in his Majesty's Court of Chancery, and the Chief Justice of a British colony can never be suspected. Smith, therefore, must in the eyes of the public stand fully and clearly exculpated from a transaction of so dark and dangerous a kind. He

had at this time, however, nearly 100,000 acres of land in Vermont, held under New York grants, subsequent to those of New Hampshire; where, also, his three brothers, Thomas, John, and Joshua Hett Smith, his relations, William Livingston, Esq., then Governor of New Jersey, James Duane, Esq., Peter R. Livingston, his brother-in-law, his relation Robert Livingston, then the American Minister for Foreign Affairs, his particular friends, John Morin Scott and Richard Morris, Esqs., all held, under the like grants, large and valuable tracts of land, and every one of these parties at that time was in open rebellion. All this property of these people must be given up, had the proposals offered by Vermont been accepted by Great Britain, and that region formed into a separate colony. From these premises I make no observations, form no conclusions nor draw any inferences. Facts speak louder than words. Let the public judge for themselves.

[2]

[PUBLIC ARCHIVES OF CANADA, B Series, Vol. 147, pp. 366-368]³⁵

To General Robertson	}	Quebec 30 th Sep ^r	
Govr of New York			1781.

My Dear Sir . . .

. . . I Cannot Wonder at your Anxiety respecting the Termination of Vermont Affairs—My Ideas and Expectations on this Important Subject, as well as the transactions I have had with that People are, by this Opportunity fully Communicated to His Excell^{cy} Sir Henry Clinton & I have requested Him to impart the Whole to You, from those Papers you will be able to form some (I wish I could say certain) Judgement of the Issue the affair will have—And if Time or opportunity could serve, it would afford me infinite Satisfaction to Receive Your Opinion & friendly advice—I have hitherto acted intirely from My self, upon very General directions from Home—I have Carefully avoided desolating their Country that the Populace might not be exasperated, & to keep open a door for reconciliation but the Affair is now come to a Crisis, and they must in a short time declare for the Mother Country or Congress—the latter

35. Original, British Museum Add. Ms. 21807, ff. 294-5.

has of late Yielded much to them, & only Contend for their Relinquishing their late acquired Territory, to declare them a separate State—Tho' I have always suspected their Sincerity Yet from late discoveries it would appear that the Governor & Council are really inclined to Accommodate with Government, and I every Day Expect they will propose it upon Condition that those Acquisitions are Confirmed to them—This has been already suggested by them as a Consiliatory Preparation to Reunion but I have always declined giving them Hopes of its taking Place—I have by a Letter thro' the Woods, expressed to Sir H. Clinton My diffidence on this Head, & Requested his Concurrence as a Commissioner to grant their Demands if it should appear necessary, Circumstances may require it, & if I should not be fortunate enough to hear from Sir Henry, before I am obliged to decide, I am so convinced that the Friendship of Vermont is Essentially necessary to the Success of this War, and Particularly so to all Measures offensive or defensive that relate to this Province, that I shall be obliged to take upon myself the Weighty determination—should it so happen, it will be no small Consolation to me that I am so fortunate as to have You of my Opinion in the Expediency of it—My Agents are now in Conference with Ira Allen & Major Fay on this Business, and I detain the Frigate Day after Day in hope of being able to Communicate to You & Sir Henry, the Result, that all Quarters may have the earliest instructions how to Act.—

I have the Honor to be
with the Greatest Esteem & Regard

M. D. S.

Yours & c

(Signed) F: H:

(endorsed)

Copy) To General Robertson
Governor of N. York, of the 30th Sept^r by (blank)