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Motivations Behind Vermont's Abolition of Slavery

Vermont was the first state in the US to formally abolish slavery, a fact surprisingly not well known. It did so in its constitution in 1777, rather than through case law like its neighbor to the south, Massachusetts, did in 1783. Vermont was created out of a tract of land between New Hampshire and New York, called the New Hampshire Grants. Originally part of New Hampshire, a territory dispute in 1764 caused the British Crown to redefine the land as territory of New York Colony, who subsequently invalidated the grants of those already living there and repossessing their land. This was not well received by the Grant's residents, who claimed that New York was full of monopolizing land-grabbers and demanded to be allowed to govern themselves as an independent state following the Declaration of Independence in 1776.¹ The Continental Congress denied these requests, and Vermont subsequently declared itself an independent republic in 1777, adding the abolition clause into its constitution. Other states followed Vermont's lead, beginning with Pennsylvania's passing of an act of gradual abolition in 1780, then Massachusetts through case law in 1783. The rest of New England followed shortly thereafter.

¹ "NEW-HAMPSHIRE GRANTS. Westminster Court-House January 15, 1777," in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 69.

A combination of factors led to Vermont's unprecedented move to abolish slavery.

Vermont was an ideal place for abolition to begin, because it lacked many of the barriers that hindered abolition in other states. It was a small, rural state, essentially a frontier, populated by poor white farmers who could not afford to own slaves.² The state's economy was localized, with little trade outside the state, and its mountainous geography was similarly unsuited to the large-scale farming needed for inhabitants to earn a living through agricultural trade.

Massachusetts and other New England states did rely on trade to fuel their economies, as all had seaports, and owned far more slaves than Vermont did.³ These factors combined to make slavery un-profitable, meaning that to begin with there were few enslaved people to free, and as a result, there were very few African-Americans in the state.⁴ These elements eliminated barriers to abolition, but what provided the final push?

Vermont was driven towards abolition through surging revolutionary sentiment resulting from the conflict with New York. At this time, it was engaged in a struggle for independence more intimate than that of the country as a whole, and over the rights so hotly contested during the American Revolution: property rights. Vermonters, in their own words, were fighting for freedom against the infringement of their rights by New York. Vermont was driven to make a grand statement about the rights of man through a means that would prove its commitment to

² "NEW-HAMPSHIRE GRANTS. Westminster Court-House January 15, 1777," in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 69.

³ *Ibid.*

⁴ *Heads of Families at the First Census of the United States Taken in the Year 1790, Vermont* (Washington, D.C.: Government Printing Office, 1907).

them beyond a doubt without having any real material consequences for the state. This paper will have three primary sections, each clarifying a different aspect of Vermont's abolition and the potential motivations behind it. The first will address the lack of barriers to Vermont abolition, including racial demographics, geography, the state's economy, and revolutionary ideology. The second will explore the role New York played, and what distinguished it from other freedom struggles at the time. The third and final section will tie the two together, investigating how the lack of barriers and New York's role pushed Vermont to abolition.

Historical literature has frustratingly little to say on the subject. Most major works regarding slavery in the Revolutionary period mention Vermont's abolition as a side note to America's abolition process in general, such as in David Brion Davis's *The Problem of Slavery in the Age of Revolution, 1770-1823*, in which he mentions Vermont's abolition only by stating that it was the first state to do so.⁵ Two works address slavery in Vermont directly: most prominent is *The Problem of Slavery in Early Vermont, 1777-1810* by Harvey Amani Whitfield. Whitfield's primary concern is with the execution and aftermath of abolition in Vermont, which was highly problematic, and he spends little space in his book talking about the lead up to and motivation behind abolition. He states that "it is nearly impossible to attribute motives to the Vermont founders, or what the majority of Vermonters thought of the constitution... Historians do not know what motivated Vermont's leaders to adopt the abolition provision and any guesses would be speculation."⁶ He touches upon the subject earlier in the book by saying that historians have formed a consensus that abolition was due to the lack of barriers discussed, and also briefly

⁵ David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca, N.Y.: Cornell University Press, 1975), 78. <http://hdl.handle.net/2027/heb.00229.0001.001>.

⁶ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 15.

mentions New York's involvement.⁷ Whitfield argues that Vermont had more firsthand experience with political slavery, and that to differentiate itself from New York, Vermont needed to abolish slavery, which was at odds with its political beliefs.⁸ While Whitfield does present an argument similar to what this paper argues, he provides little evidence to support his claim. This paper intends to provide that evidence. Also notable in his book was his interpretation of the two major antislavery bills passed in Vermont after 1777 – the Sale and Transportation Act of 1786, and the Prevention of Kidnapping Act of 1806. Whitfield argues that the very existence of these acts proves that slavery still existed in the state post-abolition, and that the need to rectify loopholes in prior legislation shows that Vermont's government did not really care about abolishing slavery.⁹ While the 1806 Act was likely to prevent the kidnapping and sale south of free African-Americans, he argues that the Vermont legislature's failure to act until that time indicates their disregard for their well-being. I, conversely, will argue that their decision to enact these laws at all shows how Vermont's Legislature was committed to at least publicly endorsing the principles embodied in their constitution.

One other work concerns Vermont's abolition of slavery. Neil A. McNall's Master's thesis, *Anti-Slavery Sentiment in Vermont 1777-1861*, spends significantly more space talking about the reasoning behind Vermont's abolition clause in the 1777 constitution. However, this source should be taken with a grain of salt, as it was written in 1938 and therefore reflective of the racial attitudes of the period. McNall states that he believes Vermont's abolition was the result of a combination of factors, including Vermont's status as a frontier settled by poor white

⁷ Ibid.

⁸ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 12.

⁹ Ibid.

farmers, its low population of African-Americans, opposition to slavery by various religious groups such as the Quakers, and the political philosophies gaining traction at the time.¹⁰ He also briefly touches upon the crux of my argument, suggesting that Vermont may have been pushed by spite to abolish slavery, as New York's state constitution did not have a clause prohibiting it.¹¹ It is also worth noting that even though McNall does talk more about the Vermont Constitution than Whitfield, he still spends a very small portion of his thesis on it – a few double-spaced, single sided typewritten pages. The rest of the thesis concerns later anti-slavery sentiment in the state up until the Civil War.

These two works represent the sum total of scholarship about the abolition clause of the 1777 Vermont constitution and the motivations of its writers. This paper will therefore expand this small field of historical research by examining the motivations behind Vermont's abolition of slavery. Furthermore, other than the brief mentions in Neil McNall's thesis and Whitfield's book, the crux of this argument is an angle that has not been examined before, and in lieu of secondary scholarship, it will depend on a variety of primary sources, including repeated complaints to the Continental Congress about New York's "monopolizing land grabbing", records from Vermont's conventions regarding its independence, its declaration of independence and constitution, census data from 1790, a letter from Ira Allen about the constitution, later legislation regarding slavery, newspaper articles, and so on. Sadly, though records and minutes were kept during the constitutional convention in Windsor, they have since been lost, and have not been cited elsewhere.

¹⁰ Neil McNall, "Anti-Slavery Sentiment in Vermont 1777-1861" (master's thesis, University of Vermont, 1938), 2-12.

¹¹ Ibid.

Vermont was aided in abolition by the lack of institutional barriers in the state. At the time of the American Revolution, the New Hampshire Grants were rural and sparsely settled compared to the states around it, and the mountainous geography of the state made it difficult for farmers to become prosperous. In a plea to the Continental Congress asking for statehood, the petitioners protested an increase in quitrents¹² on land occupied by Vermont farmers, and described the situation as “lay[ing] the most disproportionate share of the public expense on your petitioners, in all respects the least able to bear it¹³”. New York, when it took control of the New Hampshire Grants, tripled quitrents on the land - a move deemed unsustainable by residents and that sparked much outrage.¹⁴ The cost of this quitrent, in today’s currency, was approximately \$22.34 per hundred acres.¹⁵ According to Vermont’s leaders in their petition to the Continental Congress, this was a financial burden that residents could ill afford to bear. If Vermont’s population was this poor, there was no way any but the richest Vermonters could afford to own slaves, let alone profit from it. The low number of slaves owned in the state prior to 1777 supports this conclusion – due to the geography and economy, any slaves owned would have been house slaves, owned in small numbers by wealthy Vermonters.¹⁶ The existence of

¹² A quitrent is a type of tax paid to the landowning authority; in this case, a tax paid by the inhabitants of the Grants to first New Hampshire and then New York.

¹³ “THE DECLARATION AND PETITION TO CONGRESS,” in *Vermont State Papers: Records of the Council of Safety and Governor and Council of the State of Vermont to which are Prefixed the Records of the General Conventions from July 1775 to December 1777*, ed. E.P. Walton (Montpelier: Steam Press of J. and J.M Poland, 1873), 48.

¹⁴ “1777 Constitution,” Vermont Secretary of State, 3 April 2018, <https://www.sec.state.vt.us/archives-records/state-archives/government-history/vermont-constitutions/1777-constitution.aspx>.

¹⁵ “Five Ways to Compute the Relative Value of a UK Pound Amount, 1270 to Present,” MeasuringWorth.com, 28 April 2018, <https://www.measuringworth.com/calculators/ukcompare/relativevalue.php>

¹⁶ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 13-14.

approximately thirty-three slave-owners strongly suggests that the majority of the state could not afford it.¹⁷

In addition to being poor, Vermont was a rural state that, at the time of its independence, was essentially a frontier. Its legal status at the time can attest to that –the Grants’ population was small enough for it to exist only as an annex to the larger state of New Hampshire, somewhat like how American territories such as the US Virgin Islands and American Samoa are treated by the American government today. Census data from 1790, while about fifteen years out of date, shows that Vermont’s population was nearly half of New Hampshire’s, and the population of New York was nearly four times that of Vermont.¹⁸ Vermont’s geography also severely limited potential for trade – as a landlocked state, it was denied the economic benefit of a seaport, and its mountains limited large scale farming that would have given it the trade assets Massachusetts had. Burlington was a major port on Lake Champlain, but it was mainly used to ship lumber, an industry not dependent on slavery. Vermont is also a state of rocky hills and long cold winters, in which the only profitable arable land is in the river valleys and the Lake Champlain watershed. Its soil is also rockier than other states, inhibiting large scale farming practices. In comparison, its three nearest neighbors all had either significantly more arable land (New York), a seaport (New Hampshire), or, in the case of Massachusetts, both. Its status as a frontier was one of the primary reasons Vermont never became as reliant on slavery as other states nearby. It couldn’t sustain large scale farming like its neighbors, and its status as a relative frontier largely negated any need for slavery. There were exceptions to this rule – Whitfield’s

¹⁷ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 14.

¹⁸ *Heads of Families at the First Census of the United States Taken in the Year 1790, Vermont* (Washington, D.C.: Government Printing Office, 1907).

sources estimate that at the time of the constitution's drafting in 1777 there were 33 slave owners in the state – but overall, the vast majority of Vermonters could not afford to own slaves, and simply had no use for them.¹⁹

Vermont's population makeup also enabled it to abolish slavery with little difficulty. Almost all residents of Vermont in 1777 were white; abolishing slavery would affect a fraction of the population. The 1790 census indicates that just 0.31% of Vermont's population was African-American. While these statistics are from thirteen years after the 1777 constitution was written, it isn't unreasonable to infer that the population proportion did not undergo a dramatic shift during those years. This data indicates that African-Americans may not have been a large concern for lawmakers, and that consequently, abolishing slavery would not be disruptive to the state.

Religion also played a part in removing Vermont's barriers to abolition, albeit less dramatically and on a smaller scale than the other factors. McNall states that religion played a role in Vermont's abolition of slavery in that it predisposed residents, such as Quakers, into protesting against slavery on principle.²⁰ There is some support for the presence of abolitionist religious sentiment in the state; in Bennington in 1783, a pastor was removed from his post for openly owning an enslaved woman, along with other offenses apparently not significant or socially acceptable enough to warrant mention in the article.²¹

Most of these barriers were also absent in other states at this time, so what made Vermont different? For one thing, they were more pronounced here than in other states. According to the

¹⁹ Ibid.

²⁰ Neil McNall, "Anti-Slavery Sentiment in Vermont 1777-1861" (master's thesis, University of Vermont, 1938), 2-12.

²¹ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 65.

census data, Vermont had the lowest population of African-Americans out of all states.²²

Georgia had the closest number of other free African-Americans, but this was offset by the 29,000 slaves held in the state. The next closest neighbor was New Hampshire, at over twice the number of free African-Americans than Vermont. New Hampshire also shared Vermont's mountainous geography, but had the added benefit of a seaport in Portsmouth. Massachusetts was profoundly different in that it had a major economic and cultural center in Boston. The existence of these factors elsewhere, even though they were less pronounced, demonstrates that while they were necessary for abolition, they were not entirely sufficient to cause it.

The revolutionary ideology sweeping North America at this time likely provided the final push needed to abolish slavery in Vermont. Many of Vermont's residents in 1777 were unusually passionate about the philosophies set out in the Declaration of Independence in 1776. Property rights were critically important to early Vermont's government, and were often mentioned in communications to the Continental Congress. One in particular mentions that Vermont was being governed without representation in the assembly, with language that matches that used in the Declaration of Independence. That same document later complains of the curtailed rights of Vermont's citizens under New York and begs the Congress to grant them these rights.²³ In Vermont's declaration of independence, they go even farther, stating "we declare by all the ties which are held sacred among men, that we will firmly stand by and support one another in this our declaration of a state... we will endeavor to secure every individual to his

²² *Heads of Families at the First Census of the United States Taken in the Year 1790, Vermont* (Washington, D.C.: Government Printing Office, 1907).

²³ "THE DECLARATION AND PETITION TO CONGRESS," in *Vermont State Papers: Records of the Council of Safety and Governor and Council of the State of Vermont to which are Prefixed the Records of the General Conventions from July 1775 to December 1777*, ed. E.P. Walton (Montpelier: Steam Press of J. and J.M Poland, 1873), 48.

life, peace, and property against all unlawful invaders of the same”.²⁴ Though this proclamation is clearly geared towards protecting Vermont’s residents against incursion, it also engages language of solidarity amongst all citizens and mirrors the “life, liberty, and pursuit of happiness” line of the Declaration of Independence in “life, peace, and property.” The wording is similar yet different, likely Vermont’s interpretation of the former. It’s also important to note that the final, published 1777 constitution mirrors the Declaration of Independence to a significant degree, beginning with an itemized list of complaints against New York, much as the Declaration does. Other documents directly mirror the Declaration of Independence as well, from proceedings at the convention where Vermont’s independence was decided upon to their directly citing proceedings from the Continental Congress, to earlier communications with the Continental Congress asking for relief from New York.²⁵ While these documents do provide ample evidence of Vermont’s strong feelings towards individual rights, they do not mention slavery at all.

Notes from the convention at Windsor in which Vermont decided to become an independent state again reiterate the importance of property rights in the defense of liberty, linking the two.²⁶ Even more notable from this document is the proclamation that all inhabitants

²⁴ “The Revised Declaration of Independence: Vermont’s Declaration of Independence,” in *Vermont State Papers: Records of the Council of Safety and Governor and Council of the State of Vermont to which are Prefixed the Records of the General Conventions from July 1775 to December 1777*, ed. E.P. Walton (Montpelier: Steam Press of J. and J.M Poland, 1873), 51. (originally published in the Connecticut Courant)

²⁵ “Convention at Dorset, July 24 1776,” in *Vermont State Papers: Records of the Council of Safety and Governor and Council of the State of Vermont to which are Prefixed the Records of the General Conventions from July 1775 to December 1777*, ed. E.P. Walton (Montpelier: Steam Press of J. and J.M Poland, 1873), 16-19.

²⁶ “NEW-HAMPSHIRE GRANTS. Cephas Kent’s, Dorset, September 25 1776,” in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the*

should be entitled to the same rights and privileges as the other residents of the state, both in the past and the future.²⁷ This passage has a broad reach, and this kind of sweeping declaration, published and widely distributed, could only have been intended to demonstrate how forward-thinking and egalitarian the new state would be.

Even more notable in this passage is the use of the word “inhabitants” as well as “denizens” to describe the state’s residents who would be entitled to these rights, rather than “constituents.” The word “citizen” is used as well, after a declaration that all inhabitants become citizens. This word choice lends more credence to Vermont’s commitment to the ideologies endorsed by the Declaration of Independence. Saying “inhabitants” or “denizens” rather than any other words else shows that Vermont’s government was committed to the rights of every person, regardless of citizenship status. They place emphasis on physically being in Vermont, rather than legally being a citizen. Citizenship status could be used to exclude certain groups, like African-Americans, and yet Vermont’s government specifically defined it to be as inclusive as possible. This deliberate emphasis shows that Vermont’s leaders and politically active residents fully endorsed that all men are created equal – a sentiment that would inform their decision to abolish slavery when forming a government of their own.

Vermonters had firsthand experience with perceived oppression in a manner that mirrored that of the colonies at large. Their primary complaint against New York was the “monopolizing land claim[ing]” that resulted after New York’s legislature assumed jurisdiction over the Grants and immediately revoked all charters for land, then sold land that already had

Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 67.

²⁷ Ibid.

people living on it.²⁸ Finances were also a concern – New York had, in the framers’ opinion, enacted absurdly high quitrents and fees, much like the colonists elsewhere complained of taxes by Britain.²⁹ This was further compounded by a lack of representation by the Grants in New York’s government. Other complaints, mostly regarding violations of property rights, were a concern, as well as New York’s retribution against those who violated laws around property. Vermont was faced with the very real prospect of being ruled by a powerful neighbor who, in their opinion, infringed on their rights – much like the larger struggle going on in the Thirteen Colonies at the time.

The small size of the state also aided in galvanizing feelings of righteous indignation against New York. As there weren’t that many people living in the Grants in the first place, offenses were felt more acutely and would have felt more personal. Vermont declared itself independent in a council of elected town representatives who voted to do so with an enthusiastic majority.³⁰ Two years before the state did this, an even smaller committee from the east voted to do whatever it took to protect its inhabitants, who were “in the utmost hazard and imminent danger, under the present administration. Witness the malicious and horrid massacre of the night

²⁸ “NEW-HAMPSHIRE GRANTS. Westminster Court-House January 15, 1777,” in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 69.

²⁹ “1777 Constitution,” Vermont Secretary of State, 3 April 2018, <https://www.sec.state.vt.us/archives-records/state-archives/government-history/vermont-constitutions/1777-constitution.aspx>.

³⁰ “NEW-HAMPSHIRE GRANTS. Westminster Court-House January 15, 1777,” in *Vermont State Papers*; ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 69.

of the 13th ult.”³¹ A committee in Westminster found that more than three fourths of residents in Cumberland and Gloucester counties wanted Vermont to become an independent state. These two counties encompassed the entire eastern half of the Grants at this time along the Connecticut River.³² Sentiment against New York’s government, and their treatment of the Grants’ inhabitants, was very negative and was strongly expressed in communications to the Continental Congress.

This experience with New York would only strengthen Vermont’s passion for the rights of man. Experiencing the potential violation of their property rights in such an intimate manner as this would only serve to enhance beliefs in the revolutionary philosophies sweeping North America at this time. The entire foundation of the American Revolution was the perceived violation of their rights – specifically, financial rights and representation in government – both of which were reflected in a smaller scale with New York. The Declaration of Independence, written roughly a year before Vermont seceded, must have engaged Vermont’s leadership to a high degree, considering its parallels with their own situation. It highlights that “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness,” before further elaborating on abuses by the

³¹ “At a meeting of Committees appointed by a large body of inhabitants on the east side of the range of Green Mountains, held at Westminster, on the 11th day of April 1775,” in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 60. (In this massacre, New York soldiers killed homesteaders fighting the repossession of their land.)

³² “1777 Lotter and Sauthier Map of New York and New Jersey,” Geographicus Rare Antique Maps, 28 April 2018, <https://www.geographicus.com/P/AntiqueMap/NewYorkNewJersey-lotter-1777>.

King that Vermont also had issue with, such as a lack of representation, invasion of property rights, and taxation.³³ As discussed earlier, Vermont had very strong feelings regarding these violations of their rights, which were completely dismissed by the Continental Congress after repeated petitions. Congress responded to their pleas by saying

“That the independent government attempted to be established by the... inhabitants of the New-Hampshire grants, can derive no countenance or justification from the act of Congress, declaring the united colonies to be independent of the crown of Great-Britain, nor from any other act or resolution of Congress... Resolved, That the petition... praying that ‘their declaration, that they would consider themselves as a free and independent State, may be received; that the district in the said petition described, may be ranked among the free and independent States; and that delegates therefrom may be admitted to seats in Congress’ be dismissed.”³⁴

For Vermont, this must have felt like the ultimate slap in the face – they had an almost identical struggle to that of the greater United States, but it was being marginalized by the very power that professed to liberate it. Understandable, then, that it galvanized many residents to stress those rights that had been denied to themselves by the very institution made to defend them.

³³ “Declaration of Independence: A Transcription,” National Archives, 28 April 2018, <https://www.archives.gov/founding-docs/declaration-transcript>. (selected excerpts below)
He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only;

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures; He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance;

For imposing Taxes on us without our Consent.

³⁴ “Resolves Passed By Congress,” in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 78.

It's important here to take a step back and question whether Vermonter's passion for property rights would follow established patterns in other states, particularly regarding slavery. In the South especially, maintaining property rights was seen as an excuse to defend slave ownership. Slaves, claimed slaveholders, were their property, and were allowed to be so as parts of the rights guarantee inherent in life, liberty, and the pursuit of happiness. Vermont, however, was different in that its government as a whole was uniquely unconcerned with the reality of slavery in the United States. Estimates place the number of slave-owners in the state at around 33, in a state that, while a rural frontier, had a population large enough to make 33 a small minority.³⁵ Those slave-owners likely only held a few slaves each at most.³⁶ The same property concerns that had Southerners up in arms about property rights and slavery just didn't apply here. Property was also addressed in Vermont's abolition clause, granting that property rights were an inherent right of man. However, unlike in southern arguments, this inherent right was a justification for abolishing slavery, as slaves could not legally own property and Vermont's framers considered this a violation of natural rights.³⁷

Documents from the state's founding showcase both a passion for the revolutionary philosophies of the era as well as the abuses inflicted on them by New York. While these documents do not explicitly speak of slavery, it's a very small leap to conclude that these surging ideals around the equality of man probably influenced Vermont's framers in their decision to abolish slavery. These documents also emphasize how the state felt victimized by these abuses

³⁵ Harvey Amani Whitfield, *The Problem of Slavery in Early Vermont, 1777-1810* (Barre: Vermont Historical Society, 2014), 14.

³⁶ *Ibid.*

³⁷ "1777 Constitution," Vermont Secretary of State, 3 April 2018, <https://www.sec.state.vt.us/archives-records/state-archives/government-history/vermont-constitutions/1777-constitution.aspx>.

against their rights – their existence alone shows that the situation was sufficiently severe to warrant, in their opinion, independence.

Vermont, quite simply, felt passionately enough about the rights of man that it abolished slavery as a further expression of that passion. The fledgling state had no concrete reasons to not abolish slavery – its economy would have remained unaffected, as it was not dependent on slave labor, and there were very few enslaved Africans living there in the first place. Maintaining slavery would have had little effect on the state as it was. Abolishing it, however, would exemplify that the new state was fully committed to ensuring the rights of man as laid out in the Declaration of Independence. It would place it on the moral high ground, so to speak, when compared with New York, their perceived oppressors. In contrast, New York in 1790 had the highest enslaved population in the country outside the South.³⁸ This gesture, largely symbolic in practice, would have demonstrated Vermont’s commitment to independence beyond what any other state had done, and with the added benefit of shaming New York’s government at the same time. Evidence suggests that this was the case, pointing towards early Vermont’s government patting themselves on the back for such a progressive move.

The phrasing in the constitution itself suggests this motive. In the abolition clause, the framers justify their reasoning by listing what they believe to be man’s inherent rights, something not done for other clauses of their bill of rights. It also, not coincidentally, mirrors the language used in the Declaration of Independence. The exact clause is as follows:

“That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a

³⁸ *Heads of Families at the First Census of the United States Taken in the Year 1790, New York* (Washington, D.C.: Government Printing Office, 1907).

servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.”³⁹

This clause is *very* ideologically focused – by listing these rights, and asserting that they belong to every man, Vermont’s framers were publicly asserting their commitment to revolutionary ideals. This is further emphasized by the location of the clause within the larger constitution – it is at the very forefront of its bill of rights, denoting its importance within the document. The “therefore” in this clause is critical as well – it indicates that if these rights are true and guaranteed, then it would follow that slavery violated those rights and should be prohibited. That one word signifies commitment to following through on the beliefs espoused by the Continental Congress. Also noteworthy is the use of the word “ought” here. Whitfield argues that its use constitutes a loophole in the law, making it weak and unenforceable.⁴⁰ However, many other clauses in the Vermont constitution use this word to create laws, regarding things like eminent domain, separation of church and state, religious freedom, government’s subservience to the people, free elections, search and seizure, trial by jury, freedom of speech, disbanding of standing armies, establishment of prisons, tax collection, and enforcement of said laws. All in all, it appears 22 times in the constitution, each time to articulate a law that has great importance and enforceability in the state. By the nature of the abolition clause’s use of the word “ought” as well, it was most likely written to match other sections of the constitution, and not to weaken the clause at all.

³⁹ “1777 Constitution,” Vermont Secretary of State, 3 April 2018, <https://www.sec.state.vt.us/archives-records/state-archives/government-history/vermont-constitutions/1777-constitution.aspx>.

⁴⁰ Whitfield 15

Minutes from the convention in which Vermont decided to declare independence from New York also show unusual word choice. This declaration of sorts proclaims

“the inhabitants that at present are, or that may hereafter become resident, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities, and enfranchisements, as are allowed; and on such condition, and in the same manner, as the present inhabitants, in future, shall or may enjoy; which are, and forever shall be considered to be such privileges and immunities to the free citizens and denizens, as are, or, at any time hereafter, may be allowed, to any such inhabitants of any of the free and independent states of America: And that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established.”⁴¹

Notable here are the guarantee of rights to all of Vermont’s people, and the use of the word “inhabitants” over any other. While “citizens” and “denizens” are used later, they place the inhabitants on the same level as citizens. Though the authors of this document were likely not thinking of enslaved people at all when they wrote this, it does indicate a commitment to rights for all people – not just full citizens, but everybody. This type of sentiment, dating from before the abolition clause, was likely the largest influencer in the framer’s decision to enact it.

Other legislation supports Vermont’s abolition as a display of superiority to show their commitment to revolutionary ideology. Two other major abolitionist laws were passed in Vermont, attempting to close loopholes in the law that allowed slavery to continue. Whitfield argues that these laws acknowledge that slavery continued in the state well past abolition, ignored by the government, and this necessitated further action in order to close loopholes, and this conclusion is uncontested. The first such act was the Sale and Transportation act of 1786,

⁴¹ “NEW-HAMPSHIRE GRANTS. Westminster Court-House January 15, 1777,” in *Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont; Together with the Journal of the Council of Safety, the First Constitution, the Early Journals of the General Assembly, and the Laws from the Year 1779 to 1786, Inclusive. To which are Added the Proceedings of the First and Second Councils of Censors*, ed. William Slade (Middlebury: J.W. Copeland, Printer, 1823), 69.

which states that “all the subjects of this Commonwealth of whatever colour are equally entitled to the inestimable blessings of freedom unless they have forfeited the same by the commission of some crime, and the Idea of Slavery is expressly and totally exploded from our free Government.”⁴² The act goes on to acknowledge the continued practice of selling free African-Americans out of state as slaves, and explicitly forbids this, with a fine of 100 pounds and legal fees as a consequence. Whitfield argues that this law leaves loopholes open for other forms of enslavement and slavery within the state – and it does.⁴³ But the very existence of the act indicates that Vermont’s legislature was committed to reinforcing its image as an abolitionist state, disavowing slavery altogether. The opening lines of the act demonstrate this very well, using strong language to loudly proclaim how dedicated they were to the rights of its inhabitants. “Expressly and totally exploded from our free government” is a declarative phrase, exhibiting strong sentiment intended to make a statement. That this act only closes one loophole further supports that this act was intended to showcase how progressive Vermont was – adding one protection is enough to show commitment, and more wouldn’t have necessarily helped that. Likely, this wasn’t a large concern for legislators, and they thought that this provision would be sufficient. The delay between the abolition clause and this act supports this further.

A further act from 1806 does finally close the loopholes of the earlier acts with explicit and inclusive language, and imposed harsh penalties to those found in violation of the law.⁴⁴

⁴² “An Act to Prevent the Sale and Transportation of Negroes & Molattoes out of this State” October 30, 1786, Volume 1, p. 555. Manuscript Laws of Vermont, circa 1778-1968, (A-112). A112-00001. Vermont State Archives and Records Administration, Middlesex.

⁴³ Whitfield 15

⁴⁴ Journal of the Council of the State of Vermont, October 31, 1806, volume 5, p. 284. *Journal of the Council of Safety and Journals of the Governor and Council (Executive Council)*, 1777-1835 (Series A-010). A010-00006. Vermont State Archives and Records Administration, Middlesex.

Here again, we see the legislators who drafted the bill extolling their own virtues, stating slavery's "practice is contrary to the Genius and principles of the good people and Government of this state".⁴⁵ This bill, though its existence proves that trafficking was still occurring in Vermont at the time, also demonstrates that legislators cared enough about it to finally take decisive action, extolling their virtue while doing so.

A supreme court case from 1802 involving an enslaved woman named Dinah also stands as notable evidence regarding both the Vermont government's self-perception of their progressive stance on slavery and their actual hypocrisy on the topic. The case, brought by the citizens of Windsor, sued for damages against slaveholder Stephen Jacob, who evicted Dinah from his house when she was no longer able to work, and trusted the townspeople of Windsor to care for her.⁴⁶ The defendant's case was contingent on proving that she had been held as a slave, as her bill of sale from 1783 would have demonstrated; however, it was not admitted into evidence and the final ruling was against the plaintiffs. As slavery had been prohibited in the state, the defense argued, Dinah had been a free woman, and when she left Jacob's house, he owed her nothing. Chief Judge Robinson's comments on the case are striking, as they demonstrate perfectly the pride in which Vermonters felt in their state's abolition. He says, of the constitution,

"I shall always respect the constitution and laws of the Union; and though it may be sometimes a reluctant, yet I shall always render a prompt obedience to them... that while I reverence a constitution and laws which favor the opinions and prejudices of the citizens of other sections of the Union, the same constitution and laws contain also provisions which favor our peculiar opinions and prejudices, and which may possibly be equally irreconcilable with the sentiments of the inhabitants of other states, as the very idea of slavery is to us. But when the question of slavery involves solely the interests of the inhabitants

⁴⁵ Ibid.

⁴⁶ Royall Tyler, ed., *Reports of cases Argued and Determined in the Supreme Court of Judicature of the State of Vermont*, 2 vols. (New York: 1. Riley, 1809, 1810), 2: 192-201.

of this state, I shall cheerfully carry into effect the enlightened principles of our state constitution.”⁴⁷

Here, Robinson makes two interesting points: first, that he marks Vermont’s difference regarding slavery as confined to the state, and that the laws of the Union at large and other states are just as valid as Vermont’s abolition laws. Secondly, despite believing that federal slavery laws were as legitimate, Robinson also thought that Vermont held the moral high ground regarding slavery – enough to look down on others who did not believe in the same “enlightened principles.”

Regardless of his hypocrisy in acknowledging said law, Robinson’s opinion was intended to reflect the reality of law in the state, and yet his pride in Vermont’s values made it into his official ruling on the case. This speaks powerfully to the pride Vermont’s government must have felt about holding the moral high ground, so to speak, in this matter.

Though these examples date from well after the abolition clause was enacted, Vermont’s pride in their abolition, and their commitment to making sure they held the perceived moral high ground for their “enlightened principles” remain apparent. This sentiment had to have come from somewhere, and the enthusiasm for the rights of man from Vermont’s founding period, though distorted slightly in the intervening years, still is evident years later. Given the dearth of sources regarding slavery from around the American Revolution itself, these sources provide excellent inferences to the effect had by the abolition clause.

Vermont abolished slavery in part because there were no legitimate barriers to do so. However, unlike other states, Vermont also had a strong motivating factor to encourage abolition – the hardship it experienced at the hands of New York. Mirroring the United States’ larger struggle for independence, Vermont became passionate about the rights of man promoted by the Continental Congress, and translated that zeal into a move that would demonstrate how

⁴⁷ Ibid.

progressive and committed it was: becoming the first state in the United States to formally abolish slavery. This move would have the added bonus of spiting New York, who owned the largest number of slaves in the North and had, according to Vermont, engaged in egregious practices to violate the rights of others. The history of slavery in the United States is long and complicated, with many steps forward and even larger steps back. Understanding what motivated the first group of people to abolish it gives key understanding of the history of abolition at large, potentially providing clues as to what began the formal abolition movement in the United States. It also simply provides insight into an underexplored era of American history that hides more than it seems.

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