

CHAPTER X.

THE NEW HAMPSHIRE GRANTS.

1741—1782.

When the south boundary line of New Hampshire was established, in 1741, it was supposed that that line extended the same distance west as the north line of Massachusetts, and New Hampshire claimed what is now Vermont as a part of her territory. In 1749, Gov. Benning Wentworth granted the town of Bennington, naming it for himself, and not long afterwards he granted other townships, as his commission from the king authorized and commanded him to do. After the last French and Indian war, 1755—1760, the demand for those lands was so great that, in 1764, he had granted 138 townships west of the Connecticut river; and that territory was called the New Hampshire Grants.

But New York also claimed that territory, and its governor issued grants to its lands, in many cases the same that Gov. Wentworth had granted. In 1764, upon an appeal to the king, the west bank of the Connecticut river was declared to be the boundary line between New York and New Hampshire. But the language of the decree was slightly ambiguous, and Gov. Wentworth and his grantees claimed that his grants were legal, and that the titles of those grantees to the lands were still valid; while the New Yorkers claimed that they were illegal and void. The controversy became a very lively and serious one. New York sheriffs were sent to dispossess the New Hampshire settlers—in some cases the New York grantees drove them off and burned their log-cabins—but those settlers banded together, appointed committees of safety, formed a corps of “Green Mountain Boys” under energetic officers, with Ethan Allen for their colonel, and resolutely determined to defend their rights. The leaders were indicted by the New York courts, but the officers sent to arrest them were seized by the

people and chastised with switches. Those Green Mountain Boys were afterwards patriots in the Revolution, and did effective service, while the New York claimants were mostly tories.

The authorities of New York attempted to hold the king's court at Westminster, on the 13th of March, 1775. As the day approached the excitement became intense. The inhabitants of the vicinity assembled and took possession of the courthouse, but without firearms. The sheriff appeared at the head of a body of armed tories, demanded admission and ordered the people to disperse; but he failed to enforce his orders and retired with his posse to the Royal Tavern in the village. The whigs also retired for the night, leaving a guard in the courthouse, though still without firearms. Just before midnight the sheriff and his party again appeared at the courthouse and demanded possession; but were again refused. They then broke in the door, and opened fire on the guard, wounding ten men, two of whom, William French of Brattleboro, and Daniel Houghton of Dummerston, died of their wounds; claimed to have been the first blood shed in the war of the Revolution.

News of the outrage spread rapidly, and soon after noon 500 men were on the ground, about one-half of them from New Hampshire. The Westminster company of militia turned out in full force. One company from Walpole was commanded by Capt. Benjamin Bellows, afterwards a colonel of Revolutionary fame, who did much to calm the excited crowd. Two of the judges, the clerk and the sheriff were sent to jail at Northampton to be held for trial. A convention of delegates from the towns was held at Westminster on the 11th of April with a view to a more completely organized resistance to the authority of New York; but the affair of Lexington and Concord, quickly followed by the capture of Ticonderoga by Ethan Allen and his Green Mountain Boys, the battle of Bunker Hill and other exciting events of a more general character, diverted attention from merely local affairs.

But the New Hampshire grantees, while resisting the authority of New York, felt the need of civil government

and the protection of laws administered by the courts; and a convention was held at Dorset, in July, 1776—adjourned from time to time—with a view to forming a separate state government. At its last session, in 1777, that convention resolved unanimously that the district of territory “usually known by the name and description of the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be, a free and independent jurisdiction, or state; to be forever hereafter called, known and distinguished by the name of New Connecticut,¹ alias Vermont;”² and petitioned congress for admission to the Union.

During all these years, civil affairs in New Hampshire were in a confused state; the courts were suspended and there was no administration of justice. The inhabitants of some of the towns on the east side of the Connecticut, at that time considered quite remote from the centre of political power in New Hampshire, became dissatisfied and proposed to join the new state, the central power of which would be in the Connecticut valley. It was claimed by many that the west line of New Hampshire was that of the original grant to Capt. John Mason, in 1629. That grant was described as extending sixty miles from the sea, and the western boundary was thus made a curved line which has since been known as the “Masonian line,” or the “Patent line” of New Hampshire, (already described in chapter 3.) That line extended, left the greater part of Grafton county outside of New Hampshire. Hanover and several other towns in that vicinity had refused to send delegates to the convention for forming a government in New Hampshire, in December, 1775. In July, 1776, a convention of delegates from eleven towns in that vicinity had held a convention in College Hall, Dresden, now Hanover, with a view to setting up a separate state government in the Connecticut valley. President Wheelock and some others of the leading men connected with Dartmouth college had come from Connecticut, and the trustees and faculty hoped to make that institution the centre of political

¹The settlers of the “Grants” were largely from Connecticut, as were many of those in the towns east of the river.

²Thompson's History of Vermont and Hall's History of Eastern Vermont.

power in northern New England, with Hanover for the capital of the "New Connecticut." All the Grafton, and several of the Cheshire county towns, refused to send representatives to the new assembly which met at Exeter, on the 18th of December, 1776. More than forty towns were thus detached from the Exeter government. Keene was divided in sentiment on the question, and at the town meeting, December 8, to choose a representative to that assembly, Capt. Jeremiah Stiles, Capt. Davis Howlett and Mr. Jabez Fisher were successively chosen, but all declined to serve—doubtless because they were favorable to the new state—and Major Timothy Ellis was elected; and Major Ellis was appointed on a special committee to consider the grievances and complaints of "sundry towns and people in the county of Grafton & any other towns."

But Burgoyne's invasion in the spring of 1777 drew the attention of all and caused great alarm and anxiety throughout this part of the country. The settlers of the Grants called lustily upon New Hampshire for aid, and the people united heartily in the common defence. But, Burgoyne and his army disposed of, the political quarrel burst out afresh.

When the legislature of the new state—which had adopted the name of Vermont, but had not been admitted to the Union—met for the first time at Windsor, on the 12th of March, 1778, sixteen towns on the east side of the river asked to be admitted to that state, and they were received. Public opinion in Cheshire county was divided and a convention of delegates from several of the towns had met at Surry in January, to discuss the situation. Capt. Jeremiah Stiles, Major Timothy Ellis and Capt. Isaac Griswold were the delegates from Keene. No record of the proceedings of that convention has been found. Professor Bezaleel Woodward, of Dartmouth college, was elected clerk of the new house of representatives, President Wheelock was made a justice of the peace, and the "College party," as it was called, was strong enough to carry through a resolution declaring it to be the right of the Grants west of the Mason line to unite under one state government. But upon a recurrence of that question

at the next session a majority voted against proceeding farther with that union. The New Hampshire members then withdrew, followed by the lieutenant governor, two councilmen and fifteen members of the house from the west side of the river, representing towns in the vicinity of Dartmouth college. They called a convention, inviting the towns on both sides of the river to join them, with the view of forming a state in the Connecticut valley, to be called New Connecticut.

That convention met at Cornish, on the 9th of December, 1778. Keene was invited but declined to send delegates. Overtures were made to New Hampshire to unite with the contemplated new state, but the scheme of the college party for their own aggrandizement was evident, and President Weare and other leaders in New Hampshire were active in their efforts to counteract this secession.

A majority of the people of Keene continued loyal to New Hampshire, and, at the annual meeting in March, 1779, the town "Voted that the Selectmen be a committee to give the Representative Instructions to use his Influence that the Delegates belonging to this State who are members of the Continental congress Lay claim to the New Hampshire Grants So called on the West side of Coneticutt River; Provided that Congress will not confirm the same into a New State." A committee of the Exeter legislature reported on the 2d of April that "New Hampshire should lay claim to jurisdiction over the whole of the Grants." New York still claimed all the territory west of the river, and there were many loyalists, New York grantees and others, who supported her claims. A convention of the New York party was held at Brattleboro on the 4th of May, 1779, which adopted resolutions entreating Gov. Clinton to "protect the loyal subjects in that part of the state."

A convention at Dartmouth college on the 30th of August, anticipating the formation of their state of New Connecticut, planned an expedition into Canada, and petitioned congress to order such a movement. Fifteen hundred men, 500 horses, 100 teams, 10,000 bushels of

wheat, and other supplies in abundance were promised from the patriots of the Grants between the Green Mountains and the Mason line.

The people of the Grants had reached a state of chronic alarm and uncertainty. Without civil government, constantly harassed with the fear of invasion by the British from Canada and raids by the Indians, they were ready to adopt any democratic republican government that would give them protection. A majority of those in the western part of New Hampshire at this time preferred a union with Vermont. Those in Cheshire county who held to that opinion called a convention of delegates from the several towns, at Walpole, on the 15th of November, 1780. Daniel Newcomb, Esq., and Capt. John Houghton were the delegates from Keene. Col. Benjamin Bellows of Walpole was chosen president, and Daniel Newcomb of Keene, clerk of the convention. Col. Bellows, Col. Samuel Hunt of Charlestown, Capt. Lemuel Holmes of Surry, Daniel Jones, Esq., of Hinsdale, and Dr. William Page of Charlestown were appointed a committee to report the sentiments of the convention. Their report,¹ which was adopted by the convention, and printed and distributed in the towns, was an argument in favor of a union of the grants; and a recommendation that a convention of delegates from all the towns in the grants, on both sides of the river, be held at Charlestown, on the 16th of January, following, for the purpose of adopting measures for such union. Forty-three towns accepted the invitation and sent delegates, twelve of whom were members of the New Hampshire legislature. Keene sent Col. Timothy Ellis and Daniel Newcomb, Esq., and "Voted to Instruct the Delegates to come into a Union with said Grants in case they (the said Grants) be annexed to the State of New Hampshire and not Otherwise."

Each party in interest made strenuous efforts to control that convention, and New Hampshire was threatened with the loss of two-thirds of its territory. New York sent emissaries to advocate the New Connecticut scheme, hoping, as a final result, to secure the territory west of the

¹The full text of that report is given in the State Papers of both New Hampshire and Vermont; and also in the Annals of Keene, page 58.

river. The governor and council of Vermont sent Ira Allen, a younger brother of Ethan, an able man and an adroit politician, to act for that state.

The convention met as called, and appointed a committee to prepare business for its consideration. On the 18th, that committee reported in favor of uniting all the grants to New Hampshire. The report was adopted by a large majority. The New Hampshire partisans were elated and hilarious over their success. But Allen arrived on the scene during the day, and he and his friends spent the night among the delegates. The result was that the next morning the vote was reconsidered and reversed, the convention voting almost unanimously to unite all the grants west of the Mason line to Vermont. Eleven delegates, including the two from Keene, entered a written protest against that action.

A committee was appointed to confer with the authorities of Vermont, and the convention adjourned to meet at Cornish, on the 8th of February—the day set for the meeting of the Vermont legislature at Windsor, on the opposite bank of the river from Cornish. On the 14th of February the Vermont legislature passed a resolution in favor of the union, and a committee conferred with the convention then sitting at Cornish. The question was again referred to the towns and thirty-five towns in New Hampshire and thirty-six in Vermont, a large majority of those acting, voted in favor of the union; and representatives from the thirty-five New Hampshire towns crossed the river and took seats in the Vermont legislature. Richmond, then one of the largest towns and sending two representatives, voted unanimously in favor of the union; and Chesterfield and some other towns were nearly unanimous on the same side. All the towns in Cheshire county west of the Mason line, except Keene, Swanzey and Winchester, joined the union. The vote of Keene, taken at a legal meeting on the 26th of March, 1781, stood twenty-nine in favor and fifty-eight against the union.

But Vermont claimed jurisdiction over all the towns in question whether they voluntarily joined or not, as appears by the following warrant, copied from the State Papers.

“State of Vermont

In general Assembly Windsor April 7th 1781.

“to either of the constables of the town of Keen in the county of Cheshire greeting—Where as by a late union of the whole of the New Hampshire grants with the state of Vermont * * * * * these are therefore to direct you upon sight hereof to warn all the freeholders and other inhabitants in s^d town of Keen that have a right by law to vote to assemble at the usual place for holding town meetings in s^d town as soon as may be and that you then and their call upon them to bring in their votes successively for two representatives of Said town to take their seats forthwith in this house as law directs that you make declaration of the persons chosen and return the same to this Assembly

excrats from the Journalls
by order of assembly
Noah Hopkins Clark.”

Under this warrant, an election must have been held, and the veteran Col. Isaac Wyman, and Mr. Ezra Stiles were chosen representatives, notwithstanding the vote in March, as their names appear as members in the proceedings of that Vermont legislature. But no record of that town meeting, or of the warrant, appears on the town books. Evidently there was a bitter feud in Keene on this question, as there was in most of the towns, and when allegiance to New Hampshire was resumed in full, nearly all records concerning the connection of the town with Vermont were doubtless expunged, if any had been made.

The legislature of the new state divided the New Hampshire portion into the four probate districts of Keene, Claremont, Dresden and Haverhill, and established the new Vermont counties of Washington and Orange, corresponding to those of Cheshire and Grafton.

The harassing condition of affairs at this time may be seen from the following letter of Col. Timothy Ellis to the committee of safety of New Hampshire:

“Keene, Aug^t 7, 1781.

“Gentlemen—

I am informed that you have rec^d some late intelligence from Gen. Sullivan respecting the New Hampshire Grants—if it is anything favorable to the friends of N. Hampshire, I wish it may be published & sent to us by the next Post: for we are in a very distressing situation,

and need every possible Encouragement & assistance to enable us to support the Rights of N. Hampshire against the rapacious claim of Vermont. They have, by a Resolve of their General Court appointed and authorized a Committee to take the Records of the Court of Common pleas in this County and have order'd the Clerk to deliver them up for the use of (what they call) the County of Washington. They have laid a Tax of 10 / (ten shillings) silver money upon every hundred acres of our Land, and are making hasty Preparations to collect it. They have Commissioned Judges for their County Court, which is to be held in Keene the 14th day of August inst. and I suppose will proceed to do Business under Vermont, unless prevented by New Hampshire. In this critical Juncture, I have to ask your advice & Direction, and hope you will bear us in mind, and not forsake us in our Distress.

I am Gentlemen, with much Respect
Your humble servant
Timothy Ellis."

Delegates from the towns of Keene, Swanzey, Richmond, Winchester, Chesterfield, Westmoreland, Walpole, Surry, Gilsum and Alstead met at Keene on the 21st of September to consider the political situation, and appointed a committee to lay the case of Cheshire county before the committee of safety. Similar action was taken by parties in Graffon county, where complaints were made of outrages committed by the partisans of Vermont; and orders were issued to Col. Charles Johnson, commanding a battalion of troops on the northwest border of the state, to preserve the peace.

The next session of the legislature of the new state was held at Charlestown, N. H., beginning October 11, nearly all the towns west of the Mason line being represented. Col. Wyman, of Keene, was one of the most distinguished members, and Mr. Stiles was appointed one of nine commissioners to adjust the boundary line between the new state and New Hampshire. Peleg Sprague, afterwards a citizen of Keene and member of congress, represented Acworth.

There was excitement when it was learned that the legislature of the new state was to hold its session on New Hampshire soil. On the 20th of September the New Hampshire committee of safety sent an express to Lt. Col.

Reynolds (or Runnells) at Springfield, Mass., who was there with his New Hampshire regiment on his way to reinforce Washington's army, to march at once to Charlestown. The excitement was not allayed when, a few days later, that regiment received a supply of ammunition.

But it was soon learned that congress would receive Vermont into the Union provided she would give up her connection with the New Hampshire towns and those she had also annexed from New York. This cooled the ardor of the ninety-one members from the towns west of the river, and left the forty-six from those on the east side in a helpless minority; and yet the latter, dominated by the "College party," voted to stand by their new organization.

The civil authorities of New Hampshire and Vermont now began to come in conflict. Cheshire county, N. H., and Washington county, Vt., covered the same territory. Each had its courts, sheriffs and constables, and the clashing began to be serious.

In November, 1781, Nathaniel Bingham and John Grandy, Jr., of Chesterfield, were arrested by Isaac Griswold, of Keene, a deputy sheriff, upon a warrant issued by Samuel King, of Chesterfield, a justice of the peace, both officers of Vermont, for resistance to a constable of that state, and committed to jail at Charlestown. They petitioned the legislature of New Hampshire for relief, and on the 28th, an act was passed authorizing the committee of safety "to issue their Order to the Sheriff of the County of Cheshire to release from Prison all persons confined * * * * by order Process or Authority of any pretended Court, Magistrate, Officers or other Persons claiming Authority from the said state of Vermont, and to apprehend the persons who heretofore have exercised * * * * Power or Authority within the said counties of Cheshire or Grafton from, by or under the said pretended Authority of Vermont, and to convey said Offenders to the common Gaol in the County of Rockingham." And the committee of safety was empowered to raise a force, civil or military, sufficient to execute the order.

Col. Enoch Hale, of Rindge, sheriff of Cheshire county, attempted to execute the order, but without sufficient

force, and was himself arrested, for attempting to break into the jail, by the same Vermont deputy who had made the first arrest—Capt. Isaac Griswold of Keene—upon a mittimus issued by Benj. Giles of Newport, Nathaniel S. Prentice of Alstead, and Elijah Bingham, “pretended” justices of the “pretended State of Vermont,” and committed to jail at Charlestown. Sheriff Hale at once applied to Dr. William Page, of Charlestown, the “pretended” sheriff of Washington county, for release on parole for the purpose of consulting Gen. Bellows at Walpole, with a view to raising the militia of Cheshire county, and the release was very courteously granted. Gen. Bellows did not deem it advisable to call out the troops, but forwarded Col. Hale’s appeal by express to President Weare, at Exeter; and Col. Hale himself returned to his quarters in the jail. He was allowed the liberty of the “yard,” which covered the village of Charlestown. Gen. Bellows also reported to President Weare, that the officers of Vermont were determined to maintain their authority, and could raise “six hundred men at short notice who will resolutely dispute the ground Inch by Inch;” and advised that troops be raised from without the county—evidently feeling that Cheshire county men could not be relied upon, as the people were about equally divided in sentiment—and that the supremacy of the state be established.

The committee of safety met on the 4th of December, and the next day issued orders to Brigadier Generals Nichols of Amherst and Bellows of Walpole to furnish troops from their commands for the relief of Sheriff Hale. Gen. Francis Blood of Temple, state commissary in the army, was ordered to furnish the troops with supplies.

The “pretended” sheriff of “Washington county,” Dr. Page, appealed to the military authorities of Vermont for troops, and four regiments were at once put under orders for immediate movement. Two of the regiments were in “Washington county” commanded by Colonels Samuel King of Chesterfield—whose warrant as justice of the peace had caused this excitement—and Wm. Heywood of Charlestown; and the men of those regiments were citizens of New Hampshire.

Gov. Chittenden wrote his major general of militia, Elijah Payne of Lebanon, lieutenant governor of the pretended state of Vermont: "After having consulted matters, if need be you are directed to call on any or all of the Militia of this State to the Eastward of the Range of Green Mountains to your Assistance, and assist the Sheriff in carrying into Execution the Laws of this State, and to defend its citizens against any insult, and provided New Hampshire make an attack with an armed force you are hereby ordered to Repel force by force." He was also directed to use every means "to prevent the effusion of blood." All the militia east of the mountains were put in readiness to move at once, fully armed and supplied.

Col. Ira Allen was despatched to Exeter with copies of the governor's letter and orders, with full power to concert measures for an amicable adjustment of all the difficulties with New Hampshire. Brig. Gen. Roger Enos and Dr. Wm. Page were also sent to Exeter to aid Col. Allen in his efforts for peace. On their arrival, Dr. Page was brought before a committee of the house for examination, which resulted in his being arrested and committed to jail. Nathaniel S. Prentice was also arrested and lodged in the same jail. The committee of safety had also ordered the arrest of Benj. Giles, of Newport, Col. Samuel King and Moses Smith of Chesterfield, and Capt. Isaac Griswold, of Keene, and all the powers of the state, civil and military, were required to aid if necessary. Giles was arrested, but was rescued by his partisans. Smith and Griswold could not be found. Col. King was arrested and brought as far as Keene, on the way to Exeter, but six of his captains, Fairbanks, Davis, Pratt, Pomeroy and Harvey, of Chesterfield, and Carlisle, of Westmoreland, raised a force of their men, overtook the sheriff's party here and rescued the prisoner.

Thereupon the sheriff issued the following advertisements:

"Four Hundred Dollars Reward To Any Person or Persons that Brings Samuel King of Chesterfield to Exeter in the State of Newhampshier & there Confine Him in Gaol, or Have Him the said King Before the Committee of Safety of s^d State; As said Sam^l King was taken Prisoner By

Vertue of a Warrant to the Subscriber Deredcted & Conducted under a Proper Guard Twenty Miles, s^d King at the Town of Keen By a Number of Men Armed w^h Clubs, Sword & Staves w^h Captains Farebanks, Davis, Pratt, Pomeroy & Harvey of Chesterfield at their Head & Capt Carilil of Westmoreland w^h a Small Partie which Parties on the Morning of the first Day of Jan. 1782 By Violence Ressque the said Samuel King Prisoner from

Robert Smith, Special Sherif."

"Mr. Ephraim Witherell—S^r if Possable Aprehend the Bodies of Isaac Grisold & Mosas Smith & them Bring Before the Committee of Safety at Exeter & you shall Have an Adequit Reward from

Rob^t Smith } Special
Jonathan Martin } Shirivs."

"A Copie"

The same parties that rescued King at Keene returned to Chesterfield that evening, Jan. 1, 1782, and after the usual refreshment at King's house, after their long, cold ride, went to the houses of those who were friendly to New Hampshire, maltreated them, and drove some families from their homes on that severe winter night. At midnight Capt. Joseph Burt of Westmoreland, to whom some of the victims had fled, wrote to President Weare, giving an account of the behavior of the mob. He closed his letter thus:

"N. B. You will Excuse the wrighting Being Calld out of Bed in a Coald Night."

The next day, Gen. Bellows wrote from Walpole a similar account of the same mob, stating, among other things, that "Upon the return of the Mob, after proper refreshment at said Kings they sought for all those Persons, who were any way concerned in assisting the aforesaid officer, some of which they got into their hands and have abused in a shameful and barbarous manner by Striking, Kicking, and all the indignities which such a Hellish pack can be Guilty of, obliging them to promise and engage never to appear against the new State again; and this is not all; they sware they will extirpate all the adherents to New Hampshire, threatening to Kill, Burn and Dstroy the Persons and Properties of all who oppose them;" etc.

On the 8th of January, the legislature ordered that an

armed force of 1,000 men, including officers, be immediately raised and sent into the western part of the state "for the defence and protection of the Inhabitants there, and to enable the civil officers to exercise their authority in that Quarter." The men were to be raised by draft, chiefly from the eastern parts of the state, to be organized in two regiments, and the committee of safety expected Cheshire county to furnish 100,000 pounds of beef for the commissary department.

On the 11th of May, Gen. Sullivan was appointed to command those forces. The situation had become very grave; but more moderate counsels prevailed, and the necessity for calling out the troops was avoided.

In December, Gov. Chittenden had written Gen. Washington, stating the condition of affairs in Vermont. Gen. Washington replied on the 1st of January, saying that Vermont had only to confine herself within her own original limits, laying no claim to the territory of other states, to insure the acknowledgment of her independence, a resolution looking to such action having already passed congress. Knowledge of that communication soon reached Exeter, supported by other communications of like import from members of congress and others, and the trend of events turned towards a peaceful solution of the difficulties. Both sheriffs were set at liberty, Col. Hale by the Vermont government, and Dr. Page by that of New Hampshire.

But the determination of the authorities to settle peacefully was not yet generally known, and a few days after his release Sheriff Hale arrested Benjamin Giles and took him to Charlestown for commitment, but Giles' friends of the other party rallied and rescued him. With a pretended Vermont deputy they arrested Hale and threatened to commit him to the jail at Bennington. Instead of that, however, they took him in a ludicrous way to Walpole and set him at liberty. From there he wrote a report of what had taken place to President Weare, and proceeded on his way to his home in Rindge.

On the 11th of February, 1782, Gov. Chittenden laid the letter of Gen. Washington before the Vermont legislature,

then in session at Bennington. It was considered in committee of the whole, which reported that the resolution of congress, guaranteeing to the states of New York and New Hampshire certain limits, had determined the boundaries of Vermont. That report was accepted and adopted by the house; and on motion of Mr. Ezra Stiles, of Keene, it was then resolved "that this House do judge the Articles of Union (between the New Hampshire towns and Vermont) completely dissolved."

Thus ended a long controversy concerning the New Hampshire Grants—a controversy into which Keene was unavoidably drawn, and in which she bore no inconspicuous part—and the towns on the east side of the Connecticut returned to their allegiance to New Hampshire. But for a long time the fires of that feud smouldered, and the passions it had roused rankled in the breasts of the active men in both parties. Some cases growing out of it had been entered in the courts and still remained to be adjudicated.

"In September, when the Inferior Court acting under the authority of New Hampshire assembled at Keene, a mob, headed by Capt. Samuel Davis of Chesterfield, and composed of persons favorable to a union with Vermont, assembled for the purpose of preventing the court from transacting business. As disturbances were expected, a large number of the opposite party came into the village. At the opening of the court, Davis, followed by his party, entered the courthouse, went up to the clerk, laid his hand upon the docket, and declared it should not be opened. At this moment, a Mr. Fairbanks of Swanzey addressed the court, praying them to adjourn for an hour, that the people present might assemble on the common, and the strength of both parties be ascertained. The court adjourned; the two parties paraded separately, Davis at the head of one, and Fairbanks of the other. The former being much the smaller, their courage failed, and the court proceeded in their business without further molestation.

"Davis and several others were arrested, by a warrant from the court, and gave bonds to appear at the next term of the Superior Court, and to keep the peace. He then went out and addressed his followers, advising them to be cool and orderly, as the most likely mode of obtaining their object. When the Superior Court assembled, an attempt was also made to prevent it from proceeding to

business, which entirely failed. Davis and two others were indicted, 'for that they, with others, committed an assault upon the Justices of the Inferior Court and their clerk, and compelled them to desist from executing the lawful business thereof.' They pleaded guilty, and threw themselves upon the mercy of the court, who, 'having taken matters into consideration, forgave them, and ordered them to be discharged.' At the same term, Robert Wier was indicted, for that he, at said time, at Keene, to encourage the rioters, did openly and publicly, with a loud voice, in the English language, speak the following words, viz:—'Col. Ashley (meaning the first Justice of said Inferior Court) is for arbitrary power, and arbitrary power he shall have; damn the Court and their authority.' He also pleaded guilty, was forgiven and discharged."

(Annals, page 64.)

It was the custom at that time for the judges and officers of the higher courts to travel from one shire town to another on horseback, carrying their documents in their capacious saddlebags. Gen. John Sullivan was then attorney general of the state. In October of this year, 1782, as the judges, accompanied by Sullivan, approached Keene to hold a term of the superior court, at which were to be tried some of the cases referred to above, they were informed that the town was full of people determined to compel them to adjourn without trying any cases. The cavalcade halted in a small wood for consultation. Sullivan had his servant with him, carrying his portmanteau, which contained his major general's uniform. He put it on, mounted his powerful grey horse and conducted the court into town. Some of the inhabitants who were loyal to New Hampshire came out on horseback to meet them, and he ordered them to form in double file in rear of the court. Arthur Livermore, then a youth of sixteen, acted as his volunteer aid.

The courthouse was surrounded by a crowd of men, some of them armed. They gave way as the court entered, but were sullen, and determined not to allow the transaction of business. The judges took their seats, the court was opened in due form, and the crowd rushed in and filled the house.

Sullivan was a man of fine personal appearance, dignified and commanding, and he stood by the clerk's desk,

calmly but resolutely surveying the crowd, recognizing here and there an officer or soldier who had fought under him and returning their salutes. Then, with the greatest composure, he took off his cocked hat and laid it on the table, unbuckled his sword and laid it beside the hat. There was a stir in the crowd and he quickly buckled on his sword and half drew the blade. Then he deliberately replaced it on the table. He then addressed the assembly, rebuking them for attempting to interfere with the proceedings of the court. A cry arose: "The petition! The petition!" and a committee stepped forward with a huge roll. Sullivan told them that if they had anything to offer the court he would lay it before them. He took the petition, looked it over and presented it to the court, recommending it to their honors' careful consideration, and it was read by the clerk. He then directed the crowd to withdraw. Some hesitancy on their part drew forth a stern command, which was reluctantly obeyed. The next morning, the court opened with the house full of people. Sullivan, now in citizen's dress, in a graceful and dignified speech, told them that the court, finding they could not go through the heavy civil docket in the time allowed for this county, would continue all cases in which either party was not ready for trial. This announcement satisfied them, and they withdrew with shouts of "Hurrah for Gen. Sullivan."

In effect the mob thus carried their point—that of postponing the transaction of business—and doubtless the presence of the attorney general prevented violence and preserved the dignity of the court. Young Livermore said afterwards: "I thought if I could only look and talk like that man I should want nothing higher or better in this world." ¹

¹From T. C. Amory's *Life of Gen. Sullivan*. The story as told by Daniel Webster was taken from the *Life of Governor Plumer*, McClintock's *History of New Hampshire*, page 409.