



The Bleat of the Sheep, The Bark of the Tree: Vermonters and Their Landscape, A View from the Archives

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It is easy for Vermonters to feel connected to Heyde's landscapes. We still encounter their vistas even if, at times, we must narrow our line of sight, squeeze the passage of time from our eyes, and block the sounds of mechanized motion. Even if, at times, we must see with our minds, not our eyes.

That we can still see, or imagine, these images centers us in our own self-perceptions, and, occasionally, our self-delusions. For Vermont's landscape has never been a still life. It is in constant motion, subject to unrelenting change.

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Let me take a forest as an example of one of those viewing points. Because these are temporal viewing points as well, this forest dates from 1913, as it was described in that year's official state tourism brochure:

But the dear woods, the dear frank, innocent woods, God bless them! They kill no one . . . Once in a hundred years perhaps one man, and he by accident, is killed by the falling of a tree—some poor dead tree that could not stand one instant longer nor help from falling just then and there. Aye the dear woods that kill no one, tempt no one, rather warn you to keep out of their depths, [and] near their bright margins.¹

As a marketing piece this seems a little irresolute. It expresses an ambivalence that grows with each arboreal platitude, as if the writer discovered in midpassage that Joyce Kilmer was the Blair Witch.

Temporal viewing points are tricky. The writer crafts his language in the early twentieth century, but we respond to it in 2001. We find the language's vacillation between the romantic and the gothic amusing. A mid-nineteenth-century response might have found the writer's preference for the forest's bright margins understated. Even as nineteenth-century Vermonters denuded the land of its forests, they knew it was a jungle out there.

A quick glance through nineteenth-century town histories confirms this. In 1859 twelve-year-old Melvin Codling of Waterville was "crushed by the fall of a burning tree, near which . . . he was at play. [H]e lived only a few hours after the accident." Nelson Potter, also of Waterville, was killed in 1862 by a falling tree. In 1825 Jonathan Baldwin of Coventry had his leg amputated after a falling tree crushed it. Jeremy Merrill of Maidstone borrowed a neighbor's fan for separating chaff from grain. On his way home a tree fell, hitting the fan and killing Mr. Merrill instantly. In 1829 James Seavey refused to listen to his "little son" who begged him, "don't go into the woods today, pa, for a tree will fall on you and kill you, if you go." You can guess what happened.²

If these town histories routinely portray the early settlers as waging war with nature, clearly nature was not completely unarmed. Actually, Vermont's early settlers helped create this lethal landscape. Remember that burning tree that took out little Melvin in Waterville? Melvin had not wandered into a forest fire to play. Rather, he was playing near where his family was using fire to convert forest to farmland.

Another method for clearing the land for agriculture was girdling trees, then planting around them on the now shadeless ground. In 1788, as young Joseph Merrill ploughed his father's land, he "came near [a girdled] elm tree [and] it fell just at that time, killing one of the oxen" pulling the plow and pinning Joseph until help could arrive.³

As Joseph could attest, we have an impact on the landscape and the landscape has an impact on us. Indeed, the interplay between commu-

nity and landscape is integral to the original meaning of landscape, “a place on the land where a community is formed.”⁴

I want to offer three cautions about the scope of my remarks. My view is from the Vermont State Archives and thus is largely limited to what Gordon Whitney calls the legislated landscape.⁵ Second, while my focus is on eighteen- and nineteenth-century Vermont, it is important to remember that temporal landscapes do not easily accommodate borders.

Third, to talk of “the” Vermont landscape is misleading, at best. Whether through the persisting Arctic air mass over central Canada in 1816—the year without a summer—or the global economy of 2001, the larger world influences what we call the Vermont landscape. We may be a special place, but social, economic and environmental ecologies don’t easily accommodate borders, either.⁶

So let me briefly touch on a few topics we may expand on during today’s sessions.

The first point is that government has always shaped community and landscape. Current arguments that government has trespassed upon private ownership and use of land need historical context.⁷

The legislated landscape began with the original town land grant charters, including the first, for the Town of Bennington, issued in 1749 by Governor Benning Wentworth of New Hampshire. The charters envisioned agrarian, self-governing communities whose inhabitants, not the government, held title to the land. These were equalitarian communities with land ownership broadly distributed through lotting plans.

Rather than promoting settlements of unfettered individuals creating farms in isolation across the landscape, early charters envisioned town centers, built around public meetinghouses, churches, and, in a very few cases, a town common. Bennington, for example, allotted each inhabitant a one-acre lot in a town common “as near the center of town as the land will admit.”⁸

Private ownership and use of land were bundled with civic obligations to the community. Landowners had to plant and cultivate five acres of land, within five years, for every fifty acres they owned. If they failed to meet that obligation, the land reverted to the government.

The idea that civic rights and obligations followed private ownership of the landscape remained within all subsequent town charters, whether issued by New Hampshire or Vermont. The scope of these obligations changed with time, though each offered a vision of community. Vermont charters, for example, often required houses to be at least eighteen feet square on the ground. Lots had to be set aside for educational and religious purposes. Individual towns established their own public-

purpose lots, offering land in exchange for building the first barn or mill or allowing a public right of way.

That government, from the beginning, played a role in shaping land use and community provides context to current public dialogues over community planning and development. Government's ability to shape the landscape, however, is tempered by the landscape itself. In many cases the vision of a town centered on a marketplace, public meeting-houses, or a common, collapsed in the face of geographic and other realities.

The imagined communities of the original charters also had to survive as political and economic entities across time. Some towns were doomed by landscapes that could not withstand the changing economic or social forces of a particular time period. By contrast, a landscape that was a barrier to town growth or prosperity in one time period could be a boon in another.

Given Heyde's frequent use of Mount Mansfield, it is appropriate to look at the Town of Mansfield, which provides an appropriate example of the unanticipated consequences of social and economic change. Mansfield, which encompassed the mountain, was hardly prime agricultural land. Through the mid-nineteenth century, no agriculture often meant no economic base for either local or state property taxes. The legislature solved this case of rural poverty by obliterating Mansfield, completing the task in 1848 when it annexed the remnants of Mansfield to Stowe.

Today tourism and recreation have surpassed agriculture as economic forces. If it had survived, Mansfield would now be one of Vermont's richest communities. Mansfield's fate is instructive for today's discussions. Government actions, by themselves, cannot assure a particular type of community or landscape outcome.

Vermont towns possessed other means, beyond government, for enforcing visions of community and landscape. On January 16, 1789 Daniel Harmon brought a charge against Simeon Hatheway for "being dishonest in his dealings and overreaching his brother by false representations."⁹ Harmon wanted Hatheway to change a deed that had mistakenly given him an advantage over the Harmons.

Harmon brought his charge before the First Church of Bennington. Three arbitrators appointed by the church failed to end the impasse and eventually the congregation excommunicated Hatheway.

The Harmons, a farming family, ranked among the original members of the church. The Hatheways, by contrast, associated with mercantile and industrial interests and had ties to Bennington's emerging new elite. To the Hatheways the dispute was a matter for the courts, not the

church. Under secular law it would be illegal to alter a legal agreement simply at the bidding of church arbitrators.

The Harmon-Hatheway feud is representative of tensions between old and new settlers and their differing visions of community. The mechanisms and belief systems that enforced community visions broke apart and changed in the face of these tensions. The rights of individuals, rather than community, came to govern the landscape. Indeed, control of established community institutions by the first settlers made arguments for individual rights essential to the newcomers.¹⁰

Can we here today articulate our own vision of civic virtue, our own balance between individual freedom and community obligations? What local mechanisms do we have to achieve community consensus effectively? Do municipal and regional planning commissions provide the same force as the earlier community institutions? These are crucial landscape questions.

Religious and social institutions were not the only aspects of community that changed and diversified over time. In 1848 George Armington and others petitioned to amend the Vermont Constitution to limit the amount of land that any one individual could acquire.¹¹ Mr. Armington saw that while the number of acres in farming continued to grow, the number of farms declined. He turned to government to reverse a trend that had its roots in Vermont's changing agricultural practices.

The early equalitarian community ideals envisioned the broad-based ownership of land, primarily farmland. That ideal began to break down as Vermont moved from subsistence farming to cash crops to sheep and then dairy farming. Sheep required larger land holdings than did cash crops. In the Connecticut River Valley the median improved acreage of farms grew from 37 acres in 1820 to 61 acres in 1840. That twenty-year period marked the height of the sheep craze. The trend toward large farms continued after 1840 because of dairy farming. It takes as much land and feed to support one cow as it does for five sheep.¹²

The transition from crops to livestock had an immediate impact on the land because of grazing habits and practices. There were other consequences as well. Larger farms and higher land prices restricted the number of people who could afford farms. In addition, farmers could not divide their holdings among heirs because smaller parcels could not support the new agriculture. All these factors changed landscape, demographics, and the early equalitarian ideals of community.

Agriculture was not alone in shaping the landscape. Bennington again provides an example. Bennington's charter envisioned a community landscape clustered around a town common centered on a hilltop. Manufacturing, initially dependent on waterpower, pulled population

and community control from the hilltop to the riverbanks. New communities grew up around factories on Paran Creek, the Roaring Branch, and other waterways. Rather than coalescing around a single town center, Bennington now sprawled across the landscape and included two incorporated villages. Shared local institutions capable of guiding land use, supported by a land-owning, agrarian community, further fragmented the community.¹³

Vermont is the only New England state with incorporated villages. The movement to incorporate separate municipalities within towns peaked between 1870 and 1910 when 47 villages incorporated.¹⁴ Villages often incorporated to provide special services—such as lighting and water—that technology and tax bases restricted to compact areas within a town. In some ways incorporated villages echoed earlier ideals of geographically compact settlement. But they also redefined community by creating distinct legal entities shaped by technological capabilities within towns. Some villages eventually broke away from the parent town to become cities. In most cases, however, once services such as electricity could be provided across distance, villages merged back into their town. Conversely, expanding technological services helped move town populations into the countryside.

Incorporated villages and cities also reflect Vermont's changing demographics. Demographics, in turn, are crucial to understanding the landscape. When Heyde arrived in Vermont in 1852 the median town population was 1,224; when he died in 1892 the median had fallen to 935, a nearly 25-percent decline. The landscapes Heyde painted were of countryside being emptied of people.

Rural depopulation meant low population densities, which had an obvious and sustained impact on the landscape. A majority of Vermont towns attained populations in the 1830s that they would not surpass until the 1960s. Only with the completion of the interstate highways did Vermont's population trends change. Every state plan I am aware of from the late nineteenth century until 1960 addressed rural depopulation. Every plan since has sought to manage growth and development as new populations spread across the landscape.

Some state plans trace Vermonters' awareness of their changing landscapes. As early as 1794 Samuel Williams speculated on the impact of clear cutting on seasonal temperatures, soil, and flooding. Later Zadock Thompson and George Perkins Marsh further explored human impact on the landscape and climate of Vermont. Marsh's *Man and Nature*, published in 1864, remains a milestone in the environmental movement.

Marsh was not alone in observing human influences on Vermont's

landscape. Amos Churchill's 1855 history of Hubbardton has a section entitled, "The Birds—Where Are They?" "When the country was new," he wrote, "our fields and forests were made vocal, and rendered pleasant and animated by the presence of the feathered songsters." He then listed birds that were no longer common, starting with the robin. Zadock Thompson responded that "[birds] have vanished before the advance of the white men and some . . . are probably destined for utter extermination." He further observed that changing land use had attracted previously unknown bird species.¹⁵

Such observations began to be translated into renewed government action as the nineteenth century waned. Government's return to regulating the landscape was tied to a host of factors. The increasing population densities within villages and cities led to public health regulations on everything from the placement of pigpens in villages to the protection of public water supplies.

In his 1890 inaugural, Governor Carroll Page referred to New Hampshire's success in attracting summer residents and called for "planting trees along our highways and in our villages . . . not only to [add to] our own comfort, but to the general attractiveness of the State." He supported reforestation to prevent "serious injury to the physical interests of the State," claiming he knew of "no subject of so great importance."¹⁶ Reforestation began in earnest in 1907 when the state planted 35,000 seedlings. By 1925 over a million seedlings were being planted annually.¹⁷

Growing, rather than cutting, forests took some getting used to. In 1902 Vermont's fish commissioners bemoaned inconsistent state policies allowing clear cutting that silted the rivers, killing the fish populations they were trying to replenish. By 1902 fishing had become a key part of our recreation economy.¹⁸

Realization that rural depopulation had created a landscape attractive to tourism and summer residents increasingly found voice in public discourses. In 1910 Lord Bryce spoke in Burlington, cautioning Vermonters: "Do not permit any unsightly buildings to deform beautiful scenery which is a joy to those who visit you. Preserve the purity for your streams and your lakes, not merely for the sake of the angler . . . but also for the sake of those who live on the banks . . . Keep open the summits of your mountains. Let no man debar you from free access to the top of your mountains . . . and the joys their prospects afford."¹⁹ Lord Bryce moved beyond the economic benefits of landscape management, assigning certain qualities of life and thought to our landscape.

An appreciation of the landscape views is not the sole province of artists and writers. Let me turn to that hotbed of poetic prose, the

Vermont judiciary. In 1873 the Vermont Supreme Court heard *Levi K. Fuller v. John Arms*. The issue being litigated was whether a person could sell property with a restriction against subsequent owners building structures that would block a view of the landscape.

No [one] man has any exclusive “right or privilege” to, or “interest in,” a landscape. To view and enjoy the beauty of the earth, is a privilege belonging to all God’s creatures alike . . . It is probably true . . . that one person has no right to control land owned by another, in any respect on account of a view; but it is equally true that any person has a right to control and dispose of his own land as he sees fit, for the sake of a view, and is entitled to have that view protected as much as any other interest.²⁰

I have ranged rather far and wide in my breathless rush through the Vermont landscape. We began with killer trees and ended with a call for reforestation. We started with governments imposing a view of community on the landscape, and concluded with government declaring an individual’s right to view that landscape.

I populated my talk with the largely obscure and forgotten. That is appropriate because our current expectations and concerns about community and landscape have been shaped more often than not by the accumulation of small events and forgotten folks. Nor are our current expectations and concerns parts of some logical and orderly progression. Vermont’s first towns were chartered by the government of New Hampshire and populated by settlers from Connecticut. Yet our visions of community and landscape differ widely from those of both New Hampshire and Connecticut.

The landscape is a complex fabric of tightly woven environmental, economic, social, and demographic threads. You cannot define or preserve a landscape by focusing on only one thread. We cannot realize our own visions of landscape and community by talking among ourselves within our own professional enclaves, within our own, like-minded social networks. Only by encouraging public dialogues among the rich diversity of perspectives that constitute our communities will we be able to broaden our vision of landscape.

NOTES

¹ Vermont Publicity Bureau, Office of the Secretary of State, *Vermont, the Land of Green Mountains* (Essex Junction, 1913), 7.

² These stories were drawn from Abby Maria Hemenway’s 5-volume *Vermont Historical Gazetteer* and can be found within the histories of the towns cited.

³ Joseph’s story is also found in the *Vermont Historical Gazetteer*.

⁴ Definition is provided in Jan Albers, *Hands on the Land: A History of the Vermont Landscape* (Cambridge, Mass.: MIT Press, 2000), 12.

⁵ Gordon G. Whitney, *From Coastal Wilderness to Fruited Plain* (New York: Cambridge University Press, 1994), 324–334.

⁶ A handy reference for weather events, Vermont or otherwise, is David Ludlum, *The Vermont Weather Book* (Montpelier: Vermont Historical Society, 1985).

⁷ Government's role in shaping the landscape provides a variety of sources for understanding historical ecology. For a good summary see Dave Egan and Evelyn A. Howell, eds., *The Historical Ecology Handbook* (Washington, D.C.: Island Press, 2001).

⁸ For the Bennington charter see Albert S. Batchellor, *The New Hampshire Grants*, Vol. XXVI of the *New Hampshire State Papers* (Concord, N.H.: Edward N. Pearson, 1895), 29–34. For a good discussion of land grant charters and the landscape, concepts of ownership, and other issues see William Cronon, *Changes in the Land. Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983). For reflections on private property see John Hanson Mitchell, *Trespassing: An Inquiry into the Private Ownership of Land* (Reading, Mass.: Addison-Wesley, 1998).

⁹ As quoted in Robert Shalhope, *Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1760–1850* (Baltimore: The Johns Hopkins University Press, 1996), 198.

¹⁰ For a discussion of the impact of new blocks of settlers on local communities see Michael A. Bellesiles, *Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier* (Charlottesville, Va.: University Press of Virginia, 1993).

¹¹ Paul S. Gillies and D. Gregory Sanford, eds., *Records of the Council of Censors of the State of Vermont* (Essex, Vt.: Offset House, 1991), 444, 447, 451, 453.

¹² See Randolph A. Roth, *The Democratic Dilemma: Religion, Reform and Social Order in the Connecticut River Valley of Vermont, 1791–1850* (Cambridge: Cambridge University Press, 1987), 124–125 and Harold A. Meeks, *Time and Change in Vermont: A Human Geography* (Chester, Conn.: Globe Pequot Press, 1986), 94–95.

¹³ Shalhope, *Bennington*, 252–253.

¹⁴ For acts incorporating villages see D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts*, Vol. 19, *State Papers of Vermont* (Montpelier: Secretary of State, 1986).

¹⁵ Amos Churchill, “The Birds—Where Are They?” in “Sketches of the History of the Town of Hubbardton” (Rutland: G. A. Tuttle, 1855), reproduced in Hemenway, *Vermont Historical Gazetteer*, Vol. III (Claremont, N.H.: Claremont Manufacturing Company, 1877), 765–766, followed by Zadock Thompson's response (1855), 766–767.

¹⁶ *Journal of the Senate of the State of Vermont, 1890* (Burlington: Free Press Association, 1890), 342.

¹⁷ Figures are from *Report of the Department of Conservation and Development, June 30, 1940* (Springfield, Vt.: Springfield Printing Corporation, 1940), 73–74.

¹⁸ 1902 Fish Commissioners' Report, Fish and Wildlife Law Collection, available at Vermont State Archives.

¹⁹ As quoted in *Report of Governor's Panel on Scenery and Historic Sites*, Central Planning Office, State of Vermont, Montpelier, October 1963, iv.

²⁰ *Levi K. Fuller v. John Arms*, 45 Vt. 400 (1873).