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# BOOK REVIEWS

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## *The Law of the Hills: A Judicial History of Vermont*

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By Paul S. Gillies (Barre and Montpelier: Vermont Historical Society, 2019, pp. xvi, 399, paper, \$24.95).

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*The Law of the Hills* is a narrative of historical happenings tied to the courts and legal institutions of the young Republic of Vermont (1777-1791) and subsequently the State of Vermont. For those readers with little knowledge of Vermont's legal history, this book will open their eyes to the realities of the times when Vermont moved from being a wilderness to becoming the fourteenth state in the Union, through the next two centuries, and concluding with a look at what lies ahead.

Vermont's early history was intricately tied to the legal issues arising between the people who settled the land and the governments of New Hampshire and New York. Paul Gillies reminds readers familiar with Vermont history that Vermont's Constitution was the first in the United States to prohibit slavery and writes about the works of the Allen brothers—Ira and Ethan—and the many other events that occurred during this time period. In addition to these familiar incidents, Gillies presents a great deal of research to discuss other landmark issues, controversies, and events in Vermont's history. One example is the so-called "Westminster massacre" of March 13, 1775, when the courts were forced to shut down by armed demonstrators.

*The Law of the Hills* is also an extensive review of the history of the creation of the now fourteen counties in Vermont, something that this reviewer was unaware of and found to be quite fascinating.

Other chapters in the book relate the stories of the state courthouses from their inception to the present. Gillies details the history of the changing nature of the judiciary from the Supreme Court to the addition of the Superior Court and now to our unified court. A section of bio-

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graphical sketches—in alphabetical rather than chronological order—of each person who has served on the Vermont Supreme Court up to the present composition of the court gives a capsule summary, often accompanied by a portrait image, of who they were or are and how they arrived at the bench.

Three chapters deal with legal issues of the eighteenth, nineteenth, and twentieth centuries. Rather than trying to analyze the law, Gillies tells the stories of selected cases from each period. An example is the famous Boorn murder case in 1812, where the alleged deceased showed up a few days before one of his convicted murderers was about to be executed. Russell Colvin arrived at the jail where Steven Boorn was to have said to him, “they say I murdered you,” and Calvin replied, “you never hurt me. Your brother struck me with a briar once, but it did not hurt me” (p.101). Boorn was released and no hanging took place, but it was close. A virtue of this book is that, while there was limited space to deal with this and other cases, the notes give references to many articles that have flowed from the facts surrounding them.

*The Law of the Hills: A Judicial History of Vermont* is a good read, reminding or introducing its readers to the history of Vermont from the founding of the state up to the present, as seen through its laws and legal institutions. It also serves as an excellent reference book on the history of the judiciary and the history of the court system.

Every Vermont lawyer and everyone with an interest in the history of Vermont—especially its judicial institutions—will find this book well worth reading.

PETER F. LANGROCK

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*When the Irish Invaded Canada: The Incredible True Story of the Civil War Veterans Who Fought for Ireland's Freedom*

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By Christopher Klein (New York: Doubleday, 2019, pp. i, 365, \$28.95).

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In the spring of 1866, and then again in the summer of 1870, formations of armed Irishmen—many of them Civil War veterans—attempted to invade the British Province of Canada from the United States. Fired by an intense hatred of England that resulted from *An Gorta Mór* (the great hunger) of the 1840s, many Irishmen in the homeland, along with their immigrant kinsmen in the U.S., jointly organized in 1858 to win Irish freedom by force of arms. In the United States they called themselves Fenians, conjuring up the romantic image of the mythical *Fianna*, a warrior band associated with Ireland's ancient kings. In Ireland its adherents were known as the Irish Republican Brotherhood.

What did Canada have to do with the fight for Irish freedom? Christopher Klein in *When the Irish Invaded Canada: The Incredible True Story of the Civil War Veterans Who Fought for Ireland's Freedom*, has given us the best history of the Fenian invasions to date, and in his telling explains the background to their Canadian strategy.

Why invade Canada? Many Fenian leaders believed that if an invasion proved successful they could hold Canada as hostage in leveraging an agreement with Britain for Irish independence. Did such a bizarre scenario reflect only thinking muddled by hate, or were there reasons to believe that such an audacious scheme might prove successful? As Klein explains, by 1866 a number of factors had come together to suggest a way forward. Perhaps most important was the existence of thousands of recently demobilized Irish veterans of the Civil War, many of whom had been recruited to the movement while serving in the Union army. Might they form the nucleus of an Irish army of liberation? Secondly, the Fenian leadership believed that the U.S. government was unlikely to stand in the way of their invasion plans as it could use their existence as leverage in seeking reparations from Britain for damages sustained during the Civil War by ships it built for the Confederacy (the *Alabama* claims). They also thought that President Andrew Johnson, sensitive to the existence of 1.5 million Irish voters while he sought to pass his plan for Reconstruction, would do little to suppress the Fenians. Moreover, there was anger over the Confederate raid in 1864 on St. Albans that was

launched from Québec. Finally, the Fenians believed that the thousands of Irishmen who lived in the Canadian provinces—plus disaffected French Canadians—would either rally to their cause or take no part in Canada’s defense.

In the event, the invasions—raids are a more apt description—turned out to be fiascos. Launched from a number of locations along the American-Canadian border, but principally from Buffalo, New York, and St. Albans, Vermont, little more than a few thousand Irishmen turned out for the raids, far lower than the projected number. Moreover, because the organization was riddled with spies, Canadian authorities knew of Fenian plans. And the American government, far from turning a blind eye, intercepted shipments of arms meant for the insurgents and then sent troops to arrest them. North of the border, Irish and French-Canadians proved loyal to their emerging country. Perhaps most devastating to the Fenians was their own internal divisions, the movement split between those who supported the Canadian strategy and those who believed that only rebellion in Ireland could achieve Irish independence.

As William McKone in his biography of John Lonergan (*Vermont’s Irish Rebel: Captain John Lonergan*, 2010) has documented, the Fenian movement was fairly well organized in Vermont, particularly in the industrial centers of Burlington, Rutland, and St. Albans. Klein, however, in painting the big picture, has little to say of local involvement. For those of us who would like to know more about Vermont’s Fenians, Klein teases us with the revelation that Fenian suppliers in New York and elsewhere purchased arms from surplus government stocks and had them shipped to St. Albans where Peter Ward, a local Fenian who was then overseeing the repair of the town’s gasworks, received them under the guise of repair materials. The arms arrived in heavy crates innocuously labelled “glass,” “crockery,” and “gas fixtures.” Ward had them “hidden in barns and buried in the woods in the surrounding towns” (p. 114). St. Albans and Franklin county had a large Irish population and one would like to know more about local Fenian activity.

While they failed abysmally to achieve Irish independence, the raids of 1866, in an ironic turn of history, helped to clarify for Canadians the wisdom of joining together for common defense. The result was a new nation in 1867: the Dominion of Canada.

VINCENT E. FEENEY

*Vincent E. Feeney was a longtime adjunct faculty member in the History Department at the University of Vermont. He is the author of Finnigans, Slaters and Stonepeppers: A History of the Irish in Vermont (2009).*