

New York's Failed Annexation of Vermont

By Marian S. Henry

Those with eighteenth-century ancestors in Vermont may not realize that those ancestors were once New Yorkers (well, almost). And some New Yorkers who obtained patents for land now in Vermont, never actually possessed their land. In the years preceding the Revolutionary War, the governors of both New Hampshire and New York, engaging in a spot of land speculation, were each dispensing grants for the same land. The vigilante group known as the Green Mountain Boys, led by Ethan Allen, rather rudely dispatched New York surveyors sent in to establish boundaries in existing settlements. Consequently, the Green Mountain Boys were declared outlaws and had a price on their heads. Vermont finally acted on its own and seceded—from New York, from New Hampshire, and from the Confederation of the United States. Read on.

The Treaty of Paris in 1763 ended the conflict known in Europe as the Seven Years' War and in North America as the French and Indian War.¹ As a result of this treaty the territory, which would eventually become Vermont, passed out of French control. New Hampshire considered territory west of the Connecticut River and south of Canada to be a part of that colony and the region became known as the "New Hampshire grants." The first royal governor of New Hampshire, Benning Wentworth², was appointed in 1741. In 1749 he granted the town of Bennington, six miles square on the western border of New Hampshire, and by 1754 he had granted fifteen townships. As of 1761, sixty townships, each six miles square, had been granted on the west side of the Connecticut River. Wentworth collected a sizable £20 fee from each grantee, of which there were sixty per town. He also reserved 500 acres in each township for himself. When he resigned the office in 1766 to his nephew John, Benning Wentworth had become a very wealthy man.

Not to be outdone in the land speculation game, the governor of New York, Robert Mouckton, had also been granting the same land as part of the county of Albany. His claim to the territory was the grants by Charles II to the Duke of York in 1664 and 1674. On December 28, 1763, Cadwallader Colden, acting governor of New York, issued a proclamation claiming all the land west of the Connecticut River for New York, annulling the grants made previously by Benning Wentworth. Wentworth replied with a proclamation on March 13, 1764, declaring the grant to the Duke of York to be obsolete. New York submitted a petition to the Privy Council in London purported to be signed by settlers on the New Hampshire grants wanting the western bank of Connecticut River established as the eastern boundary of New York. (Subsequent action makes one wonder who did sign this petition.) Surprisingly, on July 20, 1764, the Crown so ordered.

The matter might have ended there if the New Hampshire grants had simply been transferred to the jurisdiction of New York, and if the original settlers had been confirmed in their claims. However, New York insisted that the decree was retroactive. In this view all of the settlers' claims were invalid. If the settlers wanted to keep farms they had labored to carve out of the wilderness, they were required to buy them again from New York. New Hampshire did not press its claim, but the settlers resisted the "Yorkers" firmly. In 1766 they appointed Samuel Robinson of Bennington as their agent to represent them in the Court of Great Britain.

As a display of authority, New York erected Cumberland County to include land in the New Hampshire grants on July 2, 1766. The Crown annulled this act on June 26, 1767, and a month later ordered that the governor of New York could make no more grants. New York ignored this and again passed legislation to form the county.

In October of 1767, the settlers' representative, Samuel Robinson, died of smallpox in London. Nevertheless, the settlers continued their local resistance. Ethan Allen and his brother Ira defended those taken to court for eviction. They lost in court, but continued to resist and formed associations, some of them military. Ethan Allen was appointed "Colonel Commandant" and Seth Warner, Robert Cochran, Gideon Warner, and Allen's cousin Remember Baker were appointed Captains. Surveyors from New York were met with a "reception committee" of Green Mountain Boys armed with guns, clubs, and stones. Zadeck Thompson³ describes the scene when the sheriff of Albany County attempted to serve writ on James Breckenridge, a farmer in Bennington.

"Whenever the sheriff appeared upon the grants for the purpose of arresting rioters, or ejecting the settlers, he was sure to be met by a party larger than his own, fully determined to frustrate his object. Being required to serve a writ of ejectment on James Breckenridge, the sheriff, by order of the governor, called to his assistance a posse of 750 armed militia. [John Pell ⁴claims a more realistic posse of 150.] The settlers having timely knowledge of his approach, assembled to the number of about 300, and arranged their plans to resist him. An officer with 18 men was placed in the house, 120 men behind trees near the road by which the sheriff must advance, and the remainder were concealed behind a ridge of land within gun shot of the house; and the forcing the door by the sheriff was to be made known to those concealed without by raising a red flag at the top of the chimney.

"When the sheriff approached all were silent, and he and his men were completely within the ambushade before they discovered their situation. Mr. Ten Eyck, the sheriff, went to the door, demanded entrance as sheriff of the county of Albany, and threatened, on refusal, to force it. The answer from within was, 'attempt it, and you are a dead man.' On repeating this demand, with a threat of using force, ... the two divisions exhibited their hats on the points of their guns, which made them appear much more numerous than they really were. The sheriff and his posse seeing their dangerous situation, and not (says Ira Allen) being interested in the dispute, made a hasty retreat, without a shot being fired on either side."

Remember Baker was once arrested from his home, and he, his wife, and small son were wounded. Thompson ⁵, flaunting his bias against New York, describes the event thus:

"Having assembled ten or twelve of his friends and dependants, on the 22d of March, 1772, before daylight, being Sunday morning, he [John Munro] proceeded to the house of Remember Baker in Arlington for the purpose of arresting him. Baker was awakened by the breaking open of his door, and the entrance of a number of men armed with swords and pistols. The intruders rushed upon him with savage fury, wounding him by a cut across the head, and also on the arm, with a sword. His wife too was barbarously wounded by a sword cut across the head and neck, and one of his boys also, then about 12 years old. Baker being overpowered and bound was thrown into a sleigh and conveyed off with the greatest speed towards Albany. The news of this transaction being sent by express to Bennington, ten men immediately mounted their horses for the purpose of intercepting the banditti and rescuing Baker. They came upon Munro and his party just before they reached the Hudson River, who on the first appearance of their pursuers abandoned their prisoner and fled. Baker was found nearly exhausted by his sufferings and the loss of blood. Having refreshed him and dressed his wounds, they carried him home to the no small joy of his friends and the whole settlement."

Not surprisingly, the new governor of New York, Sir William Tryon, issued a proclamation outlawing Ethan Allen and eight of his men, and offering a bounty of £60 for the capture of their leader. Ethan Allen responded by offering a bounty of £25 for any of the officials involved.

At a convention in Westminster on January 15, 1777, Vermont was born. The delegates proclaimed "that the district or territory comprehending, and usually known by the name and description of the New Hampshire grants, of right ought to be, and is hereby declared forever hereafter to be, a free and independent jurisdiction, or state; to be forever hereafter called, known, and distinguished by the name of New Connecticut, alias Vermont." At the time Massachusetts, Connecticut, and New Hampshire were all willing to admit Vermont into the nascent United States, then involved in the Revolutionary War. New York was not. Congress dismissed Vermont's petition to send delegates and Vermont replied by drafting its constitution.

Perhaps even at this stage New York might have won the day. In 1782, Governor Clinton released a proclamation repealing the acts of outlawry and confirming the settlers in their land if they would stay in New York. However, Ethan Allen, newly released from British prison during the war, had the last word in his opposing proclamation. "The overtures in the proclamation set forth are either romantic or calculated to deceive woods people, who, in general may not be supposed to understand law, or the power of a legislative authority ... You have experienced every species of suppression, which the old government of New York, with a Tryon at its head, could invent and inflict; and it is manifest that the new government are minded to follow nearly in their steps. Happy is it for you that you are fitted for the severest trials! You have been wonderfully supported and carried through thus far in your opposition to that government. Formerly you had every thing to fear from it, but now little; for your public character is established and your cause known to be just. In your early struggles with that government, you acquired a reputation for bravery; this gave you a relish for martial glory, and the British invasion opened an ample field for its display, and you have gone on conquering and to conquer until tall grenadiers are dismayed and tremble at your approach." New York's attempt at reconciliation was seen as too little too late.

1. This war was the fourth in a series of seventeenth- and eighteenth-century conflicts considered in the second column of this series, "[Settlement of New York](#)".
2. Benjamin Westcott March, the son of John Wentworth, Lieutenant Governor of Massachusetts from 1717-1730. He was named for his paternal grandfather, William Wentworth.
3. *History of the State of Vermont*, Burlington, 1853, pp. 21-22.
4. *History of the State of New York*, by John Pell.
5. Thompson, op. cit., pp. 22-23.