



Impasse! Vermont's 1813 Legislative Session

By any standard of measurement, the 1813 legislative session in Vermont was a rousing success for the Federalist Party. They were able to obstruct any attempt by the supporters of the Madison administration to aid the war effort.

By KENNETH A. DEGREE

The War of 1812 found the State of Vermont at a political impasse, with the year 1813 the most divisive of all. The two parties, Federalist and Republican, were evenly matched, each party believing that, if the other became predominant, it would be the end of this fragile experiment in democratic republicanism. As with the nation in general, the denizens of the Green Mountains were held hostage by the ongoing hostilities between England and France. Federalists felt that it would only be natural if the young country should set its course by emulating and tying its economy to Great Britain. They were unsettled by the course the French Revolution had taken, and the rise of Bonaparte. Republicans still did not trust their former masters, and believed that the United States was obligated to align with France by treaty. Even after the republican experiment in France failed, Republicans still found being drawn into alliance with England a worse choice, expecting that the new nation would be turned into a mere economic satellite of the Crown.¹

From 1793 onward, therefore, the United States found its fate inextricably woven into the ongoing conflicts between Britain, France, and

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their European allies. As the hostilities continued, American trade suffered, and despite negotiation, treaties, and a self-imposed embargo, the young nation was unable to bring the warring powers to economic heel. In the Green Mountains, the embargo only succeeded in reviving the prospects of the Federalist Party, who were concerned that continued provocation of Britain could lead to a more severe economic dislocation and possibly even war. By 1805, despite Federalist prodding, Vermont had joined the majority of the country in believing that Great Britain was the country with which we had the most differences. Constricting American shipping through its control of the seas, their stubborn reliance on impressment, using their Canadian foothold to menace their former colony militarily or to inflame tensions between Indians and white settlers on the frontier, the Crown displayed little respect for the young United States.²

THE ELECTION OF 1812

President Madison's decision to place the United States on a war footing in June 1812 created in the Green Mountains what one historian dubbed a "patriotic reflex." The state gave its electoral votes to the incumbent for president, only one of three northern states to do so. Republican Jonas Galusha won his fourth term as governor by a margin of 3,000 votes out of a total of almost 36,000, the largest turnout in the state up to that time. Vermont's six congressional seats all went to Republicans, although by a narrow margin. Republicans captured the state legislature, and the two Vermont U.S. Senators were also Republican. Flushed by victory, the Republican majority moved quickly to pass its own "non-importation law." The act was harsh, so that only a "reasonable suspicion" that someone was driving horses, cattle, or any other property "towards" Canada was enough to risk having their property seized, being fined up to \$1,000, and being put to seven years hard labor. They also passed a law exempting officers and soldiers from civil process against themselves and their property while they were in military service. Finally, shaken by the closeness of the congressional elections and realizing that most of the volunteers in military service would be Republican supporters, they allowed any Vermont soldier to vote "for state officers in any town in the state, wherever he may happen [to be], [or] voting for town representative in the town where he belongs. Provided that they attended without their arms."³

This initial patriotic ardor slowly dissipated after the election. Despite giving their votes to the Republican Party, many Vermonters ignored the law and continued to trade with their partners across the border. Troops gathering in Burlington brought an unwanted guest to Vermont with them. During the winter of 1812–1813, a viciously contagious form

of pneumonia spread beyond the camps into the Vermont interior, resulting in over 6,000 deaths. Despite the fact that one soldier in eight had died over the winter in Burlington, Lieutenant Thomas MacDonough and his fleet emerged from winter quarters in ascendancy on Lake Champlain. However, through fate and folly, the lieutenant lost a significant portion of his flotilla that spring. This inspired a British raid that virtually swept the lake clean of merchant craft and military stores.⁴

The armed catastrophe that occurred on Lake Champlain, coupled with other failures in the Northwest, led a furious Vermont Senator, Stephen R. Bradley, to introduce a resolution during an extra session of Congress in July 1813. Bradley demanded the formation of a committee to investigate the cause of the United States' myriad military mishaps. "Instead of victory," he argued, "they have met with nothing but defeat, or if success has perched upon the unsteady standard it has been evanescent, unsupported and unimproved." Although the resolution was defeated, and Bradley strongly reprimanded by fellow Republicans, he was voicing the opinions of many of his constituents.⁵

The bad news just kept coming for the "war" party in Vermont. In late summer, as elections drew closer, Congress voted to levy a direct assessment of three million dollars on American taxpayers to help finance the war effort. Vermont's share would be almost \$100,000. Two Vermont congressmen, James Fisk and Charles Rich, were the only New England members of the House to vote for the measure. The Federalist editor of the *Bennington Newsletter* cautioned his readership, "Let the people bear it constantly in mind that this heavy tax goes to pay *in part* our proportion of the *interest* only of the late loans."⁶

The war was the only thing on the minds of the voters as election day neared. Jedidiah Lane of Jericho proved to be a prescient prognosticator when he wrote to his brother about the state of politics in the Green Mountains, "the party spirit runs high the people are [divided] about half in favor of the war and the rest oppose it."⁷ As the race came down to the wire, anxious editors supporting each party tried their best to tip the scales in their favor and save the state from ruin. The editor of the Republican *Rutland Herald* laid out what he thought was at stake in this ballot. On Tuesday next, he blustered,

You will be called upon by the sacred ties of patriotism, of liberty, and of independence, to decide an important election; to decide whether you will become the vassals of tyranny and slavery, or the supporters of your national rights and privileges; whether the precious blood of your fathers, which was sacrificed on the altar of freedom, shall yet be venerated, or whether their glorious deeds shall sink into oblivion; whether an union of states shall remain, or whether a *New England confederacy* shall arise.⁸

The *Bennington Newsletter* added to the political drama with this outburst asking voters to question the motives and the results of the administration.

Men, who hold fat offices under the government, will tell you, everything that is done, is for the best – that the War is “just and necessary,” for the honor of the nation, and that those who administer the Government, are the only true Patriots in the nation; while all who dare oppose them, are enemies of the country ‘traitors’, ‘tories’ &c. But there is an old maxim “by their *fruits* shall ye know them.” Now by this unerring rule, what claim have these men to our confidence? – What “fruits” have they produced? – alas! Fellow citizens, what do we reap from their labors, but a most plentiful crop of disgrace, distress and ruin? To what solitary quarter of the Union can we turn our eyes, and behold peace and prosperity?⁹

Yet the most influential words to be put on paper during this highly charged election season came from the pen of Vermont’s senior United States Senator, Jonathan Robinson. Writing from Bennington in late August to Major General Wade Hampton, in charge of the troops in Burlington, Robinson requested election-time aid from the commander.

The [Vermont] legislature in 1812 provided by law that all soldiers who are Freeman in the State should have a right to vote in any town in the State where they should be stationed – our friends here, who are leading characters, believe that the exercise of their franchise as freemen will decide the Election for Governor and one branch of the Legislature [the Legislative Council]. . . . Through this medium is our only hope of preventing the state of Vermont from becoming one of the Eastern Confederacy against our government.¹⁰

The state elections were held on the first Tuesday in September, and as the political pundit of Jericho, Jedidiah Lane, foretold, the election was narrowly divided. The elections for governor and lieutenant governor were too close to call. Federalists held a slim four-vote margin in the house, while Republicans captured eleven out of twelve executive council positions. As the days after the election passed, it became a certainty that the two highest state offices would have to be chosen by a joint assembly of the house and council. Republican newspapers remained confident that their candidate would eventually gain the governor’s chair, much like the editor of the Burlington *Centinel*, who on September 24 blustered that Governor Galusha would surely be re-elected to join a Republican council.¹¹ Some somber Federalists seemed to agree with this opinion. The editor of the *Bennington Newsletter* glumly penned this article on September 21.

The Result of our Election Is yet unknown. Considering the pains which have been taken to deceive the people, and the willingness on

the part of the people to be deceived; considering the falsehoods, which have been circulated, the undue influence, which has been exerted, the time and money which have been lavishly expended, *by those in the pay of Government* (together with the aid of the SOLDIERY) it will not be strange, *if the election, is lost.*¹²

Now all citizens of Vermont waited for the opening of the legislature. The election of 1813 brought together a General Assembly almost evenly divided between the two political parties. The Federalists held a four-seat advantage, 108–104. Federalists were seen as elitists, described by one wag as being forged from “four-fifths of the lawyers, nine-tenths of the merchants and nineteen out of twenty of the clergy.” Their makeup in the legislature would confirm this assumption, with lawyers such as Daniel Chipman of Middlebury, Bates Turner of Fairfield, Chauncey Langdon of Castleton, and George Robinson, the “witty, fun-loving, kind, generous-hearted lawyer” (a rare description for a student of the law) of Burlington, physicians such as Darius Mathews of Cornwall, Chauncey Smith of Benson, and Calvin Jewett of St. Johnsbury, and merchants such as tanner Ezekiel Ransom of Townshend, mill owner Joshua Isham of Shelburne, and storekeeper James Butler of Rutland, along with minister Asa Lyon of South Hero. There were also many sons of the sod in the “peace” party, particularly in the northern part of the state, irate over the policies emanating from Washington, such as Lewis Higbee of St. George, the first-born male child in that town, described as possessing “no more than ordinary profundity” but “an inexhaustible fountain . . . of wit and sarcasm, which made him an undesirable opponent.” However, most turned out to be large landowners.¹³

Republicans were indeed made up of farmers, yet these men were generally from long-established families in their towns, in a state where wealth generally ran hand-in-hand with persistence. Henry Olin was born in Shaftsbury in 1768 and settled in Leicester twenty years later, where he was “famed for his good sense, his sterling rectitude, his love of justice, and his quick perception of right.” Joel Brownson arrived in Richmond in 1784, and held many positions in town. David Whitney arrived in Addison shortly after the Revolution and lived on his farm and was active politically until a few years before his death in 1850 at the age of 93. William Montgomery of Walden arrived in town in 1803, and served as a selectman and captain of the militia. John Crowley of Mt. Holly was town clerk for nearly a decade and “held every other office in the gift of the town, except that of constable.” Yet the party also included men such as attorney Joel Pratt of Manchester, known as the judge in the Boorn murder case, and Heman “Chili” Allen of Colchester, who besides serving as town clerk, still dabbled in the lumber trade.

Regardless of party, voters in Vermont still held to the Jeffersonian ideal of being represented by the “best men.”¹⁴

THE PARTIES CLASH IN THE LEGISLATURE

The members of the 1813 General Assembly began to organize by narrowly choosing Daniel Chipman of Middlebury to be speaker of the house on a strict party line vote. Vermont Federalists could not have made a more representative choice. Chipman was universally acknowledged as one of Vermont’s more astute legal minds. He taught law at the fledgling Middlebury College and wrote upon the subject at length. His other burning interest was politics, where from the first he became a standard bearer for the Federalist creed. Whether as a solon in Montpelier or a private citizen, Chipman was always ready to weigh in on the issues of the day, from disestablishment, to the creation of a state senate as a check against the exuberance of democracy, to the war against Great Britain. In his trips to Montpelier as Middlebury’s representative, he was instrumental in securing charters for Middlebury College, the Addison County Grammar School, and a branch of the Vermont State Bank. Yet it was his zeal to obstruct the war effort that made him the ideal choice as speaker by the members of the so-called “peace” party.¹⁵

Shortly after his election, Chipman began his mission in earnest. When a Republican Party leader, Henry Olin from Leicester, rose to suggest that three representatives from each county join with members chosen by the council to “receive, sort and count the votes for governor, lieutenant governor, treasurer, and councillors for the year ensuing,” the motion passed swiftly. The new speaker packed the canvassing committee with fellow Federalists by selecting two Federalists and one Republican from each county, even heavily Republican Rutland, Windsor, and Orange. The only county that did not follow form was Grand Isle, where because all five representatives were Federalists, three Federalists were chosen for the job. This left the canvassing committee, who would be responsible for discerning the final official tallies of this evenly divided election, with an overwhelming 28–11 Federalist advantage. The council selected Republican Elias Keyes as their member of the committee, and he served as chairman.¹⁶

The committee briskly attended to its work, and finished their report before the end of the session that day. It was brought before the house, and the governor and council were informed that the Assembly was ready to receive the report of the canvassing committee. The governor and council then asked to postpone the joint meeting of both bodies until ten o’clock the next day, and the house agreed. That evening

Daniel Chipman consulted the state constitution, according to his old friend and Middlebury historian, Samuel Swift, and came away “satisfied” that the report of the canvassing committee was conclusive. The joint committee, Chipman was convinced, had no power to canvass the votes, only to vote by concurrent resolution for a candidate for the office. According to Swift, the new speaker decided that he would not resign his seat to the chief executive, when he and the council entered the house, allowing the governor to preside over the joint assembly, as was customary. Rather, Chipman resolved that he leave the governor, Jonas Galusha, to preside only over the council. Consequently, there would be no joint committee. Chipman’s reasons would become clear the next day.¹⁷

The next morning, at ten o’clock, Governor Galusha and the members of the executive council arrived on the house floor. Chipman seated the governor to his right, instead of relinquishing his chair. The members of the joint assembly were stunned by this unprecedented maneuver. Silence reigned for several minutes. Then the canvassing committee gave their report. The most significant finding was that due to what they considered “voter irregularities,” the entire vote of the town of Colchester was thrown out. The irregularities consisted of the process by which soldiers voted in the election. The amended results showed no winner in the election for governor or lieutenant governor. Yet by throwing out the votes of Colchester, three Republican councillors lost their seats to Federalists. Instead of an 11–1 majority in the council, the Republican lead was pared to 8–4.¹⁸

Pandemonium ensued. When a member of the Assembly tried to address the governor, Speaker Chipman called him to order, saying that he must address the speaker. Chipman also suppressed several additional attempts to address the governor. According to Swift, when a member of the council then addressed the chairman, Governor Galusha turned to Chipman and suggested “there seems to be great confusion.” “There is indeed,” countered Chipman. “But your excellency may rest assured that the most perfect order will be preserved in the House, over which I have the honor to preside.” Realizing that the house was not going to act with them, Galusha led the members of the council out of the chambers.¹⁹

Why did Chipman insist on not giving up his seat to the governor? The simple answer is numbers. It seems clear that Chipman already knew the results of the canvassing committee report. Even though three Republican councillors had been removed, their three Federalist replacements were not at the State House. Therefore, any vote of the joint assembly, perhaps on whether the canvassing committee report could

be overruled, or perhaps a vote for the chief executive, would be with a three-vote Republican advantage. To Chipman and the Federalists, it would be in the state's best interest to wait.

Chipman was assailed in the Republican press for acting "in a most outrageous and indecorous manner." Samuel Crafts, Pliny Smith, and William Cahoon, the three deposed Republican councillors, presented a remonstrance and petition to the executive council, where they expected to get a better hearing against Daniel Dana, Gamaliel Painter, and Samuel Fletcher, the three Federalist gentlemen who took their place. Heman Allen, representative from Colchester, who was at the center of this controversy because he was also town clerk, wrote a pair of letters to John Johnson, a Burlington architect, surveyor, and justice of the peace. Allen pleaded with Johnson to get affidavits from *every* Republican voter in Colchester, identifying themselves and swearing that they voted in the negated election. In a letter to Johnson written the next day, Allen resorted to coaching him on what he wanted in the affidavits. He also told Johnson to secure affidavits from the town selectmen and justices of the peace offering that they were "unanimous in the opinion" that the soldiers who voted at the election were all citizens of Vermont "and that they saw no attempt in the officers to control the votes of the soldiers."²⁰

It appears that the canvassing committee's depositions relied heavily upon the memory of Colchester Federalists. Conflicting testimony was presented by the town clerk, selectmen, justices of the peace, and other Republican witnesses. One would have expected this in these times of high drama, but both sides agreed on one thing, which was crucial to the Federalist case: None of the soldiers or officers were required to give their name or place of residence. Colchester's board of civil authority merely asked them if they were eligible to take the Freeman's Oath. John Johnson, in an almost miraculous assignment, was able to determine the identity of 176 soldiers who voted in town, but this was *after* the ruling of the canvassing committee. This would be the main reason the committee used for rejecting the votes. Merely taking the word of the soldiers that they were indeed freemen of Vermont did not provide a way to determine if they were telling the truth. Further, Federalists argued that not knowing the identity of these voters compounded their fear that allowing soldiers to vote put the power of their ballots into the hands of one man, their commanding officer. This was particularly crucial in this case because testimony was given to the canvassing committee that this group of soldiers was cherry-picked to gather Republican affiliates. Heman Allen argued that the soldiers were allowed to vote their consciences, but even the Colchester town clerk had to admit that

of “about one hundred ninety five ballots for councilors given in by the officers and soldiers, [only] four or five” were votes for the Federalist ticket, which seemed to confirm the charge.²¹

Republicans were apoplectic at the turn of events. The editor of the *Rutland Herald* charged that the Federalist members of the legislature had gathered in Montpelier previous to the convening of the session. “Having the exact knowledge of the state of the polls throughout the state, as they might have,” they made arrangements to throw out “such and such towns and votes, with a view of defeating the voice of the people, and the reelection of [Governor] Galusha.” Leonard Deming, writing about the election almost forty years later, echoed this sentiment. He went so far as to suggest that the Federalists did indeed meet prior the session and, “by comparing notes,” knew that by eliminating Colchester’s votes “and altering the votes of a few other towns” they would elect three more members to the executive council and bring the joint assembly to a tie. Yet this argument strains credulity. If the Federalists knew the vote tally this well before the session, why didn’t they throw out enough votes to secure a majority in the joint assembly, instead of a tie?²²

In a similar vein, Republicans charged their adversaries with trying to negate the votes of soldiers, which were predominantly for the “war” party. If this were the case, one would have to wonder about the results in Burlington, where the preponderance of troops was stationed. Here too, the ballots from the military affected the tallies. In 1812, Martin Chittenden had outpolled Jonas Galusha in this Federalist town, 170–112. Yet in 1813, with soldiers coming to the polls, Galusha held the upper hand, 296–253. Why wasn’t there an attempt to throw out the votes here? If Federalists were merely trying to wring out the military votes, throwing out Burlington’s vote should also have been considered. If the canvassing committee had done this, it would have given the Federalists two more seats on the council, and an advantage in the joint assembly. Yet it was not considered. Therefore, it appears that the Colchester board of civil authority’s improper means of qualifying the soldiers was the main cause of rejection of the town’s vote. This was an ironic twist. Some of the military officers present during the vote in Colchester told Heman Allen, as he deposed to the council committee, “that a part of the officers and soldiers had gone to Burlington to vote and they were apprehensive that the whole of the votes could not be taken there, was the reason of their coming to Colchester.” Yet by coming here, the soldiers’ votes were rejected, as were those from the rest of the town.²³

If the Federalists in the house believed that they had put the canvassing committee controversy to bed, they were mistaken. Instead, it was

taken up by the council, which would give the issue a Republican slant. The council disagreed with the opinion of the house and asserted that the Colchester votes should be counted, feeling that the board of civil authority acted legally. They sent a resolution back to the house to admit the votes of Colchester and seat Crafts, Smith, and Cahoon. The Federalists were adamant that the decision of the canvassing committee could not be overturned. They rested their argument on three assertions drawn from the constitution.

1. That the house of representatives had the power to “judge of the elections and qualifications of their own members,” but had no such power over members of the executive council.
2. The executive council had no power granted to it to judge of the election of its own members.
3. It was the duty of the canvassing committee to receive, sort, and count the votes, and declare the persons elected. The joint assembly did not appoint the canvassing committee, nor was any power given to that body, by either the constitution or statute, to revise the work of the committee.

The Republicans countered that they had found an example in which the judgment of the canvassing committee was overturned by the joint assembly. In the words of the *Rutland Herald*:

There is a precedent in the journals of 1793, in which John White having been declared a councilor by the canvassing committee, [the legislature] reversed their [the canvassing committee] report, and declared that Gen. Bailey was elected. However, I do not think the Federalists will pay any attention to precedents, as their conduct, so far, has no parallel for outrage and indecorum, in the annals of legislation.

The Federalists countered that the Bailey-White affair was a horse of a different color. That controversy arose because of confusion around the timing of the organization of the town of Duxbury, whereas the present Colchester problem centered on allegations of tainted voting. When the resolution calling for accepting Colchester’s votes was called, the Federalists prevailed, defeating it 103 for–108 against. Every Federalist voted no and every Republican voted yes, save one who was absent. (A complete record of party voice votes for the 1813 legislative session is found in Appendix B; this was vote 4).²⁴

Looking to prevent such maneuvers from happening in the future, the council proposed that the legislature “devise suitable rules, by which future canvassing committees shall be governed in receiving, sorting and counting votes for Governor, Lieutenant Governor, and Councillors.”

However, the Federalists controlling the house were unwilling to give up a weapon they might need in the next election, and they beat back Republican challenges to the canvassing committee during several weeks of wrangling, during which the house was almost paralyzed with protracted deliberation.²⁵

The same rigid exercise of discipline took place as the Republicans offered resolutions that the house join with the council and proceed to elect a governor and lieutenant governor. After the three Republican councilors were unseated, their political brethren were desperate to cast the vote before their Federalist replacements arrived. But Speaker Chipman and his Federalist allies continued to thwart them, and the frustrated Republicans resigned themselves to wait until the new councilors arrived (votes 1,2,3).²⁶

Gamaliel Painter and Daniel Dana appeared at the State House and were sworn in on October 18, followed by Samuel Fletcher on the 20th. Now, with each party having 112 votes in the joint assembly, the Republicans attempted one last gambit. According to the Montpelier *Watchman*, Lieutenant Governor Paul Brigham suggested that as a member of the executive council, he had a right to vote in the proceedings. It would have been an unprecedented move, for the state had never before had a joint assembly evenly split by party (and it never would again). However, the Federalists once again outmaneuvered the Republicans as one of Speaker Chipman's floor generals, the brilliant lawyer David Edmond from Vergennes, offered a motion calling for "the Council elected for the present year" to take the vote, language that seemed to exclude the lieutenant governor. The Republicans backed off, and since they refused to test Brigham's theory, we will never know if the move would have been legal.²⁷

After a few test votes, the real balloting began. When the votes were tallied, Martin Chittenden, the Federalist candidate, beat his brother-in-law, Republican Jonas Galusha, 112–111. Once again, the Republican membership cried foul. To their eyes, perfidy was clearly at play here. The Republican press, barely calmed down after the canvassing committee controversy, once again went on the attack. They agreed with the editor of the *Columbian Patriot* who roared that "intrigue and corruption are the grand supporters of *British* Federalism. To these serpents, who have insidiously coiled themselves around the weak and ignorant part of the community, we may look for immeasurable evils." To the Republicans, the situation darkened when the Federalists took advantage of the illness of a fellow solon to insure the election of William Chamberlain as lieutenant governor. Judge Bradford Kinne, Republican of Plainfield, had not been well from the beginning of the session.

He arrived late and missed some crucial early votes. He was ushered in for the important joint committee balloting and indeed cast his tally for governor. Kinne was also present for the first vote for lieutenant governor, which ended in a tie. However, his sickness overcame him and he decided to return to his lodgings to rest. In his absence, Chipman called for a second vote and William Chamberlain was elected, also 112–111. Yet the Federalist newspapers had a different spin on this situation. According to the *Washingtonian*, the joint assembly waited on Kinne to return for “some time” but were informed that he was too “exhausted” to return.²⁸

Frustrated Republicans tried once more to convince their foes of their error. On Saturday morning, October 23, after a reading of a missive from Governor-elect Martin Chittenden stating that he would present himself in the house chambers at noon, Representatives Aaron Leland of Chester and Benjamin Fitch of Pawlet offered a remonstrance arguing for a stay in Chittenden’s inauguration. The memorialists stated that although the official record of the vote was 112–111 for Chittenden, they could positively identify 112 people who voted for Galusha, proffering a petition signed by each of these men, who were also prepared to swear an oath testifying that this was the truth. Therefore, Chittenden did not receive a majority and was not duly elected to the office, “yet by the loss or failure to count one of said ballots, given for said Galusha, there appeared, contrary to fact, a majority of one ballot for Chittenden.” They prayed that the joint committee reconvene and re-vote. This motion once again opened the oratorical floodgates. The Federalists, who held the power, refused to hear the evidence or read the certificates, arguing that no corrupt proceedings could now be corrected by the joint assembly. The Republicans must have known this ploy was fruitless. Rumors were rampant in Montpelier that certain members of the legislature were being urged with bribes to buy their vote. Any person willing to sell his vote would have no shame in also signing a petition stating that he voted for Galusha, or to swear an oath to the same. Federalists also warned that the swearing of an oath would destroy the privilege of the secret ballot and leave the process to “the rod of party terror.” The debate went on for more than two hours, until interrupted by the arrival of the governor-elect and the lieutenant governor-elect. The two Federalist candidates were then sworn in. After the bitter struggle that had consumed the early days of the 1813 legislature, Federalists could stand by the editor of the *Washingtonian*, who saw the events leading up to the election of the executives as nothing less than “providential.”²⁹

POLITICAL CONFLICT IN THE 1813 SESSION

The son of Vermont's first governor, Martin Chittenden was born into politics. He served as town representative in both Jericho and Williston and as judge of the county court. From 1803–1813, he served as U.S. congressman from the Northwest district. His inaugural speech read chapter and verse from the Federalist creed. "Our political horizon is encircled with clouds somewhat portentous," Chittenden began. Apologizing for his "own inexperience and imperfections," the newly-minted chief executive hoped that he would be able to rely on the wisdom and intelligence of the legislature to "furnish all the information necessary to promote the public interest."³⁰

Chittenden's first topic, his interpretation of how the state militia should be used, was timely. The chief executive stated, "I have always considered this force peculiarly adapted, and exclusively assigned for the service and protection of the respective states, excepting in the cases provided for by the national constitution, viz. To execute the laws of the union, suppress insurrection and repel invasions." Chittenden found the idea ludicrous "that the whole body of the militia were, by any kind of magic, at once transformed into a regular army for the purpose of foreign conquest." The new governor foresaw the need for "many alterations and amendments" to the current military system.³¹

Chittenden also felt that the state's precarious finances were a cause for concern. He told the joint assembly that he "hoped that no additional burdens will be necessary to meet the current expenses of the present year." With direct and internal taxes on the horizon, the governor urged the strictest economy, "both public and private." He finished his speech by upbraiding the Republicans and the Madison administration for getting the county into this war.³²

The governor's speech is always sent to a legislative committee for perusal, and Chipman took no chances when he named the committee. The speech was sent to a committee of one: himself. After agreeing with all the comments made by the chief executive, the speaker went even further, accusing the Republicans of playing favorites among the belligerents and thirsting for Canada.

Whenever a nation is swayed by foreign or party influence, or deviated from her true interests by prejudice or affection, she endangers her peace and independence. When all her measures towards individuals and foreign governments, ought to be devised from pure motives, directed by a just and impartial hand. But when a nation, from inordinate love or attachment to one belligerent, or from implacable hatred or prejudice to the other, declares an offensive war, on slight occasions against one, it is a virtual alliance with the other. She becomes a pliant tool of one nation to gratify vain ambition, and the

most malignant of passions, the destruction of the human race. The fate of the nations of continental Europe reminds us of our danger; and the ashes of Moscow, prove no sacrifice is too great to secure the rights of self-government.³³

Chipman argued that an examination of the diplomatic correspondence with France and Great Britain would prove that “the necessity, expedience, and justice of the present war” was doubtful at best. He wished that the treaty that James Monroe and William Pinkney had negotiated with the Crown in 1806 had been laid before the Senate and adopted. These American diplomats never felt that impressment was a cause for war, but rather a subject to be settled by negotiation. He hoped that the war supporters would now see that “the conquest of the Canadas, if obtained, will be an inadequate compensation for the blood and treasure which must be lost.”³⁴

When the vote was called on Chipman’s critique of the governor’s message, it passed 96–89 (vote 25). Later in the session, Republicans presented the house with a list of reasons why they could not vote in favor of Chipman’s response. They disagreed with Chipman “that the militia have been called into actual service, on any occasion, or for any other purpose than that contemplated and designed by the constitution of the United States, viz. to execute the laws of the union, and to repel invasion.” The Republicans conceded that the militia “are properly designed to guard the sovereignty of the states.” Yet, they countered, it also must be “ready at all times to act in concert with the general government, and to repel all our enemies so effectually as to render an invasion upon our territory totally ineffectual.”³⁵

The Federalist charge that the administration was eager to wage an offensive war against Canada was also examined. Canada was under the complete dominion of the Crown, the Republicans contested, and was “the right arm of England for our annoyance,” by the fact that the land was contiguous to the United States. Through Canada, the British were provided opportunities for water transport into the United States and influence with the Indian tribes, “the fatal effects of which we have so severely felt.” The petitioners seemed certain of one thing. “If the British power and influence was destroyed or rendered weak in that quarter, their bold and daring aggressions upon maritime rights and the rights of our seamen, would, in our opinion, be less frequent.” But however forceful their argument, the remonstrance was an exercise in futility.³⁶

Chipman and his Federalist allies had such complete control of the house proceedings that they would not even let their opponents celebrate a rare military victory. After Oliver Perry’s naval triumph gained control of Lake Erie, William Henry Harrison defeated a force of British

regulars and Indians on the Thames River in Ontario, securing the Northwest, and killing the charismatic Indian leader Tecumseh in the process. Republican legislators were jubilant at hearing the news on October 25. A resolution was brought up in the council “asking that members of both Houses convene in the Representatives Room on Thursday next (November 3) at four o’clock to thank Almighty God for the ‘complete’ victory at the Thames River.” Passed by the council, it was sent to the house for their approval. It was received in the assembly, read, and ordered to lie on the table until the next morning.³⁷

When the resolution was brought up the following day, Federalist Benjamin Muzzy of Jamaica rose and offered an amendment, which would strike out everything in the resolution after the words “concurring therein” (meaning the entire resolution), and substituting the following:

That the members of both houses being impressed with the impolicy of the war, and sensible that victory is no evidence of a sufficient cause to warrant its declaration, or to prove the justice of its continuance, or to show that if the Canadas could be made ours, they would be an adequate compensation for the great sacrifices we have made and are making, in blood and treasure, to obtain them; and having heard of a victory obtained near the River Thames, in Upper Canada, on the 5th of October inst. by the American army under General Harrison, over the combined forces of Indians and British, under Gen. Proctor, will convene in the representatives room, on Thursday next, at 4 o’clock, P.M. to offer up thanks to Almighty God, that he has not suffered the enemy to destroy more of our people, and pray that he would assist our rulers in seeking peace, and the prosperity of our country. And that the Royal chaplain be requested to deliver a discourse, and to address the Throne of Grace, in prayer suited to the occasion.³⁸

However, when the amendment was brought to a vote, twenty Federalists voted with ninety-five Republicans to defeat it, 86–115 (Vote 6). It was a rare circumstance to see division among the “peace” party. The twenty renegades were from no noticeable geographic area, but were randomly sprinkled throughout the state. They included some of the more loyal Federalist solons. It seems that Muzzy’s speech just went too far for their taste, for later that day, when the original resolution was recalled, it was defeated soundly (Vote 8).³⁹

The day before the meeting was proposed to occur, Henry Olin of Leicester, desperate for a resolution, offered up a motion with a slightly less offensive preamble.

Whereas a respectable number of this legislature have expressed a desire that thanks should be publicly given to Almighty God, for the

signal success with which he has been pleased to crown the arms of the United States, on the lakes and frontiers in Upper Canada; and for the consequent prospect of securing to our frontier settlement against the invasion of our savage enemies.⁴⁰

Olin then asked that the house be adjourned before four o'clock the next day, so that the members of the legislature and council who so wished could use the representatives' room as a place of meeting. Before Olin's motion could come to a vote, David Edmond offered what the Federalists would accept for a motion. Moving to amend the resolution by striking out the whole, Edmond substituted the following: "The house will adjourn to-morrow afternoon, at four o'clock." The amended measure passed the house 97-95, again on a virtual party line vote. There was no mention of the thrilling battle, no thanks to the God Almighty, no permission to use the representatives' room, just an early adjournment. By this resolution, house Federalists thwarted Republican hopes to use a military victory for political traction.⁴¹

The Republicans were not only harried by the slim Federalist majority in the house, but were also hounded by the Council of Censors over laws they had passed in the previous session. This group, all Federalists save one, had been elected statewide on the last Wednesday of March 1813. (Since the executive council was also elected statewide, but in September, and was initially all Republican but one, the widely disparate make-ups of these two bodies depict just how volatile the electorate remained.) The council of censors had been dubbed the protectors of the state constitution, for their responsibilities were to examine recently passed laws for their constitutionality and to suggest amendments to the state constitution. Among other laws, the Council of Censors suggested that the acts passed to prevent intercourse with the enemies of the United States and to suspend civil process against the persons and property of the officers and soldiers of the state, while in service, were both unconstitutional. Despite a spirited Republican attempt to hold onto the laws they had passed the year before, they eventually gave way to the house Federalists.⁴²

After all the fireworks that had already transpired during this session, the legislature had still not grappled with setting the state budget and figuring out how it would be paid for. A finance committee charged with examining the state of the treasury and determining what taxes would be required to support the government for the next year was not created until November 1. It took until the 9th before the finance committee would issue their report, and the situation was dire. They explained that the treasury held a balance of \$55,000, but \$45,000 of this sum was in Vermont Bank bills.

From the best evidence the committee have obtained on the subject, it is their opinion the bank will be unable, during the current year, to redeem any part of the bills now in the treasury: and it appears to the committee, the said sum of forty-five thousand dollars ought not to be taken into consideration in making an estimate of the sums necessary to defray the expenses of the ensuing year.⁴³

In working up their budget, the finance committee estimated the state expenses for the current year to be \$33,000. However, they also had to pay the state militia, which had been detached for service with the United States Army in 1812. The legislature of that year granted a sum of not less than \$25,000 to pay for their service, making the whole of the state obligations to be not less than \$58,000. The committee suggested that a tax of two cents on each dollar of the Grand List of 1813 would raise the sum of \$58,640. Yet the committee also stated that they felt that two independent taxes of one penny each should be laid on the list of polls and real estate. One bill would be for the support of the government and one for the support of the militia. It was clear that the Federalists wanted two bills so they could show the voters the severe costs the war was placing on their pocketbooks.⁴⁴

When the tax bill for the support of the government was read the first time, Republican Caleb Hendee of Pittsford moved an amendment to strike out the tax of one cent and replace it with two cents, essentially incorporating the two tax bills into one. The house Federalists refused to allow this gambit, wanting the Republicans to own up to the war's expense, and the amendment was rejected 84–94 (vote 28). The bill was passed to a second reading and made the order of the day for the next afternoon.⁴⁵

The Republicans tried again to couple the two taxes the next day, but took a novel approach. When the bill was read a second time, Henry Olin moved to strike out the words “paying the sums due to the detachment of the militia of this state, in the service of the United States, in the year 1812,” and insert “redeeming the bills of the Vermont State Bank.” This was nothing more than clever Republican subterfuge, knowing that granting the bank the means to redeem the bills held by the state treasury provided the state the means to pay the militia, but they wouldn't have to say it. The house Federalists would have none of it. The amendment was crushed (vote 30) and the original bill engrossed (vote 31). The bill was sent to the council, who passed it with three amendments, including coupling the two tax measures. However, when they returned the amended bill to the house, the representatives rejected all three amendments and returned it to the council. They grudgingly accepted the proposals of the house on the next to the last day of

the session, only because Republicans Horatio Seymour and Frederick Bliss joined with the lieutenant governor and the Federalist councillors in favor.⁴⁶

Even before Governor Chittenden suggested that “many alterations and amendments” were needed in the current militia system, the house had already formed a committee to investigate. However, the committee appeared to proceed at a rather leisurely pace. It wasn’t until November 4 that a bill was reported out and then it was altered and passed around various other committees. Nothing had been accomplished when Chittenden decided to drop another political bombshell on the Republican war effort. He issued a proclamation on November 10 to the Third Brigade of the Third Division of the Vermont militia, which the governor was mortified to report had “been placed under the command and at the disposal of an officer of the United States, out of the jurisdiction or control of the Executive of this State, and have been actually marched to the [defense] of a sister State, fully competent to all purposes of self defense, whereby an extensive section of our own Frontier is left, in a measure, unprotected, and the peaceable good citizens thereof are put in great jeopardy, and exposed to the retaliatory incursions and ravages of an exasperated enemy.”⁴⁷

Feeling that the state militia should be within its own borders, Chittenden ordered these troops stationed at Plattsburgh “to return to the respective places of their usual residence, within the territorial limits of said Brigade.” The chief executive surely expected some resistance throughout the state against this controversial decree, and indeed he was the subject of scathing editorials. However, he probably was more taken aback by the refusal of the militia to obey his order. In a missive dated five days after his “most novel and extraordinary” proclamation, members of the Third Brigade responded.

If it is true, as your Excellency states, that we “are out of our jurisdiction or control of the Executive of Vermont,” we would ask from whence your Excellency derives the *right* or presumes to exercise the *power* of ordering us to return from the service in which we are now engaged? If we were *legally* ordered into the service of the United States, your Excellency must be sensible that you have no authority to order us out of that service. If we were *illegally* ordered into the service, our continuance in it is either voluntary or compulsory. If voluntary, it gives no one a right to remonstrate or complain; if compulsory we can appeal to the laws of our country for redress against those who illegally restrain us of our liberty. In *either* case we cannot conceive the right your Excellency has to interfere in the business. Viewing the subject in this light, we conceive it our duty to declare unequivocally to your Excellency, that we shall not obey your Excellency’s order for returning; but shall continue in the service of our

country until we are legally and honorably discharged. An invitation or order to desert the standard of our country will never be obeyed by us, although it proceeds from the Governor and Captain General of Vermont.⁴⁸

This brigade meant business. Chittenden sent a militia brigadier to take charge of these troops in Plattsburgh, but he was arrested upon arrival. Chittenden had created a firestorm that resonated throughout the country. The proper use of the militia became the subject of vicious debate, with political parties once again the dividing line. Republican Vermont Congressman James Fisk introduced a resolution in Congress that Chittenden be prosecuted “for [enticing] soldiers in the service of the United States to desert.” On the other side, Massachusetts Federalist Harrison Otis proposed to his state’s legislature that it was their “duty” to aid the governor of Vermont, if he should request it. Although neither proposal was adopted, their introduction demonstrates the power the issue had in the Northeast. In the aftermath of this firestorm, the Vermont house decided it would be wiser to table the militia bill for the session.⁴⁹

OTHER BUSINESS

Even during this most tempestuous of legislative sessions, Daniel Chipman found time to use his position to further his own interest and that of his hometown of Middlebury. Chipman (along with other Middlebury residents, councilor Horatio Seymour and John Willard) was a director of the Middlebury branch of the Vermont State Bank. The bank had been closed down by the legislature in the previous session because of chronic mismanagement and the souring of the economy due to the country’s squabbles with the French and the British. A committee was formed to undertake an examination of the institution’s four branches. They found that, despite some questionable practices, three of the branches would be able to pay off their obligations. However, the Middlebury branch was another matter. The books of that branch’s dealings were virtually indecipherable. Large sums of money were unaccounted for. Outright defiance of legislative fiats was obvious. In order to investigate the charges drawn up by the committee, the 1812 legislature appointed the Vermont supreme court to reexamine the situation and allow the defendants an opportunity to defend themselves. This investigation followed the judges throughout the state on their judicial rounds. When the 1813 session opened, the court brought in its report. They found the directors liable for the amount of almost \$23,000, no small sum in those days.⁵⁰

Chipman felt that despite the fact that the bank branch had been

overexamined, one more committee needed to take a look at the situation, a Federalist-dominated committee. The speaker went down to the house floor and moved that a committee of five from the house join a member from the council to inspect the report of the supreme court. Although Republican Henry Olin was chosen to name the committee in Chipman's stead, it was obvious by its composition that Olin was following Chipman's advice. Three Federalists and two Republicans were chosen, and the council sent Lieutenant Governor Chamberlain. This new committee found that the directors should be exonerated. Their decision was based partly on the *ex parte* testimony of a fourteen-year-old boy whose father owed money to the bank. However, the harsh truth was that the Republicans, who were the prime movers for a state bank, now wished that this issue would just go away, and they accepted the report and the council sheepishly agreed. The press would not be so forgiving. The editor of the *Rutland Herald* was particularly miffed. With the state in dire financial difficulty and the bank still looking for money to close up its business, he wailed, "Our reformed legislature has passed an act *forgiving Daniel Chipman, Esq.* and his bank associates, a debt in favor of the Middlebury branch amounting to nearly 23,000 dollars!"⁵¹

Chipman was not finished using his influence. A bill establishing a corporation named the Middlebury Turnpike Company was brought up after a favorable report by committee on November 8. When the bill came up later in the session, it failed by one vote to be engrossed (vote 36). It was rare that an issue near to the heart of the speaker had been defeated in this session. The next day, however, as the bill was about to be referred to the next session, a motion was made to reconsider, and this time the bill was engrossed (vote 38) and passed, as a score of Republican legislators who had voted nay the day before were not willing to cast a vote. The bill was sent to the council, who concurred, and Chipman and his hometown had their turnpike.⁵²

THE BRIBING OF CARPUS CLARK

Republicans were decidedly downcast at the results of this legislative session. The Federalists had stymied any effort they attempted to help the national administration prosecute the war. Now ashamedly they began to look among their ranks for a scapegoat. On November 13, William Griswold of Danville rose from his seat to state that a communication had been received from Carpus Clark, Republican representative from Worcester, who had been given leave for the remainder of the session on November 4. Griswold asked that the letter be read, yet his request was ordered to lie on the table. Two days later, after no doubt a serious discussion among Federalists, the resolution was called up, and

the request to read the letter was overwhelmingly routed (vote 37). One could conclude from this vote that tainted Federalist hands might be exposed in the communiqué. Republicans clearly had this in mind when they presented a protest to the house, which allowed them to present their reasons for their vote. They used the protest as a way to subvert the ruling of the house and expose the contents of the letter.⁵³

Carpus Clark had long held positions of trust in his hometown and in Jefferson County (now Washington County). Presently, apart from being town representative, he was a justice of the peace. Clark was continually chosen by the voters to carry petitions from the town to Montpelier: asking for the right to lay a tax in Worcester to repair roads and bridges, requesting the formation of a new county, and for the right to build a courthouse. However, as hard times engulfed Vermont, he had to confess he had become “a man of low circumstances as to property.” Clark’s straitened finances were no secret around the capitol as the legislature was about to begin.⁵⁴

Carpus Clark’s story went like this. On the first Saturday of the legislative session, as he was walking the streets, Clark was joined by Montpelier resident Wyllis Caldwell. Caldwell stated that he needed someone to carry a load to Boston and to bring one back. When Clark asked at what price, Caldwell countered that three or four hundred dollars wouldn’t “be any stick in the business.” Clark expressed an interest and called on Caldwell that evening. When Clark arrived, Caldwell had been joined by Vergennes businessman and current member of Governor Chittenden’s staff, Amos Barnum. After Barnum repeated the offer, Clark called their bluff, asserting he knew that there was no load to Boston, but rather that they wanted him out of the crucial joint assembly votes in the legislature. The Worcester representative countered that he could be just as useful by casting his ballot the way they directed. Barnum agreed, but a dispute over how payment would be passed to Clark eventually nixed the deal. Two days later, he stated in his letter, he cast ballots for Jonas Galusha and Paul Brigham.⁵⁵

While the report cast the Federalists in a bad light, Republicans would soon find themselves embarrassed by the behavior of Mr. Clark. On November 16, Federalist Adam Duncan of Barnet introduced a resolution to appoint a committee to do a thorough investigation into the dealings of Carpus Clark. Word had reached the assembly that Clark was attempting to sell his farm in order to pay his debts and move to the Ohio country. Many men, predominantly Republicans, were pestered by the indigent Worcester representative to relieve him of his burden, until George Rich of Montpelier purchased the property. After proving that in his present condition, Carpus Clark was a bit of a loose

cannon, and showing that both parties had been guilty of attempting to bribe him to suit their own ends, the Federalists were now ready to kick him out. Samuel Elliot of Brattleboro did the honors, moving,

That Carpus Clark be expelled [from] this house, for grossly abusing his privilege as a member, in corruptly suffering himself to be tampered with, and making his votes in this house the subject of barter and speculation.

The motion carried the thinly populated assembly, 86–28 (vote 42). The remaining Republicans just refused to vote, only twenty-three coming to the aid of a fellow party member. As the last act of the legislative session before adjournment, it was a fitting expression of the humiliation that the Republicans received during the 1813 legislative session.⁵⁶

CONCLUSION

By any measure, the 1813 legislative session in Vermont was a rousing success for the Federalist Party. They were able to obstruct any attempt by the Green Mountain supporters of the Madison administration to aid the war effort. Yet even in victory, one could see that their majority would be short-lived. At its zenith, according to historian Edward Brynn, “Vermont Federalism was based largely on negative themes: frustration with the embargo; alarm at the impending depression, fear of war; and an imperfectly articulated dissatisfaction with politics and politicians in general.”⁵⁷ The longer the conflict was sustained, the more Vermonters were lured to the Federalist Party. Although the *leaders* of the “peace” party may have been dedicated to derailing the Republican war effort, many of their supporters merely wanted to voice their opposition to the dislocations of the war. The Federalists continued their hegemony in 1814, once again claiming the legislature, the governorship, and also the council, plus a full slate of representatives to the U.S. House and a U.S. senator. However, the Battle of Plattsburgh precipitated a rush to the colors and a slow, steady demise of their party. In 1815, Jonas Galusha regained the governor’s chair. The next year, all the Vermont Federalists in the U.S. House were swept out by their Republican counterparts. The last Federalist officeholder, U.S. Senator Isaac Tichenor, was not reelected after his term expired. By 1821, Federalists were no more in Vermont.

The legislative session of 1813 also provided other interesting insights. In the pre-senate Vermont government, control of the house meant control of the government. Using his power as speaker of the house, Daniel Chipman and his fellow Federalists kept the party rank and file in line and parlayed a four-vote advantage in the Assembly into the power to elect the governor and lieutenant governor and to rule the

Republican-dominated executive council. There were forty-two roll call votes in the house, which meant that the Federalists had a possible 4,536 votes (42×108). They cast 3,972 of them or 87.6 percent. Of these votes cast, they voted with the majority of Federalists in 3,673 instances or 92.5 percent of the time. In contrast, Republicans had a possibility of 4,368 votes (42×104). They cast only 3,369 or 77.1 percent of these votes of which 3,050 or 90.5 percent were with the Republican majority.

The Federalists were firm in their attendance throughout the critical first few weeks of the session, and beat back Republican opposition in crucial showdown votes. By the first week of November, many members of the “war” party were disillusioned. Despite their best efforts, and that of the council they dominated, they could make no headway in their attempt to help support the war. Slowly but surely, many Republicans began to retreat to their firesides. By the last voice vote of the session, only thirty-eight were left in the State House to vote. The session clearly belonged to the Federalists in 1813, due to the dissension among the populace over the administration’s prosecution of the war and the solid leadership of the Federalist bosses. However, election day in 1814 would prove to be bittersweet. Despite a Federalist sweep at the polls, it was also the day that the British crossed the border into New York bent on conquest. Within two years, the Federalist Party would be well on its way to extinction in the Green Mountains.

APPENDIX A: ROLL CALL VOTES

Compiled from the Vermont General Assembly Journal, 1813.

VOTE 1 (pp. 16–17): Olin of Leicester resolved that the assembly and the council go into grand committee and proceed to the election of governor and lieutenant governor for the year ensuing. The motion was declared out of order by the speaker. Niles of Fairlee appealed to the house, as to whether the resolution was out of order. His appeal was defeated.

VOTE 2 (p. 21): A resolution sent down from the governor and council, that both houses meet in joint committee, for the purpose of electing a governor and lieutenant governor for the year ensuing at two o’clock that day. Amend to three o’clock? Amendment defeated.

VOTE 3 (pp. 21–22): Would the house concur with the resolution with an amendment to meet Wednesday at ten o’clock? Resolution defeated.

VOTE 4 (pp. 31–32): Will the house concur with the resolution of the governor and council, asking that the votes of Colchester be admitted and that Crafts, Smith, and Cahoon be seated? Resolution is defeated.

VOTE 5 (pp. 52–53): Shall the law passed November 6, 1812, entitled “An act to prevent intercourse with the enemies of this and the United States, on the northern frontier” be repealed? Law repealed.

VOTE 6 (pp. 60–61): Shall the house accept the amendment of Muzzy of Jamaica, which essentially changes the tone of the resolution sent down by the governor and council asking for a day in which both houses could meet and offer up thanks to God for the victory obtained by the American army on the river Thames? Amendment defeated.

VOTE 7 (pp. 61–62): An amendment by Olin of Leicester to a bill granting relief to Joseph Fessenden. Shall the amendment be approved? Amendment defeated.

VOTE 8 (pp. 62–63): The Thames resolution is reintroduced. Shall it pass? Motion defeated.

VOTE 9 (pp. 85–86): An amendment by Olin of Leicester attached to the law repealing the law protecting soldiers and officers from lawsuits while serving. Shall the bill be amended? Amendment defeated.

VOTE 10 (p. 100): Griswold of Danville resolves that the committee appointed to enquire into the proceedings of the canvassing committee calculate the number of votes that had been rejected. Edmond of Vergennes amended the resolve by striking out “the whole of the preamble.” Shall the bill be amended? Amendment defeated.

VOTE 11 (p. 102): Olin of Leicester again resolves to hold a gathering in the representatives’ room to give thanks to God for the military victory at the Thames. Edmond of Vergennes amends the motion by inserting “That the House will adjourn tomorrow afternoon at 4 o’clock.” Amendment passed.

VOTE 12 (p. 115): Olin of Leicester offers an amendment to a nameless bill from the military committee. Shall the amendment pass? Amendment defeated.

VOTE 13 (pp. 119–120): The bill repealing “An act to prevent intercourse with the enemy” was sent down from the governor and council with a contradictory amendment. Shall the bill be amended? Amendment defeated.

VOTE 14 (p. 124): A bill calls for the relief of Joseph Fessenden. Shall the bill pass to a second reading? Bill passes to a second reading.

VOTE 15 (pp. 126–127): The committee formed to decide if the state capitol should be moved to another town decided that it shouldn’t. Should the report be accepted? Report accepted.

VOTE 16 (p. 131): Edmond of Vergennes introduces a bill called “An act relating to advertisements.” Shall it pass to a second reading? It passes to a second reading.

VOTE 17 (pp. 134–135): The act to repeal “An act suspending civil process” is read a second time. Shall it be engrossed? It is engrossed.

VOTE 18 (pp. 135–136): The bill dealing with Job and Theda Wood is sent back from the governor and council non-concurred. It is called up again in the house. Shall it pass to be engrossed? It is engrossed.

VOTE 19 (pp. 136–137): A bill has been moved to establish the Middlebury Turnpike Company. Hatch of Cavendish moved to strike out the third section of the bill. Shall it be struck out? It is defeated.

VOTE 20 (pp. 141–142): The bill granting relief to Joseph Fessenden was read a second time. Shall it be engrossed? It is not engrossed.

VOTE 21 (pp. 156–157): Olin of Leicester asks that the report on the canvassing committee be recommitted. Motion is defeated.

VOTE 22 (p. 158): Should the committee’s report be accepted? It is accepted.

VOTE 23 (pp. 159–160): A bill is entitled “An act in alteration of the several statutes directing listers in their office and duty.” Shall it be engrossed? It is engrossed.

VOTE 24 (p. 160): An act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty, is moved. Shall it be engrossed? It is engrossed.

VOTE 25 (pp. 160–161): Shall the response to the governor’s speech be accepted? It is accepted.

VOTE 26 (pp. 161–162): Swift of St. Albans moves that the secretary of state “cause to be printed” 500 copies of the committee report on the canvassing committee “and all the depositions thereto annexed, for the benefit of the legislature.” Griswold of Danville proposed an amendment, by adding after the word “annexed” the words “*and also all other depositions which were taken and offered to be improved before the said committee and by them rejected.*” Shall the amendment pass? Amendment is defeated.

VOTE 27 (p. 162): Shall the above resolution pass? Resolution passed.

VOTE 28 (p. 168): Two tax bills have been drawn up; one for the support of the government, one for the support of the militia. Hende of Pittsford amends the motion to combine the two bills into one. Shall the amendment pass? The amendment is defeated.

VOTE 29 (pp. 169–170): Parley Davis petitioned for compensation for acting to free David Robinson from arrest and imprisonment. The investigating committee calls for compensation. Shall the report be accepted? Report accepted.

VOTE 30 (pp. 172–173): The tax bill is read a second time. Olin of Leicester moves to strike out paying the sums due to the militia and insert redeeming the bills of the Vermont State Bank. Shall the amendment pass? The amendment is defeated.

VOTE 31 (pp. 173–174): Shall the tax bill be engrossed? The bill is engrossed.

VOTE 32 (pp. 175–176): A bill to compensate Parley Davis is created. Shall the bill pass to be engrossed? The bill is engrossed.

VOTE 33 (p. 179): A bill is created to free Ebenezer Eaton from arrest and imprisonment. Shall it be engrossed? It is engrossed.

VOTE 34 (pp. 183–184): The governor and council sent down a resolution asking that a committee be raised to join with the house to examine suitable rules by which future canvassing committees shall be governed. Olin of Leicester moves that the report be read. The question was defeated.

VOTE 35 (p. 184): Will the house concur with the governor and council in passing the resolution? The house does not concur.

VOTE 36 (p. 188): A bill is created granting the incorporation of the Middlebury Turnpike Company. Shall it pass to be engrossed? The question is defeated.

VOTE 37 (p. 189): The resolution of Griswold is called up. Shall it pass? The motion is defeated.

VOTE 38 (pp. 192–193): The Middlebury Turnpike bill was reconsidered. Shall it pass to be engrossed? It is engrossed.

VOTE 39 (p. 193): Governor and council sent down a bill repealing a bill from last year preventing intercourse with the enemies of the United States on the northern frontier. Will it pass the house? It passed.

VOTE 40 (p. 194): The tax bill is amended by the governor and council. Shall the amendments pass? The amendments are defeated.

VOTE 41 (pp. 209–210): Governor and council sent down a bill relating to advertisements, with certain amendments. Will the house concur? The house concurs.

VOTE 42 (pp. 218–219): Elliot of Brattleboro moves that Carpus Clark be expelled from the house. Motion passes.

APPENDIX B: 42 ROLL CALL VOTES BY PARTY*

| Vote | Republican | | | Federalist | | | Page # |
|------|------------|-----|---------|------------|-----|---------|---------------------|
| | Yea | Nay | Abstain | Yea | Nay | Abstain | |
| 1 | 102 | 1 | 1 | 0 | 107 | 1 | 16-17 |
| 2 | 100 | 0 | 0 | 0 | 108 | 0 | 21 |
| 3 | 96 | 1 | 6 | 1 | 107 | 0 | 21-22 |
| 4 | 103 | 0 | 1 | 0 | 108 | 0 | 31-32 |
| 5 | 61 | 18 | 25 | 98 | 0 | 10 | 53 ^a |
| 6 | 0 | 95 | 9 | 86 | 20 | 2 | 60-61 |
| 7 | 72 | 25 | 7 | 11 | 85 | 12 | 61-62 ^b |
| 8 | 95 | 1 | 8 | 0 | 107 | 1 | 62-63 |
| 9 | 88 | 2 | 14 | 2 | 99 | 3 | 85-86 |
| 10 | 0 | 94 | 10 | 95 | 1 | 12 | 100 ^c |
| 11 | 0 | 94 | 10 | 97 | 1 | 10 | 102 |
| 12 | 88 | 6 | 10 | 1 | 103 | 4 | 115 |
| 13 | 85 | 8 | 12 | 0 | 103 | 5 | 119-20 |
| 14 | 9 | 81 | 14 | 86 | 12 | 1 | 124 |
| 15 | 33 | 49 | 22 | 89 | 6 | 13 | 126-27 ^d |
| 16 | 1 | 79 | 24 | 92 | 0 | 16 | 131 |
| 17 | 5 | 76 | 23 | 91 | 1 | 16 | 134-35 |
| 18 | 9 | 63 | 32 | 92 | 2 | 14 | 135-36 ^e |
| 19 | 55 | 25 | 24 | 10 | 87 | 11 | 136-37 |
| 20 | 3 | 84 | 17 | 67 | 24 | 17 | 141-42 ^f |
| 21 | 85 | 1 | 18 | 0 | 100 | 8 | 156-57 |
| 22 | 1 | 86 | 17 | 99 | 0 | 9 | 158 |
| 23 | 43 | 34 | 27 | 51 | 38 | 19 | 159-60 |
| 24 | 33 | 52 | 19 | 84 | 7 | 17 | 160 |
| 25 | 0 | 88 | 16 | 96 | 1 | 11 | 160-61 |
| 26 | 81 | 0 | 23 | 0 | 97 | 11 | 161-62 |
| 27 | 1 | 74 | 29 | 97 | 0 | 11 | 162 |
| 28 | 81 | 1 | 22 | 3 | 93 | 12 | 168 |
| 29 | 8 | 62 | 34 | 87 | 7 | 14 | 169-70 |
| 30 | 61 | 18 | 25 | 0 | 95 | 13 | 172-73 |
| 31 | 4 | 71 | 29 | 94 | 2 | 12 | 173-74 |
| 32 | 8 | 58 | 38 | 83 | 8 | 17 | 175-76 |

*Compiled from the *Vermont General Assembly Journal*, 1813.

^aActually, 18 voted no, instead of 19 as written in the *Journal*, if one counts the names.

^bStone and Stanley are listed both in the yeas and nays.

^c*Journal* states 94 yeas, actually there are 95, if one counts the names.

^d*Journal* states 121 yeas, actually there are 122.

^eSmith of Vershire listed as yea and nay. Gave the yea vote to Smith of Eden instead.

^f*Journal* states 109 nays, actually there should be 108. Brown is listed as both yea and nay.

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| Vote | Republican | | | Federalist | | | Page # |
|------|------------|-----|---------|------------|-----|---------|---------------------|
| | Yea | Nay | Abstain | Yea | Nay | Abstain | |
| 33 | 68 | 2 | 34 | 58 | 22 | 28 | 179 ^g |
| 34 | 72 | 0 | 32 | 2 | 91 | 15 | 183–84 ^h |
| 35 | 66 | 0 | 38 | 3 | 88 | 17 | 184 |
| 36 | 10 | 59 | 35 | 64 | 16 | 28 | 188 |
| 37 | 46 | 4 | 54 | 0 | 89 | 19 | 189 |
| 38 | 13 | 40 | 51 | 58 | 11 | 39 | 192–93 |
| 39 | 56 | 7 | 41 | 62 | 20 | 26 | 193 |
| 40 | 68 | 0 | 36 | 1 | 84 | 23 | 194 |
| 41 | 48 | 16 | 40 | 35 | 54 | 19 | 209–10 ⁱ |
| 42 | 15 | 23 | 66 | 71 | 5 | 32 | 218–19 |

^g*Journal* states 127 yeas, actually there are 126.

^h*Journal* states 75 yeas, actually there are 74. Also, G. Wheelock is listed as a yeas and a nay. Assumed that A. Wheelock was the nay.

ⁱ*Journal* states 82 yeas, actually there are 83.

NOTES

¹In writing this article, I relied heavily on the following material: Richard Buel, Jr., *Securing the Revolution: Ideology in American Politics, 1789–1815* (Ithaca: Cornell University Press, 1972); Buel, *America on the Brink: How the Political Struggle Over the War of 1812 Almost Destroyed the Young Republic* (New York: Palgrave MacMillan, 2005); Allen S. Everest, *The War of 1812 in the Champlain Valley* (Syracuse: Syracuse University Press, 1981); Kevin Hickey, *The War of 1812: A Forgotten Conflict* (Chicago: University of Illinois Press, 1989); Chilton Williamson, *Vermont in Quandary, 1763–1825* (Montpelier: Vermont Historical Society, 1949); Edward Brynn, “Patterns of Dissent: Vermont’s Opposition to the War of 1812,” *Vermont History* 40 (Winter 1972): 10–27; Karen Stites Campbell, “Propaganda, Pestilence, and Prosperity: Burlington’s Camptown Days During the War of 1812,” *Vermont History* 64 (Summer, 1996): 146–148; H. N. Muller, III, “Smuggling into Canada: How the Champlain Valley Defied Jefferson’s Embargo,” *Vermont History* 38 (Winter 1970): 5–21 and “A ‘Traitorous and Diabolical Traffic’: The Commerce of the Champlain-Richelieu Corridor during the War of 1812,” *Vermont History* 44 (Spring 1976): 78–96.

²Vermont Congressman Martin Chittenden presciently opined, “I fear the Embargo will reduce many of our honest industrious citizens to the necessity of experiencing the frowns of WANT, or to shake the cold hand of CHARITY- But we hope the best- fear the worst and expect- nothing.” Martin Chittenden to Joseph Farnsworth, 7 January 1808, Joseph Farnsworth Papers, Vermont Historical Society.

³Paul S. Gillies and D. Gregory Sanford, eds., *Records of the Council of Censors of the State of Vermont* (Montpelier, Vt.: Secretary of State, 1991), 189; Muller, “A ‘Traitorous and Diabolical Traffic,’” 79–81; Christie Carter, ed., *Vermont Elections, 1789–1989* (Montpelier, Vt.: Secretary of State, 1989), 181, 236; *Laws of Vermont* (1812), 131, 139; *Vermont General Assembly Journal* (1812), 187–188, 191; *Records of the Governor and Council*, 8 vols. (Montpelier, Vt.: J. & J. M. Poland, 1873–1880), 5: 378–380.

⁴Campbell, “Propaganda, Pestilence, and Prosperity,” 146–148; Everest, *War of 1812*, 108–109, 116–121; Walter Hill Crockett, *Vermont: The Green Mountain State*, 5 vols. (New York: Century Publishing, 1921), 3: 67–68.

⁵Crockett, *ibid.*

⁶*Ibid.*, 3: 66; *Bennington Newsletter*, 31 August 1813.

⁷Jedidiah Lane to his brother, 28 August 1813, Jedidiah Lane MSS. Special Collections, Bailey/Howe Library, University of Vermont; Campbell, “Propaganda, Pestilence, and Prosperity,” 150.

⁸*Rutland Herald*, 1 September 1813.

⁹*Bennington Newsletter*, 31 August 1813.

¹⁰Crockett, *Vermont*, 3: 69–70; *Governor and Council*, 6: 10–11.

¹¹(Burlington) *Centinel*, 24 September 1813. The narrowness of the election was known by all, which brought the crucial votes of the soldiers into play. See the *Rutland Herald*, 24 November

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1813. Also the editor of the *Washingtonian* mockingly bemoaned the fact that the United States had not commenced a war with Canada to tamp down soldier voting.

¹² *Bennington Newsletter*, 21 September 1813.

¹³ Williamson, *Vermont in Quandary*, 259; H. P. Smith, ed., *History of Addison County Vermont* (Syracuse: D. Mason & Co., 1886), 432; H. P. Smith & W. S. Rann, eds., *History of Rutland County Vermont* (Syracuse: D. Mason & Co., 1886), 245, 278; Samuel Swift, *History of the Town of Middlebury* (Middlebury: A. H. Copeland, 1859), 143–144; W. S. Rann, ed., *History of Chittenden County Vermont* (Syracuse: D. Mason & Co., 1886), 406, 669, 675; Edward T. Fairbanks, *The Town of St. Johnsbury* (St. Johnsbury: The Cowles Press, 1914), 227; Dawn Hance, ed., Marvel G. Swan and Donald P. Swan, comps., *Early Families of Rutland, Vermont* (Rutland: Rutland Historical Society, 1990), 71; Castle Freeman, Jr., *A Stitch in Time: Townshend, Vermont, 1753–2003* (Townshend: Townshend Historical Society, 2003), 33, 56; Crockett, *Vermont*, 5: 97–98; Hamilton Child, ed., *Gazetteer and Business Directory of Franklin and Grand Isle County for 1882–1883* (Syracuse: The Author, 1883), 225.

¹⁴ Smith, *History of Addison County*, 139, 171; Rann, *History of Chittenden County*, 557, 657; Lewis Cass Aldrich, ed., *History of Bennington County Vermont* (Syracuse: D. Mason & Co., 1889), 365; Smith and Rann, *History of Rutland County*, 677; History Committee [Walden, Vt.], *A History of Walden, Vermont* (Randolph Center, Vermont: Walden Public Library, 1986), 36. The Boorn murder case was one of the most unusual trials in American history. In 1812, Russell Colvin disappeared from his hometown of Manchester. Although no body was ever found, and after seven years of turmoil, his brothers-in-law, Stephen and Jesse Boorn were charged with murder. Both men were convicted: Stephen was sentenced to hang, while his brother, Jesse, was given life in prison. As they awaited their fates, a man came to town claiming to be Russell Colvin, and the convictions were reversed. For more on the case, see John Spargo, *Return of Russell Colvin* (Bennington: Bennington Museum and Art Gallery, 1945) and Gerald McFarland, *The Counterfeit Man* (New York: Pantheon Books, 1990).

¹⁵ The vote for interim speaker was Daniel Chipman 107, Aaron Leland 99, Henry Olin 1, David Edmond 1, Heman Allen (R- Colchester) 1. For speaker of the house, the vote was Chipman 107, Leland 100, Olin 1. See *Rutland Herald* 20 October 1813. Swift, *History of Middlebury*, 264–265, 376–385; Kenneth A. Degree, “Malfeasance or Theft? What Really Happened at the Middlebury Branch of the State Bank,” *Vermont History* 68 (Winter/Spring 2000): 16.

¹⁶ *Vermont General Assembly Journal* (1813), 6; *Records of the Governor and Council*, 6: 4. Henceforth, the General Assembly Journal for 1813 will be designated *VGAJ*. If a journal for any other year is used it will be given the appropriate classification. The same rule will apply to the *Records of the Governor and Council* for 1813, volume 6 which will be designated *Governor and Council*. All other volumes will be identified.

¹⁷ *VGAJ*, 7; *Governor and Council*, 4; Swift, *History of Middlebury*, 265–266; Vermont Manuscript State Papers, 74: 43.

¹⁸ *VGAJ*, *ibid.*; Swift, *ibid.*; Vermont State Papers, *ibid.*

¹⁹ *VGAJ*, *ibid.*; Swift, *ibid.*

²⁰ *Rutland Herald*, 26 October 1813; *Governor and Council*, 6–7; Heman Allen to John Johnson, 16 October and 17 October 1813. John Johnson Papers, Carton 1, Folder 21, Special Collections, Bailey/Howe Library, University of Vermont.

²¹ The report of the committee of the council can be found in *Governor and Council*, 38–50. The defense of the canvassing committee is found in *VGAJ*, 144–155. The results of John Johnson’s quest are found in *Governor and Council*, 47–49.

²² *Rutland Herald*, 26 October 1813; Leonard Deming, *Catalogue of the Principal Officers of Vermont, 1778 to 1851* (Middlebury: The Author, 1851), 11–12; *The Report of a Committee of Republican Citizens of the County of Addison* (Middlebury: Slade and Ferguson, 1814), 11.

²³ *Burlington Records of Town Meetings*, 1: 394–395; *Governor and Council*, 45; *Centinel*, 10 September 1813.

²⁴ *Rutland Herald*, 26 October 1813; *Washingtonian*, 8 November 1813; *VGAJ* (1793), 22–24; *VGAJ*, 29–32; *Governor and Council*, 6–7, 14, 38–50. It is on the basis of this vote that we are able to define the party labels. Walton and all newspapers of the time state that it was voted on by party, and research seems to confirm it.

²⁵ *VGAJ*, 183–184; *Governor and Council*, n9; *Vermont Republican*, 17 January 1814.

²⁶ *VGAJ*, 16–17, 21–22. Hilariously, the editor of the *Washingtonian* on October 18th noted to his readership that “the election of Governor and Lieutenant Governor will *probably* be deferred until the new councillors are notified of their election and take their seats” (italics mine). Probably? Who was he kidding?

²⁷ *VGAJ*, 33–34; *Governor and Council*, 7–10; Smith, *History of Addison County*, 149. Montpelier Watchman as reported in the *Washingtonian*, 8 November 1813. For the motion of the house, see *VGAJ*, 33–34, 36.

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²⁸ *VGAJ*, 39, *Governor and Council*, 15, *Rutland Herald*, 26 October 1813; *Danville North Star*, 30 October 1813; *Washingtonian*, 8 November 1813.

²⁹ *VGAJ*, 44–45; *Governor and Council*, 16; *Washingtonian*, 8 November and 15 November 1813.

³⁰ Crockett, *Vermont*, 3: 72–73; Prentiss C. Dodge, ed., *Encyclopedia Vermont Biography* (Burlington: Ullery Publishing Company, 1912), 31–32; *VGAJ*, 45.

³¹ *VGAJ*, 46.

³² *Ibid.*, 46–47.

³³ *Ibid.*, 137–139.

³⁴ *Ibid.*, 139–140.

³⁵ *Ibid.*, 160–161, 199.

³⁶ *Ibid.*, 200–208.

³⁷ Buel, *America on the Brink*, 183; Hickey, *The War of 1812*, 136–139; *VGAJ*, 55–56; *Governor and Council*, 18.

³⁸ *VGAJ*, 45.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, 101.

⁴¹ *Ibid.*, 102.

⁴² Gillies and Sanford, eds., *Records of the Council of Censors of the State of Vermont*, 191–231. The council of censors were Federalists Isaac Tichenor, Nathaniel Chipman (Daniel's older brother), Daniel Farrand, Solomon Brigham, Jr., William Hall, Jr., Charles Marsh, Isaac Bailey, Luther Jewett, Ebenezer Clark, Elijah Strong, Nicholas Baylies, and David Edmond, who stopped attending after the first session of the council because he had been elected to the House of Representatives. The lone Republican, Robert Temple, was the secretary. The censors offered twenty-eight amendments to the state constitution, none of which were accepted by the constitutional convention. *Centinel*, 25 March 1813. *VGAJ*, 16, 38, 40, 52–53, 79, 85, 134–135, 190, 193; *Governor and Council*, 36, see also n2, 52.

⁴³ *VGAJ*, 95, 166.

⁴⁴ *Ibid.*, 166.

⁴⁵ *Ibid.*, 168.

⁴⁶ *Ibid.*, 172–174, 193–195, 210–211; *Governor and Council*, 57–59. The direct tax laid by the national government hovered over these proceedings as well. Republican Uriel Hatch of Cavendish resolved on November 1 that a committee of four members be appointed with those chosen by the council to consider “the propriety of passing a law” that would allow the state treasury to assume the collection of the state’s quota of the direct tax. However, the committee, after examining the situation, decided “that considering the shortness of the time allowed by the act of Congress for paying said tax, and the difficulties attending any mode of assessment and collection,” it was not “expedient” to assume the national administration’s duty. See *VGAJ*, 97, 186.

⁴⁷ *VGAJ*, 30, 32–33, 37, 119, 126; Marshall True and William Doyle, eds., *Vermont and the New Nation* (Hyde Park, Vermont: Vermont Council on the Humanities and Public Issues, n.d. [1985?]), 114–115.

⁴⁸ True and Doyle, *Vermont and the New Nation*, 114–116. One of the signers of this reply, Captain Sanford Gadcomb, continued the assault on his chief executive in his “Remarks on Chittenden’s Proclamation,” after returning home. See Sanford Gadcomb Papers, Carton 1, Folder 10, Special Collections, Bailey/Howe Library, University of Vermont.

⁴⁹ Buel, *America on the Brink*, 194–195; *VGAJ*, 211.

⁵⁰ *VGAJ*, 64–65. For a fuller examination of the State Bank affair, see Degree, “Malfeasance or Theft?”

⁵¹ *VGAJ*, 76–77, 80, 164–165, 169. The committee chosen was Federalists Heman Allen of Milton, Chauncey Langdon, and Moses Robinson and Republicans Heman Allen of Colchester and William Griswold. *Rutland Herald*, 24 November 1813.

⁵² *VGAJ*, 136–137, 169, 188–189, 192–193; *Governor and Council*, 58.

⁵³ *VGAJ*, 114, 185, 189, 195.

⁵⁴ Manuscript Vermont State Papers, 46: 126; 47: 150, 229, 239; 48: 58; 66: 66; 66: 10.

⁵⁵ *VGAJ*, 195–198. For more information on the colorful Barnum, see Kenneth A. Degree, *Vergennes in the Age of Jackson* (Vergennes: The Author, 1996), passim, but particularly chapter 2 and pp. 63–66; and Smith, *History of Addison County*, 669.

⁵⁶ *VGAJ*, 210, 212–219.

⁵⁷ Brynn, “Patterns of Dissent,” 21.