

Vermont Achieves Statehood

*Moses Robinson's role is crucial; U.S. Constitution is ratified
at a statewide convention in Bennington*

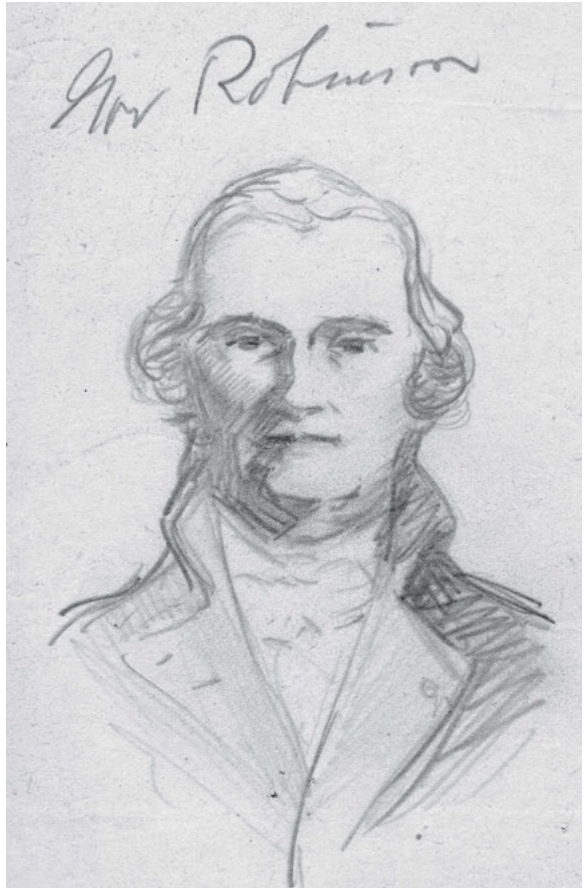
Robert A. Mello

Moses Robinson, his Council, and the Vermont General Assembly met in Castleton on Thursday, October 14, 1790, for the legislative session that would decide whether to approve or reject the settlement that Vermont's commissioners had negotiated with New York. Representatives from 112 towns met in the new Congregational church, which was still under construction at the time. The legislative session began with a bad omen. As the assembled representatives and councilors sat listening to the election-day sermon, the floor of the church collapsed, causing several injuries and a brief panic.⁹⁶

The first order of business was to sort and count the ballots that the freemen throughout Vermont had just cast for state officers, including governor. The outcome of the election that

year was by no means predictable. Moses Robinson certainly had good reason for optimism. After just one year in office, his administration had managed to settle an intractable dispute that had plagued Vermonters for two decades and that had repeatedly prevented Vermont from achieving membership in the United States. Thus he had accomplished the most important goal of his governorship.

Nonetheless, Thomas Chittenden remained enormously popular with the voters, and that fall Chittenden's support-



Sketch by artist Leroy Williams copied from a 19th-century etching of Moses Robinson. Collection of the Bennington Museum.

ers had succeeded in generating a great deal of resentment among voters over the legislature's 1789 decision to turn Chittenden out of office, despite his many years of faithful service, and despite his having received more votes than Robinson.⁹⁷ The process of counting the ballots lasted all day, and Moses Robinson must have experienced moments of anxiety as he passed the time reviewing troops and awaiting the outcome of the vote count.

At long last, a messenger arrived a little after six o'clock that afternoon summoning the governor and Council to join the General Assembly "to hear the report of the Committee for counting the votes for Governor &c."⁹⁸ Moses Robinson took his seat at the head of the proceedings, and the chairman of the counting committee, Samuel Safford of Bennington, rose to announce the results of the election. He declared, "That the hon. Thomas Chittenden Esq. is elected Governor."⁹⁹

Chittenden, who was home in Williston, had been re-elected governor by a margin of almost 1,300 votes. Since no one had received enough votes to be elected lieutenant governor, Timothy Brownson, the most senior member of the Council, took over as the presiding officer until a lieutenant governor could be chosen by the Council and Assembly.¹⁰⁰

If Moses Robinson was devastated by his loss to Chittenden, he did not show it. An eyewitness to that evening's events reported, "Governor Robinson bears the loss of his chief magistracy with a fortitude which becomes the character of a philosopher and a Christian."¹⁰¹ After the results of the election were announced, Moses Robinson rose and addressed the two houses. He thanked them for the "honor" of having chosen him as governor the year before, and he assured them that he accepted the decision of the freemen to give "their suffrages in favor of his excellency governor Chittenden."¹⁰² He acknowledged that the voters had "an undoubted right" to choose whomever they wished as "their rulers," declaring that "this privilege is essential to all free, and to republican governments." Robinson expressed appreciation for "the confidence the freemen have repeatedly placed in me ever since the first foundation of government."

As for the choice of Thomas Chittenden to replace him as governor, he said "I heartily acquiesce in the choice, and shall, with great satisfaction, retire to private life, where I expect to enjoy that peace which naturally results from a consciousness of having done my duty." Robinson then invoked "the benediction of heaven in the prosecution of the important business of the present session."¹⁰³

The now ex-governor Robinson then went outside where he addressed the troops who had escorted him into Castleton. In what an observer described as "a very judicious and pathetic [emotional] speech," he thanked the soldiers, emphasized the necessity of good order and discipline," and expressed his "entire satisfaction with their good order, bearing and performance."¹⁰⁴ A few days later, Robinson was invited to return to the General Assembly, where the Speaker of the House, Gideon Olin of Shaftsbury, read a resolution of thanks to his late Excellency Govr. Robinson.¹⁰⁵ In their resolution the legislators expressed their "entire satisfaction with your late administration" and their warmest thanks for the services you have rendered them."¹⁰⁶ The resolution concluded: "On your retirement we wish you the full enjoyment of all that happiness & tranquility which results from domestic life

& a consciousness of having discharged every duty both as a private citizen & chief magistrate with faithfulness and integrity.”¹⁰⁷

Moses Robinson remained in Castleton awaiting Thomas Chittenden’s arrival. He probably wanted to congratulate his old friend personally, and he almost certainly wanted to see whether his settlement with New York would be approved. Chittenden arrived the afternoon of October 20 and was promptly sworn in as governor by Chief Justice Nathaniel Chipman.¹⁰⁸ Chittenden then ordered Militia General Isaac Clark to provide a proper escort, to wait on the late Governor Robinson, at such time as he may think proper to retire.¹⁰⁹ In this peaceful and orderly manner, political power in the Republic of Vermont once again changed hands.

Moses Robinson’s settlement with New York then breezed through the legislature. On October 21, 1790, the Council and Assembly met as a grand committee to read a report from Vermont’s commissioners on their negotiations with New York and to consider the settlement declaration that had been signed in New York City.¹¹⁰ The following day Stephen R. Bradley summarized the negotiations and urged the legislature to approve the declaration.¹¹¹ By a vote of 82 in favor to 12 against, the General Assembly overwhelmingly approved the settlement and passed an act obligating the State of Vermont to pay the State of New York \$30,000 by June 1, 1794.¹¹² The act approved the agreed-upon jurisdictional boundary line between Vermont and New York, and it provided that all grants, charters, or patents of land, lying within the State of Vermont, made by or under the government of the late colony of New York . . . are hereby declared null and void, and incapable of being given in evidence, in any court of law within this state.¹¹³

The legislature next called for “a Convention of the people of this state to take into consideration the Constitution of the United States and see whether they will accede to the same.”¹¹⁴ The Convention would meet in Bennington on January 6, 1791, and would consist of one delegate from each town.¹¹⁵ The General Assembly also ordered Vermont’s secretary of state to print copies of the United States Constitution and distribute them “as soon as possible, to the several town clerks in this state.”¹¹⁶ Despite his stated intent to “retire to private life,” Robinson decided that he should first stand for election as Bennington’s delegate to the convention, where he could urge the people of Vermont to take the last remaining step toward statehood by ratifying the United States Constitution.

Vermont’s Ratifying Convention

At 11 a.m. on Thursday, January 6, 1791, the 109 members of Vermont’s ratifying convention took their seats in the meetinghouse at Bennington to “take into consideration the Constitution of the United States and see whether they will accede to the same.” Moses Robinson was among them, having been elected Bennington’s representative to the convention. Other elected delegates included Thomas Chittenden, Nathaniel Chipman, Stephen R. Bradley, Timothy Brownson, Ira Allen, John Fassett Jr., Benjamin Emmons, Nathaniel Niles, and Gideon Olin, making this one of the most illustrative convocations of leaders in the state’s history. The galleries were undoubtedly packed with onlookers, and public interest in the

debates was so keen that the proceedings of the convention were printed in the *Vermont Gazette*.¹¹⁷ The delegates elected Thomas Chittenden president of the convention, and Moses Robinson was elected vice president. The delegates then sat and listened as the documents comprising Vermont's settlement with New York were read word for word, followed by a reading of the United States Constitution. After agreeing on "modes of procedure," the convention adjourned for the day and prepared to begin work the following morning.¹¹⁸

Commencing at nine o'clock on Friday morning the Constitution was read for the second time, after which Nathaniel Niles moved that the convention begin debating



Mid-nineteenth century painting of Thomas Chittenden. Collection of the Bennington Museum.

the Constitution paragraph by paragraph. Benjamin Greene of Windsor, however, immediately rose and questioned whether that was the proper way to proceed. Greene acknowledged that the thirteen original states had debated the Constitution paragraph by paragraph in their ratifying conventions, but unlike Vermont those states were already members of the Union when they debated the Constitution. Greene suggested that this convention should proceed differently by first taking up "the general question, whether it would be expedient or inexpedient for Vermont to enter the federal union."¹¹⁹ This was the first move by the delegates from Windsor County to derail ratification of the Constitution.¹²⁰

Nathaniel Chipman rose to meet the threat. In a long speech he warned of the "many and mighty consequences" of rejecting statehood.¹²¹ Vermont was too small to defend its sovereignty against its large and powerful neighbors, he argued. Because Vermont was "almost encircled" by the United States, it took, said Chipman, "very little political sagacity" to realize that, if Vermont failed to join the Union, she would be forced to give in to the demands of her more powerful neighbor "Whenever our interests clash (and clash they will at some time) with those of the union."¹²² Moreover, with British forces at Vermont's northern border, "Vermont would be in a situation much to be regretted" if war broke out again between Britain and the United States.¹²³

If Vermont failed to join the Union, Chipman argued, her citizens "will languish in obscurity," their arts, education, inventiveness, and manufactures shrunken

by “the narrow limits of our government” and “the shackles of local and systematic prejudices.” If Vermont joined the Union, however, “we at once become brethren and fellow-citizens with more than three millions of people.”¹²⁴ Vermont would then flourish, her “general interests will be the same with those of the union – and represented in the national councils, our local interests will have their due weight.” Chipman concluded, “in a word, independent, we must ever remain little, and I might almost say, contemptible; -- but united, we become great, from the reflected greatness of the empire with which we unite.”¹²⁵

Following Chipman’s stirring speech, John White of Georgia and Daniel Farnand of Newbury renewed Nathaniel Niles’ motion to “take up the constitution paragraph by paragraph.”¹²⁶ Benjamin Emmons of Woodstock objected, observing that “the matters under consideration were so weighty he wished them not to be hurried.” Emmons questioned whether New York or its patent holders would honor the settlement that Moses Robinson’s administration had reached in New York City, if Vermont were admitted to the Union. Emmons claimed that “doubts ... prevail” over whether the State of New York “had in reality a right to cede to Vermont the property of individuals.” Many in Vermont were afraid, he claimed, that once Vermont joined the Union, New York’s patent holders would sue Vermonters in federal courts, those courts would ignore the settlement and rule in favor of the patent holders, and Vermonters “would suffer in their landed property.”¹²⁷

Stephen R. Bradley, Israel Smith of Rupert, and others delivered lengthy replies arguing that New York had the legal right and power to cancel its patents on lands in Vermont, but Emmons had struck a deep-seated nerve of lingering distrust for New York officials and patent holders.¹²⁸ Daniel Buck of Norwich seized the moment and delivered a lengthy speech against adopting the Constitution. He argued that the very characteristics that Chipman claimed to be weaknesses, Vermont’s smallness and the uniformity of interests and beliefs among her citizens, were actually her strengths. In classic Antifederalist fashion Buck claimed that people were equal in small governments, their interests were uniform and compatible, and their laws simple and suited to the whole.” Small governments were more responsive to the needs of their citizens, he said, because they were managed, as it were, under the eye of the people.¹²⁹

If Vermont joined the Union, Buck claimed, she would have to sacrifice all of that. The national government would be “at such a remove from the eye of the people” that they would have no control over its doings. Vermont’s interests would have to “bend to the interests of the union – where those clashing interests [which Chipman had alluded to] were to be found.” Buck conceded that there would be some Vermonters who would benefit from joining the Union, “some few favorites of fortune, who from circumstances of birth, and advantage of education, might consider themselves fair candidates for some post in government. “The bulk of the people,” however, would derive no advantage at all, he claimed. To the contrary, said Buck, Vermonters would lose their equality because all extensive governments had a natural tendency to destroy that equality among the people, which was necessary to keep one part of mankind from oppressing the other.¹³⁰ While Buck agreed that Vermont would be thrown into an impossible position if war were to

break out again between Britain and the United States, he denied that there was any real likelihood of that happening. Buck therefore arrived at the conclusion that “as [Vermont] had long existed as an independent state, and might long continue so ... there could be no necessity or expediency in acceding to the union, or adopting the constitution.”¹³¹

Bradley replied to Buck’s speech by observing that, if Vermont refused to join the Union, then Congress would have no choice but to “either compel her to come in by force, or dismember her among the united states.”¹³² Bradley pointed out that the terms of statehood that had been offered to Vermont were extremely favorable. If Vermont rejected this opportunity, he warned, those terms might never be available again. Therefore, urged Bradley, the “true interest” of Vermont required “an immediate union with her sister states, that they might grow up together in friendship under the same government.” Moreover, because each state retained its sovereignty within the Union, Vermont would lose little by becoming a state, he claimed. Rather, Vermont “would enjoy a full participation of the benefits of every seaport in the united states, a recognition of her sovereignty, protection from foreign invasion, security against intestine convulsions, and the many blessings ensured by a mild and energetic government.”¹³³ The day ended with Samuel Hitchcock of Burlington, Israel Smith of Rupert, and others all supporting Bradley’s conclusion that Vermont should immediately ratify the Constitution.

Bradley’s Friday afternoon speech took the wind out of Daniel Buck’s sails and turned the tide of debate toward ratification. On Saturday morning Benjamin Greene, who two days earlier had led the Windsor County attack against ratification, rose and conceded that, if Vermont failed to join the Union, then “congress would doubtless treat us as other aliens.”¹³⁴ “Congress,” Greene acknowledged, “can compel us to join the union, on their own terms, without having recourse

Moses Robinson as seen in a detail of the painting Meeting at Fay’s Tavern, painted in 1938 by Leroy Williams. Collection of the Bennington Museum.



to arms: Let them only prohibit exportation to or importation from Vermont, and we must sink or comply.” Therefore, concluded Greene, “by entering the union at present, our state government would acquire energy at home and respectability abroad.”¹³⁵

Beriah Loomis of Thetford agreed that “it would be best for Vermont” to adopt the Constitution “at a proper time,” but before Vermont did that, he argued “Congress ought . . . to ratify the late treaty with New York, and the debt of this state incurred in the common cause, during the late war, ought to be assumed by the union.”¹³⁶ These were conditions that everyone could agree to.

At two o’clock that afternoon, the Constitution was read for the third time “making a short pause between the paragraphs, to give suitable opportunity for objections” (there apparently were none).¹³⁷ The proposed Bill of Rights was also read at this time. Stephen R. Bradley then made a motion, seconded by Samuel Hitchcock, that the delegates “choose a committee of five to make a suitable draft of a form of assent to the constitution, and lay it before the convention on Monday morning.”¹³⁸ Benjamin Emmons tried once again to slow what was becoming a landslide in favor of statehood. He observed, “We are now acting for future generations, and the determination of this body will most probably affect posterity even to the end of time.”¹³⁹ Emmons argued that the convention should adjourn until October to give the people more time to debate the issues before making such an important decision.

Beriah Loomis supported Emmons’ position, but Chipman and Bradley opposed this plea for delay, noting that the Constitution had been the subject of debate for years and that the delegates to the convention already had all the information they needed to make a decision on behalf of the people who had elected them.¹⁴⁰ Nathaniel Niles agreed that the time to decide on statehood had arrived, and he urged the delegates to debate the issues fully but “suffer no division of sentiment to prevail in community if possible to avoid it.”¹⁴¹ Bradley’s motion to appoint a committee to prepare draft ratification resolutions was then put to a vote, and it “carried in the affirmative by a great majority.”¹⁴²

When the delegates returned on Monday, January 10, they overwhelmingly approved a form of ratification that had been prepared for them over the weekend. Of the 109 delegates who attended the convention, 105 signed the ratification resolutions and only 4 dissented.¹⁴³

The document began by observing that Vermont’s settlement with New York had removed “every impediment . . . to the admission of the State of Vermont into the Union of the United States of America.”¹⁴⁴ The document also made it clear that, in ratifying the Constitution, the delegates were acting “In full faith and assurance that [Vermont’s settlement with New York] will stand approved and ratified by Congress.” The resolutions then certified that the undersigned delegates “Do . . . fully and entirely approve of, assent to, and ratify” the Constitution of the United States, and they went on to provide that “immediately from, and after, this State shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the States in the Union, the same shall be binding on us and the people of the State of Vermont forever.”¹⁴⁵

After the ratification resolutions were signed, Thomas Chittenden left the convention in order to join the Governor's Council and General Assembly, which were scheduled to begin a special legislative session in Bennington that same day. Moses Robinson remained behind to attend to one more important task. In addition to ratifying the Constitution, the convention had also adopted several recommendations which Moses Robinson needed to sign and delivered to the legislature in his capacity as vice president of the convention.

In this second document the convention recommended that the legislature "take effectual measures" to assure that Vermont's admission to the Union would have no effect on the settlement that Moses Robinson's administration had reached with New York, except that the settlement should "remain in full force to all intents & purposes."¹⁴⁶ The convention also recommended that Vermont's admission to the Union have no effect on the Betterment Act that the legislature had passed in 1785. In light of the significant roles that Moses Robinson had played in bringing about the settlement with New York and in obtaining passage of the Betterment Act, it seems likely that he also played a significant role in the convention's adoption of these recommendations.

A last recommendation of the convention was that, as soon as Vermont was admitted to the Union, the legislature should take steps "to procure an equitable adjustment of the expenditures of this State during the late War between Great Britain & the United States."¹⁴⁷ In July 1790 Congress had passed an act requiring the federal government to assume the more than \$20 million of debt which the states had incurred during the Revolution, and the Vermont convention wanted to make sure that Vermont took advantage of this act once it became the fourteenth state.¹⁴⁸

Shortly after the convention ended, a letter arrived in Bennington from a member of Congress warning that the United States Senate had passed a bill on January 5 ordering Kentucky to be admitted into the Union effective June 1, 1792. The writer hoped that this information would spur the Vermont convention to immediately ratify the Constitution.¹⁴⁹ As it turned out, the warning had been unnecessary; the convention had already ratified without knowing about the Kentucky act, and its prompt action had guaranteed that Vermont would be admitted before Kentucky.

The ratifying convention had accomplished everything that Moses Robinson could have hoped for. Vermont had now ratified the U. S. Constitution, clearing the way for Congress to admit Vermont to the Union. All that remained was for the legislature to implement the convention's recommendations and to apply for immediate statehood.

Senator-Elect Robinson

After signing the ratifying resolutions and the recommendations of the ratifying convention as vice president of the convention, Moses Robinson delivered them to Thomas Chittenden who, in turn, immediately submitted them to the legislature, which was meeting in Bennington.¹⁵⁰ The Governor's Council and General Assembly promptly met as a grand committee "to take under Consideration the mode

to be pursued to negotiate a Union of this State into the Government of the United States.”¹⁵¹ Several matters needed to be addressed, including the appointment of agents or commissioners to negotiate Vermont’s admission to the Union, the choice of Senators to represent Vermont in Congress, and the division of Vermont into Congressional districts. The grand committee appointed a blue ribbon subcommittee consisting of the most influential members of the two houses to make recommendations to the Council and Assembly on each of these issues.¹⁵²

The following afternoon the subcommittee made its first recommendations: the legislature should appoint commissioners whose task would be to make sure that Vermont’s admission to the Union was “predicated” on the settlement that Vermont had negotiated with New York.¹⁵³ In addition, the commissioners should insist that Congress pass an act recognizing Vermont “as a Sovereign independent state, since the 15th day of January 1777.”¹⁵⁴ This would assure that all actions Vermont had taken since its founding would be recognized as valid, including Vermont’s Betterment Act and its creation of townships in violation of earlier Congressional orders. Believing that Vermont’s population exceeded 90,000 inhabitants, the subcommittee advised that the commissioners should also try to persuade Congress to allow Vermont three representatives in the House of Representatives.¹⁵⁵ Chief Justice Nathaniel Chipman and Lewis R. Morris of Springfield, were elected the two commissioners.¹⁵⁶

The next task taken up was the choice of two senators to represent Vermont in Congress. Under the U. S. Constitution at that time, senators were chosen by the state legislatures, so the method for selecting Vermont’s first two U. S. senators was up to the Council and Assembly. At first the two houses had difficulty agreeing on a single approach, as each house proposed a method of its own and rejected the suggestions of the other.¹⁵⁷ On January 19, however, the Council and Assembly arrived at a method they could agree upon “for the time being.”¹⁵⁸ Each house would nominate two candidates; if the two houses nominated the same person, he would automatically be declared a senator, but if the Council and Assembly nominated different candidates, then the two houses would meet as a grand committee and choose senators from those candidates.

On Wednesday, January 19, 1791, the two houses proceeded to ballot separately for senators. The General Assembly nominated Noah Smith and Stephen R. Bradley, but the Council nominated Moses Robinson and Nathaniel Niles.¹⁵⁹ Since no candidate had received the nomination of both houses, the Council and Assembly came together as a grand committee at two o’clock that afternoon to choose two senators from the four nominees. After everyone had taken their seats, “the joint ballot was taken for senators when the hon. Moses Robinson & Stephen R. Bradley esquires, were elected by a majority of votes.”¹⁶⁰ Although he was not present, Moses Robinson had received the most votes and had been chosen Vermont’s first U. S. senator.¹⁶¹

About a week later the Council and Assembly agreed on an act for dividing Vermont into Congressional districts. If Congress allowed Vermont three representatives, then the two southern counties of Bennington and Windham would be one district for electing a member of the U. S. House of Representatives, the two

northeastern counties of Windsor and Orange would be a second district, and the three northwestern counties of Rutland, Addison and Chittenden would be the third. If instead, Vermont were allowed only two members in the House of Representatives, then the counties in the western half of the state would be one district, and the counties east of the Green Mountains would comprise the second.¹⁶² Moses Robinson was not in attendance at this special session of the legislature, but had he been there he certainly would have supported these decisive steps towards statehood. He also would have been elated, and especially honored, by his well-deserved and probably unexpected election to the United States Senate.

Statehood is Finally Achieved

At two o'clock on the afternoon of February 7, 1791, George Washington received a visit in the nation's new capital, Philadelphia, from Vermont's two commissioners, Nathaniel Chipman and Lewis R. Morris.¹⁶³ The two men delivered a "memorial" to Washington "praying the consent of Congress" to admit Vermont as a state.¹⁶⁴ Two days later Washington informed Congress that New York and Vermont both consented to Vermont's admission into the Union. Then on February 18, just four months after Moses Robinson had stepped down as governor, Congress without debate or objection ordered Vermont admitted as the fourteenth state effective on March 4, 1791.¹⁶⁵

In addition to presenting their "memorial" to George Washington, it appears that Vermont's commissioners also spent time in Philadelphia lobbying for their own appointment to federal office in Vermont. Thus, when Washington sent Congress his list of nominees, he included the names of Nathaniel Chipman to be Vermont's first federal judge and Lewis R. Morris as Vermont's first U. S. marshal.¹⁶⁶ Washington had asked his secretary of state, Thomas Jefferson, to research and recommend suitable nominees, but Jefferson knew very little about Vermont and had to rely heavily on the advice of Vermonters who were in Philadelphia seeking office for themselves.¹⁶⁷ One of those was Noah Smith, who managed to get himself named Vermont's first Supervisor of Excise & Impost.¹⁶⁸ When Jefferson asked who Vermont's first federal judge should be, Smith replied: "The general expectation is that Chipman will be judge. He is a good lawyer and a good man. Governor Robinson is also a good man, and has been thought of by some. He is not of the law at all."¹⁶⁹ Having served as chief justice of the Vermont Supreme Court for over ten years, Moses Robinson would have found Smith's description of him as "not of the law at all" puzzling, if not amusing.

On March 2, 1791, President Washington, Vice President John Adams, and Speaker of the House Frederick A. Muhlenberg signed an act of Congress declaring "that from and after the third day of March next, all the laws of the United States ... shall have, the same force and effect within the state of Vermont as elsewhere in the United States."¹⁷⁰ Forty-eight hours later Vermont was, at last, officially, a member of the Union.

Celebrations erupted throughout the new state. In Rutland "a large number of respectable citizens from this and the neighboring states" gathered in the town

square and raised an American flag “ornamented with fifteen stripes, and the field emblazoned with two stars, representing the states of Vermont and the state of Kentucky.”¹⁷¹ After a day of speeches, sermons, songs, and discharges of cannon the group gathered at Williams’ Inn in Rutland where they drank toasts to George Washington, Congress, Vermont’s new federal officers, New York, the Battle of Bennington, the “patriotism of America,” and the new “rising generation.” They also raised their glasses in toast “to the union of Vermont with the united states -- may it flourish like our pines and continue unshaken as our mountains.”¹⁷²

In a state full of happy celebrations, there was perhaps no celebrant happier than Moses Robinson. Since that day in October 1769, when he had stood with his neighbors in a cornfield in Bennington and prevented New York officials from surveying the Breakenridge Farm, few had strived longer or harder than he had for Vermont’s independence from New York or for Vermont’s membership in the Union. Few therefore in March of 1791 had greater cause to celebrate than he had.

In addition, it had been thirty years since he and his family had arrived in the wilderness in the fall of 1761 and struck the first clearings that became the town of Bennington. In those thirty years Robinson had risen to the pinnacle of leadership and respect in Vermont. The young revolutionary had become a successful statesman. He was also the head of an honorable family, a deacon of his church, and a U.S senator-elect. In March 1791 Robinson was financially secure, he was a member of Vermont’s ruling elite, and he was about to turn fifty years old. For the moment, therefore, he could relax and enjoy the occasion.

Shortly, however, Moses Robinson and other leaders would be called upon to take a position, to declare their choice between two competing visions for America, visions that were already beginning to divide the nation into two contentious political factions, a division that would determine which members of the ruling elite truly believed in bottom-up democracy and republican values and which did not. Having helped lead the effort to bring Vermont into the Union, Moses Robinson would soon have to choose sides in the emerging debate over what kind of leadership that Union should have.

Notes

⁹⁶ Hemenway, *Vermont Historical Gazetteer*, 3: 526.

⁹⁷ Daniel Chipman, *A Memoir of Thomas Chittenden* (Middlebury, 1849), 182.

⁹⁸ Minutes of the General Assembly, October 14, 1790, reprinted at *State Papers of Vermont*, 3(4): 180.

⁹⁹ *Ibid.*

¹⁰⁰ Minutes of the Governor's Council, October 15, 1790, reprinted at Walton, *Governor and Council*, 3: 208. The grand committee chose Peter Olcott to be Lieutenant Governor, even though Jonathan Arnold had received more votes for that office. Olcott served as Acting Governor from October 15th until Thomas Chittenden's arrival in Castleton on the 20th. *Ibid.*, 3: 208-211.

¹⁰¹ "A letter from a gentleman in Castleton, to his friend in this town [Bennington]," October 15, 1790, printed in the October 18, 1790, edition of the *Vermont Gazette* and excerpted at *Ibid.*, 3: fn. at p. 207.

¹⁰² Speech of Moses Robinson, October 14, 1790, reprinted at *Ibid.*, 3:fn. at pp. 207-208.

¹⁰³ *Ibid.*

¹⁰⁴ "A letter from a gentleman in Castleton," *supra*, excerpted at *Ibid.*, 3: fn. at p. 207.

¹⁰⁵ Minutes of the General Assembly, October 15, 1790, reprinted at *State Papers of Vermont*, 3(4): 183.

¹⁰⁶ Resolution of the General Assembly, October 18, 1790, reprinted at *Ibid.*, 3(4): 186.

¹⁰⁷ *Ibid.*

¹⁰⁸ Minutes of the Governor's Council, October 20, 1790, reprinted at Walton, *Governor and Council*, 3: 211.

¹⁰⁹ General Orders of Thomas Chittenden, October 20, 1790, reprinted at *Ibid.*, 3: fn. at p. 212.

¹¹⁰ Minutes of the General Assembly, October 21, 1790, reprinted at *State Papers of Vermont*, 3(4): 197; for the report of the Vermont commissioners, see Walton, *Governor and Council*, 3: 460-461.

¹¹¹ Minutes of the General Assembly, October 22, 1790, reprinted at *State Papers of Vermont*, 3(4): 201-202.

¹¹² Minutes of the General Assembly, October 25 and 27, 1790, reprinted at *Ibid.*, 3(4): 207-208, 214-215.

¹¹³ "An Act Directing the Payment of Thirty Thousand Dollars to the State of New York, and Declaring What Shall be the Boundary Line Between the State of Vermont and State of New York; and Declaring Certain Grants Therein Mentioned, Extinguished," October 28, 1790, reprinted at *Ibid.*, 14: 532-534.

¹¹⁴ Minutes of the General Assembly, October 23 and 27, 1790, reprinted at *Ibid.*, 3(4): 204, 213.

¹¹⁵ "An Act to Authorize the People of this State to Meet in Convention to Deliberate Upon and Agree to the Constitution of the United States," October 27, 1790, reprinted at *Ibid.*, 14:522-523.

¹¹⁶ Minutes of the General Assembly, October 28, 1790, reprinted at *Ibid.*, 3(4): 220.

¹¹⁷ It is only because the proceedings were printed in the newspaper that we know what happened at the ratifying convention. This is because the original journal of the convention no longer survives. For a reprint of the proceedings and debates see Walton, *Governor and Council*, 3: 466-482.

¹¹⁸ *Ibid.*, 3: at 467.

¹¹⁹ *Ibid.*

¹²⁰ In October 1790, when the General Assembly approved the settlement with New York, six

of the twelve votes that were cast against the settlement had come from Windsor County (the other six came from Windham County). See minutes of the General Assembly, October 26, 1790, reprinted at *State Papers of Vermont*, 3(4): 207-208.

¹²¹ Speech of Nathaniel Chipman at the Vermont ratifying convention, January 7, 1791, reprinted at Walton, *Governor and Council*, 3: 468-472.

¹²² *Ibid.*, 3: at 468-469.

¹²³ *Ibid.*, 3: at 469.

¹²⁴ *Ibid.*, 3: at 470.

¹²⁵ *Ibid.*

¹²⁶ Proceedings of the Vermont ratifying convention, January 7, 1790, reprinted at *Ibid.*, 3: 472.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*, 3: at 473.

¹²⁹ Speech of Daniel Buck at the Vermont ratifying convention, January 7, 1791, reprinted at *Ibid.*, 3: 473-475 (quotations at p. 473).

¹³⁰ *Ibid.*, 3: at 473-474.

¹³¹ *Ibid.*, 3: at 475.

¹³² Speech of Stephen R. Bradley at the Vermont ratifying convention, January 7, 1791, reprinted at *Ibid.*, 3: 475-476.

¹³³ *Ibid.*, 3: at p. 476.

¹³⁴ Speech of Benjamin Greene at the Vermont ratifying convention, January 8, 1791, reprinted at *Ibid.*, 3: at 477.

¹³⁵ *Ibid.*

¹³⁶ Speech of Beriah Loomis at the Vermont ratifying convention, January 8, 1791, reprinted at *Ibid.*, 3: at 476-477.

¹³⁷ Proceedings of the Vermont ratifying convention, January 8, 1791, reprinted at *Ibid.*, 3: at 477.

¹³⁸ *Ibid.*, 3: at 478.

¹³⁹ Speech of Benjamin Emmons at the Vermont ratifying convention, January 8, 1791, reprinted at *Ibid.*

¹⁴⁰ Proceedings of the Vermont ratifying convention, January 8, 1791, reprinted at *Ibid.*, 3: at 478-479.

¹⁴¹ *Ibid.*, 3: at 479.

¹⁴² *Ibid.*

¹⁴³ The four dissenters, all from Windsor County, were Daniel Heald of Chester, Moses Warner of Andover, Benjamin Perkins of Bridgewater and Enoch Emerson of Rochester. Although Benjamin Greene, Benjamin Emmons, Daniel Buck and Beriah Loomis had argued against ratification, in the end they heeded Nathaniel Niles' plea for unanimity and signed the ratification resolutions.

¹⁴⁴ Act and Resolutions of the Convention, January 10, 1791, reprinted at *Ibid.*, 3: 480-481.

¹⁴⁵ *Ibid.*

¹⁴⁶ Recommendations of the Vermont ratifying convention to the Vermont legislature, January 10, 1791, reprinted at *Ibid.*, 3: 481-482.

¹⁴⁷ *Ibid.*

¹⁴⁸ The Southern States had opposed Alexander Hamilton's call for an assumption act. In June 1790, a compromise was reached by which Thomas Jefferson, James Madison and Hamilton agreed that the Southern States would support Hamilton's assumption act and, in return, the Northern States would agree to move the national capital from New York City

to Philadelphia, where it would remain for ten years, after which it would be moved to the Potomac River. Bailyn, *Debate on the Constitution*, 2: 1073-1074.

¹⁴⁹ This letter “to a gentleman in Bennington” from a member of Congress is discussed in Walton, *Governor and Council*, 3: fn. at p. 482.

¹⁵⁰ Minutes of the Governor’s Council, January 11, 1791, reprinted at *Ibid.*, 3: 218.

¹⁵¹ Minutes of the Governor’s Council, January 12, 1791, reprinted at *Ibid.*, 3: 219.

¹⁵² The subcommittee consisted of Thomas Chittenden, Gideon Olin, Isaac Tichenor, Stephen R. Bradley, Nathaniel Niles, Elijah Paine, Samuel Hitchcock, Jonathan Arnold, Israel Smith, and Ira Allen. *Ibid.*

¹⁵³ Minutes of the General Assembly, January 13, 1791, reprinted at *State Papers of Vermont*, 3(4): 231-232

¹⁵⁴ *Ibid.*

¹⁵⁵ Minutes of the Governor’s Council, January 20, 1791, reprinted at Walton, *Governor and Council*, 3: 224. Vermont’s population turned out to be slightly less than 90,000 when the 1791 census was taken.

¹⁵⁶ Minutes of the General Assembly, January 18, 1791, reprinted at *State Papers of Vermont*, 3(4): 241; for the act appointing Vermont’s commissioners to Congress, see “An Act for the Appointment of Commissioners from this State for the Purpose of Repairing to the Congress of the United States and Declaring their Duty,” January 20, 1791, reprinted at *Ibid.*, 14: 556.

¹⁵⁷ Minutes of the General Assembly, January 15, 17, 18 and 19, 1791, reprinted at *Ibid.*, 3(4): 238, 241, 243, 245; minutes of the Governor’s Council, January 17 and 18, 1791, reprinted at Walton, *Governor and Council*, 3: 222, 223.

¹⁵⁸ “An Act Directing the Manner of Choosing Senators to Represent this State in the Senate of the United States of America,” January 19, 1791, reprinted at *State Papers of Vermont*, 14: 545.

¹⁵⁹ Minutes of the General Assembly, January 19, 1791, reprinted at *Ibid.*, 3(4): 246; minutes of the Governor’s Council, January 19, 1791, reprinted at Walton, *Governor and Council*, 3: 223-224.

¹⁶⁰ Minutes of the General Assembly, January 19, 1791, reprinted at *State Papers of Vermont*, 3(4): 246-247.

¹⁶¹ Although the outcome of this election was clear to the members of both houses, the process they had used was somewhat complex and apparently left Noah Smith confused. Mistaking his nomination by the House as an election to the Senate, Smith resigned his position as an assistant justice of the Supreme Court. See Noah Smith’s letter to Thomas Chittenden resigning his seat on the Supreme Court due to “my late Election as Senator,” reprinted at Walton, *Governor and Council*, 3: 226. Because of Smith’s resignation, the Council and Assembly elected Elijah Paine to replace him on the Court. See minutes of the Governor’s Council, January 25 and 27, 1791, reprinted at *Ibid.*, 3: 227, 229. Thus, Smith ended up with neither position.

¹⁶² Under Vermont’s Constitution of 1786, the governor presided over meetings of the Council, but his right to vote was limited (he was allowed “a casting, but not other vote”). Constitution of Vermont (1786), Ch. 111, Sec. XI, reprinted at Gillies et al., *Records of the Council of Censors*, 92. The vote for U.S. senators at the January 1791 joint meeting of the Council and Assembly must have been a close one because Thomas Chittenden cast a vote (he voted in favor of Moses Robinson). See February 19, 1791 issue of *The Pennsylvania Mercury*, and *Universal Advertiser*. Convinced that Chittenden’s vote violated the Constitution and was therefore illegal, Noah Smith claimed that he had been elected a senator, and he resigned his position as an assistant justice of the Supreme Court. “An Act

Dividing this State into Districts for Electing Representatives to Congress,” January 27, 1791, reprinted at *State Papers of Vermont*, 14: 580-582.

¹⁶³ Fitzpatrick, *Writings of George Washington*, 31: fn. at p. 213.

¹⁶⁴ Letter of President George Washington to the “Gentlemen of the Senate and House of Representatives,” February 9, 1791, reprinted at *Ibid.*, 31: 212-213.

¹⁶⁵ H. Hall, *Early History*, 449; for the documents by which Vermont was admitted to the Union as the fourteenth state see excerpts and discussion at Walton, *Governor and Council*, 3: fn. at p. 482 and 486-489.

¹⁶⁶ Letter of George Washington to the “Gentlemen of the Senate,” March 4, 1791, reprinted at Fitzpatrick, *Writings of George Washington*, 31: 228. In fairness to Chipman, it should be noted that support for him was nearly universal among those who were consulted about the appointment of Vermont’s first federal judge (see the citation in footnote 168, *passim*).

¹⁶⁷ See Thomas Jefferson’s notes entitled “Substance of Conversations,” February 23, 1791, reprinted at Boyd, *Papers of Thomas Jefferson*, 19: 378-379.

¹⁶⁸ See the list of the first United States officers in Vermont, printed in the March 21, 1791, edition of the Vermont Gazette, and reprinted at Walton, *Governor and Council*, 3: 489.

¹⁶⁹ Thomas Jefferson’s notes entitled “Substance of Conversations,” *supra*. The only candidates Thomas Jefferson considered for the federal judgeship were Nathaniel Chipman, Moses Robinson, and Stephen R. Bradley.

¹⁷⁰ “An Act Giving Effect of the Laws of the United States within the State of Vermont,” March 2, 1791, reprinted at Walton, *Governor and Council*, 3: 488-489.

¹⁷¹ “A letter from Rutland” dated March 9, 1791, printed in the March 21, 1791, edition of the Vermont Gazette and reprinted at *Ibid.*, 3: 483.

¹⁷² *Ibid.*