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The Experiment in Vermont Constitutional Government

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“I tell you to organize fairly and make the experiment . . .”
Dr. Thomas Young, April 11, 1777

THE formation of the Republic of Vermont has not been adequately studied in the light of local town meeting records. When we look at these neglected documents we find that some of our traditional views on the formation of the constitution of 1777 are verified while others need revision. This paper, the result of direct research in town meeting records, will illustrate how delegates to the June and July conventions at Windsor were selected. A later paper will suggest revision of the traditional thesis that the constitution was never submitted to the people for ratification.

Dr. Thomas Young of Philadelphia was instrumental in the formation of the new state. He wrote to the inhabitants of Vermont on April 11, 1777 laying down the guidelines he felt would be considered valid by his fellow Continental Congress members:

. . . you have nothing to do, but send attested copies of the recommendation to take up government, to every township in your district, and invite all your freeholders and inhabitants to meet in their respective townships, and choose members for a general convention, to meet at an early day, to choose delegates for the general congress, a committee of safety, and to form a constitution for your state . . .¹

The following day, Dr. Young urged the Vermonters to incorporate and announce that they had become a “body politic” in order to be considered a free state.² From a Lockian state of nature the Vermonters proceeded to follow the Philadelphian’s organizational advice and make what he called “the experiment.”

The Westminster Convention that had been adjourned in January was called together at Windsor to continue the formation of the new

1. William Slade, *Vermont State Papers*, Middlebury: J. W. Copeland, 1823, 76.
2. *Ibid.*

state. Seventy-two delegates assembled on the first Wednesday of June 1777 representing Twenty-two towns to the west of the mountains and twenty-six towns to the east. The delegates who traveled to Windsor had been elected at legally warned town meetings held throughout the territory. The existing records of these meetings are very sparse, many have been lost or destroyed and others do not have entries for this period. I have been able to find evidence, however, that in at least four towns the delegates were selected by the townspeople at legally warned meetings prior to the convention. Guilford, in the southern part of the state, met on Tuesday, May 12 and

Chose John Barney & Benjm Carpenter a Committee to go to Windsor in June next to hear the Report of the agent sent to Congress Concerning a new State . . .³

The inhabitants of Brattleboro met two weeks later on May 27 and chose Lieutenant Israel Smith to go to Windsor as an agent for the town. They then proceeded to elect a committee of Mr. Obadiah Wells, Ensign Richard Prouth and Captain John Sargeant to instruct Lieutenant Smith.⁴ On Thursday, May 29, the people of Bradford, then called Mooretown, met at the house of Samuel McDuffee "agreeable to the convention of the New State," and voted to send Bildad Andrus and Benjamin Baldwin as their delegates to the convention.⁵ Chester held its legally warned and assembled town meeting only two days before the convention. They met on Monday, June 2, voted to send Lieutenant Jabez Sargeant as their delegate, and promptly dissolved the meeting.⁶

The Convention, which was the largest held until that time, met in Windsor on the first Wednesday in June. It appointed a committee to make a draft of the constitution. Following Dr. Young's advice to "experiment" with the formation of government, its members recommended that each town elect delegates to convene the following month in Windsor.

Immediately after the convention, its President, Joseph Bowker addressed a letter to the towns of the state. He recommended that the towns meet on June 23 to choose delegates for a general convention to be held at the meeting house in Windsor. This convention was called to

3. Manuscript Town Records, Guilford: Town Clerk's Office, Book C., 24.

4. Transcribed Records, Brattleboro, Anno Domini 1831, Brattleboro: Town Clerk's Office, 104.

5. Bradford, Town Deeds Records, Vol. 1, 1773-1884, Mormon Microfilm of Manuscript Records, in the Public Records Office, Montpelier, Vermont, 46.

6. New Flamstead, First Book to Record Town Votes in Purchased by Thos Chandler, 1763, Manuscript town records, Chester: Town Clerk's Office, 58.

choose delegates to attend Congress, to appoint a Committee of Safety and to form a constitution for said state.⁷

The following is documentary proof that delegates to this important convention were also chosen according to due process. On June 10 the freeholders and other inhabitants of Chester (then called New Flamstead) were notified and warned to meet at their meeting house to choose delegates for the general convention to form a constitution. They met on June 23 and voted Thomas Chandler Jr. and Jabez Sargeant their delegates “. . . for the purpose mentioned in the notification . . .”⁸ On June 13 the inhabitants of Rockingham were warned to meet at their meetinghouse to elect delegates. Ten days after the warning the town met in a “full meeting” and elected Mr. Josha Webb and Doctor Ruben Jones the “two Dilagates [*sic.*] to Windsor to Joyn [*sic.*] the Convention there.”⁹ The voters of Danby met on June 23 in the house of Mr. William Brinbleys, chose Mr. Thomas Rowlee as moderator and voted to send two delegates “to meete the grand convention at Windsor . . . to form a Constitution for the state of Vermont.” They proceeded to name their favorite son, Colonel Thomas Chittenden and Captain Gage as their delegates.¹⁰

In spite of the paucity of records for this critical period in the history of the state of Vermont we can draw the following conclusions: in accordance with Dr. Young’s recommendation to “experiment” with the establishment of government, the towns were legally warned, they met in town meetings, and they chose delegates for the express purpose of forming a constitution for the fledgling state.

7. *Governor and Council*, Montpelier, 1873, I, 57-58.

8. Chester, *op. cit.*, 58-60.

9. Rockingham, Vermont., Manuscript Town Meeting Records, Bellows Falls: Town Clerk’s Office, 50 (in back of the book).

10. Danby, Vermont, Proprietors Book, Mormon Microfilm of Manuscript Records, in the Public Records Office, Montpelier, Vermont, 62.