

**“Black Snake Affair”
Papers, 1805-1809
MSA 263**

Introduction

This collection consists primarily of records documenting the trials of smugglers, Cyrus Dean, David Sheffield, Samuel Mott and (William) Truman Mudgett for their involvement in the “Black Snake Affair” in 1808. The collection is stored in one archival flip-top box and occupies .25 linear feet of shelf space.

Historical Note

The "Black Snake Affair" was an incident involving a confrontation between federal customs agents and smugglers on the Black Snake, a fairly well-known smuggling vessel on Lake Champlain, in 1808. The United States had enacted a general embargo against Britain and France (the Embargo Act of 1807) as of 22 December 1807. At the time, British Canada was Vermont's main trading partner, making the embargo controversial and unpopular among many Vermonters. Smuggling into Canada by Vermonters continued after the passage of the Embargo Act.

Dr. Jabez Penniman, U.S. Collector of Customs for Vermont, was entrusted with the responsibility of cracking down on this smuggling. Penniman enlisted military assistance from the state militia, including a Lt. Daniel Farrington of Brandon, Vermont. In August 1808, Lt. Farrington along with other federal customs agents seized the Black Snake on suspicion of potash smuggling and a battle ensued. Jonathan Ormsby of Burlington, Ellis Drake of Clarendon, and Asa March of Rutland all died in this battle. Drake and Marsh were both part of Daniel Farrington's complement of militia men. Ormsby was a nearby bystander who became involved in the action.

Cyrus Dean, a Black Snake crew member, was later found guilty of murder and hanged before a crowd of 10,000 in Burlington. Several other smugglers, including David Sheffield, Samuel Mott, Francis Ledyard, and (William) Truman Mudgett were also put on trial for their part in this incident.

Scope and Content

This collection consists of trial notes and other papers related to the "Black Snake Affair," 1808-1809. The trials of smugglers, Cyrus Dean, David Sheffield, Samuel Mott and (William) Truman Mudgett in particular are documented in some detail. Charges to the jury, probably in either the Mott or Dean trial, from presiding judges, Royall Tyler, Jonas Galusha, and Theophilus Herrington are included along with manuscript notes of the sentences of Samuel Mott, Francis Ledyard and David Sheffield. Additionally, remarks of William Chace Harrington, State's Attorney, with accompanying correspondence and notes of Royall Tyler are located in the collection.

Other papers relating to Jabez Penniman, U.S. Collector of Customs for Vermont at the time of the "Black Snake Affair," and his case against Silas Hathaway and Heman Allen in Franklin County Chancery Court in 1805 may also be found in this collection. Penniman's wife was Frances Montresor Allen, widow of Ethan Allen, and his court case involved an attempt to secure her dower rights from Ira Allen, who had assigned his property to Hathaway and Heman Allen.

Inventory

- MSA: 01 “Black snake” affair, Cyrus Dean trial, 1808
- 02 _____, David Sheffield trial, 1809
- 03 _____, Samuel Mott trial, 1808-1809
- 04 _____, _____, summation notes, 1808-1809
- 05 _____, _____, W. C. Harrington (State’s Attorney) remarks, 1809
- 06 _____, Truman Mudgett trial, 1809
- 07 _____, charge to grand jury, 1808
- 08 _____, charge to jury, Dean or Mott trial, 1808
- 09 _____, sentence: Samuel Mott, Francis Ledyard, David Sheffield, 1809
- 10 _____, miscellaneous papers, 1808-1809
- 11 Franklin County chancery court records, Jabez Penniman vs. Silas Hathaway and Herman Allen, 1805

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