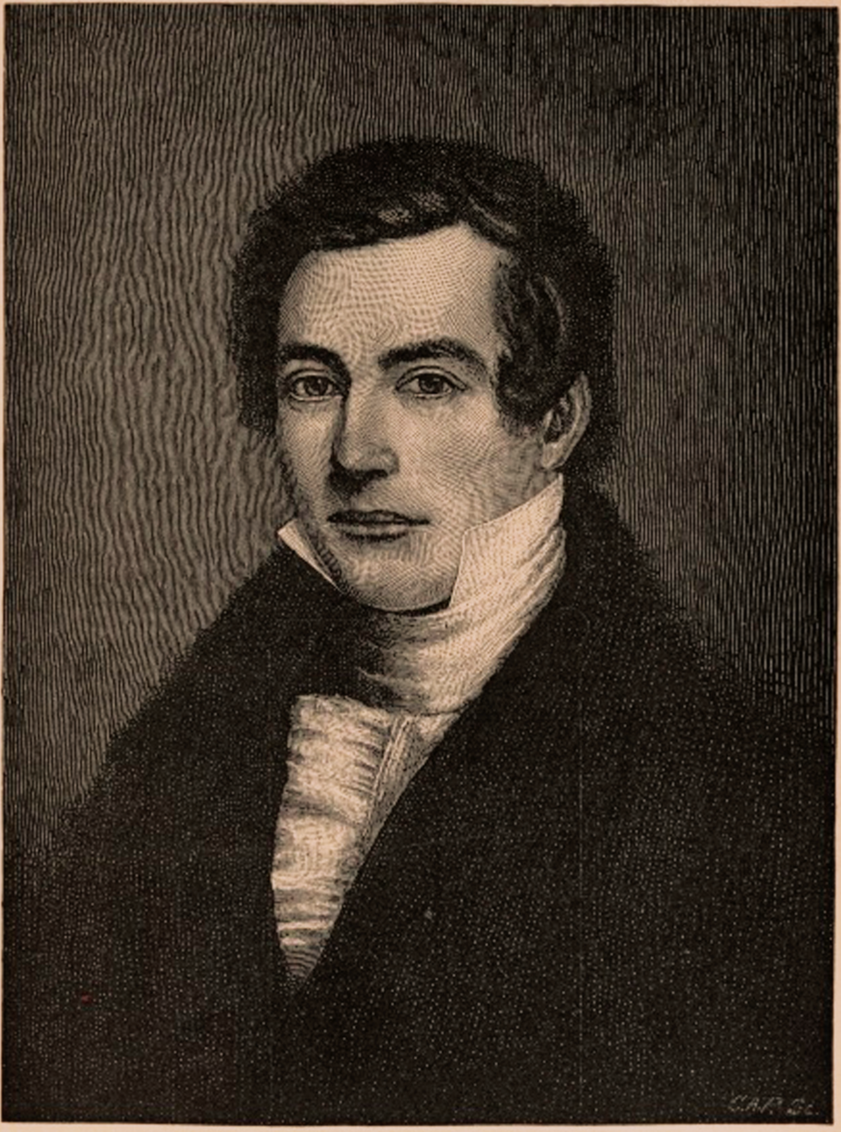
WALLOOMSACK REVIEW

BENNINGTON MUSEUM



Wm. L. Garrison.

VOLUME 25 — AUTUMN 2019

WALLOOMSACK REVIEW

BENNINGTON MUSEUM

Volume 25
Autumn 2019

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The *Walloomsack Review* is a publication of the Bennington Museum. Its purpose is to present a wide range of articles about the history and culture of Vermont and neighboring New York and Massachusetts. We invite submission of scholarly articles and of books to be reviewed. For author guidelines and submission deadlines please contact editor Tyler Resch at <tresch@benningtonmuseum.org>.

The *Walloomsack Review* is generously underwritten
by Robert and Cora May Howe

On the cover:

An engraving of William Lloyd Garrison near the age, 22, when he came to Bennington in 1828. It is based on a portrait by William Swain, Newburyport, 1825. *Library of Congress*

On the back cover:

This granite boulder with a bronze tablet, which commemorates the time Garrison published the *Journal of the Times* in Bennington, was placed on the Old Bennington Village Green with proper ceremonies in 1907. *Bennington Museum Collection*

WALLOOMSACK REVIEW

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Editor's Notes

This is the twenty-fifth issue of the *Walloomsack Review* and we are pleased to devote much of it to William Lloyd Garrison, the great nineteenth-century crusader against slavery. (The year 2019 is also the 400th "anniversary" of the first slave ship to arrive in America, predating the *Mayflower*.) Garrison has proven to be a worthy subject to understand and to research. The more I learn about him, the more I have come to like and admire him. Unlike many crusaders, his persistence paid off rewardingly for he was able to complete his 35-year run of *The Liberator* only when victory had been achieved, i.e. with adoption of the Thirteenth Amendment, which ended slavery.

It is intriguing to know that Garrison, a seasoned editor an early age, briefly edited a newspaper in Bennington. John Kennedy's study on these pages provides an excellent exploration of the man and his evolving positions on the most important political, social, and economic public issue of second century of the United States. Our compilation of other prominent Vermont abolitionists should be of special interest to those who keep up with the state's history.

An excellent website about Garrison has been developed by the Boston Public Library, which provides online access to all issues of *The Liberator* plus numerous relevant photographs and visual images: http://theliberatorfiles.com/liberator-photo-gallery/

Michael Barrett's lively account of the sometimes violent anti-rent wars that took place in pre-Civil War New York State offers a candid and enlightening view of the basic legal difference in land law on either side of the Vermont-New York border.

The article and pencil sketches about the hazards of Bennington's powder factories were discovered by archaeologist Victor Rolando among papers he inherited from the late Richard Sanders Allen. The article had never been published, and was written in the late 1950s when Allen was a well-known freelance writer.

It seems improbable that this journal would publish a poem based on the controversial subject of eugenics. But that's what we have done, and Jon Mathewson's empathetic and explanatory article demonstrates that it turned out to be a great idea.

~ Tyler Resch

Contributors

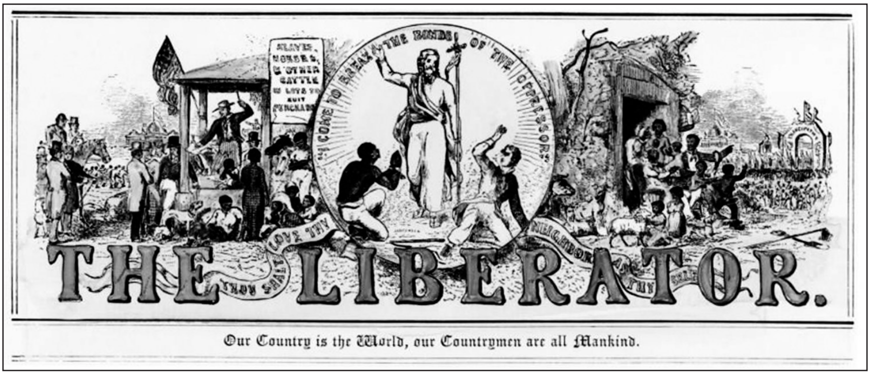
Richard Sanders Allen, a native of Saratoga Springs, N.Y., was a free-lance writer who specialized in the history of civil engineering, heavy industry, and aeronautics. His work was published in *American Heritage, The Saturday Evening Post*, and *Vermont Life* among many others. He was the author of four books on covered bridges and two books on pre-World War II aviation. He died in 2008 at the age of 91.

Michael P. Barrett is the director of the Burden Iron Works Museum in Troy, New York, and an avid history buff. He has written several local history monographs and contributed articles to *The Encyclopedia of New York State.*

Allen Gilbert of Worcester has been a journalist, teacher, public policy consultant and researcher, and executive director of the American Civil Liberties Union of Vermont. He was chairman of his town's school board when it joined the Brigham lawsuit in 1995.

J.F. Kennedy is a graduate of the University of Notre Dame and a Vietnam war veteran. As a volunteer in the Bennington Museum's library he has created a master index of the *Walloomsack Review* articles, available on our website benningtonmuseum.org. He also works as a part-time security guard at the museum.

Jon Mathewson received his master's degree in history in 1989, and began working with public and private collections. He has been the curator at the Dorset Historical Society since 2011.


THE LIBERATOR.
I COME TO BREAK THE BONDS OF THE OPPRESSOR
LOVE THY NEIGHBOR AS THY SELF
Our Country is the World, our Countrymen are all Mankind.

One of several nameplates of* The Liberator *over the years of its publication, 1831-1885. It depicts a slave auction at left, and a slave family at right.

William Lloyd Garrison

Early Rumblings of an Earth-Shaking Agitator

J. F. Kennedy

William Lloyd Garrison's ancestors foreshadowed his career as a provocative dissenter, challenging the prevailing religious and political orthodoxies, especially those excusing chattel slavery.

In 1775 his English-born grandfather, Joseph Garrison, also opposed the popular will of his expatriate Massachusetts neighbors who sympathized with the American Revolution in the tiny Nova Scotia (now New Brunswick) town of Maugerville. Dissenting from the other side, Joseph's father-in-law Daniel Palmer joined his neighbors who signed a resolution of sympathy with the rebellious colonies to their southwest. That was risky, too, because they floated in a sea of Canadian loyalty to the British crown. Both men displayed a strong independence from their surroundings – Joseph Garrison, from the town in which he was but one of four loyalists; and Maugerville's rebellious majority from the vast majority of loyalists in the province encircling them.[1] Equal independence passed to William from his mother Frances, an evangelical Baptist convert, among orthodox Congregationalists and Episcopalians in their hometown of Newburyport, Massachusetts.[2]

Early Challenges

In the spring of 1805, shortly before William Lloyd Garrison's birth, his father, Abijah Garrison, moved with his wife Frances and their two children from St. John, New Brunswick, to Newburyport for better prospects as a "sailingmaster" in the coastal shipping trade. William was born December 12 that year.[3]

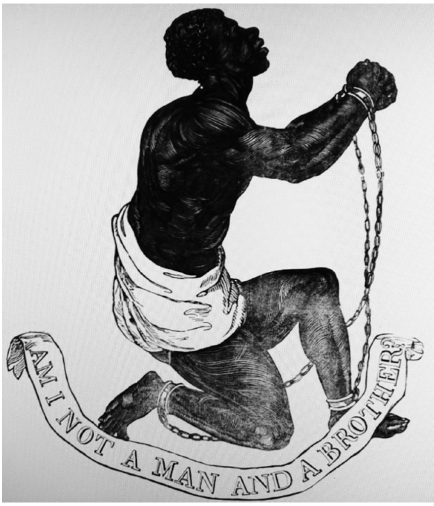
Not long after, in 1807, the opportunities Abijah hoped for in Newburyport dried up as President Jefferson's embargo crippled the shipping ports of New England. Many ships lay idle in port, and Abijah idled too much of his time and scarce money in Newburyport's taverns. It was an evident cause of friction with his wife, whose evangelical Baptist faith demanded strict temperance. Either this domestic tension or better business prospects prompted Abijah to go back by himself to New Brunswick some time in 1808. He did not return.[4]

The next few years were disruptive for the young Garrison. Leaving her boy "Lloyd" in the care of close Baptist friends in Newburyport during the War of 1812, Sister Garrison moved to Lynn, nearby, for better employment opportunity as a nurse. Lloyd, now age nine or ten, rejoined her there to learn cordwaining (shoemaking). Then he accompanied her to Baltimore where he worked again as a cordwainer until the company failed. He returned homesick to Newburyport in late 1816 with a trusted sea captain.[5]

Newspaper Days

After a failed apprenticeship with a cabinetmaker in nearby Haverhill, Garrison found his calling as an apprentice with the Newburyport *Herald* beginning October 18, 1818. Now age thirteen, he apprenticed to editor Ephraim W. Allen for what was a usual seven-year term. The young apprentice learned the trade well enough to become foreman and he ran the office when Allen travelled.[6] At the end of his apprenticeship, on December 10, 1825, Garrison continued as a journeyman for the *Herald* briefly until he took over the local weekly *Essex Courant* from his ailing friend Isaak Knapp; he changed its name to the *Free Press*. Aside from reporting local and regional news, his other accomplishment with this paper was publishing the early poetry of a shy young Quaker lad, John Greenleaf Whittier, who became a close friend and, later, fellow abolitionist.[7]

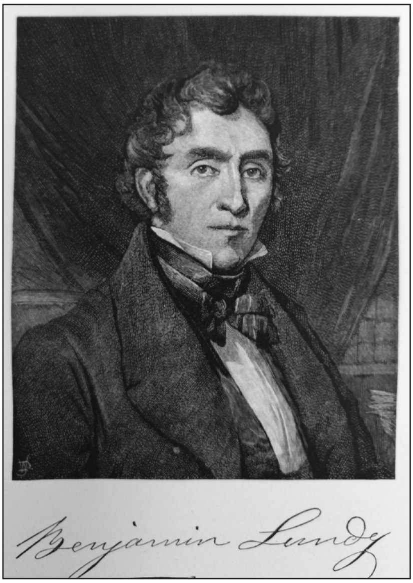
After selling the *Free Press* in September of 1826, Garrison moved to Boston where he worked several temporary jobs and then in January


AM I NOT A MAN AND A BROTHER?

Garrison frequently reproduced this famous icon, widely used in the British campaign against the slave trade, which asks "Am I Not a Man and a Brother?"

1828 became editor of the *National Philanthropist*, a newspaper dedicated to advocating temperance. He resigned in early July that year.[8]

Before leaving the *Philanthropist*, Garrison met Benjamin Lundy, who published a monthly anti-slavery journal in Baltimore, the *Genius of Universal Emancipation*. Lundy was a fearless Quaker abolitionist who had travelled, mostly on foot, from New England to the Mississippi Valley and as far south as the Carolinas, establishing and encouraging abolition societies among the Friends, and initiating petitions to Congress to end slavery in the District of Columbia.[9] He also accompanied freed slaves to "Hayti" to insure that they received land subsidies promised by the government.[10]



Benjamin Lundy

Benjamin Lundy

On a second visit to Boston after Garrison left the *Philanthropist*, Lundy convinced the young editor that slavery was the worst injustice and hypocrisy facing a nation that enshrined liberty in its founding documents. Garrison informed Lundy that he had agreed to edit a newspaper for six months in Bennington, Vermont, starting in October. Lundy exhorted him to encourage the formation of anti-slavery societies in Vermont, to push for the gradual abolition of slavery, and to initiate petitions to Congress to end slavery in the District of Columbia.[11]

Invitation to Bennington

That summer a committee of prominent citizens from Bennington came to Boston and invited Garrison, then age 22, to edit a paper in Vermont to advocate the re-election of John Quincy Adams over Andrew Jackson. Garrison agreed to promote Adams as long as he could also publicize emancipation, peace, temperance, and moral reform; and they agreed. He came to Bennington to edit the *Journal of the Times* not so much because he supported President Adams as he feared the moral deficits of Jackson, an unapologetic slave owner-trader, dedicated duelist, merciless executioner, and violent war hawk. The group who invited him hoped to present the citizens of southwest Vermont with an alternative to the Jacksonian *Vermont Gazette*[12]

In the first *Journal of the Times* the new editor laid out his "motives, objects, and principles" as follows:

1. Independence, truth, and strict heed to the *Journal's* motto from Cicero:"Reason shall prevail with us more than popular opinion."
2. Temperance, gradual emancipation of the slaves, and peace
3. Education, including science and the arts
4. Promotion of industry with the "American System," its official protections and encouragements
5. Support for re-electing John Quincy Adams[13]

The *Journal* measured 13 x 18 ½ inches, and the subscription price was two dollars per year. It contained four pages with six columns per page. Generally, page one had five headings: Moral, Education, Temperance, Slavery, and Political. The second page covered foreign and domestic news gleaned from the paper exchanges. (See sidebar) Page three [14] [15] offered editorials, correspondence, and a general summary of the news. Page four included poetry, miscellany, public notices, and ads.[16] Notably, the poetry column included a few entries from John Greenleaf Whittier over the brief life of the *Journal.*[17]

Anti-slavery Initiatives

In the first number of the *Journal of the Times*, Garrison recommended the gradual emancipation of every slave in the union; the formation of anti-slavery societies in Vermont; and a petition for the abolition of slavery in the District of Columbia.[18] He called meetings on October 17

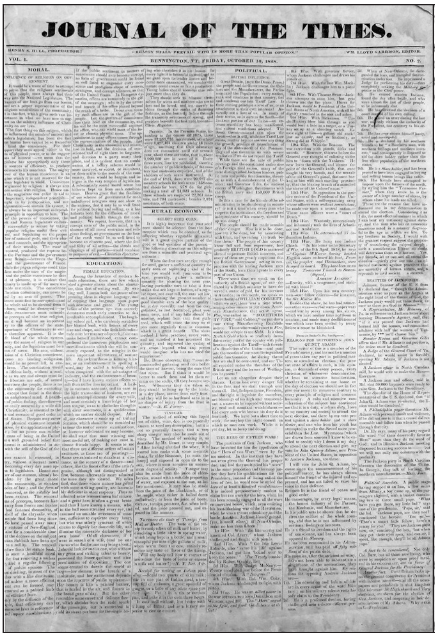
NINETEENTH-CENTURY RURAL NEWSPAPERS

The Postal Service Act of 1792 subsidized American newspapers. The price for mailing papers was 1 cent for up to a hundred miles and 1.5 cents for more than 100 miles. Regular postage at the time ranged from 6 to 25 cents. There was no home delivery, so all mail had to be picked up at the post office.

Exchanged newspapers were postage-free, a practice known as franking. This privilege encouraged communication among rural communities, where most of the population lived at the time, and commercial centers like New York and Boston, as well as political centers like Washington, D.C., and state capitals.

Most local news was spread by word of mouth. Expensive newspapers were for world, national, and urban commercial and political news. Rural editors received this important news through the paper exchange. In return, they provided information about their communities to attract settlers and markets.

Most country papers were politically biased. The main attraction for many rural papers was politics, and those who supplied the funding expected editorial influence. Ads, subscriptions, and legal notices provided some income, but because subscriptions were often shared and many bills went unpaid, it was tough to stay afloat. Other income for newspapers included job printing like books, tickets, circulars, and broadside ads, and there were government printing jobs like legislation, proclamations, legislative journals, tax lists, and military orders.



JOURNAL OF THE TIMES.

HENRY S. HULL, PROPRIETOR.] "REASON SHALL PREVAIL WITH US MORE THAN POPULAR OPINION." [WM. LLOYD GARRISON, EDITOR.

VOL. I. BENNINGTON, VT. FRIDAY, OCTOBER 10, 1828. NO. 2.

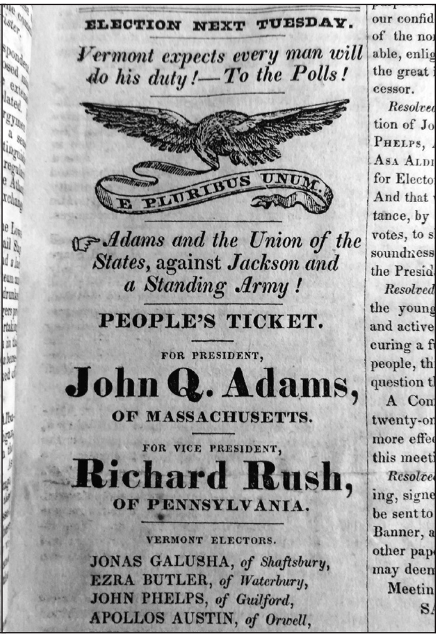
MORAL.

POLITICAL.

RURAL ECONOMY.

EDUCATION.

The **Journal of the Times** *front page, published in Bennington.*



ELECTION NEXT TUESDAY.

Vermont expects every man will do his duty!—To the Polls!

E PLURIBUS UNUM.

☞*Adams and the Union of the States*, against *Jackson and a Standing Army!*

PEOPLE'S TICKET.

FOR PRESIDENT,

John Q. Adams,

OF MASSACHUSETTS.

FOR VICE PRESIDENT,

Richard Rush,

OF PENNSYLVANIA.

VERMONT ELECTORS.

JONAS GALUSHA, *of Shaftsbury*,
EZRA BUTLER, *of Waterbury*,
JOHN PHELPS, *of Guilford*,
APOLLOS AUSTIN, *of Orwell*,

Garrison's "coverage" of the 1828 election in his **Journal.**

and November 7 to approve a petition he wrote for that purpose. It was then sent to all the post offices in Vermont for signatures. The petition was presented to Congress on January 26, 1829, with 2,352 signatures, perhaps the largest of that session. Two resolutions were approved on the floor of Congress and referred to the Committee on the District, one for gradual abolition and the other outlawing the slave trade in the District. The slave-state-dominated committee summarily quashed the resolutions. The Jackson administration soon came to power, ". . . and Congress passed no further resolutions in favor of freedom in the District until the secession of the South made it possible for a Northern Congress to remove the blot of slavery from the nation's capital."[19]

No anti-slavery societies had begun in Vermont by the time the editor left Bennington in late March 1829, but Jamaica launched the first one in 1833. Two more started that year and another 14 the following year. By 1837 there were 89 anti-slavery societies in Vermont with 5,897 members in 46 of them and a conservative estimate of 2,000 more in the remainder.[20] Garrison's later work and notoriety at the *Genius of Universal Emancipation* and *The Liberator* no doubt influenced the rapid growth of the anti-slavery movement in Vermont.

Also in that first edition of the *Journal of the Times*, October 3, 1828, an ad appeared for James Ballard's English and Classical Seminary for young gentlemen and ladies. It described the curriculum, two terms of 23 weeks each, and tuition. Room and board could be obtained at Deacon Erwin Sanford's boarding house, where Garrison also boarded. The editor and the principal became friendly. Both shared a rather intrusive view of education, which Ballard revealed in his ad: ". . . wishing to secure, as far as possible, the morals of the students at the same time as they are improving their minds."

Ballard was also the principal of the Bennington Academy on what is now Monument Avenue. He conflicted with the Academy committee, headed by Hiland Hall, when he forbade students to attend a new theater and a dance studio under pain of expulsion. On January 16, 1829, the *Journal* printed a letter from Hall addressed to the proprietors of the Bennington Academy explaining the immediate reason for Ballard's dismissal, a dispute over fees, which Ballard had raised without the committee's approval. There was no mention of a clash over Ballard imposing controls on student morals outside the school. Garrison supported Ballard and printed the educator's response to his dismissal in the same issue, including a defense of his strict moral intrusions.

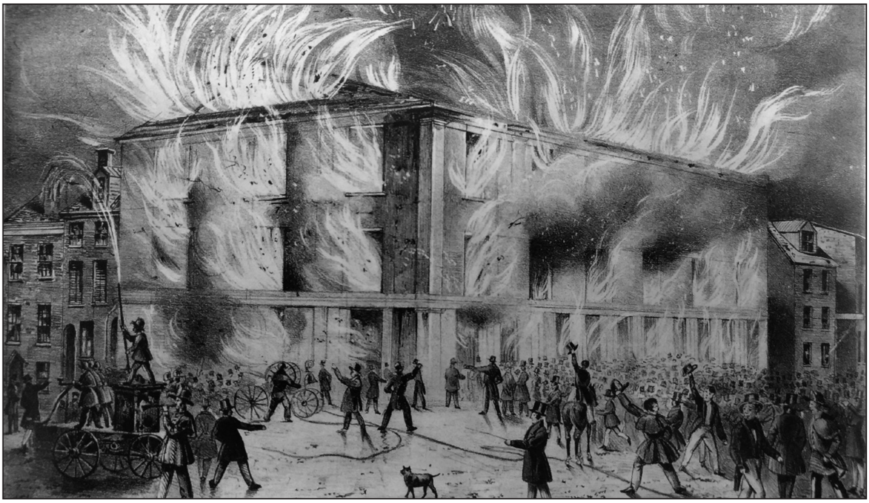
The young journalist also took a strong stand on temperance, advocating total abstinence. That attitude was probably biased by his alcoholic merchant marine father, who abandoned the family when Garrison was a toddler. As well, Garrison's devout Baptist mother must have schooled her boy on the evils of demon rum. Temperance articles from the exchange appeared on the first page of the *Journal*, and reports of temperance society meetings often appeared in the news columns.

Garrison also devoted space during his Bennington stay to discourage carrying the mails on the Sabbath. Later in life after increased exposure to Christian Perfectionist ideals, he rejected such ritual observances of the institutional church.

The 1828 Presidential Campaign

In the first few weeks of October and November of 1828, Garrison fulfilled his promise to support the re-election of John Quincy Adams. He stressed Adams's superior qualifications to include his great experience in government, high estimation by Jefferson, role as Madison's peace negotiator, success as Monroe's secretary of state, and his prosperous presidency. He also seeded the paper with laudatory articles from the paper exchange.[21]

The editor savaged Jackson as a slave owner/trader, executioner, martial-law lover, inveterate duelist, Indian murderer, and protector of British industry. Garrison enjoyed quoting Jefferson: ". . . one might as well make a sailor a cock, or a soldier a goose, as a President of Andrew Jackson."[22] The early issues were also peppered with stories critical of Jackson from the exchange.[23] Though Jackson won the election nationally, Vermont went strongly for Adams, 24,364 to 8,353. Locally, Bennington County's vote



"All on Fire," an illustration used on the cover of Henry Mayers's biography of the same name, shows the destruction of a brand-new auditorium, Pennsylvania Hall in Philadelphia, on the night of May 17, 1838, by a mob violently protesting a forthcoming speech by Garrison.

also favored Adams, but with a narrower margin, 829 to 450.

Benjamin Lundy's Invitation

Benjamin Lundy made a special trip to Bennington, probably in early January of 1829, to invite Garrison to edit the *Genius of Universal Emancipation* and increase it from a monthly to a weekly, while he, Lundy, travelled to promote the *Genius* and the abolition cause. Garrison agreed to the offer at the end of his six-month commitment to Bennington, and began making plans to fulfill the promise.[24]

Though he was considering it, Garrison had not yet rejected gradual emancipation, and "The scales of Colonization had not yet fallen from his eyes . . ."[25] By the time he arrived in Baltimore in late September that year, the scales of gradualism had fallen, and he informed Lundy at once of his intent to pursue *immediate, unconditional emancipation*. Unprepared to accept this radical view, Lundy replied, "Well, thee may put thy initials to thy articles, and I will put my initials to mine, and each will bear his own burden."[26]

As for colonization, Garrison made a study of Colonization Society documents and published a pamphlet in 1832 to oppose its motives and objectives. The author thought its reasoning unrepublican and "unchristian prejudice" against a "sable complexion" and a desire by slave-holders to ". . . remove a class of persons (free people of color) who they fear may stir up their slaves to rebellion . . . They must be removed, or your (slavers) destruction is inevitable."[27]

As for the free people of color:

> "African colonization is directly and irreconcilably opposed to the wishes of our colored population as a body. Their desires ought to be tenderly regarded. In all my intercourse with them in various towns and cities, I have never seen one of their number who was friendly to this scheme; and I have not been backward in canvassing their opinion on this subject."[28]

Perhaps more important than vilifying the Colonization Society was his adoption of immediate emancipation. Garrison admired the powerful strategy of Elizabeth Heyrick, an English Quaker who wrote an 1825 pamphlet *Immediate, Not Gradual, Emancipation*. As early as 1815 George Bourne's *The Book and Slavery Irreconcilable* proclaimed, "The system is so entirely corrupt that it admits of no cure but a total and immediate abolition. For a gradual emancipation is a virtual recognition of the right and establishes the rectitude of the practice. If it be just for one moment, it is hallowed for-ever; and if it be inequitable, not a day should be tolerated."[29]

After leaving Bennington, Garrison clearly forecast his intentions in his July 4, 1829, address at the Park Street Church in Boston when he ventured to consider what would happen if the slaves were white: "The argument that these white slaves are degraded would not obtain. You would say it is enough that they are white and in bondage, and they ought immediately to be set free."[30]

Reflecting on that 1829 decision, in an October 1878 Franklin Club meeting in Boston, Garrison reasoned, ". . . that if human beings could be held in bondage, they could be for days and weeks and years, and so on, indefinitely, from generation to generation; and that the only way to deal with the system was to lay the axe at the root of the tree and demand immediate and unconditional emancipation."[31]

His career with the *Genius* was cut short when he reported in his "Blacklist" column that a ship owned by Francis Todd of Newburyport had transported 75 slaves from a Chesapeake Bay landing to New Orleans for a new owner. He was sued for libel and convicted by a biased Baltimore prosecutor, judge, and jury. Unable (and unwilling) to pay the fine and court costs, he was jailed. After 49 days he was released, on June 5, 1830, when the New York philanthropist and silk merchant Arthur Tappan paid his fine and costs.[32]

Garrison then returned to Boston where he felt there would be more support for his provocative views and actions, and he began *The Liberator* on January 1, 1831. His first issue shared an account of his trial for libel in Baltimore and the "Black List" article in the *Genius* that provoked it. He followed that with a report from the Manumission Society of North Carolina, in a lawyer's opinion, that there was nothing libelous about the report, because all the actions of Todd and his agents were legal. In an unparalleled agitator's opinion, Garrison believed they should not be legal, as they contradicted the founding principles and God's law.

The American Peace Society

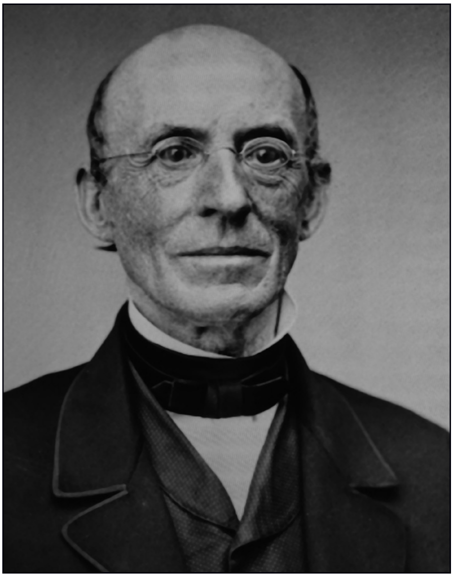
In the first number of the *Journal,* under the heading "Harbinger of Peace," Garrison also informed his readers of William Ladd, founder of the American Peace Society, and his efforts on behalf of world peace. The February 6 edition included an article by Ladd with the apt observation: ". . . war and liberty do not flourish together. . ."[33]

Peaceful change became an important implement in Garrison's subsequent anti-slavery agitation. In the *Genius* of September 16, 1829, he wrote, "I am not professedly a Quaker; but I heartily, entirely, and practically embrace the doctrine of non-resistance, and am conscientiously opposed to all military exhibitions. I now solemnly declare that I will never obey any order to bear arms, but rather cheerfully suffer imprisonment and persecution."[34]

Garrison delivered the Declaration of Sentiments at the Peace Convention of the New England Non-resistance Society in September 1838 in Boston. In it he expressed "allegiance to no earthly government, no law-giver but God." The declaration recognized no rank, no caste, no borders, and no sexual privilege. It was anti-military, anti-conscription, and against preparations for and appropriations for war. It opposed governments as coercive, pledged to hold no office, nor to elect substitutes to act in their stead. It adopted complete non-resistance and proposed to obey the laws, except those contrary to the gospel; for disobeying those, they would submit to the law peacefully. It prescribed the Christian Perfectionist ideal, ". . . to hasten the time, when the kingdoms of this world will have become the kingdoms of the Lord."[35]

This was the document that Tolstoy, Gandhi, and King so admired; but unfortunately it did not prevail among abolitionists of the American Anti-Slavery Society because a strong minority, among them influential personalities like Frederick Douglass, James Birney, Henry Stanton, and Gerrit Smith, eventually adopted political strategies.

A division in the movement came soon enough. In the May 1840 Anti-Slavery Society Convention in New York, a fundamental conflict emerged over voting, non-resistance, and women's rights. The old guard led by Arthur Tappan, James Birney, and Henry Stanton thought that all members should vote and that no woman should hold power. Garrison believed in no test for membership and that both traditionalists and "ultraists" could work together to alter public opinion, and thus drive political action. Sensing loss of control to the ultraists, the conservative president of the society, Arthur Tappan, withdrew on the first day, leaving the Garrisonian vice-president, Francis Jackson, presiding. Then Abbey Kelley became the first woman elected to the business committee by a vote 571 to 451. Unable to accept such a radical departure from precedent, most of the conservative delegates withdrew and joined Tappan to form the rival American and Foreign Anti-Slavery Society. The schism weakened the movement – and perhaps prevented the nation from finding a peaceful solution.



Garrison at an older age.

Talk of 'Disunion'

In the late February and early March of 1829 issues of the *Journal* in Bennington, Garrison reprinted correspondence from the *National Intelligencer* between outgoing President Adams and a group of former Federalists led by Harrison Gray Otis. Adams claimed to have "unequivocal evidence" that Federalist leaders plotted to secede from the union during the Jefferson administration and that there was a well-developed conspiracy, complete with military preparations. Siding with the Federalists who disputed the charges, Garrison wrote in the March 6, 1829, issue that the President offered no proof of the plot, based on several facts: that "lynx-eyed" Democrats would have noticed; that Federalist leaders were not "fanning the flames of public discord" at the time; and that public support for such a plot was missing.

Disunion might have been a topic of private conversations and tavern talk during Jefferson's embargo and the War of 1812, which brought economic hardship to New England; yet no official steps were taken toward disunion, even by the secret Hartford Convention of 1815. Evidently, though, the power of disunion to stimulate controversy gave Garrison a sense of how it could be used, not in a conspiratorial way, but as an open challenge to the slave system.

Garrison also foreshadowed the tactic of disunion in his post-Bennington Park Street Church address in Boston: "If it is thought that the threat of disunion gives 'talismanic' power to the South, then what power might it have in reverse for the North to separate peacefully?"[36] He would develop that idea further in the late 1830s and early 1840s in *The Liberator*:

> "Slavery is a combination of DEATH and HELL, and with it the North have made a covenant and are at agreement. As an element of the Government it is omnipotent, omniscient, and omnipresent. As a component part of the Union, it is necessarily a national interest.

CHRISTIAN PERFECTIONISM

In the early 1800s evangelist Charles Grandison Finney introduced the idea that it was possible to live without sin in this life. John Humphrey Noyes of Brattleboro developed the notion, further claiming moral perfection need not follow earthly political and religious convention.

Noyes established a communal society in Putney in 1836 and published the Perfectionist newspaper there. In late 1847, after legal difficulties there, he moved his colony to Oneida, New York, and expanded controversial perfectionist practices like complex marriage, male continence, and other socially heterodox experiments. As well, the colony developed successful businesses, making products like Oneida silverware, hunting traps, silk thread, and canned vegetables from their farm.

William Lloyd Garrison read the Perfectionist and visited with Noyes in his Liberator office. Though Garrison's home life was quite conventional, his public life bore a radical Noyesian stamp.

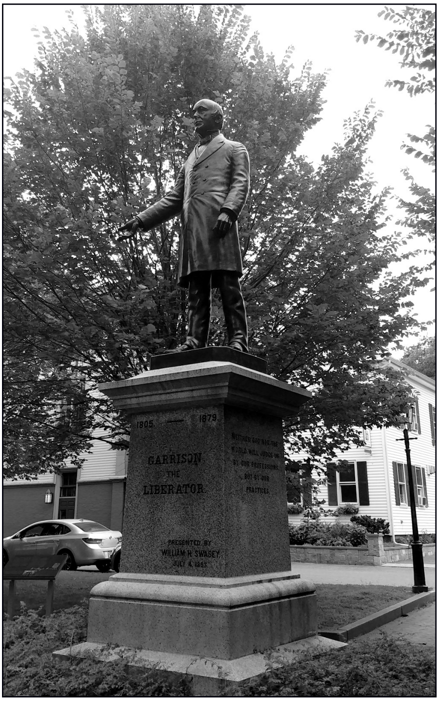
Divorced from Northern protection, it dies; with that protection it enlarges its boundaries, multiplies its victims, and extends its ravages."[37]

He placed the following at the head of his editorial columns in upper case during the same period: "A REPEAL OF THE UNION BETWEEN NORTHERN LIBERTY AND SOUTHERN SLAVERY IS ESSENTIAL TO THE ABOLITION OF THE ONE AND THE PRESERVATION OF THE OTHER."[38]

Garrison finally convinced the American Anti-Slavery Society in May of 1844 after years of resistance and defections. As president of the American Anti-Slavery Society, he wrote to the Friends of Freedom and Emancipation in the United States: "At the Tenth Anniversary of the American Anti-Slavery Society, held in the city of New York, May 7th, 1844, – after grave deliberation, and a long and earnest discussion, – it was decided by a vote of nearly three to one of the members present, that fidelity to the cause of human freedom, hatred of oppression, sympathy for those who are held in chains and slavery in this republic, and allegiance to God, require that the existing national compact should be instantly dissolved; that secession from the government is a religious and political duty; that the motto inscribed on the banner of Freedom should be, NO UNION WITH SLAVEHOLDERS."

He closed:

"Finally – we believe that the effect of this movement will be – First, to create discussion and agitation throughout the North; and these will lead to a general perception of its grandeur and



Newburyport, Mass., erected this bronze statue of Garrison in 1893, fourteen years after his death, though not all of his townspeople supported him during his years of radical views and fiery rhetoric. On one facade is inscribed: "I solicit no man's praise. I fear no man's censure. The liberty of a people is the gift of God and Nature."
Elizabeth Resch Petersen

> importance. Secondly, to convulse the slumbering South like an earthquake, and convince her that her only alternative is, to abolish slavery, or be abandoned by that power on which she now relies for safety. Thirdly, to attack the slave power in its most vulnerable point, and to carry the battle to the gate. Fourthly, to exalt the moral sense, increase the moral power, and invigorate the moral constitution of all who heartily espouse it."[39]

Disunion might have been the most effective abolition strategy. Observing slave-state success through politics with church approval, abolitionists reasoned that if they could withdraw support from these dominant institutions, they could weaken and even eliminate the unethical methods that slave states used to build their corrupt and cruel edifice.

Valediction at Bennington

Garrison's time in Bennington ended with his March 27, 1829, valediction in the *Journal*:

> "Hereafter the editorial charge of this paper will devolve on another person. I am invited to occupy a broader field and to engage in a higher enterprise: that field embraces the whole country – that enterprise is in behalf of the slave population . . . many a cheek burns with shame in view of our national inconsistency, many a heart bleeds for the miserable African . . . but no systematic, vigorous and successful measures have been made to overthrow

> this fabric of oppression. This nation is not eminently pacific in its principles . . . it is not willing to abandon its traffic in human flesh – or the foul blemish upon its reputation would no longer remain, – an immense shadow covering the sunlight of our fame . . .”

After Bennington, Garrison led a 35-year struggle to liberate the slaves. The battle was, indeed, carried to the gate, not as he had hoped, peacefully, but literally in battle. He had often counseled against, “doing evil that good may come.” Yet, he also believed slavery had to be eliminated, “peacefully if we can, forcibly if we must.”[40]

At the end of her insightful study, *Means and Ends in American Abolitionism, Garrison and His Critics on Strategy and Tactics, 1834-1850*, Aileen Kraditor regretted:

> “It is interesting to speculate what the result would have been if a large part of the abolitionist movement had not weakened the moral focus of its propaganda and accepted the compromises dictated by political expediency . . . . . one cannot help wondering whether the abolitionist movement did not yield too much when the major part of it, during the 1840s, played down the purely agitational sort of tactics in favor of a type of political action that gave increasing emphasis to pragmatic alliances with politicians who would not denounce slavery in the abstract. One wonders whether a perseverance in the tactic of agitation and conversion would not have helped to weaken the slaveholders’ will to fight.”[41]

There might be lessons from that experience finding solutions for the current problems of war, environment, and human rights, operating as Garrison did outside political fences. ▯

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An Unofficial Roster of Nineteenth-Century Vermont Abolitionists

J. F. Kennedy and Tyler Resch

Lawrence Brainard (1794 – 1870) co-founded the Vermont Anti-slavery Society (VAS) and kept an Underground Railroad station in St. Albans. He ran several times as a Liberty and Free Soil candidate for governor. The legislature elected him a U.S. senator in 1864 on the death of Senator William Upham. He also operated a successful mercantile business, invested in Lake Champlain steamships, and built the Vermont and Canada railroad.

William Brown edited the *Vermont Telegraph*, a Baptist newspaper in Brandon. He befriended Garrison when he was in Bennington and promoted the Garrisonian tactic of immediate emancipation.

Rev. John Kendrick Converse (1801 – 1880) was pastor of the First Congregational Church of Burlington and secretary of the Vermont Colonization Society. He also operated an Underground Railroad station.

Carlos Coolidge (1792 – 1866) of Windsor served as Whig governor from 1848 to 1850. He was active in both the American Colonization Society and Vermont Colonization Society. He supported the Wilmot Proviso, the failed proposal in Congress to ban slavery in territory acquired in the Mexican War. Following Whig fashion, he became a founding member of the Republican Party in 1854.

Ryland Fletcher (1799 - 1885) of Proctorsville was a noted abolitionist governor from 1856 to 1858. He expressed support for free-state settlers in Kansas and " . . . little hope that the spread of slavery will ever be stopped under our present form of government."

Hiland Hall (1795 – 1885) of North Bennington served in the U.S. House of Representatives 1833-1843 and as governor of Vermont from 1858-1860. He opposed the "gag rule," which tabled all proposals in Congress relating to abolition. As well, he voted against removal of abolitionist literature from the mail under President Jackson. He also opposed annexing Texas as a slave state. In both his inaugural addresses as governor, in 1859 and 1860, he issued strong statements against slavery. As governor in 1858, fearing the extension of slavery into the free states implied in the majority opinion of Chief Justice Taney in the Dred Scott decision, Hall named a commission under Rep. Rodney Marsh, which led to the enactment into law of "An Act to Secure Freedoms to all Persons in this State."

Lemuel Haynes (1753 – 1833) was the original Vermont abolitionist and the first black minister ordained in the United States. He presided over the First Congregational Church of West Rutland from 1788 to 1818 and the First Congregational Church of Manchester from 1819 to 1822. Preaching the New Divinity theology of George Whitefield, Jonathan Edwards, and Samuel Hopkins, he taught that God allowed evil to instruct the relative advantage of good. In the process, he made two improvements to this orthodox Calvinist theology: first, that freedom for all with no exception was consistent with the Bible and republicanism, and second, that salvation was not possible without fulfilling freedom for all, including the slaves. Opposing removal and colonization of blacks to Africa and other locations, he supported complete emancipation of the slaves and community of the races without separation. He was also an ardent Federalist who cultivated the support of the patrician Federalist clerics Ezra Stiles and Timothy Dwight, "the Pope of Federalism." Early in the Revolution, Haynes served as a minuteman and soldier who accompanied Benedict Arnold in the capture and occupation of Fort Ticonderoga.

Jedidiah Holcomb a blacksmith in Brandon, edited the *Voice of Freedom*, the organ of the VAS, from 1843 to 1847. He gave special notice to women's abolition activism.

Oliver Johnson (1809 – 1889) was a close friend and associate of William Lloyd Garrison and helped him found the New England Anti-slavery Society in 1831 in Boston. Born in Peacham, Johnson often returned to his home state on lecture tours and to aid fellow abolitionists there. He was an assistant editor of *The Liberator* during the 1830s, and edited it when Garrison travelled. He also edited the *National Anti-slavery Standard, Pennsylvania Freeman, Anti-slavery Bugle, Independent,* and other journals during a long editorial career. In 1879 he published the first full biography of *The Liberator* editor: *William Lloyd Garrison and His Times.*

Chauncey Knapp (1809 – 1898) published the *State Journal* in Montpelier from 1831 to 1836. Originally supporting the Anti-Masonic Party, the paper also promoted immediate emancipation. As a founding member of the VAS and as Vermont secretary of state from 1836 to 1841, he worked behind the scenes to promote abolition. From 1839 to 1843 he published *The Voice of Freedom* in Montpelier for the VAS. In 1844 John Greenleaf Whittier invited him to Lowell, Mass., to print the *Middlesex Standard,* a leading abolitionist and Liberty Party paper. He then helped found the Free-Soil Party in 1848 and served in Congress from 1855 to 1859 for the American and Republican parties. Knapp parted with Garrison in the 1840 schism, siding with conservatives over voting and women's rights.

George Perkins Marsh (1802 – 1882) of Woodstock opposed slavery and the Mexican War as a Whig Congressman from 1843 to 1849. He was also an accomplished linguist and diplomat. Most importantly, he wrote *Man and Nature,* an iconic text of the environmental movement.

Rodney V. Marsh (1807 – 1872) helped form the VAS in 1834 and ran an Underground Railroad station with his wife Elisha at their home in Brandon. In 1858 he chaired a committee in the Vermont legislature which led to "An Act to Secure Freedoms to all Persons in this State." It addressed fears that slavery might resurface in Vermont owing to the Dred Scott decision by the Supreme Court in 1857. The act held that within the state no person was considered property for sale; all persons were guaranteed due process of law and jury trial; African descent or color would not disqualify anyone from full citizenship rights; and violations of these provisions would be subject to steep fines or imprisonment. This state law effectively nullified the federal Fugitive Slave Law of 1850 and the Dred Scott ruling within Vermont.

John Mattocks (1777 – 1847) of Peacham served in the U.S. House from 1841 to 1843 and as governor of Vermont from 1844 to 1846. He joined Hiland Hall to oppose the "gag rule" and the annexation of Texas.

Silas McKeen (1791 – 1877) was a Bradford clergyman who published sermons first for colonization and later, in 1848, as a member of the American Anti-slavery Society, in favor of withdrawing fellowship from churches that practice or tolerate slaveholding.

Col. Jonathan P. Miller (1796 – 1847) was a noted abolitionist in Montpelier. He and his wife, Sarah Arms Miller, ran an Underground Railroad station from their home. A veteran of the Greek war for independence in the 1820s, he was fearless. In 1835 he quelled a mob that threatened the Rev. Samuel J. May, who was delivering a message at the Old Brick Church in Montpelier. He also championed women's role in abolition. At the 1840 World Abolition Convention in London, while Garrison joined Lucretia Mott and other female abolitionists in the gallery to protest the policy that barred women's participation, Miller informed the convention: "Women were among our primeval abolitionists," who "established a standard of liberty" their men now emulate. Both tactics undoubtedly embarrassed the convention sponsors and made their mark to advance abolitionist policy.

Elijah Paine (1757 – 1842) of Williamstown served as president of the Vermont chapter of the Colonization Society. He also served in the U.S. Senate from 1795 to 1807 and as a U.S. district judge for Vermont. As well, he was a successful sheep farmer, toll road builder, and woolen mill operator.

Thomas H. Palmer (1782 – 1861) of Pittsford supported abolition, peace, and temperance, and thought education the best means to those ends. He authored "The Teacher's Manual," which introduced Horace Mann's common-school innovations to Vermont. His influence led to educational reform under Governor Slade in the early 1840s.

John Wolcott Phelps (1813 – 1885) of Brattleboro graduated from West Point in 1836 and followed a distinguished career as a U. S. army officer. He was a veteran of the Seminole War and the Cherokee removal in the late 1830s, the Mexican War in the late 1840s, and the Mormon expedition in Utah from 1857 to 1859. He resigned and retired to Brattleboro in 1859 but returned to service at the outbreak of the Civil War as a colonel commanding the First Vermont Infantry. After promotion to brigadier general, he assisted Admiral David Farragut and Major General Benjamin Butler in the capture of New Orleans in May 1862. Phelps set up defense of New Orleans at Camp Parapet a few miles north of New Orleans. When many fugitive slaves sought refuge there, Phelps organized them into companies and asked Butler to arm them so they could help defend the camp. Instead, Butler sent tools and tents with orders to use the fugitives as laborers. Phelps thought this would make him a slave driver, claimed to have "no qualification that way," and tendered his resignation – which Butler refused. Soon after, Phelps returned his commission to President Lincoln and retired back to Brattleboro in August 1862. After the Emancipation Proclamation January 1, 1863, Lincoln offered Phelps a promotion to major general and command of all the new black volunteers then made eligible for combat in the Union army. Phelps asked Lincoln to backdate the commission to the date of his resignation but Lincoln refused to do so, as it implied contradicting General Butler's orders, which were legitimate at the time. The stubborn Phelps refused the honor and retired again to Brattleboro. From there he launched a civilian career equaling his worthiest military exploits. In 1863 he began his long tenure of 22 years as vice-president of the Vermont Historical Society. Further efforts included translating French historical and political works, chairing the Vermont Teachers Association, reporting on mammoth remains in the Connecticut Valley, writing the chapter on Guilford for Abby Hemenway's *Vermont Historical Gazetteer,* and running for president on the American (Anti-Masonic) Party ticket in 1880.

Joseph Poland (1818 – 1898) helped form the VAS in 1834 and published the *Voice of Freedom* newspaper in Montpelier, which became the organ of that society in 1842. He printed the pro-Liberty Party *Green Mountain Freeman* from 1844 to 1849 and became the Liberty Party state committee chairman. Meanwhile, his *Freeman* office doubled as an Underground Railroad station.

Rowland T. Robinson (1796 – 1879) was a Quaker farmer and mill operator in Ferrisburgh. He was a co-founder of the VAS in 1834. His home, "Rokeby," sheltered fugitive slaves, and his farm provided them temporary employment on their journey along the Underground Rails. Robinson's wife, Rachel, boycotted slave-made products and hosted anti-slavery fairs to raise money for the cause. (Rokeby is a historic-farm museum open to the public.)

Orange Scott (1800 – 1849) of Brookfield opposed the orthodoxy of his church, the Methodist Episcopal Church, and organized what he called ". . . a new anti-slavery, anti-intemperance, anti-everything-wrong church . . . , " the Wesleyan Methodist Connexion. Allied with Garrison at first, he split with him in the early 1840s, hoping that no Methodist would ". . . sustain that rotten-hearted, no-government, women's rights institution called the Massachusetts Anti-Slavery Society."

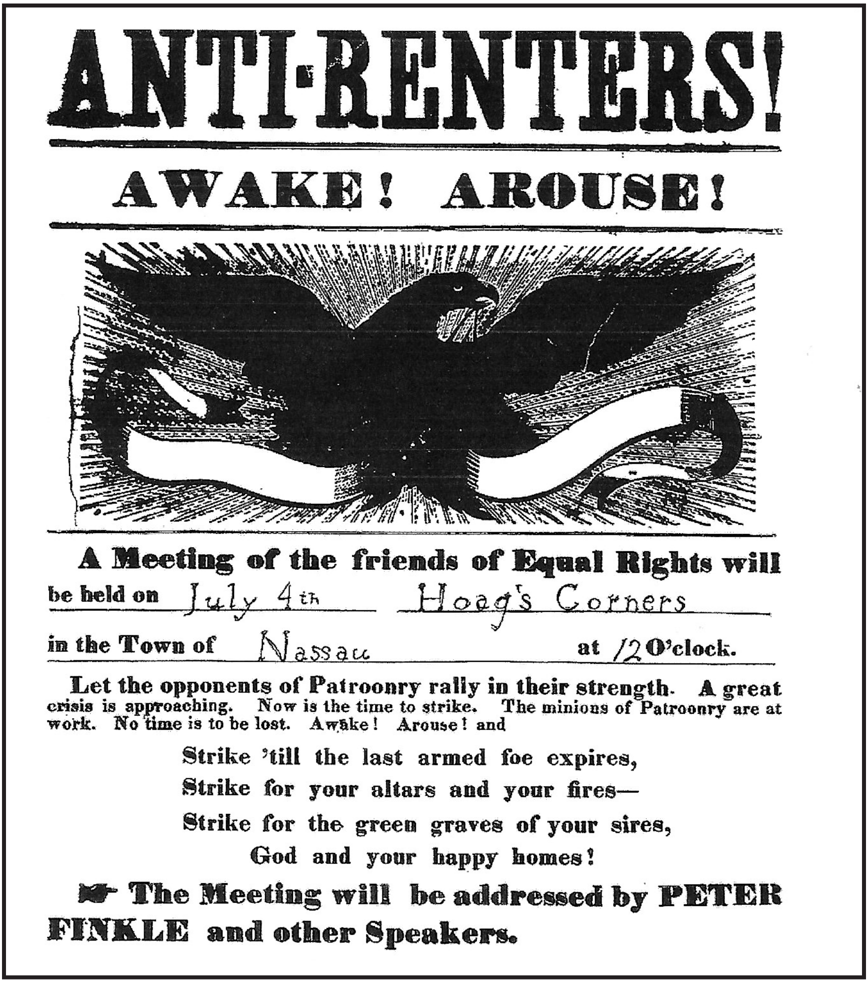
William Slade Jr. (1786 – 1859), born in Cornwall, was an Anti-Masonic and Whig representative in Congress from 1831 to 1843, and governor from 1844 to 1846. In the 1836-7 session of Congress he denounced the infamous gag rule that automatically tabled anti-slavery petitions. In the 1840 session he delivered his most important abolition address, the first call for immediate emancipation ever made in Congress. As governor, he opposed annexing Texas as a slave state and supported a political solution to the slavery issue. In his 1844 inaugural address, he cited a pivotal problem facing anti-slavery politics: "Slavery is an element of political power; and how long, and to what extent it shall be suffered to control the policy and mold the destiny of this nation, is a question whom (sic) consideration cannot be postponed indefinitely."

Charles K. Williams (1752 – 1853) of Rutland served as Whig governor from 1850 to 1852. He supported the Habeas Corpus Act, which was adopted while he was in office, indicating strong anti-slavery support in Vermont. Designed to nullify the federal Fugitive Slave Act, this state law required officials to appear in court with detained persons to justify the detention.

Anonymous Women: In the antebellum era it was thought improper for women to engage in public debate. But as Col. Jonathan Miller observed, "Women were among our primeval abolitionists." In Vermont they pressured their husbands, male family members, and in-laws. They raised funds, boycotted slave-made products, organized free-labor product fairs, educated free blacks, and sponsored petitions to state and federal governments. In rural Vermont they did not have the support groups enjoyed by female abolitionists like the Grimke sisters, Abbey Kelley, and Lucretia Mott in more populated states. Those who did make public statements remained anonymous.

In 1834, the unnamed president of the Weybridge Female Anti-Slavery Society (WFASS) published a public address to women in the *Middlebury Free Press* expressing disgust with the slave system on religious and political grounds, urging empathy with slave women who suffered sexual abuse and family separation at the whim of their owners. She followed with a letter published in *The Liberator* addressed to both men and women with a copy of the WFASS constitution, which she probably wrote herself. In this letter she criticized unjust and racist state and federal laws as well as Southern editors who rationalized the "benefits" of slavery to their states. Under pious and sympathetic feminine cover, she escaped the bonds of propriety to crack the barriers against women in public debate long before it became acceptable.

In 1838 "another nameless Vermont woman" published *An Appeal to Females of the North, on the Subject of Slavery by a female of Vermont* in Orson Murray's *Vermont Telegraph*. She urged sympathy for the slaves and fulfillment of Christian obligations. Responding to the new political environment of feminine influence in public issues pioneered by Angelina Grimke, she defended her boldness and highlighted distaff power to inspire men rather than sponsoring petitions. She cited female missionaries in Asia and revolutionary Europe to show that abolition engagement was not unseemly for women. □



ANTI-RENTERS!

AWAKE! AROUSE!

A Meeting of the friends of Equal Rights will
be held on July 4th Hoag's Corners
in the Town of Nassau **at** 12 **O'clock.**

Let the opponents of Patroonry rally in their strength. A great crisis is approaching. Now is the time to strike. The minions of Patroonry are at work. No time is to be lost. Awake! Arouse! and

Strike 'till the last armed foe expires,
Strike for your altars and your fires—
Strike for the green graves of your sires,
God and your happy homes!

☛ **The Meeting will be addressed by PETER FINKLE and other Speakers.**

This dramatic poster must have packed a punch for opponents of "Patroonery" in the town of Nassau, Rensselaer County, New York.

'Terror and Troubles'

The Anti-Rent Wars in Upstate New York, 1839-1882

Michael P. Barrett

The following episode became one of the most famous and contentious of the events of the so-called "Anti-Rent War" of upstate New York:

On August 2, 1869, a posse composed mostly of hired thugs from Albany, but accompanied by Rensselaer County Deputy Sheriff Willard

Griggs, approached William Witbeck's farm on the outskirts of Greenbush, Rensselaer County, New York. The posse was there to evict Witbeck from possession of the farm for unpaid ground rents claimed to be due and owing to "Colonel" Walter Church of Albany. Church was a cousin to, and the assignee of the rights originally owned by the Van Rensselaer brothers, tenth in line to the claim of perpetual ground ownership of most of Albany, Rensselaer, and northern Columbia counties.

When Griggs attempted to serve the legal papers, Witbeck, along with members of his family and friends, resisted. A melee ensued and shots were fired. As the mortally wounded Deputy Griggs fell back against a fence he became the only Rensselaer County Deputy ever killed in the line of duty. Witbeck and several of his family members were arrested and prosecuted but later acquitted of murder charges.

The origin of the Anti-Rent War, also known as the Helderberg War, began with the Dutch colonization of the Hudson River valley shortly after Henry Hudson's voyage northward up that eponymous river in 1609. The Dutch government, still actively engaged in armed rebellion against their Spanish overseers, was not inclined to use their limited assets in exploration or colonization. But they were well prepared to allow seafaring commercial enterprises to use their own assets to do that job, especially if those commercial interests would lend a hand in seizing and sinking Spanish shipping on behalf of the Dutch government.

The foremost of these interests was the Dutch East India Company, and after it became clear that there wasn't going to be a North West Passage shortcut to the Indies, the latter incorporated Dutch West India Company (DWIC) began to exploit the newfound North American continent and the Dutch right-of-discovery claim of ownership that stretched from today's Connecticut down to the Delaware Bay.

The DWIC established its North American headquarters in what they called New Amsterdam, which is now known as New York harbor – but oddly, not originally on Manhattan Island. The company developed a thriving little trading community, though the few traders were not actively peopling the hinterlands further up the river. In one attempt to populate the northern reaches, a plan was devised to allow shareholders of the DWIC to obtain large land grants that they would be responsible to settle under their own terms and conditions. Interestingly, and despite having been fighting for 70-plus years by this time to do away with monarchical and feudal obligations, the Dutch republic granted to these landed proprietors (commonly known as patroons) powers that a medieval baron would have been insanely jealous over. The patroon was granted full executive, legislative and judicial power over his hereditary lands and estate as well as over the

Quirks of the Quia Emptores *argument*

Peter Finkle (mentioned in the Anti-Rent poster) was a rabble-rousing Anti-Renter from Columbia County. He and his brother Calvin attempted to raise what is known as "the Quia Emptores argument" against the Livingston land owners there. This is an insanely complicated legal concept that can be shortened by saying that a 1290 enactment in Britain made the Dutch-granted rights of the patroons invalid once the English took over.

The concept baffled some of the best legal minds of the nineteenth century and eventually the argument was defeated, or more precisely, shoved aside by the courts because nobody could figure out what to do with it.

Peter and Calvin were squatters on Livingston property in Taghanic and they were evicted by the courts but returned disguised as Calico Indians. They participated in tarring and feathering the tenant put on the farm in their stead. They were both convicted of violating the ". . .appearing disguised and armed . . ." enactment that killed the Calico movement. Both were sentenced to state prison.

To give you one tiny taste of how bizarrely complicated the "QE" legal argument was, the Finkle brothers were entitled to raise QE as a defense to their eviction because they were not legal tenants. The illegal squatters had more legal arguments than did the legal tenant! Oh, the law is a fine, fine thing!

M.P.B.

people who inhabited his estate. The most successful of these patroonships was the Rensselaerwyck land grant, which belonged originally to Amsterdam gem merchant Kilian Van Rensselaer. It would eventually encompass a 726,000-acre tract that stretched more than 24 miles along the Hudson and 12 miles back in both directions.

Van Rensselaer and other Dutch (and later English) patroons established a policy of never selling outright "fee" ownership in their grants of land to tenants. Tenants might be told that they were purchasing a full "deed in fee" to their farm, but the patroon would reserve a right to perpetual ground rent (usually paid in bushels of grains, fat fowls and days of personal service to the patroon along with horse and wagon). Additionally, the patroon reserved all rights to the land's water, lumber, mines, and minerals. Particularly galling to most tenants was the requirement that upon any sale of the demised property, the patroon was entitled to one quarter of the sale price, which had been greatly enhanced by the sweat and labor of the tenant.

When the explosion finally came, the twisted legalities of this system would confound some of the best legal minds of the nineteenth century.

Many were the early attempts at resistance to the system. Revolts broke out in 1755 and again in 1766 on the Livingston family estates in Columbia County. Post-Revolution uprisings occurred in the 1790s, and also in 1819 when the Blenheim Patent in Schoharie County attempted to switch to short-term leases that would negate what the farming tenants believed were their vested rights. The short version of the situation is that by 1840, there were an estimated 260,000 landholders (10 percent of the landholding population of New York at that time) spread across 16 counties in the mid-Hudson, Catskills, Mohawk and Susquehanna Valleys who were inhabiting land that they did not actually own despite their multigenerational occupancy and use of that land.

A long-awaited explosion came in 1839 upon the death of the 9th Patroon of Rensselaerwyck, Stephen Van Rensselaer III. The five-year-old Stephen had inherited the estate upon his father's passing in 1769. Stephen wisely chose to be a Patriot in the Revolution and thus his property rights were protected after the war, despite the abrogation of all feudal tenures under the 1782 New York State constitution. Upon reaching his majority in 1785, Stephen's wife's brother-in-law, Alexander Hamilton, helped Stephen to devise what they called a "durable lease in fee," to sidestep that pesky abrogation. Stephen would grant land free of charge for seven years, and then the tenant would begin to pay on the balance of the "incomplete sale." The tenants were led to believe that the change of wording changed their rights and obligations. It most certainly did not.

Stephen, already one of the richest men in America, was fairly casual about pursuing his tenants for their required annual rent payments, thus earning for himself the nickname "The Good Patroon." Little did the tenants realize that Stephen was still recording what the tenants believed to be "forgiven" debts as a continuing obligation – at interest. At the time of his death in January 1839, Stephen had an estimated 3,100 farming tenants on 430,000 acres of his vast estate. More than that, the patroon had personal outstanding debts of approximately $400,000 and also had uncollected rents, interest and fees of approximately $420,000. His Last Will and Testament split the vast Rensselaerwyck Manor into two parts due to the constitutional abolition of primogeniture, and further directed his two sons and main heirs to collect the unpaid rents and pay off the estate debts, or to accept personal responsibility for those debts.

In May of 1839 a committee of leading citizens of the hill towns of Albany County asked to meet with Stephen Van Rensselaer IV, who had inherited the west side of the estate, to discuss a proposal to buy out the Van Rensselaer interests. The tenants were prepared to offer an amount that would have netted Stephen IV and his brother William Patterson Van Rensselaer – who inherited the Rensselaer and Columbia County property – a combined $1.2 million profit. Stephen IV accepted the invitation to meet, but then studiously and contemptuously ignored what he habitually referred to as his "tenant rabble." Upon their return home, mass meetings were held and a rent boycott was called. Tenant agents traveled to the other affected areas, and common cause was declared.

Tenant resistance took on three distinct forms: rent boycotts were called in every affected county; fairly successful political activity commenced, leading to the election of numerous Anti-Rent state senators, assemblymen, and a congressman; and lastly, the establishment of the famous Calico Indians. Taking their inspiration from the Boston Tea Party, the leather-masked and calico-gowned Indians became an unofficial militia organization that used anonymity and armed force to protect their allies and intimidate their foes.

The twenty-year legal battles that followed can be distilled into a few basic but highly contentious issues. The patroons argued for stability and vested contract rights. The tenants argued that such enforced aristocratic stability flew in the face of the liberty and individual rights that were guaranteed to them by the Revolution and the Constitution. The patroons won on those issues largely because of the statutes of limitations, coupled with the U.S. Constitutional prohibition against any ". . . Law impairing the Obligation of Contracts." The tenants won on the issue of forcing the patroons to pay taxes on the income derived from the rents, as well as the elimination of the right of distress, which allowed the seizure of personal property from debtors while leaving them in possession of the land, and thus subject to continuing obligations but without possession of their tools and livestock that would allow them to earn money to pay those obligations.

"The Helderberg War" began in June of 1839 when Albany County Sheriff Archer, looking to serve the Van Rensselaer eviction process, was driven back from the hill towns of Albany County by the first appearance of the Calico Indians. He tried again with a larger posse in November, and once again in December, but was met with even larger groups of Indians who repeatedly burned the process papers. Governor William Seward called out the state militia, which met no resistance, and he further called for legislative action. Political activity on both sides began in earnest, including the production of newspapers devoted to both sides. In January 1840 the Van Rensselaer brothers made a counter-offer that was considered to be inadequate and was refused by almost everyone. (Their demands increased after their court victories in 1846 and 1852 relating to the Impairment of Contracts and Statute of Limitations issues.) The first violence in Albany County occurred in February 1840 when a deputy was stripped of his process papers and then ceremonially tarred and feathered. Scattered violence occurred in the other counties at various times, against both law enforcement and tenants, usually instigated by the Calico Indians or the gangs of hired ruffians that the patroons used as extra-judicial enforcement.

In June of 1843, Rensselaer County Sheriff Reynolds and his posse were disarmed by a superior number of Indians and the deputy found in possession of the hated papers was tarred and feathered in front of his hostage compatriots. In December 1844, Columbia County Sheriff Miller was stripped of eviction papers while venturing too near a large public gathering of Anti-Rent forces. The district attorney there indicted some prominent Anti-Renters for robbery and manslaughter in the death of a young man whose injury at the rally was found to be accidental. Large gangs of Calicos and Livingston-hired ruffians roamed Columbia County terrorizing the opposition, and rumors of attempted jailbreaks led to the calling out of state militia units again. On December 20, 1844, a group of 50 Calicos killed Elijah Smith in the town of Grafton for buying William Van Rensselaer's lumber there. All through the affected counties, after five years of increasing turmoil, fear and hostility, tempers on both sides had reached a fever pitch.

In August 1845, Delaware County Under-Sheriff Osman Steele led an eviction posse into the hill towns around Andes. (A famous legend says that the night before heading up the hill, while fortifying themselves for the anticipated fight, Osman repeatedly boasted to his men not to worry as "Lead can't penetrate Steele." Oh, how Fate so loves a challenge!) While serving papers at a farm, Calicos arrived in force and guns were fired on all sides. Osman Steele fell mortally wounded, and pro-patroon Governor Silas Wright took the opportunity to declare martial law in Delaware, Schoharie, and Columbia counties. The militias were called out and wholesale roundups of the Anti-Rent forces began in what was called "The Delhi Reign of Terror." Almost 400 arrests were made in Delaware County alone with 10 men charged with the murder of Osman Steele and more than 230 other felony indictments issued. Fifty more prominent Anti-Renters were arrested in Columbia County, and while they were out of action in jail without bail, gangs of hired thugs increased their campaigns of intimidation, arson and mass evictions, many of which were without any sort of court supervision.

The *coup de grace* for the Calico Indians as an Anti-Rent force came on August 15, 1845, when the legislature passed and Governor Wright immediately signed a law forbidding ". . . going about in Indian or . . . other . . . unusual or unnatural attire or facial alteration." Violation of the statute was a felony, and many of the Anti-Renters backed away from the Calico Indian movement, although they certainly did not lose their Anti-Rent leanings. Judge Amasa Parker of Albany was assigned to Columbia

County to preside over the conviction of 240 men in three weeks, with two being sentenced to death for murder and four others convicted of manslaughter, and the bulk of the convicts being sent to the new state prison at Dannemora where they mined iron ore on state-owned property. The outrage at this heavy-handed administration of justice (Judge Parker averaged 1.6 felony convictions *per hour* during his three-week term) led to public revulsion and a major change in public attitude. Governor Wright commuted the death sentences but was still turned away from re-election. In 1846, confronted with petitions containing over 25,000 signatures, coupled with the election of 11 Anti-Rent assemblymen, new Democratic Governor John Young pardoned almost every one of those convicted.

The demise of the Calico Indians brought mass evictions in many of the turbulent areas. Some landlords offered reasonable buyouts, and some tenants accepted those. Infighting between the two main political parties strangled the Anti-Rent movement and no new pro-tenant legislation was passed between 1848 and 1860. Major divisions within the Whig Party and massive defections to the new Free Soil Party led to the collapse of the Whigs in 1852. Alvan Bovey, a leading Anti-Rent activist and speaker, and refugee from the mass evictions, helped to found the new national Republican Party at a meeting in Ripon, Wisconsin, in 1854. Many historians consider the legal and political issues raised by the Anti-Rent movement to be one of the leading factors in the federal government's passage of the Homestead Act of 1862, which awarded fee ownership of up to 160 acres of publicly owned land to any homesteader who would farm it for five years.

Disgusted at being made to pay taxes on uncollected rental income, and fed up with the public hostility, Stephen Van Rensselaer sold the balance of his claims to his cousin, Walter S. Church, in 1853, for roughly 60 cents on the dollar, with all back rent due Van Rensselaer before he would deed over the title. He made no offer to settle with his estimated 600 remaining "tenant rabble." In 1857, his half-brother, William Patterson Van Rensselaer, and his wife, who was quite fearful of groups of silent men escorting her carriage every time she left their mansion, offered his tenants the same terms, and roughly half of them accepted. William sold the holdout balance to Walter Church in late 1857 for 40 cents on the dollar including all back rents collected, and moved his wife to New York City.

Walter Church pursued his new claims with a vengeance and more than a little violence. He insisted on a hefty buyout price plus the accumulated back rent, which he would hold at 7 percent interest. It was made clear to all tenants that declining his offer once would cost the tenant the loss of the property. Church's two law firms are said to have been the busiest in the country between 1855 and 1861. His parties and private dinners for local politicians and judges were notorious for their sumptuous food and pretty young hostesses. But after being shot at twice, Church stopped personally attending evictions. The final court cases in 1859 and 1860 confirmed the Van Rensselaer land title and the "lease in fee" deeds, making New York State the only common-law entity ever to accept such a legal oxymoron, although the Court of Appeals did use these cases to abolish the much hated quarter-sale provision.

Church settled or sold many of his Rensselaer County claims in order to press his greater number in Albany. But the manpower shortages caused by the Civil War interfered greatly with his ability to back up his legal actions with his regular use of extra-legal force. In April 1865, through what appears to be blatant bribery, Church secured a commission as Colonel of the newly constituted 25th Regiment of the New York State National Guard. In May 1865, without knowledge or permission from the governor, Church ordered out his regiment and took them into the hill towns of Albany County to threaten Church's tenants. A furious Governor Reuben Fenton ordered their return and publicly dressed Church down. Then in July Church did it again, quartering his troops at the homes and barns of his now thoroughly terrorized tenants. Governor Fenton cashiered Church upon his return, largely due to the astronomical bill Church had sent to the state, including his claim for his own very large $5,000 salary.

The end of the Civil War provided Church with the ability to hire a large number of well-trained ruffians to force more buyouts and back rent payments, and to clean out the continued resistance in Albany County. Many families are known to have abandoned their homesteads and to have moved away rather than submit. Church was forced to declare bankruptcy in the 1870s over the high costs of his litigation and the borrowed money that fueled his lifestyle, as well as his small private army. The last blood was spilled in April 1883, when Albany County Deputy Chamberlain was met with a shotgun blast while attempting one of Church's evictions in East Berne. Church continued to pursue these claims until his death on December 8, 1890, and his estate assigned several of his claims to his various lawyers in lieu of cash payment, many of which were apparently allowed to go unpressed and stale. Church's adopted daughter also pursued claims into the 1940s. But to this day there are still numerous properties in the three counties that have unsettled claims – to the great consternation of title insurance companies.

As an epilogue of sorts, it is that of the three men who claimed rights under the lease in-fee reserved interests, all of them ate bitter fruit. After 14 and 17 years respectively, and nearly complete legal vindication, the eventual extinguishment price gained by the Van Rensselaer brothers was substantially less than would have been achieved under that very first tenant offer of 1839. Walter S. Church, who thought that he had found a good way to capitalize on the Anti-Rent War, lost almost everything on his gamble, and felt wronged to the point of betrayal until the very end of his life.

The irony of the situation lies in the acknowledgment that neither did any tenant do any better than they would have under the initial Van Rensselaer offers. Despite all of the violence, the bitterness, and the years of expensive and acrimonious activity to fight the perceived wrongs of the system, in every known instance in which figures still exist, the accumulated back rent added to the buyout price substantially increased the extinguishment price paid by those tenants.

As so often happens, there are no real winners in a war, especially the Anti-Rent War. □

Mark Whalon of East Dorset

Postal Carrier and Perceptive Poet

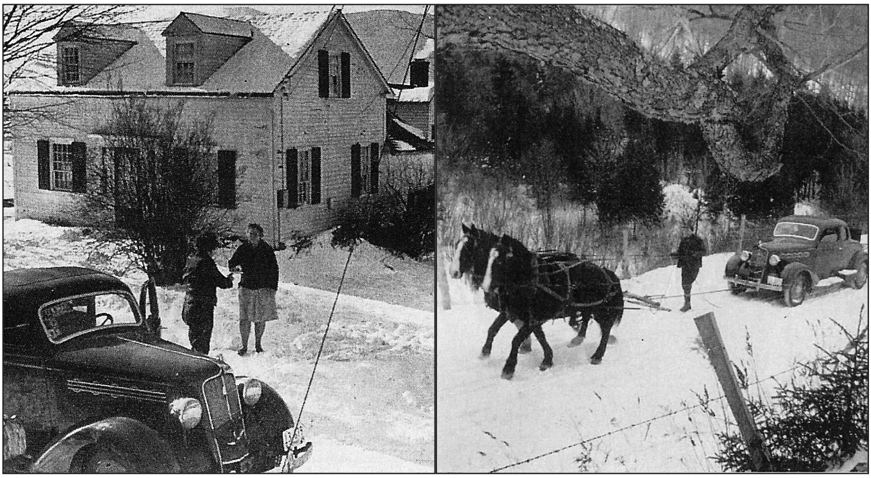
Jon Mathewson

In 2015, the Dorset Historical Society received a copy of East Dorset poet Mark Whalon's collection "Rural Peace" (1933). The society's Dorset Author shelves already housed a copy of the book, but what set this copy apart was a small envelope placed inside the back cover. It contained seven newspaper clippings of poems Whalon had published in local newspapers but which had never been collected into a book. Five of the poems were dated 1934-1936, while two were undated. One of the undated poems, "Just Livin' on a Margin," was a rare literary commentary about the eugenics movement then sweeping Vermont, as well as the New Deal's Resettlement Administration.

John Mark Whalon (1886-1956) lived most of his life in East Dorset. He graduated from the Burr and Burton Seminary in Manchester and continued his studies at the University of Vermont. During World War I he served as an aerial photographer for the 1102nd Aero Squadron. He returned to East Dorset and from 1925 to 1950 delivered mail throughout the small valley.

Whalon is remembered today primarily for four things: First, he was a close childhood friend of Bill Wilson (1895-1971), a co-founder of Alcoholics Anonymous; second, he was the subject of a January 14, 1943, *Life* magazine photo-essay by the renowned photographer Albert Eisenstaedt; third, his collection of poems in a book titled "Rural Peace," published in1933; and fourth, his memoir "Rural Free Delivery," published in 1942.

During Whalon's time East Dorset was a village in the tight Valley of Vermont, with marble quarries and mills on the west, and lumber operations and mills to the east. Both lumber and marble were harvested up the steep mountains and brought down the hills to be processed in the valley. Small farms dotted the narrow fields up and down the valley. But by the 1920s the quarries and marble mills had all closed and lumbering operations were dwindling. Farmers continued on, and some people began living in the forests on the mountains on both sides of the valley – some in houses, some in handmade huts (many squatters remained well into the 1990s). This is the world that gave Whalon the inspiration for his poem "Just Livin' on a Margin."



These two pictures of Mark Whalon delivering mail, prominently featuring his 1935 Plymouth coupe, were taken by Alfred Eisenstaedt and published in a photo story in the* Life *magazine of January 14, 1943, under the title "*Life *Rides the Route of a Rural Mailman in Vermont." Courtesy of Dorset Historical Society

When Whalon began writing his poems is not known, or why. Perhaps he was inspired by his friend, the poet Walter Hard, (1882-1966) who lived just a few miles south in Manchester. Both attended Burr and Burton Seminary. By 1928 Whalon was publishing his poems regularly in the *Rutland Herald* under the banner of Howard L. Hindley's poetry column "Peregrinations."

"Peregrinations" appeared daily in the *Herald* for many years and featured a stable of local poets including Walter Hard, Arthur Goodenough, Ella Warner Fisher, Walter Davenport, Daniel Cady, and Julia Dorr. For the most part, the poems were nostalgic looks at a vanishing rural landscape, humorous tales, or related to politics. They were usually followed by Hindley's pithy commentary. As a testament to how popular poetry was at the time, the *Herald* ran Edgar Guest's nationally syndicated "Just Folks" poetry column next to "Peregrinations." Although the original publication still needs to be discovered, it was either in "Peregrinations" or *Manchester Journal* where "Just Livin' on a Margin" first appeared.

Before reading the poem, it seems wise to review briefly a history of eugenics. The term was first used in 1883 to describe the idea of changing biological characteristics in ways deemed beneficial to human society. The idea developed into two methodologies, negative and positive: the elimination of strains deemed "inferior," mostly through sterilization, and trying to enhance, intellectually and physically, people deemed not inferior.

Although the eugenics movement became popular in the United States after the publication of Madison Grant's "The Passing of the Great Race" (1916), Vermont's first sterilization law was passed in 1912, though vetoed by the governor, John Mead, because he thought it unconstitutional.

In Vermont the high point of eugenics enthusiasm came in the late 1920s and early 1930s, mainly under the auspices of the Vermont Commission on Country Life. Young researchers were sent around the state to interview people who may have been from "defective" families, in order to prove genetic relationships to criminal activity, low performance in school, and poverty. The year the United States Supreme Court in Buck v. Bell (1931) ruled sterilization laws constitutional, Vermont finally passed its sterilization law. Despite the questionable motives of the researchers, the remaining records, now held in the Vermont State Archives, are remarkable. Interviews of the women at the Rutland Women's Prison are especially harrowing.

Everything known about the interviewees comes through the darkly colored glasses of the eugenicists. There remain scant records of what people in remote communities thought about the young college-educated interviewers coming to judge them and their families. Mark Whalon's "Just Livin' on a Margin" can be seen as a rare example of what they might have thought.

Also in 1931, the Vermont Commission on Country Life published the research report "Rural Vermont: A Program for the Future," submitted by "Two Hundred Vermonters." In his foreword to Mark Whalon's book, published just two years later, "Peregrinations" curator Hindley seems to reference that text: "In the name of two hundred old friends and colleagues, who from time to time have appeared in Mark's company, I welcome 'Rural Peace' as an Opus of Vermont and a permanent contribution to our steadily richening (sic) store of native literature." This could be a wink and a nod from "Rural Peace" to "Rural Vermont," which would explain the odd statement about the 200 old friends.

The mention of "native literature" could also reference a side project of Vermont's eugenicists, the four-volume Green Mountain Series of Vermont prose, poetry, songs, and biographies. "Vermont Verse," also published in 1931, contains works by one hundred and fifteen Vermont poets. The opening line in the introduction reads: "The editors of this book have attempted to discharge creditably a task assigned them by the Committee on Vermont Traditions and Ideals acting under and in behalf of the Vermont Commission on Country Life." The book remains an interesting review of Vermont poets who had published books, including "Peregrination" poets Ella Warner Fisher, Arthur Goodenough, and Walter Hard.

Then came the New Deal and a proposal to relocate rural citizens deemed to be living on "submarginal land." The land would be purchased by the federal government and turned over to public domain uses such as logging. Representatives from Washington, D.C., touted the idea before the Vermont legislature in early 1934, and went into the field to identify lands that might qualify for the program. The issue was hotly debated through 1935, when the legislature placed so many restrictions on any land sales to the federal government that they closed their Resettlement Administration office in Rutland and left the state.

So the state government had been determining whether people were mentally fit to raise children and generally live in remote areas, and the federal government was looking for the submarginal lands where people should not be allowed to live. Both of these concerns collide in "Just Livin' on a Margin," probably written in 1935:

Just Livin' on a Margin

And so I'm livin' on Margin Land!
Well don't that beat the devil!
I knowed 'twere rocks and cradle knolls
And scarce a rod of it level,
But I never knowed its rightful name
Till just the other day;
Till some bright young fellers came up here
A makin' a land survey.
They called me a poor benighted cuss
And seemed right full of pity
And said as I had no chance up here
They'd move me to the city
They said I couldn't no how survive
As the land wa'n't fit fer tillage;
I'd be better off in a mining town
Or a manufacturing village.

'Tain't much of a farm I know it ain't.
An' I never 'lowed as how
There wa'n't some better farms for crops
And better land to plow.
I've been discouraged lots of times
And felt like that "hired-hand"
Who used to plow that field out there
And curse and damn the land.
He 'lowed that when the Lord was through

And had the world all done
He dumped the whole of his leavin's here
And turned His back and run.
He said 'twant part of the world at all,
And that the Lord, He never
Ment anything – just throwed it in
To hold the rest together.

But Pshaw! I ain't as bad as that,
An' life's been worth the livin',
For it ain't the things that's handed you
An' it ain't the things you're given
It's the things you has to struggle fer
An' the things you does without
That makes you – way down deep, I mean,
What the preachers preach about
An' ma an' me we got along
An' had a little to spare
To send the children off to school
Or go to the county fair.
Of course we had to scrimp and save
An' watch ourselves and figger,
But the funny thing 'bout scrimpin' is,
It kinda makes you bigger.

No Bob, our oldest, left the farm,
He's in the city dwellin'.
He's a lawyer now and smart's a trap
From what I hear folks tellin!
I got to write the news to Bob
'Twill cause him great humility,
To learn his dad has got so bad
He's become a state liability.
An' ma, she'll write to Betty too.
Betty hankered after knowledge.
Teachin' now just outside New York
In a female finishin' college.
I don't know what they learn.
But it's just fer gals whose bringin' up
Wa'n't up to snuff like hern.

The Lord He hides the Book of Fate
From all us earthly critters
Fer if we know what was to come
We'd always have the jitters.

He’s nicer still to some of us,
He mars us in the makin’
So’s we can’t see how dumb we be
Or the chances we’re a takin’
Fer instance now, take ma an’ me,
Great Scott! An’ land o’ Goshen!
Of the awful state that we wus in
We never had no notion!
An’ now we’re a social problem
An’ nuthin’ I know is wuss
Cause ma’s a degenerate inbred
An’ I’m a under privileged cuss. ▯

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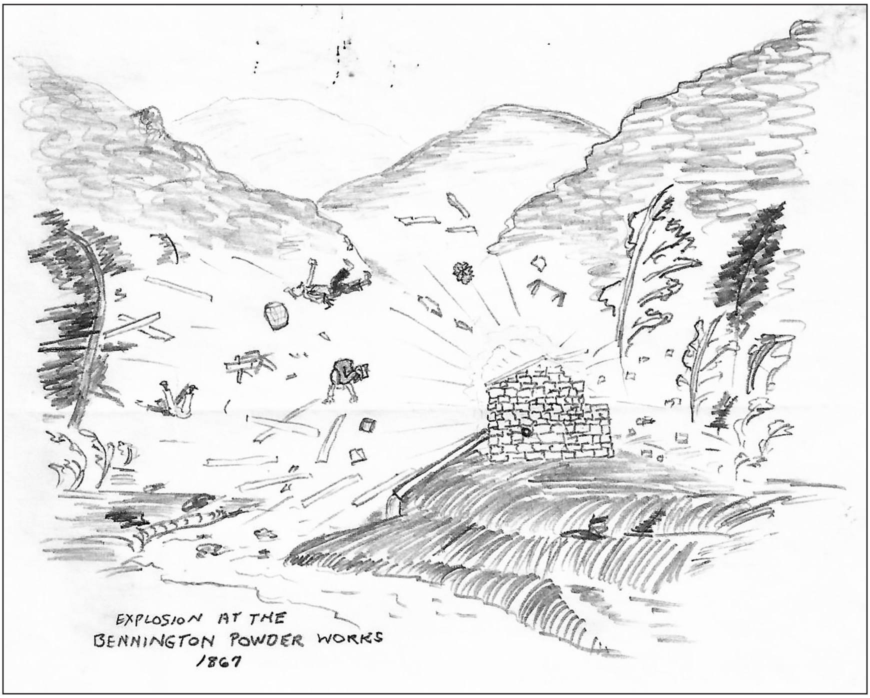


Blown off the Map!

Bennington's Powder Factories Served the Civil War as well as Cuban and Mexican Rebels

Richard Sanders Allen

The mention of "a powder factory" conjures up a picture of a dangerous place: a cluster of remote buildings, surrounded by a high board fence and plastered with DANGEROUS – KEEP OUT! signs. It was the same a century ago when Vermont and Vermonters were in the powder business.

In a state which filled up with people after the American Revolution, there was always a need for powder. Black powder propelled the balls to bring down game for a pioneer settler's table. It was precious. And expensive.

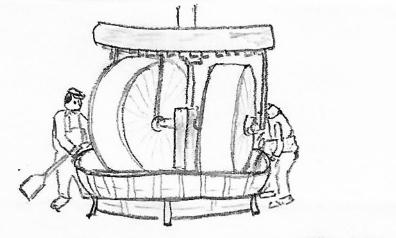
Infant industry needed powder, too. It was all very well to pick and shovel out deposits which contained a vein of iron ore, but sooner or later the diggers would come to a boulder too big to budge. They could either set a fire against the offending stone, gradually cracking it; or split it asunder with a charge of costly imported English blasting powder.

The miners naturally sought better means of getting out the iron, and Bennington was found to be the site of ore beds. Because mining and powder went hand-in-glove, the first Vermont powder mill is reported in the Bennington census of 1810. Pioneer ironmaker Moses Sage and his son-in-law, Giles Olin Jr., are thought to have set up the original works.

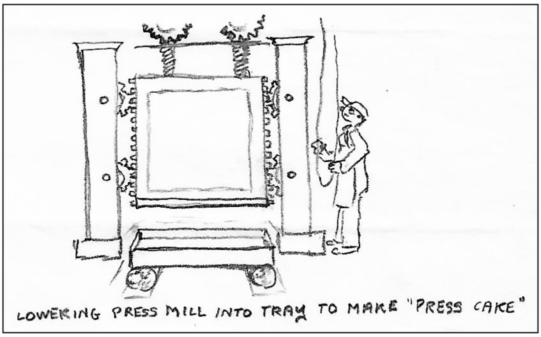
Black powder was composed, generally, from 75 percent saltpetre, 10 percent sulphur, and 15 percent charcoal. In the heavily forested region of southern Vermont, the latter was a simple matter. Powder makers preferred the lighter, smaller woods for charcoal, and many an alder swamp and willow thicket were cut over to provide fodder for the coal ovens. The sulphur, or "brimstone," came from tiny deposits in the Green Mountain and Berkshire ranges, which today would be dismissed as inferior and commercially unimportant.

Saltpetre, the principal ingredient, was a big stumbling block. As potassium nitrate it could be imported from India, but that was out of the question for the mountain-girt Bennington powdermen. Instead, they instituted a large-scale, unpleasant but very necessary operation. Every week their carts collected the refuse from Bennington barns and stables, to be hauled to a saltpetre "refinery." This was a large open-sided building, actually a king-sized compost heap from which, after decomposition, many pounds of saltpetre could be leached and dried out in crystal form. Neighboring farmers carried out this process on a smaller scale, and augmented their incomes by selling saltpetre to the powder manufacturers at prices up to a dollar a pound.

Powder making in Bennington suffered various ups and downs for more than half a century. Because its existence was considered a public menace, its various owners made little mention that they ran such an establishment, and marketed their kegs of powder in Albany for shipment via the Hudson River and the jounce-proof Erie Canal.


SPREADING CHARCOAL IN THE WHEEL MILL

Albert Walker and Moses Harrington were proprietors of the mill in the 1840s, concentrating on the manufacture of blasting powder. They were succeeded by Alanson Lyman and Christopher Fenton, who



LOWERING PRESS MILL INTO TRAY TO MAKE "PRESS CAKE"

made "sporting powder" as well. Fenton, a man of many interests and abilities, carried on a dry-goods business and was a famous designer and maker of the Bennington Pottery pieces so prized by collectors today. Ceramics and gunpowder made strange bedfellows, but Fenton was lucky. When his mill near Safford Spring in Bennington exploded one June night in 1850, many people in the immediate vicinity didn't even hear it go. Though 300 pounds of black powder went up with a flash, the nearby pottery suffered not even a cracked soup plate.

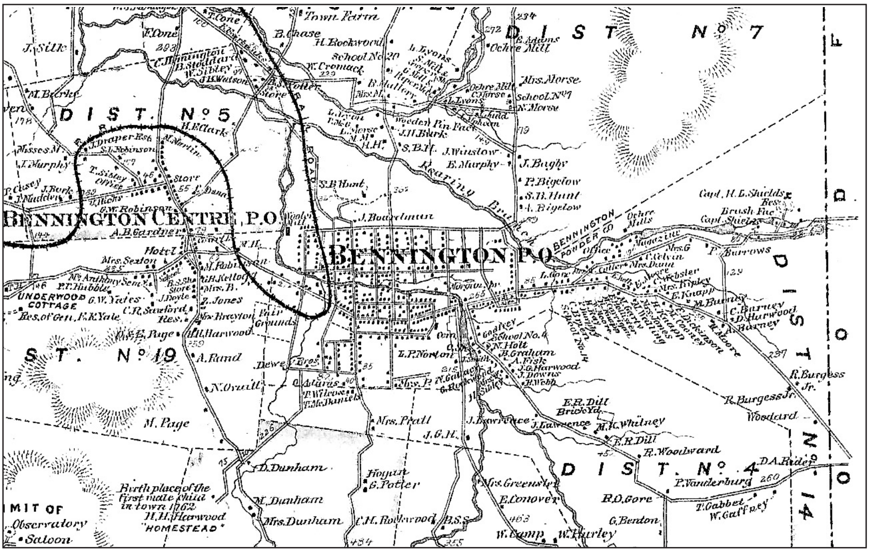
William Russell acquired the idle Fenton works, organized the Bennington Powder Company, and prudently decided to move the plant out of town. Beyond the Bennington Iron Company's towering furnaces he found ample water power at the junction of two branches of the Walloomsac Brook in Woodford. With investments by local businessmen, Russell put up an establishment consisting of seven buildings, with the capacity for making 1,500 pounds of powder a day. Since this was 1860, the investors may well have had the gathering Civil War clouds in mind.

Under Russell, the Bennington Powder Company reached peak production as the only works of its kind in Vermont. Sylvester Viets, a practical and experienced powder man, was hired as superintendent. Many of the workers had formerly held jobs at the famous Hazard works in Connecticut or the venerable Schaghticoke Powder Company over in New York State.

Sluiceways from the dammed brooks brought water to turn the wheels of the powder works. In the making of black powder, the cautious practice was to set up separate buildings for each process. These structures were built with three substantial sides, often of stone, and a fourth facing the stream built, as was the roof, of flimsy wood – just in case.

To avoid sparks, all the machinery possible was fashioned from the native forests, but hardwood gears, rachets, and wheels in continuous use soon wore out, leading to periodic shutdowns.

The major operation took place in the "wheel mills." The ingredients were spread on an iron bed about nine feet in diameter, with wooden curbing all around it. Two huge six-foot iron-bound wheels revolved on this bed, their paths overlapping as they ground, and driven by a water-powered



The Bennington Powder Co. is clearly identified on this map from the 1869 F. W. Beers Atlas of Bennington County. It's just to the right of the word* BENNINGTON P O. *That location today has been overpowered by the junction of Routes 9 and 279.

shaft from overhead. Workmen kept the mixture wet, and constantly stirred the paste with wooden paddles. This lumpy "millcake" next went to a "press mill" where it was broken up between wooden rolls and pressed into cakes about two feet square by an inch thick.

The third operation took the stuff through the "corning mill," which consisted of sets of rolls to crack the gravity-fed cake to the sizes desired. Large grains made blasting powder and the small grains became rifle ammunition. A final "glazing mill" was composed of a series of tumbling wooden drums. Filled with coarse powder and a little graphite, the churning action smoothed the corners of the grains while forced circulation of air dried the powder. The product was graded into different sizes by shaking it through sieves. Testing was very primitive. If a sample from a batch could throw a ball from the packing house to a big pine tree across the clearing, the powder was kegged for shipment.

William Russell's powder company was a thriving establishment during Civil War times, and daily wagon loads rolled south from Bennington for use of the Union forces. Things were going well until January 29, 1864, when at daybreak that morning a wheel mill exploded in a roar of flame and flying debris, followed in a second by five other mills and more than a hundred barrels of stored powder. The report was heard in Manchester, Troy, N.Y., and due to some atmospheric quirk, as far away as Dover, Massachusetts. By a stroke of supreme good luck not a soul was injured, but the company's mill site was a shambles.

A quick rebuilding was commenced, for the government needed the powder. There was also a market a few miles south, where armies of Irish workmen were attempting to drive through the five-mile Hoosac Tunnel. Among the prime movers in the expansion was Olin Scott of Bennington, a machinery-minded apprentice from the nearby iron works, who became one of the nation's outstanding authorities on the manufacture of gunpowder.

The next explosion was not so kind. In the summer of 1867, the company's general handyman, Abram Moon, set out for the mixing platform to install a window sash. Other workers heard the pounding, and then Moon's hammer must have flicked past an embedded nail.

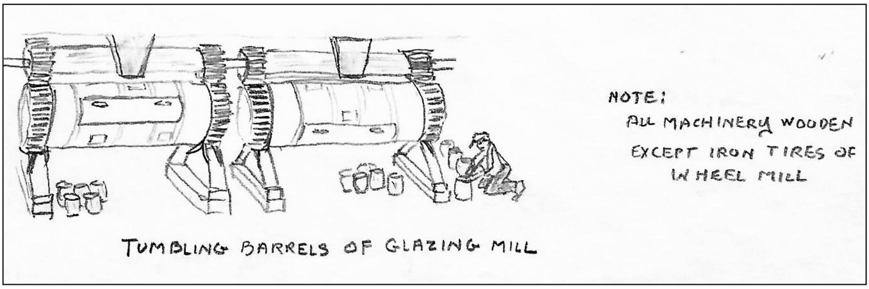
Whoosh!

The tiny spark set off the powder dust and the wheel mill vanished. Moon and two other workers were blown to smithereens. The skull of one was found years later, wedged in the rock far up the mountainside.

Another explosion in October blew up still another wheel mill, the stock of saltpetre and all the powder on hand. The reeling proprietors, again luckily unhurt, took stock of their situation. They had no product and their market down at the "great bore" of the Hoosac Tunnel was dwindling because a new kind of explosive, nitroglycerine, had just come into use to put terrific power into tunnel building. What machinery remained, including some surviving wheels from the original Bennington mills of 1810, was crated and shipped off to Marquette, Michigan, where it became the nucleus of the new Lake Superior Powder Company.

As was so often the case in other industries, Vermont's principal product for export was not the powder itself, but the men to make it. Arthur Tinker went from Bennington to superintend the new mill in Michigan. Josiah Reynolds, a young man of twenty, installed the old wheels from Vermont, and remained to succeed Tinker and successfully manufacture black powder and dynamite for forty years.

Olin Scott, the Bennington powder maker, ranged far afield but kept



his home in Vermont. He converted the old Bennington foundries into machine shops, and his powder-making machinery was sold throughout the world.

Scott made millwheels, stamps, tumblers, gears, and presses for powder makers from Maine to California, and would even set up an entire powder manufactory. Some of his best customers were Cuban insurgents, Mexican rebels, and Russian anarchists. With the aid of Scott's ready-to-assemble machinery they could (and did) establish complete powder works for large-scale rebellions.

A young cousin of Scott's was born in Woodford in 1860. He was Franklin W. Olin, grandson of Bennington's original iron and powder pioneer. Olin's early work was in the design and construction of powder plants as an assistant to Scott. A graduate engineer, Olin went on to operate entire powder companies and eventually headed the well-known Olin Mathieson Chemical Corporation of today. Thus Bennington's little powder works contributed a tiny beginning to a major American industrial giant.

After being wracked by the explosions of a century ago, the old Bennington Powder Company site in Woodford was abandoned. An electric railroad power station and sawmill have since occupied the place, and the brawling brooks have overflowed their boulder-strewn banks and changed courses so that not a vestige remains.

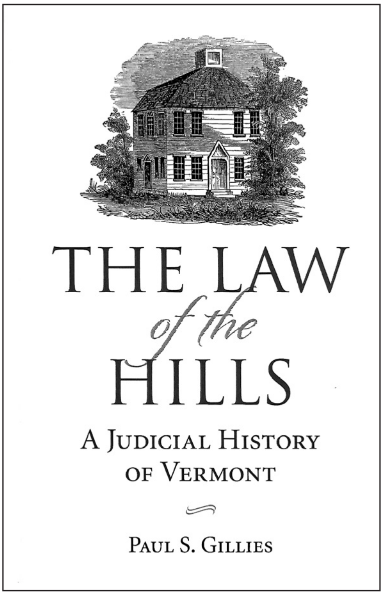
Douglass Hyde, the last superintendent of the Bennington Powder Company, settled down to a quiet life running a boot-and-shoe shop. People used to ask him about his powder-making days, and the location of the old works.

Hyde would laugh: "Nothing but a hole in the ground," he'd always claim. "That's one Vermont industry got blowed clean off the map." □

Book Review

One State's Judicial System Explained

Allen Gilbert



THE LAW *of the* HILLS

A JUDICIAL HISTORY OF VERMONT

PAUL S. GILLIES

If you want to learn more about Vermont's judicial system, how it's worked over the years, and who's made it work, Paul Gillies's new book *The Law of the Hills – A Judicial History of Vermont* offers a wealth of information. You'll learn that most of Vermont's first judges were not lawyers; it took a third of a century before any state law was struck down on a constitutional basis; and the state's youngest member of the Supreme Court was 28 when he was appointed. The designation of "shire" towns (county seats where a courthouse would be sited) was haphazard and circumstantial during the state's formative years, and a portrait of the Vermont lawyer who defended Dred Scott in the famous 1857 trial over a slave's freedom hangs in the Windham County courthouse at Newfane among "the greatest collection of portraits of lawyers and judges anywhere in Vermont."

"How today's law came to be, what the law used to say, what the court did with what the legislature had wrought, what events triggered new laws – these questions lit a fuse that drove me to find answers," Gillies explains in the opening "Acknowledgments" section of the book. "It's been more than 40 years since I started reading and inquiring about the history of Vermont law, and this book is a product of that delightful passion."

Since Vermont was never organized as a colony before becoming a state, it had either to borrow from existing states (or other countries) to establish its legal system, or it could invent its own. "Vermont's judicial history reflects both tendencies," Gillies says, "but evidences more invention at the beginning than at the end, when resources were available to broaden access to case law in other states and the federal courts and to see Vermont law made uniform."

Indeed, Vermont was virtually a lawless domain in the years leading up to the Revolution, its land claimed by both New York and New Hampshire colonies and its judicial officers bullied, threatened, and often chased out of their courts by independent-minded settlers who coalesced into "regulator" groups such as the Green Mountain Boys. To the judicial officers, these people were terrorists. When these "terrorists" banded together and succeeded in setting up their own state (a republic for its first 14 years), they had to transition from outlaws to the makers and protectors of law. The process created difficulties in building an efficient and effective judiciary, Gillies points out, but also added a pinch of frontier logic and reason when organizational logistics and legal challenges arose.

This is not an easy story to tell. Gillies uses a kaleidoscope-type approach that begins with an overview of who served in the judiciary over the years, moves to how the state's county court system evolved and what the individual courthouses were (and are) like, backtracks to how the courts set up by New York officials in the "New Hampshire Grants" functioned (or perhaps more accurately, tried to function), bridges through the Vermont Republic years and the special courts and councils created to run the political ship of state and deliver justice, and then launches into four chapters that employ a delightful smorgasbord of anecdotes to describe judicial developments and personages in the eighteenth, nineteenth, and twentieth centuries while also peering ahead to what may be in store for the judiciary in the twenty-first. Two appendices are a gold mine of information about the judges who served on the Supreme Court over the last 239 years; one appendix is a simple listing of their names and years served, the second is a collection of biographical sketches, including a painted or drawn likeness, or photograph, of each justice.

Who became a judge in Vermont was, on one hand, embarrassingly straightforward for many years. You were male, you had to have some political clout (Supreme Court judges were elected by the legislature until 1974), and you had to stick around (until 1981, a seniority system queued judges up from the lower county courts to the Supreme Court, and then to the role of chief justice). The first woman to serve as a Supreme Court justice was Denise Johnson in 1990; no person of color has ever served. (A black woman, Lucy Prince, did argue a land claims case pro se – meaning for herself – before the court in 1803, and won.)

Vermont's "court system" really wasn't a comprehensive system under unified control for its first 232 years. Only starting in 2010, with legislative passage of a court reorganization bill, did the state's various courts – civil courts, criminal courts, environmental courts, family courts, probate courts, drug courts, traffic court, and Supreme Court – function administratively as one unit.

And it wasn't until the 1980s and 1990s that Vermont courts began to recognize certain protections specific to Vermont's constitution, leading to the broadening of individual rights. Justice Thomas Hayes had invited Vermont lawyers in a 1985 decision, *State v. Jewett*, to turn to the state's constitution for protection of civil rights as the U.S. Supreme Court had begun to veer away from broader federal protections. The two most important decisions handed down by the Vermont Supreme Court as the twentieth century closed – the *Brigham v. State* school funding decision in 1997 and the *Baker v. State* same-sex marriage decision in 1999 – both relied on the Vermont Constitution's Article 7, the so-called "common benefits" clause, which had existed since the state's beginnings but had rarely been tapped in asserting equal treatment for all state citizens. (Gillies writes in "The Future of Vermont Law" section of the book that "The power of the common benefits clause continues to surprise, and other articles and sections wait to be explored.")

It's all here in *The Law of the Hills*. Paul Gillies has given us many windows on Vermont's judiciary to open. While some of the topics and a bit of the verbiage may be more familiar to lawyers than laypeople, that's no reason to shy away from this extremely well-documented work. Gillies is at heart a story teller. His passion for telling the story of the development of Vermont's legal system shines brightly in what has clearly been, for him, a labor of love over the many years he's served in state government and in private legal practice. □

The Law of the Hills – A Judicial History of Vermont by Paul Gillies. Barre, VT: Vermont Historical Society, 2019, $24.95.

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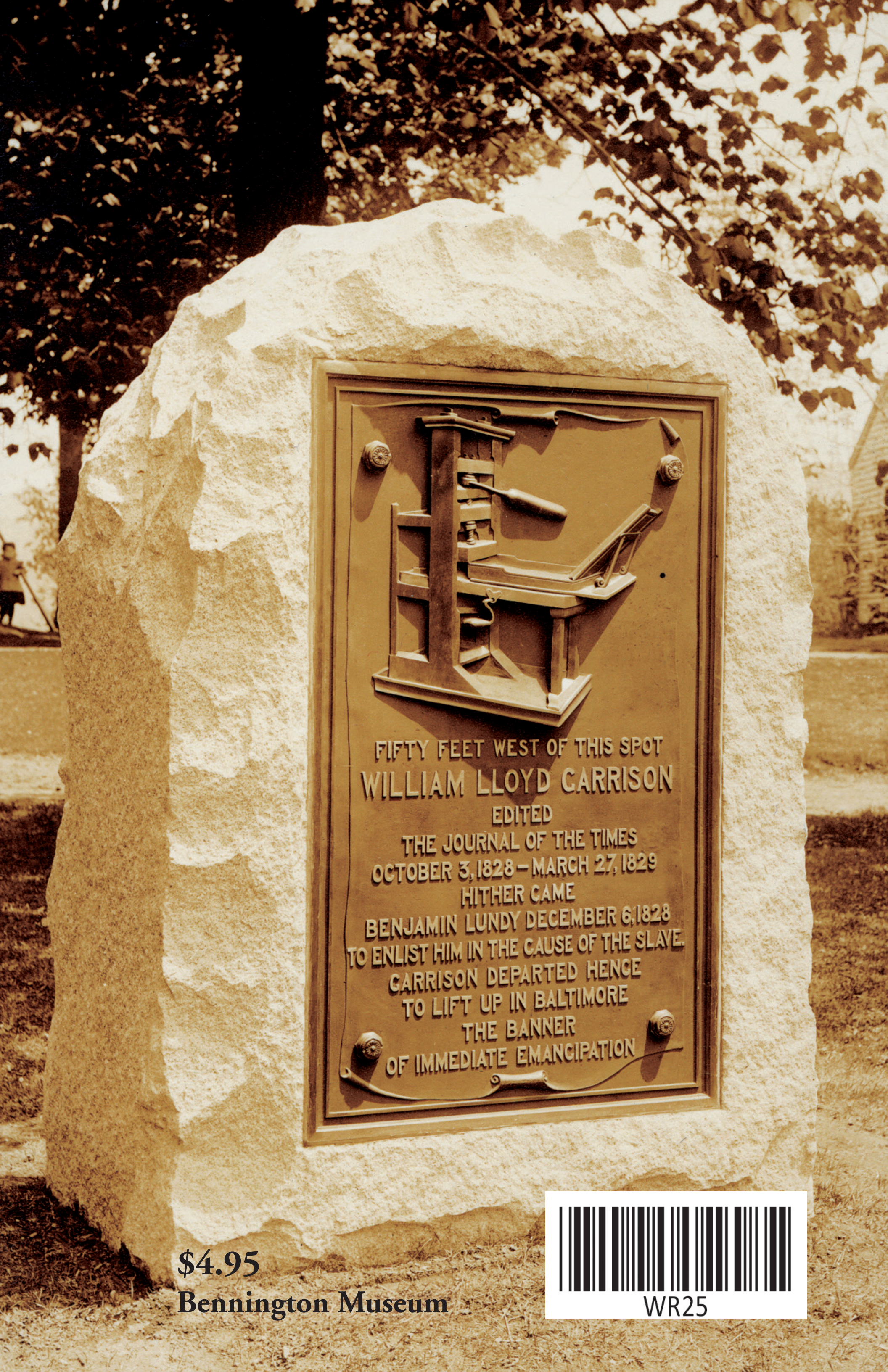
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