

Vermont History

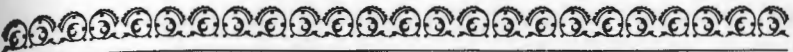
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MONTPELIER



Roger Sherman and the New Hampshire Grants

by CHRISTOPHER COLLIER

THE wild and woolly frontier of New England of the late eighteenth century was the area north of Massachusetts, sandwiched between the Connecticut River on the east and the long Lake Champlain on the west. It was claimed by New York and New Hampshire, and occupied by a band of legally uncouth farmers led by the ambitious Allen boys. This land, later known as New Connecticut and the New Hampshire Grants, finally entered the union of states in 1791. But behind that lay a long, rough story of conflict on the field of battle and on the floor of debate. Roger Sherman, Connecticut's senior delegate to the Confederation Congress, had no small part in the bitter congressional wrangling over these green mountains and fields. Most of the settlers were Connecticut men to begin with,¹ and many of them were friends of Sherman from New Milford and New Haven.²

Sherman's first reported remarks on the Vermont affair are non-committal enough. He wrote to his governor in April 1777 that

The people on the New Hampshire Grants have Petitioned Congress to be acknowledged [sic] an Independent State, and admitted to send Delegates to Congress. The Convention of New York has also remonstrated against their proceedings requesting Congress to interpose for preventing the defection of the people of the Grants from that State. Nothing has been yet acted on the affair.³

1. Rising Lake Morrow, "Connecticut Influences in Western Massachusetts and Vermont," *Tercentenary Commission of the State of Connecticut* (New Haven, 1936), *passim*.

2. Lois K. M. Rosenberry, "Migrations from Connecticut Prior to 1800," *Tercentenary Commission of the State of Connecticut* (New Haven, 1934), II.

3. Edmund C. Burnett, *Letters of Members of the Continental Congress* (Washington, D. C., 1934), II, 321 (Apr. 9, 1777).

But Sherman's disinterested remarks belie the part he took in debate just two months later when the question came before the Congress. When Vermont petitioned for admission into the Union the New York members took intense umbrage at this attempt at their own dismemberment. James Duane, something of an expert on the question, took the lead in the debates that began in late June. Sherman became unusually hot, and Duane wrote this account to Robert Livingston;

Yesterday the Committee of the whole House finished their proceedings concerning our Revolters and reported them to the House. An unexpected field of debate was opened and some of our neighbors (R. S. in particular) discovered an earnestness and solicitude that did not belong to Judges between a State and its discontented members. But it was of little avail to object to what had been agreed to by the Committee of the whole House on the most solemn argument and debate of which I have been witness.⁴

Debate in Philadelphia had little effect on the determined and independent-minded real estate operators of the Green Mountains, and the Yorkers knew it. Especially would the Vermonters balk at the resolutions of Congress when they knew that they had such a powerful ally as Connecticut's senior delegate. William Duer worked fast, but was already behind his wily opponent.

May we be permitted to suggest [wrote the New York delegates to their Council of Safety] the Propriety of dispatching Commissioners without delay to circulate explain and enforce among our too aspiring Countrymen these Resolutions of Congress, and to seize the Advantage which the first impression of unexpected disappointment, and Condemnation from the only Tribunal they fear, may make on their Minds, in order to induce them to a Submission to your Jurisdiction. This appears to us to be the more necessary as Mr Roger Sherman of Connecticut, who brought in the Petition for these People to Congress, and has all along acted openly as their Advocate and Patron, and in the last debate plead their Cause with a Zeal and Passion which he never discovered in any other Instance, and which in a Judge between a State and some of its own members was far from being commendable. This Gentleman, we say, immediately on passing the Resolutions, procured

4. *Ibid.*, II, 395 (July 1, 1777).

Copies, and having obtained Leave of Absence, is already set out on his Journey to the Eastward. What may be his Views with respect to our Dispute, we know not: But to his Enmity and officiousness you ought not to be Strangers.⁵

Perhaps Sherman might have been more successful in working the Vermonters' cause if he had not been tied up most of the time during that month with the tremendously demanding War Board, but he was not successful, and it is true that he got leave of absence on June 30 though apparently he stayed around till July 2. Of course Duer had already crossed swords with Sherman over the question of a general for the Northern Department,⁶ and may have been unduly prejudiced. He seemed to relish the beating Sherman had taken in the incident and wrote again to Livingston on July 9:

. . . I have the pleasure to inform you the Congress have adopted Sundry resolutions respecting the Insurgents in the Counties of Gloucester, Cumberland, and Charlotte, which if our own Legislature acts with spirit and wisdom will I think be attended with happy Effects. We transmit them by this Opportunity to the Council of Safety.

I believe no matter has ever been more solemnly argued in Congress than this. The house were in Committee for three days, and very warm opposition was given to [sic] by some of our Eastern friends against the resolution for dismissing the Petition of Jonas Fay etc and that answering Dr. Youngs incendiary production. Mr. Sherman was quite thrown off his bias, and betrayed a warmth not usually learned within the walls of Yale College.⁷

Aside from the incorrect notion that Sherman was a Yale graduate, this letter must have told Livingston nothing new for Sherman had been gone a week, and nothing had happened on Vermont's account in the meantime.

Sherman's job was made even more complicated by divisions among the Vermonters themselves. As the controversy ground on—only New York considered anything settled by the resolutions of June—an anti-Allen party gained some strength in eastern Vermont. Elisha Payne, recently moved to the Green Mountain State

5. *Ibid.*, II, 397 (July 2, 1777).

6. *Ibid.*, II, 377 (Duer to Robert Livingstone, May 27, 1777) and II, 385 (to Philip Schuyler, June 19, 1777).

7. *Ibid.*, II, 410.

from New Hampshire, looking for "the sweets of liberty and government in the greatest simplicity and freedom,"⁸ found only various kinds of distressing politics. "We have not only N. Y. and N. H. to defend against," Payne writes, "but that which is worse than both [sic] (viz) the old green Mountain constitution (cloathed under the name of civil Government)." Payne asks Sherman to try to delay any action that would confirm the present Vermont government under the Allens, and insists that the respectable people oppose the present ruling clique. He further charges Ethan Allen with duplicity in dealing with the legislature.

Sherman wrote him a letter dated three days later which must have crossed Payne's. In this letter Sherman discusses the action of several towns on the east side of the Connecticut River, that is, in New Hampshire proper, that had revolted and were attempting to join the freer government of Vermont. After disclaiming an opinion as to the disposition of the "Grants," and mentioning that that will be adjudicated later he goes on:

But for the people inhabiting within the known and acknowledged boundaries of any of the United States, to separate without the consent of the State to which they belong appears to me a very unjustifiable violation of the social compact, and pregnant with the most ruinous consequences. Sir, I don't know whether you live in one of the revolted towns, but as you are in that vicinity, I trust from acquaintance with your love of order and regard to the welfare of your country, that you will use your influence to discourage everything that in your opinion may be prejudicial to the true interests of these States. If the present constitution of any of the States is not so perfect as could be wished [Sherman writes almost as though he had read Payne's letter], it may and probably will, by common consent be amended; but in present circumstances it appears to me indispensably necessary that civil government should be vigorously supported.⁹

By May of 1779 the Yorkers were pressing for some more substantial action on their account in the disputed lands west of the Connecticut River. On June 1 a resolution was passed declaring that Congress was duty bound to preserve the rights of the sev-

8. Dartmouth College mss. Collection (to Sherman, Oct. 28, 1778).

9. Dartmouth College mss. Collection.

eral states,¹⁰ and on the second a committee of five, three of them Connecticut men, was sent up to the Grants to inquire why the inhabitants insisted on their own jurisdiction.¹¹ Sherman did not serve on this committee, though he was present in Congress at the time of its appointment, and it can be easily surmised that the New Yorkers would never have allowed his appointment. In September, incidentally during Sherman's absence, Congress pledged that it would determine the dispute according to equity and would support the decision on the spot. A hearing was scheduled for February 1, 1780.¹² But by the time that the interested parties had assembled, the required presence of nine states could not be met, so the question continued to dangle. This was probably just as well, for any decision unfavorable to the Green Mountain Boys would have almost certainly brought on a small war.¹³

By the fall of 1780 the obstreperous Vermonters were threatening to make a separate peace with England if their claims were not soon recognized by Congress. In the face of this piece of blackmail, and in view of new encroachments east of the Connecticut and west of Lake Champlain on lands of undoubted possession of New Hampshire and New York, Congress began to worry. This worry turned suddenly to action in August 1781 when evidence came to hand that the foul Vermonters were actually in negotiation with the King's agents, and Congress agreed to deal with the wild men of the north on their own terms.¹⁴ A committee had been set up in July 1781, consisting of Varnum, Madison, McKean, Carroll, and Sherman, to deal with the question. Their report, which came back to the floor on July 20, had suggested that New York and New Hampshire follow the earlier example of Massachusetts and give up their claims to the territory. Sherman added to the original report which was in Carroll's hand, that the townships east of the Connecticut should cease their revolt against New Hampshire and rejoin their mother government or be considered enemies of the

10. *Journals of the Continental Congress*, W. C. Ford, ed. (Washington, D. C., 1904) (hereafter *JCC*), xiv, 675.

11. *JCC*, xiv, 676.

12. Edmund C. Burnett, *The Continental Congress* (New York, 1954), 541.

13. *Ibid.*

14. *Ibid.*, cf. 541.

United States. The remainder of the controversy, he insisted in his separate report, should be adjudicated by Congress.¹⁵

Sherman made himself clear in a letter to Josiah Bartlett of New Hampshire on the last day of July. He enclosed the resolution of Massachusetts and told of the report that recommended its example.

What will ultimately be done in Congress is uncertain; some gentlemen are for declaring Vermont an independent State; others for explicitly recommending to the the States aforesaid to relinquish their claims of jurisdiction; others only for referring it to their consideration as reported by the committee, and some few against doing anything that will tend to make a new state.

I am of the opinion that a speedy and amicable settlement of the controversy would conduce very much to the peace and welfare of the United States, and that it will be difficult if not impracticable to reduce the people on the east side of the river to obedience to the government of New Hampshire until the other dispute is settled, that the longer it remains unsettled the more difficult it will be to remedy the evils—but if the States of New Hampshire and New York would follow the example of Massachusetts respecting the grants on the west of Connecticut River the whole controversy would be quitted very much to the advantage and satisfaction of the United States, and that the inhabitants of New Hampshire and New York living without the disputed territory would return to their allegiance.

He then discusses the possibility of a rapprochement between the Vermonters and the British which he hints might be a possibility. Finally Sherman indicates that his attempt to get the matter adjudicated by Congress in accordance with his report of ten days before was either a matter of empty procedural form, or merely an intentional delaying action.

I think it very unlikely that Congress can attend to the settlement of the dispute by a judicial decision during the war. For though the parties were heard last fall respecting their claims, yet it cannot now be determined upon the right without a new hearing, because there are many new members that were not then present. I am credibly informed that a great majority of the members of the Legislature of the State of New York at their last winter session were willing to relinquish their claim of

15. *JCC*, xx, 770-772.

jurisdiction over that district, and that they should be admitted to be a separate State, but the governor for some reasons prevented an act passing at that time.¹⁶

This approach, a bundle of hinted threats and promises, may have had some effect for Sherman's report, instead of Carroll's, was accepted by Congress on August 7. This report defined the boundaries of Vermont and provided for a committee of five to meet with representatives from New Hampshire, New York, and the Grants to settle the question of Vermont's admission as a state.¹⁷ Naturally Sherman was not appointed to the committee of five, which consisted of a member each from New Jersey, Maryland, Delaware, Pennsylvania, and Virginia,¹⁸ but the final settlement was according to the lines he had laid out in his report of August 7.

But still Vermont had not been admitted as a state, and Sherman wrote in September to Governor Trumbull,

I have heard nothing from the State of Vermont since their agents left this place in August, but expect delegates will arrive from these to Congress, in case they comply with the only condition of their being admitted into the union, which is to relinquish their claims to the encroachments lately made on the States of New Hampshire and New York.²⁰

But by this time, says Burnett,²¹ the debate was no longer concerned with the merits of the case, but only with Congressional politics, especially western lands. The Rhode Island delegates claimed that some states wanted to keep Vermont out of the union because she would add votes to the eastern block, but Madison held that the real reason that admission was desired was that it would help the cause of the landless states.²² The point of stalemate had been reached, then, just when it appeared most likely that admission would be accomplished. Madison spelled out his analysis of the situation a bit further in the spring of 1782. Calling Vermont one of

16. Mesech Weare Papers in Massachusetts Historical Society.

17. *JCC*, XXI, 837-838.

18. *JCC*, XXI, 842.

19. Burnett, *Continental Congress*, 543.

20. Burnett, *Letters*, VI, 220 (Sept. 15, 1781).

21. Burnett, *Continental Congress*, 543.

22. *Ibid.*, 544.

the two great objects which predominate in the politics of Congress at this juncture [he continued], the independence of Vermont and its admission into the Confederacy are patronized by the Eastern States (N. Hampshire excepted) 1. from ancient prejudice agst. N. York: 2. the interest which citizens of those States have in lands granted by Vermont. 3. but principally from the accession of weight they will derive from it in Congress. N. Hampshire having gained its main object by the exclusion of its territory East of Connecticut River from the claims of Vermont, is already indifferent to its independence, and will probably soon combine with other Eastern States in its favor.

The same patronage is yielded to the pretensions of Vermont by Pennsylvania and Maryland with the sole view of reinforcing the opposition of claims of Western territory particularly those of Virginia and by N. Jersey and Delaware with the additional view of strengthening the interest of the little states. Both of these considerations operate also on Rhode Island in addition to those above mentioned.

The independence of Vermont and its admission into the union are opposed by N. York for reasons obvious and well known.

The like opposition is made by Virginia, N. Carolina, S. Carolina, and Georgia. The grounds of this opposition are 1. an habitual jealousy of a predominance of Eastern Interests. 2. the opposition expected from Vermont to Western claims. 3. the inexpediency of admitting so unimportant a State to an equal vote in deciding on peace and all the other grand interests of the Union now depending. 4. the influence of the example on a premature dismemberment of other States. These considerations influence the four states last mentioned in different degrees.²³

William Floyd of New York had been a bit less charitable to the New England states claiming that they were for making Vermont independent "at all events right or wrong,"²⁴ but he was probably correct.

So it was that Vermont had to wait almost a full decade more before it gained admission to the United States. But it cannot be said that Roger Sherman did not do his best for Vermont. He was acknowledged by New York to be the archrival to its claims, and his correspondence with men of New Hampshire shows him to have worked consistently for a settlement that would make the Connecticut River a permanent boundary. It would be natural to

23. Burnett, *Letters*, VI, 340-341.

24. *Ibid.*, VI, 298 (Jan. 31, 1782).

question Sherman's disinterestedness in the controversy, especially considering the large financial investments made by other Connecticut speculators in Vermont lands.²⁵ But his work in the cause seems to have been pure enough. In the 1770's and 1780's Sherman had no investment in the profitable lands to the north, and never did get on the speculative bandwagon, though he would have liked to have his work appreciated by a gift of land at a time when he was in need of cash. Jeremiah Mason wrote that he

was once surprised by his stopping and kindly greeting me, requesting me to call at his house before I left the city. When I called, he received me most courteously. . . . He then told me that being a member of the old Congress of the Confederation during the time Vermont . . . was asserting against New York its claim to independence, believing the claim just, he had been an earnest advocate for it; that during the pendency of the claim, the agents of Vermont often urged him to accept grants of land from the State, which he refused, less it should lessen his power to serve them. Now, as their claim was established, and the State admitted into the Union, if the people of Vermont continued to feel disposed to make him a grant of some of their ungranted lands, as his family was large and his property small, he had no objection to accepting it. . . . [influential Vermonters that Mason spoke to] readily recognized the merits of Mr. Sherman's services, and said he ought to have a liberal grant. But I never heard that anything was done in the matter, and presume his case made another item in the history of the ingratitude of republics. The time the Vermonters needed his services was passed.²⁶

This must have happened no more than three years before Sherman's death, and there is no mention of Vermont lands in his will or inventory, so there is every reason to believe that Mason's assumption that nothing was done for the old man is correct. But Sherman's work on behalf of the sturdy, if somewhat disorderly, boys of the Green Mountains was important, and his steadfast support during times when the Northerners were almost without other friends must be recognized.

²⁵. Morrow, *Connecticut Influences*, *passim*.

²⁶. Jeremiah Mason, *Memoir, Autobiography and Correspondence of Jeremiah Mason* (Cambridge, 1873), 15-16.