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STATE PAPERS OF VERMONT

VOLUME THREE

JOURNALS AND PROCEEDINGS

(VOL. III)

OF THE

STATE OF VERMONT. General

FEBRUARY AND OCTOBER SESSIONS, 1784; JUNE AND OCTOBER SESSIONS,
1785; OCTOBER SESSION, 1786; FEBRUARY SESSION, 1787;
WITH EXPLANATORY NOTES

Published by Authority

by

RAWSON C. MYRICK

SECRETARY OF STATE

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EDITOR'S NOTE

It was the original intention of the Secretary of State to limit publication to the Assembly Journal, 1778 to 1783, inclusive, hitherto unpublished. Owing to the scarcity of the Journals covering the period from 1783 to 1791, the year in which Vermont was admitted to the Union, and the continuity of historical events from 1778 to 1791, it has been decided to add two more parts to vol. 3. Many events of importance in Vermont's early history are recorded in these Journals. In order that they may be made accessible to the general public, and that information concerning Vermont, the Republic, may be more widely disseminated, the Journals, 1783 to 1791, are reprinted.

WALTER H. CROCKETT,
Editor.

This publication is a reprint of the Journals of the Vermont Assembly covering the period from February, 1784 to February, 1787, inclusive, made necessary by the fact that nearly all of the copies of this volume, first published in 1927, by Aaron H. Grout, Secretary of State, were damaged or destroyed by the flood of November, 1927.

RAWSON C. MYRICK,
Secretary of State.

JOURNALS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

AT THEIR SESSION HELD AT BENNINGTON, FEBRUARY 1784

STATE OF VERMONT

THURSDAY Feb^y 19th 1784—

The Representatives of the Freemen of the State of Vermont met at the house of M^r Jonathan Robinson^r in Bennington this day agreeable to their adjournment on the 24th day of October last—

Doct^r Roswell Hopkins having been appointed Clerk of this Assembly at their last Session, but did not attend at that time he now accepted of his appointment, and took the oath of office as Clerk of the Assembly during the present year—attest ISAAC TICHENOR Speaker—

The credentials of Jonathan Fassett Esq^r of Pittsford was read and there being no objections made—The necessary oaths were administered—

There not being a quorum present, adjourned until tomorrow morning 9 °Clock—

FRIDAY Feb^y 20th 1784—

The credentials of Capt. Benj^a Cox of Barnard, Capt. Phineas Thomas of Woodstock and Col^o Matthew Lyon of Fair-Haven were read and there being no objections made—The necessary oaths were administered them—

There not being a quorum present Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

Ordered that M^r [Lemuel] Chipman be and is hereby requested to inform his Excellency the Governor and Council that this House have formed and are ready to proceed upon business—

Israel Smith Esq^r of Thetford appeared and having left his credentials through mistake and evidence sufficient appeared to satisfy this Assembly that he had been elected a representative for said town for the present year, he was admitted by this House as a Representative—And the necessary oaths were administred.

1. Jonathan Robinson was the youngest son of Samuel Robinson, the founder of Bennington and a brother of Moses Robinson. At this time he had not begun his political career. Later he studied law, was admitted to the bar, and represented his town in the Legislature from 1789 to 1795, from 1797 to 1800 and in 1818. He was an unsuccessful candidate for Governor against his fellow townsman, Isaac Tichenor. He served as Chief Judge of the Vermont Supreme Court from 1801 to 1807. When Israel Smith resigned from the United States Senate to become Governor, Mr. Robinson succeeded him, and was reelected for a full term. He was active in political affairs and during the Madison administration is said to have controlled, largely, official patronage and army appointments for Vermont.

His Excellency the Governor with the Council came into the House and laid before the Assembly the following papers—viz—

A letter signed by the honorable David Howell¹ delegate from the State of Rhode Island to Congress, dated Princetown Oct^r 6th 1783 directed to his Excellency Gov^r Chittenden—was read—

Copy of orders delivered by the Captain General to Col^o Wait² dated Oct^r 24th 1783—was Read. .

A letter signed Micah Townsend³ Esq^r directed to his Excellency dated Nov^r 20th 1783—and a copy of his Excellency's answer dated Dec^r 9th 1783—Read—likewise a copy of a letter signed by his Excellency of the same date directed to Col^o Benjamin Wait—was read—

A letter signed by General Roger Enos⁴ and Col^o Nathan Stone dated Dec^r 18th 1783 directed to his Excellency was Read—

A copy of a letter signed by his Excellency directed to Joseph Farnsworth⁵ Esq^r dated Dec^r 24th 1783 was Read.

A letter signed by Col^o Benjamin Wait directed to his Excellency dated Dec^r 18th 1783, also his Excellency's answer dated Dec^r 24th 1783—were read—

A letter or petition signed by a number of men in opposition to this Government dated Brattleborough Jan^y 6th 1784 directed to his Excellency—And his Excellency's answer directed to John Bridgman⁶ dated Jan^y 10th 1784—were read—

A letter signed by Joseph Farnsworth Esq^r Com^y Gen^l dated Jan^y 16th 1784 directed to Gen^l Sam^l Safford—and a letter signed by Gen^l Safford dated Jan^y 18th 1784 directed to his Excellency—and a copy of his Excellency's order to Capt. Joseph Safford⁷ dated Jan^y 18th and 19th 1784 were Read.

A copy of a letter signed by his Excellency directed to Col^o Benj^a Wait dated Jan^y 19th 1784—was read—

A letter signed by Joseph Farnsworth Esq^r dated Brattleboro, Jan^y 29th 1784 directed to his Excellency—was Read—

A letter signed Hugh McClallen dated Colrain Jan^y 22^d 1784

1. Mr. Howell opposed force in dealing with Vermont.—Governor and Council, vol. 3, pp. 245-247, 249-250, 307.

2. Col. Benjamin Wait had been chosen by the Legislature to command a force of 100 men to suppress an insurrection in Windham County.—Governor and Council, vol. 3, p. 298.

3. See Governor and Council, vol. 3, p. 307.

4. General Enos was a member of the Board of War.

5. Joseph Farnsworth was Commissary General.—See Governor and Council, vol. 3, p. 46.

6. John Bridgman of Vernon, a magistrate, had sought to resign, but the Legislature had refused to accept his resignation.—Governor and Council, vol. 3, p. 15. The vigorous methods pursued by Vermont convinced many of the leaders of the New York party that further resistance was useless, and sixteen prominent men, who had opposed Vermont, asked for an amicable settlement. For text of this petition see Governor and Council, vol. 3, p. 303.

7. Captain Safford commanded a Bennington County company sent to Guilford with Ethan Allen to suppress an insurrection.

directed to the officer commanding at Guilford—And a copy of an answer to said letter signed by his Honor Paul Spooner Esq^r dated Guilford Jan^y 24th 1784—also two other letters signed by his Honor and directed to his Excellency both dated Jan^y 25th 1784—were read—

His Excellency the Governor and Council then withdrew from the House; and

On motion made by M^r [Benjamin] Whipple

Resolved that a Committee of five to join a Committee from the Council be appointed to make an arrangement of the necessary business to be transacted during the present session and make report to this House—The members chosen M^r Barber, M^r [Samuel] Mattucks, M^r Knight, M^r E. Robinson and M^r Is^l Smith—

A petition signed Samuel Bartlet and Stephen Bradley Selectmen of Sunderland for 1781 praying that this House would credit said town for 314^{lb} salted beef which had been collected and salted agreeable to an Act for raising provision in 1781 and had been spoiled by its being too long kept; was Read and refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Benjamin] Whipple, M^r [Benjamin] Carpenter and M^r [Joshua] Webb—

The following message from Council was read viz—

“In Council Feb^y 20th 1784 Resolved that a Committee be appointed to join a Committee from the House to take into consideration the mode of passing Act or Bills of a public nature and of laying them before both Houses—and the mode of recording them regularly when established—Mess^{rs} [Jonathan] Fassett and [Elijah] Robinson are hereby appointed Committee for that purpose

JOS FAY SEC^y”

Resolved that M^r [Matthew] Lyon, M^r [Isaac Tichenor] Speaker, M^r [Micah] Townsend, M^r [Lemuel] Chipman and M^r [Elias] Weld be a Committee to join the Committee of Council for the purposes aforesaid—

A petition signed John Shepherdson, William Bullock and David Stowell Select men of Guilford^r for 1781—setting forth that as the opposition to government in that town has been such that it has been out of their power to collect the provision tax granted in 1781 until very lately and that a considerable number of the then taxable inhabitants have moved out of the state, and that besides the twentieth part, which can be taken of by law, there remains the sum that was assessed on the grand list of £480-10—which they cannot collect, and praying that the said town might be credited that sum—was Read and refered unto a Committee of three to take the same under consideration, state facts and make Report—The members chosen M^r Murdock, M^r [Henry] Walbridge and M^r [Peter] Wright.

Adjourned until 9 °Clock to morrow morning—

1. See Thompson's Vermont Gazetteer, part 3, pp. 81, 82 for reference to the activities of the friends of New York in the town of Guilford.

SATURDAY Feb^y 21st 1784—

On motion made

Resolved that a Committee of five to join a Committee from the Council be appointed to prepare a Bill to enable the inhabitants of the several towns to tax the unimproved lands within their respective towns for building bridges and making and repairing roads and make report—The members chosen M^r Jos. Smith M^r [Lemuel] Chipman, M^r [Benjamin] Butterfield, M^r [Jesse] Safford and M^r [Stephen] Tilden.

A petition signed Jonathan Haynes¹ setting forth that he was wounded and disabled in the Bennington action, and praying that he might have some compensation granted him—was Read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [William] Gallup M^r [Stephen] Tilden and M^r [Thomas] Jewett—

A petition signed Joel Matthews and Benjamin Emmon Committee of Woodstock, praying that said town might be divided into two separate and distinct Societies or parishes²—was Read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Thomas] Jewet, M^r A. Smith and M^r [Eli] Cogsel [Cogswell]—

A petition signed Levi Colvin a Collector of the provision tax for 1781 in the town of Clarendon, praying that this Assembly would credit him the sum of £15 which he says is out of his power to collect—was Read and refered unto M^r Murdock, M^r [Henry] Walbridge and M^r [Peter] Wright the Committee appointed on the petition of the Selectmen of Guilford for 1781 and that they state facts and make report—

A petition signed Benj^a Whipple and Samuel Williams Select men of Rutland respecting Highways in said town, was read and refered until monday next for further consideration—

The Governor and Council sent back the bill appointing a Committee to prepare a Bill to enable the inhabitants of the several towns to tax the unimproved lands to build bridges &c. with their opinion in the following words viz—

“In Council Feb^y 21st 1784 The Council having considered the within bill are unanimously of opinion that a General act of the kind would be attended with many evil consequences and detrimental to the public in general—Jos FAY SEC^y”

On motion made

Resolved that the said Committee proceed according to their appointment notwithstanding the above opinion of Council—

1. Jonathan Haynes was a member of Capt. Samuel Robinson's company. See Vermont Revolutionary Rolls, p. 27. He was voted the sum of £50, as shown on p. 34 of this Journal.

2. See Thompson's Vermont Gazetteer, part 3, p. 198, for reference to the two Woodstock parishes.

A memorial signed William Marsh and Benj^a Holt^r praying that they might have returned to them certain notes, receipts, book accounts &c. taken from them in 1777—was read and refered for further consideration—

A petition signed Richard Prouty and Noah Bennet collectors for the town of Brattleboro' praying that a further time might be allowed them, and that part of the taxes might be abated &c. was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Edward] Harris, M^r [Lucas] Wilson and M^r [Joseph] Tyler—

A petition signed Leonard Spalding and one other signed Timothy Underwood praying that they may have a compensation allowed them for carrying on, agreeable to an order of the Gen^l Assembly in Oct^r last an action that one Jonas Clark of Boston had commenced against them for tresspassing was read and refered to a Committee of five to take the same under consideration, state facts and make Report—The members chosen M^r [Joseph] Tucker, M^r [John] Shumway, M^r [Lemuel] Chipman, M^r [Eli] Cogsel [Cogswell] and M^r [Josiah] Lock—

M^r [Thomas] Jewett requested leave of absence until Tuesday morning next—And M^r [Timothy] Bliss requested leave of absence—both Granted—

Adjourned until next Monday morning 10 °Clock—

MONDAY Feb^r 23^d 1784—

On motion made by M^r Speaker

Resolved that M^r [Eli] Cogsell [Cogswell] be requested to wait on the rev'd M^r [Job] Swift [of Manchester] and desire him to attend and pray with this House at their opening in the morning during the present session.

Col^o John Strong of Addison produced his credentials which being read and no objections made—The necessary oaths were administred—

M^r Barber, M^r [Samuel] Mattucks, M^r [Samuel] Knight M^r E. Robinson and M^r Is^l Smith with the Committee of Council appointed to prepare an arrangement of the necessary business brought in the following report viz—

1st “That the Committee appointed to revise the Laws be called on to make their report to this House concerning the same—

2^d “That the Auditors be called on to know whether they have compleated a settlement with the Treasurer and others—

3^d “That the militia be put under proper regulations for the defence of this State—

4th “That some provision be made for quieting antient [ancient] settlers and that the Laws be opened for land trials

1. William Marsh and Benjamin Holt had been “reputed enemical persons to this and the United States of America.”—Governor and Council, vol. 3, p. 55.

5th "That the Treasurer be instructed in regard to the payment of interest money now due on state notes.

6th "That some effectual measures be concerted for the settlement of confiscated estates, the payment of debts or demands on the same &c.

7th "That some method be adopted for a more equitable mode of taxation &c.

8th "That some method be taken for the collection of rates of those towns that have not legally made out any lists for the year past.

9th "That some method be taken for printing and distributing the Journals of the House—

10th "That some effectual measures be taken to adjust the cost of the 300^r men raised in the year 1782—

11th "That An Act be made adopting the scale of depreciation of the several United States so far as may concern bargains debts and contracts there made and brought into this state for settlement—and also to revise the scale of depreciation in this state—IRA ALLEN Chairman"—

The aforesaid Report was read, and,

Ordered that M^r [John] Strong be requested to wait on the Committee appointed to revise the Laws and request them to make report agreeable to the 1st article in the arrangement.

Ordered that M^r E. Robinson be requested to call on the Auditors of accounts and request them to make report to this House agreeable to the 2^d article in the arrangement—

Ordered that the 3^d article in the arrangement lie by for the present—

Resolved that a Committee of nine to join a Committee from the Council be appointed to take under consideration the 4th article in the arrangement and make report to this House—The members chosen M^r Speaker, M^r [Samuel] Mattucks M^r S. Knight, M^r [Elias] Weld, M^r Israel Smith, M^r [John] Strong, M^r E. Robinson, M^r [Noah] Sabin and M^r [Matthew] Lyon.

Resolved that a Committee of five be appointed to take under consideration the 5th article in the arrangement—and make report of their opinion to this House—The members chosen M^r [Henry] Walbridge, M^r [Abraham] Ives, M^r [Benjamin] Butterfield, M^r [Jesse] Safford and M^r [Benjamin] Baldwin—

Resolved that a Committee of five to join a Committee from the Council be appointed to take under consideration the 6th article in the arrangement and make report of their opinion to this House—The members chosen M^r [Beriah] Lomis, M^r Murdock, M^r Simon Stevens, M^r [Edward] Aikin and M^r [Benjamin] Whipple—

Resolved that a Committee of ten be appointed to take under consideration the 7th article in the arrangement and make report of their opinion to this House—The members chosen M^r [Henry] Walbridge, M^r [Gideon] Ormsby, M^r [Jonathan] Fassett, M^r [Lemuel] Chipman,

1. See Vermont State Papers, vol. 3, (part 2) p. 67; also Slade's State Papers, pp. 446-448.

Mr [Jonathan] Underwood, Mr [Joshua] Webb, Mr E. Stevens, Mr [William] Gallup Mr [Nehemiah] Lovewell and Mr [Enoch] Bean—

Resolved that a Committee of three be appointed to take under consideration the 8th article in the arrangement and make report of their opinion to this House—The members chosen Mr [Samuel] Knight, Mr [Benjamin] Baldwin and Mr [Benjamin] Carpenter.

The 9th article in the arrangement being Read

Resolved that the Secretary be and is hereby directed as soon as may be after the rising of each session of the legislature to revise and record the Journals of the proceedings of the General Assembly and immediately thereafter to make a fair copy thereof for the press and the same when printed¹ to distribute as follows, one to each member of Assembly, one to each town Clerk and one to every person entitled to receive the Acts of Assembly—

On motion made by Abraham Ives¹ Esq^r Sheriff of the county of Rutland—That he has had warrants to collect the land tax laid by the Assembly last October in the several incorporated towns in said county, and finds it very difficult for him to know what sum he ought to collect on each proprietors right as some towns are much larger and some have more proprietors than others he therefore requests that this House would give him directions concerning the same”—whereupon

Resolved that a Committee of three be appointed to confer with the Surveyor General respecting the matter and make report of their opinion to this House—The members chosen Mr [Jonathan] Fassett, Mr [John] Strong & Mr [Abraham] Ives.

Resolved that the Constable be directed to call on the treasurer and request him to furnish this House with two quire of paper as soon as may be—

Mr [Edward] Harris, Mr [Lucas] Wilson and Mr [Joseph] Tyler the Committee to whom was refered the petition's of Richard Prouty and Noah Bennet brought in the following report viz

“That it is their opinion that the executions against the collectors of state taxes in the town of Brattleborough be suspended until the first day of June next and no cost arise thereon to said collectors—And that the inhabitants of Brattleboro' have the same provision made for them as was made for the inhabitants of Hallifax at the last session of this Assembly in respect to abatement of taxes”—

The aforesaid report was read and accepted and *Ordered* that a Bill be brought in accordingly—

Adjourned until 2 °Clock afternoon.

2 °Clock P M—

Resolved that a Committee of five to join a Committee from the Council be appointed to take under consideration the 10th article in the

1. Probably this was the first printing of the Assembly Journals authorized.

arrangement and make report of their opinion to this House—The members chosen M^r [Gideon] Ormsby, M^r [Benjamin] Whipple, M^r [John] Tuthill, M^r Perry and M^r [Benjamin] Baldwin.

Resolved that a Committee of five be appointed to take under consideration the 11th article in the arrangement and make report—The members chosen M^r [Samuel] Brown, M^r [Heber] Gilbert, M^r [Phineas] Thomas, M^r [Gideon] Olin and M^r [Benjamin] Cox—

M^r [Peter] Wright requested leave of absence until to morrow afternoon—Granted—

Adjourned until to morrow morning 9 o'clock.

TUESDAY Feb^y 24th 1784—

A petition signed Daniel Story and one other signed Thomas White and David Caswell, setting forth that they had bought in the year 1777 a farm which had been confiscated by this state and paid the money for the same—And have since been turned out of possession of the same—And as it appears that the said farm never did belong to the person who it was said owned the same when it was confiscated—praying that they may have the money they paid for said farm together with their just damages refunded them by this state—was read and refered to a committee of three to take the same under consideration state facts and make report—The members chosen M^r Barber, M^r [Gideon] Olin and M^r E. Robinson.

M^r [Benjamin] Whipple, M^r [Benjamin] Carpenter and M^r [Joshua] Webb the Committee appointed on the petition of the Selectmen of Sunderland for 1781 brought in the following report viz—

“That we find by sufficient evidence that the beef mentioned in said petition was sufficiently salted, and the brine several times boiled, and all the care that could be to preserve it was taken, but it being not called for, for more than a year the beef was condemned—Therefore it is the opinion of your Committee that the prayer of the petition be granted and that this Assembly pass a resolve that said beef may be credited in the provision tax of Sunderland for the year 1781—

The aforesaid report was read and accepted and *Ordered* that a Bill be brought in accordingly—

On motion made,

Resolved that the memorial of William Marsh and Benjamin Holt be refered to the Auditors of accounts and that the [y] look into the matter of said memorial, state facts and make report to this House as soon as may be—

A petition signed Richard Prouty was read and refered to a committee of three to take the same under consideration state facts and make report—The members chosen M^r Israel Smith, M^r [Elijah] Robinson & M^r [Lemuel] Chipman.

The following resolution was sent from the Council viz—

“*In Council Feb^y 24th 1784 Resolved* that a Committee of two be appointed to join a Committee from the House to take into consideration

some effectual measures to secure all the small Islands in Lake Champlain¹ East of the deepest channel by having them granted and settled—members chosen M^r [Ira] Allen and M^r [Samuel] Safford.

attest Jos FAY Sec^y”

The aforesaid resolution was read and *Ordered* that M^r [John] Strong, M^r [Gideon] Ormsby and M^r [Matthew] Lyon be appointed to join said Committee for the purposes therein mentioned—

Resolved that the Sheriff of Windham county be and is hereby directed to suspend serving the executions against the Collectors of state taxes in the town of Brattleboro’ now in his hands until the first day of June next and that the said sheriff charge no fees thereon to said Collectors until after the said 1st of June.

Resolved that the select men of Brattleboro’ with the assistance of one other justice of the peace in the County of Windham be and are hereby authorized and empowered to abate or relinquish of the state taxes in whole or in part the quota’s of such individuals in said town as upon examination it shall appear impracticable to collect—

WHEREAS it appears that the Select men of Sunderland for the year 1781 did collect 314^{1b} beef on the provision tax for the year 1781 and sufficiently salted the same and that by reason of said beef’s not being used for more than one year after it was collected it was so damaged as to be wholly unfit for use—Therefore

Resolved that the Commissary General be and is hereby directed to credit the said 314^{1b} of beef on the provision tax of said Sunderland for the year 1781—

M^r Murdock, M^r [Henry] Walbridge and M^r [Peter] Wright the Committee to whom was referred the petition of the Select men of Guilford and the petition of Levi Colvin Collector in Clarendon for 1781 brought in the following report viz—

“That they have examined the said petitions and the evidences relative thereto and find the matters therein sufficiently proved—Therefore it is their opinion that the prayer of said petitions ought to be granted”—

The aforesaid report was read and *ordered* that bills be brought in accordingly—

A petition signed Solomon Phelps² was read and dismissed—

A petition and remonstrance signed by a considerable number of the inhabitants of Manchester, praying that the school act might be repealed—was read and dismissed—

The following message from the Council was read—viz—

“*In Council Feb^y 24th 1784*—The Council recommend to the

1. A reference to Governor and Council, vol. 3, p. 37, will show a slight variation in the Council’s report of the resolution when compared with the text in the Assembly Journals.

2. See note on Solomon Phelps, Vermont State Papers, vol. 2, p. 194.

Assembly to take into consideration the expediency of continuing the number of men now in service at Guilford as it appears there is more in number than is necessary and to provide for their being dismissed—attest Jos. FAY Sec^y.”

Resolved that a Committee of five to join a Committee from the Council be appointed to take said message under consideration, and make report of their opinion to this House as soon as may be—

The members chosen M^r [Gideon] Olin, M^r [Joel] Harmon M^r [Noah] Sabin, M^r A. Smith and M^r [Enoch] Bean—

M^r [John] Strong, M^r [Jonathan] Fassett and M^r [Abraham] Ives the Committee appointed to confer with the Surveyor General on the motion of Ab^m Ives Esq^r sheriff of the County of Rutland—brought in a report which was read and thereupon

Resolved that the several Collectors of the land tax of ten shilling on each hundred acres in the following townships collect of the proprietors and land owners on each proprietors right in the respective townships as follows—viz—

Neshobe [Brandon]—	£1-13-0	Swanton—	£1-13-0
Hubbardton—	1-13-0	Charlotte—	1-15-0
Orwill—	1-13-0	Shelburn—	0-15-0
Benson—	1-11-0	Panton—	0-15-0
Fair-Haven—	1-11-0	Addison—	1- 2-0
Cornwall—	1-10-0	Smithfield—	1-13-0
Salisbury—	0-15-0	Burlington—	1-13-0
Middlebury—	1-13-0	Highgate—	1- 2-0
Leicester—	1-13-0	Hungerford—	1-13-0
Whiting—	1-10-0	Mansfield—	1-13-0
Sudbury—	1-13-0	Stow—	1-13-0
Waterbury—	1-13-0	Georgia—	1-13-0
New-Haven—	1-10 and	Middlesex—	1-14-0
15 adventurers ^r containing 2250	} acres at 10/ p ^r 100 acres—	Westford—	1-13-0
Pocock [Bristol]—		Moortown—	1-13-0
Bridport—	1-13-0	Jericho—	1-13-0
Ferrisburgh—	2 -0-0	Bolton—	1-13-0
Weybridge—	0-11-0	Williston—	1-10-0
Hindsburgh—1-10-and	} 15 adventurers containing 800	Fairfield—	1-13-0
acres at 10/ on each 100 acres		Duxbury—	1-13-0
Shoreham—	1-13-0	Berlin—	1-10-0
Monkton—	1-12 and	Colchester—	1-10-0
600 acres for adventurers at	} 10/ p ^r 100 acres—	Worcester—	1-13-0
New Huntington—		Fairfax—	1-13-0
	1-13-0	Essex—	1-13-0
		Underhill—	1-13-0
		St. Albans—	1-13-0
		Milton—	1-15-0

1. An ancient definition of adventurer, given in the Century Dictionary, is one who is engaged in colonization, or in speculation for the sake of profit, especially in North America.



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A petition signed William Shattuck¹ who is now in Bennington Goal [Jail] praying for pardon &c. was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report of their opinion to this House—The members chosen M^r [Gideon] Ormsby, M^r [Edward] Harris, M^r [John] Shumway, M^r [Matthew] Lyon and M^r [Noah] Sabin—

A petition signed Darius Moon was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Thomas] Jewett, M^r [John] Shumway and M^r [Joseph] Tyler—

A petition signed Samuel Rice praying that he might have pay for reconnoitring the enemy's strength, shipping² &c. in the year 1778 in which voyge he was taken prisoner &c was read and refered to a committee of three to join a committee from the council to take the same under consideration, state facts and make report—The members chosen M^r [John] Strong, M^r [Samuel] Bartlet & M^r [Samuel] Mattucks.

M^r [Henry] Walbridge, M^r [Abraham] Ives, M^r [Benjamin] Butterfield M^r [Jesse] Safford and M^r [Benjamin] Baldwin the Committee appointed on the 5th article in the arrangement brought in their report which was read, and on motion made,

1. William Shattuck of Halifax was one of the most active leaders of the New York party in Windham County in opposition to the authority of Vermont. It was asserted that in 1781 he had taken an oath of allegiance to the Vermont government, but in June 1782 he was elected Major of a battalion of New York supporters, formed in the towns of Brattleboro, Guilford and Halifax. Shattuck was arrested at his home in Halifax, Sept. 9, 1782, by an armed force under Colonel Walbridge, taken to Guilford and delivered to Ethan Allen. He was committed to jail at Westminster. The four chief offenders against Vermont, William Shattuck, Timothy Church, Henry Evans and Timothy Phelps, the first three being officers of the New York battalions, were tried by the State Supreme Court at the September term and found guilty. Their property was confiscated, they were conducted across the New Hampshire line by a Vermont official and were warned not to return to Vermont under penalty of death. Meanwhile Shattuck and Evans went to Philadelphia and presented depositions to the Continental Congress concerning their arrest and sentence. On Dec. 5, 1782, Congress ordered the people of Vermont to make full and ample restitution to the four men banished, an order which was not obeyed. Later these men returned to Vermont and were rearrested. Shattuck under sentence of death for treason was confined to his farm. He was one of three Windham County men to be elected to and take seats in the New York Legislature. He also sought to raise two companies of the friends of New York, attempted to arrest former Lieut. Gov. Benjamin Carpenter and hold him as a hostage for Timothy Church, a New York leader, arrested by Vermont. Failing in this he seized John Bridgeman, a Vermont Judge of the County Court. Prompt and vigorous methods were taken by the Vermont authorities. Shattuck was arrested again and on the last day of December, 1783, he was taken to the Bennington jail and confined there. Sixteen of the leading Yorkers in Windham County asked the Vermont authorities for mercy, promising to make application "for a general purification (pacification) and an amicable settlement of past misunderstandings." From Bennington jail Shattuck sent a petition asking for pardon. A special meeting of the Council was called April 12, 1784. Following a policy of leniency, a pardon was granted upon payment of the costs of prosecution, jail expense and the giving of bond of £100 not to enter Windham County without the consent of the Council.—See Governor and Council, vol. 3, pp. 49, 234, 239, 311, 315.

2. A British force entered Lake Champlain from Canada in November, 1778. —Crockett's History of Vermont, vol. 2, p. 259.

Ordered that said report lie on the table until to morrow morning for further consideration—

A petition signed Elias Gilbert, James Jameson and Barnabas Hatch Societies Committee in Manchester, praying that said society might be established by law—was read and refered to a committee of three to join a Committee from the Council to take the same under consideration state facts and make report. The members chosen M^r [John] Strong, M^r [Elias] Weld & M^r [Benjamin] Whipple.

M^r [Samuel] Brown requested leave of absence—Granted.

The committee M^r [Henry] Walbridge M^r Jos. Smith, M^r [Joshua] Webb, M^r Murdock and M^r [Benjamin] Baldwin with the committee of Council appointed on the petition of Gideon Brownson and John Fassett brought in the following report viz—

“That the facts stated in the within petition are just and that the prayer thereof be granted”—

The aforesaid report was read and accepted and thereupon,

Resolved that the committee of Pay-table be directed to examine and adjust such accounts as shall be presented to them by Maj^r Gideon Brownson and John Fassett Esq^r for raising men in pursuance of a recommendation of Congress in 1775 and of directions from a Convention for the New-Hampshire Grants agreeable to the prayer of a petition by them presented to this assembly dated this day—And for the sums found due to draw orders on the Treasurer of this State.

The following complaint was given in and read in its place—viz—

“M^r Speaker—Feeling sensibly for the imperfections of my fellow creatures, the honor of humane nature in general and the character of a member of this House in particular—a high regard for the interest of the State and the honor and dignity of its legislative body only could induce me to enter the following charge or complaint viz—That on the 23^d Feb^y instant M^r Nehemiah Lovewell a member of the general assembly from Corinth in Orange County in the time of the sitting of this House, and in the assembly chamber was so much intoxicated with spirituous liquors as to be unable properly to discharge his duty as a member of the House according to the trust reposed in him, contrary to the honor and dignity of this House and that of the freemen of the State of Vermont which offence, the subscriber prays may be enquired into, and that the said Nehemiah Lovewell may be dealt with therefor as this honorable assembly in their wisdom shall think proper—

BENNINGTON FEB^y 24th 1784—

ELIJAH ROBINSON”—

On motion made

Resolved that a committee of three be appointed to look into the matter of said complaint, and state facts and make report—The members chosen M^r [Edward] Aikin, M^r [Gideon] Ormsby and M^r [Benjamin] Baldwin.

The petition of Benj^a Whipple and Samuel Williams select men of Rutland was again read and refered to a committee of five to join a Com^{tee} from the Council to take the same under consideration & make

Report—The members chosen M^r [Elijah] Ranney, M^r [Daniel] Taylor, M^r [Jonathan] Fasset, M^r [Henry] Walbridge and M^r [Edward] Harris—

A bill entitled “an act enabling the Auditors to possess themselves of the necessary public papers” was read and accepted and sent to the governor and council for perusal and proposals of amendment.

Adjourned until to morrow morning 9 °Clock—

WEDNESDAY Feb^y 25th 1784—

A petition signed Cotton M. Smith Samuel Elmor and a number of others, praying for a further time to pay their land tax &c. was read and withdrawn—

M^r [Samuel] Brown, M^r [Daniel] Gilbert, M^r [Phineas] Thomas M^r [Gideon] Olin and M^r [Benjamin] Cox the Committee appointed on the 11th article in the arrangement brought in their report in the following words viz—

“That an act be made adopting the scales of depreciation of the several United States so far as may concern bargains, debts and contracts there made and brought into this State for settlement—But your committee do not conceive that in any ways to alter or revise the scale of depreciation of the State of Vermont at the present time would be for the benefit or advantage of the State.”

The aforesaid report was read and accepted and *Ordered* that a Bill be brought in accordingly.

Resolved that a Committee of five to join a Committee from the Council be appointed to take under consideration an act entitled “an act to enable assignees or indorsees of negotiable notes to maintain action thereon as on inland bills of exchange or as though such notes were taken in his, her, or their own names”—and make such alterations and amendments as they shall judge proper and make report—The members chosen M^r [Gideon] Olin, M^r [Lemuel] Chipman, M^r [Samuel] Knight, M^r E. Robinson and M^r Israel Smith.

The committee M^r [John] Strong, M^r [Elias] Weld and M^r [Benjamin] Whipple with the committee of Council appointed on the society’s committee of Manchester brought in the following report viz—

“That it is the opinion of your committee that the prayer of the petition be granted”—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly.

A bill entitled “an act directing the form of passing the laws” was read and accepted and sent to the governor and council for perusal and proposals of amendment—

The committee M^r [Gideon] Olin, M^r [Joel] Harmon M^r [Noah] Sabin, M^r A. Smith and M^r [Enoch] Bean with the Committee of Council appointed to take under consideration the expediency of continuing the troops in Guilford &c brought in the following report viz—

“That in their opinion 27 men officers included will be guard sufficient to be stationed at Guilford for the time being, which guard to consist of one lieutenant, one ensign, two sergeants and two corporals and 21 rank and file, and that the remainder of the State troops raised to assist the sheriff of the county of Windham in executing the laws of this State be discharged as soon as may be; and that some person be appointed by this Assembly to proceed to Guilford with orders to direct what officers and soldiers shall remain in Guilford to compleat the guard as above said and to discharge the remainder of said troops.”

The aforesaid report was read and accepted and thereupon,

Resolved that brigdier general Sam^l Fletcher be and is hereby appointed and impowered to proceed to Guilford and discharge the State troops raised for the assistance of the Sheriff of the County of Windham in executing the laws of this State, except 1 Lieu^t., 1 ensign, 2 Serj^t and 2 Corporals and 21 rank and file—and that it be at his discretion who to retain—

Mr [Thomas] Jewett, Mr A. Smith and Mr [Eli] Cogsell [Cogswell] the Committee appointed on the petition of Joel Matthews and Benjamin Emmons Committee of Woodstock praying said town might be divided into two societies brought in the following report viz—

“That the inhabitants of Woodstock are so unanimously agreed in the dividing said town into two societies or parishes, and as the town is so formed by nature that we find it expedient to accomadate the inhabitants of said town—it is therefore the opinion of your committee that the prayer of the petition be granted”—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly.

The Committee Mr [Samuel] Bartlet, Mr [John] Strong and Mr [Samuel] Mattucks with the Committee of Council appointed on the petition of Capt. Samuel Rice brought in the following report viz—

“That it appears to your committee that the facts set forth in said petition are just and that the petitioner at the time when he engaged in said service was an inhabitant of this State—Your committee are therefore of opinion that he is intitled to Captains pay for the time he was on said expedition.”

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly—

Resolved that Mr [Nehemiah] Lovewell who is now under a charge of misbehaviour in this House be suspended from acting as a Representative until the committee appointed to take under consideration said charge make their report—

Mr [Samuel] Knight, Mr [Benjamin] Baldwin and Mr [Benjamin] Carpenter the committee appointed on the 8th article¹ in the arrangement brought in their report which was read—And *Ordered* that the same

1. This article provided for the collection of rates of towns that had not legally made out any lists for the preceding year.

be recommitted and that M^r [Samuel] Mattucks and M^r [Joseph] Tyler join said Committee for the aforesaid purpose.

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

M^r [Edward] Aikin, M^r [Gideon] Ormsby and M^r [Benjamin] Baldwin the Committee appointed to take under consideration the complaint against M^r [Nehemiah] Lovewell brought in the following report viz.

“That it is the opinion of this Committee that the matters charged against the said M^r Lovewell in the said complaint are fully proved”—

The aforesaid report was read and on motion made by M^r [Benjamin] Whipple,

Resolved that Col^o Nehemiah Lovewell a representative from Corinth be and is hereby expelled from this House as a member thereof for the crime exhibited in the complaint of M^r [Elijah] Robinson and found to be fact by the aforesaid Committee—

Resolved that M^r Lovewell be dismissed from the committee appointed on the 7th article in the arrangement; and that M^r [Daniel] Gilbert be appointed on said committee in his room—

On motion made by M^r [Jonathan] Underwood,

Resolved that a Committee of three be appointed to prepare a bill directing the sealers of leather in their office and duty—and make report—The members chosen M^r S. Stevens, M^r M. Robinson & M^r Barber.

Resolved that a Committee of five to join a Committee from the Council be appointed to prepare a bill in addition to an act entitled “An act for the ordering and disposing of transient persons” and make report—The members chosen M^r [Gideon] Olin, M^r [Jonathan] Underwood, M^r M. Robinson and M^r Barber—

On motion made by M^r [Benjamin] Whipple,

Resolved that a Committee of three to join a Committee from the Council be appointed to prepare a bill in addition to an act entitled “an act for regulating civil actions” and make report—The members chosen—M^r [Matthew] Lyon, M^r [Samuel] Mattucks and M^r [Daniel] Heald—

A bill entitled “an act directing the form of passing the laws” was the last time read and passed into a law of this State—

The Committee M^r [John] Strong, M^r [Gideon] Ormsby and M^r [Matthew] Lyon with the Committee of Council appointed to take under consideration the mode of granting the small Islands in Lake Champlain reported a resolution for that purpose which was read and dismissed—

M^r Daniel Gilbert requested leave of absence—Granted—

Adjourned until to morrow morning 9 oclock—

THURSDAY Feb^y 26th 1784—

The Committee M^r [Henry] Walbridge, M^r [Abraham] Ives M^r [Benjamin] Butterfield, M^r [Jesse] Safford and M^r [Benjamin] Baldwin appointed on the 5th article¹ in the arrangement brought in their report which was read and dismissed—And

Resolved that a Committee of three to join a Committee from the Council be appointed to take said article under consideration and make report of their opinion to this House—The members chosen M^r [Matthew] Lyon, M^r [Eli] Cogsel [Cogswell] and M^r E. Robinson—

The Committee M^r [Gideon] Ormsby, M^r [Edward] Harris M^r [John] Shumway, M^r [Matthew] Lyon and M^r [Noah] Sabin appointed on William Shattucks petition brought in their Report which was read and *ordered* to lie on the table—

M^r Speaker [Isaac Tichenor] left the chair to go on Committee agreeable to his appointment—And M^r [Edward] Harris was appointed Speaker pro. temp.

A petition signed Neh^m Harmon, Jonathan Eastman, Nath^l Norton, and Eben^r Hubbard Selectmen of Reuport praying for an allowance of beef and pork which they had collected and had been since damaged—likewise a petition signed Daniel Culver and Isaac Andrus Select men of Wells praying for an abatement in the provision tax for 1781—were read and refered to a committee of three to take the same under consideration state facts and make report—The members chosen M^r [Peter] Wright M^r [Benjamin] Carpenter and M^r [Thomas] Jewett—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

The Committee of ten to whom was refered the 7th article² in the arrangement—brought in their report which was read and dismissed—and

Resolved that a Committee of five to join a Committee from the Council be appointed to take said article under consideration and make report—The members chosen M^r [Gideon] Olin, M^r [Benjamin] Whipple, M^r [Edward] Harris, M^r [Elias] Weld and M^r [Beriah] Lomis—

The Committe M^r [Joseph] Tucker, M^r [John] Shumway, M^r [Lemuel] Chipman, M^r [Eli] Cogsell [Cogswell] and M^r [Josiah] Lock appointed on the petitions of Leonard Spalding and Timothy Underwood brought in their report which was read—and *Ordered* to lie on the table until to morrow morning—

The Committee M^r Wright, M^r Hathaway and M^r Lawrence who were appointed some sessions since on the petition of Witherel Wittum³

1. This article proposed that instructions be given the Treasurer relative to the payment of interest due on State notes.

2. The seventh article suggested the adoption of a more equitable mode of taxation.

3. See State Papers of Vermont, vol. 3, (part 1) pp. 127, 147, 169, 170, 171; vol. 3, (part 2) pp. 59, 74, 101, 135 and 146.

and sons brought in their report which was read and dismissed—And

Resolved that a Committee of five be appointed to take the matter of said petition under consideration state facts and make report—The members chosen M^r [Samuel] Mattucks, M^r [Peter] Wright, M^r [Joseph] Tyler, M^r [Jonathan] Underwood and M^r [John] Shumway—

The Committee of nine M^r Speaker &c. with the Committee of Council appointed on the 4th article¹ in the arrangement brought in their report in the form of a bill entitled “an act to enable persons who have entered and made improvements on lands under colour of title who shall be driven out of the possession by a legal trial at law to recover the value of what the estate is made better by such improvements from the rightful owner of said land—which bill was read and *Ordered* to lie on the table for a second reading—

A petition signed Joseph Tucker and 16 others praying for a compensation for their time expences &c. in pursuing and retaking Oliver Waters² &c. was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Samuel] Knight, M^r [William] Ward and M^r [Matthew] Lyon—

His honor [Lieut] Gov^r Spooner and the hon^{ble} Moses Robinson Esq^r by order of the Council, moved that this House would take under consideration a report of Committee which had been accepted by the General Assembly Feb^y 22^d 1782 on the petition of Timothy Andrus and Elijah Hinman³ as it appears to them that said report is very iniquitous—Therefore

Resolved that a Committee of five to join a Committee of the Council be appointed to look into the matter of said report—and state facts and make report—The members chosen M^r [John] Strong, M^r E. Robinson, M^r [Matthew] Lyon, M^r [Edward] Harris and M^r [Samuel] Mattucks—

A petition signed Charles Phelps⁴ who is now in Goal [jail] in this town praying that he may be released from confinement &c.—was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Henry] Walbridge, M^r [William] Ward, M^r [Samuel] Knight, M^r Moredock and M^r [Beriah] Lomis—

Adjourned until to morrow morning 9 oclock—

1. The history of the Betterment Acts, so-called, may be found in vol. 3 of Governor and Council, appendix E, pp. 341-356.

2. Oliver Waters had been made a prisoner by the New York party during the Windham County insurrection and was carried on the way to Poughkeepsie.—Governor and Council, vol. 3, p. 310; Hall's History of Eastern Vermont, pp. 510-513; State Papers of Vermont, vol. 4, (note) p. 108.

3. This petition related to a dispute over the boundary of the town of Guildhall. For the text of the report to which reference is made see State Papers of Vermont, vol. 4, pp. 64-65.

4. For text of Charles Phelps' pardon see Governor and Council, vol. 3, pp. 332-333; also see pp. 97, 98 of this Journal.



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Mr Israel Smith, Mr [Daniel] Heald, Mr [Benjamin] Cox and Mr [Beriah] Lomis.

The report of the Committee on the petitions of Leonard Spalding and Timothy Underwood which was referred from yesterday, was read in the following words viz—

“That the said Spalding was in the year 1777 appointed a commissioner of Sequestration in this State, that in consequence of said appointment he took into possession a farm of land in Putney in behalf of this State, supposed to be the property of Crean Brush¹ an inimical person—that he afterwards let said farm to one Timothy Underwood—that afterwards one Jonas Clark of Boston brought an action of trespass against said Spalding and Underwood—and that on the 11th of February instant judgment was rendered in the supreme court against said Spalding and Underwood for the sum of £10 damages and £30-11-4 cost for which sums execution is now out against said Spalding and Underwood—That previous to the rendering said judgment as aforesaid viz in October 1783 the General Assembly did direct said Spalding to defend said suit at the expence of this State if advised thereto by his Council, and that he did persue the advise of his Counsel in defending the premises—It is therefore the opinion of your Committee that said Spalding and Underwood ought to be indemnified by this State, and that the execution of the said Clarke against said Spalding and Underwood be stayed three months from this date and that an order be drawn on the Treasurer for the sum of £40-11-4 and that a Committee be appointed to examine into the premises with regard to said Spaldings and Underwoods accounts and expences in prosecuting said action and make report to the next session of Assembly”—

Resolved that the aforesaid Report be accepted and that a bill be brought in accordingly—

A petition signed by Joseph Spalding and fifty two others inhabitants of the north west corner of Tinmouth, North East corner of Wells, South East corner of Poultney and South west corner of Ira, setting forth that the mountains &c. around them are so impracticable to pass that it is with great trouble and difficulty that they can meet with the towns they respectively belong to in town and other meetings &c. and praying that they may be incorporated into a town² with the privileges &c; was read and referred to a committee of five to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen Mr [Benjamin] Whipple, Mr M. Robinson, Mr [Thomas] Jewett, Mr [Daniel] Taylor and Mr [Eli] Cogsell [Cogs-well]Th

The Committee Mr [Henry] Walbridge, Mr [William] Ward Mr

1. For note on Crean Brush see State Papers of Vermont, vol. 3, p. 85.

2. This region was incorporated as Middletown during the October (1784) session. The name of the township was changed to Middletown Springs in 1884.—See State Papers of Vermont, vol. 1, p. 101.

[Samuel] Knight, M^r Moredock and M^r [Beriah] Lomis with the Committee of Council appointed on the petition of Charles Phelps¹ brought in the following report viz—

“That said Charles Phelps be immediately discharged from his imprisonment, and that no part of the estate of said Phelps which hath been seized and confiscated by order of the supreme court be sold or disposed of until further orders from this Assembly”—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly.

A petition signed Sarah Allen widow of Major Hebar Allen² late of Poultney deceased, praying that the real estate of her late husband might be sold and the avails laid out in new lands and the educating her children &c. was read and the prayer thereof granted with leave to bring in a bill accordingly—

A bill entitled “an act empowering Ira Allen Esq^r to sell all the real estate of Major Hebar Allen late of Poultney deceased” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act enabling the governor and council to appoint Justices of the peace in new towns” was read And accepted and sent to the governor and council for perusal and proposals of amendment.

The committee M^r [John] Strong, M^r [Matthew] Lyon and M^r [Elijah] Robinson with the Committee of Council appointed to bring in a bill prolonging the time of collecting the land tax reported the following which was read and passed into a Resolution viz—

“*Resolved* that the Treasurer be and is hereby directed to suspend his extents against the collectors of the land tax granted in October 1783 until the first day of June next”—

The petition of M^r [Nehemiah] Lovewell³ which was preferred in the fore noon of this day, and praying that he might be restored to his seat was again read and,

Resolved that the prayer thereof be granted and that he be admitted to his seat accordingly.

1. See notes in State Papers of Vermont, vol. 3, part 2, pp. 108, 194, 205.

2. Heber Allen, a brother of Ethan and Ira Allen, was born in Cornwall, Conn., Oct. 4, 1743. He married Sarah Owen of Salisbury, Conn., March 17, 1768. He removed to Poultney, Vt., in 1771, being one of the earliest settlers in that township. He was proprietors' clerk and the first Town Clerk. He was with his brother Ethan at the capture of Ticonderoga, in 1775, and was a Major of militia under General St. Clair in the campaign which included the battle of Hubbardton. His health was impaired in the service and he never recovered from the hardships of military life. He died April 10, 1782. Mrs. Allen was housekeeper for her brother-in-law, Ira Allen, for several years, and died in 1788. Five children, Heber, Sarah, Joseph, Lucy and Heman were born to Mr. and Mrs. Heber Allen. Heman was treated as a son by Ira Allen and became one of the leading men of the State, was a member of Congress, Judge and president of the Burlington branch of the United States Bank. He was the first United States Minister to Chili, 1823 to 1828.—See Allen Genealogy, Hemenway's Gazetteer, vol. 1, p. 976-980; Crockett's History of Vermont, vol. 2, p. 627, vol. 3, p. 138.

3. See pp. 15 and 18 of this volume for charges made and expulsion ordered.

A petition signed Nathan Leonard, praying for a new trial in a certain cause therein described was read and refered to a committee of three to join a committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Matthew] Lyon, M^r [Jonathan] Fassett and M^r [Samuel] Knight—

A petition signed Jacob Bailey president of the inhabitants of Orange County, praying for County elections,¹ Law books, that the Courts may be held at Newbury &c, &c. was read and refered to a committee of five to join a committee from the council to take the same under consideration, state facts and make report—The members chosen M^r Barber, M^r [Lemuel] Chipman, M^r [Noah] Sabin, M^r E. Robinson and M^r [Henry] Walbridge.

A bill entitled “an act to discharge Charles Phelps from imprisonment” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Ichabod Doolittle, Thomas St. Johns, William Forrester proprietors Committee of Moortown [Bradford] was read and dismissed—

Adjourned until 9 °Clock to morrow morning—

SATURDAY Feb^y 28th 1784—

A bill entitled “an act incorporating a Congregational society in the town of Manchester”² was read the last time and passed into a law of this State.

A petition signed David Dickinson and Chipman Swift agents for the Proprietors of Wilmington, praying that this Assembly would hear and finally determine the dispute³ between the proprietors of Draper and the petitioners &c. was read and *Ordered* that the secretary be desired to request the governor and council to join this House in hearing and determining the matter of said petition—

His Excellency the Governor, the honorable the Council and House of Representatives being met together formed as a Court of Equity to hear the petition of the proprietors of Wilmington against the proprietors of Draper.

1. Orange County was organized in 1781 and extended from Windsor County northward to the Canadian line, its limits being similar to those of Gloucester County under the New York colonial government. In 1792, Caledonia and Essex Counties and a part of Orleans county were set off. Some changes were made in 1797, and again in 1810.—See Hemenway's Gazetteer, vol. 2, pp. 801-807.

2. The Manchester Congregational Society was organized in 1782 and the church, in 1784.—See Hemenway's Gazetteer, vol. 1, p. 204.

3. Governor Wentworth of New Hampshire granted the town of Wilmington in 1751 and the town of Draper to others in 1764. These grants covered in part the same territory, but Draper never was organized. There was a long controversy between the two sets of proprietors and the settlement of the town was delayed by this quarrel. Finally the settlers, by a majority vote, directed that no settlement should be made under the Draper charter.—See Hemenway's Gazetteer, vol. 5, Sketch of Wilmington, p. 7.

The Council for the proprietors of Draper objected against the jurisdiction of this court relative to the hearing and determining the matter of said petition—after hearing the counsel of both parties—The court are of opinion that they have a right to hear and determine the matter of said petition—

The counsel for the proprietors of Draper then requested that the trial might be put over to the next session of Assembly as they were not and could not be ready for trial at this session—The court *Order* that said trial be refered until the seventh day of the next October session and that this court will then proceed to hear and determine the matter of said petition—

A petition signed by the select men of Arlington for the year 1780 praying that they might be credited for flour which had been collected and stored on the provision tax for said year—and which flour had been stolen out of said store—was read and refered to a committee of three to join a committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Joshua] Webb, M^r [William] Ward and M^r Perry—

The Committee M^r [Matthew] Lyon, M^r [Jonathan] Fassett and M^r [Samuel] Knight with the Committee of Council appointed on the petition of Nathan Leonard brought in the following report viz—

“That they have considered the matter of said petition and the evidence alluded to and find said evidence does not in their opinion amount to sufficient reason for granting a new trial¹ in said cause therefore your committee are of opinion that the prayer of the petition be not granted.”

The aforesaid report was read and accepted and said petition dismissed—

A bill entitled “an act to stay an execution and grant a sum of money for the purpose of paying and satisfying the said execution” was read and accepted and sent to the governor and council for perusal and proposals of amendment—

The Committee M^r [Samuel] Mattucks, M^r [Peter] Wright, M^r [Joseph] Tyler M^r [Jonathan] Underwood and M^r [John] Shumway to whom was refered the petition of Witherlee Wittum² and sons brought in the following report viz—

“That the petitioners were in peaceable possession of the farm alluded to in said petition—that they were disposed [dispossessed] by order of the court of confiscation—Your committee further find that an execution issued from the superiour court against the petitioners for the sum of £28-3-damages and £12-0-11 cost—that the petitioners have paid on the above execution £18—Your Commmittee are therefore of opinion that the said execution and writ of possession issued from the superiour

1. For reference to legislative encroachment upon judicial powers see Vermont State Papers, vol. 3, part 1, note p. 117.

2. For reference to the Wittum controversy see pp. 36, 46-48.

court against the said petitioners be stayed until the title of said land can be fully ascertained"—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly.

Resolved that a Committee of five to join a Committee from the Council be appointed to take into consideration the mode of proceeding of his Excellency the Gov^r the Council and House of Representatives in cases of equity and make report—The members chosen M^r [John] Strong, M^r [Elijah] Robinson, M^r [Henry] Walbridge, M^r [Matthew] Lyon and M^r [Samuel] Mattucks—

A bill entitled "an act to continue the causes which are or may be depending between the proprietors of Wilmington and Draper"—was read and accepted and sent to the governor and council for perusal and proposals of amendment—

A petition signed Benjamin Fassett and Mindwell Hopkins Administrators to the estate of Maj^r Wait Hopkins deceased and Stephen Hopkins Administrator to the estate of Capt. Benjamin Hopkins deceased—praying for half pay for the widows and orphans of the deceased agreeable to a Resolution of Congress was read and refered to a committee of three to join a committee from the Council to take the same under consideration, and make report of their opinion to this House—The members chosen M^r Barber, M^r [Joseph] Wood and M^r [Jonathan] Underwood—

A petition signed Comfort Sever, Calvin Parkhurst, and Zebulon Lyon select men of Royalton praying for leave to raise a sum of money by a lottery¹ to build a bridge over White River &c. was read and refered to a committee of three to take the same under consideration and report their opinion to this House—The members chosen M^r [Beriah] Lomis, M^r [Jesse] Safford and M^r Heber Gilbert—

M^r [John] Strong requested leave to bring in a bill to repeal an act entitled "an act to prevent the inhabitants of the State of New York being allowed greater privileges² within this State, than the inhabitants of this State are allowed in within the State of New York"—*Ordered* that he have leave to bring in a bill for that purpose—

M^r [Abraham] Ives requested leave of absence—Granted
Adjourned until Monday next 10 o'Clock in the morning.

MONDAY March 1st 1784—

A petition signed Joel Abbot praying that a judgment obtained against him last Saturday before the Superiour Court in favour of Joseph Farnsworth Esq^r C. Gen^l might be relinquished to him as said

1. For reference to lotteries in Vermont see Vermont State Papers, vol. 3, part 1, pp. 12, 40, 55, 62, 63, 64, 92, 121, 182, 187, 224, 235, 265; part 2, pp. 166, 197, 199, 200, 203, 206.

2. For note concerning the passage of this measure see Vermont State Papers, vol. 3, Part 2, p. 212.

judgment was obtained for guns that he had receipted of the Commissary for public use at the time this State extended her jurisdiction to the west ward, and afterwards this State relinquished her jurisdiction and put it out of his power to return the guns again, was read and refered to a committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Samuel] Mattucks, M^r [Matthew] Lyon and M^r [Joseph] Tyler—

A bill entitled “an act to discharge Charles Phelps from imprisonment” was read the last time and passed into a law of this state—

On motion made by General Allen,¹ that this House would order payment of a certain note that he gave the printers in Hartford for £78 lawful money with the interest for printing a number of Pamphlets, which were of great use and service towards settling and securing the independence of this state—Therefore

Resolved that a Committee of three to join a Committee from the Council be appointed to take the said motion under consideration, state facts and make report—The members chosen M^r [Benjamin] Wait, M^r [John] Strong and M^r [Beriah] Lomis—

According to leave M^r [John] Strong brought in a bill entitled “an act to repeal an act entitled an act to prevent the inhabitants of New York being allowed greater privileges within this state than the inhabitants of this state are allowed in the state of New York” which was read and accepted and sent to the governor and Council for perusal and proposals of amendment—

M^r [Enoch] Bean made the following motion viz

“That a petition was preferred to the honorable General Assembly of this State at their session at Windsor in February 1783 by John Alger praying that a certain execution might be vacated and set aside which I had legally obtained against the said Alger and I was obliged to attend on the Assembly in defence of my right against said petition and the said petition was by said Assembly dismissed. I therefore move that this honorable Assembly will provide ways and means by which I may recover my legal cost against the said petitioner”—Thereupon

Resolved that a Committee of three be appointed to take said motion under consideration and make report—The members chosen M^r [Gideon] Olin M^r [Benjamin] Wait and M^r [Lemuel] Buck—

A petition signed Nathaniel Sever² praying that he might be allowed pay and depreciation &c. was read and refered to a committee of three

1. Before there were newspapers or printing offices in Vermont, Connecticut newspapers and printers were employed in the interest of the new State. Apparently Ira Allen often advanced money for the payment of State expenses.

2. Nathaniel Seaver was a Sergeant in Capt. Timothy Bush's company, in Col. Peter Olcott's regiment of militia, employed in scouting in Strafford at the time of the alarm at Newbury, in October, 1780. At one time he served as an Ensign in Captain Bush's company. He enlisted in Col. Seth Warner's regiment for three years, was made a prisoner and was paroled.—Vermont Revolutionary Rolls, pp. 281, 442, 776.

to join a Committee from the Council to take the same under consideration state facts and make Report—The members chosen M^r [Benjamin] Wait, M^r [Beriah] Lomis and M^r [Gideon] Olin.

The Committee M^r [Benjamin] Whipple, M^r M. Robinson,¹ M^r [Thomas] Jewett, M^r [Daniel] Taylor and M^r [Eli] Cogsell [Cogswell] with the Committee of Council appointed on the petition of Joseph Spalding and 52 others inhabitants of Wells, Tinmouth &c. [for a new township] brought in the following report viz—

“That it is our opinion that the petition be refered until the next session of Assembly and that this Assembly appoint a disinterested committee of three persons at the cost of the petitioners to go on the premises and state facts and make report to the next session of Assembly.”

The aforesaid report was read and accepted and *Resolved* that a Committee of three be appointed to nominate three persons for said committee and make report—The members chosen M^r [Samuel] Knight, M^r [Benjamin] Whipple and M^r [Eli] Cogsell [Cogswell]—

The Committee M^r [Joshua] Webb, M^r [William] Ward and M^r Perry² with the committee of Council to whom was refered the petition of the select men of Arlington brought in the following report viz—

“That they have taken said petition under their particular examination and having examined the evidences in support of the facts set up therein, beg leave to report as their opinion that the prayer of the petition be granted”—

The Committee M^r [Jonathan] Hunt, M^r Israel Smith, M^r Hale,³ M^r [Benjamin] Cox and M^r [Beriah] Lomis with the Committee of Council appointed on the petition of the select men of Shaftsbury praying that an order of three freeholders might be set aside &c. brought in the following report viz—

“That in the opinion of your committee said Parkers land did contain a sufficient quantity of surplussage land to fully compensate for the land taken off by the road refered to in the petition—that those freeholders who gave an order for damages as set forth in said petition did not understand the matter in a just point of light—Therefore your committee are of opinion the order of said freeholders ought to be set aside”—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly—and that M^r Parker be heard himself or by attorney at the time of bringing in the bill—

1. This appears to have been Moses Robinson of Rupert, who held the offices of Selectman and Representative in that town, and should not be mistaken for Moses Robinson of Bennington, afterward Governor of the State, who at this time was a member of the Council.—See p. 29 of this journal for reference to Moses Robinson of Rupert.

2. The name Perry does not appear in the list of members of the Assembly at the beginning of the session. In 1784-1785 William Perry represented the town of Pomfret. It is possible that he may have served during a part of this session.

3. James Hale represented Putney in 1784-1785. The name does not appear on the membership roll for the session of 1783-1784.



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“That having considered the said petition, find the matter therein contained to be fact and are of opinion that the prayer of the petition be granted and that the judgment be indorsed satisfied and that the Commissary General be credited for said guns and his cost by this state, and that the Commissary General be served with a copy of the resolution of the legislature with regard to the matter.”

The aforesaid report was read and accepted and thereupon,

Resolved that Joseph Farnsworth Esq^r Commissary General be and is hereby directed to indorse the judgment satisfied which was obtained by him the said Joseph Farnsworth C. G. on Saturday last against Joel Abbot for £15 beside cost and that the Commissary General be credited for the guns he issued the said Abbot—also

Resolved that the Treasurer be and is hereby directed to issue an order in favor of the said Commissary General on the hard money tax for £10-14-8 cost of said suit—

M^r [Elijah] Ranney, M^r [Daniel] Taylor, M^r [Henry] Walbridge, M^r [Jonathan] Fassett and M^r [Edward] Harris the Committee to whom was refered the petition of the select men of Rutland respecting roads &c. brought in the following report viz

“That in their opinion the said petition ought not to be granted”—

Which report was read and accepted and said petition dismissed—

M^r [Benjamin] Wait, M^r [Gideon] Olin and M^r [Lemuel] Buck the Committee to whom was refered the motion of M^r [Enoch] Bean brought in their report which was read and dismissed—

The Committee M^r [Gideon] Ormsby, M^r [Edward] Harris, M^r [John] Shumway, M^r [Matthew] Lyon and M^r [Noah] Sabin with the Committee of Council on the petition of William Shattuck brought in the following report viz—

“That in the opinion of this Committee the prayer of said petition ought not to be granted”—

Which report was read and accepted and said petition dismissed—

A bill entitled “An act dividing the town of Woodstock¹ into two parishes was the last time read and passed into a law of this State—

The Committee M^r [Benjamin] Wait, M^r [John] Strong and M^r [Beriah] Lomis with the Committee of Council to whom was refered the motion of General Allen brought in the following report viz—

“That it is the opinion of your Committee that the motion be granted and that an order be given on the treasurer in favour of Gen^l Ethan Allen for the contents of said note refered to in said motion with the interest.”

The aforesaid report was read and accepted and thereupon,

Resolved that the treasurer of this state be and is hereby directed to pay to Gen^l Ethan Allen the sum of £97-5-11 the same being to defray the expences of publishing certain pamphlets for the benefit of this State.

1. The town was divided by this act into the north and the south parishes.

M^r [Jesse] Safford, M^r [Benjamin] Butterfield and M^r [Edward] Harris the Committee to whom was refered the motion of Col^o Bradley respecting Serjeant Fisk brought in their Report which was read and dismissed—

A bill entitled “An act enabling the Governor and Council to appoint justices of the peace in New Towns” was the last time read and passed into a law of this state—

On motion made by Joseph Farnsworth Esq^r C. Gen^l.,

Resolved that a Committee of three to join a Committee from the Council be appointed to take under consideration the situation of the Commissary General of Purchases, state facts and make report—The members chosen M^r [John] Strong, M^r Moredock^r and M^r [Henry] Walbridge—

Adjourned until 9 °Clock to morrow morning.

TUESDAY March 2^d 1784—

A bill entitled “an act to enable persons who have entered into and made improvement on lands under colour of title who shall be driven out of the possession by a legal trial at law to recover the value of what the estate is made better by such improvements from the rightful owners of the land” was read and accepted and sent to the governor and council for perusal and proposals of amendment—

A bill entitled “an act for the limitation of actions” was read and accepted and sent to the Gov^r and Council for perusal and proposals of amendment.

A petition signed Shubal Cross praying for a discharge of certain bonds therein mentioned, was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r Is^l Smith, M^r [William] Gallup and M^r [Enoch] Bean—

A petition signed Shubal Cross praying for a reversal of a judgment therein mentioned, was read and dismissed—

A bill entitled “an act for enabling communities to sue for and defend their rights, estates and interests,” was read and accepted and sent to the governor and Council for perusal and proposals of amendment—

A bill entitled “an act against High Treason”² was read and sent to

1. Thomas Murdock of Norwich represented his town in the Assembly in 1782-1783, but the records do not show that he was a member in 1783-1784. Occasionally references are made to members whose names do not appear in membership lists. This may be explained by the calling of special elections to fill vacancies.

2. The death penalty was provided for levying war against the State; for aiding or assisting enemies at war against the State; for furnishing arms, ammunition or provisions; for carrying on “treacherous correspondence” with enemies; or for giving or attempting to give intelligence to an enemy. The estate of a person found guilty of treason was to be forfeited to the State. Any person found guilty of attempting to join the enemies of the State, or inducing others to join them, or concealing knowledge of a conspiracy against the State, was subject to a fine and imprisonment not to exceed ten years—Slade’s Vermont State Papers, p. 483.

the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act in addition to two several acts therein mentioned” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

Resolved that it is the opinion of this House that the impeachment brought against John Barret Esq^r the last October session, virtually suspends him from officiating in his office as a justice of the peace.

Resolved that the Treasurer be and is hereby directed to give an order in favour of Serj^t Sylvanus Fisk upon any of the Collectors of the 3^d tax in Windham County for the sum of thirty five pounds towards his expences of board, surgeons &c. and charge the same to the said Fisk on account, he being wounded in the service of this state—And that said Fisk hereafter exhibit his account to the Committee of Pay Table for adjustment and that the Treasurer issue orders upon the hard money tax for what shall be due on a ballance for the expences of his sickness and wound received in the service—

Adjourned until 2^oClock afternoon—

2^oClock P. M.—

A petition signed David Powers^r praying for liberty to establish a ferry from Mount Independence to Ticonderoga, was read and *Ordered* to lie on the table.

A petition signed by Mess^{rs} Haswell and Russell printers in Bennington was read and dismissed—

A petition signed Moses Warren was read and refered to a committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen—M^r [Benjamin] Carpenter, M^r [Edward] Aikin and M^r [Stephen] Tilden—

The Committee M^r [Beriah] Lomis, M^r [Jesse] Safford and M^r H. Gilbert appointed on the petition of the select men of Royalton brought in the following report viz—

“That in their opinion the prayer of said petition be granted—that the petitioners have liberty to raise £140 by lottery—And that they be under the direction of the authority and select men of the town of Royalton for the year ensuing—Provided it by no means be at the risque of this state”—

The aforesaid report was read and accepted and thereupon,

Resolved that the select men of the town of Royalton in Windsor County which shall be chosen in the present year have liberty to raise by way of lottery a sum not exceeding £140 for the purposes of building a bridge over White River in said town about twenty rods below a place commonly known by the name of the Handy Fordway under such regulations as the authority in said town shall direct—they the select men

1. David Powers was a Lieutenant in the Vermont militia and saw much service in the Revolutionary War.—See Vermont Revolutionary Rolls, pp. 10, 27, 174, 206, 333, 395, 485, 564, 613, 634, 635, 774, 782.

giving sufficient bonds to said authority for the faithful performance of their trust—And that it be understood that this state are in no wise accountable for the same—

On motion made by M^r [Benjamin] Butterfield

Resolved that Micah Townshend, Benjamin Butterfield and Samuel Warriner Esq^{rs} Col^o John Serjeants and M^r Josiah Armes All of Brattleborough in Windham County have liberty to raise by way of lottery a sum not exceeding £300 for the purpose of building a bridge over West River in said town under such regulations as the authority in said town shall direct—And the said Micah Townsend, Benj^a Butterfield, Sa m^l Warriner, John Serjeants and Josiah Armes are hereby appointed managers of said lottery they giving sufficient security to the treasurer of the County of Windham before some justice of the peace in said County for the faithful performance of their trust—And that it be understood that this state in no wise will be accountable for the same—

The Committee M^r [John] Strong, M^r [Elijah] Robinson, M^r [Henry] Walbridge, M^r [Matthew] Lyon and M^r [Samuel] Mattucks with the committee of Council to whom was refered the mode of proceeding of the governor, Council and General Assembly in cases of equity brought in their report which was read and *Ordered* to lie on the table—

The Committee M^r [Gideon] Olin, M^r [Joseph] Sawyer M^r [Jonathan] Underwood, M^r M. Robinson, and M^r Barber with the Committee of Council appointed to prepare a bill in addition to an Act entitled, “an act for the ordering and disposing of transient persons” brought in a bill which was read and dismissed—

A bill entitled “an act to prevent the spreading of the small pox”^r was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

On motion made by M^r [Joseph] Tyler,

Resolved that a Committee of three to join a Committee from the Council be appointed to take under consideration such matters as M^r Tyler shall lay before them respecting the Committee of tract appointed to make sale of the township of Londonderry &c. and that they state facts and make report—The members chosen M^r [Joshua] Webb, M^r [Daniel] Heald and M^r [John] Shumway—

The Committee M^r [Benjamin] Wait, M^r [Beriah] Lomis and M^r [Gideon] Olin with the Committee of Council to whom was refered the petition of Nathaniel Sever brought in the following report viz—

“That we find that the petitioner did actually enlist as a soldier and was afterwards taken prisoner by the enemy and returned upon parole as set forth in said petition—It is therefore the opinion of your

1. Dr. C. S. Caverly, who contributed “A History of the Medical Profession” to Crockett’s History of Vermont, declared that in 1784 and 1787 laws were enacted dealing with smallpox, “making it the duty of the Selectmen in the various towns to attend to cases of this disease, provide medical attendance, and guard against danger to the uninfected.” Thence dates our disease quarantine. For many years smallpox was the only “quarantinable disease. From this time the Selectmen were the local boards of health.”

Committee that the petitioner ought to have the depreciation of his wages made up for the term of three years which was the time he enlisted, and that the said Severs name be entered upon the roll of the officers and soldiers in Col^o Seth Warner Reg^t who are entitled to the depreciation, and that the Committee of Pay table adjust his account"—

The aforesaid report was read and thereupon

Resolved that the Committee of Pay Table be and they are hereby directed to adjust the depreciation of Nathaniel Sever for his three years service in Col^o Seth Warners regiment, enter his name on the Pay Roll and draw an order on the treasurer for the ballance found due to him—

The petition signed Moses Warren (which was refered to a committee) was withdrawn—

A bill entitled "an act in alteration of an act entitled an act regulating proprietors meetings" was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee M^r S. Stevens, M^r M. Robinson and M^r Barber appointed to prepare a bill directing the sealers of leather in their office and duty, brought in a bill which was read and *Ordered* that the same be recommitted and that they prepare an addition to said bill directing the manufacturing [of] flour—and make report—

The petitions of Daniel Story, and Thomas White and David Caswell were again read and refered to a new committee to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to this House—The members chosen M^r [Gideon] Olin, M^r [Peter] Wright & M^r [Samuel] Knight—

The Committee M^r [William] Gallup, M^r [Stephen] Tilden and M^r [Thomas] Jewett, to whom was refered the petition of Jonathan Haynes brought in the following report viz—

"That said petitioner be directed to receive an order upon the treasurer for the sum of £50."

Which Report being read, *Resolved* that the treasurer be and is hereby directed to pay unto Jonathan Haynes¹ the sum of fifty pounds Lawful money for the cost and damages he sustained in being wounded in the Bennington Battle—

A bill entitled "an act for to prevent the spreading of the small pox" was read the last time and passed into a law of this state—

A bill entitled "an act in addition to an act entitled an act for regulating goals [jails] and goalers" [jailers] was read and accepted and sent to the governor and Council for perusal and proposals of amendment—

Adjourned until 9 °Clock to morrow morning.

1. A list of the members of Capt. Samuel Robinson's company, which served in the battle of Bennington, given in the Vermont Revolutionary Rolls, p. 27, includes the name of Jonathan Haynes.

WEDNESDAY March 3^d 1784—

Resolved that the general Election [legislative session] to be held in October next be held in the town of Rutland.

Mr [Beriah] Lomis moved to bring in a bill to prevent white pine and other valuable timber with artificial marks from being destroyed—

Ordered that he have leave to bring in a bill for that purpose—

A bill entitled “an act enabling the auditors to possess themselves of the necessary papers” was returned from the Governor and Council with the following opinion thereon viz—

“*In Council 2^d March 1784*—Having read the within act are of opinion that such an act is unnecessary and unconstitutional—

JOSEPH FAY SEC^y”—

On motion made

Resolved that Mr [Samuel] Knight wait on the Governor and Council and request them to give their reasons why said act is unnecessary and unconstitutional.

The Committee appointed last session to go into Rutland County and fix upon a place for building a Court House and Goal [jail] in said County &c. made their report—and after some debate.

Resolved that a Committee of five be appointed out of the members of Bennington County to hear the members of Rutland County respecting the place for building a Court House and Goal in said County and make report—The members chosen Mr [Lemuel] Buck, Mr [Thomas] Jewett, Mr Barber, Mr [Edward] Hurd and Mr [Henry] Walbridge—

On motion made by Gen^l [Roger] Enos

Resolved that the treasurer be and is hereby directed to receive from Gen^l Roger Enos Treasurers or Pay Masters certificates of monies due (commonly called Due bills) bearing date previous to the 13th February 1783 to the amount of £345 and to give said Enos states notes upon interest from said 13th of February for the said sum—

A bill entitled “an act authenticating a deed unto Moses Robinson Esq^r of a right of land in the township of Clarendon” was read and accepted and sent to the Governor and Council for perusal and amendment—

Mr [Samuel] Knight returned from the Council with verbal reasons why the bill entitled “an act enabling the Auditors to possess themselves of the necessary papers” was unnecessary and unconstitutional—after hearing said reasons,

Resolved that a Committee of five to join a Committee from the Council be appointed to redraught the said bill and make such amendments and alterations as they shall judge best—And also that they point out the particular duty of the Auditors and make report—The members chosen Mr [Samuel] Knight Mr [Matthew] Lyon, Mr Speaker, Mr E. Robinson, and Mr [William] Ward.

A bill^r entitled “an act to set aside and render null and void in law

1. This act relates to damages awarded one William Parker of Shaftsbury for the laying of a road through his farm.—Slade's Vermont State Papers, pp. 488-489.

a certain order therein mentioned" was read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

A bill entitled "an act in addition to an act for regulating Goals and Goalers," was the last time read and passed into a law of this state.

A bill entitled "an act against High treason" was the last time read and passed into a law of this state—

M^r [Beriah] Lomis agreeable to order brought in a bill entitled "an act against taking or destroying white pine or other valuable timber" which was read—And *Ordered* that a Committee of three be appointed to redraft said bill and make such alterations and amendments as they shall judge best and make report—The members chosen M^r [Beriah] Lomis, M^r [Edward] Harris and M^r [Benjamin] Wait—

Adjourned until 2^o Clock afternoon—

2^o Clock P. M—

A petition signed by Maj^r Josiah Boyden praying that Levi Peck might be allowed Serj^t Majors wages agreeable to promise, was read and the prayer thereof granted—and

Resolved that Levi Peck have additional pay for his services as Serjeant Major and that the Committee of Pay table take orders thereon accordingly—

A petition signed Elijah Dewey and Lyman Hitchcock agents for the proprietors of the Gore granted to Capt. Dewey^r and the township of Cabot—praying that the same might be laid out agreeable to their grants &c. was Read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Noah] Sabin, M^r [William] Ward and M^r [Alexander] Kathan.

A petition signed Barnabas Strong Clerk of Bethel and a motion signed Benjamin Baldwin were read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Edward] Harris, M^r E. Stevens and M^r [Gideon] Ormsby.

A bill entitled "an act in alteration of an act entitled an act regulating Proprietors meetings" was read the last time and passed into a law of this state.

Resolved that an execution granted by the Supreme Court in favour of David Caswell and Thomas White against Witherlee Wittum, Malachi Wittum and Witherlee Wittum Jun^r in an action of forcible entry and detainer and also the writ of possession in said cause be and are hereby suspended until the title to the land in controversy between the said

1. A tract equivalent to fifteen sixty-fifths of a township six miles square was granted in February, 1782, to Capt. Elijah Dewey and fourteen associates, under the name of Deweysburch, although it was often called Dewey's Gore. It was annexed to Danville and Peacham in 1810.—State Papers of Vermont, vol. 1, p. 62.



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and accepted and sent to the Governor and Council for perusal and proposals of amendment.

Adjourned until 9 °Clock tomorrow morning.

THURSDAY March 4th 1784—

A bill entitled “an act for taking the lists in Brattleborough and Guilford” was read the last time and passed into a law of this state.

A bill entitled “an act empowering Ira Allen Esq^r to sell all the real estate of Major Hebar Allen late of Poultney deceased” was read the last time and passed into a law of this state—

A petition signed Ira Allen administrator on the estate of Captain Remember Baker late of Colchester deceased, praying for liberty to sell part of the real estate of said deceased to pay debts &c. with a certificate of the Judge of Probates for the district of Rutland, were Read and the prayer of said petition granted; and,

A bill entitled “an act empowering Ira Allen Esq^r to sell part of the real estate of Captain Remember Baker late of Colchester deceased” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee M^r Barber, M^r [Lemuel] Chipman, M^r [Noah] Sabin, M^r [Elijah] Robinson and M^r [Henry] Walbridge with the Committee of Council to whom was refered the petition of Jacob Bailey president of the inhabitants of Orange County brought in their report in the following words viz—

“That an act be passed directing the inhabitants of the County of Orange to elect officers for said County on the last Wednesday of September next”—

The aforesaid Report being read and accepted *Ordered* that a bill be brought in accordingly.

A bill entitled “an act empowering Ira Allen to sell part of the real estate of Capt. Remember Baker late of Colchester deceased” was read the last time and passed into a law of this state—

A bill entitled “an act for the election of County officers in the County of Orange” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act to empower the sale of part of the real estate of William Pinnock late of Strafford deceased” was read and accepted and sent to the governor and Council for perusal and proposals of amendment—

The Committee M^r [John] Strong, M^r Moredock and M^r [Henry] Walbridge with the Committee of Council to whom was refered the motion of Joseph Farnsworth Esq^r C. Gen^l brought in their report which was read and *Ordered* that the same be recommitted and that said Committee wait on the treasurer and enquire of him what money is now due to the treasury on the three penny tax and likewise what quantity of states notes he has issued since the last session and make report—And

that M^r [Benjamin] Wait and M^r [Beriah] Lomis be added to said Committee.

A bill entitled “an act for the purpose of adjusting the cost of raising 300 men agreeable to an act for the purpose of raising 300 able bodied effective men for the ensuing campaign”—was the last time Read and passed into a law of this state—

The Council returned the bill entitled “an act to enable persons who have entered into and made improvements on lands under colour of title who shall be driven out of possession by a legal trial at law to recover &c. &c.”—the second time with the following recommendation viz—

“*In Council 4th March 1784*—The Council having read and considered said act they are unanimously of opinion to recommend to the legislature that the said act be published for the perusal of the people until the next session of assembly”—

signed

“JOSEPH FAY Sec^y”—

The aforesaid Recommendation was read and

Resolved that this House do not comply with the said Recommendation of Council—

On motion made by Ira Allen Esq^r Treasurer,

Resolved that a Committee of three to join a Committee from the Council be appointed to give instructions to the treasurer respecting suing up receipts in his office and make report—The members chosen M^r [Samuel] Knight, M^r E. Robinson and M^r [Jonathan] Fassett—

A bill entitled “an act for the election of officers in the County of Orange” was the last time Read in the House and passed into a law of this state—

Adjourned until 2 °Clock afternoon.

2 °Clock P. M.

A petition signed Jonathan Robinson and Gideon Spencer setting forth that they had purchased of David Remington¹ a fifty acre lott in Ferisburgh including one half of the falls on Otter Creek in said town—and have since been duly informed that the Estate of the said Remington including said lott has been confiscated—and that they have built a

1. See Governor and Council, vol. 3, p. 63, for reference to the capture of Remington “as an enemy to the United States.” References in vol. 1 of Governor and Council, pp. 165, 198, 208, 281, show that in September, 1777, complaint was made against David Remington of Castleton “for going to the Ministerial army and serving as conductor of teams in the King’s service as doth appear by his writings.” The military authorities were ordered to keep him in irons in the guard house. He was banished from the State as “a notorious enemy” and ordered never to return without permission, under penalty of receiving thirty-nine stripes on his naked back. His property was confiscated for the benefit of the State. In October, 1778, Remington, upon the recommendation of Col. Jonathan Chace and others, in whose neighborhood he had lived for nearly a year, took the oath of allegiance to the State, and was granted the privileges of living in Cumberland County and buying, holding or selling property therein.

saw mill thereon before they got the information thereof—And praying that this Assembly would appoint some person to sell and convey, in behalf of this state said lott to them—was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make Report—The members chosen M^r [Benjamin] Whipple, M^r [Gideon] Ormsby and M^r [Joshua] Webb.

A bill entitled “an act to impower the sale of part of the real estate of William Pinnock late of Strafford deceased” was read the last time and passed into a law of this state—

A bill entitled “an act enabling communities to sue for and defend their rights, estates and interest” was read the last time and passed into a law of this State—

A bill entitled “an act allowing the scales of depreciation in other states for settlement of debts contracted in other States” was the last time Read and passed into a law of this State—

A motion made by M^r [Edward] Harris was Read and *Resolved* that a Committee of three be appointed to take said motion under consideration, state facts and make report—The members chosen M^r [Henry] Walbridge M^r [William] Gallup and M^r [Noah] Sabin—

A petition signed Margaret Wall was read and withdrawn—

On motion made

Resolved that leave be given for a bill to be brought in for the following towns to tax the unimproved lands in said towns for making and repairing highways and building bridges—viz Thetford, Woodstock, Ryegate, Barnet, Corinth, Addison and Marlborough.

The Committee M^r [John] Strong, M^r Moredock M^r [Henry] Walbridge, M^r [Benjamin] Wait and M^r [Beriah] Lomis with the Committee of Council to whom was refered the motion of Joseph Farnsworth Esq^r C. Gen^l brought in the following Report—viz.

“That we find that the said Commissary is indebted to sundry persons for beef, flour, and other necessary’s which he purchased for the use of this state to the amount of £162 exclusive of the cost of what has arisen on account of the late disturbances in Windham County—That by the best accounts gained by the treasurer respecting the 3^d tax is, that exclusive of paying the present debenture there will remain about £400 due on the three penny tax—And that the treasurer cannot give any account respecting states notes at this time not having his books here—And it is therefore the opinion of your Committee that Joseph Farnsworth Esq^r receive for the £162 an order on the treasurer to be paid out of the three penny tax”—

The aforesaid report was read and thereupon

Resolved that the treasurer be and is hereby directed to pay to Joseph Farnsworth Esq^r Commissary General £162 Lawful money in hard money or orders on the 3^d tax said Farnsworth to be accountable for such sum.

The Committee M^r [Lemuel] Buck, M^r [Thomas] Jewett, M^r Barber, M^r [Edward] Hurd and M^r [Henry] Walbridge appointed to hear the

members of the County of Rutland respecting the place for building a Court House and Goal [jail] in said County brought in their report which was read and after some debate the said report was amended and accepted and *Ordered* that a bill be brought in accordingly.

Col^o Bradley moved that so much of the estate of Charles Phelps late confiscated by the Superiour Court might be sold as to defray the cost that has arisen in prosecuting said Phelps—Thereupon,

Resolved that a Committee of three to join a Committee from the Council be appointed to take the said motion under consideration and make report of their opinion to this House—The members chosen M^r Moredock, M^r [Henry] Walbridge and M^r [Gideon] Ormsby.

A petition signed Elias Weld and another petition signed Elias Weld and William Gallup select men of Hartland were read and referred to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Benjamin] Wait, M^r [Benjamin] Carpenter and M^r [Samuel] Mattucks.

A plan for establishing Post offices^r was sent from the Council with a resolution appointing a Committee to join a Committee from the House to take the same under consideration and to make report of their opinion to this House—were Read and *Ordered* that M^r [Elias] Weld, M^r [Benjamin] Butterfield and M^r Murdock be a committee to join said Committee of Council for the purposes aforesaid—

A bill entitled “an act to enable the several towns of Thetford, Woodstock, Ryegate, Wilmington Barnet, Corinth, Addison and Marlborough to tax the lands in said towns for the purposes therein mentioned” was read and accepted and sent to the governor and Council for perusal and amendment—

A petition signed Joel Marsh and 20 others inhabitants of Bethel praying that their land tax might be relinquished, was read and referred to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Jesse] Safford, M^r [Elias] Stevens and M^r [Phineas] Thomas—

The Committee M^r Barber, M^r [Joseph] Wood and M^r [Jonathan] Underwood with the Committee of Council appointed on the petition of the administrators of the estate of Maj^r Wait Hopkins and Captain Benjamin Hopkins both deceased brought in the following report viz—

“That perhaps at a future day it may be the greatest degree of justice for the general assembly to grant the prayer of said petition—but under the present circumstances and situation of the state it is our opinion that it ought not to be granted at this time”—

1. An act passed at this session of the Legislature established five postoffices, at Bennington, Rutland, Brattleboro, Windsor and Newbury, respectively. The rates of postage was to be the same as those provided by the laws of the United States. The post rider from Bennington to Brattleboro was allowed three pence per mile and the other carriers two pence per mile. They were also allowed to collect for carrying packages and letters. Any other person attempting to establish such a route might be fined £10. The Governor was given the franking privilege for letters and packets.—Slade's Vermont State Papers, pp. 489-490; Governor and Council, vol. 3, pp. 392-395.

The aforesaid report was read and accepted and *Ordered* that said petition be refered accordingly.

A bill entitled "an act to enable the Governor and Council to pardon certain persons¹ therein described" was read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

The Committee M^r Moredock, M^r [Henry] Walbridge and M^r [Gideon] Ormsby with the Committee of Council appointed on Col^o Bradleys motion made this day brought in the following report viz —

"That some meet person be appointed to sell so much of the estate of Charles Phelps² at public vendue after giving proper notice as will raise £70. and that said person render his account for said sum in bills of cost or order of hard money regularly examined and taxed by the superior court at the next session of said Court and that a bill in form be brought in accordingly"—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in thereon accordingly.

The following message from the Council was delivered by the sheriff³ viz—

"*In Council March 4th 1784* Whereas it appears by repeated trials that the Council and assembly do not seperately agree in sentiment in regard to the within act (viz an act to enable persons who have entered into and made improvements on lands under colour of title who shall be driven out of possession by a legal trial at law to recover &c.) and whereas it appears to be of great consequence that the decision thereof be duly considered before a final determination be had—Therefore the Council propose to join the assembly in a Committee of both Houses to morrow morning 9 °Clock to take the same under consideration"—

signed "JOSEPH FAY Sec^y"—

Resolved that this House will join with the Council in a Committee of the whole at the time proposed by Council for the purposes aforesaid.

The Committee M^r [John] Strong, M^r [Elijah] Robinson, M^r [Matthew] Lyon, M^r [Edward] Harris and M^r [Samuel] Mattucks with the Committee of Council appointed on the report of the Committee which was accepted Feb^y 22^d 1782 respecting the bounds of Guildhall⁴ &c. brought in the following report viz—

"That the survey made by Hubbertus Neal in the year 1762 or 1763 was some time since the date of Guildhall Charter—And also your

1. This act applied to certain persons in Windham County who had opposed the authority of the State, but who were represented as ready to sue for pardon.—Slade's Vermont State Papers, p. 490.

2. For petition of Charles Phelps for pardon, and text of act granting the same, see Governor and Council, vol. 3, pp. 332-333.

3. The Sheriff of the county in which the legislative session was held seems to have performed certain official duties.—See Hemenway's Gazetteer, vol. 4, p. 296.

4. Guildhall was chartered Oct. 10, 1761. For reference to error made in survey by Hubbertus Neal, and establishment of boundary of Guildhall, see State Papers of Vermont, vol. 3, part 2, pp. 64-65.

Committee further find that the Surveyor Gen^l considers himself bound by a former act of Assembly establishing the corner of Guildhall at a certain stake and stones to deviate from his general instructions respecting a general survey of this state—Your Committee therefore report that in their opinion the surveyor Gen^l be instructed to make an accurate survey of the various towns in this State by their respective Charters as well that of Guildhall as all others”—

The aforesaid Report was Read and accepted and thereupon,

Resolved that the Surveyor General be and is hereby instructed to make an accurate survey of the several towns in this state by their respective charters as well that of Guildhall as of all others that are dependent on Guildhall bounds—

A petition signed Gideon Olin, John Millington, Nathan Leonard and Parker Cole select men of Shaftsbury for 1781 praying that said town might be credited for beef which had been collected on the provision tax for said year and had been spoiled by too long keeping, was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Henry] Walbridge M^r [Thomas] Jewett and M^r M. Robinson—

A petition signed Thaddeus Curtis agent for Clarendon praying that their County tax might be relinquished, was read and dismissed—

A petition signed Nathaniel Brown¹ agent for the Proprietors of a gore of land granted East of Winhall praying that said gore might be annexed to said Winhall, was read and the prayer thereof granted and *Ordered* that a bill be brought in accordingly.

Adjourned until tomorrow morning 9^oClock—

FRIDAY March 5th 1784—

A petition signed Peter Olcott praying for pay for powder furnished the militia, was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Benjamin] Carpenter, M^r [Samuel] Mattucks and M^r E. Robinson—

A petition signed Comfort Sever, Calvin Parkhurst and John Hibbard prudential Committee of Royalton praying that a gore² or strip of land joining on the north and west sides of said town might be granted to the proprietors of said town &c. was read and refered unto the next session of Assembly—

1. Nathaniel Brown was one of the proprietors of Aiken's Gore, a tract of 800 or 900 acres, variously estimated, granted by Vermont, in 1782, to Capt. Edward Aikin (Aiken) and his associates, and bounded by Winhall, Londonderry, Jamaica and Landgrove. It was annexed to Londonderry.—see Vermont State Papers, vol. 2, pp. 3-4, 250.

2. The map of Vermont based on surveys made under the direction of James Whitelaw, Surveyor General of Vermont, and dated 1796, shows a gore between Royalton and Bethel, on the west, and north of Royalton and Sharon, between those towns and Tunbridge and Strafford. A part of this tract appears to have been granted in 1785 as Spooner's Gore, to Paul Spooner and others. It was also known as Tunbridge Gore, and was annexed to Tunbridge.—See State Papers of Vermont, vol. 2, pp. 185-186, 357.

A bill entitled "an act against taking and destroying white pine or any other valuable timber" was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

On motion made by M^r Secretary

Resolved that the Treasurer be and is hereby directed to give an order in favour of Micah Townsend Esq^r upon any Collector of the 2^d or 3^d taxes for the sum of £19-17-9 the same being for an account adjusted by the Committee of Pay-Table the 27th of February last—

Agreeable to order his Excellency the Gov^r and Council and Assembly joined in a Committee of the whole to take under consideration the bill entitled "an act to enable persons who have entered into and made improvements on lands under colour of title &c.—After some time spent therein the Committee of the whole dissolved—And the speaker resumed the chair; and the secretary brought forward and read the following Resolution of the Committee of the whole viz—

Resolved that this Committee do recommend to the Legislature to postpone the passing the bill entitled an act to enable persons who have entered into and made improvements on lands under colour of title who shall be driven out of the possession by a legal trial at law to recover the value of what the estate is made better by such improvements from the rightful owners of the land—into a law until the next session of Assembly and that the same be published in the interium [interim] for the perusal of the people." Whereupon,

Resolved that said bill be published for the perusal of the people¹ until the next session of Assembly before it be passed into a law of this state—And that the secretary be directed to publish the same in both the public news papers² printed in this state—

M^r [Edward] Hurd and M^r [Lemuel] Chipman requested leave of absence during the remainder of the session—Granted.

M^r [Matthew] Lyon moved that he might have leave to bring in a bill to prevent the trial of the title of any land possessed by persons holding the same before October 1781 in this state until the rising of the Legislature in October next.

The question being put—It passed in the negative—

Adjourned until 2^oClock afternooon.

2^oClock P. M—

Resolved that the Surveyor General be and is hereby directed to survey or lay out as nearly as may be the grants made by this state according to the priority of the grants.

1. The Council proposed, and the Assembly concurred in the passage of an act temporarily suspending the trial of cases relating to land titles, pending public consideration of the proposed betterment act.—See Governor and Council, vol. 3, p. 346. The motion of Matthew Lyon (see p. 44 of this Journal) to suspend the trial of cases relating to the titles of Vermont lands, occupied before October, 1781, was an attempt to delay action until a general State policy should be adopted regulating land titles. See p. 39 of this Journal.

2. The Vermont newspapers at this time were the *Vermont Journal* of Windsor and the *Vermont Gazette* of Bennington.—See Crockett's History of Vermont, vol. 5, p. 555.



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Resolved that this House will proceed to morrow morning to choose by ballot two persons as a Committee to revise the laws of this state—

Mr [Jonathan] Fasset requested leave of absence during this Session—Granted—

Whereas there was £200-10. left out of the grand list of the town of Dorsett through mistake for the year 1783 Therefore,

Resolved that the Treasurer be and is hereby directed to issue his warrant to the Collector of the town of Dorsett to collect such taxes as shall be laid on said grand list of £200-10 for the year aforesaid—

A bill entitled “an act for establishing post offices within this state” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act to prevent injustice in the several Collectors within this state” was read and passed into a law of this state—

The Committee Mr [Samuel] Knight, Mr [William] Ward and Mr [Matthew] Lyon with the Committee of Council to whom was refered the petition of Joseph Tucker and 16 others brought in the following report viz—

“That the prayer of the petition be granted and that an order be passed directing the sale of so much of the estate of Charles Phelps of Marlborough lately confiscated to the use of this state as will raise the sum of £49-13-11 being the sum due to said petitioners and that the sale and payment be under such regulations as the legislature may direct”—

Said report was read and accepted and A bill entitled “an act to sell part of Charles Phelps estate” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment.—

The Committee Mr [Gideon] Olin, Mr [Peter] Wright and Mr [Samuel] Knight with the Committee of Council to whom was recommended the petitions of Daniel Story and Thomas White and David Caswell brought in their report in the following words viz—

“Your Committee do find on examining the several papers exhibited to us relative to the subject that on the 11th day of July 1763 one Edmund Town executed a deed of a lott of land in the township of Pownall being lott N^o 36 in the 2^d division containing by estimation 180 acres to one John Powers as appears by an attested copy before us—That afterward viz on the 29th day of September 1769 Samuel Peters in capacity of Administrator on the estate of the said John Powers and by the direction of the Court of Probate did execute a deed of the same unto Lieut. Joshua Phelps as appears by deed certified to be a true copy from the original by John Peters—And that afterwards viz on the 24th day of Dec^r 1782 Joshua Phelps executed a deed to Lawrence Powers of a certain lott of land in Pownall containing 180 acres—That on the 29th day of July 1779 directions issued from the Court of Confiscation to John Burnham the Commissioner of sales to make sale of the Rev^d Samuel Peters’ land in Pownall which directions mentions that the land

1. See Governor and Council, vol. 1, p. 404; vol. 3, pp. 507-508.

the said Peters owns, is said to be the farm that Witherlee Wittum possesses—That afterwards viz on the 25th day of December 1779 John Burnham in his capacity of Commissioner of sales did execute a deed of the above mentioned lot of land unto Daniel Story as appears by the original deed before your Committee—That on the 9th day of June 1780 a writ issued from the Court of Confiscation to the sheriff of the County of Bennington commanding him to dispossess the persons who were in possession of the farm formerly the property of the Rev'd Samuel Peters which land lies in Pownal—as appears by an attested copy of said writ of which this is an extract—And that on the 20th day of June 1780 the said Persons viz Witherlee Wittum, Witherel Wittum Jun^r and Malachi Wittum were dispossessed by virtue of the aforesaid writ—And the possession given unto your petitioner Daniel Story who agreeable to a previous bargain immediately delivered over the possession to your honors other petitioners viz Thomas White and David Caswell as appears by sufficient evidence present—That afterward viz on the 4th day of January 1781 possession was again redelivered to the said Wittums in consequence of a judgment of a Freeholders court, as appears by the evidence of your two last named petitioners who were dispossessed.—

“That by the several accounts exhibited by your several petitioners and the several evidences on Oath in support of said accounts it appears to your Committee that there remains due to Daniel Story of the money by him lent this state principle and interest from the year 1777 to this day including his time and expences in defending the premises £104-14-9—To Thomas White for labour done on the premises while in possession exclusive of Profits received and money and time expended in defending the title £53-12-6—To David Caswell for labour done on the premises exclusive of profits received with money and time expended in defending the premises £66-16-2—

“Your Committee having stated the aforesaid facts beg leave to report as their opinion viz—That the fee of the within described tract of land was never vested in Samuel Peters and consequently not in the freemen of Vermont—Your Committee are therefore further of opinion that Daniel Story, Thomas White and David Caswell ought to be paid out of the Treasury of this state the several sums affixed to their respective accounts and the lawful interest therefor till paid and that all prosecutions which have already or that may in future be commenced by and between the said Story and White or Caswell or any of them shall forever cease and be considered (if brought on the above dispute) as null and void”—

The aforesaid report was read and accepted and thereupon,

Resolved that the Treasurer of this State be and hereby is directed to pay unto Daniel Story fifty two pounds lawful money and the lawful interest thereof until paid upon his producing to the said Treasurer a legal discharge for three certain notes of hand executed by Thomas White and David Caswell to said Story the principle thereof amounting to £180, and given for the purchase money of a farm sold by authority

of this State to said Story and by him conveyed to said Caswell and White—And further—*Resolved* that the Treasurer be and is hereby directed to pay unto Daniel Story £52, by giving him orders on the three penny tax granted last October—and

Resolved that the Treasurer of this state be and hereby is directed to pay to David Caswell the sum of £57-16-2 lawful money with the lawful interest thereof until paid upon his discharging an execution rendered in the supreme court on a writ of error brought on a judgment recovered before two justices for forcible entry and detainer, and issued against Witherel Wittum, Witherel Wittum Jun^r and Malachi Wittum—and

Resolved that the Treasurer of this state be and is hereby directed to pay to Thomas White £46-12-6 and the lawful interest thereof until paid upon his discharging an execution rendered in the supreme Court on a writ of error brought on a judgment recovered before two justices for forcible entry and detainer and issued against Witherlee Wittum, Witherlee Wittum Jun^r and Malachi Wittum—

Adjourned until to morrow morning 9 oclock—

SATURDAY March 6th 1784—

Agreeable to order the ballots were called for two persons for a Committee to revise the laws—They being sorted and Counted.

Micah Townsend and Nathaniel Chipman^r Esquires were Elected—

Resolved that a Committee of three be appointed to take under consideration the act entitled “an act in addition to an act regulating Goals [jails] and Goalers” [jailers] and make such amendmets, additions or alterations as they shall judge best and make report—The members chosen, M^r Secretary, M^r [Gideon] Olin and M^r [Matthew] Lyon.

A bill entitled “an act to sell part of Charles Phelps estate” which was accepted yesterday was again read and refered to the next session before it be passed into a law of this state—

The Council sent a bill entitled “an act to suspend the trial of the title of lands² for the term therein limited” and requested that this House would pass the same into a law of this state—The question being

1. Messrs. Townsend and Chipman were lawyers and at this time there were only a few members of the legal profession in Vermont.

2. The text of this act is given in Slade's Vermont State Papers, p. 488. The preamble, given herewith, throws light on the land situation in Vermont during and immediately following the Revolutionary War: “Whereas, at the time of the first settlement of the inhabitants of this State, there was a diversity of titles held up to view, and many of the good people of this State have purchased titles which were viewed by them to be good at the time of purchase, and they have settled on the lands under such titles, and made large improvements, which, if the strict rules of law are attended to, others who have neglected the settlement of the said lands will enjoy the fruits of their labors. And, whereas, the Legislature are determined, as soon as can be consistent with the Constitution, to make such regulations as will do equal justice to the settlers and the claimers. Therefore,” etc.

put whether said bill should pass into a law of this State—The yeas and nays being requested they stand as follows viz—

Yeas	Yeas	Nays	Nays
M ^r Barber	M ^r Kathan	M ^r Speaker	M ^r Taylor
M ^r Jewett	M ^r Wilson	M ^r Walbridge	M ^r Hunt
M ^r Olin	M ^r Ward	M ^r Shumway	M ^r E. Stevens
M ^r Wright	M ^r Tyler	M ^r M. Robinson	M ^r Heald
M ^r Buck	M ^r Webb	M ^r Mattucks	M ^r E. Robinson
M ^r Bailey	M ^r Roundy	M ^r Merriman	M ^r Weld
M ^r Ormsby	M ^r Aikin	M ^r Ward	M ^r Tilden
M ^r Harmon	M ^r Wait	M ^r Wood	M ^r Murdock
M ^r Nath ^l Smith	M ^r Sawyer	M ^r Whipple	M ^r S. Stevens
M ^r Lyon	M ^r Gallup	M ^r Cogsel	M ^r Lomis
M ^r Ranney	M ^r Safford	M ^r Tuthill	M ^r H. Gilbert
M ^r Underwood	M ^r A. Smith	M ^r S. Knight	M ^r Bean
M ^r Olds	M ^r Perry	M ^r Butterfield	M ^r Baldwin
M ^r Carpenter	M ^r Wheeler	M ^r Sabin	M ^r Lovewell
M ^r Harris	M ^r Thomas	M ^r Is ^l Smith—	
M ^r Lock	M ^r Cox		

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So it passed in the affirmative—

A bill entitled “an act to direct the sale of part of the estate of Charles Phelps to defray the cost of prosecution” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

A bill entitled “an act for the sale of a certain tract of land within this state formerly said to be the property of David Remington whose estate is forfeit or confiscated to the use of this state” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act describing the bounds of the County of Rutland and establishing the town of Rutland a County town, and pointing out the time when the supreme Court of this State, and the County Court to be holden in and for said County shall begin their session there and also to annex the northern territory which has heretofore been described in the limits of the County of Rutland for the time being” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act repealing an act entitled an act to enable assignees or indorsees of negotiable notes to maintain action thereon as on inland bills of exchange or as though such notes were taken in his or their own name” was read and accepted and sent to the Governor and Council for perusal & amendment—

Resolved that a Committee of three to join a Committee from the

Council be appointed to take under consideration the order of his Excellency the Governor to Joseph Farnsworth Esq^r Commissary Gen^l directing him to give orders on the 2^d and 3^d taxes for such unavoidable expences he would be at in the execution of his office in the County of Windham—and that they state facts and make report of their opinion to this House—The members chosen M^r [Benjamin] Wait, M^r [John] Shumway and M^r [Joseph] Tyler—

The Committee M^r [Daniel] Heald, M^r [John] Shumway and M^r [Joshua] Webb with the Committee of Council to whom was refered the motion of M^r [Joseph] Tyler respecting the Committee of trust appointed to sell lands in Londonderry &c. brought in the following report viz—

“That having duly considered the matter papers &c. beg leave to state the following facts viz—that the Committee of trust for Londonderry have exhibited a regular stating of their procedures—that they are embarrassed by the mislaying or loss of a report of a former Committee who were appointed by the Legislature and sent to Kent, now Londonderry, to enquire into the contracts the inhabitants of said Kent had made with Col^o James Rogers for lands in said town (the said Roger [Rogers] being former proprietor of said town) that the Committee of trust not having ample powers by mislaying the papers aforesaid, and as it was the intention of the Legislature at the time of granting said town to the Committee of trust that they should fulfil such former contracts—that some of the inhabitants of said town refuse paying said Committee the sum they were to have paid said Rogers and also decline taking deeds of said Committee for the lands they had before contracted for as aforesaid—Your Committee therefore beg leave to report as their opinion, that the Legislature give instructions to said Committee of trust to deed lands to the inhabitants of said town to fulfil the bargains between such inhabitants and Col^o Roger [Rogers] according to the best evidence they can obtain—that they be also instructed to sell so much of the farms of all those that may still refuse paying to such Committee the several sums of money they were to have paid said Roger [Rogers] for their lands as will raise such sums of money—And that the Committee of trust make report of their proceedings to the next session of the Legislature”—

The aforesaid Report was read and thereupon

Resolved that it be an instruction to Gen^l Sam^l Fletcher and Joseph Tyler Esq^r Committee of trust for selling the lands in Londonderry to fulfil the bargains made between the inhabitants of said Londonderry¹ and Col^o James Roger [Rogers] (formerly owner of said land)

¹ This is one of the few townships in Vermont in which settlements were begun under a New York title. The town was chartered by New York, in 1770, under the name of Kent, to John Rogers & Company. The lands were confiscated in 1778, as Rogers, the principal proprietor, was a Tory and had left the country. Vermont regranted the town in 1780 under the name of Londonderry. The name is said to have been given by early settlers from Londonderry, N. H.—See Vermont, the Land of Green Mountains, p. 174.

according to such evidence as shall be satisfactory to them of such bargains and to execute deeds for the same—that they sell so much of the farms of those who neglect or refuse paying said Committee the sums they were to have paid said Rogers as to raise such sums of money—And that they make report of their proceedings to the Legislature at their next session—

Adjourned until 2 °Clock afternoon—

2°Clock P. M.—

The Committee M^r [Matthew] Lyon, M^r [Eli] Cogsell [Cogswell] and M^r E. Robinson with the Committee of Council to whom was re-committed the 5th Article^r in the arrangement brought in their report which was read and dismissed—

Micah Townsend and Nathaniel Chipman Esq^{rs} the Committee appointed to revise the laws of this state made the following proposals as terms of inducement to the acceptance of their appointment viz—

“That all letters to and from each other upon the business of their appointment be franked—That an order issue from the assembly to Col^o Bradley to deliver either of the Committee such books of Charles Phelps Esq^r as they may think necessary in the business he taking their receipts for such books—That the accounts of the Committee when the business is compleated shall be adjusted by the Committee of Pay table at the rate of 12/ each per day while they are severally employed in the business for their time and expences—That the Committee be paid for their services out of the library of the said Phelps at a reasonable appraisement to be made by such persons as shall be appointed by the Legislature to consist of persons acquainted with the value of books and to be made under oath at cash price, unless the legislature shall see proper to restore said library to M^r Phelps—or unless M^r Phelps shall redeem the books so appraised by paying the Committee such sum as they shall be appraised at—The Committee to have their choice of what books shall be taken in payment—If the library should be restored to M^r Phelps or shall be insufficient for payment—The Committee to be paid in hard money for such deficiency or an equivalent—The Committee will engage unless Providence prevents to compleat the revision of the statutes of this state (except those which have already undergone their examination) by next October session.”

The aforesaid proposals or terms being Read

Resolved that Stephen R. Bradley Esq^r be and is hereby directed to deliver to Nathaniel Chipman and Micah Townsend Esq^{rs} Committee for revising the laws, or either of them upon the order or application of them or either of them, such of the books late the property of Charles Phelps Esq^r as they or either of them may think necessary

1. The fifth article related to instructions to be given the Treasurer relative to the payment of State notes.

for them in revising the laws he taking their receipt for such books to account—and further

Resolved that all letters from either of the said Committee for revising the laws to the other upon the business of their appointment be conveyed free of postage—That the accounts of the said Committee when the business of their appointment shall be compleated shall be adjusted by the Committee of Pay-Table at the rate of twelve shillings per day each while they are severally employed in the business for their time and expences—That the Committee be paid for their services out of the library late the property of said Phelps at a reasonable appraisement, to be made by such persons as shall be appointed by the Legislature to be men acquainted with the value of books and to be made under oath at Cash price, unless the Legislature shall see proper to restore said Library to said Phelps or unless said Phelps shall redeem the books so appraised by paying the said Committee such sum as they shall be appraised at—The aforesaid Committee to have their choice of what books they take in payment provided the said Committee revise the statutes of this state, which have not already undergone their examination, by the session of Assembly in October next—And that if the said library shall be restored to said Phelps or shall be insufficient for payment the Legislature will pay the said Committee for such their service in hard money or an equivalent.

A bill entitled “an act for the limitation of actions” which was accepted by this House and sent to the Governor and Council was sent back with the following recommendation viz—“That the same be printed and promulgated for the consideration of the people until the next session of Assembly”—Thereupon,

Resolved that the said recommendation of the Council be complied with and that the Secretary publish the same in both of the news papers within this state—

A bill entitled “an act concerning sureties and scire facias’s” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act to enable the several towns of Thetford, Woodstock, Ryegate &c.” to tax the lands in said towns for the purposes therein mentioned” which was accepted by this House and sent to the Governor and Council for perusal &c. was sent back by the Council with the following proposals thereon viz—“That the general assembly suspend the passing the same into a law until the next session of assembly—Thereupon

Resolved that said proposals be complied with and that said bill be refered to the next session accordingly—

A bill entitled “an act to set aside and render null and void in law a certain order therein mentioned” was the last time read and passed into a law of this state—

Adjourned until next Monday 10^oClock in the morning—



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houses whereby a considerable expence has arisen to the state, the amount of which your Committee cannot ascertain—therefore it is their opinion that the Commissary Gen^l be directed to draw orders on the several collectors of the 2^d and 3^d taxes in Windham County for one half of the amount of the respective order that shall be found due—The other half to be paid in state notes he keeping an account of the same—And that the Treasurer be directed to receive said orders on said tax and issue his notes on interest accordingly”—

The aforesaid report was Read & thereupon

Resolved that the Treasurer be and is hereby directed to receive orders drawn on him on the 2^d and 3^d tax by Joseph Farnsworth Esq^r C. Gen^l lately incurred in his department for supplying and billeting the troops lately in the service in this state to assist the sheriff of Windham County and not exceeding one hundred pounds lawful money.

A bill entitled “an act for the purpose of selling a certain tract of land within this state formerly said to be the property of David Remington whose estate is forfeit or confiscated to the use of this state” was the last time read and passed into a law of this state—

Mr [Henry] Walbridge, Mr [Thomas] Jewett and Mr M. Robinson the Committee to whom was refered the petition of the select men of Shaftsbury for 1781 brought in the following report viz—

“That having duly examined the same and the evidence produced are of the opinion that the provision therein mentioned was not lost through neglect—Therefore it is our opinion that the prayer of said petition ought to be granted—”

The aforesaid report was read and accepted and thereupon,

Resolved that the Commissary Gen^l be and is hereby directed to credit the town of Shaftsbury for 1200^{lb} of beef on the provision tax of 1781—

Mr [Joel] Harmon requested leave of absence during the remainder of the session—Granted—

Resolved that the Committee of Pay-Table be and they are hereby directed to adjust the wages of Joseph Farnsworth Esq^r C. Gen^l and draw orders on the Treasurer for the ballance found due together with the interest.

Adjourned until 2^oClock afternoon—

2^oClock P. M—

A bill entitled “an act to enable the Governor and Council to pardon^r certain persons therein described” was read the last time and passed into a law of this state —

1. This act applied to certain persons in Windham County who had opposed the authority of Vermont. The Assembly, asserting its right to grant pardons, delegated this authority to the Governor and Council during the legislative recess.—See Slade's Vermont State Papers, p. 490.

A bill entitled “an act to stay an execution and grant a sum of money for the purpose of paying and satisfying the said execution” was read the last time and passed into a law of this state—

Resolved that a Committee of three to join a Committee from the Council be appointed to take under consideration the propriety of laying a tax or taxes on the Inhabitants of this state and prepare a bill for the purpose—and make report—The members chosen M^r Moredock, M^r [Elias] Weld and M^r [Benjamin] Wait—

The Committee M^r [Peter] Wright, M^r [Benjamin] Carpenter and M^r [Thomas] Jewett with the Committee of Council to whom was referred the petition of the select men of Ruport for 1781 and the petition of the select men of Wells for 1781—brought in the following report—viz—

“That your Committee have taken under consideration the petition of the select men of Ruport for 1781—and do not find the matter therein contained sufficiently proved—Therefore your Committee would report it as their opinion that the said petition ly over to the next session of assembly that the petitioners may have opportunity to make further proof thereon—And that the Commissary Gen^l be directed to stay his extents against the town of Ruport for the sum mentioned in said petition until the session of this Assembly in October next—and further It appears to your Committee that the matter contained in the petition of the select men of Wells for 1781 is true and that the prayer of the petition ought to be granted”—

The aforesaid report was read and accepted and,

Resolved that the Commissary Gen^l be and is hereby directed to stay the execution against the select men of Ruport for the provision tax for 1781 for the sum of £21-16-9 until the next session of Assembly—&

Resolved that the Commissary Gen^l be and is hereby directed to credit the town of Wells the sum of £6-2-upon the provision rate for the year 1781—

A petition signed Samuel Robinson praying that an act might be passed to prevent the returning of the tories into this state, was read and referred to the next session for further consideration—

His Excellency the Governor laid before the House a letter signed Elijah Knight¹ Lieut. Com^d dated Guilford March 7th 1784 directed to his Excellency—which was read—and,

1. Following the Windham County insurrection of New York sympathizers, early in the year 1784, Lieut. Elijah Knight was given command of a small guard stationed at Guilford. During the period of occupation a New York partisan, banished from the State, and a companion, attempted to return to Vermont. They were challenged by a guard, attempted to escape, were fired upon and one of the men, Daniel Spicer, was fatally wounded. Lieutenant Knight, fearing an attack from a party of Yorkers then in Massachusetts, reports having been received that “an army was coming from Massachusetts to avenge the death of Spicer and reinstate the Yorkers,” retreated in haste to Brattleboro, summoned the militia, and notified Governor Chittenden in the letter to which reference is made. The Governor laid the facts before Governor John Hancock of Massachusetts, and the latter issued a proclamation warning the citizens of Massachusetts to remain neutral in the controversy.—Governor and Council, vol. 3, pp. 311-315.

Resolved that a Committee of three be appointed to take said letter under consideration and make report of their opinion to this House—The members chosen M^r [Matthew] Lyon, M^r Barber and M^r [Benjamin] Wait—

A bill entitled “an act annexing a gore to Winhall” was read and refered to the next session.

The Council sent a bill entitled “an act in addition to and explanation of an act entitled an act for the purpose of leveying the respective taxes therein mentioned and directing and regulating the mode for collecting the same” proposing that the same might be passed into a law of this state—said bill was read and the question being put—whether said bill should pass into a law of this state—It passed in the negative—

The Committee M^r [Benjamin] Wait, M^r [Benjamin] Carpenter and M^r [Samuel] Mattucks to whom was refered the petition of the select men of Hartland for 1780 brought in the following report viz—

“That the matter contained in said petition is fully proved and that it is our opinion the prayer thereof be granted”—which Report was Read and accepted and,

Resolved that the Commissary Gen^l be and is hereby directed to credit the town of Hartland the sum of £14-12 on the provision tax for 1780—

The aforesaid Committee likewise brought in their Report on the petition of Elias Weld which was read and dismissed—

The Committee M^r [Samuel] Knight, M^r E. Robinson and M^r [Jonathan] Fassett with the Committee of Council appointed to prepare instructions for the Treasurer respecting suing up receipts in his office brought in the following report viz—

“That the Treasurer be directed to advertise in the public news papers of this state against whom any receipts lie and that they be directed to make settlement with the Treasurer immediately after notice given—And that the Treasurer be directed to sue up all receipts within three months after such notice given”—

The aforesaid report was Read and thereupon,

Resolved that the Treasurer be and is hereby directed to put in suit all receipts remaining in his office on the first day of July next except Commissaries receipts—having previously published a list of such receipts with the names of the persons receipting three weeks successively twenty days at least before such first day of July.

M^r [Edward] Harris, M^r E. Stevens and M^r [Gideon] Ormsby the Committee to whom was refered the motion of M^r [Benjamin] Baldwin and the petition of Barnabas Strong Clerk of Bethel brought in the following Report viz—

“That the town of Moortown [Bradford] for the year 1782 as appears was doomed £152. too high—And in the year 1783 their list was miscast £32. higher than in justice ought to be—That the town of Bethel was doomed for the year 1783 £100-15-0. too high. That it is the opinion of your Committee that this assembly order the Treasurer to

discount on the several taxes that was levied on each of those lists respectively according to the several sums above mentioned"—which was Read and accepted and thereupon,

Resolved that the Treasurer and Commissary General be and they are hereby directed severally to credit the town of Moortown [Bradford] so much of the taxes laid on said town on the list made in the year 1782 as was assessed on the sum of £152 and so much of the taxes laid or which shall be laid on said town on the list made in the year 1783 as has been or shall be assessed on the sum of £32—

Resolved that the Treasurer and Commissary Gen^l and sheriffs be and are hereby severally directed to credit the town of Bethel so much of the taxes laid or which shall be laid on said town on the list made in the year 1783 as has been or shall be assessed on the sum of £100-15-0—

(The Com^{tee}. Mr [Jesse] Safford, Mr [Elias] Stevens &c. See page 345)

A petition signed Bostion Deal^r and others original settlers of Pownall which was refered from the last session was refered to the next session—

A bill entitled “an act repealing an act entitled an act to enable assignees or indorsees of negotiable notes to maintain action thereon as on inland bills of exchange or as though such notes were taken in his, her or their own name” was read the last time and passed into a law of this state—

WHEREAS the General Assembly of this state at their session in Feb^y 1783 *Resolved* that the petition of Jonathan Child (setting forth that one Joseph Kimbel of Plainfield in the County of Cheshire and state of New Hampshire commenced an action and recovered a judgment against the petitioner for the sum of £26-12-6 damages and for the sum of £6-17-2 cost of suit and thereon praying that the said judgment may be reversed and a new hearing granted)—be refered to the then next session for a hearing and that the petitioner serve the said Joseph Kimbal the adverse party with a copy of said petition and that no advantage be taken by said Kimbal until a hearing can be had—And *whereas* the aforesaid Jonathan Child hath served the said Kimball with a copy agreeable to the directions contained in the aforesaid Resolution and yet hath not returned the original and does not appear to prosecute the same—therefore,

Resolved that said Joseph Kimbal have liberty to proceed at law in the aforesaid cause as if the aforesaid Resolution had not existed—

A bill entitled “an act specifying the times and places for the holding of the County Courts in the County of Orange” was read and

1. For previous references to the petition of Bastian Deal and others see State Papers of Vermont, vol. 3, part 2, pp. 122, 136, 158, 170, 212.

accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed by the select men of Ruport in behalf of Barnard Hyatt was read and referred to the next session for consideration.

The Council proposed to join with this House in a Committee of the whole to take under consideration the following bills viz—“an act in addition to and explanation of an act entitled an act for the purpose of levying the respective taxes therein contained and directing and regulating the mode for collecting the same” and “an act in alteration an act entitled an act pointing out the office and duty of the secretary of state” thereupon

Resolved that this House will join with the Governor and Council in a Committee of the whole at this time for the aforesaid purposes—

The Governor, Council and General Assembly having joined in a Committee of the whole for the purposes aforesaid—and after some time spent therein the Committee of the whole dissolved—And the secretary brought forward and read the following Resolutions of the Committee of the whole in their place—viz—

“Resolved that this Committee do recommend to the General Assembly to pass the bill entitled an act in addition to and in explanation of an act entitled an act for the purposes of levying the respective taxes therein contained and directing and regulating the mode for collecting the same”—and further,—

“*Resolved* that this Committee do not recommend to the legislature to pass the bill entitled “an act in alteration of an act entitled an act pointing out the office and duty of the secretary of state” and also in Grand Committee upon the bill entitled “an act to empower the Governor to settle a treaty of commerce with the powers of Europe &c.”

“*Resolved* that this Committee recommend to the Legislature to pass the following Resolution viz—*Resolved* that his Excellency the Governor be requested to commence a correspondence with the Governor of the Province of Quebec and endeavour to open a trade between that Province and this state”

Agreeable to the aforesaid recommendation of the Committee of the whole the bill entitled “an act in addition to and in explanation of an act entitled an act for the purpose of levying the respective taxes therein contained, and directing and regulating the mode for collecting the same” was read the last time and passed into a law of this state—

The bill entitled “an act in alteration of an act entitled an act pointing out the office and duty of the secretary of state” was read and dismissed agreeable to said Resolution of the Committee of the whole

Resolved that this House do not accept of the following recommendation of the Committee of the whole viz—“That his Excellency the Governor be requested to commence a correspondence with the Governor of the Province of Quebec and endeavour to open a trade between that province and this state”—

A bill entitled “an act specifying the times and places for holding

the County Courts in the County of Orange” was read the last time and passed into a Law of this state—

Adjourned until 8 °Clock to morrow morning.

TUESDAY March 9th 1784—

Resolved that the Clerk of this Assembly be allowed two shillings per day during the present session in addition to his stated fees—

The Debenture of the General Assembly was read and thereupon—
Resolved that the Treasurer be and is hereby directed to pay to the several persons therein mentioned such sums as is annexed to their names by drawing orders on the Collectors of the 3^d tax granted last session.

Resolved that Timothy Boardman of Rutland, Frederick Hill of Tinmouth be and they are hereby appointed County surveyors for the County of Rutland and Ephraim Nash of Marlborough be and is hereby appointed a County surveyor in the County of Windham—

Resolved that the Commissary Gen^l be and is hereby directed and empowered to renew his extents or executions in the hands of the sheriffs of their several Counties to lengthen out the time of such extents or executions being returnable so long as he shall judge will best answer the purposes of this government not to exceed the first of July next.

A bill entitled “an act to reverse the several judgments therein mentioned” was read the last time and passed into a law of this state.

An account and petition signed Alex^d Brush the account was for use of rooms for the Council and Assembly, fire wood and Candles and attendance 20 days at 12/ p^r day—and the petition was praying that the same might be paid by giving him an order on the 3^d hard money tax—which were Read and thereupon

Resolved that the Treasurer be and is hereby directed to pay unto Alexander Brush the sum of £6- by drawing an order in his favour on one of the Collectors of the 3^d tax granted last October—and,

Resolved that the Treasurer be and is hereby directed to pay unto Alexander Brush the sum of £6. lawful money—

On motion made by M^r [Daniel] Taylor—

Resolved that this Assembly do reconsider a resolution passed the 5th Instant directing the Surveyor Gen^l to survey the towns in this state agreeable to their Charters as well that of Guildhall as all others dependent thereon—

A bill entitled “an act describing the bounds of the County of Rutland and establishing the town of Rutland a County town and pointing out the time when the supreme Court of this state and the County Court to be holden in and for said County shall begin their session—and also to annex the northern territory which has heretofore been described in the limits of said County to the County of Rutland for the time being” was read the last time and passed into a law of this state

M^r [Matthew] Lyon, M^r Barber and M^r [Benjamin] Wait the Com-

mittee to whom was refered the letter of Elijah Knight Lieut. Comd^t brought in their report which was read and thereupon,

Resolved that his Excellency be requested to write to the Gov^r of the Commonwealth of Massachusetts on the subject of the tumults in Windham County requesting him to grant warrants for apprehending such criminal persons as have or may flee from justice out of this state into that—and

Resolved that Gen^l Fletcher be and is hereby requested to repair to the County of Windham and on examining into the circumstances of the disorder there, he is hereby empowered to call on the militia not only of his brigade but from other brigades in this state and dismiss the said militia when he shall judge best—also

Resolved that the Commissary Gen^l be and is hereby empowered to collect and receive the provision due on the provision taxes granted in the years 1780 and 1781 in Windham County; and it is hereby recommended to the select men and inhabitants of the towns in Windham County to pay the arrears of taxes in provision—and,

Resolved that the wages of the men to be raised for the services mentioned in the aforesaid resolution be the same as the troops which have already been raised and ordered to repair to Guilford at the last session—

A bill entitled “an act for the purpose of levying the respective taxes therein named” was read and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act in addition to the two several acts therein mentioned” was read the last time and passed into a law of this state—

A bill entitled “an act concerning sureties and scire facias¹” was read the last time and passed into a law of this state—

A bill entitled “an act directing the duty of the Auditors of accounts and enabling them to possess themselves of the necessary papers of their department” was read and sent to the Gov^r & Council for perusal and proposals of amendment.

A bill entitled “an act directing the secretary of state to transmit to the Governor and Council the respective resolutions passed in General Assembly” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Resolved that the Treasurer be and is hereby directed to give an order on the 3^d tax to the Rev^d M^r Job Swift of Manchester for the sum of £5-8-0 for his services as chaplain to this House during the present session—

WHEREAS this Assembly did by a Resolution passed on the 2^d day of March instant order the treasurer to pay Gen^l Ethan Allen the sum of £97-5-11 for the expence of printing a certain pamphlet for the benefit of this state—And WHEREAS it is represented that the said service and the interest did not amount to that sum and that Gen^l

1. For the text of this act see Slade's Vermont State Papers, pp. 485-487.



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venting and punishing of incest and incestuous marriages” which was accepted the last session was again read and passed into a law of this state—

A bill entitled “an act empowering the Treasurer to issue his extents against the sheriffs of the respective Counties” was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled “an act directing the secretary of state to transmit to the Governor and Council the respective resolutions passed in General Assembly” was read the last time and passed into a law of this state—

A bill entitled “an act empowering the Treasurer to issue his extents against the sheriffs of the respective Counties” was read the last time and passed into a law of this state—

Resolved that this Assembly be and is hereby adjourned without day.

attest

ROS^r HOPKINS CLERK

“The Committee M^r [Jesse] Safford, M^r [Elias] Stevens and M^r [Phineas] Thomas to whom was refered the petition of Joel Marsh and 20 others brought in their report which was read and dismissed—”
(This should have been recorded March 8th 1784 page 337)—

JOURNALS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

AT THEIR SESSIONS HELD AT RUTLAND OCTOBER 1784

THURSDAY October 14th 1784—

The Representatives of the Freemen of the state of Vermont met at the meeting house in Rutland this day agreeable to the Constitution and the appointment of the Legislature at their last session—

A motion being made to choose a speaker of the General Assembly the ensuing year

The ballots being taken sorted and counted—The Reverend M^r NATHANIEL NILES^r was elected and sworn to that office—

Proceeded to choose a Clerk of the General Assembly. the ensuing year—The ballots being taken

DOCTOR ROSWELL HOPKINS was unanimously re-elected—and sworn to that office—

The Reverend M^r Job Swift preached an Election sermon agreeable to the request of the General Assembly at their last session—

The following persons were returned as elected Representatives for the year ensuing and they severally took and subscribed the Test and Oaths required in the Constitution viz—

BENNINGTON COUNTY

Bennington

Isaac Tichenor Esq^r

M^r Henry Walbridge

Shaftsbury

Major Gideon Olin

Capt. Parker Cole

Manchester

Martin Powell Esq^r

Maj^r Gideon Ormsby

Arlington

Thomas Tolman Esq^r

Capt. Lemuel Buck

Pownall

M^r Benjamin Gardner

M^r John Niles

Sunderland

Joseph Bradley Esq^r

Dorset

M^r Benjamin Baldwin

Capt. Abraham Underhill

Ruport

M^r David Sheldon

1. Nathaniel Niles was one of the most versatile of Vermont's public men. A native of Rhode Island, he began his college course at Harvard and graduated from Princeton. He studied medicine, law and theology and became a clergyman. He invented a process of making wire. He was the author of an ode which was used as a war song by New England soldiers during the American Revolution. He emigrated to Vermont in 1779, settling in Fairlee. He was elected a member of the Legislature in 1784 and was chosen Speaker. He was sent the same year as an agent to the Continental Congress; was a member of the Supreme Court, 1784-1788; a member of the Council, 1785-1787; and a member of the convention which ratified the United States Constitution in 1791. He was one of Vermont's first Congressmen, serving two terms. He was a member of the Council of Censors, a Presidential Elector in 1812, and a member of the Constitutional Convention of 1814. He died in 1828.—Governor and Council, vol. 3, pp. 76-77.

RUTLAND COUNTY

Rutland

Benjamin Whipple Esq^r
 Capt. Samuel Williams

Danby

Mr Darius Lobdel
 Mr Edward Vail

Clarendon

Mr Daniel Marsh
 Mr Abel Cooper

Pawlet

Capt. Jonathan Willard
 Capt. William Fitch

Wells

Daniel Culver Esq^r

Tinmouth

Capt. Samuel Mattucks
 Nathaniel Chipman Esq^r

Fair-Haven

Col^o Matthew Lyon

Wallingford

Mr Nathaniel Ives

Shrewsbury

Mr Nathan Finney

Pittsford

Mr Eleazer Harwood

Poultney

William Ward Esq^r
 Maj^r James Brookings

Castleton

Col^o Isaac Clark
 Capt. Noah Lee

Ira

Capt. Lemuel Roberts

Whiting

Lieut. Samuel Beach

Addison

*John Strong

WINDHAM COUNTY

Westminster

Col^o Stephen R. Bradley

Marlborough

Mr Jonathan Underwood
 Capt. Benjamin Olds

Hinsdale

John Bridgman Esq^r

Guilford

Capt. Lovewell Bullock
 William Bullock Esq^r

Hallifax

Hubbel Wells Esq^r

Whitingham

Lieut. Isaac Lyman

Brattleborough

Samuel Knight Esq^r

Wilmington

Capt. Chipman Swift

Dummerston

Capt. Leonard Spalding

Putney

Lucas Wilson Esq^r
 Mr James Hail [Hale]

New-Fane

Luke Knoulton Esq^r

Athens

Samuel Bayley Esq^r

*An evident omission, as Mr. S. was appointed on the first committee.

Rockingham
Oliver Lovel Esq^r

Londonderry
Edward Aikin Esq^r

WINDSOR COUNTY

Windsor
Briant Brown Esq^r
M^r Charles Leavans

Springfield
M^r Daniel Gill
M^r Nathaniel Weston

Chester
Daniel Heald Esq^r
M^r William Gilkey

Andover
M^r John Simons Jun^r

Wethersfield
Walters Chilson Esq^r

Cavendish
M^r Jonathan Atherton

Reading
John Weld Esq^r

Hartland
General Roger Enos
Capt. William Gallup

Woodstock
Major Jesse Safford
Jabez Cottle Esq^r

Bridgewater
Capt. John Hawkins

Hartford
Stephen Tilden Esq^r

Pomfret
M^r William Perry

Norwich
Major Elisha Burton
Capt. Elijah Gates

Barnard
M^r Aaron Barlow

Sharon
Lieut. Anthony Morse

Royalton
M^r Silas Williams

Bethel
M^r Michael Flynn

ORANGE COUNTY

Newbury (Bradford)
General Jacob Bayley
M^r Ebenezer White

Moretown (Bradford)
Benjamin Baldwin Esq^r
Major John Barron

Fairlee
M^r Nathaniel Niles

Lunenburg
M^r Samuel How

Strafford
Timothy Blake Esq^r

The following resolution of Council was handed by the Sheriff attending on Council viz—

“*In Council Rutland Oct^r 14th 1784—*

Resolved that a Committee of six to join a Committee from the House be appointed to receive, sort and count the votes of the Freemen

for Governor Deputy Governor, Treasurer and twelve Assistants, for the year ensuing and order declaration to be made public of the persons chosen

(signed) JONAS FAY Sec^y Pro. Temp."

The aforesaid resolution being read, whereupon

Resolved that M^r [Isaac] Tichenor, M^r [Thomas] Tolman, M^r [Matthew] Lyon M^r S. R. Bradley, M^r [Samuel] Knight, M^r [Briant] Brown, M^r [Elisha] Burton, M^r J. Bayley, M^r [Benjamin] Baldwin, M^r [Roger] Enos and M^r [John] Strong be a Committee to join the aforesaid Committee for the purposes aforesaid and that they make report of the persons elected to this house

Adjourned until 6 °Clock this evening—

6°Clock P. M.—

The Committee appointed to receive, sort and count the votes of the Freemen for Governor, Deputy Governor, Treasurer and twelve assistants—brought in the following report viz—

"That by the suffrages of the Freemen they find that his Excellency THOMAS CHITTENDEN Esq^r was elected Governor—His honor PAUL SPOONER Esq^r elected Deputy Governor—No choice of Treasurer¹—The honorable MOSES ROBINSON, JONAS FAY, JOHN FASSET, TIMOTHY BROWNSON, JOHN THROOP, BENJAMIN EMMONS, PETER OLCOTT, SAMUEL FLETCHER, IRA ALLEN, SAMUEL SAFFORD, THOMAS PORTER and THOMAS MOREDOCK Esquires were elected Counsellors"

(signed) MOSES ROBINSON for Com^{te}."

The aforesaid report was read and declaration made by the Sheriff, of the persons Elected² as aforesaid.

Adjourned until to morrow morning 8°Clock.

FRIDAY October 15th 1784—

On motion made to choose a secretary of state for the year ensuing—The ballots being taken,

MICAH TOWNSEND Esq^r was Elected—

His Excellency the Governor, Council and House of Representatives by joint ballot made choice of Ira Allen Esq^r Treasurer—

His Excellency the Governor made a speech* to the Council and

1. Ira Allen was elected Treasurer.—Governor and Council, vol. 3, p. 52.

2. *The Vermont Journal*, in its issue of Oct. 27, 1784, describes the inauguration of Governor Chittenden. On Oct. 14 the Governor and some members of the Council were met at Wallingford by Colonel Clark's regiment, dressed in scarlet, and were escorted to Rutland. Later the militia, horse, foot and artillery, were reviewed by the Governor. Thirteen cannon were fired for the United States and a fourteenth for Vermont. In his inaugural address Governor Chittenden extended congratulations on the ratification of the articles of peace.—Governor and Council, vol. 3, p. 52.

*The speech was delivered to a Committee to prepare an answer, who never made a report nor returned the speech.



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address to his Excellency in answer to his speech delivered to this House this day, and make report to this House—The members chosen M^r S. R. Bradley, M^r [Thomas] Tolman and M^r [Isaac] Tichenor—

On motion made to choose a Committee of Pay-Table—The ballots being taken,

The Honorable TIMOTHY BROWNSON Esq^r

Capt. SAMUEL BARTLET and

THOMAS TOLMAN Esq^r were elected—

A petition signed Amos Cutler, setting forth that he has a deed of a right of land in Neshobe, [Brandon] executed by Josiah Powers, which deed has never been acknowledged—and that said Powers and the witnesses to said deed are since deceased and said deed cannot be legally acknowledged—& praying that this Assembly would confirm said deed in as full and ample a manner unto him as though the same had been legally acknowledged,—was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [William] Ward, M^r [Isaac] Clark and M^r [Gideon] Olin—

A petition signed Benjamin Gardner delagate for Pownall, Bliss Willoughby, Seth Alden, Gideon Olin delagates for Shaftsbury, Constant Barney, Benjamin Bartlet delagates for Arlington, Joseph Bradley, John Lee, John Knickerbaccor delagates for Sunderland, Richard Hurd delagate for Sandgate John Shumway, Abraham Underhill delagates for Dorset and Daniel Smith delagate for Rupert, setting forth that it is inconvenient for to have the County of Bennington divided into two shires and praying that the act for dividing said County into two shires might be repealed, and a place established for building one Court house and Goal [jail] in said County—And that the present mode of taxing the County might be altered &c.—was read and *Ordered* to lie on the table until to morrow morning—

A petition signed Zadock Steele was read and dismissed—

A petition signed by the select men of Ruport praying for a division of the town, was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Martin] Powell, M^r [Benjamin] Whipple and M^r [Matthew] Lyon

A petition signed Jonathan Child setting forth that Joseph Kimball did at a County Court in the late County of Washington¹ (at a time when it was impossible for him to attend by himself or attorney) obtained a judgment against him for the sum of £26-12-6 damages and £6-17-2 cost of suit—And that said Kimbal has since commenced an

1. This reference is to a county temporarily formed of New Hampshire towns in 1781, when the Eastern Union, so-called, was annexed to Vermont.—See State Papers of Vermont, vol. 3, part 1, p. 231. The present county of Washington was incorporated as Jefferson County in 1810, and the name was changed to Washington in 1814.—Thompson's Vermont, part 3, p. 182.

action against said petitioner on said judgment in the County court in the county of Windsor—And that the said petitioner will be greatly injured in his property if judgment should be rendered against him without a new tryal could be had on the original action—And praying that an order might be passed staying the proceedings aforesaid and likewise order a new tryal on the original action—was read and *Ordered* to lie on the table until Friday next—

On motion made,

Resolved that a Committee of five to join a Committee from the Council be appointed to take under consideration the act respecting working on highways—and make such necessary alterations and amendments as they shall judge proper, and make report—The members chosen M^r [Gideon] Olin, M^r [Matthew] Lyon, M^r [Samuel] Knight M^r [Elisha] Burton and M^r [Benjamin] Baldwin—

A petition signed by the Select men of Chester setting forth that said town was doomed¹ in the year 1780 £228. more than the grand list of said town for said year—And praying that the taxes laid on said town more than what the list of said town would amount might be relinquished—was read and refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Benjamin] Whipple, M^r [Oliver] Lovel and M^r [Abraham] Underhill—

A petition signed Moses Fay was read and dismissed—

A petition signed George Hough and Alden Spooner, printers praying that they might have allowed them the sum of £8-9-10 for monies they were obliged to pay unto Bildad Easton in behalf of the state for shop rent &c. and likewise that they might have one half of their accounts as allowed by the Committee of Pay-Table paid them in hard money and the other half in orders on some Collector of taxes which is now due—was read and refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Roger] Enos, M^r [Jesse] Safford and M^r [Gideon] Olin—

A petition signed by the select men of Hartford was read and refered to M^r [Stephen] Tilden to take the same under consideration state facts and make report—

Adjourned until to morrow morning 8 °Clock—

SATURDAY Oct^r 16th 1784—

The rules and regulations of the General Assembly as they are recorded in this second volume of the Journals of Assembly page 233² being read and on motion made

1. For notes on “dooming” see State Papers of Vermont, vol. 3, part 2, pp. 27 and 146.

2. This reference is to the page number in the original manuscript copy of the Journals.

Resolved that the said rules and regulations be and they are hereby accepted and *ordered* to be observed as rules and regulations of this House the present year except the words “unless withdrawn or objected to”—in the 8th article of said Rules—

The petition of the delagates of Pownall, Shaftsbury &c. which was refered to this morning was again read, and refered until next Tuesday morning—

The Committee appointed to arrange the business of the House the present session brought in the following report viz—

“1stly. That the Legislature take under consideration the bill passed for the perusal of the people at their last session entitled, an act to enable persons who have entered into and made improvements on lands under colour of title, who shall be driven out of possession by a legal trial at law to recover the value of what the estate is made better by such improvements from the rightful owners of the land—And the bill for the limitation of actions—

“2^dly. That an act be passed putting the militia of this state under proper regulations

“3^dly. That an act be passed to prevent a repeal or review on specialties or notes of hand avouched by one or more witnesses—

“4thly. That the Committee for the revision of the laws be called on for their report—

“5thly. That the Land Committee be called on to report the state of lands committed to their trust—

“6thly. That the Treasurer be called on to report the state of the Treasury in order to judge of the expediency of a tax.

“7thly. That the surveyor General be called on for a return of the surveys he may have compleated—

“8thly. That the Auditors be directed to make their Report—

“9thly. To take proper measures for the appointment of Censors—

(signed) MOSES ROBINSON CHAIRMAN”—

The aforesaid arrangement was read and the 1st article refered until Monday morning next—And that the Governor and Council be requested to join this House at that time in a Committee of the whole to take said article under consideration—

Upon the request of the Proprietors of Providence by Col^o Barton their Agent,

Resolved that the name of the township granted to Colonel William Barton¹ and Company by the General Assembly of this state the 23^d of October 1781 by the name of Providence, be and is hereby altered to the name of BARTON and the Governor and Council are requested to take notice hereof and call the name of said township by the name of BARTON when they make out the Charter thereof—

The 2^d article in the arrangement was refered to a Committee of

1. See State Papers of Vermont, vol. 3, part 2, p. 25.

five to join a Committee from the Council to take the same under consideration and prepare a bill and make report—The members chosen M^r [Isaac] Tichenor, M^r [Isaac] Clark, M^r S. R. Bradley, M^r [Elijah] Gates and M^r J. Bayley—

The 3^d article in the arrangement was refered to a Committee of five to take the same under consideration prepare a bill and make report—The members chosen M^r [Benjamin] Gardner, M^r [Nathaniel] Chipman, M^r [Samuel] Knight, M^r [Briant] Brown and M^r Speaker—

Ordered that M^r [Henry] Walbridge wait on the Committee of revision agreeable to the 4th article in the arrangement and desire them to make report on Tuesday morning next—

Ordered that M^r [Matthew] Lyon wait on the land Committee agreeable to the 5th article in the arrangement and request them to make their report on Thursday morning next—

Ordered that the Treasurer be requested to report a stating of the Treasury agreeable to the 6th article in the arrangement—

Ordered that M^r [Benjamin] Gardner wait on the Surveyor General and request him to make report agreeable to the 7th article in the arrangement—next Tuesday morning—

Ordered that M^r [William] Fitch wait on the Auditors and request them to make report agreeable to the 8th article in the arrangement on Wednesday morning next—

The 9th article in the arrangement was refered to a Committee of five to join a Committee from the Council to take the same under consideration prepare a bill and make report—The members chosen M^r [Benjamin] Whipple, M^r [Samuel] Mattucks, M^r Bradley, M^r Bayley and M^r [Briant] Brown—

A petition signed Caleb Handee [Hendee] was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen [Hubbel] Wells, M^r [Charles] Leavens and M^r [Noah] Lee—

A petition signed Benjamin Fasset and Mindwell Hopkins administrators on the estate of Major Wait Hopkins late of Bennington deceased praying for leave to sell part of the real estate of said deceased to pay the debts of said deceased—with a certificate from the Judge of Probate certifying the amount of the debts due from said estate more than the personal estate as inventoried—were read and the prayer of said petition granted and,

A bill entitled an act to enable Benjamin Fasset and Mindwell Hopkins administrators on the estate of Major Wait Hopkins late of Bennington deceased to sell part of the real estate of said deceased, was read, accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee to whom was refered the petition of the select men of Chester brought in the following report viz—

“That they find the grievance as set forth in the petition to be

fact, and in their opinion the prayer of the petition ought to be granted”
(signed) BENJAMIN WHIPPLE for Com^{tee}”

The aforesaid report was read and accepted and thereupon,

Resolved that there be and hereby is abated to the town of Chester in the County of Windsor so much of the provision tax granted on the list for the year 1780 as was raised on the sum of two hundred and twenty eight pounds on the list of said town—

M^r [Matthew] Lyon, M^r [Isaac] Clark and [William] Ward requested leave of absence until Tuesday next—Granted—

Adjourned until next Monday morning eight oclock—

MONDAY Oct^r 18th 1784.

A petition signed by the select men and Constables of the town of Guilford praying (for reasons set forth in the petition) that an act might be passed authorizing and empowering the select men of said Guilford together with the advise and assistance of one or two justices of the peace in the County of Windham, to abate the whole or part of the state taxes heretofore assessed on individuals in said town of Guilford as they shall judge just and reasonable when met for that purpose &c.—was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Samuel] Knight M^r [Oliver] Lovel and M^r [Roger] Enos—

M^r [John] Weld moved for leave to bring in a bill to alter the time of the sitting of the County Court in the county of Windsor,—

Ordered that he have leave for that purpose—

A paper signed “Joseph Foster¹ chairman” said to [be] “the petition of a number of towns by their delagates in county convention met this sixth day of October A. D. 1784 at the house of Captain John Strong in Woodstock” setting forth “That in the course of our enquiry we find many infringements on the Constitution, and right of the people, which from an ardent desire that peace and harmony may be restored we omit for the present and proceed to mention only such acts and measures of the Legislature as appear to us to be extreemly dangerous and a gross perversion of the trust reposed in them by the Constitution” and further shewing in ten articles the gross abuse of power that the Legislature have assumed²—And praying that the Assembly would take the said articles of grievance (as they call them) into their wise consideration and grant such redress as they in their great wisdom shall think fit—was read and dismissed.

A petition signed Micah Townsend setting forth that on the 10th of July last past he was arrested³ in the City of New York in an action

1. Joseph Foster represented Barnard in the Legislature in 1780, 1788 and 1789.

2. Censors found much to criticize in the acts of the Legislature. For text of their address see Slade's Vermont State Papers, pp. 531-544; also see address by Lewis H. Meader on “The Council of Censors of Vermont” in the Proceedings of the Vermont Historical Society for 1898, pp. 105-137.

3. See p. 89 of this Journal.

of trespass by Seth Smith of the state of New York solely for his officiating in the line of his duty as Clerk of the County Court of Windham County—and praying the interference and indemnity of the Legislature in his behalf as it is a matter which though aimed particularly at him may in its consequences effect the state at large and every officer and subject thereof—was read with a deposition of Timothy Church, and the copy of the writ &c. and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to this House—The members chosen Mr [Isaac] Tichenor Mr [Samuel] Mattucks and Mr [Samuel] Knight—

Agreeable to the order of the day the Governor, Council and House of Assembly joined and formed themselves into a Committee of the whole to take under consideration the first article in the arrangement—

The Committee of the whole having adjourned—The speaker resumed the chair—and

A petition signed Asa Putnam was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen Mr [Henry] Walbridge Mr [Martin] Powell and Mr [Elisha] Burton—

The Committee appointed last session of Assembly on the petition of Joseph Spalding and others brought in the following report viz—

“Your Committee to whom was refered the petition of Joseph Spalding and others praying that a town¹ might be incorporated out of part of the towns of Tinmouth, Wells, Poultney and Ira—In pursuance of their orders met on the premises on the 25th of August last—Tinmouth and Wells present by their Agents—after hearing the parties and viewing the situation of the place—beg leave to report as their opinion that the situation is convenient for a town and that the difficulties attending their meeting with their respective towns, to be nearly as set forth in the petition—and that the benefit arising to the petitioners by being incorporated into a town would surmount the damage it would be to the respective towns by their being so incorporated—all which together with the expediency of such division of towns is submitted

(signed)

MOSES ROBINSON for Committee”

The aforesaid report was read and,

Ordered to lie on the table until next Friday morning—

Resolved that a Committee of ten to join a Committee from the Council be appointed to receive from the Committee of revision such acts as they have revised and examined (and if they find necessary) correct the same and report them with their opinion to this House—The members chosen Mr [Isaac] Tichenor, Mr [Gideon] Olin, Mr [Samuel] Mattucks, Mr [John] Strong, Mr [Luke] Knoulton, Mr S. R. Bradley, Mr [Roger] Enos, Mr [William] Perry, Mr J. Bayley and Mr [Ebenezer] White—

1. See note on Middletown, p. 99.

Resolved that a Committee of three be appointed to confer with the Committee of revision and prepare such bills as are wanting to complete the code of laws of this state and make report to this House at their present session—The members chosen M^r [Isaac] Tichenor, M^r [Samuel] Knight and M^r S. R. Bradley.

Adjourned until 2 °Clock afternoon.

2 °CLOCK P. M—

A petition signed Thomas Chandler setting forth that he is willing to deliver up the whole of his estate to his creditors bona fide and that there is sundry executions against him, and by his advanced age and infirmities is not able to be removed to Goal—[jail] he therefore prays that an act might be passed to enable his creditors to share a dividend of his estate and he be relieved from the fears of going into a lonesome prison—was read and

Ordered that the petitioner cite his creditors to give reasons why the prayer of said petition should not be granted—

The Committee to whom was refered the petition of George Hough and Alden Spooner brought in the following report viz—

“That they find that the said George and Alden have paid to Bildad Easton the sum of £8-9-10 as set forth in said petition and that they find due from this state to the said petitioners the sum of £76-12-10^p upon account examined and allowed by the Committee of Pay-Table—Therefore it is the opinion of your Committee that the petitioners ought to receive their pay for the above sums in hard money immediately—

(signed) ROGER ENOS for Committee”

The above report was read and accepted and,

Resolved that the Treasurer of this state be and is hereby directed to pay unto George Hough and Alden Spooner the sum of Eighty five pounds, two shillings and 8½^d lawful money in hard money which being in full of a pay table warrant drawn upon the Treasurer being N^o 1. dated Rutland October 16th 1784—for the sum of £76-12-10½ and an execution given by Nathan Fisk Esq^r in favour of Bildad Easton against said Hough and Spooner for the sum of £8-9-10—

A petition signed by the select men and Town-Clerk of Neshobe^r [Brandon] in the County of Rutland, setting forth that since the last annual March meeting a considerable number of inhabitants have come into said town and that on the 7th day of October instant, the inhabi-

1. Neshobe was an Indian name meaning Clear-running water, according to definitions of Indian names compiled by Rowland Robinson and given in Crockett's History of Vermont, vol. 1, p. 69. Some facts concerning the early history of Brandon are to be found in an address delivered by Rev. William V. D. Berg on the occasion of the one hundred and fiftieth anniversary of the granting of the Neshobe charter, and printed in pamphlet form.



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On motion made by M^r Alden Spooner

Resolved that the Treasurer pay the order given to George Hough and Alden Spooner yesterday for the sum of—Eighty five pounds two shillings and 8½^d by drawing orders on any of the Collectors of the penny tax in this state—

On motion made by Abraham Ives^r Esq^r Sheriff of Rutland County,

Resolved that a Committee of three be appointed to give some instructions respecting the copies of Charters by which he has or may collect the land tax—and respecting the quantity of land for which the land tax shall be collected in those towns which no charter or copy can be obtained—and make report—The members chosen M^r [Nathaniel] Chipman, M^r [Samuel] Mattucks, and M^r [Roger] Enos—

Ordered that the petition signed by the Delagates of Pownall, Shaftsbury &c. which was refered to this morning be and is hereby refered until the Committee of the whole make their report on the first article in the arrangement—

The Committee to whom was refered the petitions of Asa Putnam and Noah Bennet brought in their reports which were read and after some debate—*Ordered* that said petitioners and reports be recommitted—and that they make their reports to this House—

On motion made by M^r [Gideon] Olin,

Resolved that a Committee of five be appointed to take into consideration the stating of public accounts exhibited by the Treasurer—and report their opinion respecting levying a tax this present session—The members chosen M^r [Gideon] Olin, M^r J. Bradley, M^r [Oliver] Lovel, M^r [Samuel] Mattucks and M^r [Elisha] Burton—

A petition signed Jane Stearnes administratrix on the estate of Asa White late of Rockingham in the County of Windham deceased praying for leave to sell part of the real estate of said deceased, with a certificate from the Court of Probate certifying the amount of the debts due from said estate more than the personal estate of said deceased as inventoried—were read and the prayer of the petition granted and,

A bill entitled, an act to enable Jane Stearnes administratrix on the estate of Asa White late of Rockingham deceased to sell part of the real estate of said deceased—was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Benjamin Barns and Bathsheba his wife the said Bathsheba being administratrix on the estate of Oliver Scott late of Rupert deceased—praying for leave to sell part of the real estate of

1. Abraham Ives was one of the early settlers of Wallingford, having emigrated from Wallingford, Conn. He was a delegate from that town to the Dorset convention of Sept. 25, 1776. He commanded a company in Col. Gideon Warren's regiment in 1778, with the rank of Lieutenant, and was a Captain in Col. Ebenezer Allen's regiment in 1780. He represented Wallingford in the Legislature in 1779 and in 1783, and was the first Sheriff of Rutland County, serving from 1781 to 1786. In later years he returned to Connecticut to reside.—See Hemenway's Gazetteer, vol. 3, pp. 1166-1167.

the said deceased to pay the debts of the said deceased—with a certificate from the Court of Probate for the district of Manchester certifying the amount of the debts due from said estate more than the personal estate of the said deceased—were read and the prayer of the petition granted and,

A bill entitled, an act to enable the administratrix on the estate of Oliver Scott late of Rupert deceased to sell part of the real estate of said deceased, was read, accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act to establish the doings of a certain town meeting held in the town of Neshobe and to alter the name of the said town of Neshobe, was brought in agreeable to order read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed by Elihu Smith and a number of others praying for leave to raise a sum of money by a lottery to build a bridge over Otter Creek at Browns Camp &c. was read and refered to a Committee of three to take the same under consideration and report their opinion to this House—The members chosen M^r [Nathaniel] Chipman, M^r [Benjamin] Whipple and M^r [Briant] Brown—

The Committee to whom was refered the petition of Isaac Miller Jun^r brought in the following report viz—

“That in our opinion the prayer of the petition ought not to be granted”—

(signed) EDWARD AIKIN for Committee”

The aforesaid report was read and accepted—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M.—

On motion made,

The petition of Moses Gile Jun^r and 23 others which was read yesterday was again read and dismissed—

A petition signed by a number of the inhabitants of the County of Rutland praying for leave to raise a troop of Horse in said County was read and the prayer of the petition granted and,

Ordered that M^r [Roger] Enos, M^r [Isaac] Clark and M^r [Noah] Lee be a Committee to bring in a bill for that purpose—

The Governor, Council and Assembly having joined in a Committee of the whole agreeable to their adjournment—The Committee of the whole having adjourned the speaker resumed the chair and,

A petition signed Lois Cushman was read and withdrawn—

Three petitions from a number of inhabitants of Rutland County praying that the place affixed for building the Court House and Goal [jail] in the said County might be moved to a more convenient place—were read and refered to a Committee of five to take the same under

consideration, state facts and make report—The members chosen M^r S. R. Bradley M^r [Roger] Enos M^r [Jesse] Safford, M^r [Briant] Brown and M^r J. Bradley—

A petition from the 1st Medical society in Vermont signed by Doctors Jonas Fay and Lewis Beebe their agents praying that said society might be incorporated and established agreeable to their constitution to be known by the name of the first medical society¹ in Vermont—was read and the prayer thereof granted with leave to bring in a bill accordingly—

Adjourned until to morrow morning eight oclock—

WEDNESDAY October 20th 1784

The Governor, Council and Assembly met in Committee of the whole agreeable to their adjournment—The Committee of the whole having dissolved—[Lieut] Gov^r [Paul] Spooner brought forward and delivered to the speaker their report and proceedings which is as follows viz—

“Rutland Oct^r 18th 1784—

“His Excellency the Governor, the honorable the Council and General Assembly being resolved into a Committee of the whole to take under consideration the 1st article in the arrangement—

“His Excellency in the Chair and Micah Townsend Esq^r Clerk—

“A petition from 39 inhabitants of Clarendon, a petition from 38 inhabitants of Danby and a petition from the inhabitants of Rutland and Shrewsbury were severally read also an extract from the proceedings of the town of Manchester was read—and the proposed,

“Bill entitled “an act to enable persons who have entered into and made improvements on lands under colour of title who shall be driven out of the possession by a legal tryal at law to recover the value of what the estate is made better by such improvements from the rightful owner, also the bill entitled, an act for the limitation of actions, both of which were printed and published for the perusal of the people—were read—

“Also a bill proposed as an amendment to the bill under consideration—was read—

1. This society was organized by physicians and surgeons in the counties of Bennington and Rutland “and parts adjacent,” the original members being Jonas Fay, Lewis Beebe, Nathaniel Dickinson, Seth Alden, Samuel Huntington, Elisha Baker, Lemuel Chipman, William Johnston, William Gould, Aaron Hastings, Zina Hitchcock, Silas Holbrook, William Woolcott, Ezra Baker, Ebenezer Tolman, Ezekiel Porter and Jacob Roeback. It was declared in the act that “the professors of the medical art should receive all proper encouragement, to excite them to improve and to acquire a thorough acquaintance with a science so interesting to those who may be in distress through indisposition of body and limbs.” The society was authorized to procure and maintain a library and instruments and apparatus for experimental purposes; to call any of its members to account and punish them for any dishonorable professional conduct; and it was vested with power to judge and determine the qualifications of persons offering themselves for examination. For text of the act see Slade’s Vermont State Papers, pp. 493-494.

Resolved that a sub Committee be appointed to consider and amend the bill under consideration and make report—The members chosen M^r [Thomas] Tolman, His Excellency, M^r [John] Strong, M^r [Daniel] Marsh, M^r [Luke] Knoulton, M^r [Samuel] Knight, M^r [Benjamin] Emmons, [Lieut] Gov^r [Paul] Spooner, M^r [Nathaniel] Niles, M^r J. Bayley and Judge [Moses] Robinson.

“Adjourned until Tuesday afternoon—

“Tuesday Oct^r 19th 1784—

“The Committee of the whole met according to adjournment—and the sub-Committee being not ready to report—adjourned until to morrow morning

“Wednesday Oct^r 20th 1784

The Committee of the whole met according to adjournment—

“The sub-Committee reported a bill entitled an act to enable persons who have settled and made improvements on lands under supposed titles and otherwise without a legal title who shall be driven out of possession by a legal tryal at law to recover the value of what the estate is made better^r by such settlement and improvements from the rightful owners of the land, and to direct the manner of process therein,—which bill was read and agreed to be reported to the General Assembly to be passed into a law of this state—

“The Committee of the whole then dissolved—

(signed) MICAH TOWNSEND Clerk—

On motion made,

Ordered that the bill reported and agreed to by the Committee of the whole, lie on the table for further consideration—

Adjourned until 2 °Clock afternoon.

2 °Clock P. M—

A petition signed by the select men of Rupert, praying that they might be credited for a quantity of provisions which they had collected on the provision tax granted on the list of 1781—and by too long keeping was so damaged as to be almost spoiled &c. which was refered from the last session was again read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [William] Gallup, M^r [Benjamin] Baldwin and M^r [Matthew] Lyon—

The petition from the delagates of Pownall, Shaftsbury, Arlington &c. &c. which was refered to this time, was again read, and after hearing the Agents in behalf of the petitioners and the debates against it—The members of the Assembly for the County of Bennington having withdrawn—The question being put whether the prayer of said petition should be granted?—It passed in the negative—

1. Appendix E of vol. 3 of Governor and Council, pp. 341-356, contains much information concerning the Betterment Acts, so-called.

The Committee appointed to examine into the state of the Treasury and report their opinion respecting laying a tax this session brought in the following report viz—

“We find the state indebted after all the paper money taxes are collected which have already been laid £1751-12-2—we also find the state credit on the hard money tax already laid £889-7-4—They are therefore of opinion that a small tax ought to be laid at this session in hard money to answer the present exigencies of the state

(signed) GIDEON OLIN for Committee”—

The aforesaid report was read and thereupon,

Resolved that a Committee of five to join a Committee from the Council be appointed to confer with the Treasurer and report their opinion what sum of money will be necessary to defray the expences of government for the current year—and devise ways and means for collecting the same—and make report—The members chosen M^r [Isaac] Tichenor, M^r [Matthew] Lyon M^r S. R. Bradley, M^r [John] Weld and M^r J. Bayley—

A bill entitled an act constituting one Company of Cavalry within the limits of the fifth regiment in this state, was brought in by the Committee, read, accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act to establish the doings of a certain town meeting held in the town of Neshobe [Brandon] and to alter the name of said town of Neshobe—was sent back from the Council with their concurrence, read and passed into a law of this state—

A bill entitled an act to enable Jane Stearnes administratrix on the estate of Asa White late of Rockingham in the district of Westminster deceased to sell part of the real estate of said deceased—was sent back from the Council with their concurrence and read and passed into a law of this state.

A bill entitled an act to enable the administratrix on the estate of Oliver Scott late of Rupert deceased to sell part of the real estate of said deceased—was sent back from the Council with their concurrence, read and passed into a law of this state—

On motion made,

Ordered that M^r [Oliver] Lovewell [Lovell] request the Governor and Council to join this House to Elect Judges of the superiour Court to morrow morning—

Adjourned until to morrow morning eight oclock—

THURSDAY October 21, 1784

Agreeable to the order of the day the Governor, Council and Assembly jointed to elect by joint ballot Judges of the superiour Court—

The ballots being taken, sorted and counted

His honor Paul Spooner Esq^r was elected chief Judge—The Hon-

orable John Fasset Esq^r M^r Nathaniel Niles, the honorable Thomas Porter and Peter Olcott Esquires were elected Judges of the Superiour Court—

A petition signed Thomas Richardson and fifty three others inhabitants of part of Hartland and Hartford, praying for a town to be incorporated out of part of the said towns of Hartland and Hartford &c. and two remonstrances from part of the inhabitants of said towns against the prayer of said petition, were read and *Ordered* to lie on the table—

A petition signed Caleb Ball was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r S. R. Bradley, M^r [John] Strong and M^r [Samuel] Mattucks—

Agreeable to the order of the day—The Surveyor General made a verbal report of his proceedings respecting making a proper survey of the state—

Adjourned until 2 °Clock afternoon.

2 °Clock P. M—

Agreeable to order of the Court of equity at the last session of Assembly.

The Governor, Council and Assembly joined in a Court of equity to hear and determine the cause between the proprietors of Wilmington¹ and the proprietors of Draper—The court having adjourned—The speaker resumed the chair—

A petition signed Benjamin Thurbur, Nicholas Bragg Jun^r and James Burnap in behalf of themselves and others—setting forth that John Barret² Esq^r (altho under impeachment &c.) had issued writs, given judgment and execution against them &c. and praying that the said judgments might be set aside and they be relieved from the costs &c. was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Samuel] Mattucks, M^r [Noah] Lee and M^r [Nathaniel] Chipman—

A petition signed Ebenezer Wood administrator on the estate of Jeremiah Reed late of Bennington deceased, praying for leave to sell part of the real estate of the said deceased to pay the debts due from said estate—with a certificate from the court of Probate certifying the amount of the debts due from said estate more than the amount of the

1. For notes on this case see Governor and Council, vol. 3, pp. 57, 58, 59; see also pp. 94-95 of this Journal.

2. The General Assembly, Oct. 13, 1783, had impeached John Barrett, a Windsor County Justice of the Peace, for maladministration in office and had ordered him before the Governor and Council for final judgment. He was found guilty, suspended from office for a period of six months and ordered to pay the costs of prosecution. See pp. 91, 108 of this Journal; Governor and Council, vol. 3, pp. 57, 68-73.

personal estate as inventoried—was read and the prayer thereof granted with leave to bring in a bill accordingly—

The Committee to whom was refered the petitions from the inhabitants of Rutland County praying that the place affixed for the building a Court House &c. might be removed—brought in their report as follows viz—

“That in our opinion the place affixed for building the Court house in the County of Rutland is in an inconvenient place and would com-
mode the inhabitants better to have it removed”—

The aforesaid report was read and accepted and thereupon,

Resolved that a Committee of five be appointed to fix a place for building a Court House &c. in the County of Rutland and make report—
The members chosen M^r [Gideon] Olin, M^r [Isaac] Tichenor, M^r [Roger] Enos, M^r [Jesse] Safford and M^r [Oliver] Lovewell [Lovell]—

Adjourned until to morrow morning eight oclock—

FRIDAY October 22^d 1784—

M^r [Thomas] Tolman requested leave of absence—*Ordered* that he have leave to be absent—

Agreeable to the order of the day the House took under consideration the report of the Committee on the petition of Joseph Spalding and others praying for a new town out of Tinmouth, Wells &c.—after some debate,—

Resolved that a Committee of five be appointed to take under consideration, again the petition and likewise the report aforesaid and hear the parties and make report of their opinion to this House—The members chosen M^r [Isaac] Clark, M^r [Lemuel] Buck M^r [Benjamin] Whipple, M^r [John] Weld and M^r [Henry] Walbridge—

The Committee to whom was refered the petition of the selectmen of the town of Rupert praying that said town might be divided &c. brought in the following report viz—

“That having examined into the circumstances of the town of Rupert it is their opinion that it is not expedient to divide said town into two towns or districts, but that it be divided into two parishes with all the privileges and immunities that other parishes in this state exercise and enjoy—and that it be divided according to a line agreed on by the inhabitants of said town—

(signed) TIMOTHY BROWNSON for Committee”

The aforesaid report was read and accepted and,

Ordered that a bill be brought in thereon accordingly—

M^r [Matthew] Lyon agreeable to order brought in a bill for taxing counties for county charges &c. which was read, and

Ordered that M^r [Matthew] Lyon M^r [William] Ward and M^r [Luke] Knoulton be a Committee to redraught the same and make such alterations and amendments as they shall judge necessary and make report—



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The Committee to whom was refered the petition of Caleb Owen brought in the following report viz—

“That in their opinion the prayer of said petition ought not to be granted”—

Which report was read and accepted—

Mr [Parker] Cole requested leave of absence during the remainder of this session—Granted—

Adjourned until to morrow morning eight oclock—

SATURDAY October 23^d 1784—

On motion made,

The House took under consideration the bill reported by the Committee of the whole entitled, an act to enable persons who have settled and made improvements on lands under supposed titles, and otherwise without legal title who shall be driven out of possession by a legal tryal at law to recover the value of what the estate is made better by such settlement and improvements from the legal owners of the land—And to direct the manner of process therein—which was read and after several amendments made and considerable debate—The question was put—whether said bill with the amendments should be accepted?

The yeas and nays being required they stand as follows viz—

Yeas

Mr Powell
Mr Ormsby
Mr Olin
Mr J. Bradley
Mr Baldwin
Mr Underhill
Mr Whipple
Mr Lebdel
Mr Vail
Mr Cooper
Mr Culver
Mr Lyon
Mr Finney
Mr Harwood
Mr Sheldon
Mr Ward
Mr Brookings
Mr Clark
Mr Lee
Mr Roberts
Mr Olds
Mr Lyman
Mr Wilson
Mr Haile

Nays

Mr Tichenor
Mr Walbridge
Mr Gardner
Mr J. Niles
Mr Sam^l Williams
Mr Marsh
Mr Willard
Mr Fitch
Mr Mattucks
Mr Chipman
Mr Ives
Mr Strong
Mr Beach
Mr S. R. Bradley
Mr Underwood
Mr Knoulton
Mr Knight
Mr L. Bullock
Mr W. Bullock
Mr Swift
Mr Spalding
Mr Wells
Mr Aiken
Mr Bridgman

Yeas
 Mr S. Bayley
 Mr Lovel
 Mr Weld
 Mr Moss
 Mr Hawkins
 Mr Simons
 Mr Atherton
 Mr Gallup
 Mr Weston

33

Nays
 Mr Brown
 Mr Leavens
 Mr Perry
 Mr Flynn
 Mr Cottle
 Mr Tilden
 Mr Safford
 Mr Burton
 Mr Gates
 Mr Chilson
 Mr Gill
 Mr Heald
 Mr Gilkey
 Mr Silas Williams
 Mr J. Bayley
 Mr White
 Mr Baldwin
 Mr Barron
 Mr SPEAKER
 Mr Blake
 Mr How

45

So it passed in the Negative—

A petition from Isaac Tichenor Esq^r C. G. P. [Commissary General of Purchases] was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to this House—The members chosen Mr [Nathaniel] Chipman, Mr [Matthew] Lyon, Mr [Isaac] Clark, Mr [Henry] Walbridge and Mr Bayley—

The Committee to whom was refered the petition of Caleb Hendee brought in the following report viz

“That in our opinion the prayer of the petition ought not to be granted.

signed TIMOTHY BROWNSON for Committee”

The aforesaid report was read and accepted—

Mr [Briant] Brown and Mr S. R. Bradley requested leave of absence during the remainder of the session—Granted—

According to leave the honorable Benjamin Emmons Esq^r brought in a bill entitled, an act to regulate the satisfying executions on certain judgments therein named—which was read and *Ordered* to lie on the table—until next monday in the afternoon—

The Committee appointed to fix the place for building a Court house and Goal [jail] in Rutland County brought in their report which was read and refered until Tuesday next in the afternoon—

A petition signed Charles Phelps praying for a full pardon and a reversion of a sentence of the supreme Court confiscating his estate &c. was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Matthew] Lyon, M^r Isaac Clark and M^r [Hubbel] Wells—

A petition signed Elias Buell¹ in behalf of himself and associates praying that they might have a compensation in some of the unlocated lands in this state, for a certain grant made by this state of a tract of land to said Buell and Company which is covered by older grants &c. was read and the prayer thereof granted, and

WHEREAS Major Elias Buel and his associates have by their memorial represented to this Assembly that on the 4th day of November 1780 obtained a grant of a certain tract of land in this state lying between the town of Shorem, [Shoreham] Orwell, Hubbardton Sudbury and Whiting supposed to contain 320 acres or thereabouts to each of said Company and that they soon after paid the granting fees requested therefor—That it is since found that the surrounding towns aforesaid nearly cover the whole of the lands granted to the memorialists and WHEREAS the said memorialists have prayed that a grant of unlocated lands may be made to them for the deficiency aforesaid due regard being had to the quantity, quallity and situation as their memorial on file may appear—whereupon

Resolved that liberty be and hereby is granted unto the said memorialists to locate an equivalent for the aforesaid deficiency in such place or places as they shall choose in the now unlocated lands in this state not infringing on the general principles of surveys, due regard being had to the quantity quallity and situation of the lands to be so located—And to the situation and quallity of the lands first granted to the memorialists, as also the date of said grant—and that the Governor and Council be and are hereby requested to issue a charter or charters of incorporation under such restrictions, regulations and conditions as they shall judge best—

A petition signed Lemuel Roberts and Noel Potter praying that they might be pardoned² for rescuing one Charles Carr from the sheriffs deputy &c. was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Matthew] Lyon, M^r [Gideon] Ormsby and M^r [Gideon] Olin—

Adjourned until next Monday nine oclock in the morning—

1. Maj Elias Buel of Coventry, Conn., in 1780, obtained from the Vermont Legislature a grant for himself and sixty associates, but later it was found that nearly the entire tract voted already had been granted to others. A flying grant was made to Major Buel and fifty-nine associates, consisting of the present town of Coventry, 16,767 acres; 2,000 acres known as Coventry Leg, annexed to Newport in 1816; and Buel's Gore, 4,273 acres, in Chittenden County. See State Papers of Vermont, vol. 2, pp. 274-275, 283.

2. See p. 93 of this Journal for details of this episode.

MONDAY Oct^r 25th 1784

A bill entitled, an act to establish a society by the name of the first Medical society in Vermont—was sent back from the Council with their concurrence, read and passed into a Law of this state—

A bill entitled, an act to enable Captain Ebenezer Wood sole administrator on the estate of Jeremiah Reed late of Bennington deceased to sell part of the real estate of said deceased, was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Two petitions signed by a number of the late disaffected inhabitants of the southerly part of the County of Windham, praying that the Legislature would be pleased once more to put it into their to accept a full pardon for their former transgressions of the laws &c. &c. were read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report of their opinion to this House. The members chosen M^r [Samuel] Knight M^r [John Weld, M^r J. Bradley, M^r [John] Bridgman and M^r [Luke] Knoulton—

The Committee to whom was refered the petition of Micah Townsend^r Esq^r reported a bill entitled; an act appointing Commissioners to make reprisal in a case therein mentioned, which was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Benjamin Garfield, praying that a deed of a right of land in the township of Sudbury which was executed to him by Benjamin Powers since deceased and witnessed by Zachariah Eddy and Benjamin Powers 2^d both since deceased and which had never been acknowledged—might be ratified to him in as legal a manner as though the same had been legally acknowledged—was read and refered unto the Committee appointed on Amos Cutlers petition—and that they state facts and make report—

General Bayley moved for leave to bring in a bill to enable the authority of the County of Orange to lay a tax for making roads in said County—

Ordered that he have leave to bring in a bill for that purpose—

1. It appears that Micah Townsend of Brattleboro was arrested in New York State by one Seth Smith, a resident of said State, in an action of trespass, and was sued for £1,000 damages, bail being fixed at £2,000. The text of this act declares “that the said suit was commenced and prosecuted against the aforesaid Micah solely for his acting in the line of his duty, as an officer and subject of this State: And, whereas, this Legislature view themselves bound by every tie of honour and justice to protect and indemnify the subjects and officers of the State while acting agreeable to their duty.”

Therefore Briant Brown, Stephen Jacob and Benjamin Wait of Windsor were named as Commissioners “to make seizure of so much of the lands owned by any one or more of the subjects of the State of New York lying within this State as will raise the sum of 1500 pounds lawful money, in specie, when sold at public vendue (auction).” Notice of such seizure was to be published as an advertisement in one or more New York newspapers—See Slade’s Vermont State Papers, pp. 491-492; Governor and Council, vol. 3, pp. 331-332.

A petition signed "Joseph Foster chairman by order of Convention" praying that the county buildings in the county of Windsor might be erected in the center of the County &c. was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen Mr J. Bradley, Mr [Oliver] Lovewell [Lovell] Mr Sam^l Williams, Mr [Gideon] Olin and Mr [John] Bridgman—

A petition signed by the Select men of Whitingham praying that the inhabitants of said town might be impowered to levy a tax, of one penny on each acre of unimproved land in said town for the purpose of compleating the public roads in said town—was read and refered to a Committee of three to take the same under consideration, state facts and make report. The members chosen—Mr [Hubbel] Wells, Mr [Elisha] Burton and Mr [Benjamin] Whipple—

A petition signed David Caswell was read and dismissed—

Agreeable to the order of the House—

A bill entitled an act to divide the town of Ruport into two distinct parishes, was brought in read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Mr [John] Weld moved for leave to bring in a bill regulating the sheriffs fees in collecting public taxes—*Ordered* that he have leave for that purpose—

The Committee to whom was refered the petition of Caleb Ball brought in their report which was read and Mr [Samuel] Knight moved for leave to withdraw said petition—*Ordered* that he have leave to withdraw the same—

Mr [Michael] Flynn moved for leave of absence during the session—*Granted*—

Adjourned until two oclock afternoon

2 °Clock P. M—

A petition signed Joseph Porter praying for leave to raise a sum of money by a lottery for his own benefit he having been disabled by accident to follow his business &c. with a certificate from the select men of Rutland, a justice of the peace and two Physicians &c. were read and said petition refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen, Mr [Benjamin] Whipple, Mr [Samuel] Mattucks and Mr [Gideon] Olin—

Mr [Stephen] Tilden to whom was refered the Select men of Hartford brought in his report which was read and dismissed—and said petition was withdrawn—

Agreeable to order the bill brought in by the hon^{ble} Benjamin Emmons Esq^r entitled an act to regulate the satisfying executions on certain judgments therein named—was again read and refered to a Committee of three to join a Committee from the Council to take the same under consideration and make such alterations and amendments

as they shall judge proper and make report—The members chosen M^r [Nathaniel] Chipman, M^r [Gideon] Olin and M^r [John] Weld—

A bill entitled an act appointing Commissioners to make reprisal in a case therein mentioned, was sent back from the Council with their concurrence and was read the last time and passed into a law of this state—

The Committee to whom was refered the petition of Benjamin Thurbur, Nicholas Bragg and James Burnap in behalf of themselves and others brought in the following report—viz—

“Your Committee find that the General Assembly at their session at Westminster in October 1783 ordered Stephen R. Bradley Esq^r to impeach the said John Barret Esq^r before the Governor and Council for certain matters of male-administration in the office of Justice of the peace represented by complaint to said Assembly—Your Committee further find that no impeachment was ever made before the Governor and Council in pursuance of said order—that the General Assembly at their adjourned session at Bennington in March 1784 did resolve that in the opinion of this House that the impeachment brought against John Barrett Esq^r in last October session virtually suspends him from officiating in his office as a justice of the peace—further your Committee cannot find that ever the said John Barrett Esq^r was officially notified of the aforesaid proceedings—They are therefore of opinion that none of the aforesaid proceedings can be considered as virtually or actually suspending the said John Barret Esq^r from officiating in his said office of Justice of the peace—They beg leave further to offer it as their opinion that in case the said John Barret Esq^r was suspended from officiating in his said office, there is ample redress for said petitioners in the courts of common law—And therefore said petition ought to be dismissed—

(signed) TIMOTHY BROWNSON for Com^{tee}”

The aforesaid report was read and accepted

Adjourned until 8 o’Clock to morrow morning

TUESDAY October 26th 1784—

The Committee to whom was refered the petition of Elihu Smith and others praying for leave to raise a sum of money by a lottery to build bridges over Otter Creek &c. brought in their report which was read and thereupon,

Resolved that Samuel Williams and Jonathan Carpenter of Rutland, Benjamin Garfield of Grafton in the Commonwealth of Massachusetts, Reuben Tuller of Clarendon and James Ewing of Pittsford have leave to raise by way of lottery the sum of £250 lawful money for the purpose of laying out and making a road to the northerly part of this state upon their giving bond in the penalty of £1000—to the Treasurer of this state for the due execution of their trust—and after they shall have been sworn to the faithful performance of their trust, they are hereby appointed

managers of said Lottery—provided that such Lottery be not at the risque of this state—

On motion made,

Resolved that a Committee of ten to join a Committee from the Council be appointed to take under consideration the bill which was tried by the yeas and nays the 23^d instant—entitled, an act to enable persons who have settled and made improvements on lands under supposed titles &c. and make such alterations and amendments as they shall judge necessary and make report—The members chosen M^r [Martin] Powel, M^r [Gideon] Olin, M^r [Matthew] Lyon, M^r [Benjamin] Whipple, M^r [Luke] Knoulton M^r [Samuel] Knight, M^r [John] Weld, M^r [William] Perry, M^r J. Bayley and M^r [Benjamin] Baldwin—

The Committee to whom was refered the petition of Charles Phelps brought in the following report viz—

“That upon examination it appears to your Committee that said Charles Phelps Esq^r has been meritorious in his former opposition to the government of New Yorks regranting lands &c. and opposing the people in Cumberland county uniting and associating with New York—And that he has been very serviceable to his Country by procuring and selling without profit to himself a quantity of arms, amunition and salt—we also find that said Phelps has been for a number of years past exceedingly obstinate against and troublesome to this state—And that he has had sentence of imprisonment and confiscation of all his estate both real and personal passed against him by the supreme court of this state for treason—However your Committee would recommend him as a fit object of mercy on account of his former merit, his advanced age and the bad circumstances of his family—And submit it as their opinion that he have all his former estate both real and personal restored to him except what has been disposed of by the public on his paying £35 lawful money to the state towards defraying the extraordinary cost that this government have been at on account of the exertions against government by him and his late associates—

(signed) PETER OLCOTT for Committee”—

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly—

A bill entitled an act to divide the town of Rupert into two parishes, was sent back from the Council with their concurrence, read the last time and passed into a Law of this state—

A bill entitled “an act to enable Captain Ebenezer Wood sole administrator on the estate of Jeremiah Reed late of Bennington deceased to sell part of the real estate of said deceased, was sent back from the Council with their concurrence read the last time and passed into a Law of this state—

A petition signed Jacob Bayley and Ebenezer White representatives and agents for Newbury and Benjamin Baldwin and John Barron representatives and agents for Moretown [Bradford] was read and refered to



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and determining the dispute between the proprietors of Wilmington and the proprietors of Draper viz—

“State of Vermont Rutland Oct^r 21st 1784—

“The court of equity or chancery consisting of his Excellency the Governor, the honorable the Council and General Assembly met agreeable to their adjournment of the 28th of February last to hear and determine the dispute between the proprietors of Wilmington and the Proprietors of Draper—

“After hearing the petition and evidence in behalf of the proprietors of Wilmington the Court adjourned until to morrow morning 8 o’Clock—

“October 22^d 1784—

The Court met—and on motion made by M^r Knight that the said cause might be continued—and on motion being made in Court “That a Committee be appointed to repair to the township of Wilmington alias Draper and enquire into the matter of the dispute, and state the facts relative to the said dispute and make report to this court at the next session of Assembly”—It being moved in court that the Council and Assembly vote seperately on the question for commitment—The question being put to the Council it passed in the affirmative—and was negatived by the General Assembly—

“Adjourned until to morrow morning 8 o’Clock—

“October 23^d 1784—

The Court met and adjourned until the 25th instant—and then met and adjourned until the 26th

“October 26th 1784—

The Court met and no person appearing for the proprietors of Draper—The Court order and award judgment in favour of the Proprietors of Wilmington agreeable to the following decree—viz—

“Proprietors of Wilmington
against the

“Proprietors of Draper

“The Proprietors of Wilmington in the County of Windham by the petition of David Dickenson and Chipman Swift their agents shewed to this Court that on the 29th of April 1751 King George the 2^d by Benning Wentworth Esq^r his Governor of New-Hampshire granted the township of Wilmington to the petitioners and those under whom they claim on certain conditions of settlement and cultivation described in their charter—That the late French war prevented their literally fulfilling such conditions—That on the 17th of June 1763 the present King of Great Britain regranted the same lands to the proprietors of Draper on the like conditions with grant of Wilmington, without citing the proprietors of Wilmington to shew reason why they had not performed the

conditions of their grant—That the said proprietors of Wilmington had made as early settlements in the said township as the public exigences would admit—But that the proprietors of Draper had lately interrupted them in their possessions by virtue of their illegal grant—and praying relief in the premises, and that the charter made to the proprietors of Wilmington may be confirmed—Upon hearing the said petition and the evidences in support thereof—And the proprietors of Draper altho duly summoned making no answer thereto,

“It is therefore *Ordered* and Decreed that the petitioners, their heirs and assigns do have, hold, occupy, and enjoy the quiet and undisturbed fee and possession of all the lands described in the Wilmington Charter with all the privileges and appurtenances thereto belonging (except such privileges as may be allowed to antient settlers by law)—And it is further decreed that all suits at law depending between the parties aforesaid for recovering the possession of the said lands or any part thereof be discontinued and forever stayed—And that the proprietors of Draper their heirs and assigns commence and prosecute no further or other action at law against the proprietors of Wilmington for recovering the land described in the Wilmington charter or any part thereof or the possession of the same or any part thereof and that they nor either of them do make any entry into the said land or any part thereof, or in any other way molest or vex the proprietors of Wilmington aforesaid or either of them or their heirs or assigns in the peaceable enjoyment of the premises on pain of forfeiting for each breach of this decree the sum of one thousand pounds to such person or persons as shall be injured thereby—

“M^r [Samuel] Knight, moved in behalf of the proprietors of Draper, for a review in the case between the proprietors of Wilmington and the proprietors of Draper to be heard again at the next adjourned session of Assembly—The Court do therefore *Order* that a review be granted accordingly—And that they will then again hear the matter of dispute—And finally determine the same—

(signed) ROSWELL HOPKINS Clerk”—

Adjourned until 2^oClock afternoon—

2^oClock P. M.—

The following is the report of the Committee of trust for selling lands in Londonderry made agreeable to the order of the General Assembly of the 8th of March last viz—

“At a meeting of said Committee the 17th of March 1781 gave deeds as follows viz—

—To Captain James Anderson a deed for 200 acres which he purchased of Col^o James Rogers^r at 2/ p^r acre—paid to said Rogers £7-4- and gave his note to the Committee for £12-16—

1. For note on Col. James Rogers see State Papers of Vermont, vol. 1, part 2, p. 72.

—To Robert Miller a deed of 150 acres purchased of Col^o Rogers at 2/ p^r acre also a deed of 100 acres to said Robert all of which was paid to said Rogers—

—To James Miller a deed of 100 acres at 3/ p^r acre paid to said Rogers—

—To John Mack a deed of 200 acres bought of said Rogers at 2/ p^r acre, paid to Rogers £14-11-5—gave his note to the Committee for £5-8-7—

—To Robert and John Mack a deed of 133 acres bought of said Rogers at 3/ p^r acre paid to Rogers £14-14-6 remains due to the Committee £5-5-6—

—To John Cocks a deed of 105 acres bought of said Rogers at 2/6 p^r acre—paid to said Rogers—

—January 1782—To James and Andrew Patterson deeds of 500 acres—300 acres at 2/ p^r acre and 200 acres at 3/6 p^r acre all bought of said Rogers and paid to him £37-10-9—gave a note to the Committee for £10-9—paid the Committee in states money £17—

—To Thomas Hillock a deed of 100 acres purchased of Daniel Miller of said Rogers at 2/ p^r acre and paid to said Rogers—

—To Henry M^t Gomery [Montgomery] a deed of 200 acres bought of said Rogers at 2/ p^r acre and paid to said Rogers—

—To Hugh M^t Gomery [Montgomery] Jun^r a deed of 93 acres purchased of said Rogers at 2/ p^r acre—all paid to said Rogers—

—October 29th 1782 to M^{rs} Rogers wife of said Col^o Rogers a deed of 150 acres being the farm where said M^{rs} Rogers lives, and given to her and her children by an act of the Legislature of Vermont—

—September 15th 1784—To Hugh M^t Gomery Jun^r a deed of 149 acres bought of said Rogers at 2/ p^r acre all paid to said Rogers—

—December 23^d 1784 To Moses Grimes a deed of 127 acres 100 acres of which purchased of said Rogers at 3/p^r acre and 27 acres purchased of the Committee—gave the Committee his note for the whole being £19-1-0—

—September 15th 1784 To John Miller a deed of 190 acres 7 acres of the same allowed for highways purchased of Col^o Rogers at 2/ p^r acre all paid to said Rogers—have said Millers receipt for said deed and his testimony to the contract made with said Rogers for said land—

—To Robert M^cCormick a deed of 100 acres purchased of said Rogers by James M^cCormick at 2/p^r acre—the Committee have said James Note for £10-0-0

—To John Woodburn a deed of 266 acres purchased of said Rogers at 2/ p^r acre all paid for to the Committee in state Notes except £2-15—turned by way of James Miller, which sum of £2-15—was due from said Rogers to said Miller to which said Miller made oath and gave his receipt to the committee for said £2-15—ten acres of the above allowed for highways—

—To Daniel Miller a deed of 27 acres purchased of said Rogers as 3/ p^r acre two acres of the same allowed for highways—all paid to



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personal, was sent back from the Council with their concurrence, read and passed into a law of this state—

A petition signed Beriah Green administrator on the estate of Elkanah Steward late of Barnard deceased praying for liberty to sell part of the real estate of said deceased to settle the debts of said deceased—was read—with a certificate from the Judge of Probates for the District of Hartford certifying the amount of the debts due from said estate more than the personal estate as inventoried—and the prayer of the petition granted with leave to bring in a bill accordingly—

A petition signed Silas Goodrich Anna Goodrich wife to the said Silas late widow of and administratrix on the estate of Eliakim Wellar late of Manchester deceased, Asa Wellar heir in law and of age to the said estate and Gideon Barber setting forth that the said Barber did by a special agreement with Eliakim Wellar late of Manchester deceased for the consideration of a loan of a certain sum of money deed away his farm &c. to the said Wellar for security—And that said Wellar has since deceased—They therefore pray that some mode might be adopted whereby the land on the payment of the money as loaned aforesaid might be deeded back to the said Barber—was read and the prayer thereof granted—with leave to bring in a bill accordingly—

A petition signed Nathaniel Weston and Oliver Lovel was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Daniel] Heald, M^r [Daniel] Marsh and M^r [Isaac] Clark—

The Committee appointed to fix a place for building a Court-House and Goal in the County of Rutland¹ brought in their report which was read & accepted and *Ordered* that a bill be brought in accordingly—

A bill entitled an act appointing persons to lay out certain roads in the county of Orange² was brought in according to leave, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The following message from the Council was read viz—

“In Council Rutland Oct^r 26th 1784—

“Resolved unanimously that this Council do take this method to recommend to the honorable the General Assembly to adopt such measures as may appear to them to be most eligible for opening a free trade and commerce with the Province of Quebec upon terms of reciprocity—

“by order of Council
signed JONAS FAY Sec^y Pro. Temp.”

1. The text of the act to erect public buildings for the use of Rutland County provided that such buildings should be “built on, or as near as may be convenient to the spot of ground where a stake is set by a committee appointed by the Assembly for that purpose, viz., about two rods north of the road leading from Ely Brown’s to Castleton, and about twenty rods west from said Brown’s dwelling house.”—See Acts of 1784.

2. The text of the act to lay out certain roads in the County of Orange, provided for highways 24 feet wide.—See Acts of 1784.

The question being put, whether this House would adopt measures for opening a free trade agreeable to the said recommendation of Council? It passed in the negative—

Resolved that a Committee of five be appointed to doom the several towns that have not given in their lists agreeable to law for the present year—and make report—The members chosen M^r [Henry] Walbridge, M^r [John] Strong M^r [Samuel] Knight, M^r [Elisha] Burton and M^r [Ebenezer] White—

A bill entitled an act to regulate the satisfying executions on certain judgments therein named—was brought in by the Committee appointed for that purpose, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee to whom was refered the two petitions from sundry of the late disaffected persons to this government in the southerly part thereof brought in the following report viz—

“That in our opinion an act of this Assembly be passed granting a free and full pardon to all the petitioners for all crimes committed against the state as set forth in their petitions, and also a restoration of all their property that hath been taken by order of this state and not disposed of upon condition that every of them so to be pardoned take the oath of allegiance to this state before he receive the benefit of such pardon—

(signed) SAMUEL FLETCHER for Committee”

The aforesaid report was read and accepted and,
Ordered that a bill be brought in accordingly.

The Committee to whom was refered the petition of the Select men of Whitingham brought in the following report viz—

“That they find the grievances as mentioned in the petition to be fact and that in our opinion the prayer of the petition ought to be granted and a Committee appointed to prepare a bill accordingly.

(signed) HUBBEL WELLS for the Committee”

The aforesaid report being read and accepted

Resolved that M^r [William] Ward, M^r [Martin] Powell and M^r [Anthony] Morse be a Committee to bring in a bill accordingly—

The Committee to whom was refered the petition of Joseph Spalding and others praying for a town¹ to be incorporated out of part of the townships of Tinmouth, Wells &c. and the report of the Committee which was made to this Assembly the 18th of October instant on said petition brought in the following report—viz—

1. Middletown was incorporated from parts of the towns of Ira, Poultney, Tinmouth and Wells. The reason given in the preamble of the act for forming a new township. is that the petitioners “Labour under great inconveniences in meeting with their several towns for public worship and town business, by reason of being surrounded by mountains.”

“That in their opinion the tract of land described in said report ought to be incorporated into a town by the name of Middletown and that a bill in form be brought in accordingly—

signed ISAAC CLARK for Committee”—

The aforesaid report was read and accepted and,

Ordered that a bill be brought in accordingly.

Adjourned until to morrow morning eight oclock—

WEDNESDAY October 27th 1784—

The following message from the Council was read viz—

“In Council Rutland Oct^r 27th 1784—

“*Resolved* that this Council do recommend to the honorable the House of Assembly that the two Houses form into a Committee of the whole as soon as may be to take under consideration the utility of obtaining licence from the commanding officer of the province of Quebec for the inhabitants of this state to pass by the waters leading from this state^r to said province with their lumber and to barter or exchange commodities upon terms reciprocal with foreign powers—

“by order of Council

“signed JONAS FAY Sec^y Pro. Temp.

whereupon,

Resolved that this House will join with the Governor and Council for the purposes aforesaid at 2 °Clock this afternoon—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

A bill entitled, an act to impower the sale of part of the real estate of Elkanah Stewart deceased, was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act constituting a new town by the name of Middletown out of the towns of Wells, Tinmouth, Ira and Poultney, was brought in agreeable to order, read & accepted and sent to the Governor and Council for perusal and proposals of amendment—

Agreeable to order His Excellency the Governor, the Council and General Assembly joined in a Committee of the whole to take under consideration the mode of opening a free trade to the province of Quebec—after some time spent therein—The Committee of the whole dissolved—And the secretary brought forward their proceedings and report in the following words viz—

1. The natural trade route for a portion of Vermont, at least, was by way of Lake Champlain and the Richelieu River to Canada. Considerable timber was sent into Canada, often in the form of rafts of logs, at an early period. See reference to the business of John Pottier and James Logan of Shelburne before the war of the American Revolution.—Crockett's History of Vermont, vol. 1, pp. 228-229.



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June next, and make report.—The members chosen, M^r [Isaac] Clark, M^r [Isaac] Tichenor and M^r [Luke] Knoulton

A bill entitled, an act confirming M^{rs} Hannah Brown in land therein mentioned, was brought in by Col^o Ira Allen, read and accepted and sent to the Governor and Council for their perusal and proposals of amendment—

Adjourned until to morrow morning 8 °Clock—

THURSDAY October 28th 1784—

Agreeable to order—proceeded to choose by joint ballot of Governor, Council and Assembly three agents to attend Congress to transact and negotiate the business of this state with that body—

The ballots being taken and sorted

The Honorable Moses Robinson, Ira Allen and Nathaniel Niles Esquires were Elected—

Agreeable to order the General Assembly proceeded to choose three Delagates to Congress—

The ballots being taken, sorted & counted

The honorable Moses Robinson, Ira Allen and Nathaniel Niles Esquires were elected—

Resolved that a Committee of three be appointed to make up the debenture of the General Assembly the present session—and make report—The members chosen M^r [Isaac] Tichenor, [Isaac] Clark and M^r [Elisha] Burton—

Adjourned until 2 °Clock afternooon—

2 °Clock P. M—

A bill entitled, an act for the purpose of levying a tax of four pence on the pound, was brought in by the Committee—And on motion made to strike out the word four and add the word six—*Ordered* that it be done accordingly—and,

A bill entitled an act for the purpose of levying a tax of six pence on the pound, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

On motion made,

Resolved that M^r [Matthew] Lyon have leave to bring in a bill for suspending the collecting of the County tax in the County of Bennington until the next session of this Assembly—

The Committee appointed to doom the several towns that have not sent in their list for the present year brought in the following report viz—

“Your Committee doom the several towns that have not sent in their list the several sums annexed to their respective names viz—

New Stamford [Stamford]	—	£900-0-0	Maidstone	—	£300-0-0
Harwich [Mount Tabor]	—	250-0-0	Ryegate	—	500-0-0
Townsend	—	1682-0-0	Barnet	—	950-0-0
Thomlinson [Grafton]	—	250-0-0	Peacham	—	250-0-0
Springfield	—	2600-0-0	Guildhall	—	450-0-0
Bethel	—	600-0-0	Randolph	—	500-0-0
Thetford	—	2300-0-0			

signed HENRY WALBRIDGE Ch^m”

The aforesaid report was read & accepted—

The Committee appointed to give instructions to the Sheriff of Rutland County respecting the sum to be collected on each right and likewise the number of rights in the several townships in said County which were assessed to pay ten shillings on each hundred acres in October 1783 brought in the following report viz—

“It is our opinion that the Sheriff ought to collect and settle with the Treasurer as follows viz

Names of Towns	N ^o of rights in each town	taxes p ^r right—	taxes on Whole am ^t of taxes	
			Gover ^r Rights	on each township
Pocock [Bristol]	—	60	33/	50/ — £101-10-0
Weybridge	—	62	11/	50/ — 36-12-0
Orwell	—	64	33/	50/ — 108-2-0
Fair Haven	—	77	31/	50/ — 116-16-0
Neshobe [Brandon]	—	65	33/	50/ — 109-15-0
Sudbury	—	48	33/	50/ — 81-14-0
Milton	—	74	35/	50/ — 132-0-0
Hindsburgh*	—	62	30/	50/ — 95-10-0
Bridport	—	64	33/	50/ — 108-2-0
Shoreham	—	64	30/	50/ — 108-2-0
Cornwall	—	44	30/	50/ — 98-10-0
Middlesex	—	65	34/	50/ — 113-0-0
Addison	—	64	22/	50/ — 72-18-0
Waterbury	—	66	33/	50/ — 111-8-0
Hubbarton	—	68	33/	50/ — 114-14-0
Essex	—	71	33/	50/ — 119-13-0
Hungerford [Sheldon]	—	64	33/	50/ — 108-2-0
Swanton	—	66	33/	50/ — 111-8-0
Georgia	—	64	33/	50/ — 108-2-0
Highgate	—	66	22/	50/ — 75-2-0
St. Albans	—	63	33/	50/ — 106-9-0
Whiting	—	48	30/	50/ — 74-10-0
Ferrisburgh	—	64	40/	50/ — 130-10-0
Benson	—	80	31/	50/ — 126-10-0
Monkon*	—	64	32/	50/ — 104-18-0
Williston	—	65	30/	50/ — 100-0-0
Bolton	—	65	33/	50/ — 109-15-0

Duxbury	—	64	33/	50/	—	£108-2-0
New-Huntington	—	66	33/	50/	—	111-8-0
Salisbury	—	62	15/	50/	—	49-0-0
Jericho	—	57	33/	50/	—	96-11-0
Charlottee	—	64	35/	50/	—	114-10-0
Middlebury	—	62	33/	50/	—	104-16-0
Fairfax	—	63	33/	50/	—	106-9-0
New-Haven*	—	62	30/	50/	—	95-10-0
Smithfield	—	64	33/	50/	—	108-2-0
Shelburn	—	62	15/	50/	—	49-0-0
Stow	—	64	33/	50/	—	108-2-0
Burlington	—	67	33/	50/	—	113-1-0
Colchester	—	61	30/	50/	—	94-0-0
Panton	—	70	18/	50/	—	55-0-0
Fairfield	—	68	33/	50/	—	114-14-0
Mansfield	—	62	33/	50/	—	104-16-0
Leicester	—	66	33/	50/	—	111-8-0
Westford	—	64	33/	50/	—	108-2-0
Moretown	—	64	33/	50/	—	108-2-0
Berlin	—	56	30/	50/	—	86-10-0
Worcester	—	64	33/	50/	—	108-2-0
Underhill	—	64	33/	50/	—	108-2-0
*Hindsburgh adventurers	800 acres				—	4-0-0
*Monkton	d°	600	d°		—	3-0-0
*New Haven	d°	2250			—	11-5-0
Total—						£4965-4-0

(signed) NATHANIEL CHIPMAN for Com^{tee}

The aforesaid report was read and accepted and *Ordered* that a bill be brought in accordingly—

A bill entitled, an act constituting one company of Cavalry within the limits of the fifth regiment within this state, was sent back from the Council with their concurrence read and passed into a law of this state—

A bill entitled, an act for the purpose of suspending the collection of the County tax in the County of Bennington, was brought in by M^r [Matthew] Lyon, read, accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act confirming M^{rs} Hannah Brown in land therein mentioned, was sent back from the Council with their concurrence, read and passed into a law of this state—

A bill entitled, an act to empower the sale of part of the real estate of Elkanah Steward deceased, was sent back from the Council with their concurrence, read and passed into a law of this state—

A bill entitled, an act constituting a new town by the name of Middletown out of part of the towns of Wells, Tinmouth, Ira and



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buildings in the County of Rutland, was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act in addition to an act for the regulation and establishment of town lines¹, was brought in by the surveyor General, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act for the alteration of the mode of taxation in the several counties in this state, was brought in by order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Adjourned until to morrow morning 9 °Clock—

FRIDAY October 29th 1784

M^r [Jabez] Cottle and M^r [Darius] Lebdel [Lobdel] moved for leave of absence during the remainder of the Session—Granted.

A petition signed John Merrick setting forth that he while a miner owned a lot of land in Wells and that it was sold at vendue for the land tax—That he was incapable by reason of non age and being at a great distance to settle the tax or redeem the land agreeable to law—That since he has arrived at age he has tendered the purchaser more than three times the amount of the purchase money but refuses to give the same to the petitioner—and praying that the Legislature would extend the redemption of said lot of land so that he may have an opportunity to redeem the same—was read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Lemuel] Buck, M^r [Abraham] Underhill, M^r [William] Fitch, M^r [Isaac] Tichenor and M^r [Matthew] Lyon—

A petition signed William Fitch² setting forth that in the year 1775 he raised a Company of men by order of the Convention of the New-Hampshire Grants agreeable to a recommendation of Congress and was promised by said Convention a certain bounty for the men he should

1. The act relating to the regulation and establishment of town lines provided that surveyors running such lines were indemnified from any damages in passing through any fields or gardens, and persons who should stop, hinder or molest them by force or otherwise should be subject to fines and costs and should be accountable "for all damages that may arise to the State or individuals." Any person who should "by fences, falling timber or otherwise, fill up or make any road worse than before, that has or may be cut under the direction of the Surveyor General in pursuance to an act of this State," was liable to a fine not exceeding forty shillings and damages of one shilling for every day such road was obstructed.—See Acts of 1784.

2. William Fitch was elected one of seven Captains at a meeting held at Cephas Kent's Tavern, in Dorset, July 27, 1775. The letter containing the votes cast for the various officers was delivered to Gen. Philip Schuyler by Captain Fitch. The account submitted shows that fifty-five men were enlisted in Captain Fitch's company. He died before the balance of his account was paid Oct. 6, 1785.—See Vermont Revolutionary Rolls, pp. 683, 815.

raise likewise pay for fire arms blankets and for enlisting which has never been allowed—and praying that this Assembly would allow the same and order the ballance to be paid to him for the benefit of his Company after adjustment—was read and the prayer thereof granted and,

Resolved that the Committee of pay-table be and they are hereby directed to take into consideration the petition of Captain William Fitch and on adjustment order pay to the said Captains company in the same manner and proportion as has been ordered to Captains Hopkins and Brownson's companies taking into consideration the pay the said Capt. Fitch has received—

A bill entitled, an act for the purpose of opening a free trade to and through the province of Quebec¹, was sent back from the Council with their concurrence, read and passed into a law of this state—

The Council sent back the bill entitled, an act for the purpose of levying a tax of six pence on the pound, which had been accepted by this House, with the following recommendation to the Assembly viz—

“In Council Rutland Oct^r 28th 1784

“The Council recommend that the further consideration of the bill for levying a tax of six pence on the pound be postponed to the next session of Assembly—

(signed) JONAS FAY SEC^y Pro. Temp.”

The preceeding recommendation of Council being read,

Ordered that said bill be refered to the next session of Assembly before it be passed into a law—

Resolved that the debenture of the present session be made up and delivered to the Treasurer and he is hereby directed not to pay the same until the next adjourned session of this Assembly—

1. It will be noted that this measure contemplated not alone commerce with Quebec, but through that province to Europe. The text of the bill is given herewith: “Whereas many advantages will arise to the citizens of this State by extending commerce to the province of Quebec, and through that channel to Europe: Therefore,

“Be it enacted, &c. that the Governor and Council be and they are hereby authorized and empowered, to appoint one or more persons, not exceeding three, to repair to the province of Quebec, with full power to confer with any person, or persons, that may be authorized therefor, by any power with whom it shall be necessary to agree, concerning matters of trade and commerce; and to transact with such person or persons, all such matters and business as shall be necessary to complete on the part of this State, the opening of free trade into and through, said province of Quebec.—Slade's Vermont State Papers, p. 496; also see pp. 123, 124, 129 of this Journal.

A bill entitled, an act regulating the choice of a Council of Censors¹, was brought in by the Committee appointed for that purpose, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act for levying a tax on the unimproved lands in Whitingham for the purpose of repairing roads and bridges—was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act in addition to an act for regulating proprietors meetings², was brought in, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act in addition to the act for regulating the militia, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Asa Wheeler Town Clerk of Cavendish praying that a tax of two pence on each acre on the lands in said Cavendish might be granted for the purpose of making and repairing bridges &c. was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Luke] Knoulton, M^r [Oliver] Lovewell, and M^r [Lemuel] Buck—

Resolved that M^r [Samuel] Knight be and is hereby requested to prosecute the impeachment against John Barret Esq^r for male [mal] administration, before the Governor and Council—

The Committee to whom was refered the petition of John Merrick brought in the following report viz—

1. Section 44 of the first Vermont Constitution provided that “in order that the freedom of this Commonwealth may be preserved inviolate, forever, there shall be chosen, by ballot, by the freeman of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen,—except they shall not be out of the Council or General Assembly—to be called the Council of Censors; whose duty it shall be to enquire whether the Constitution has been preserved inviolate, in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people; or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution. They are also to enquire whether the public taxes have been justly laid and collected, in all parts of this Commonwealth—in what manner the public monies have been disposed of, and whether the laws have been duly executed.” The Council of Censors also had the power to call a convention to amend the Constitution.—Slade’s Vermont State Papers, p. 255. This act provided that the freemen should be warned to meet the last Wednesday in March, 1785, to assemble “at the meeting house or some other convenient place in each town,” to vote for thirteen Censors. The Clerk of each County Court was directed to meet at the dwelling house of Edward Aiken, Esq. in Londonderry, the first Thursday of the following May, to count and certify the votes. The first meeting of the Council of Censors was to be held at Norwich.—see Acts of 1784.

2. The preamble of the act regulating proprietors’ meetings declared: “Whereas it is found inconvenient in towns where several divisions have been made, and the principal part of such lands laid out and surveyed, to continue to lay out such lands before drawn for,” it was provided that after two divisions should be made and laid out in any township the proprietors should have the right to divide the remainder “by pitches or otherwise,” as might be agreed upon in any legal proprietors’ meeting.—See Acts of 1784.



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town Clerks after taking the sense of their towns¹ do certify the same—and the number of voters for and against the bill to this assembly at their next adjourned session—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

A bill entitled, an act in addition to an act regulating proprietors meetings², was sent back from the Council with their concurrence read and passed into a law of this state—

A bill entitled, an act for laying a tax on the unimproved lands in Whitingham for the purposes of repairing roads and bridges, was sent back from the Council with their concurrence Read and passed into a law of this state—

A bill entitled, an act empowering the Administrators on the estate of Eliakim Wellar late of Manchester in the County of Bennington deceased to make a conveyance of a certain piece or pieces of land, was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

On motion made to choose Auditors of accounts—The ballots being taken—

Isaac Tichenor, Jonathan Brace and Micah Townsend Esquires were elected—

The Council sent back the bill entitled, an act establishing the place for erecting public buildings in the county of Rutland, with the following proposals written on the back of said Bill viz—

“The within bill being read whereupon it was proposed to the General Assembly that the further consideration thereof be refered to the next session of this Assembly—

(signed) THOMAS TOLMAN Sec^y

The aforesaid proposals being read and the question being put—whether this House would agree thereto?—It passed in the Negative

A bill entitled an act in addition to an act entitled, an act for the regulation and establishment of town lines, was sent back from the Council with their concurrence, read and passed into a Law of this state—

A bill entitled an act empowering the administrators on the estate of Eliakim Wellar late of Manchester in the County of Bennington deceased, to make a conveyance of a certain piece or pieces of land, was

1. This is another illustration of what was, in effect, an early use of the referendum principle.

2. The Council adopted a resolution originating in the Assembly, directing Col. Ira Allen to devise and pursue necessary measures “for obtaining the book or books containing the records of the charters of the townships of land in this State, granted by the late Governor and Council of the late government of New Hampshire, which records are supposed to have been carried to some parts of the British Dominions by His Excellency John Wentworth Esqr., late Governor of said government or province.”—Governor and Council, vol. 3, p. 63.

sent back from the Council with their concurrence, read and passed into a law of this state—

The Committee to whom was refered the petition of Asa Wheeler town Clerk of Cavendish brought in the following report viz—

“That it appears necessary there should be a tax for the purposes mentioned in said petition—That the petition should be laid over to the adjourned session of this Assembly. That non-resident proprietors or owners of land in said town may have an opportunity to offer their reasons, if any they have, why the prayer of the petition may not in full be granted

(signed) LUKE KNOULTON for Committee”—

The aforesaid Report being Read,

Ordered that the said petition be refered to the next session accordingly—

The Committee to whom was refered the petition of Benjamin Garfield brought in the following Report viz—

“That they find the signer and Sealer and witnesses to the deed mentioned in said petition are decased—Therefore it is their opinion that the prayer of the petition ought to be granted—

(signed) WILLIAM WARD for the Committee”—

The aforesaid report was read and the petition with the report thereon refered to the next adjourned session of this Assembly—

A petition signed Jonathan Carpenter praying that a deed of a right of land in Rutland executed by David Noble (who is since deceased, and the witnesses not to be found and which deed has not been acknowledged) might be Ordered by this assembly to be recorded in as legal a manner as if the same had been legally acknowledged—was read and refered to the next session of this Assembly—

The bill entitled, an act for the suspending the collection of the County tax in the County of Bennington, was sent back from the Council without their concurrence—And M^r [Isaac] Tichenor moved that in the room of said bill a Resolution might be passed—whereupon—

Resolved that the Counsellors, Judges of the County Court and Justices of the peace in and for the County of Bennington be and are hereby requested to meet at their own expence at the house of Captain Isaac Andrus in Shaftsbury on the last Thursday of November next at two oclock afternoon to hear such grievances as shall be complained of respecting the collection of a county tax laid by the authority of said County and that if they shall see expedient that they suspend or supercede the collection of said tax or any part thereof until the rising of the next session of this Assembly—And that the said authority be notified to convene in the same manner as by law heretofore is provided—

A bill entitled, an act establishing the place for erecting public buildings in Rutland County¹, was read the last time and passed into a law of this state—

A bill entitled an act regulating the choice of a Council of Censors, was sent back from the Council with their concurrence, read and passed into a law of this state—

A bill entitled, an act granting to the several persons therein named a free pardon² for the several crimes herein described, was sent back from the Council with their concurrence, read and passed into a Law of this state—

Resolved that his Excellency's the Governors Sallary for the present year be two hundred pounds L. [lawful] Money and the Treasurer is hereby Directed to pay the same—

A bill entitled an act to suspend the trying of the title of lands, was brought in on motion read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act to suspend prosecutions against Joseph Farnsworth³ Esq^r, was brought in on motion, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Resolved that the Counsellors, Judges of the County Court, and justices of the peace in and for the County of Rutland be and they are hereby requested, at their own expence, to meet at the house of Col^o James Mead in Rutland on the third Thursday of November next at two oclock afternoon to hear such grievances as shall be complained of respecting collecting a county tax laid by the authority of said County, and that if they shall see expedient they suspend, or supercede the collection of said tax or any part thereof; and that the said authority be notified to convene in the same manner as is by law heretofore provided—

A bill entitled an act to suspend⁴ the trying of the title of lands, was sent back from the Council with their concurrence, read and passed into a law of this state—

A bill entitled, an act for alteration of the mode of taxing the re-

1. County Courts were held at Tinmouth until 1784, when Rutland was made the county seat.—Mason & Company's History of Rutland County, pp. 66.

2. This act grants pardon for all crimes committed in opposing the authority of the State, and a return of property forfeited provided the oath of allegiance is taken within two months, before some Windham County magistrate. It applies to twenty-six persons, eighteen in Guilford, seven in Brattleboro and one in Marlboro.—Slade's Vermont State Papers, p. 495.

3. This act relates to contracts made by Joseph Farnsworth as Commissary General of Purchases, such suspension to hold until the opening of the legislative session in October, 1785.—Slade's Vermont State Papers, p. 494.

4. The text of this act provides "that the several courts of law in this State be and hereby are, prohibited trying the title of land within this State until the rising of the General Assembly in June next; except in such cases where the parties mutually agree otherwise; and that no writs of seisin be issued, or renewed, by the clerks of the several courts, until the time aforesaid; and that such writs as are already issued, be stayed for the said time.—"Slade's Vermont State Papers, p. 494.



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JOURNALS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

AT THEIR ADJOURNED SESSION HELD AT NORWICH, JUNE 1785



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A recommendation of Samuel Shepherdson for a County surveyor, was read and dismissed—

A petition signed Amos Cutler praying for a confirmation of a right of land in Neshobe, [Brandon] was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Beriah] Loomis M^r [Elisha] Burton and M^r [Henry] Walbridge—and,

A petition signed Benjamin Garfield praying for a confirmation of a right of land in Sudbury, being read was refered to the aforesaid Committee to state facts and make report—

A petition signed Dudley Chase and others proprietors of Rochester, one other signed Barnabas Strong in behalf of the proprietors of Brain-tree one other signed Elias Stevens and Silas Williams agents for Royalton, one other signed Barnabas Strong agent for the Inhabitants of Bethel and one other signed Dudley Chase and Barnabas Strong Committee of the proprietors of Bethel—severally praying that the lines of said townships as formerly run and supposed to be the true lines of said townships might be established in the room of the lines which have been lately run agreeable to Charter, were severally read & *Ordered* to lie on the table—

A petition signed William Marsh praying relief respecting monies by him expended for the confirmation of the New-Hampshire—Grants in the year 1772 being read was refered to a Committee of two to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to the General Assembly at their next session—The members chosen—M^r [Samuel] Mattucks and M^r [Gideon] Olin—

Adjourned until 2 °Clock afternoon

2 °Clock P. M—

A petition signed Henry Tolles and forty nine others Inhabitants of Weathersfield praying that a law may be passed enabling them to lay a tax of three pence on every acre of land in said town (except public lands) for the purpose of building a House for public worship in said town—being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Stephen] Tilden, M^r [John] Bridgman and M^r J. Bradley—

The Committee to whom was refered the petitions of Amos Cutler and Benjamin Garfield brought in their report which being read—*Ordered* that the same be recommitted and that they state facts and make report—

A petition signed Samuel Fisk praying for a confirmation of a right of land in Leicester being read, was refered to the Committee to whom was refered the petitions of Amos Cutler and Benjamin Garfield, and that they take the same under consideration, state facts and make report—

Mr [Roger] Enos moved for leave to bring in a bill to encourage the raising of Sheep^r in this State.

Ordered that he have leave to bring in a bill accordingly—

The Committee to whom was refered the arrangement of the necessary business to be transacted this session brought in the following report viz—

“1st That the Legislature take into consideration the bill passed for the perusal of the people at their last session entitled, an act to enable persons who have entered and made improvements on land under colour of title who may be driven out of possession by a legal trial at law to recover &c.

“2^d That an Act be passed to put the militia of this state under proper regulations—

“3^d That an act be passed to explain the law of this state respecting appeals and reviews in civil actions—

“4th That the Committee to join a Committee from the Council appointed last session, to receive from the Committee of revision such acts as might be revised and examine and report the same &c. be called upon to report”

“5th That the Land Committee be called upon for a return of the state of lands committed to their trust—

“6th That the Surveyor General be called upon for a return of the surveys he may have compleated—

“7th That the Auditors be called on to make report—

“8th That his Excellency be requested to inform this House what has been done in consequence of an act passed at the last session entitled, an act for the purpose of opening a free trade to and through the Province of Quebec.

“9th That an act be passed to enable assignees of negotiable notes, given for money only to recover the same as on inland bills of exchange—

“10th That an act be passed for a more equitable mode of repairing highways—

“11th To devise ways and means to pay the intrest due on the public securities and likewise to defray the continent charges of government—

(signed) LUKE KNOULTON for Com^{tee}”

Resolved that the 2^d article in the arrangement be refered to a Committee of three to join a Committee from the Council to prepare and bring in a bill for the purpose therein mentioned—The members

1. In his History of Vermont, Ira Allen referred to sheep as the most useful of the domestic animals. He said: concerning Vermont sheep, “The breed is good, but the crossing is not studied as in England. They are remarkably prolific, the mutton sweet and the wool generally fine and good. Every farmer has a flock more or less.”—Allen’s History of Vermont, p. 270. For further references to sheep in the early period of Vermont’s existence, see Crockett’s History of Vermont, vol. 2, pp. 509, 512.

chosen M^r [Roger] Enos, M^r [Briant] Brown and M^r [Samuel] Mattucks—

Resolved that the 1st article in the arrangement be postponed until the opening of the House on Tuesday morning next—

Resolved that the consideration of the 3^d article in the arrangement be deferred until to morrow morning at the opening of the House—

The Committee being called upon agreeable to the 4th article in the arrangement—Who verbally reported that they had not yet received the revised acts referred to in said article—

Resolved that the consideration of the 5th article of the arrangement be deferred for future consideration—

Resolved that M^r [Aaron] Barlow be requested to wait on the Surveyor General agreeable to the 6th article in the arrangement—and request him to make report of his proceedings to this House at this session—

Resolved that the 7th article in the arrangement be postponed for future enquiry—

Resolved that a Committee of three be appointed to draft a letter to his Excellency desiring him in writing to inform this House what proceedings have been taken by his Excellency and Council in consequence of the act referred to in the 8th article of the arrangement and make report—The members chosen M^r [Micah] Townsend, M^r J. Bayley and M^r [Samuel] Knight—

Resolved that the ninth article¹ in the arrangement be rejected—

Resolved that the tenth article² in the arrangement be dismissed—

Resolved that a Committee of five be appointed to prepare and bring in a bill for the purposes of paying the interest due on the public securities and defraying the contingent charges of government agreeable to the 11th article in the arrangement—and make report—The members chosen M^r [Martin] Powell, M^r [Samuel] Mattucks, M^r [John] Bridgman, M^r [Joshua] Hazen and M^r J. Bayley.

The Committee to whom was referred the petitions of Amos Cutler and Benjamin Garfield brought in the following report—viz—

“That on due examination we find that the evidence which was exhibited in favour of said Cutlers petition is as follows viz—

1st That a deed was exhibited to your Committee signed by the name of Josiah Powers—

2^{dly} That it appeared to be the hand writing of the said Powers by comparing the same with other writings of the said Powers—

3^{dly} That said deed exhibited was not acknowledged.

“Also appeared in favour of the petition of said Garfield—

1st A deed was exhibited signed by Benjamin Powers as set forth in said petition—

1. The ninth article related to a suggested bill to enable assignees of negotiable notes to recover.

2. The tenth article suggested a more equitable mode of repairing highways.



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Ordered that the same lie on the table for future consideration—

A petition signed Abigail Packard and the Select men of Wilmington praying that said Abigail Packard may be empowered to convey certain lands to the town of Wilmington being read was refered to a Committee of three to take the same under examination state facts and make report—The members chosen M^r [Hubbel] Wells, M^r [Aaron] Barlow and M^r [Luke] Knoulton—

A petition from the Select men of Pomfret for the years 1780 and 1781 praying for an abatement of their provision taxes, was read and refered to a Committee of three to take the same under examination, state facts and make report—The members chosen M^r [Samuel] Knight, M^r [Roger] Enos and M^r [Timothy] Blake.

A petition signed Benjamin Wait and Joel Matthews praying for the gore of land adjoining Woodstock and Reading, being read

Ordered that the same lie on file for future consideration—

A petition from a number of the inhabitants of Clarendon praying that certain votes of the proprietors of said town may by a law be declared void was read and refered to a Committee of five to take the same under consideration, state facts and make report—The members chosen M^r [Gideon] Ormsby, M^r [Charles] Leavans, M^r [Henry] Walbridge, M^r [Anthony] Morse and M^r [Samuel] Williams—

A petition from the inhabitants of Moortown [Bradford] praying for a confirmation of their possessions under the New-Hampshire grant being read was refered to a Committee of seven to join a Committee of Council to take the same under consideration, state facts and make report of their opinion to this House—The members chosen M^r J. Bradley, M^r [Samuel] Mattucks, M^r [Luke] Knoulton, M^r [Roger] Enos, M^r J. Bailey M^r [John] Bridgman and M^r [John] Weld—

The Committee to whom was refered the petition of Henry Tolles and others reported, their opinion that a tax of two pence per acre be laid on all the land in Weathersfield, public rights excepted, which being read was not accepted—

M^r [William] Ward one of the Committee appointed at the last session for the purpose of viewing the situation of Windsor County and agreeing upon a place where public buildings in said County shall be erected, being absent,

Resolved that M^r Ward be discharged from said Committee and that Edward Aikin Esq^r be added to the said Committee in his stead—

Resolved that General [Jacob] Bayley be desired to wait on the Rev'd M^r Potter^r and inform him that it is the wish of this House that he attend them as Chaplain this session—

M^r [Ebenezer] White requested leave of absence—Granted—

A bill entitled, an act to authenticate the deeds therein mentioned, being brought in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

1. Mr. Potter was pastor of the Norwich Congregational church. See note p. 117.

Adjourned until Monday next nine oclock in the morning—

MONDAY June 6th 1785—

A remonstrance signed Steele Smith^r and one hundred others against the act entitled an act to enable towns and parishes to erect proper houses for public worship and support ministers of the gospel—was read and,

Ordered to lie on the table—

A petition signed Lyman Potter and Thomas Moredock and a number of others praying for an establishment of a grammar school in the County of Windsor, being read was refered to a Committee of five to take the same under consideration and report their opinion to this House—The members chosen M^r [Joshua] Hazen, M^r [Jesse] Safford, M^r [John] Weld, M^r [James] Haile [Hale] and M^r [Elisha] Burton—

A petition signed Jacob Bayley in behalf of Jonathan Goodwin praying for a confirmation of a deed of a right of land in Newbury executed by Thomas Shirley, being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Beriah] Loomis M^r [Benjamin] Baldwin and M^r [Lovewell] Bullock—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

The Committee appointed to prepare a draft of a letter to his Excellency requesting him to inform this House what has been done respecting opening a free trade to Canada &c. brought in the following form of a letter as their report viz—

“Sir—

Norwich 6th June 1785—

The General Assembly considering the act passed by the Legislature of this state in their last session for the purpose of opening a trade to and through the Province of Quebec a matter of the utmost consequence to the weal of this Commonwealth have directed me to request your Excellency to communicate to them in writing what proceedings have been taken in consequence of the powers vested by the said act in your Excellency and Council”—

The aforesaid being read was accepted and,

Ordered that the Speaker of this House sign the same and direct and send it to his Excellency the Governor—

A petition signed Ebenezer Merrick administrator on the estate of

1. Capt. Steel Smith was the first permanent settler in Windsor, coming from Farmington, Conn. in 1764.—See Governor and Council, vol. 2, note p. 52. Captain Smith was one of the proprietors of Concord, Northfield, Roxbury, the Heroes and Washington, as shown by the charters of those towns in State Papers of Vermont, vol. 2.

Reuben Ball late of New-Fane deceased praying that an order of this Assembly might be passed directing the Treasurer of this state to pay him the depreciation of said Reuben Ball while a soldier in Colonel Seth Warners regiment, being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [John] Strong M^r [Gideon] Olin and M^r [John] Bridgman—

A petition signed Nathaniel Niles and Asa Aspenwell agents for the Inhabitants of the town of Fairlee, being read was refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen—M^r [Nathaniel] Chipman, M^r [Luke] Knoulton and M^r [Samuel] Knight—

The Committee of revision reported a bill entitled, an act directing the Listers in their office and duty, which being read,

Ordered that the same be refered to a Committee of five to confer with the Committee of revision and that they fill up the blanks in said bill and make report—The members chosen M^r [Gideon] Olin, M^r J. Bradley M^r [John] Strong, M^r [Samuel] Knight and M^r [John] Weld—

The following is his Excellency's answer to the letter sent by order of this House of this days date, and signed by the Speaker—viz—

“Norwich June 6th 1785

“Sir

“Yours of this days date I have received and considered—In pursuance of the act mentioned in your letter the Council appointed three Agents to negotiate said business in the province of Quebec viz Col^o Ira Allen, Major Joseph Fay and the honorable Jonas Fay Esq^r one of which viz Col^o Allen was commissioned and sent for the purpose, who has this day returned and is ready when requested to make his report to the Assembly—

“I am with due respect your honors
“Humb^l Servant

“His honor the
Speaker of the
House of Assembly

}

(signed)

THOMAS CHITTENDEN”

The aforesaid letter being read

Resolved that the honorable Ira Allen Esq^r be requested to make a particular report to this House in writing on Wednesday morning at the opening of the House, of the measures he has taken and effected in order to open a free trade to the province of Quebec &c.—And that M^r [Elisha] Burton be requested to notify him of this resolution—

The Committee appointed last session to whom was refered the petition of Jacob Bayley and Ebenezer White representatives and Agents for the Inhabitants of Newbury and Benjamin Baldwin and John Barron Representatives and Agents for the Inhabitants of Moortown [Bradford] brought in their report which being read the same was dismissed—And on motion made by M^r [Isaac] Tichenor—



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 Mr Olds
 Mr Wells
 Mr Knight
 Mr Swift
 Mr Wilson
 Mr Haile
 Mr Knoulton
 Mr Lovell
 Mr Weston
 Mr Gallup
 Mr Perry
 Mr Burton
 Mr Moss
 Mr Silas Williams
 Mr Flynn

Nays
 Mr Weld
 Mr Enos
 Mr Safford
 Mr Hawkins
 Mr Cottle
 Mr Tilden
 Mr Gates
 Mr Barlow
 Mr Hazen
 Mr J. Bayley
 Mr White
 Mr Baldwin
 Mr Speaker
 Mr Blake
 Mr Loomis
 Mr Edgerton
 Mr Nutting

It passed in the Negative—

On motion made by Mr J. Bradley—

Resolved that a Committee of five^r to join a Committee from the Council be appointed to prepare a bill for the quieting antient settlers &c. and make report—The members chosen—Mr [Isaac] Tichenor, Mr [Nathaniel] Chipman, Mr [Samuel] Knight, Mr [William] Perry and Mr [Beriah] Loomis—

The Committee to whom was refered the petition of Abigail Packard and the Select men of Wilmington brought in the following report viz

“That having examined said petition and evidence we are fully satisfied that it was the will of the Reverend Mr Winslow Packard late of Wilmington deceased that one hundred and fifty acres of the ministerial lands in said town should be reconveyed to the town for the encouragment of another minister settling in said town—And are of opinion that the prayer of the petition be granted—

(signed) HUBBEL WELLS for Com^{tee}”

The aforesaid report being read was accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly—

The Committee to whom was refered the petition of Jacob Bayley in behalf of Jonathan Goodwin brought in the following report viz—

1. Apparently the fact that the referendum showed a majority for the bill was not considered binding by the Assembly, and by the close vote of 29 to 31 it was rejected. Following the vote a new committee was authorized, three of the five members being opponents of the bill rejected.—Governor and Council, vol. 3, p. 349.

“That a deed was exhibited signed by Thomas Shirley as set forth in said petition said deed given to said petitioner—It appears that said Shirley is dead, who it appears did receive a valuable consideration for said land for which said deed was executed—that the petitioner is in peaceable possession on the premises—that the witnesses are not to be found and that said deed is not acknowledged—whereupon it is the opinion of your Committee that the prayer of the petition ought to be granted—

(signed) BERIAH LOOMIS for Com^{tee}”

The aforesaid report being read was accepted and,

Ordered that the petitioner have leave to bring in a bill accordingly—

A bill entitled an act to authenticate the deeds therein mentioned, which was sent to the Governor and Council for perusal and proposals of amendment, was returned with their concurrence read and passed into a law of this state—

The Committee of revision reported a bill entitled, an act to enable towns and parishes to erect proper houses for public worship and support ministers of the gospel, which being read was accepted and sent to the Governor and Council for perusal and proposals of amendment—

Adjourned until 2^oClock afternoon—

2^oClock P. M—

A petition signed Amos Ames, praying (as he was an inhabitant of this state before the war) that he might have the depreciation of his wages made up to him while a soldier in the Continental Army in the regiment commanded by General [Moses] Hazen—Also a certificate signed by Gen^l Hazen certifying that he was a soldier in said regiment &c. being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Gideon] Ormsby, M^r [Roger] Enos and M^r [Jesse] Safford—

A petition signed Matthias Rust praying that an order of the County Court laying out a road through his land might be revoked, was read and refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [John] Bridgman, M^r [Oliver] Lovell and [Beriah] Loomis—

A petition signed Peter Olcot praying for pay for transporting ammunition in 1776 &c. was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Henry] Walbridge, M^r [William] Gallup and M^r [Stephen] Tilden—

A petition signed John Strong praying that he may be allowed pay from this state for a debt due to him from James Munn whose estate was confiscated by this state &c. being read was refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Martin] Powell, M^r [Elisha] Burton and M^r [Briant] Brown—

The Committee of revision reported the following bills viz—

A bill entitled an act to encourage the destroying of wolves and panthers, also

A bill entitled an act for restraining swine from going at large, likewise

A bill entitled an act directing and regulating the levying and serving executions, also

A bill entitled an act regulating the disposal of fees,¹ fines and penalties—and

A bill entitled an act for licensing taverns, which being severally read, were accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee to whom was refered the petition of Amos Ames brought in the following report viz—

“That they have conferred with General Hazen on the matter of the petitioner and find that the petitioner was returned yearly to this state till the year 1781—and that he has not received depreciation money from any other state—And in the opinion of your Committee the prayer of the petition ought to be granted—

(signed) GIDEON ORMSBY for Com^{tee}”

The aforesaid report being read was accepted and thereupon,

Resolved that the Committee of Pay-Table be and they are hereby directed to adjust the depreciation of Amos Ames while in the regiment commanded by General Moses Hazen and drawn an order on the Treasurer for the sum found due—

The bill reported by the Committee of revision yesterday and *Ordered* to lie on the table entitled an act for the appointment and regulating of attornies, was again read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Adjourned until to morrow morning 8 °Clock

WEDNESDAY June 8th 1785—

Joseph Tyler Esq^r of Townsend produced credentials of his being elected a member of this Assembly by said town which being read was accepted—He having taken and signed the necessary oaths and test required by law, was admitted as a member of this Assembly—

The bill entitled an act for the due observation of the sabbath, which was reported by the Committee of revision last Monday and ordered to lie on the table being again read was accepted and sent to the Governor and Council for perusal and proposals of amendment—

1. The act regulating fees was amended because persons living outside the State, who began suits at law within this State, were entitled to larger fees for crossing the State line than were allowed by neighboring States. The amended act provided that three pence per mile be allowed “for travel from the line of said State to the court, on the most direct road from the place of residence of such plaintiff or defendant to such court.”—See Acts of 1785.



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Which being read a motion was made by M^r [Samuel] Knight, whereupon,

Resolved that his honor Col^o Ira Allen be requested to lay before this house at the opening of the House to morrow morning an account of his expences and days in service in negotiating the business of his appointment as a Commissioner for the purpose of negotiating a free trade on the part of this state to the province of Quebec through the same to Europe—

Ordered that M^r [Aaron] Barlow wait on the honorable Ira Allen Esq^r with the aforesaid resolution and likewise request him personally as surveyor General to make report of his proceedings therein—likewise the expences that have accrued in surveying—

The petition of Thomas Chandler¹ which was refered from the last session with an order that his creditors be cited to appear at this session to shew cause if any why the prayer of said petition should not be granted, was again read with a legal citation &c. and the prayer of the petition granted and,

Ordered that M^r S. R. Bradley have leave to bring in a bill accordingly—

The Committee of revision reported the following bills viz—

A bill entitled an act regulating the tryal of persons who on being arraigned for crimes against the state and stand mute, also

A bill entitled an act directing the form of passing laws, also

A bill entitled an act for the punishment of drunkenness, gaming and profane swearing, also

A bill entitled an act for establishing two ecclesiastical societies in the town of Windsor²—likewise

A bill entitled, an act for the punishment of divers capital and other felonies—also,

A bill entitled an act for the prevention and punishment of riots, disorders and contempt of Authority, and also

A bill entitled an act regulating Mills and Millers—which being severally read were accepted and sent to the Governor and Council for perusal and proposals of amendment—

They likewise reported the following bill viz—A bill entitled, an act for the ascertaining town brands and providing and regulating branding and branders of horses and for marking cattle, which being read, and the question being put, whether said bill should be accepted? it passes in the negative—

M^r [Stephen] Tilden requested leave of absence—Granted—

Adjourned until 2 °Clock afternoon—

1. An act was passed providing that Thomas Chandler, then a prisoner in the Windham County jail at Westminster, upon delivering up all his estate, real and personal, to his creditors, should not again be liable for the same debt, and should be discharged from imprisonment.—For text of the act see Slade's Vermont State Papers, pp. 497-498.

2. Windsor was divided into the east and west parishes.—Thompson's Vermont Gazetteer. Part 3, p. 195.

2^oClock P. M—

A bill entitled an act to encourage the destroying of wolves and panthers, which was sent to the Governor and Council for perusal and proposals of amendment, was returned with the following proposals of amendment viz—

“That instead of the words “Select men or Constables” the following words viz—” a justice of the peace, one of the select men or constables” be inserted”

The question being put whether this House will agree to said amendment—It passed in the affirmative—And the said bill with the amendments being read the same was passed into a law of this state—

A bill entitled an act regulating the disposal of fees, fines and penalties being concurred by Council was again read and passed into a Law of this state—

The Committee of revision reported the following bills viz—

“A bill entitled an act for regulating the election of Governor, Lieutenant Governor Treasurer, Council and Representatives—and

A bill entitled, an act for pointing out the office and duty of Secretary of state, which being severally read were accepted and sent to the Governor and Council for perusal and proposals of amendment—

On motion made,

Ordered that Friday next at the opening of the House in the morning be assigned to hear the petition of a number of persons praying for a new town out of part of the towns of Hartland & Hartford

The Committee of revision reported the following bills viz—A bill entitled,

An Act empowering the authority and Select men of the several towns in this state to abate a certain part of the several taxes, also

A bill entitled an act for the punishment of theft and

A bill entitled an act for the punishing of trespasses in divers cases and directing proceedings therein were severally read and accepted and sent to the Governor and Council for perusal and proposals of amendment—They also reported,

A bill entitled an act incorporating a congregational society in Manchester, which being read was dismissed—

On motion made,

Ordered that the following be observed as a rule of this House—viz—

“That no person be admitted to speak in this House without he obtain leave of the House by a member except the Governor, Deputy Governor and Members of Council”—

A bill entitled an act to authenticate a certain deed¹ therein mentioned, being brought in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

1. This act confirms the right of Andrew Graham of Putney to his farm.—Slade's Vermont State Papers, p. 500.

The Committee to whom was refered the petition of John Strong brought in the following report viz—

“That it appears evident that this state has taken the interest of James Munn to the amount of about £23. and likewise of the estate of Samuel Pennock to the amount of £30. and that the said Munn and Pennock are justly indebted to the said Strong, and likewise that there are a number of creditors that have demands on said estates and we report as our opinion that the several creditors ought to share a dividend, and that the prayer of the petition ought not to be granted—

(signed) MARTIN POWELL for Committee”

The aforesaid report being read the following part thereof was accepted viz—

“That the prayer of the petition ought not to be granted” and the remainder was dismissed—

A petition signed Joseph Frost praying for a compensation for a wound he received in the Bennington battle—being read was refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Roger] Enos M^r [Oliver] Lovel and M^r [Henry] Walbridge—

Colonel Elijah Robinson having obtained leave to speak—Requested this House to take under their consideration again the petition of Henry Tolles and 49 others inhabitants of Weathersfield, which a Committee had reported on and said report dismissed—Thereupon,

Ordered that said petition be again refered to a Committee of three to join a Committee from the Council to take the same under consideration and report their opinion—The members chosen M^r [Gideon] Olin, M^r J. Bradley and M^r [Hubbel] Wells

Adjourned until to morrow morning 8 °Clock.

THURSDAY June 9th 1785—

A bill entitled, an act to authenticate the deed therein mentioned, was brought in according to leave, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Nathan Mann Joel Thomas and six others praying for a parish to be sett off out of the North East part of Thetford and the South East part of Fairlee, being read was dismissed—

The Committee to whom was refered the petition of the Inhabitants of Moortown [Bradford] brought in the following report viz—

“That it appears to your Committee by diligent enquiry that the inhabitants of together with General Moses Hazen have a just right to the land prayed for in the petition and that the same be holden by them in severalty as has heretofore been agreed upon between the above said parties—And further your Committee beg leave to report as their opinion that the inhabitants aforesaid together with General Moses Hazen shall pay into the Treasury of this state the sum of £60 Lawful money



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2 °Clock P. M—

The Committee to whom was refered the petition of Jehiel Webb Town Clerk of Rockingham brought in the following report viz—

“That they find it necessary that there be a sum of money raised to build several bridges in said town as well as to repair highways—It is the opinion of your Committee that the petition ought to be laid over to the next session of Assembly—that the petitioner give notice in the *Vermont Gazette* of the same to the non-resident owners of land that they may have an opportunity to offer their reasons if any they have why the prayer of the petition should not be granted.

(signed) JOHN THROOP for Committee”

The aforesaid report being read was accepted and,

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee to whom was refered the petition of Peter Olcott brought in their report which being read was dismissed—And,

Resolved that the said petition with the account annexed, be refered to the Committee of Pay-Table and that the said Committee be directed to adjust the said account and draw orders on the Treasurer for the ballance due—

The Committee to whom was refered the petition of Henry Tolles and 49 others inhabitants of Weathersfield brought in the following report viz—

“That it is the opinion of your Committee that the prayer of the petition ought to be granted in part viz That a tax of two pence on the acre be laid on all lands in said town, public rights excepted—

(signed) STEPHEN TILDEN for Com^{tee}”

The aforesaid report being read was accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly

The Committee to whom was refered the petition of Lyman Potter, Thomas Moredock and a number of others, brought in the following report—viz—

“That it is the opinion of your Committee that the prayer of the petition ought to be granted—

(signed) JOSHUA HAZEN for Committee”

The aforesaid report being read was accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly

A petition signed Joel Marsh, Ebenezer Parkhurst and Anthony Morse in behalf of the inhabitants of Sharon praying that a tax might be laid on all lands in said town for building bridges and repairing roads being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Martin] Powell, M^r [Roger] Enos and M^r [Charles] Leavans—

On motion made by M^r [Joseph] Tyler,

Resolved that there be and is hereby abated unto the town of Townsend the sum of sixty one pounds ten shillings on the list of 1784 said town being doomed that sum more than the amount of the list of said town for said year—And the Treasurer is hereby directed to govern himself accordingly—

The petitions of Barnabas Strong agent for the Inhabitants of Bethel, of Dudley Chase and Barnabas Strong Proprietors Committee of Bethel, of Dudley Chase &c. Proprietors Committee of Rochester. of Barnabas Strong in behalf of the Proprietors of Braintree and of Elias Stevens agent for the inhabitants of Royalton which were severally read the 3^d Instant and *Ordered* to lie on the table were again read and refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Henry] Walbridge, M^r Williams, M^r [Jonathan] Underwood, M^r [Aaron] Barlow and M^r [Joshua] Nutting—

A petition signed Benjamin Davis and Thomas Canfield in behalf of the Proprietors North of Guildhall &c. praying that the act establishing the boundary's of Guildhall^r contrary to charter might be repealed, which being read was refered to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen, M^r [Henry] Walbridge, M^r [John] Strong, M^r [Joseph] Tyler, M^r [Jabez] Cottle and M^r [Beriah] Loomis.

The Committee appointed to report a place in the County of Windsor for erecting the Court-House and Goal [jail] in said County brought in the following report viz—

“That having carefully attended to said business, viewed different parts of said County, heard the stating of former proceedings in said County and the arguments offered on the subject—have sit up a stake 21 rods south west of Captain Israel Richardsons dwelling house in Woodstock in said County about 12 rods East of the highway, where in the opinion of your Committee the public buildings ought to be erected in said County—

(signed) ELEAZER HARWOOD for Com^{tee}”

The aforesaid report being read was

Ordered to lie on the table until to morrow morning—

A bill entitled an act to quiet the inhabitants and settlers on a tract of land commonly called and known by the name of Moortown [Bradford] in their possessions and to incorporate the same by the name of Salem was brought in agreeable to order and,

Ordered to lie on the table—

A bill entitled an act to authenticate a certain deed therein men-

1. See note p. 42 of this volume for reference to the Guildhall boundaries.

tioned to Jonathan Goodwin being concurred by Council, was read and passed into a Law of this state—

Adjourned until 8 °Clock to morrow morning—

FRIDAY June 10th 1785—

Resolved that this House will join with the Governor and Council as a Court of equity or Chancery on Monday next at 2 °Clock in the afternoon to hear the case between the Proprietors of Wilmington and Draper agreeable to the review of the Proprietors of Draper at the last sitting of the Court—

The petition of part of the inhabitants of Hartland and Hartford praying for a new town to be set off from both of said towns which was refered from the last session was again read, and refered to a Committee of nine to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Martin] Powell, M^r [Gideon] Olin, M^r [Samuel] Mattucks, M^r [Isaac] Clark, M^r [Lovwell] Bullock, M^r [Luke] Knoulton, M^r [Briant] Brown M^r [John] Weld and M^r [Jacob] Bayley—

The bill entitled an act to quiet the inhabitants and settlers of a tract of land commonly called and known by the name of Moortown [Bradford] in their possessions and to incorporate the same by the name of Salem, which was ordered to lie on the table was again read, and after some debate was refered to a Committee of three to take the same under consideration and if they shall judge necessary, that they prepare a new bill and make report—The members chosen M^r [Gideon] Olin, M^r [Samuel] Mattucks and M^r [Luke] Knoulton—

M^r [Oliver] Lovell moved for a reconsideration of the acceptance of the report of the Committee on the petition of Jehiel Webb town Clerk of Rockingham—*Ordered* that the acceptance of said report be reconsidered and the petition be recommitted to the same Committee—

The Committee to whom was refered the petition of Joel Marsh, Ebenezer Parkhurst and Anthony Morse in behalf of the town of Sharon brought in the following report viz—

“That they find the following facts viz that there is three public roads that lead through the said town of Sharon and likewise a large number of bridges on said roads which it appears the inhabitants of said town are unable to make and keep in repair—therefore beg leave to report as their opinion that the prayer of said petition ought to be granted and that the proprietors of said town be properly notified

(signed) MARTIN POWELL for Committee”—

The aforesaid report being read was accepted and,
Ordered that the petitioners have leave to bring in a bill accordingly—

Agreeable to the order of the day

The House took under consideration the report of the Committee



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The Surveyor General made a report of the sums that he thought would be necessary to compleat a survey of the Northern part of this state¹—which being read,

Resolved that a Committee of five to join a Committee from the Council be appointed to report some proper method for compleating the surveys of the several towns in the Northern part of this state—The members chosen M^r [John] Strong, M^r J. Bayley, M^r [Aaron] Barlow, M^r [Henry] Walbridge and M^r [Gideon] Ormsby—

A petition signed Samuel Minot Jun^r Administrator on the estate of Samuel Cole late of Putney in the County of Windham deceased, praying for leave to sell part of the real estate of said deceased, with a Certificate from the Court of Probate certifying the sum due from said estate more than the personal estate as inventoried, being read the prayer of the petition was granted, and

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee to whom was refered the petition of the Select men of Pomfret brought in their report which being read was dismissed & said petition dismissed—

Adjourned until 2 °Clock Afternoon—

2°Clock P. M—

The Committee to whom was refered the petition of Ebenezer Merrick brought in their report which being read,

Ordered that the same be recommitted

A memorial signed by John Wheelock Esq^r President of Dartmouth College and Moor's Charity school, praying in behalf of said institution for a grant of land &c. being read was refered unto a Committee of three to join a Committee from the Council to take the same under consideration and report their opinion to this House—The members chosen M^r S. R. Bradley², M^r [Elisha] Burton and M^r [Samuel] Knight—

A petition signed Reuben Harmon Jun^r praying for leave to coin a quantity of Copper³ &c. being read was refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report of their opinion to this House—The members chosen M^r [Isaac] Tichenor, M^r [John] Strong and M^r Williams—

A petition signed Joab Chamberlain praying that he might be compensated for purchasing a lot of land of Joseph Horsford and Samuel Smith as Commissioners of Confiscation &c. which land he says they had no legal right to sell &c—being read was dismissed—

A petition signed James Steele was read and withdrawn—

A petition signed Benjamin Chamberlain was read and dismissed—

1. The northern part of Vermont was the latest portion to be settled.

2. This committee was taken from the Connecticut River towns of Westminster, Norwich and Brattleboro.

3. For reference to Reuben Harmon and Vermont coinage, see Governor and Council vol. 3, pp. 383-384.

A petition signed Jeduthan Roberts, Asa Pratt, Francis Ackley, (Ashley) Nathaniel Carpenter, Abel Rice and William Marton praying for depreciation while soldiers in Major Benjamin Whitcombs corps of rangers¹, being read was refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Gideon] Ormsby, M^r J. Niles and M^r [Noah] Lee—

The Committee to whom was refered the petition of Jesse Leavensworth and others brought in the following report viz—

“That they find upon examining the map of part of this state of Vermont and other evidences that the East line of the township of Cabot joins on the line of a certain gore granted to Capt. Dewey² which is supposed to contain more land than each proprietors share—Therefore it is the opinion of your Committee that the prayer of the petition be so far granted as if on running the lines the Mill place, prayed for should fall without the town of Cabbot on vacant land the said Leavensworth shall have the first right to purchase of the state so much land together with the Mill place as the Assembly shall direct—

(signed) JOHN HAWKINS for Com^{tee}”

The aforesaid report being read was accepted, and

Ordered that the petitioners have leave to bring in a bill accordingly

The petition of Jonathan Child praying for a new trial &c. which was refered from the last session was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Lovewell] Bullock, M^r [Isaac] Tichenor and M^r [Noah] Lee—

Adjourned until 8 °Clock to morrow morning.

SATURDAY June 11th 1785—

A bill entitled an act granting to the inhabitants and settlers on a tract of land commonly called and known by the name of Moortown [Bradford] such privileges and immunities as are common to the several corporated towns in this state and incorporating the same by the name of Salem—was brought in by the Committee, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Whereas Jesse Leavensworth of Cabot in the County of Orange as by his petition on file hath represented to this House that he has moved

1. Benjamin Whitcomb commanded a detachment of Vermont troops in service at Rutland, in 1778.—See Vermont Revolutionary Rolls, p. 796.

2. Deweysburg, a tract of land containing 5,310 acres, and lying between Danville and Peacham, was granted to Capt. Elijah Dewey, Feb. 28, 1782. In 1810 it was annexed to the towns of Danville and Peacham.—See State Papers of Vermont, vol. 3, p. 91; Thompson's Gazetteer of Vermont, part 3, p. 64.

with his family and labourers into said town for the purpose of building a mill or mills to promote the settlement thereof upon a certain brook flowing from a pond commonly called JOES POND¹ which as the lines of Cabot now stand by grant is in the said town—And *whereas* it is represented that the general survey of the new granted towns may leave the said pond and stream in vacant or ungranted lands a small distance East of said Cabot and thereby subject the said Jesse Leavensworth to the loss of his Mill or Mills with his improvements thereon therefore in order to promote the settlement of the said town,

Resolved that in case the said pond and stream or either of them shall by reason of the General survey fall into vacant land not already granted by this state—that then and in this case the said Jesse Leavensworth shall have the right of preemption of so much land together with the mill place and his improvements as this Assembly shall direct and upon the same terms of purchase as shall be affixed to the ungranted lands adjoining—

The Committee to whom was refered the petition of Matthias Rust brought in the following report viz—

“That in their opinion the prayer of the petition ought not to be granted—

(signed) JOHN BRIDGMAN for Committee”

The aforesaid report was read and accepted and said petition dismissed—

Adjourned until next Monday morning nine o'clock—

MONDAY June 13th 1785—

A bill entitled an act repealing an act entitled an act for the purpose of opening a free trade to and through the Province of Quebec, was brought in by M^r [Isaac] Tichenor, agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee to whom was refered the petition of Benjamin Davis and Thomas Canfield agents for the Proprietors of the several towns North of Guildhall brought in their report which being read was dismissed—

The Committee appointed to prepare a bill agreeable to the 11th article² in the arrangement reported a bill entitled, an act for the purpose of levying a tax of eight pence on the pound, which being read,

Ordered that the same be recommitted for amendment—

Adjourned until 2 °Clock afternoon

1. Joe's Pond was named in honor of a St. Francis, or Coosuck Indian, Joe, employed as a scout by Generals Bayley and Hazen during the Revolutionary War. In later years the State granted him a small pension. Another pond in the vicinity was named in honor of his wife, Molly.—See Wells' History of Newbury, pp. 130-131.

2. This article was intended to provide ways and means for paying the interest on the public securities and to defray the cost of government.



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“That the prayer of the petition be so far granted that he have leave to coin not exceeding £8000 under such regulations and restrictions as the Legislature may think proper.

(signed) IRA ALLEN for Committee”—

Which being read was accepted and

Ordered that M^r [Isaac] Clark, M^r [Nathaniel] Chipman and M^r [Isaac] Tichenor be a Committee to join a Committee from the Council to prepare a bill agreeable to the aforesaid report—and make report—

Agreeable to the order of the grand Court of Equity or Chancery at the last session of Assembly the Governor, Council and House of Assembly joined in a Court of Equity or Chancery to hear and determine the cause between the proprietors of Wilmington and the proprietors of Draper—The Court having adjourned the Speaker resumed the chair—And the following are the proceedings of the Court—viz—

“Norwich June 13th 1785

“The Court of Equity or Chancery consisting of his Excellency the Governor the honorable the Council and General Assembly met agreeable to their adjournment of the 26th of October last to hear and determine the dispute between the Proprietors of Wilmington and the Proprietors of Draper—

“On motion of the Counsel for the proprietors of Draper for a continuance of said cause until the second Thursday of the next October Session—

“Ordered that said cause be refered accordingly—

(signed) ROS¹¹ HOPKINS Clerk”—

The Committee to whom was refered the petition of Joseph Horsford and Samuel Smith brought in their report which being read was accepted &

Ordered that the petitioners have leave to bring in a bill accordingly—

On motion made,

Resolved that the Treasurer be and is hereby directed to pay unto Stephen R. Bradley Esq^r the sum of one pound sixteen shillings for procuring evidence in supporting the complaint against John Barret Esq^r also

Resolved that the Treasurer pay unto Samuel Knight Esq^r one pound ten shillings as attornies fees for prosecuting the impeachment against John Barret^r Esq^r.

A petition signed Jacob Galusha town Clerk of Shaftsbury, praying that the act for establishing two half shires in the County of Bennington

1. The bill of costs in the proceedings against Justice Barrett is printed in Governor and Council, vol, 3, p. 73.

may be repealed and that a Court house and Goal [jail] may be built in the center of the County &c. being read,

Resolved that the said petition be refered to Samuel Mattucks and Ebenezer Marvin Esquires and Captain Judah Williams as a Committee to hear the parties for and against the petition, state facts and make report of their opinion thereon to this House at their next October session—And said Committee are hereby directed to meet at the dwelling house of Captain Isaac Andrus in Shaftsbury on the first Tuesday of August next to hear the parties aforesaid—And that the several County taxes laid in the County of Bennington be suspended until after the rising of the Assembly in October next—

A petition signed by a number of the Representatives from the County of Windham praying that the act for establishing two shire towns in said County may be repealed and that New Fane in said County may be established as the shire town of said County &c. being read was refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen—M^r [Roger] Enos, M^r [Gideon] Olin and M^r [William] Perry—

M^r J. Bayley requested leave of absence—Granted—

Adjourned until to morrow morning 8 °Clock—

TUESDAY June 14th 1785—

A petition signed Samuel Canfield Conservator of the person and estate of Partridge Thatcher Esq^r of New Milford in the state of Connecticut praying that this Assembly would authorize him to act on a certain resolution of the Governor and Company of said State of Connecticut in this state bearing date the second Thursday of May 1784 appointing him the said Samuel Canfield Conservator on the person and estate of said Partridge Thatcher Esq^r a copy of a copy of which resolution was presented with the petition and were read, and the prayer of the petition granted—And a bill entitled, an act to authorize Samuel Canfield Esq^r of New Milford in the state of Connecticut to act on a certain resolve of the Governor and Company of the state of Connecticut within this state, being read was accepted and sent to the Governor and Council for perusal and proposals of amendment—

The following is a representation or remonstrance from the honorable Ira Allen Esq^r Treasurer viz—

“To the honorable The General Assembly of the state of Vermont now convened in Norwich—The representation of Ira Allen Treasurer of said State sheweth—

“That he hath been Treasurer^r of said state from its formation, that after many petitions representations &c. to the Legislature for the

1. See Crockett's History of Vermont, vol. 2, pp. 421-427, for charges against Ira Allen.

appointment of Auditors to settle public accounts—Auditors were appointed and attended at the Treasurers office, and settled accounts about three years ago—since which time as Treasurer I have not seen any Auditors notwithstanding making the necessary preparations for settlement agreeable to an act of the Legislature—This I complain of as being injurious to my character and the public weal, as it gives designing men opportunity to say that public money cannot be accounted for—thereby raising an uneasiness amongst the people against paying taxes that they are not informed of the disposal of—I must once more beg leave to announce my sentiments that, that all persons entrusted with public money ought to be annually settled with—And for what reasons Commissaries, Pay-Masters, &c. are not settled with thereby reducing the public accounts to one channel agreeable to the intention of the Legislature I presume the people of this state are at a loss—have attempted at different times to give the public a stating of the trifling debts due from this state which have proved irregular by reason of accounts being unsettled in other offices and orders drawn on the Treasury on old accounts after such stating has been published—Since the restoration of peace one would reasonably suppose there had been time sufficient to have adjusted the public accounts and published a stating thereof which would no doubt be satisfactory to the freemen of this state and tend to encourage emigrants—The above matters are humbly submitted to the wisdom of the Legislature by their most Obedient Humb^l Serv^t

Norwich June 13th 1785—

IRA ALLEN

Which being read,

Ordered that the Committee of revision bring in a bill directing the Auditors to make a settlement with the Treasurer annually on the first Monday of October—

The Committee to whom was refered the petition of Thomas Richardson and others inhabitants of Hartford and Hartland praying to be formed into a New-Town &c. brought in the following report—viz—

“That there appears to be a majority of inhabitants in the town of Hartford within the district prayed for that are opposed to said petition—likewise several persons in the town of Hartland within said district—We likewise find the Inhabitants of said town of Hartford would be greatly injured if said petition should be granted—Therefore beg leave to report as our opinion that the prayer of said petition ought not to be granted—

(signed) BENJ^a EMMONS for Com^{tee}—

The aforesaid report being read was accepted and said petition dismissed—

M^r [Jonathan] Willard requested leave of absence—Granted—

Micah Townsend Esq^r resigned his office as one of the Auditors of accounts which was accepted and,



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A bill entitled an act for establishing a County Grammar school at Norwich in Windsor County was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

A letter signed Henry Caldwell¹ dated Belmont near Quebec 29th March 1785 directed to his Excellency the Governor, enclosing a Copy of an old French grant of a tract of land to the southward of Latitude 45^d North being a point of land West of Mosiska [Missisquoi] Bay and East of the River Sorel [Richelieu] &c. dated Nov^r 1st 1744 were read and refered to the next session of this Assembly.

A bill entitled an act for settling disputes respecting landed property, was brought in by the Committee appointed for that purpose, read &

Ordered to lie on the table until to morrow morning—

The Council sent back the bill entitled an act for levying a tax on all the lands in Sharon for the purpose of repairing roads and making bridges with the following proposals of amendment viz—"The Council propose for amendment that the tax be one penny on an acre, and also the same rule or mode be taken in the publishing and collecting said tax as is provided in the acts for regulating proprietors meetings

(signed) JONAS FAY Sec^y P. Temp"—

The said proposals of amendment being read the following part was agreed to viz—"That the tax be one penny on each acre" and the remainder was not agreed to—

On motion made,

Ordered that the report of the Committee to whom was refered the several petitions of the proprietors of Bethel, Rochester, Royalton &c. be brought forward to morrow at the opening of the House in the afternoon—And that deacon Dudley Chase have liberty to speak himself or by attorney on said report or petitions—

Adjourned until to morrow morning 8 °Clock—

WEDNESDAY June 15th 1785—

Agreeable to order of the day,

Proceeded to chuse by ballot an auditor of public accounts in the room of Micah Townsend Esq^r resigned—The ballots being taken

1. The township later known as Alburgh, was granted in 1744 by the King of France to Francis Foucault, this being one of the seignories established in the valley of Lake Champlain. Following the defeat of the French in Canada, the Foucault title was confirmed by the British government, the title being passed by General Haldimand, British Governor in Canada, to Henry Caldwell, a British subject. This township at one time was known as Caldwell's Upper Manor. Alburgh was chartered by Vermont to Ira Allen and others. There was a sharp dispute over the title to these lands, Caldwell claiming that under the terms of the treaty of peace with Great Britain persons holding titles from the Caldwells were entitled to hold the property. For information concerning this controversy, see Governor and Council, vol. 4, pp. 454-478; Crockett's History of Vermont, vol. 2, pp. 528-535.

Samuel Mattucks¹ Esq^r was Elected—

Agreeable to the order of the day

The House took under consideration the bill entitled an act for settling disputes respecting landed property—After considerable debate—The said bill was refered until to morrow morning for further consideration—

M^r [Charles] Leavans requested leave of absence—Granted—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

On motion made by the Treasurer,

Ordered that the Treasurer be directed to issue his extents against the several delinquent collectors at the expiration of one month from the rising of this session of this Assembly and not before—

A bill entitled, an act granting to Reuben Harmon Jun^r Esq^r a right of coining copper and regulating the same, was brought in agreeable to order read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an Act for levying a tax on all the lands in Fairlee for the purpose of repairing roads and making bridges was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment.

The Committee to whom was refered the petition of the Select men and others of Thetford brought in the following report viz—

“That we find there is neither meeting house or school house in said town and also find there [their] roads are very bad—There fore report as our opinion that the prayer of the petition ought to be granted so far as to allow them to raise a tax of two pence on the acre—

(signed) E. BURTON for Committee ’—’

The above report being read was accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly—

A bill entitled an act granting to Reuben Harmon Junior Esq^r a right of coining copper and regulating the same being concurred by Council, was read and passed into a law of this state—

Agreeable to order

The Committee to whom was refered the several petitions of the Proprietors of Bethel Royalton, Braintree, Rochester and the inhabi-

1. Samuel Mattocks came from Hartford, Conn., to Tinmouth, Vt. in 1778. He represented Tinmouth in the Legislature, 1781-1784, and was a member of the Council in 1785. He was an Assistant Judge of Rutland County Court, 1783-1788 and 1794-1795. He succeeded Ira Allen as State Treasurer, holding office from 1786 to 1800. He was a member of the second Council of Censors in 1792. A son, John Mattocks, was a Vermont Congressman and Governor of the State.—Governor and Council, vol. 3, pp. 77-78.

tants of Royalton likewise the petition of the Proprietors of Randolph brought in the following report viz—

“That we find by enquiry there is nothing appears to us but that the lines were run according to Charter—nevertheless tis our opinion that the establishment of those lines be postponed to the next General Assembly.

(signed) PETER OLCOTT for Com^{tee}”

The said report being read—and agreeable to order M^r Chase made his plea against the acceptance of said report—Thereupon

Ordered that said report be dismissed and that this House will at this time take under consideration the said petitions and that M^r Chase or his Counsel have leave to speak to the same—after examining several witnesses and hearing the Counsel in favour of the petitioners the several petitions were dismissed—

Adjourned until to morrow morning 8 o’Clock

THURSDAY, June 16th 1785—

On motion made by Stephen Jacob^r Esq^r attorney for Colonel Barret,

Resolved that the Governor and Council be and they are hereby empowered to give John Barret Esq^r a new hearing on the impeachment against him at the next session of Assembly if they shall judge proper—And that said John Barret Esq^r be suspended from officiating in the office of Justice of the peace until a final trial can be had—

The Committee to whom was refered the petition of several of the representatives of the County of Windham brought in their report, which being read was dismissed and said petition refered to the next session of Assembly—

A bill entitled, an act for the purpose of levying the taxes therein contained, being concurred by Council, was read and passed into a law of this state.

On motion made,

Resolved that the Treasurer be and is hereby directed to pay the several pay table orders which shall be given to Micah Townsend Esq^r for his services as secretary of state by drawing orders on any hard money tax—

Resolved that the Treasurer be and is hereby directed to pay the several pay table orders which shall be given to Doct^r Roswell Hopkins

1. Stephen Jacob was one of the first Vermont attorneys. He graduated from Yale College in 1778 and in the same year he was the poet on the occasion of the first anniversary of the battle of Bennington. He made Windsor his home and represented that town in the Legislatures of 1781, 1788 and 1794. He was a member of the first Council of Censors in 1785, and a delegate to the Constitutional Convention in 1793. He was a member of the Constitutional Convention in 1793. He was a member of the Governor’s Council from 1796 to 1802. He was Judge of Windsor County Court, 1797 to 1801. President Washington, in 1791, appointed him the first United States District Attorney for Vermont.—See biographical sketch, Governor and Council, vol. 3, p. 106.



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to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Gideon] Olin, M^r [Samuel] Knight and M^r [Abraham] Underhill—

On motion made,

Resolved that a Committee of two to join a Committee from the Council be appointed to see whether the Commissary General of this state is now under pay and make report—with their opinion to this House—The members chosen M^r [Henry] Walbridge and M^r [Samuel] Mattucks—

The petition of John Merrick which was refered from the last session was again read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Martin] Powell M^r [John] Weld and M^r [Isaac] Clark—

The Committee to whom was refered the petition of the inhabitants and Select men of Shrewsbury brought in the following report viz—

“That it is our opinion the prayer of the petition ought to be granted.

(signed) JOSEPH BRADLEY for Com^{tee}”

The aforesaid report being read was accepted, and,

Ordered that the petitioners have leave to bring in a bill accordingly—

A petition signed Caleb Hendee praying that he might be allowed pay for the damage he sustained by the garrison at Pittsford being stationed on his farm &c. which being read was dismissed—

A bill entitled an act to authorize the Inhabitants of Weathersfield to raise a tax for the purpose of building a house for public worship in said town, was brought in according to order, Read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act to authorize the inhabitants of Thetford to raise a tax for the purpose of building a house for public worship in said town, was brought in by order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act for levying a tax on all the lands in Marlborough for the purpose of repairing roads and making bridges, was brought in agreeable to order read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Resolved that the Treasurer of this state be and is hereby directed to pay the several sums made up in the debenture of the Council of Censors to the several persons to whom the same are due by orders on the three penny tax laid this present session—

A bill entitled an act to enable Thomas Chandler of Chester in the County of Windsor Esq^r who now stands committed a prisoner in the common Goal [jail] at Westminster in the County of Windham to deliver up all his estate real and personal, *bona fide* and to discharge the said

Thomas from his imprisonment, bring brought in by order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act in addition to and in explanation of an act entitled an act regulating Proprietors meetings¹, was sent in by the Council proposing the same might be passed into a law of this state—which being read and some amendments made was accepted and sent back for concurrence—

The bill entitled, an act for settling disputes respecting landed property, was again taken under consideration, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Adjourned until to morrow morning nine oclock—

FRIDAY June 17th 1785—

Mr [John] Bridgman moved for leave of absence—Granted—

The Council sent back the bill entitled, an act repealing an act entitled an act for the purpose of opening a free trade to and through the province of Quebec, not concurred and requested that the said bill might not be passed into a law of this state—after some debate the said bill was refered to the next session of Assembly—

Resolved that in order to expedite the settlement of public accounts, the Auditors be directed to call upon his honor Ira Allen Esq^r at his office on the last Tuesday of September next for a settlement of public accounts as Treasurer, and that the said Ira Allen Esq^r be directed to lay before the Auditors all his accounts for monies loaned by him to this state, including his services as Treasurer with the contingent expences, as also all his accounts for sundry services as agent and delegate to Congress and Ambassador to sundry of the different states of America and special Commissioners to the province of Quebec.

A bill entitled, an act prohibiting the taxing public lands, was sent in by the Council requesting the same might be passed into a law of this state, which being read was accepted and sent back for Concurrence—

A bill entitled, an act for establishing a County grammar school at Norwich in Windsor County, which being concurred by Council was read and passed into a law of this state—

1. The preamble of this Act, printed in the Laws of 1785, illustrates some of the hardships of pioneer life. It reads: "Whereas it is enacted in said act that all vendues (auctions) of any lands to be sold shall be held in the county where the land lies; and where as a greater part of the proprietors of many of the towns situate in the north counties of this State, live out of the State, and are obliged by said act to travel through the several counties at the distance of above one hundred miles, in order to make sale of the delinquent proprietors' lands; by which means great unnecessary loss is made, and there being but few inhabitants in such towns the lands are sold at vendue for but little:—

"Which evils to prevent," etc. It was provided that such sales might be held in any county in the State selected by the proprietors.—Acts of 1785.

The Committee to whom was referred the petition of Ebenezer Merrick Administrator on the estate of Reuben Ball late of New-Fane deceased brought in the following report viz—

“That having taken said petition under consideration find there is now due from this state to the petitioner as administrator on said Balls estate forty three pounds twelve shillings and ten pence three farthings as set forth in the petition—It is therefore the opinion of your Committee that the prayer of the petition be granted and that this Assembly order the same to be paid out of the Treasury of this state—

(signed) J. STRONG for Committee

The aforesaid report being read was accepted and,

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee appointed to take under consideration the mode for adopting proper measures for surveying the several towns in the Northern part of this state brought in the following report viz—

“That a Gore of land be granted lying between Stafford [Strafford] and Tunbridge &c. containing about 3000, acres the avails of which be appropriated to that use—And furthermore that the proprietors of the several towns yet to be surveyed be informed that upon their supplying the surveyor General with provisions for surveying their several townships that they be credited for such provisions so furnished—and also have the preference in their surveys being made—And your Committee further report that a gore of land lying between Moortown [Bradford] and Corinth containing about 4000 acres be granted to a Committee with directions to dispose of the same to the best advantage for the benefit of this state for the purposes above mentioned.

(signed) SAM^l FLETCHER for Com^{te}”

The aforesaid report being read the following part viz—That the proprietors of the several towns yet to be surveyed be informed that upon their supplying the Surveyor General with provisions for surveying their several townships that they be credited for such provisions so furnished and also have the preference in their surveys being made” was accepted and the remainder of said report dismissed—

Resolved that the Commissary General be and is hereby directed to prepare his accounts and be ready for a settlement with the Auditors on or before the first day of August next and that the auditors be and hereby are directed to call on the Commissary General between the first day of August next and the tenth day of the same month at his office in Bennington and proceed to settle and adjust his accounts without loss of time

A bill entitled an act to authorize the Inhabitants of Thetford to raise a tax for the purpose of building a house for public worship in said town, which being concurred by Council, was read and passed into a law of this state—



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Yeas
 Mr Walbridge
 Mr Gardner
 Mr Baldwin
 Mr Underhill
 Mr Culver
 Mr Mattucks
 Mr Chipman
 Mr Clark
 Mr Lee
 Mr Strong
 Mr S. R. Bradley
 Mr Bullock
 Mr Wells
 Mr Knight
 Mr Swift
 Mr Lovell
 Mr Aiken
 Mr Brown
 Mr Heald
 Mr Gilkey
 Mr Enos
 Mr Hawkins
 Mr Tilden
 Mr Perry
 Mr Burton
 Mr Silas Williams
 Mr Flynn
 Mr Hazen
 Mr Baldwin
 Mr *Speaker*
 Mr Howe
 Mr Loomis
 Mr Edgerton
 Mr Nutting

Nays
 Mr Powell
 Mr Ormsby
 Mr J. Niles
 Mr Olin
 Mr J. Bradley
 Mr Sheldon
 Mr Sam^l Williams
 Mr Lobdell
 Mr Vail
 Mr Marsh
 Mr Cooper
 Mr Finney
 Mr Harwood
 Mr Underwood
 Mr Olds
 Mr Spaulding
 Mr Wilson
 Mr Hale
 Mr Tyler
 Mr Weston
 Mr Weld
 Mr Gallup
 Mr Safford
 Mr Cottle
 Mr Gates
 Mr Barlow
 Mr Morse
 Mr White
 Mr Blake

So it passed in the affirmative—

On motion made by Ira Allen Esq^r Treasurer

Resolved that the resolution passed this day directing the Auditors to call on his honor Ira Allen Esq^r at his office on the last Tuesday of

1. This act provided that a jury should assess the value of lands as they were when settlement was begun in good faith and should assess in cases where a valid title could not be secured, proper allowance being made for the betterments. When the possessor had entered without any supposed title, an allowance was made for improvements made, but none for increase in land values.—See Governor and Council, vol, 3, p. 351; *Vermont Gazette* of Aug. 8, 1785.

September next for settlement of public accounts &c. &c. be and is hereby reconsidered—and upon the request of Col^o Ira Allen

Resolved that in order to expedite the settlement of public accounts the Auditors be directed to call upon his honor Ira Allen Esq^r at his office on the first Monday of October next for a settlement of public accounts as Treasurer—

On motion made by M^r [Beriah] Loomis

Ordered that M^r S. R. Bradley be requested to bring in a bill to repeal all acts and resolutions heretofore made establishing the bounds of Guildhall—

On motion made

Resolved that the vote for dismissing part of the report of the Committee appointed to take under consideration the mode for adopting proper measures for surveying the several towns in the northern part of this State &c. be and is hereby reconsidered—And the remainder of said report was accepted—and

Ordered that M^r S. R. Bradley be requested to bring in bills accordingly—

The Committee to whom was refered the petition of John Merrick brought in the following report viz—

“That we are convinced from the evidence that appears that the facts set forth in the petition are true, Therefore report as their opinion that the prayer of said petition be granted—

(signed) BENJ^a EMMONS for Com^{tee}”—

The aforesaid report being read was accepted and,

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee to whom was referred the petition of Daniel Marsh brought in the following report viz—

“That the petitioner was sued by writ of ejectment by Silas Whitney when in possession of the farm mentioned in said petition—That the petitioner was in Connecticut when said suit was commenced and did not return until one judgment was obtained against him—That there was a review in said suit, That the petitioner was present when the second judgment was obtained against him in said suit—That the petitioner filed his declaration in the same court for his betterments but by some means unknown to your Committee it appears to them that no trial or judgment in said cause for the betterments was had—That the Legislature at their session in February 1784 passed an act suspending the trial of the title of land but did not prohibit the issuing writs of possession, that a writ of possession afterwards issued by which means the petitioner was put out of possession of said farm, that in consequence thereof several actions of trespass have been commenced against the petitioner and large bills of cost taxed—It is therefore the opinion of your Committee that the petitioner ought to be quieted in his said possession until he have a trial for the betterments of said farm and that

such trial be granted him—And that all judgments recovered in actions of trespass or forcible entry and detainer, had in consequence of said judgment of ejectment, be rendered null and void—

(signed) GIDEON OLIN for Committee”—

The aforesaid report being read, was accepted and,

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee to whom was refered the petition of Andrew Graham, brought in the following report viz—

“After examining twenty two depositions on the premises exhibited by the parties and hearing the pleas made by the Counsel on each side find the following facts viz—That the petitioner lawfully entered into possession of the premises and remained in peaceable possession near eight years, in which time he build a house and made considerable improvements thereon—then was ousted out of possession by a writ of ejectment brought by William Smith of New-York, without receiving the least compensation for his labor—It was also made to appear before your Committee that one Wilson occupied the petitioners house and improvements about nine years—We also inform, that neither the said William Smith nor any person claiming under him, has made it appear before your Committee that he or they, had any right to said lands by virtue of any conveyance from the original grantee, his heirs or assigns—It also appears to your Committee that the said Andrew Graham is now in possession of his labour in a house which he erected on the premises about seventeen years ago—It is therefore the opinion of your Committee, that the said Andrew ought to be quieted in his possession until he receive a reasonable compensation for his labor

(signed) PETER OLCOTT for Committee”—

The above report being read, was accepted &

Ordered, that the petitioner have leave to bring in a bill accordingly—

A bill entitled, an act to vacate all the proceedings of the Legislature of this state respecting the boundaries of Guildhall, in Orange County being brought in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act in explanation of an act entitled, an act for the purpose of levying the respective taxes therein contained and directing and regulating the mode for collecting the same passed in October 1783, being brought in by the Committee agreeable to order, was read and accepted, and sent to the Governor and Council for perusal & Proposals of amendment.

Resolved that the Treasurer be and is hereby directed to pay unto Ebenezer Merrick administrator on the Estate of Reuben Ball late a soldier in Col^o Seth Warners Regiment, deceased, the sum of forty three



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bury for the purpose of repairing roads and making bridges, being brought in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposal of amendment—

A bill entitled an act to authorize the Inhabitants of Weathersfield to raise a tax for the purpose of building a house for public worship, being brought in agreeable to order, was read, accepted, and sent to the Governor & Council for perusal and proposals of amendment—

A bill entitled, an act in explanation of an act entitled “an act for the purpose of levying the respective taxes therein contained and directing and regulating the mode for the collecting the same passed in October 1783 being concurred by Council, was read & passed into a law of this state—

A petition signed Timothy Blake in behalf of the inhabitants of Strafford, praying that a tax of one penny per acre might be laid on all the lands in said town (except public rights) for the purpose of making bridges and repairing roads being read and the prayer of the petition granted, and,

A bill entitled an act for levying a tax on all the lands in Strafford for the purpose of repairing roads and building bridges, being Read was accepted and sent to the Governor & Council for perusal & proposals of amendment—

Mr [Leonard] Spalding requested leave of absence—Granted—

Adjourned until to morrow morning 8 °Clock.

SATURDAY June 18th 1785—

A bill entitled an act to alter the times of the sitting of the Supreme Court in Windham, Windsor and Orange Counties and of the County Court in Windham County, being concurred by Council was read & passed into a law of this State—

A bill entitled an act confirming Andrew Graham of Putney in the County of Windham in the peaceable possession of the farm on which he now lives in said Putney, and rendering all judgments respecting the possession of the same heretofore had and rendered by any court of law whatever null and void, being brought in agreeable to order was read and accepted and sent to the Governor and Council for perusal & proposals of amendment—

A bill entitled an act to secure Daniel Marsh in the possession of a certain farm until he shall have opportunity of recovering his betterments and nullifying several judgments rendered against him was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled, an act to prolong the time of redemption to a lot of land in Wells, being concurred by Council was read and passed into a law of this state.

On motion made

Resolved that the Treasurer be and is hereby directed to pay the

debentures of this Assembly, by drawing orders in favor of the several persons to whom the same is due, the several sums annexed to their names on any hard money tax, except that of M^r William Ward, for this present session, which he is hereby directed not to pay by reason of his absenting himself without leave of the House—

On motion made to choose two Auditors of public accounts, in addition to those already elected—The ballots being taken,

ROSWELL HOPKINS and JOHN STRONG. Esquires were Elected—

A bill entitled an act to secure Daniel Marsh in the possession of a certain farm, until he shall have opportunity or (of) recovering the betterments and nullifying several judgments rendered against him—being concurred by Council, was read and passed into a Law of this State—

A bill entitled an act granting liberty to Stephen Hard Administrator on the estate of Abraham Hard late of Brandon deceased to sell part of the real estate of the said deceased, being concurred by Council was read and passed into a law of this State—

A bill entitled, an act confirming Andrew Graham of Putney in the County of Windham in the quiet and peaceable possession of the farm on which he now lives in said Putney and rendering all judgments respecting the possession of the same heretofore had and rendered by any Court of law whatever null and void, being concurred by Council was read and passed into a Law of this state—

A bill entitled an act for levying a tax on all the lands in Rockingham for the purpose of repairing roads and building bridges, being brought in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A bill entitled an act to authorize the officers therein mentioned to take depositions and acknowledgments of deeds within this state being sent from the Council proposing that the same be passed into a law of this state, being read was refered to the next session of Assembly—

On motion made by M^r [Samuel] Knight—

Resolved that M^r Nathaniel Weston be requested to take charge of the papers relative to the impeachment against John Barret Esq^r until the Governor & Council shall try the said impeachment—

On motion made by M^r [Beriah] Loomis,

Resolved that the Rev'd M^r Asa Burton of Thetford be requested to preach the next Election sermon—And if he should fail, that the Rev'd M^r Lyman Potter of Norwich, be requested to preach said Election sermon—And,

Ordered that M^r [Beriah] Loomis be requested to wait on the above named Gentlemen and inform them of the aforesaid request of this House—

Resolved that the Election^r in October next be holden at Windsor—

A bill entitled, an act for levying a tax on all the lands in Shrewsbury

1. This reference, evidently, is to the legislative session held at Windsor in October.

for the purpose of repairing roads and making bridges, being concurred by Council was read and passed into a Law of this State—

A bill entitled an act for levying a tax on all the lands in Strafford for the purpose of repairing roads and making bridges being concurred by Council, was read and passed into a law of this state.

On motion made by M^r [David] Sheldon,

Ordered that the Committee of revision be requested to revise the Laws regulating the militia and make report at the next session—

Resolved that there be and hereby is granted unto Timothy Blake and Company fifteen in number whose names are here under annexed, all that gore or tract of land¹, situate lying and being between the towns of Sharon and Strafford to be bounded as hereafter described, to wit, beginning at the north west corner of the town of Sharon, thence running a straight line to the southwest corner of the town of Strafford, thence along the south line of said Strafford east wardly to where said gore comes to a point by the intersection of the lines of other towns thence west wardly on the North line of the town of Sharon to the first mentioned bounds—And the Governor and Council are hereby directed to make out a Charter of incorporation as soon as may be under such limitations, restrictions and reservations as they shall judge just—The grantees of said tract of land are Timothy Blake, William Currier, John Harris, Abel Buel, Elisha May Aaron Seekings, Moses Fowlerbe, Jacob Hurd, Jacob Flanders Andrew Downer, James Carpenter, Amos Parker Samuel Ladd, James Carpenter Jun^r & Daniel Gilbert.

A bill entitled, an act directing the Secretary to omit recording such acts of the Legislature of this State as have been revised by the Committee of revision and have passed this present session, being brought in on motion was read and accepted & sent to the Governor & Council for perusal & proposals of amendment—

A bill entitled an act for levying a tax on all the lands in Rockingham for the purpose of repairing roads and building bridges being concurred by Council was read & passed into a law of this state—

Resolved that there be and hereby is granted unto his honor Paul Spooner, The honorable Peter Olcott Esq^{rs} and sixteen others whose names are hereunder written, all that gore or tract of land² situated lying and being between the townships of Royalton and Tunbridge beginning at the northeast corner of Royalton and running from thence on a strait line to the southeast corner of Tunbridge, thence extending west on the lines of said towns till it intersects the lines of other towns and including all that gore or tract of land which yet remains ungranted there situated, lying and being, to be holden to the said grantees their heirs and assigns in proportion to the quantity affixed to their names,

1. This tract was chartered as Blake's Gore, and by the terms of the charter was made a part of Strafford.—State Papers of Vermont, vol. 2, pp. 27-28.

2. This tract was granted as Spooner's Gore and by the terms of the charter it was made a part of Tunbridge.—State Papers of Vermont, vol. 2, pp. 185-186.



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JOURNALS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THEIR ADJOURNED SESSION HELD AT WINDSOR, OCTOBER 1785



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Capt. Zadock Everist

Cambridge
M^r Daniel Kinsley

Colchester
Capt. Thomas Butterfield

Poultney
William Ward Esq^r

Wallingford
Abraham Jackson Esq^r

WINDHAM COUNTY

Westminster
Col^o Stephen R. Bradley

Marlborough
Benjamin Olds Esq^r

Hinsdale
Capt. Arad Hunt

Guilford
Lieut. William Bigelow

Hallifax
Hubbel Wells Esq^r

Whitingham
Lieut. Isaac Lyman

Brattleborough
Samuel Knight Esq^r

Wilmington.
Capt. Chipman Swift

Dummerston
M^r Hosea Miller

New-Fane
Luke Knoulton Esq^r

Townsend
Doctor Joshua Wood

Putney
Lucas Willson Esq^r

Rockingham
M^r Jehiel Webb

Londonderry
Edward Aikin Esq^r

Athens
Lieut. Samuel Bayley

WINDSOR COUNTY

Windsor
Col^o Benjamin Wait

Springfield
Nathaniel Weston Esq^r

Chester
Daniel Heald Esq^r

Weathersfield
Maj^r Hilkiah Grout

Cavendish
Capt. John Coffeen

Reading
John Weld Esq^r

Hartland
Capt. William Gallup

Woodstock
Maj^r Jesse Safford

Hartford
Stephen Tilden Esq^r

Barnard
Aaron Barlow Esq^r

Norwich
M^r Jacob Burton

Bethel
Col^o Joel Marsh

Sharon
Capt. Daniel Gilbert

Moortown [Bradford]
Noah White Esq^r

Royalton
Col^o Elias Stevens

Peacham
M^r William Chamberlain

Bridgwater
John Hawkins Esq^r

Varshire
M^r Joel Walker

Pomfret
M^r William Perry

Strafford
Doct^r Heber Gilbert

ORANGE COUNTY

Newbury
Capt. John G. Bayley

Lunenburg
M^r Samuel How

Thetford
Beriah Loomis Esq^r

Guildhall
M^r John Rich

Fairlee
Nathaniel Niles Esq^r

Randolph
James Blodgett Esq^r

The following resolution was delivered to the speaker by the officer attending the Council viz—

“In Council Windsor Oct^r 13th 1785

“Resolved that a Committee of seven be appointed from this Council to join a Committee from the General Assembly to sort and count the votes of the freemen of this state for Governor Deputy Governor, Treasurer and Councillors for the year ensuing and declare the persons chosen—The members chosen, M^r [Moses] Robinson, M^r [Ira] Allen M^r [Samuel] Fletcher, M^r [Samuel] Safford, M^r [Thomas] Porter, M^r [John] Fasset and M^r [Thomas] Moredock—[Murdock]

(signed) THOMAS TOLMAN Sec^y”

The aforesaid resolution being read

Resolved that, M^r [Gideon] Olin, M^r [Gideon] Ormsby, M^r [Samuel] Williams, M^r [Matthew] Lyon, M^r [Luke] Knoulton, M^r [Samuel] Knight, M^r [John] Weld M^r [Stephen] Tilden, M^r N. Niles, and M^r J. G. Bayley be a Committee to join the said Committee of Council for the purposes mentioned in said Resolution and also that they make report of the persons elected to this House—

Adjourned until 6 °Clock this afternoon—

6 °Clock P. M—

The aforesaid Committee made the following Report viz—

“The Committee from the Council and Assembly appointed to sort

and count the votes of the freemen of the state for Governor, Deputy Governor, Treasurer and Councillors for the year ensuing and declare the persons chosen—Report that having Received, sorted and counted the votes of said freemen they find the election to be as follows, which has accordingly been declared by the Sheriff viz—His excellency Thomas Chittenden Esq^r Governor, His honor Paul Spooner Esq^r deputy Governor, no choice of Treasurer and the honorable Timothy Brownson Moses Robinson, Peter Olcot, Thomas Moredock, Benjamin Emmons, Samuel Fletcher, John Fasset John Throop, Thomas Porter, Samuel Safford, Nathaniel Niles and Samuel Mattucks Esquires Councillors for the year ensuing—

(signed) MOSES ROBINSON for Committee”—

Adjourned until to morrow morning 8 °Clock.

FRIDAY October 14th 1785—

The Governor, Council and House of Assembly by joint ballot made choice of the honorable Ira Allen Esq^r Treasurer of this state for the year ensuing—

On motion made by M^r [Gideon] Olin,

Resolved that a Committee of five to join a Committee from the Council be appointed to arrange the necessary business to be transacted during the present session, and make report—The members chosen M^r [Gideon] Olin, M^r [John] Strong, M^r [Samuel] Knight, M^r [Benjamin] Wait and M^r [Noah] White—

On motion made by M^r [Nathaniel] Chipman,

Resolved that a Committee of three be appointed to prepare Rules to be observed for the Regulating and governing this House for the ensuing year and make Report—The members chosen M^r [Nathaniel] Chipman M^r [Luke] Knoulton and M^r [Jonathan] Robinson.

On motion made by M^r [Daniel] Heald

Resolved that a Committee of three be appointed to wait on the reverend M^r Asa Burton and return him the thanks of this House for the election sermon preached before his Excellency the Governor, his honor the Deputy Governor the honorable the Council and House of Assembly yesterday and request a copy of the same for the press—The members chosen M^r [John] Strong, M^r [Beriah] Loomis and M^r [Israel] Smith.

A petition signed Samuel Mattucks and David Spafford administrators on the estate of Capt. Daniel Edgerton late of Tinmouth deceased praying that the said David Spafford may be empowered to sell so much of the real estate of the said deceased as will pay the sum of £998, with the cost arising on the sale for the purpose of paying the debts due from the estate of the said Daniel Edgerton deceased—with a certificate from Elisha Clark Esq^r Judge of Probate for the District of Rutland certifying the personal estate of the said Daniel Edgerton is insufficient to pay the debts due from the said estate by the sum of £998—which being read the prayer of the petition was granted and



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Ordered that the petitioners have leave to bring in a bill accordingly—

A bill entitled, an act empowering the Administrators to the estate of William Douglass to sell part of the real estate of said Douglass, being bro^t in agreeable to order, was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Asa Wheeler town Clerk of Cavendish in the County of Windsor praying that a tax of two pence per acre on all lands in said town (except public rights) may be laid for the purpose of making and repairing roads and bridges in said town, was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [Hilkiah] Grout, M^r [Stephen] Tilden and M^r [Zadock] Everist—

Resolved that a Committee of five be appointed to receive the lists of the several towns and return them to the Secretary of State—The members chosen M^r [Jonathan] Robinson, M^r [John] Strong, M^r [Hubbell] Wells, M^r [John] Weld and M^r [Beriah] Loomis—

A petition signed William Shattuck praying that he may be relinquished from paying a bond of £25. which he had given this state, which was for cost for keeping him while in Goal, [jail] was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [William] Bigelow, M^r [Hubbell] Wells and M^r [Joel] Walker.

A petition signed David Cook, Resolved Philteplace and Stephen Bates Select men of Stamford praying for leave to raise a sum of money by a lottery or some other way to be laid out in making and repairing roads and bridges in said town, being read was refered to a Committee of three to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen M^r [John] Shumway M^r [Chipman] Swift and M^r [Benjamin] Olds—

A petition signed Jonathan Gilmore, Daniel Hunter, Matthew Anderson, Matthias Ames, Edward Merean and William Parker, praying that the following described tract of land in the township of Ira viz beginning at the South east corner of the township of Castleton, from thence East one mile and one hundred and fifty rods to Rutland west line from thence north on the said West line of Rutland to the northwest corner of said township of Rutland which is likewise the northeast corner of Castleton from thence South on Castleton east line to the bounds begun at, may be annexed to the township of Castleton by reason of very high mountains betwixt the aforesaid described lands and the remainder of the inhabited part of said Ira—which being read with a certificate signed by Brewster Higley town Clerk of Castleton certifying that “at a legal town meeting holden at Castleton on the 2^d day of June 1785 voted to receive the north part of the District of Ira to this town

in case the honorable General Assembly see cause to annex the same to the town of Castleton—

Resolved that the prayer of the petition be granted and that the petitioners have leave to bring in a bill accordingly—

The bill entitled, an act empowering one of the Administrators of the estate of Captain Daniel Edgerton to sell part of the real estate of the said Edgerton, being concurred by the Governor and Council, was read the last time and passed into a law of this state—

A petition signed James Ambler and Ebenezer Ambler administrators on the estate of John Ambler late of Brandon in the County of Rutland deceased, praying for leave to sell so much of the real estate of the said deceased as will pay the sum of £56-17-10 with the necessary cost arising on the sale to enable them to pay the debts due from said estate—also a certificate from Elisha Clark Esq^r Judge of Probate for the District of Rutland certifying that the personal estate of the said John Ambler deceased is insufficient to pay the debts due from the said estate by the sum of £56-17-10 which being read the prayer of the petition was granted, and

Ordered that the petitioners have leave to bring in a bill accordingly—

A bill entitled, an act empowering the Administrators to the estate of John Ambler late of Brandon deceased to sell part of the real estate of the said Ambler, being brought in agreeable to order was read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—Oct^r 14th 1785—

The Committee appointed to prepare rules for the regulating this Assembly brought in the following report viz—

“*Windsor Oct^r 14th 1785—*

“Your Committee appointed to draw up rules¹ and regulations to be observed in the House report, the following viz—

1st That every member and Spectator be subject to the rules of the House

2^d That the doors of the House be open to all spectators who behave themselves orderly, except the interest of the state require the same to be shut.

3^{dly} That the officers of the House attend punctually at the times of adjournment on penalty of being reduced to private stations—

4^{thly} That no member being absent at roll call take his seat without liberty from the House—

5^{thly} Any member who is absent after roll call without leave of the

1. The text of rules adopted in 1779 may be found in State Papers of Vermont, vol. 3, part 1, p. 78; and the rules of 1781 are recorded in part 2 of the same volume, pp. 11-12.

house more than fifteen minutes at one time shall be subject to the like penalty—And if such member continues absent for one day or more he shall be liable to be expelled the house—

6^{thly} That no member speak in the house without leave of the speaker of the House—

7^{thly} That no member shall speak more than twice on one subject without leave of the House—

8^{thly} That no member make any nomination until such nomination be called for by the speaker—And that the Speaker put every motion to vote which is seconded unless withdrawn or objected to—

9^{thly} That no person who is not a member of this House (except the Governor and Council) shall speak in the House without first obtaining leave by a member of the House—

(signed) NATHANIEL CHIPMAN for Committee'—

The aforesaid report being read was accepted and

Resolved that the same be observed as rules for regulating this Assembly for the present year—

A petition signed Reuben Rockwood praying that he might be discharged from paying a certain note which he has given the Treasurer of this state for the sum of £11. which was given for granting fees for a right or share of land in the gore granted to Capt. William Utley and Company by the name of Landgrove, by reason of his purchasing 300 acres of land prior to the grant of said gore which land was then supposed to be in the township of Bromley but now proves to be lying in said Gore and according to the votes of the proprietors of said gores he cannot hold but 100 acres near the place where he first purchased the same and that he is likewise poor and unable to pay the said note—which being Read was dismissed—

A petition signed Cephas Kent Jun^r and 55 others inhabitants of the township of Dorset, praying that the said town might be divided into two societies as follows viz—begining on the line betwixt said town and the township of Manchester, at the south east corner of a lot of land N^o 12. in the second division joining the main road, thence running North 10^d East to the north west corner of a lott of land N^o 4—second division then running Easterly to the heighth of land then running Easterly and Northerly on the heighth of land to Danby line—being read was refered to a Committee of three to take the same under consideration state facts and make report—The members chosen M^r [Gideon] Ormsby M^r J. Bradley and M^r [Jonathan] Robinson—

The Committee to whom was refered the petition of John White and Jabez Hawley brought in the following report viz—

“That having attended to the matter set up in said petition we find by evidence, that the facts set up therein are true, Therefore report as our opinion that the prayer of the petition ought to be granted—

(signed) TIMOTHY BROWNSON for Committee



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that by reason of uncommon hardships in settling a wilderness country, the loss of her husband, and her having a child that is and most likely will ever be unable to support itself, and praying that the granting fees which was laid on the 200 acres granted to her might be relinquished—which was read and refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Elias] Stevens M^r [John] Shumway and M^r [John] Strong—

The Committee to whom was refered the petition of Col^o Matthew Lyon brought in their report which was read and accepted, and,

Ordered that M^r [Beriah] Loomis, M^r [Jonathan] Robinson and M^r D. Marsh be appointed a Committee to prepare and bring in a bill accordingly—

A petition signed John Morse first Constable for the town of New-Fane¹ for the year 1781 setting forth that he had a warrant from the Treasurer of this state to collect the taxes laid on said town for said year—That he did collect £10. in counterfeit bills of credit of this state, which he proceeded with as the law directs but the certificate not being legal the Treasurer will not accept of the same—And praying that the Treasurer might be directed to receive the said £10. which being read was refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Samuel] Knight, M^r [Lucas] Willson and M^r [Jesse] Safford—

On motion made to choose a secretary of State for the year ensuing—The ballots being taken,

Micah Townsend Esq^r was unanimously Re-elected into that office—

The bill entitled an act enabling Capt. Zadock Everist and Ezra Squier administrators on the estate of Odel Squire late of Ferrisburgh deceased to sell so much of the real estate of the said Odel as shall amount to the sum of £111-17-1 together with the cost arising on the sale, being concurred by the Governor and Council, was read the last time and passed into a law of this state—

The Committee appointed to prepare an arrangement of the most necessary business to be transacted during the present session brought in the following Report—viz—

“*Firstly* to explain the laws of this state regulating civil actions—
2^d to make some regulations respecting the mode of commencing and prosecuting causes in error—

3^d To make some further regulations respecting debtors swearing out of Goal [jail]—

4th To take some order respecting the rights of land in this state granted for glebes and to the society for propogating the gospel—

5th To consider the expediency of granting a state tax—

1. This township was originally granted as Fane by the Governor of New Hampshire, and was regranted by the same government as New Fane.—State Papers of Vermont, vol. 2, p. 327.

6th To take into consideration the present state of the militia of this state—

7th To make some regulations for the payment of debts due from Confiscated estates—

8th To take into consideration the mode of granting County taxes—
(signed) MOSES ROBINSON for Committee”—

The aforesaid report of arrangement being Read,

Ordered that the 1st and 2^d articles be refered to a Committee of five to join A Committee from the Council and that they take the same under consideration prepare a bill and make Report—The members chosen M^r [Samuel] Knight, M^r [Luke] Knoulton, M^r [Gideon] Olin, M^r [Nathaniel] Chipman and M^r *Speaker*,—[S. R. Bradley]

Ordered that the 3^d article in the arrangement be refered to a Committee of three to join a Committee from the Council, and that they take the same under consideration, prepare a bill and make report—The members chosen M^r [Jonathan] Robinson, M^r [Israel] Smith and M^r [Matthew] Lyon—

Ordered that the 4th article lie on the table for further consideration—

Ordered that the 5th article be refered until Tuesday next at the opening of the House in the morning

Ordered that the 6th article lie on the table for further consideration—

Ordered that the 7th article be refered to a Committee of five to join a Committee from the Council and that they take the same under consideration and report their opinion to this House—The members chosen M^r [Gideon] Olin, M^r [Samuel] Williams, M^r [Benjamin] Olds, M^r [Noah] White & M^r [Benjamin] Wait.

Ordered that the 8th article be refered to a Committee of five to join a Committee from the Council and that they take the same into consideration, prepare a bill if they judge proper, and make report—The members chosen M^r J. Bradley, M^r [Matthew] Lyon, M^r [Hubbel] Wells, M^r [William] Gallup and M^r [Beriah] Loomis.

The following message from the Council of Censors was delivered to the Speaker of this House viz—

“*Windsor Oct^r 15th 1785.*”

“Sir—Agreeable to directions from the Council of Censors, I herewith transmit to the Legislature the copy of a resolution of the said Council, ordering that Col^o Matthew Lyon, one of the present members of Assembly be impeached before the Governor and Council for refusing to deliver to the order of this board the records of the Court of Confiscation being in his custody—And am to request the House to pursue such measures as are necessary to carry said Resolution into effect as early as may be so that this Council may be enabled to pursue, and as soon as possible to compleat the business entrusted to them by the Constitution

"I am Sir with the highest respect your most

Obedient Serv^t

(signed) INCREASE MOSELEY President—

To the Honorable Stephen R. Bradley Esq^r Speaker of Assembly"—

The following is a copy of the Resolution of the Council of Censors mentioned in the above message and was enclosed therein viz—

"In Council of Censors 15th Oct^r 1785

Resolved that Col^o Matthew Lyon be impeach^d before the Governor and Council of this state for refusing to deliver to the order of this board the records of the Court of Confiscation—And that the President be directed to acquaint the House of Assembly there with and request them to appoint Counsel to prosecute the same to effect during the present session of the Legislature—Extract from the minutes

(signed) MICAH TOWNSEND Sec^y"

The aforesaid message and resolution being Read

Resolved that a Committee of three be appointed to procure Counsel in behalf of the freemen of this State to prosecute the said impeachment against Col^o Matthew Lyon before the Governor and Council to effect—The members chosen M^r [John] Strong, M^r [Benjamin] Wait and M^r [Luke] Knoulton—

A petition signed John Strong Agent for the proprietors of Addison and Zadock Everist agent for Panton setting forth that prior to the running the town line between the said townships of Addison and Panton that a number of settlers went and made improvements on land supposing that the same was in Panton, but since the lines have been Run the township of Addison laps three miles and half on the township of Panton and to quiet the settlers and make an amicable settlement, the proprietors of Addison voted in legal town meeting to relinquish 8000 acres to the proprietors of Panton and that the same should be annexed to said town of Panton, and the said proprietors of Panton did relinquish for the said 8000 acres all their pretensions or right to any other land in said township of Addison—And praying that the proceedings of the said Proprietors of Addison and Panton might be ratified, confirmed and rendered effectual by the Legislature &c. with attested copies of the

1. The Council sat as a court of impeachment, Oct 18 and 19, Lieut. Gov. Paul Spooner presiding. Lyon was charged with refusing to deliver the records of confiscation to the Council of Censors. Lyon pleaded not guilty, but he was adjudged guilty, ordered to deliver the records of the Court of Confiscation and receive a reprimand from the Lieutenant Governor and if he neglected to comply with this order he was to be fined £500 and costs. Lyon appeared for sentence and made a motion for a new trial, asserting that "his cause had not been rightfully understood." His petition was granted.—Governor and Council, vol. 3, pp. 81-84.



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ishment for the crime in the first clause to be too severe for the offence¹, altho heinous in its nature, as it excludes all idea of reformation for the first transgression—And that the same punishments are beyond all proportion to the actions mentioned in the first paragraph of the sixth clause of said act which are no otherwise offences than because they are prohibited by law.

“4^{thly} *Resolved* that it be recommended to the honorable the Legislature to alter the proviso annexed to the third clause of an act passed in February 1779 entitled, an act for authenticating deeds and conveyances, because the said proviso is contrary to the intent of the 31st section in the frame of government, when there is no town clerk in the town, admits of so many different offices² for recording deeds as renders it difficult and expensive for the purchaser to inform himself of the safety of his title—

5^{thly} *Resolved* that it be and is hereby recommended to the honorable the Legislature in their next session to repeal the last paragraph³ of an act passed in February 1779 entitled an act to prevent unseasonable night walking and for the punishing of disorders committed in the night season, because as this Council conceives the same is contrary to the tenth article in the bill of rights which declares the right of an accused person to be confronted with witnesses, to be tried by an impartial jury of the Country, and that he cannot be compelled to give evidence against himself—

6th *Resolved* that it be recommended to the honorable the Legislature to repeal an act passed in February 1779 entitled, an act to prevent the selling or transporting raw or untanned hides or skins out of this state⁴, the same being considered by this Council as being too great

1. The act provides that any person found guilty of counterfeiting “shall be punished by having his right ear cut off, and shall be branded with the capital letter C, on a hot iron, and be committed to a work house, there to be confined and kept to work, under the care of a master, and not to depart therefrom without special leave from the Assembly of this State until the day of his death under the penalty of being severely whipped by order of any court, assistant or justice, and therefore to be returned to his former confinement and labor. And all the estate of any person offending as aforesaid, shall be forfeited to this State.”—Slade’s Vermont State Papers, pp. 333-336.

2. The act provided that if there was no Town Clerk in a town, the same official in an adjoining town might make a record and if no such office existed in an adjoining town the County Clerk might make such record.—Slade’s Vermont State Papers, pp. 336-337. Section 317 of the first Constitution, to which reference is made, provided that “All deeds and conveyances of land should be recorded in the Town Clerk’s office in their respective towns.”—Slade’s Vermont State Papers, p. 253.

3. This paragraph of the act provided that a suspected person, not able to give a satisfactory account of his actions when certain disorders were committed, should be liable for the damages suffered. The act declared that no persons “under the government of parents, guardians, or masters, any boarders or sojourners” might “convene, or meet together, or be entertained in any house, without the consent or approbation of their parents, guardians or masters, after nine o’clock at night,” any longer than to discharge the business for which they were sent.—Slade’s Vermont State Papers, p. 359.

4. The text of this act may be found in Slade’s Vermont State Papers, p. 382. Section 9 of the Bill of Rights in the Vermont Constitution refers to the right of every member of society to the protection of his property.—Slade’s Vermont State Papers, p. 245.

a controul over the rights each individual has of disposing of his property to be exercised by a permanent law, and as being contrary to the principles of the Constitution

“7th This Council conceiving it exceedingly inconvenient and against the interest of the community that so numerous a body as the Governor, Council and General Assembly of the state should be employed in determining causes between party and party, and their attention thereby diverted from their more important business of Legislation, do hereby recommend to the honorable the Legislature during their next session to repeal such parts of, an act passed October 22^d 1779 entitled an act, constituting the superiour court a court of equity¹ and declaring their power, as invests the Governor, Council and House of Assembly with authority to hear and determine cases in equity, with a proviso that the repealing act shall not effect any cause commenced and depending before the said Court of Equity—

“8th *Resolved* that it be and hereby is recommended to the honorable the Legislature to repeal an act passed 3^d November 1780 entitled, an act against inimical conduct², and also an act passed 6th November 1780 entitled, an act in addition to and explanation of the last paragraph of an act entitled, “an act against High Treason³,” on account of the large powers therein given in the one to a single and in the other to two ministers of justice—The vague definition of the offences—and the inexpediency of having acts in force after the reason for their existance has ceased—

“9th *Resolved* that it be and hereby is recommended to the honorable the Legislature in their next session to repeal an act passed on the 22^d February 1781 entitled an act for quieting disputes concerning landed property⁴, because this Council conceive it to be an encroachment, made by the Legislature upon the power assigned by the Constitution to the judicial department, and that it invests them with the Authority of determining upon the validity of their own grants—

“*In Council of Censors 7th Oct^r 1785*

“10th *Resolved* that it be and is hereby recommended to the honorable the Legislature in their next session to repeal an act entitled,

1. The text of this act may be found in Slade's Vermont State Papers, p. 394.

2. The text of the act against inimical conduct may be found in Slade's Vermont State Papers, pp. 413-414.

3. The text of an act against high treason may be found in Slade's Vermont State Papers, p. 413. A court consisting of two members, or a jury of six men, might convict of treason, but the right of appeal to the Superior Court was provided.

4. Provision was made in the act that the Governor, Council and House of Representatives should sit as a court to determine disputes between proprietors holding under different charters. One of the conspicuous features of early Vermont legislation is the assumption of judicial functions by the legislative branch. The text of the act in question may be found in Slade's Vermont State Papers p. 424. The first Council of Censors, in its report, strongly rebuked the legislative department for its encroachments upon the rights of the judiciary.—See Slade's Vermont State Papers, pp. 531-544.

an act for the punishment of conspiracies¹ against the peace, liberty and independence of this state, passed 21st June 1782 on account of the inexpediency of continuing in force a law of so great severity after the necessity which occasioned passing it has ceased—

“11th *Resolved* that it be and hereby is recommended to the honorable the Legislature in their next session to alter the first clause of an act passed 22^d October 1782 entitled, an act in addition to an act regulating Goals [jails] and Goalers² [jailors] on account of its not sufficiently guarding the property of the subject—firstly in not more explicitly defining the time of notice to be given to the creditor, or his attorney—secondly—for that the said clause is so expressed, that it may be, and by some is, construed that any justice of the peace of the County is obliged to administer the oath therein mentioned to the debtor upon his application, altho such justice should be convinced of the falsity of it.—thirdly—because no penalty is prescribed in case of the debtors false swearing—fourthly because it leaves it in the power of the debtor to chuse any justice in the County to determine upon application, and authorize one justice to liberate a debtor from imprisonment let the amount of his debts be what they may—

“12th *Resolved* that it be and hereby is recommended to the honorable the Legislature in their next session to repeal an act passed 22^d Oct^r 1782 entitled, an act for the regulation and establishment of town lines, and the several additions thereto—and also an act passed February 26th 1782 entitled, an act to ascertain the boundaries of the towns therein mentioned—And also an act passed 23^d Oct^r 1783 entitled an act for the purpose of enabling the surveyor General to compleat the survey of the town lines in this state—And an act passed 8th March 1784 entitled an act for the purpose of cutting roads in the northern part of this state—for the following reasons viz—first Because the said several acts appear to this Council calculated for the emolument of individuals by arbitrarily taking and disposing of the property of others, rather than for the true interest of the community at large—secondly Because however injurious the operation of the said several acts may be to the property of individual towns or persons they are obliged to defray the expence—And that upon much shorter notice and less equitable principles than the laws point out in common demands between party and party, as their lands are thereby subjected to sale at public vendue for the satisfaction of debts nearly of a private nature and differing from private contracts in no respect only that the person on whom the demand is made are not allowed a voice in the contract and the satisfaction is made in a mode that precludes them the privilege of contesting the demand—Thirdly Because they appear to

1. The penalties for conspiracy included confiscation of property, imprisonment, banishment and death. The text of the act may be found in Slade's Vermont State Papers p. 454.

2. The text of this act may be found in Slade's Vermont State Papers, pp. 458-459.



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The aforesaid report was read and accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly—

Mr [Aaron] Barlow requested leave of absence until Tuesday next—
Granted—

Adjourned until Monday morning 9 oclock—

MONDAY October 17th 1785—

On motion made,

Resolved that the Reverend Mr Asa Burton be and is hereby appointed Chaplain to this House during their present session—and,

Ordered that Mr [Beriah] Loomis be requested to wait on him and inform him with this Resolution—

Resolved that the second Thursday of November next be and hereby is appointed to be observed as a day of public Thanksgiving throughout this state, and,

Ordered that Mr J. Bradley and Mr [Noah] White be desired to wait on his Excellency the Governor and request him to issue his proclamation accordingly as soon as may be—

Mr [Thomas] Butterfield requested leave to bring in a bill to incorporate a County north of Rutland County—

Ordered that he have leave to bring in a bill for that purpose—

Ordered that to morrow at the opening of the house in the afternoon be assigned to choose Judges of the supreme Court, Agents to Congress and a Surveyor General—And that the Governor and Council be informed thereof and requested to attend for that purpose—

A petition signed by Moses Robinson and John Fasset Esq^{rs} setting forth that in May 1779 Moses Robinson Esq^r lent John Fasset Esq^r for the use of this state¹ at the request of the Governor £543-12. which was appropriated to the use of this state—That some time in September following he received of Judge Fasset £120. and soon after Judge Robinson bought a farm of John Burnham Esq^r a Commissioner of sales &c. which was confiscated to the use of this state and gave his note for the same with an intention that the money he had lent to the state should answer the note, but the Treasurer being unwilling to alter or de-face his books he never could settle the same—And the said Burnham has since negotiated said note and he is now liable to pay the same—and pray^s that the Treasurer may be directed to allow the depreciation of the said Indorsement and also to make them good by directing the Treasurer to issue states notes for a sufficient sum or otherwise as shall be thought best—being read was refered to a Committee of five to join a Committee from the Council to take the same under consideration, state facts and make report—The members chosen Mr [Gideon] Olin, Mr D. Marsh, Mr [Joshua] Wood, Mr [John] Weld and Mr [Beriah] Loomis—

1. This petition throws light on the methods employed in financing the State in the early period of its existence. See pp. 186-187 of this Journal.

A bill entitled, an act directing the sale of Cannon on Mount-Independence, was brought in by the Committee read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Charles Bullis was read and withdrawn—

A bill entitled, an act to enable Joel Rose Administrator on the estate of Samuel Rose late of Manchester deceased to give a deed of lands therein described, was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Mathew Lyon praying that a duty of two pence p^r pound might be laid on all nails brought into this state for the use of the state, which would be a sufficient encouragement for him to build a slitting mill^r, was read and dismissed—

On motion made by M^r [Beriah] Loomis,

Resolved that a Committee of five be appointed to take into consideration the Act for preventing the destroying pine timber² &c. and report their opinion respecting the same—The members chosen M^r [Benjamin] Wait, M^r [Beriah] Loomis M^r [Jesse] Safford, M^r [Arad] Hunt and M^r [Samuel] Knight—

A petition signed Abel Geer who is now in confinement in the work house in the County of Bennington by the order of the Supreme Court, praying for a pardon, was read and refered to the Governor and Council—

The House took under consideration the Recommendations of the Council of Censors, which was read yesterday and accepted of the 1st 2^d and 3^d Resolutions therein contained, and,

Ordered that this House will Repeal and alter the several acts therein mentioned agreeable to the said Recommendations—

Adjourned until 2 °Clock afternoon—

2 °Clock P M—October 17th 1785—

A bill entitled, an act describing the the bounds of the County of Addison³ and for establishing the shire towns in said County and the

1. Matthew Lyon erected at Fair Haven a furnace, two forges and a slitting mill, before 1796.—See Thompson's Vermont Gazetteer, part 3, p. 70.

2. The fact that many persons had sustained damage on account of the destruction of timber in the Connecticut River, is given in the preamble of an act against taking or destroying white pine timber, as the reason for the passage of such a measure.—Acts of 1785.

3. Addison County, when organized, extended to the Canadian boundary, and the towns of Addison and Colchester were named as half shires.—Governor and Council, vol. 3, note p. 91. The text as given in the Acts of 1785 shows that "the east line of said county of Addison shall be the west line of the counties of Windsor and Orange as far as they join." The easterly boundary extended north to the Province of Quebec, west through Missisquoi Bay to the center of the deepest channel of Lake Champlain, south on this channel until it intersected a west line from the northwest corner of the town of Orwell.

time for holding Supreme and County Courts therein, was brought in by Mr [Thomas] Butterfield according to leave, Read and,

Ordered to lie on the table—

The House again took under consideration the recommendations of the Council of Censors and accepted of the 4th 5th 6th 8th 9th 10th 13th and 15th Resolutions therein contained and,

Ordered that the Committee of Revision prepare and bring in bills repealing and altering the several acts therein mentioned agreeable to said recommendations and likewise that they prepare and bring bills to alter and Repeal the several acts mentioned in the 1st 2^d and 3^d Resolutions which were accepted in the forenoon—

Ordered that the 7th Resolution of the Council of Censors lie on the table for further consideration—

Ordered that the 11th Resolution of the Council of Censors be accepted and that the same be Referred to the Committee appointed on the 3^d article in the arrangement and that they prepare a bill and make Report—

Ordered that the 12th Resolution of the Council of Censors be referred to a Committee of five to join a Committee from the Council to take the same under consideration and make Report of their opinion to this House—The members chosen Mr [Gideon] Olin, Mr [Nathaniel] Chipman, Mr [Samuel] Knight, Mr J. Marsh and Mr [Noah] White—

Resolved that this House do not agree with the Council of Censors to Repeal the act mentioned in their 14th Resolution entitled, an act to reverse the several judgments therein mentioned, passed 9th March 1784—

A memorial signed Elijah Payne [Paine] proposing to give £2,000 lawful money (to be expended within two years towards building a college or university¹ within this state on condition that the said College or university be built within the town of Williamstown, being read was referred to a Committee of five to join a Committee from the Council to take the same under consideration state facts and make report of their opinion to this House—The members chosen Mr [Jonathan] Robinson, Mr [Nathaniel] Chipman, Mr [Luke] Knoulton Mr [Jesse] Safford and Mr [John G.] Bayley—

The bill entitled, an act empowering the Administrators to the estate of John Ambler late of Brandon deceased to sell part of the real estate of said Ambler being concurred by the Governor and Council, was read and passed into a law of this state—

The bill entitled, an act to enable Joel Rose administrator on the estate of Samuel Rose late of Manchester deceased to give a deed of lands therein mentioned, being concurred by the Governor and Council was read and passed into a law of this state—

The bill entitled, an act describing the bounds of the County of

1. This was one of the first steps taken toward establishing an institution of higher learning within the State.



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Agreeable to the order of the day the House took under consideration the 5th article in the arrangement, and

On motion made, *Resolved* that this House resolve into a Committee of the whole to take said article into consideration—After some time spent in Committee of the whole—The Speaker, resumed the chair and their report being delivered in its place was read as follows viz—

“*Windsor Oct^r 18th 1785—*

“The Honorable the General Assembly having resolved themselves into a Committee of the whole to take into consideration the 5th article in the arrangement—

“The honorable Stephen R. Bradley Esq^r in the chair

“Doct^r Roswell Hopkins Clerk—

“*Resolved* that this Committee do recommend to the Honorable the Legislature to levy a tax of three pence on the pound on the list of 1785 to be collected in hard money or hard money orders by the first day of June next—The Committee then dissolved

(signed) ROS^l HOPKINS Clerk”—

The aforesaid Report was accepted and

Ordered that M^r [Nathaniel] Chipman be requested to bring in a bill accordingly—

The Committee to whom was refered the petition of Asa Wheeler town Clerk of Cavendish brought in the following Report viz—

“That we have good evidence that the facts set forth in said petition are true and it is the opinion of your Committee that the prayer of the petition ought to be granted—

signed THOMAS MOREDOCK for Committee”

The aforesaid report was read and accepted, and

Ordered that the petitioner have leave to bring in a bill accordingly—

The Committee to whom was refered the petition of Moses Robinson and John Fasset Esquires brought in the following report viz—

“That your Committee find the facts set up, to be supported, and report as their opinion that the Receipt given by John Fasset Esq^r to Moses Robinson Esq^r together with the indorsment be reduced by the scale of depreciation and that lawful interest on the ballance be added—and that the Treasurer be directed to issue his notes to Col^o Robinson for that sum on condition that said Col^o Robinson shall indorse said Receipt and lodge it in the Treasury to be charged to said John Fasset Esq^{rs} account—

(signed) NATHANIEL NILES for Com^{tee}—

The aforesaid Report was read and accepted, and

Resolved that the receipt given by John Fasset Esq^r to Moses Robinson Esq^r dated the 24th day of May 1779 for the sum of £543-12

together with the indorsement on the said Receipt be reduced by the scale of depreciation and that lawful interest on the ballance be added and the Treasurer is hereby directed to Issue his notes to Moses Robinson Esq^r for that sum on condition he the said Moses Robinson Esq^r shall endorse said Receipt and lodge it in the Treasury to be charged to the said John Fasset Esq^{rs} account—

The Committee appointed last session to whom was refered the petition of William Marsh to take the same under consideration, state facts and make Report of their to this House brought in the following Report viz—

“Bennington Sept^r 22^d 1785

“To the honorable the General Assembly to be convened at Windsor on the second Thursday of October next—

“The Committee appointed by the General Assembly and Council in June last to take under consideration the petition of William Marsh, state facts &c. report as follows viz—

“1st That by examination it appears to your Committee that the note given by the said William Marsh as mentioned in the said petition was for the purpose of raising the quota of monies for the town of Manchester to enable Mess^{rs} James Brakenbridge and Jehiel Hawley agents for the several towns of the then Grants from New-Hampshire to obtain a confirmation of said grants of Land from the King^r of Great-Britain—

“2^{dly} It does not appear but that the said note ought to be paid to the present holder

“3^{dly} It appears to the satisfaction of your Committee that there was an assessment or rate bill made by the said William Marsh on the then inhabitants and landholders in said Manchester, (some of whom have paid and some have not) to about the sum of the aforesaid note—

“4^{thly} It is therefore the opinion of this Committee that the said William Marsh² (or some meet person) be authorized in law to collect the money of those persons, so assessed on said Rate bill who have not paid their Rate as aforesaid to enable the said William Marsh to pay the said note—

(signed)	MOSES ROBINSON	}	Committee”
	SAMUEL MATTUCKS		
	GIDEON OLIN		

1. The first organized movement made by the towns chartered by New Hampshire, was in 1766. A convention held at Manchester, Oct. 21, 1772, chose Breakenridge and Hawley agents to present to the King a petition for the confirmation of grants made by Governor Wentworth. There seems to have been an informal tax levy to pay the expenses of the agents, several years before a State government was established.—Crockett's History of Vermont, vol. 1, p. 307.

2. Col. William Marsh represented Manchester in some of the early conventions held previous to the formation of the State, and was active in the early stages of opposition to New York encroachments. After Burgoyne's capture of Ticonderoga Marsh became a Loyalist and fled to Canada. His property in Vermont was confiscated. Later he was permitted to return to this State.—Crockett's History of Vermont, vol. 2, p. 277. Marsh moved into Dorset in 1777—See Munson's History of Manchester, pp. 35-36.

The aforesaid Report being Read was refered to the next session of Assembly—

A petition signed Moses Warren setting forth that he was engaged in the service of this state in the year 1781 under the command of Col^o Benj^a Wait^r and was wounded and taken prisoner and remained in Captivity eight months and praying that he might be allowed pay for the time he was detained while a prisoner and for his gun and accountments &c. which he lost when taken being read was refered to a Committee of three to take the same under consideration, state facts and make report—The members chosen M^r [Gideon] Ormsby, M^r [John] Strong and M^r [Jesse] Safford—

Resolved that a Committee of five to join a Committee from the Council be appointed to take under consideration the 4th article in the arrangement and report their opinion to this House. The members chosen M^r [John] Shumway, M^r [Nathaniel] Chipman, M^r [Samuel] Knight, M^r [John] Weld and M^r [Beriah] Loomis—

The Committee to whom was refered the petition of Lucretia Houghton brought in the following report viz—

“Your Committee having attended to the matter of said petition find that the facts set up in the petition are true therefore Report as our opinion that the prayer of the petition ought to be granted—

(signed) DANIEL HEALD for Committee”

The aforesaid Report was read and accepted and

Ordered that the petitioner have leave to bring in a bill accordingly—

The bill entitled, an act directing the sale of the cannon on Mount-Independence, being concurred by the Governor and Council, was read the last time and passed into a law of this state—

A petition signed David Lamb was read and refered to the Governor and Council for their consideration—

A petition signed Samuel Peck first Constable for the town of Bethel for the year 1783 setting forth that said town of Bethel was doomed £100-15—more than the list of said town. and that he has paid the several taxes that were laid on said £100-15 out of his own money and praying that the Treasurer may be directed to pay him back the amount of the several taxes which he has so overpaid on account of said doomage, being read was refered to a Committee of three to take the same under consideration state facts and make Report—The mem-

1. During the years 1780-1781 Benjamin Wait was in command of Vermont forces on the northern frontier of the State.—Vermont Historical Society Proceedings, (1906-1910), p. 46. References in Vermont Revolutionary Rolls, pp. 731, 741, 761, indicate that several Vermont soldiers in Colonel Wait's battalion, were captured by the Indians in August, 1781. Moses Warren, to whom reference is made, was a Sergeant in Capt. Charles Nelson's Company, in Colonel Wait's battalion, in 1781.—Vermont Revolutionary Rolls, p. 444.



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was brought in agreeable to order, read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

A petition signed Witherel Wittum, Witherel Wittum Jun^r and Malachi Wittum setting forth that the farm on which they lived, owned and were in possession was sold by the direction and order of the Court of Confiscation as a farm belonging to one Peters who had joined the enemy and that they were turned out of possession of said farm and kept out of possession of the same almost one year and that by a course of law they were again put into possession, and praying that they may be allowed a reasonable compensation for their extraordinary trouble, the use of their farm &c. was read and dismissed—

A petition signed Asa Robinson of Dudley in the County of Worcester and Commonwealth of Massachusetts administrator on the estate of Joseph Chamberlain late of Douglas in said County of Worcester deceased praying for leave to sell under the direction of the Judge of Probate a right of land in the town of Townsend which has been appraised at £61. to pay the sum of £16-8-2 which is due from said estate more than the amount of the personal estate and the cost of settling the said estate the whole amounting to nearly the sum of £50—And a certificate from Noah Sabin Esq^r Judge of Probate for the District of Westminster certifying that the personal estate of said deceased is insufficient to pay the debts due from said estate by the sum of £16-8-2 which being read, the prayer of the petition was granted &

Ordered that the petitioner have leave to bring in a bill accordingly—

Adjourned until to morrow morning 9 °Clock—

WEDNESDAY Oct^r 19th 1785—

A petition signed Daniel Ashcraft^r of Guildford in the County of Windham praying for a pardon was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report. The members chosen M^r [Arad] Hunt, M^r [Nathaniel] Chipman and M^r [Israel] Smith—

A petition signed by the select men of Stamford praying for an abatement to said town the sum of £174 on the list of 1784 was read and refered to a Committee of three to take the same under consideration, state facts and make Report—The members chosen M^r [Jonathan] Robinson, M^r [Gideon] Olin and M^r [Benjamin] Wait—

A petition signed by Joseph Blanchard Administrator on the estate of Amos Skinner late of Jamaica in Windham County deceased praying for leave to sell part of the Real estate of said deceased, with a certificate from Noah Sabin Esq^r Judge of Probate for the district of Westminster

1. Daniel Ashcraft (or Ashcroft) was one of the officers in command of a body of New York sympathizers, which resisted Vermont authority in Guilford, in January 1784.—Governor and Council, vol. 3 p. 305.

certifying that the personal estate of said deceased is insufficient to pay the debts due from said estate by the sum of £35 were Read and the prayer of the petition granted and *Ordered* that the petitioner have leave to bring in a bill accordingly—

Resolved that a Committee of five, to join a Committee from the Council be appointed to take under consideration the 7th Resolution in the Recommendation of the Council of Censors—And Report their opinion to this House. The members chosen Mr [Gideon] Olin, Mr [John] Strong, Mr [Benjamin] Wait and Mr [William] Chamberlain—

The Committee to whom was refered the petition of Moses Warren brought in the following Report viz—“That the petitioner was made prisoner while in the service of this state as is set forth in said petition, and that he has received no pay for his time, or the articles he lost when taken—And in the opinion of your Committee he ought to have allowed him £28-11-6 out of the Treasury of this state being the amount of his pay &c. with the interest—

GIDⁿ ORMSBY for Com^{tee}”

The aforesaid Report was Read and accepted and *Resolved* that the Treasurer of this state be and is hereby directed to pay unto Moses Warren¹ the sum of £28-11-6 for his services while a prisoner taken in the service of this state, and for his gun and accoutrements lost at the time of his being taken—

The Committee to whom was refered the petition of Wid^o Lois Button brought in the following Report viz—That they find the facts are true as set forth in said petition and are of opinion that the prayer thereof ought to be granted—

BENJ^a EMMONS for Committee—

The aforesaid Report being Read was accepted—And *Ordered* that the petitioner have leave to bring in a bill accordingly—

A bill entitled, an act confirming a deed of a lot of land given by Jonas Newton to Edward Houghton, was Read and accepted and sent to the Governor and Council for perusal and proposals of amendment—

The Committee appointed last session, to whom was refered the petition signed by Jacob Galusha Town Clerk of Shaftsbury, praying that the act for establishing two half shires in the County of Bennington might be Repealed &c brought in the following Report viz—“To the honorable the General Assembly of the state of Vermont to be convened at Windsor on the 2^d Thursday of Oct^r next—The Committee to whom was refered the petition signed by Jacob Galusha town Clerk of Shaftsbury in the County of Bennington Report as follows viz—This Committee find that the Assembly of this state did in the year 1779 by a Resolution make the town of Bennington a half shire to said County on

1. See p. 188 of this volume of the Journals.

condition that the town of Bennington would build a Court house and Goal [jail] at their own expence which was not complied with on the part of the town of Bennington—We further find that by an act of Assembly passed in February 1781 the town of Bennington is declared a half shire for said County on condition the town of Bennington would compleat a court-house and Goal by the 1st of October then next ensuing which was so far complied with on the part of the town of Bennington that they laid out in those buildings the sum of £240.—We further find that an Act of Assembly was passed in June 1781 declaring the towns of Bennington and Manchester to be half shires for the County of Bennington on condition that the town of Bennington have no credit in the County tax for what they have expended in erecting a Court-house and Goal in said County—which was complied with on the part of the town of Bennington at their town meeting in July 1781.—We further find that the petitioners did in October 1781 prefer a petition to the Assembly setting forth the grievances of the people of the County of Bennington on account of the public buildings, which petition was dismissed as not being brought in due form—And in October 1784 the petitioners again preferred a petition setting forth the same grievances which was dismissed in like manner—And in June in 1785 the petition was again renewed which this Committee have now under consideration—And it is the opinion of this Committee from the above facts and from other evidence to them exhibited, that the prayer of the petition ought not to be granted—Nevertheless on account of the delicacy of the subject, the uneasiness that may still continue in the minds of the people and some other embarrassing circumstances, this Committee would suggest to the honorable General Assembly the propriety of the petitioner being admitted to a hearing at large before the house on the merits of their cause—

SAMUEL MATTOCKS and EBENEZER MARVIN—Committee”—

On motion made by M^r [Jonathan] Robinson and seconded by M^r [Gideon] Olin, *Ordered* that the aforesaid report be taken under consideration at the opening of the House in the afternoon—

A petition and Remonstrance signed by Stephen Arnold, Town Clerk of Clarendon, Jacob Eddy town clerk of Danby, Brewster Higley town Clerk of Castleton Ezra Hickok, James Churchill and W^m Spalding Select men of Hubbarton, Ebenezer Drury town Clerk of Pittsford, and John Baker town Clerk of Ira and one other signed by the town Clerk of Marlborough—And instructions from the town of Manchester to their Representative, all Remonstrating against the act entitled, An act for settling disputes respecting landed property, passed in June last and praying that the same may be Repealed and another act doing more justice to the Antient settlers might be passed—were Read and refered to a Committee of five to join a Committee from the Council to take the same under consideration and report their opinion to this House. The



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Agreeable to order of the day—The House Resolved into a Com^{tee} of the whole to take under consideration the Report of the Com^{tee} on the petition from Shaftsbury &c. which was delivered in yesterday—after some time spent the House formed and—On motion made, *Resolved* that this House agree to the recommendation of the Com^{tee} of the whole and that the following part of the Report of the Com^{tee} on said petition be accepted viz “That the prayer of the petition ought not to be granted and that said petition be dismissed—

On motion made by M^r [Jesse] Safford & seconded by M^r [Benjamin] Wait—*Ordered* that the bill which was Referred from the last session entitled An act establishing the place for erect^g public buildg^s in Windsor County &c. be taken up at the open^g of the house to morrow morning—

Adjourned until to morrow morning 9 °Clock—

THURSDAY Oct^r 20th 1785—

Resolved that a Com^{tee} of five to join a Com^{tee} from Council be appointed to report whether the Grant of Land made by this Assembly to Dartmouth College &c. can be located sooner than is directed in the act grant^g the same—

The House Resolved into a Com^{tee} of the whole on the bill entitled An act establishing the place for erect^g public buildg^s in Windsor County &c—after some time spent the Com^{tee} of the whole Reported to the House as follows viz—“*Resolved* that this Com^{tee} do recommend to the Hon^{ble} the Legislature to refer the several papers relative to the establishing the Court House in the County of Windsor to the next session of Assembly as they now stand—” which Report being Read *Resolved* that the several papers relative to the establishing the Court House in the County of Windsor as they now stand be referred to the next session of Assembly—

A petition from Mary Hyde Administratrix on the estate of Timothy Hyde late of Poultney deceased was Read and A bill entitled An act empowering the Administratrix to the estate of Tim^o Hyde late of Poultney deceased to sell part of the real estate of the said Tim^o Hyde was Read & accepted & sent to the Gov^r & Council for revision & concurrence—

A petition signed by John Hawkins in behalf of the Inhabitants of Bridgwater was Read & Referred to M^r [Luke] Knoulton, M^r [Beriah] Loomis & M^r [William] Ward to state facts & report—

A petition from Elijah West of Windsor was Read & referred to M^r [Gideon] Olin M^r [William] Ward, M^r [Samuel] Knight, M^r [Benjamin] Wait & M^r [James] Blodget to join a Com^t from Council to state facts &c.

A petition signed Penuel Deming of Williamstown was Read & Referred to M^r [Joshua] Wood, M^r [Daniel] Marsh & M^r [William] Gallup to join a Com^{tee} from Council to state facts & Report—

A petition from W^m Smead was Read & refered to M^r [Benjamin] Wait, M^r [Hubbel] Wells & M^r [Jesse] Safford to join a Com^{tee} from Council to state facts & Report—

A bill entitled An act enabling the Selectmen of the town of Cavendish to levy a tax of two pence upon an acre on all the lands in said Cavendish public lands excepted for the purpose therein mentioned— And a bill entitled an act to enable Asa Robinson Adm^r on the estate of Joseph Chamberlain late of Douglass in the county of Worcester & Commonwealth of Massachusetts deceased to sell parts of the real estate of the said Joseph Chamberlain were brought in Read, accepted & sent to the Gov^r & Council for Revision & concurrence—

Resolved that there be & hereby is released to the Widow Lois Button the granting fees that have been laid on 200 acres of land granted by the Gen^l Assembly at their last session being part of a gore of land adjoining Tunbridge—And the Com^{tee} for Receiving granting fees are hereby directed to govern themselves accordingly—

A petition & remonstrance signed by the town Clerk's of Clarrendon, Danby, Castleton Pittsford and Ira and the Select men of Hubbardton was Read & refered to the Com^{tee} appointed yesterday on the petitions from Hartland & Marlboro, &c. and *Ordered* that M^r [Gideon] Olin, M^r [Nathaniel] Chipman, M^r [Samuel] Knight, M^r [William] Gallup & M^r [William] Chamberlain be added to said Com^{tee} & that they also Report on the above petition—

The Com^{tee} to whom was Referred the 7th article in the arrangement Reported “That in their opinion the settlement of the debts due from Confiscated estates be postponed until the title of such estates can be more fully ascertained”—which was Read & accepted.

Resolved that a Com^{tee} of five to join a Com^{tee} from [the] Council be appointed to take under consideration the proceedings of the Court of Confiscation, the Com^{tee} of sales & sequestration & the state of the titles of those who have purchased confiscated estates, state facts & make Report—The members M^r [John] Shumway, M^r [Nathaniel] Chipman, M^r [Luke] Knoulton, M^r [Stephen] Tilden & M^r [Beriah] Loomis.

A petition from Sam^l Wheat Constable of Putney for 1782 was Read & dismissed—

The Com^{tee} to whom was Referred the petition from Dan^l Ashcraft brought in their report which was Read & accepted & leave given for a bill to be brought in accordingly.

Adjourned until 2^oClock in the after noon—

2^oClock P. M.—Oct^r 20th 1785—

A petition from Dudley Chase & Joel Marsh in behalf of the proprietors of Bethel & a petition from Dudley Chase in behalf of the proprietors of Rochester were Read & refered to the Com^{tee} appointed on the 12th article of the Recommendation of the Council of Censors & that they state facts & make Report—

On motion made—*Ordered* that Mr [Jesse] Safford wait on the Gov^r & Council & Request them to join this House in a Court of Equity to hear & determine the dispute between the proprietors of Wilmington & Draper—who accordingly joined the House for said purpose—The Court having adjourned the Speaker Resumed the chair—

A bill entitled An act granting a pardon to Dan^l Ashcraft, was Read & accepted sent to the Gov^r & Council for Revision & concurrence—

The bills entitled An act empowering the Adm^x to the estate of Tim^o Hyde late of Poultney deceased to sell &c.—And An act for dividing the town of Dorset into two distinct parishes—And an act to enable Asa Robinson Adm^r on the estate of Joseph Chamberlain &c. to sell lands &c. having been concurred by Council were Read & passed into laws of this state—

A petition from Nath^l Gott was Read & Referred to Mr [Luke] Knoulton Mr [Beriah] Loomis & Mr [Jonathan] Robinson to state facts & report—

A petition from Joseph Foster & Aaron Barlow agents for Barnard was Read & Referred to Mr [William] Ward, Mr [Benjamin] Wait & Mr [James] Blodget to join a Com^t from Council to state facts & report—

Resolved that Mr [Jonathan] Robinson, Mr [Benjamin] Wait & Mr [Jesse] Safford be a Com^{tee} to confer with the Com^{tee} of Pay-Table and Report a method for liquidating & keeping an acc^t of the debts due from this state—

A petition from James Aikin was Read & referred to Mr [Hubbel] Wells, Mr [Aaron] Barlow & Mr J. Bradley to state facts & report—

Adjourned until to morrow morning 8^o Clock—

FRIDAY Oct^r 21st 1785—

The Court of Equity met & adjourned—

Resolved that the Com^{tee} on hard money orders take under consideration the situation of State notes respect^g being received on state taxes that have been previously granted—& make Report—

A petition from a N^o of Inhabitants of Lunenburg, Guildhall and Maidstone was Read & referred to Mr [Israel] Smith, Mr [John] Strong, Mr [Arad] Hunt, Mr [Benjamin] Wait & Mr [Noah] White & that they state facts & report!

The Com^{tee} to whom was referred the petition of Eben^r Richmond brought in their Report which was Read & accepted and Thereupon,

Resolved that the Treasurer be & is hereby directed to credit the town of Barnard the sum of £1-7-1½ on the hard money tax of 3^d on the pound and the sum of £1-16-8 on the tax of 4^d on the pound which taxes were granted the last session of the Legislature—

A petition from Abel Rice & Abel Pratt of Guilford was Read & dismissed—

The Com^{tee} to whom was referred the situation of the Grant made to Dartmouth College &c. reported—which was Read & accepted & leave given for a bill.

Adjourned until 2^o Clock



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A petition from Paul Spooner & Jerusha Hough Ad^{ms} on the estate of Doct^r Jedidiah Fay late of Windsor deceased was Read and the prayer Granted And

A bill entitled An act empowering the Administrators to the estate of Jedidiah Fay late of Windsor deceased to sell part of the Real estate of said Fay was Read, accepted & sent up for Revision & concurrence—

Adjourned until next Monday Morning 10 °Clock—

MONDAY Oct^r 24th 1785—

A petition from Solomon Willard was Read & refered to M^r [Luke] Knoulton, M^r [Jehiel] Webb and M^r [Arad] Hunt to Report—

Resolved that this Assembly will adjourn the present session on Wednesday next if business will then possibly admit—

The bill entitled An act grant^g a pardon to Dan^l Ashcraft—And the bill entitled An act empowering his Excellency the Gov^r & Council to issue a charter of incorporation to the Trustees of Dartmouth College &c. and the amends of Council thereon—The bill entitled An act empowering the Ad^{ms} to the estate of Jedidiah Fay &c. to sell land &c—were Read after concurrence & passed into laws of this state

A petition signed by W^m Sargeants was Read & dismissed—

A bill entitled An act ag^t taking or destroying white pine or any other valuable timber—And a bill entitled an act empowering the Ad^{mr} to the Estate of Sam^l Skinner late of Jamaica deceased to sell part of the real estate of said Samuel Skiner—were read accepted & sent up for concurrence—

The bills entitled an act enabling the Selectmen of the town of Cavendish to levy a tax of two pence on each acre of land &c. and an Act empowering the Ad^{ms} to the estate of Sam^l Skinner &c. to sell land &c. were Returned concurred Read & passed into Laws of this state—

Ordered that the Com^{te} that was appointed to Receive the List be directed to doom such towns as have not sent in their list and make Report—

A petition signed John Rugg in behalf of himself, W^m Williams and others late Com^{te} of safety of the town of Wilmington was read and refered to Mess^{rs} [Arad] Hunt, [Benjamin] Wait & [Hubbel] Wells to state facts & report—

The Com^t appointed to consider on the different hard money orders & state notes—made the following report (viz)

That all Collectors of hard money taxes be directed to receive any hard money orders in the payment of such taxes—And that the several Collectors of states money taxes have liberty to pay up such taxes at the treasury in any of the notes issued on the credit of this state & that said Collectors be obliged to pay interest in hard money or hard money orders on such sums as they shall pay as aforesaid from the time the tax became due until it be paid—which was Read & accepted & ordered to be inserted in the bill for laying a tax of three pence on the pound—

The Committee on the petition of Daniel Taylor and also on the petition from the inhabitants of Lunenburgh, Maidstone & Guildhall Reported on each "That the prayer thereof be granted"—which being Read were accepted and leave given for a bill to be brought in accordingly—

The Com^{tee} on the petition of the selectmen of Stamford—Report that in their opinion a tax of one penny on each acre of land in said town ought to be granted for making Roads &c. to be expended by the direction of the selectmen—which was Read, accepted & leave given for a bill to be brought in accordingly—

The Com^{tee} on the motion of M^r [Perez] Dean report—"That in their opinion a tax of one penny ought to be laid on each acre of land in Woodford & Reedsboro' [Readsboro] for making & repairing roads &c" which was read & accepted & leave given for a bill to be brought in accordingly—

M^r [John] Strong moved for leave and brought in a bill entitled "An act forming the county of Addison into a Probate District—which was read, accepted & sent up for perusal & proposals of amendment—

A petition signed Elizabeth Elliot Executrix of the last will & testament of Sam^l Elliot Jun^r late of Boston deceased was read & refered to Mess^{rs} [Gideon] Olin, [William] Ward & [Jesse] Safford to state facts & report—

Ordered that M^r [John] Strong be requested to bring in a bill enabling the Auditors to possess themselves of all papers that they shall judge necessary to complete a settlement of accounts—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M.—Oct^r 24th

A petition from the selectmen of Rockingham for the year 1780 was read & refered to Mess^{rs} [Jesse] Safford, [Jonathan] Willard & [Elias] Stevens—

A petition from Benj^a Willard praying for a new trial was read & refered to Mess^{rs} [John] Shumway, [Samuel] Williams & [Hilkiah] Grout—

A petition from Hosea Miller was read & dismissed—

Resolved that it be & is hereby earnestly recommended to his Excellency the Governor & the hon^{ble} the Council immediately to make out a charter of incorporation of a tract of land granted to John Wheeler^r & C^o the 23^d day of Feb^y 1782 lying in this state containing about 2/3^d of a township six miles square bounded North on Lunenburgh, South on Concord being about four miles wide northerly of said Concord & extending six miles in length from Connecticut River, the said John

1. The only township in which John Wheeler's name stands at the head of the list of proprietors, is Canaan. A record of the grant may be found in State Papers of Vermont vol. 3, part 2, p. 70. Canaan does not adjoin either Concord or Lunenburg.

Wheeler & C^o having made it appear that they have long since paid the granting fees therefor—

The Com^{tee} to report a mode for liquidating public accounts, reported, which was Read & dismissed—

The Com^{tee} on the petition from Ferrisburgh, Reported that there ought in their opinion a tax of two pence be laid on each of land in said town for making roads &c''—which was read & accepted & leave given for a bill to be brought in accordingly

Resolved that Mess^{rs} [Abraham] Jackson [Stephen] Tilden & [Edward] Aikin be a Com^{tee} to report a mode for procuring a standard for weights & measures—

The Com^t on the petition from Rockingham, report that the facts set up therein are true & that the prayer thereof ought to be granted—which was read, accepted & leave given for a bill to be brought in accordingly—

Resolved that the Commissary Gen^l be & is hereby directed to credit the town of Rockingham so much of the provision tax of 1780 as was laid on the sum of £767—

Resolved that Mess^{rs} Bayley [Jesse] Safford, [Luke] Knoulton, [Samuel] Williams & [Gideon] Olin be a Com^{tee} to liquidate all accounts against this state & make report—

The following bills were brought in agreeable to order and were read & sent to the Governor & Council for revision & concurrence—viz

An act enabling the selectmen of the town of Stamford to levy a tax of one penny on each acre of land in said town public rights excepted for the purposes therein mentioned—

An act enabling a Com^t to levy a tax of one penny on each acre of land in the town of Woodford, public rights excepted, for the purpose therein mentioned—

An act establishing a certain agreement made between the proprietors of the towns of Addison & Panton in the county of Rutland

An Act to repeal an act entitled "An act to vacate all the proceedings of the Legislature of this state respecting the boundaries of Guildhall in Orange County—And,

An Act to oblige Silas Hamilton,¹ Amos Peabody & Eliphalet Hyde to render an account for lands by them sold in pursuance of a Resolution of Assembly made the 25th of February 1779—

Adjourned until to morrow morning 8 °Clock—

TUESDAY October 25th 1785—

Resolved that his Excellency the Governor of this state be & is

1. Messrs. Hamilton, Peabody and Hyde had been appointed by the General Assembly a committee to make a road from the west line of Wilmington through Readsboro and Woodford to the east line of Bennington. They were empowered to sell such portion of the proprietors' lands in Readsboro and Woodford as might be "sufficient to make, mend or repair" this road.—See State Papers of Vermont, vol. 3, part 1, pp. 62-63.



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The following was handed to the speaker from Council, viz.

“In Council Windsor Oct^r 25th 1785—

Resolved that this Council do recommend to the Hon^{ble} the General Assembly to grant to a Committee of trust a gore of land between Corinth & Mooretown [Bradford] (signed) THO^s TOLMAN Sec^y—which being read was *Ordered* to lie on the table—

The Council sent back the bill entitled “an act annexing the north part of Ira to Castleton,” with the following proposals, viz, This Council do recommend that said bill be not passed into a law of this state until a settlement be made concerning the town or district of Ira” which being read was agreed to—

Mr [Beriah] Loomis moved & had leave to bring in a bill in alteration of the act regulating schools—

A bill entitled An act to render more effectual several acts passed by the General Assembly of this state to enable the towns or persons in said acts respectively named to levy & collect certain specified taxes on each acre of land mentioned & described in said acts,” being sent in by the Council requesting the same to be passed into a law, was Read & *Ordered* to lie on the table.

The Council of Censors sent in a Resolution, recommending to the Legislature to repeal an act entitled, “An act to secure Daniel Marsh^r in the possession of a certain farm until he shall have an opportunity of recovering his betterments and nullifying several judgments rendered against him”—passed June 18th 1785—Also An Act passed the same day entitled, “An act confirming Andrew Graham of Putney in the county of Windham in the quiet & peaceable possession of the farm on which he now lives in said Putney & rendering all judgments respecting the possession of the same heretofore had & rendered by any court of law whatsoever null & void”—which being read were refered to a Committee of five to join a Com^t of Council to take the same under consideration & report their opinion to this house—Members chosen Mess^{rs} [Samuel] Williams, [John] Shumway, [William] Bigelow, [John] Weld & J. Bayley.

Mr [Nathaniel] Niles moved & had leave & brought in a bill entitled An act in addition to an act entitled “An act for levying a tax on all lands in Fairlee for the purpose of repairing roads & making bridges,” which was read accepted & sent up for revision & concurrence &c.

The Com^t on Benj^a Willards petition, reported, “That in their opinion the prayer thereof ought not to be granted” which being read was accepted & said petition dismissed—

Agreeable to the order of the day the House took under consideration the report of the Com^{tee} &c. respecting county buildings in Windham County—And on motion made—*Ordered* that the Speaker, be re-

1. The text of the acts relating to Marsh and Graham may be found in Slade's Vermont State Papers, pp. 496-500.

quested to bring in a bill for appointing supervisors in the county of Windham to meet & agree upon the shire town or towns in said county.

M^r *Speaker* [S. R. Bradley] moved for leave of absence until Thursday morning—Granted—And—*Resolved* that M^r [John] Strong be & he is hereby appointed speaker *pro tem* in the absence of the speaker—

The following bills were returned from Council concurred and read & passed into laws of this state viz—

An act enabling the Selectmen of Stamford to levy a tax of one penny on each acre of land in said town, public rights excepted, for the purpose therein mentioned—

An Act for the purpose of levying a tax of two pence on all the lands in the town of Addison in the county of Addison—

An Act enabling a Com^t to levy a tax of one penny on each acre of land in the township of Woodford &c. for the purpose therein mentioned—

An Act forming the county of Addison into a probate District And An Act in addition to “an act for levying a tax on all the lands in Fairlee for the purpose of making roads & bridges—

Adjourned until to morrow morning 8 °Clock—

WEDNESDAY, October 26th 1785

The following resolution of the Governor & Council was read viz:

“*Resolved* that the General Assembly be requested to join in Grand Committee as soon as it is convenient for them for the consideration of the bill to oblige Silas Hamilton, Amos Peabody & Eliphalet Hyde to render an account for lands sold in pursuance of a Resolution of Assembly made the 25th Feb^y 1779”—whereupon, *Resolved* that M^r [Beriah] Loomis be requested to inform the Gov^r & Council that this House will join them in Grand Committee as soon as may be—

The Com^te on the petition for a tax in Bridgewater, Reported that a tax be granted of 1½^d p^r acre on the lands in said town—which was read accepted & leave given for a bill to be brought in accordingly—

The Com^te appointed to doom the several towns who have not sent in their lists according to law—made their Report—which being read—*Resolved*, that the following towns be & they are hereby doomed the sums annexed to their several names viz—

Stamford	£ 724-0	Springfield	£ 2491-0	Barnet	£ 1153-0
Pownall—	7055-0	Hartford—	3565-10	Thetford	2259-15
Cornwall—	1045-0	Andover—	400-0	Strafford—	1589-0
Tinmouth	3443-10	Newbury—	3000-0	Fairlee—	950—
Harwich	250-0	Ryegate—	644-0	Maidstone	300—
Athens—	781-0	Lunenburg—	635-15	Guildhall	450—
Thomlinson	250-0				

The Council sent back the bill entitled an act to oblige Silas Hamilton, Amos Peabody & Eliphalet Hyde to render an account of lands by

them sold &c. non concurred—which was again read & refered to the next session of Assembly—

The Governor Council and House of Assembly having formed into a court of equity on the petition of the proprietors of Wilmington against the Proprietors of Draper—The proprietors of Draper by their attornies M^r Knight and M^r Bradley plead to the Jurisdiction of the Court—The question being put whether this Court will take any further cognizance of the bill or petition—It passed in the negative—

The House then formed & proceeded to business—

The following bills were brought in agreeable to order—viz—

An Act enabling the Selectmen of the town of Bridgwater to levy a tax of one penny half penny upon an acre on all the lands in said Bridgwater (public rights excepted) for the purposes therein mentioned—

An Act for the purpose of levying a tax of three pence on the pound

An Act for ascertaining the expence of making surveys in certain cases therein mentioned—

An Act to repeal a certain clause in an act entitled “An act for the regulating fees, passed at Westminster October 17th 1783—And,

An Act for the purpose of levying a tax of one penny per acre on all the lands in the town of Hartland in the County of Windsor were severally read & sent to the Governor & Council for perusal & proposals of amendment &c.

The following bills were read after concurrence and passed into laws of this state viz—

An Act to render more effectual several acts passed by the General Assembly of this state to enable the towns or persons in said acts respectively named to levy and collect certain specified taxes on each acre of land mentioned and described in said acts—And

An Act to authorize the inhabitants of Pomfret to raise a tax for the purpose of building a house for public worship in said town—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

The Committee on the petition of John Rugg in behalf of the late Committee of safety for the town of Wilmington—report—

“That we find the farm mentioned in said petition was ordered to be confiscated—That no deed has been given in consequence of said order—That said Fairbank purchased said farm of one Jonathan Rogers but had not paid said Rogers—That said Fairbanks gave a deed of said farm to Luke Knoulton Esq^r—That said farm so ordered to be confiscated has been sold to pay a land tax—That said Jonathan Rogers has attached said farm for the debt due to him from said Fairbank for said farm—And the same or the greatest part thereof hath been appraised to said Rogers in discharge of said debt—we are therefore of opinion that said petition ought to be dismissed—

The aforesaid report was read, accepted and the petition dismissed.



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grantees—And that the petitioner did himself pay the consideration mentioned in said deed, and did receive and deliver said deed to the town clerk of the town of Windsor with directions to said town clerk not to record the same at that time and that through mistake without any direction from any of the parties the said deed has been since entered on record, therefore it is the opinion of this Committee that the said record be declared null & void”—which was read accepted and leave given for a bill to be brought in accordingly—

The Com^{tee} to whom was referred the petition of Nathaniel Gott report, “That it appears the said Abner Osgood did issue a warrant to apprehend the body of said Gott and did not set forth any matter of charge in said warrant—That the said Osgood did grant an attachment on book account against the said Gott where the damages were laid at £15. and the sum in demand was £9-8-0-The said Gott pleaded to the jurisdiction to the court and read the law respecting the limitation of a justices court yet notwithstanding he the said Osgood proceeded to try said cause and rendered judgment thereon, whereupon it is the opinion of this Committee that the complaint be laid over—That the Clerk of this Assembly be directed to cite the said Osgood to appear at the next session of Assembly and shew cause if any he has why an impeachment should not be prosecuted against him”—which was read & accepted, and

Ordered that the Clerk of this Assembly be directed to cite said Abner Osgood to appear at the next session of Assembly and shew cause if any he has why an impeachment should not be prosecuted against him—

The Committee on the petition of Elijah Paine—report—“That it is their opinion that a Committee be appointed from various parts of the state to view the town of Williamstown and the country adjacent, and report to the next session of this Assembly their opinion of a proper place for erecting a college”—which was read, accepted and

Resolved that a Committee of six be appointed to repair and view the town of Williamstown and parts adjacent,—That they likewise take under consideration the offers made by Mr [Elijah] Paine^r and

1. Elijah Paine shares with Ira Allen the honor of active service in attempting to provide at an early date, a collegiate institution for Vermont. A native of Brooklyn, Conn., he abandoned his studies in preparation for college, to participate in the Revolutionary War. He graduated from Harvard College in 1781, studied law, and removed to Vermont in 1784. After a brief residence at Windsor, Vt., he cleared a large farm at Williamstown, Vt., which was his home thereafter. He acquired large wealth, and is said to have owned 15,000 Merino sheep and many cattle, horses and swine. He erected a mill for the manufacture of broadcloth which employed nearly two hundred men. He represented Williamstown in the Legislature, 1787-1791; was one of the commissioners who settled the long standing controversy with New York; was a delegate to and secretary of the Constitutional Convention of 1786; was a member of the Council of Censors in 1792; served a Judge of the Supreme Court, 1791-1795; was United States Senator from 1795 to 1801; declined reelection to accept from President Adams, near the close of his administration, the office of United States Judge for the District of Vermont, which he held until

make report to the next session of Assembly their opinion of a proper place for erecting a college—The members chosen M^r [Jonathan] Robinson, M^r [Samuel] Williams M^r [John] Strong, M^r *Speaker* [S R Bradley] M^r [Benjamin] Wait and M^r [Beriah] Loomis—

The Committee on the petition of William Smead made report, which was read & accepted, & leave given to bring in a bill—

Resolved that the next election be held in Rutland—

Resolved that the Reverend M^r Lyman Potter of Norwich be requested to preach the next election sermon—and if he should fail that the Rev'd M^r Pelatiah Chapin of Windsor be requested to preach said election sermon—And that M^r [Jacob] Burton & M^r [Benjamin] Wait be requested to inform them of this resolution.

The Committee on the petition of Gideon Cowle, report, that they find the facts as stated to be true & that the prayer of the petition ought to be granted which was read accepted & leave given for a bill to be brought in accordingly—

Resolved that this House will join with the Governor and Council in Grand Committee to take under consideration the bill entitled “An act to repeal an act entitled “An act to vacate all the proceedings of the Legislature of this state respecting the boundaries of Guildhall in Orange county” at the opening of the house in the afternoon—

The Committee to whom was refered the petition of Jonathan Child report—“That in their opinion the prayer of the petition ought to be granted—which was read, accepted and Thereupon,

Resolved that Col^o Jonathan Child be allowed a new trial in the action on which Joseph Kimbal Esq^r obtained a judgment against him at Keene in the county of Washington on the second Tuesday of August 1781, said action to be entered in the county court in the county of Windsor to be holden on the last Tuesday of May next, by copies from the other court—That the said Child be at the expence of entering said action and enter into sufficient bonds to satisfy the judgment that may be obtained against him and that he have all the benefits of pleading that he might have had at the first stage of the original suit—And that the action now pending in Windsor County Court on the said Judgment against Col^o Child be continued to the next May term and if the said Child do then bring forward and enter the action for a new trial that the said action on the judgment be discharged and no further prosecuted, otherwise that the said Kimball be allowed to proceed in his action on the judgment—

The Committee on Elizabeth Elliotts petition made a verbal report:

shortly before his death in 1842, a period much longer than the term of any other Vermont incumbent of this judicial office. The aggregate length of the terms of three United States Judges for the District of Vermont, Judges Paine, Smalley and Wheeler, was ninety-one years. One of Judge Paine's sons, Charles, was Governor of Vermont. Judge Paine was member of several learned societies. He died April 21, 1842.—See sketch by Judge Frank L. Fish in his History of the Vermont Bench and Bar, in Crockett's History of Vermont, vol. 5, pp. 32-34.

that they could not agree on a report on the petition—*Ordered* that the Com^{te} be dismissed & that the petition be refered to the next session—

Resolved that Gamaliel Painter, Jeremiah Bingham, William Coit Samuel Beach, Amos Fasset, David Vallance, William Brush and Thomas Butterfield be and they are hereby appointed county surveyors for the county of Addison—

Resolved that the Treasurer be and is hereby directed to take the most effectual measures immediately to collect all the arrearages of taxes—And that this be published for the information of all concerned—

The Com^{te} on the 12th Article¹ of the recommendation of the Council of Censors—made report—which was read & dismissed.

Resolved that the Treasurer be and he is hereby directed to pay the debenture of this Assembly being £349-6-10 to the several members the sum annexed to each name respectively by drawing orders on any of the hard money taxes—

The following bills were brought in according to leave, read accepted and sent up for concurrence &c. viz—

An Act directing the choice of Supervisors in the county of Windham and declaring their power and duty.

An Act in addition to an act entitled An Act appointing and supporting schools²—

An Act ordering and disposing of the glebes and rights granted to the society for propagating the gospel in foreign parts—

An act to vacate the record of a deed on the book of records in the town clerks office in the town of Windsor—And,

An Act to continued in force the laws of this state—

The Governor and Council sent back the bill entitled “An act ordering and disposing of the glebes and rights granted to the society for probagating the gospel in foreign parts—proposing that said bill should be refered to the next session—*Ordered* that said bill be refered accordingly—

The following bills were sent from Council proposing that the same should be passed into laws of this state—viz—

An act in addition to an act regulating proprietors meetings—

An Act directing what money shall be a legal currency³ in this state and at what rate the same shall pass—

1. This article recommended the repeal of an act to regulate and establish town lines.—See p. 180 of this Journal.

2. This act provides “that the trustees of county schools shall have power, and they are hereby authorized and empowered to regulate the internal affairs of schools under their care, with respect to appointing and removing a master or masters, granting him or them powers and instructions, stating salaries, prescribing the mode of payment; and in general that they supervise the affairs of the school and see that they are conducted in such manner as may redound to the greatest literary benefit of the students.” Acts of 1785.

3. This act provided “that all genuine coined gold, silver, and copper shall be legal money in this State, and shall pass as follows, viz:—all gold coin of the fineness of a half johannes, shall be at the rate of five shillings and four pence a pennyweight; silver coin



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resolution directing the Governor and Council to make out a charter to John Wheeler and Company passed October 24th instant be reconsidered and laid over to the next session—The com^{te} then dissolved—attest—ROS^l HOPKINS Clk.

The House then formed—And the said report being Read was agreed to & *Ordered* that M^r [Israel] Smith & M^r [Nathaniel] Chipman be a Com^t to bring in a bill to the second resolution of said report—

M^r [John] Weld moved for leave to bring in a bill repealing part of an act respecting making a general survey—*Ordered* that he have leave—

The Com^t to whom was refered the Recommendations of the Council of Censors of the 17th Ins^t report—That it is our opinion that they ought to be accepted and complied with by the General Assembly—which being read,

Ordered that the said report be refered with the said recommendations to the next session of this Assembly—And that the clerk of this Assembly cite the parties to appear & shew their reasons if any they have why the acts mentioned in said recommendations should not be repealed—

The Com^t on the petition of the proprietors of Bethel and Rochester report—That they find the facts therein stated to be true and that the prayer of the petition ought to be granted”—which was Read accepted & leave given for a bill to be brought in accordingly—

The Committee appointed to prepare a bill in alteration of an act entitled “an act for settling disputes respecting landed property” brought in said act as it was inserted in a newspaper with some additions &c. which was read, accepted & sent up for concurrence—

A bill entitled An act in addition to and alteration of an act entitled an act regulating civil actions—was sent in by Council & refered to next session—

Resolved that there be and hereby is granted to Henry Moore and Col^o John Taplin as a Committee of trust a gore of land bounding between Corinth and Mooretown [Bradford] and that the Governor and Council are hereby requested to issue a charter of incorporation under such regulations, reservations, restrictions and fees as may be thought proper—

A bill entitled An act in addition to an act entitled “An act directing and regulating the levying and serving executions” was brought in by M^r [Abraham] Jackson & refered to the next session—

Whereas disputes have arisen respecting the southerly corner of Guildhall in the county of Orange on Connecticut River and the same matter has been litigated and is now pending before this Assembly between the proprietors of Guildhall on the one part and the proprietors of Lunenburgh on the other part, for the settlement whereof, be it,

Resolved that an issue or issues to be filed by Council on either part before the supreme Court to be holden at Thetford in the county of Orange on the third Tuesday following the fourth Tuesday of August next by a special jury from such towns in said county as are not in-

terested in the event of said issue or issues, which jury shall be struck under the direction of said Court—which issue or issues the Supreme Court are directed to try and return the determination thereof to the General Assembly in October next—And if either party shall neglect or refuse to agree or to try said issue or issues the Assembly will consider such refusal or neglect as an acknowledgment of the rights of the adverse party and will determine accordingly—And this resolution shall be published in both of the Vermont Gazettes three weeks successively six months before the time of the Court sitting as aforesaid—And the same shall be sufficient notice for the parties to appear and defend—

Resolved that the Com^t^e appointed to repair to Williamstown respecting viewing a place for erecting a College be and they are hereby directed to meet at Royalton the second Tuesday of June next—

The Committee on the 7th article in the recommendation of the Council of Censors report—“That in our opinion a certain clause in the act mentioned in said recommendation ought to be repealed”—which was read accepted and—*Ordered* that the Secretary be requested to prepare a bill and lay before the next session—

The following bills were brought in according to leave viz—

An act granting to Gideon Cowle of Farmington in the county of Hartford and State of Connecticut a trial in a certain cause wherein Samuel Messer of Windsor in the county of Windsor was plaintiff & the said Cowle defendant, wherein judgment was rendered by default before the county court holden at Windsor within and for the county of Windsor on the last Tuesday of October 1793—

An act in addition to an act entitled an act regulating sheriffs in their office and duty—

An Act for authenticating a certain deed therein mentioned—&

An Act to repeal certain laws of this state respecting the duty of the Surveyor-General—which were severally read and sent to the Governor and Council for revision & concurrence—

The following bills were returned from Council concurred viz.

An Act to continue in force the laws of this state—

An Act to vacate the record of a deed on the book of records in the town clerks office in the town of Windsor—

An Act granting to Gideon Cowles of Farmington in the county of Hartford & state of Connecticut a trial in a certain cause &c.

An Act for authenticating a certain deed therein mentioned—

An Act for settling disputes respecting landed property—And

An Act in addition to an act regulating sheriffs in their office and duty—which were severally read & passed into laws of this state—

The bill entitled “An act to repeal certain laws of this state respecting the duty of the surveyor General¹”—was returned from Council with the following proposals entered on the same viz—

1. This bill represented a hostile movement designed to discredit Ira Allen. All but one of the votes refusing to postpone consideration were cast by members from eastern Vermont.—See note in Governor and Council, vol. 3, pp. 95-96. The bill was defeated in joint session.

“This Council do earnestly recommend that this bill be refered to the next session of this Assembly before it be passed into a law”—

The question being put whether said bill should be refered to the next session according to the recommendation of Council—The yeas & nays being required they are as follows—

Yeas		Nays	
Mr	Robinson	Mr	Niles
	Ormsby		Finney
	Olin		Bigelow
	William		Wells
	Higley		Swift
	Carpenter		Webb
	Strong		Wait
	Everist		Weston
	Ward		Heald
	Jackson	Mr	Grout
			Coffeen
Mr	<i>Speaker</i>		Weld
	Lyman		Gallup
	Olds		Safford
	Knoulton		Barlow
	Aikin		Marsh
	Hunt		Gilbert
	S. Bailey	Mr	Stevens
	Loomis		Hawkins
	Walker		Perry
	Blodget—20		J. Bayley
			Chamberlain
			How
			23

So it passed in the negative, whereupon

Resolved that this House will join the Governor & Council in Grand Committee on said bill—

The Governor Council & House of Assembly formed in Grand Com^{tee} on said bill—

His Excellency in the chair—ROS^l HOPKINS Clerk—

“*Resolved* that this Com^{tee} do recommend to the General Assembly to refer the said bill to the next session of Assembly”—

The Com^{tee} then dissolved—

The House formed—and the report of the Grand Com^{tee} being read was agreed to & said bill refered to next session—

Resolved that the Committee of Pay-Table be and they are hereby directed to publish in both of the newspapers printed in this state three months successively notifying all persons that have accounts against this state unliquidated prior to the 13th of this instant October that if they do not prefer the same to the Committee of Pay-Table for adjust-



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A JOURNAL
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

AT THEIR SESSION AT RUTLAND OCTOBER A. D. 1786



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Hinsdale, John Bridgman, Esq;
 Brattleborough, Mr. Joseph Clark,
 Dummerston, Capt. Leonard Spalding,
 Putney, Capt. Daniel Jewet,
 Rockingham, Mr. Samuel Taylor,
 Hallifax, Hubbel Wells Esq;
 Guildford, Mr. Peter Briggs,
 New Fane, Luke Knowlton, Esq;
 Whitingham, Mr. James Roberts,
 Wilmington, Jesse Cook, Esq;
 Townsend, Doct. Joshua Wood,
 Londonderry, Edward Aikin, Esq;
 Wardsborough, Mr. Aaron Hudson,
 Athens, Mr. James Shafter,
 Thomlinson [Grafton] Mr. Ebenezer Burgiss.

County of Windsor

Windsor, Briant Brown, Esq;
 Springfield, Capt. Abner Bisbee,
 Weathersfield, Mr. Joseph Hubbard,
 Hartland, Mr. Dan Davison
 Hartford, Mr. Elisha Marsh,
 Norwich, Paul Brigham, Esq;
 Chester, Daniel Heald, Esq;
 Woodstock, Benjamin Emmons, Esq;
 Reading, John Weald, Esq;
 Pomfret, Capt. Abida Smith,
 Cavendish, Capt. John Coffeen,
 Barnard, Capt. Beriah Green,
 Sharon, Mr. James Carpenter,
 Royalton, Major Calvin Parkhurst,
 Bethel, Mr. Nathaniel Throop,

County of Orange

Newbury, Col. Thomas Johnson,
 Fairlee, Israel Morey, Esq;
 Moortown [Bradford], Pelatiah Bliss, Esq;
 Strafford, Mr. Samuel Bliss,
 Lunenburgh, Mr. Eleazer Rosbrook,
 Guildhall, Mr. John Rich,
 Randolph, Mr. James Steele,
 Ryegate, Mr. James Whitlaw,
 Barnet, Alexander Harvey, Esq;
 Brookfield, Mr. Jonathan Pierce,

County of Addison

Addison, John Strong, Esq;
 Bridport, Mr. Nathan Manley,

Leicester, Capt. John Smith,
 Cornwall, Hiland Hall, Esq;
 Salisbury, Gamaliel Painter, Esq;
 New: Haven, Mr. Phineas Brown.
 Ferrisburgh, Mr. Abel Thompson,
 Panton, Mr. Peter Ferris,
 Two-Heroes, Col. Ebenezer Allen,
 Williston, Mr. Jonathan Spafford,
 Burlington, Capt. Samuel Lane,
 Essex, Mr. Dubart Willard,
 Mosiske Tongue, [Alburgh] Thomas P. Lloyd, Esq;

THURSDAY October 12th 1786—

The House of Assembly having formed The ballots were taken for a speaker, when

Col^o JOHN STRONG was declared duly elected—The ballots being taken for a Clerk,

Doct^r ROSWELL HOPKINS was unanimously re-elected, and sworn—

Resolved that a Committee of three be appointed to wait on the Governor and Council and inform them that the House have formed and are ready to proceed on business—Members Mess^{rs} [Paul] Brigham [Luke] Knoulton and [Gideon] Olin—

The Governor and Council having joined the House they proceeded to the meeting house where the Rev'd Pelatiah Chapin preached an election sermon agreeable to the request of the General Assembly at their last session

The House having returned to the Court house—On motion,

Resolved that a Committee of twelve be appointed to join a Committee from Council to receive sort, and count the votes for Governor, Lieutenant Governor, Treasurer, and twelve councillors and declare the persons chosen—Members Mess^{rs} [Elijah] Dewey, [Silas] Goodrich, [Mathew] Lyon, [Ebenezer] Marvin, [Luke] Knoulton [Phinehas] Freeman, [Phinehas] Brown, [John] Weld, [Alexander] Harvey, [Israel] Morey, [Gamaliel] Painter, *Speaker* [John Strong].

The Credentials of Darius Chipman Esq^r of Clarendon certified by Alfred Hathaway constable and the credentials of M^r Daniel Marsh of Clarendon certified by Abel Cooper and David Palmer as select men were objected to and *ordered* to lie on the table—

The Com^{tee} appointed to receive sort and count the votes for Governor &c. report,

His Excellency THOMAS CHITTEN [Chittenden] Esq^r Governor—

No choice of Lieutenant Governor—

No Choice of Treasurer—

The Hon^{ble} SAMUEL SAFFORD, SAMUEL MATTOCKS, THOMAS PORTER, THOMAS MOREDOCK, SAMUEL FLETCHER, JOHN STRONG, NATHANIEL NILES,

JACOB BAYLEY, TIMOTHY BROWNSON, EBENEZER WALBRIDGE, JONATHAN HUNT and PETER OLCOTT Esquires councillors—signed

TIMOTHY BROWNSON for Com^t

Adjourned until to morrow morning 9 °Clock—

FRIDAY October 13th 1786—

The House took under consideration the credentials of Darius Chipman Esq^r & M^r Daniel Marsh both from Clarendon,—The credentials and a remonstrance signed by eighty two inhabitants of said Clarendon remonstrating against the election of M^r Chipman, were read and on motion that M^r Chipman be admitted to a seat in this house, it passed in the negative—And on motion that M^r Marsh be admitted to a seat, it also passed in the negative—

On motion,

Ordered that M^r [Ebenezer] Marvin be requested to wait on the Governor and Council and inform them that the house are formed and ready to proceed to business—

Resolved that the first constable and select men of the town of Clarendon be and they are hereby directed immediately to warn all the freemen in the town of Clarendon to meet at the usual place of holding freemens meetings in said town on the sixteenth day of October instant at one oclock in the afternoon then and there, if they think proper to elect a Representative in Assembly for the remainder of the year ensuing—

The Governor and Council having joined the House & formed in Grand Committee—

The ballots being taken for a Lieutenant Governor for the year ensuing,—

The Hon^{ble} PAUL SPOONER Esq^r was declared elected

The ballots being taken for a Treasurer of this state for the year ensuing,—

The Hon^{ble} SAMUEL MATTOCKS was declared elected—

House adjourned until 2 °Clock afternoon

2 °Clock P. M—

On motion,

The ballots were taken for a secretary of state for the year ensuing,—

MICAH TOWNSEND Esq^r was re-elected & sworn—

On motion,

The ballots were taken for a speaker in the room of Col^o Strong elected a councillor,

GIDEON OLIN Esq^r was elected—

Resolved that a Committee of three be appointed to prepare and report rules for regulating this Assembly—The members, Mess^{rs} [Luke] Knoulton, [Matthew] Lyon and B. Brown—



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afternoon be assigned to take under consideration all the papers respecting establishing a place for the county buildings in Windsor county—

M^r David Gitchel who was elected a representative for the town of Rutland for the present year sent in his credentials with his resignation entered on the same, which being read

Resolved that the constables of the town of Rutland be and they are hereby directed immediately to warn all the freemen in the town of Rutland to meet at the usual place of holding freemens meetings in said town on the sixteenth day of October instant at one oclock in the afternoon, then and there if they think proper to elect a representative in the room of M^r David Gitchill resigned for the remainder of the present year—

The Com^{tee} appointed to report rules of the house made their report which being read,

Resolved that the rules mentioned in said report be observed by the members of this house.

M^r [Leonard] Spalding produced credentials of his appointment as a representative for the town of Dummerston—which being read, he was admitted to his seat—

A petition signed Laban Gates was read and refered to Mess^{rs} [Calvin] Parkhurst, B. Brown & [Silas] Goodrich.

A petition signed Peter Sloan, Throop Chapman and a number of others was read and refered to a committee of three to join a committee from council to state facts & report—Members Mess^{rs} [Jesse] Cook, [Gamaliel] Painter and [Hubbel] Wells—

A petition from Isaac Farwell collector of state taxes for the town of Dorset for the year 1786 was read the prayer granted and,

Resolved that the Treasurer be directed to credit the town of Dorset so much as shall be raised on the grand list for the year 1785 on the sum of three hundred and forty one pounds by reason of the list being mis-cast that sum too much.

A petition signed Stephen Conant was read and dismissed—

A petition from Robert Loggan collector for the year 1785 for the town of Manchester, and a petition from the selectmen of Pownall was read and refered to Mess^{rs} [Brewster] Higley, [Lemuel] Chipman & [Elijah] Dewey to state facts & report—

A petition from the selectmen of Dorset was read & refered to Mess^{rs} [Ebenezer] Marvin, [Elijah] Dewey & [Silas] Goodrich to state facts & report—

Resolved that Col^o Ira Allen be requested to open and continue the office of Treasurer during this present session, and that he be requested to forward an express, at the expense of the state for the necessary papers—

M^r [Abel] Merriman & M^r Bliss requested leave of absence until Tuesday next—Granted—

Adjourned until Monday morning 9 °Clock.

MONDAY October 16^t 1786—

On motion,

Resolved that a Committee of three be appointed to wait on the Rev'd Pelatiah Chapin and return him the thanks of this House for the election sermon preached last Thursday—Members Mess^{rs} [John] Weld, [Gideon] Brownson & [Paul] Brigham—

Thomas Chandler Esq^r late commissioner of sales of confiscated estates for the towns of Rockingham Chester, &c. &c. motioned that a Committee be appointed to take under consideration his situation respecting the sale of a certain ninety acre lot being N^o 9 in the 7^t range of 90 acre lots in said town of Rockingham, for which a suit is now pending against him in his private capacity—Whereupon,

Resolved that a Committee of five to join a Committee from Council be appointed to take the aforesaid motion under consideration state facts & report their opinion to this House—Members—Mess^r [Lemuel] Chipman, [Jesse] Cook, [Joshua] Wood, [Gideon] Brownson & [Paul] Brigham,

A petition from the managers of West-River Bridge lottery was read and refered to Mess^{rs} [Phinehas] Freeman [Ebenezer] Allen, [Silas] Goodrich, [Luke] Knoulton and [Jesse] Cook—

A petition signed Timothy Underwood was read and refered to a Committee of three to state facts and make report—Members Mess^{rs} A. Smith Brown and [James] Roberts—

A petition from William Goodrich was read and refered to Mess^{rs} [Lemuel] Chipman, [Elijah] Dewey [Gideon] Brownson [Hiland] Hall and [Luke] Knoulton to state facts & report—

A Petition signed Elias Weld town clerk of Hartland was read and refered to a committee of five to state facts and make report—Members Mess^{rs} [Daniel] Heald, [Israel] Morey, Brown, [Benjamin] Emmons & [David] Sheldon—

A petition from Timothy Green, Gen^l John Chandler and Harris Colt Esquires for land west of Lake Memphremagog and south of and adjoining the north line of the state being read was *Ordered* to lie on the Secretary of states files—

A petition signed William Hall, John Potter and David Goff was read and refered to Mess^{rs} [Jesse] Cook [Elijah] Dewey and [Ebenezer] Allen—

A petition from Isaac Miller Jun^r and six others was read and refered to the committee on Maj^r W^m Goodrich's petition—

Adjourned until 2 °Clock afternoon—

MONDAY October 16^t 1786 2 °Clock P. M.

The Committee to whom was refered the petition of Laban Gates report, "That in their opinion the prayer thereof ought to be granted and that said petition and his account be refered to the committee of

Pay-Table for adjustment"—which was read and accepted and refered accordingly—

The Committee to whom was refered the petition of the Managers of West-River bridge lottery brought in their report which was read and accepted and, thereupon,

Resolved that Benjamin Butterfield Esq^r Col^o John Sargeants, M^r Josiah Arms, M^r Joseph Clark and Micah Townsend Esq^r have liberty by lottery to raise an additional sum of two hundred and eighty pounds in notes for the purpose of completing the bridge over West-River in Brattleboro' already began, that they give bond to the Treasurer of the state in the sum of £2000. for the faithful performance of their trust, that they account with such person as shall hereafter be appointed by the Legislature for the expenditure of the said money; And if there should be a surplusage above building said bridge and cost, that the same shall be disposed of as shall be hereafter directed by the Legislature— Provided that this state suffer no costs or damages by the said lottery—

A petition from Gideon Brownson was read and refered to Mess^{rs} Brown, A. Smith and [Luke] Knoulton to state facts and report—

M^r [Ichabod] Robinson moved for leave of absence for two days— Granted—

A Petition from the Selectmen of Arlington was read & refered to Mess^{rs} [Gideon] Brownson, [Joseph] Hubbard & [Hubbel] Wells to state facts & report—

A petition from Curtis Hawley and Andrew Hawley Adm^{rs} of the estate of Jehiel Hawley, was read and refered to Mess^{rs} [Matthew] Lyon, [Gideon] Brownson & [Calvin] Parkhurst to state facts & report—

A petition from Joseph Foster & Aron Barlow agents in behalf of the town of Barnard was read & refered to Mess^{rs} [Alexander] Harvey [Luke] Knoulton and [Edward] Aikin—

A petition from Bridport, one from Wilmington, one from New-haven, one from Essex, one from Cornwall, one from Jericho, one from Weybridge and one from Jesse Levenworth & others, all praying for a land tax for roads &c. were read & refered to Mess^{rs} [Elisha] Marsh, [Ebenezer] Allen, [Brewster] Higley [Aaron] Hudson & [Abel] Thompson—

The bill entitled "An act to oblige Silas Hamilton, Amos Peadboddy and Eliphalet Hyde to render an account for lands by them sold in pursuance of a resolution of Assembly made the 25^t February 1779," which was refered from the last session was again read & refered to the next session—

The Committee appointed on the petition of Curtis and Andrew Hawley Adm^{rs} made their report which was read & accepted & leave given for a bill to be brought in accordingly—

M^r Abida Smith of Pomfret produced the credentials of his appointment as a Representative, was read & he having taken the necessary oaths, was admitted to a seat—

A petition from the selectmen of Ruport [Rupert] praying for a land



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TUESDAY Oct^r 17^t 1786 2 °Clock P. M.

A petition from Joseph Farnsworth late Commissary general was read, and refered to Mess^{rs} [Ebenezer] Marvin, [Matthew] Lyon, [Israel] Morey, [Luke] Knoulton, & [Benjamin] Emmons, to join a Committee from Council to confer with the Auditor & report their opinion to this house—

Maj^r John Stevens produced the credentials of his appointment as a representative for the town of Rutland—And M^r Daniel Marsh produced the credentials of his appointment as a Representative for the town of Clarendon, which were Read—And they were admitted to their seats, after taking the necessary oaths—

The Auditor made a report of a stating of the Governors account as a member of the land committee which was read—

The Committee appointed to arrange the business brought in the following report—viz—

1st To pass an act to regulate and direct courts holden by justices of the peace in their several counties—

2^d To pass an act to alter the mode of administering justice in the county and supreme courts—

3^d To take into consideration the state of the militia in this state—

4th To take into consideration the mode of taxation and the expediency of granting a state tax.

5th To make an order for compleating the revision of the laws—having them printed and properly dispersed through this state—

6th To pass an act to make all such property a tendery on executions in judgments obtained in favor of any persons out of this state as would be a tendery by law in the state where the plaintiff dwells or the obligation was given—

7th To take into consideration the mode of granting county taxes

8th That a further order be made on account of insolvent debtors—

(signed) SAM^l FLETCHER for Com^t

Resolved that the 1st and 2^d articles be refered to Mess^{rs} [Gideon] Brownson, [Ebenezer] Marvin, [Gamaliel] Painter, [Jesse] Cook, [John] Weld and [Israel] Morey—to join a Com^t from Council—

Resolved that the 3^d article be refered to Mess^{rs} [Elijah] Dewey, [Matthew] Lyon, [Gamaliel] Painter, [Phinehas] Freeman, [Paul] Brigham [Thomas] Johnson and [Gideon] Brownson to join a Committee from Council—

Resolved that the 4^t article be refered to Mess^{rs} [Nathan] Canfield, [Ebenezer] Marvin, [Samuel] Lane, [John] Burt, [Benjamin] Emmons and [Alexander] Harvey—to join a Com^{te} from Council—

Ordered that the 5^t article lie for further consideration—

Resolved that a Com^t of six be appointed on the 6^t article—Members Mess^{rs} [Silas] Goodrich, [John] Stevens, [Ebenezer] Allen, [Daniel] Jewet, [John] Weld & [James] Whitelaw—

Resolved that the 7^t article be refered to Mess^{rs} [Benjamin] Gardner, [Brewster] Higley, P. Brown, [Joshua] Wood [Benjamin] Emmons and [Jonathan] Peirce—

Resolved that the 8^t article be refered to Mess^{rs} [Gideon] Brownson, [Matthew] Canfield, [Lemuel] Chipman, [Jonathan] Spafford, [Hubbel] Wells [Daniel] Heald and [James] Whitelaw—

The Committee to whom was refered the petition of the selectmen of the town of Ruport, made report, which was read, accepted & leave given for a bill to be brought in accordingly—

A petition signed by Col^o Jacob Davis was read and refered to Mess^{rs} [Elijah] Dewey, [Calvin] Parkhurst & [Phinehas] Brown.

A petition from Peter Ferris was read and refered to Mess^{rs} [Abel] Thompson, [Gamaliel] Painter and [Beriah] Greene.

A petition from Thomas P. Lord, David Harvey and a number of others was read & refered to Mess^{rs} [Matthew] Lyon, [Hubbel] Wells & B. Brown—

A petition from a number of the inhabitants of Clarendon praying that Daniel Marsh may not be admitted to a seat in this house, was refered to Mess^{rs} [Matthew] Lyon [Gideon] Brownson, [Elijah] Dewey, [Benjamin] Gardner and [Gamaliel] Painter—

On motion, *Resolved* that a Committee of six to join a Committee from Council be appointed to take under consideration the mode of settling debts due from tory estates, and report their opinion to this house—Members Mess^{rs} [Gideon] Brownson, [Lemuel] Chipman, [Gamaliel] Painter, [James] Roberts [Paul] Brigham and [Israel] Morey—

Adjourned until 8 °Clock to morrow morning.

WEDNESDAY October 18^t 1786

A bill entitled An act empowering Curtis Hawley and Andrew Hawley administrators to the estate of Jehiel Hawley late of Arlington in the county of Bennington deceased to collect such debts as are due to said Hawleys estate which have not been collected and to enable them to settle the debts due from said estate and for distributing the remainder of said estate amongst the heirs of said Jehiel Hawley was brought in agreeable to order, read and sent to the Governor and council for revision &c.

A petition signed Edward Vail moderator and Thomas Tolman town clerk, of Danby, one other signed Lemuel Chipman moderator of Pawlet, one from Pittsford, one from Tinmouth, one from Manchester, one from Rutland, one from Castleton, one from Clarendon and one from Wallingford, with instructions from Pownall to their Representatives were severally read and refered to Mess^{rs} [Elizah] Dewey [Gideon] Brownson, [John] Stevens, [Lemuel] Chipman, [Hiland] Hall, [Abel] Thompson, [Jesse] Cook [Luke] Knoulton, [Paul] Brigham, [Benjamin] Emmons, [Israel] Morey and [Alexander] Harvey.

A petition of Lewis R. Morris was read & refered to Mess^{rs} [Abnor] Bisbee, [Paul] Brigham & J. Smith.

A petition from James Mead and one other from Caleb Handy were read and refered to Mess^{rs} [Ebenezer] Allen, [Matthew] Lyon & Burt—

A petition from Daniel Hill was read and dismissed—

The Committee on Timothy Underwoods petition made report which was accepted & the petition refered to the next session

A petition from Uriah Morris was read and referred to Mess^{rs} [Silas] Goodrich, [William] Ward & [John] Mott—

A petition from Gersham Beach was read and refered to Mess^{rs} J. Smith, [John] [Coffeen & [Ebenezer] Allen—

The Com^t on the petition of the selectmen of Pownall made report which was read and accepted and leave given for a bill to be brought in accordingly—

The following resolution from the Council was read—viz—

“In Council Rutland 18^t Oct^r 1786

Resolved that M^r [Peter] Olcot and M^r [Thomas] Porter be a Committee from the Council to join a Committee of the General Assembly to take into consideration a letter signed Beza Woodward sec^y to the trustees of Dartmouth college^r, also a letter and address of President Wheelock to his Excellency to be communicated to the honorable the Legislature and make report—attest—

JOS. FAY Sec^y

Resolved that Mess^{rs} [Gideon] Brownson, [John] Stevens, [Hiland] Hall, [Jesse] Cook, [Daniel] Heald and [Thomas] Johnson be a Committee to join the aforesaid Committee of Council for the purpose therein mentioned—

The Com^t on the petition of Caleb Davis made report, which was read and accepted and leave given for a bill to be brought in accordingly—

Resolved that the Treasurer of this state be and is hereby directed to credit the town of Pownal all the taxes that has or shall be laid on the sum of nine hundred and four pounds of the list of 1785 said list being miscast that sum too much.

A bill entitled “An act to discharge Major William Goodrich from his creditors on delivering up, bona fida, all his estate, was brought in agreeable to order read and accepted and sent to the Governor and Council for revision concurrence and proposals of amendment—

Adjourned until 2 °Clock afternoon—

1. This letter expressed the thanks of the Board of Trustees of Dartmouth College for the grant of a township of land. It was accompanied by a letter from President Wheelock, suggesting that some of the public rights be conveyed to the college, in return for which that institution offered education to Vermont students free of tuition.—See note in Governor and Council, vol. 3, pp. 107-108.



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The House being informed that M^r [John] Weld had absented himself without first obtaining leave on account of sickness in his family—*Ordered* that he be excused—

The Committee on the petition of Altei Fitch and others made report which was read and accepted and leave given for a bill to be brought in accordingly—

A bill entitled An Act to suspend the Collection of a tax in Hartland and directing the mode of paying the same, was brought in read and accepted & sent to the Governor and Council for revision, concurrence and proposals of amendment—

The Committee to whom was refered the petition of the selectmen of Bridport, the petition of the Selectmen of Wilmington, the petition of the inhabitants of Newhaven, the petition from Cornwall, the petition of Thomas Jewett in behalf of Weybridge the petition of Elijah Paine and others of Williamstown, the petition of the selectmen of Benson and the petition of the selectmen of Thomlinson, [Grafton] brought in their report on each respectively, which was read accepted and leave given for bills to be brought in accordingly—

The Committee to whom was refered the motion of Thomas Chandler Esq^r late commissioner of sales &c. made their report, which being read,

Resolved that when any commissioner for the sale of confiscated estates within this state, has heretofore been, or shall hereafter be prosecuted on account of any sale made by him under the direction of the authority of this state it shall be the duty of the states attorney within and for the county where such suit shall be brought to defend the same at the expence of this state according to his best judgment—said attorney keeping a regular account of his expenditure which together with a reasonable compensation for his services ought to be reimbursed by the state—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

A bill entitled “an act for prolonging the time in which the grantees of the lands granted by this state are obliged to settle the same—was brought in, on motion, read, accepted and sent to the Governor and Council for revision concurrence and proposals of amendment—

John Bridgman Esq^r produced the credentials of his appointment as a Representative for Hinsdale [Vernon] which was read and after taking the necessary oaths was admitted to a seat—

A petition from Benj^a Whitcomb in behalf of Abel Rice and others was read and refered to the Com^t heretofore appointed on Abel Rice & others petition which was withdrawn—

A petition from Col^o's Ira Allen and Ebenezer Allen praying for

pay for the companies commanded by Captains Vail and Potter¹ of Col^o Warners regiment in 1775 was read and refered to Mess^{rs} [Gideon] Brownson, [Thomas] Johnson & B. Brown.

The Com^t on Gersham Beach's petition made Report which was read & the petition refered to next session—

A petition signed Joel Linsley was read and the prayer thereof granted, and a bill entitled “an act empowering the administrators of the estate of Jacob Linsley late of Cornwall deceased to sell part of the real estate of the said Linsley was brought in according to leave Read & accepted & sent to the Council for Revision &c.

A petition signed by a number of the inhabitants of Ira and Clarendon was read and refered to the next session—and *Ordered* that the petitioners notify the selectmen of said towns of the prayer of said petition—

Agreeable to order, the Governor Council and General Assembly being resolved into a Committee of the whole on the papers relative to the report of the Supervisors of Windham County²—After some time spent therein, the Committee of the whole dissolved, and the speaker resumed the chair—

Resolved that a resolution passed by the General Assembly October 24^t 1785 directing the Commissary General to credit the town of Rockingham so much of the provision tax of 1780 as was raised on the sum of £767 be and hereby is repealed—And it is also,

Resolved that the treasurer of this state be and hereby is directed to pay the said town of Rockingham so much money as was raised in the said town on the grand list for the year 1780 on the sum of £767—

A bill entitled An act for the purpose of making a distribution of the estate of William Fitch late of Pawlet deceased,” was brought in read, accepted & sent up for concurrence—

Resolved that Lemuel Chipman & Isaac Tichenor Esquires be added to the Committee of Pay table during the present session—

Ordered that at the opening of the House on saturday morning next be assigned to hear the petitions & papers relative to the county buildings in Windsor county—

1. Oliver Potter and Micah Vail, were Captains in Col Seth Warner's regiment, the officers of which were elcted at Cephas Kent's Tavern, in Dorset, July 27, 1775.—Vermont Revolutionary Rolls, p. 815.

2. An act based upon this report made Newfane the shire town of Windham County when so declared by Supervisors, one from each organized town of said county, “upon condition of their giving security to the County Treasurer of said County, for building and completely furnishing a court house and goal (jail) on the common, near the meeting house in said town, by the first of May, 1788, without expense to the county, to the satisfaction of a committee to be nominated by the Representatives in the Assembly from the county of Windham and appointed by the Assembly; the said Courthouse and Goal [jail] and eighty rods of land adjoining to be conveyed to the county by the owners; the Courthouse to be built of the size of the Courthouse in Worcester in Massachusetts, painted and sufficiently lighted (excepting that two feet is to be taken off from the front, and a porch of ten feet square, with three doors made in lieu thereof) and the Goal (jail) is to be thirty feet by forty and two stories high; fourteen feet by thirty to be fitted for a Goal, [jail] and the remainder for the accommodation of a family.”—Acts of 1786.

A petition from William Brush and Abel Thompson Esq^{rs} praying that a certain tract of land in the towns of Newhaven, Ferrisburgh and Panton adjoining the lower falls on Great Otter Creek may be set off from those towns and the inhabitants residing on the same incorporated into a town with City¹ privileges &c. was read and *ordered* to lie on the table.

Adjourned until to morrow morning 8 °Clock.

FRIDAY October 20^t 1786—

The bill entitled “an act empowering Andrew Hawley and Curtis Hawley administrators to the estate of Jehiel Hawley late of Arlington in the county of Bennington deceased to collect such debts as are due to said estate which have not been collected and to enable them to settle the debts due from said estate amongst the heirs of said Jehiel Hawley—was sent back from Council with the following proposals of amendment viz—

In Council 18^t Oct^r 1786

“The Council propose the amendments or alterations as entered above the words *confiscated*, and the words *confiscated* to be *erased*”—which amendments being read & accepted & the bill passed into a law—

Resolved that the petition of Laban Gates with his account for visits dressings, medicines &c. administered to Phinehas Parkhurst² and Charles Tilden be and is hereby refered to the Committee of pay-table for adjustment, and that they draw orders on the treasurer for the ballance due—

The Committee made report on Uriah Morris’s petition which was read & accepted and the petition refered to next session accordingly—

The report of the Grand Committee of Yesterday was read & *ordered* to lie on the table—

On motion,

Resolved that the Committee appointed by the Convention, for preparing the Constitution for the press, lay before the General Assembly at their next session the journals of said Convention in order to see if some particular section of the constitution are not omitted through mistake.

Agreeable to order, the Governor and Council joined the House to elect county officers—When the following were elected into the office affixed to each respectively—viz.

1. This was the first step taken in the Legislature looking toward the incorporation of the City of Vergennes. The city was incorporated in 1788.—State Papers of Vermont vol. 2, p. 357.

2. This petition refers to the raid from Canada in the autumn of 1780, which resulted in the burning of Royalton.—Crockett’s History of Vermont, vol, 2, p. 267.



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James Roberts
Jesse Cook
Benjamin Olds
Noah Sabin Jun^r

William Ward
Aaron Hudson
Joseph Tyler
Lucas Wilson—

John Lovell
Jehiel Webb
Joshua Wood—

Grand Committee adjourned

& the House formed &

Adjourned until 2 °Clock afternoon.

2 °Clock P. M—

A petition signed Nathaniel Fisk was read and refered to a Committee of three to take the same into consideration state facts and make report—Members Mess^{rs} Burt, [John] Mott & Carpenter—

A bill entitled “An act empowering the selectmen of Ruport in the county of Bennington to levy a tax of one penny on each acre of land for the purpose of making and repairing roads and bridges” was brought in agreeable to order, read and accepted & sent to the Governor & Council for revision & concurrence &c.

The Grand Committee met according to adjournment & proceeded to the election of county officers.

—Windsor County—

Thomas Murdock Esq^r chief judge of county court.

Elias Weld, Elijah Robinson, Paul Brigham and Thomas Chandler Esq^r side or assistant judges of d^o.

Briant Brown Esq^r judge of probate for the District of Windsor, and John Throop Esq^r judge of probate for the district of Hartford—

Justices of the Peace for said county—

Samuel Cobb
Simon Stevens
Waters Chilson
Joseph Hubbard
Thomas Cooper
Briant Brown
Elias Weld
Thomas Cotton
Joshua Hazen
Elisha Burton

Joel Marsh
John W. Dana
John Throop
Benj^a Emmons
Jabez Cottle
John Weld
Thomas Hapgood
Salmon Dutton
Thomas Chandler

Daniel Heald
Samuel Brown
John Hawkins
Benj^a Cox
Beriah Green
Comfort Sever
Abel Stevens
Michael Flynn
Asa Whitcomb—

Orange County—

Jacob Bayley Esq^r chief judge of county court.

Israel Smith, Alex^r Harvey, Israel Morey and Thomas Johnson Esq^{rs} side or assistant judges of d^o.

Capt. John G. Bayley sheriff.

Col^o Jacob Kent judge of Probate for the district of Newbury—

Timothy Bartholomew Esq^r judge of probate for the district of Thetford—

—Justices of the Peace—

Jacob Kent	Heber Gilbert	Walter Brock
Dudley Carleton	James Steele	James Gilchrist
Noah White	Asa Edgerton	W ^m Chamberlain
Pelatiah Bliss	Timothy Cole	James Bayley
Samuel Smith	Eben ^r West	Sam ^l How
Tim ^o Bartholomew	Samuel Hazeletine	Ward Bayley
Beriah Loomis	Josiah Page	Joseph Wait

The members of Addison County reported a nomination of county officers which was read and, *Ordered* that the same be refered back for further consideration to be reported again next monday at the opening of the house in the afternoon—Grand Committee adjourned—

The report of the Grand Committee on Windsor county papers was refered until to morrow morning at the opening of the house—

The Com^t to whom was refered the address &c. of President Wheelock brought in their report which was read and accepted and said papers referred to the next session accordingly—

A bill entitled “An act empowering Elijah Paine, Cornelius Lynde and John Smith all proprietors of Williamstown and county of Orange to levy a tax of one penny on each acre of land in said Williamstown for the purpose of making roads and bridges,” was brought in read and accepted and sent to the Governor and Council for revision and concurrence &c.

A bill entitled “An act empowering Joseph Cook, Samuel Clark and Sam^l Jewet of Weybridge in the county of Addison to levy a tax of two pence on each acre of land in said township of Weybridge in the county of Addison for the purpose of making and repairing roads and bridges” was brought in read, accepted and sent to the Governor and Council for revision and concurrence—

A bill entitled an act, empowering the selectmen of Benson in the county of Rutland to levy a tax of one penny on each acre of land in said township of Benson for the purpose of making and repairing roads and bridges,” was brought in read and accepted and sent to the Governor and Council for revision and concurrence—

The Committee to whom was refered the petition of Nathaniel Fisk brought in their report, which was read and accepted and leave given for a bill to be brought in accordingly—

A petition signed Barnabas Strong was read and refered to Mess^{rs} [Beriah] Green, [Benjamin] Emmons & [Calvin] Parkhurst to state facts & report—

A petition signed Thomas Johnson with a pay roll enclosed was read and refered to a Committee of three to join a Com^t from Council—Members Mess^{rs} P. Bliss, [Jonathan] Fassett and J. Smith—

A petition from John Hall in behalf of the town of Sudbury was read & refered to Mess^{rs} [James] Steele, [Peter] Briggs & [Abel] Merri-man to state facts and report—

A bill entitled An act to enable the judge of Probate for the dis-

strict of Westminster to take the probate of the last will of Sam^l Wells Esq^r deceased or to grant letters of administration with the will annexed was brought in by Sec^y Townsend Read accepted & sent to the Gov^r & council for Revision &c.

The Com^t to whom was refered the petition of Caleb Hendee made Report—which was read and not accepted & the petition dismissed.

Adjourned until to morrow morning 8 °Clock.

SATURDAY OCTOBER 21st 1786—

Resolved that Thursday the 30^t day of November next be and is hereby appointed a day of public thanksgiving throughout this state and the Governor is hereby requested to issue his proclamation accordingly—

A bill entitled An act for authenticating a certain deed therein mentioned, was brought in read & accepted & sent to the Governor and Council for revision and concurrence—

The report of the Grand-committee respecting the county buildings was read & accepted—

Mr [Lemuel] Chipman moved for leave of absence until Tuesday next and Mr [David] Sheldon and Mr [Ebenezer] Marvin until monday next—Granted—

Mr [James] Steele moved for leave of absence during the remainder of the session—Granted—

The House went into the consideration of the papers relative to the county buildings in Windsor county—after some debate.

The bill entitled “An act establishing the place for erecting public buildings in the county of Windsor^r and for repealing the fourth clause in an act entitled “An [act] for establishing the shire or county towns in the several counties and the time for holding superiour and county courts therein,” which was refered from June session 1785, was read accepted and sent to the Governor and Council for revision & concurrence &c.

The Com^t to whom was refered the 6^t article in the report of arrangement made their report which was read & accepted and *Ordered* that said Committee prepare & report a bill for the purpose—

The bill entitled An act empowering Joseph Cook, Sam^l Clark and Sam^l Jewet all of Weybridge in the county of Addison to levy a tax of two pence on each acre of land in said township of Weybridge for the purpose of making and repairing roads and bridges,” was returned from Council with an amendment annexed which was agreed to and said bill with the amendments passed into a law.

1. The act providing for the erection of public buildings in the County of Windsor, directed that they should be built “about twenty-one rods southwest of Captain Israel Richardson’s dwelling house in the town of Woodstock, in said County, about twelve rods east of the highway.” The county seat was transferred from Windsor to Woodstock, the change to take effect Jan. 1, 1788. Woodstock was to complete a jail free of cost to Windsor County.—Acts of 1786.



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township of Benson for the purpose of making and repairing roads and bridges” being returned concurred was read and passed into a law of this state.

Adjourned until 9 °Clock Monday morning next.

MONDAY Oct^r 23^d 1786—

A bill entitled an act empowering the persons therein named to levy a tax of one penny on each acre of land in the township of Thomlinson [Grafton] for the purpose of repairing public roads and bridges” was brought in read & accepted & sent to the Gov^r & council for concurrence.

A bill entitled An act empowering the persons therein named to levy a tax of one penny half penny on each acre of land in the township of Sudbury for the purpose of making and repairing public roads and bridges” was brought in read and accepted & sent to the Gov^r & council for revision concurrence &c.

The following bills were brought in agreeable to order, read accepted & sent to the Governor and council for revision & concurrence—viz—

An Act empowering the selectmen of Wilmington in the county of Windham to levy a tax of one penny on each acre of land in said town for the purpose of making & repairing roads & bridges—

An Act empowering the selectmen of the town of Bridport in the county of Addison to levy a tax of one penny on each acre of land in said town of Bridport & county aforesaid for the purpose of making & repairing public roads & bridges—

An Act empowering the selectmen of the town of Cornwall in the county of Addison to levy a tax of one penny on each acre of land in said town of Cornwall & county aforesaid for the purpose of making & repairing roads & bridges—

An Act authenticating a deed herein mentioned—and

An act for fixing and ascertaining the shire town of Windham county—

A petition signed John Aylesworth was read and refered to Mess^{rs} B. Burt, [Joshua] Wood & [Joseph] Clark—

A petition signed John Manley was read and refered to Mess^{rs} [Joshua] Wood, [Calvin] Parkhurst and B. Burt.

A bill entitled “an act empowering William Brush Andrew Barton, Ashbel Wheeler William Eno and Phinehas Brown of Newhaven in the county of Addison to levy a tax of two pence on each acre of land in said township of Newhaven for the purpose of making & repairing roads and bridges and collecting proprietors records, was brought in read, accepted and sent to the Gov^r & council for revision, concurrence &c.

The Com^t to whom was refered the petition of Nathan Stone for a lottery made report—which was read & accepted & leave given for a bill to be brought in accordingly.

The Com^t to whom was refered the petition of Ira Allen & Ebenezer

Allen, made report that the prayer thereof ought to be granted which was read, accepted & leave given for a bill to be brought in accordingly—

The Com^t to whom was refered the petition of Thomas Johnson made report which was read & accepted—

A petition signed Israel Morey in behalf of the proprietors of Fairlee was read & the prayer thereof granted and leave given for a bill to be brought in accordingly—

A bill entitled an act to make such articles a tender upon execution to the inhabitants of either of the United States as are by their respective laws a tender upon execution—was brought in read & accepted and sent to the Governor for revision, concurrence &c.

A petition signed Ebenezer Allen proprietors clerk of Two Heroes was read & the prayer thereof granted and leave given for a bill to be brought in accordingly.

The Com^t to whom was refered the petition of William Hall & others made report which was read & accepted and said petition refered to the next session accordingly—

A petition signed Stephen Keyes, Samuel Stevens William Utley and Asa Utley was read and refered to Mess^{rs} [Daniel] Heald, [William] Ward and [Brewster] Higley—

A petition signed Nath^l Chipman, Ira Allen & others praying for a grant of the society rights, so called, was read & dismissed—

A petition signed W^m Brush, & Abel Thompson in behalf of the proprietors and inhabitants of Ferrisburgh Panton and Newhaven contiguous to the lower Great Falls on Otter Creek praying that they may be incorporated with City privileges &c. was read & the prayer thereof granted with leave for a bill to be brought in accordingly—

A petition signed Joel Ely was Read & dismissed.

Resolved that the Treasurer of this state be & is hereby directed to pay unto Col^o Gideon Brownson one hundred and fifty nine pounds six shillings & six pence lawful money by drawing orders on any hard money tax—The same being for arms & accoutrements, by order of Congress, furnished thirty two soldiers in the year 1776 in his company in Col^o Seth Warners regiment of Continental troops raised for three years or during the war—

A petition signed Paul Chase and^r Nathan Horton was read & refered to the next session—

A petition from a number of the inhabitants of Winhall was read & refered to Mess^{rs} [Ebenezer] Allen [Leonard] Spalding and Brown—

A petition from Weathersfield was read and refered to the next session—

Resolved that this Assembly will not act on any petitions of a private nature that shall be filed after to morrow morning, during the present session—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—Oct^r 23^d 1786—

A petition signed Phinehas Freeman was read and refered to Mess^{rs} [Calvin] Parkhurst, [David] Jewett & [Joseph] Hubbard.

M^r Barlow moved for leave to bring in a bill agreeably to the report of the Com^t made last session on the petitions of Dudley Chase and Joel Marsh Com^t for the proprietors of Bethel and the petition of Dudley Chase in behalf of the proprietors of Rochester—Granted—

The Com^t to whom was refered the petition of the inhabitants of Winhall made report, which was read & accepted & leave given for a bill to be brought in accordingly—

A bill entitled An act limiting the time of holding county offices, was brought in read, accepted & sent to the Governor & Council for revision &c.

A bill entitled An act empowering the proprietors of the Two Heroes to pitch the undivided lands in said town was brought in read, accepted and sent to the Governor and Council for revision &c.

The Com^t on John Manleys petition made report, which was read, accepted and said petition dismissed.

The bill entitled “an act for the purpose of making a distribution of the estate of W^m Fitch late of Pawlet deceased” was returned concurred read and passed into a law of this state—

The Com^t on James Meads petition, reported which was read & not accepted & said petition dismissed.

The Com^{tcc} on the petition of Stephen Keyes & others made report which was read, accepted and leave given for a bill to be brought in accordingly—

A petition signed Reuben Harmon was read & refered to Mess^{rs} [Lemuel] Chipman, [John] Bridgman & [Silas] Goodrich.

Resolved that the Committee of Pay-Table be directed to adjust the accounts of Ira Allen and Ebenezer Allen for the companies late commanded by Capt. Micah Vail and Capt. Oliver Potter in the regiment commanded by Col^o Warner in 1775 and that they be allowed pay similar to the companies commanded by Capt. Wait Hopkins and Capt. Gideon Brownson for said years—

Agreeable to the order of the day—The Governor & Council joined the House in grand Committee to elect county officers for the county of Addison—when the following persons were elected viz.

John Strong Esq^r chief Judge of the county court. Ira Allen, William Brush, Sam^l Lane and Abel Thompson Esquires side judges of the county court.

Gamaliel Painter Esq^r sheriff.

John Strong Esq^r Judge of Probate for the district of Addison—

Justices of the Peace—

Nathan Manley—
Ebenezer Allen—
Amos Fasset—
Peter Ferris

Daniel Horsford,
Thomas P. Lord—
Hiland Hall
John Chipman

Daniel Stannard
Alexander Gordon
Amos Brownson
John Smith—



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said monies & if there shall be a surplus remaining in their hands after answering the purpose above mentioned & paying necessary costs they shall pay the same in such way as shall in future be directed by the legislature—

Adjourned until 8 o'clock to morrow morning.

TUESDAY Oct^r 24th 1786—

The Committee to whom was refered the petition of Reuben Harmon reported, which was read and accepted and

Ordered that the petitioners have leave to bring in a bill accordingly—

The Com^t to whom was refered the petition of Phinehas Freeman in behalf of the inhabitants of Marlboro' made their report which was read, accepted and,

Ordered that the petitioners have leave to bring in a bill accordingly—

A petition from Thomas Chittenden Ethan Allen & Joseph Fay Esquires was read & refered to the next session.

A petition from Thomas Miller was read and refered to Mess^{rs} [Peter] Ferris, [Aaron] Hudson and [Benjamin] Gardner—

The petition of Elizabeth Elliot Executor of Samuel Elliot Jun^r deceased which was refered from the last session was read & refered to Mess^{rs} [William] Ward, [John] Bridgman, [John] Weld, [Daniel] Jewet & [John] Coffeen to join a Com^t from Council—

A bill entitled an act empowering Benjamin Burt Esq^r Eliakim Spooner and Jesse Burke to levy a tax in Westminster for the purpose therein mentioned, was brought in read, accepted & sent to the Governor & Council for revision &c.

The Com^t to whom was refered the petition of John Aylesworth made report which was read and accepted and said petition dismissed—

A petition signed by a number of the inhabitants of Panton and Ferrisburgh was read and refered to Mess^{rs} [John] Weld, [Ebenezer] Allen & P. Brown.

On motion of M^r [John] Weld,

Ordered that to morrow morning be assigned to take under consideration the debenture of the late convention as made up by their Committee—

The Com^t to whom was refered the petition of James Whitelaw in behalf of Ryegate made their report which was read and accepted and leave given for a bill to be brought in accordingly—

The Com^t to whom was refered the petition of Thomas Miller made report which was read and dismissed, and

Ordered that said petition be refered to the next session of this Assembly and that the petitioners notify his creditors on whose suit he is now in confinement to appear at the next session of Assembly and shew cause if any they have why the prayer thereof ought not to be granted—

The Com^t to whom was refered the petition of Joseph Foster and Aaron Barlow brought in their report which was read & accepted & said petition refered to the next session.

The bill entitled An Act limiting the time of holding county offices, was returned concurred, read & passed into a law of this state—

A bill entitled An Act to enable the land owners of the town of Fairlee in Orange county to meet and transact the business therein mentioned, was brought in read accepted & sent to the Governor & Council for revision & concurrence—

A petition signed Samuel Allen was read and refered to a committee of three to state facts & make report—members chosen Mess^{rs} [Hubbel] Wells, [James] Shafter & [Edward] Aikin—

M^r [Lemuel] Chipman moved for leave to bring in a bill enacting that each town in this state which now is or may be represented in General Assembly shall pay their own representative—

Ordered that to morrow morning at the opening of the House be assigned for taking under consideration said motion—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—

The Com^t to whom was refered the petition of a number of the inhabitants of Ferisburgh & Panton made report which was read and dismissed—And said petition was refered to the next session of Assembly and,

Ordered that the petitioners notify the selectmen of each town to shew cause if any they have why the prayer of the petition ought not to be granted—

The following motion was made by the Clerk of this Assembly viz.
M^r Speaker,

By order of the General Assembly at their last session I was directed to cite several persons to appear before this Assembly and the citations have been returned with the officers fees entered on the citations, and orders have been presented to me for payment—I wish some instructions relative to the business—whereupon, it is

Ordered that the same be refered to Mess^{rs} [Calvin] Parkhurst, [Joshua] Wood & [Beriah] Green to report their opinion—

The Com^t to whom was refered the petition of Sam^l Allen made report which was read & not accepted and,

Ordered that said petition be refered to the next session of assembly and that the petitioner cite all persons concerned to appear & shew cause if any they have why the prayer of the petition ought not to be granted.

A bill entitled an act granting to Reuben Harmon Esq^r the right

of coining copper¹ within this state for a further term of eight years, was brought in read, accepted & sent to the Governor & Council for revision & concurrence &c.

The Com^t to whom was refered the petition of Peter Sloan, Throop Chapman, & others with the petition of Benjamin Henshaw made report which was read & accepted—

Resolved that the Treasurer of the county of Windham be & is hereby directed to credit the town of Marlboro' the whole of the county tax of one penny on the pound granted by the authority of said county at Westminster in the year 1784—

Agreeable to the order of the day to hear the return of the surveyor general—on motion

Resolved that the Governor and Council be requested to join the House in Grand Com^t to take the same under consideration—

The Gov^r Council & House of Assembly having formed in Grand Com^t when after some timespent therein—The Grand Com^t adjourned & the speaker resumed the chair—

The bill entitled An act empowering the selectmen of the town of Cornwall in the county of Addison to levy a tax of one penny on each acre of land in said township of Cornwall & county aforesaid for the purpose of making and repairing roads & bridges, was returned from Council concurred, read & passed into a law of this state—

On motion made by M^r [Nathan] Canfield,

Resolved that Thomas Tolman Esq^r be directed to deliver to Benjamin Holt² a number of books and papers and also sundry bonds and notes which were taken by John Fasset Esq^r as commissioner of sale from the said Benjamin Holt, and that a copy of this resolve delivered to the said Thomas Tolman shall be a sufficient voucher to him for the delivery of the said papers—

Adjourned until to morrow morning 8 °Clock—

WEDNESDAY Oct^r 25^t 1786—

A bill entitled “an act fixing the shire town of Orange county,” was brought in read accepted & sent to the Governor & Council for revision & concurrence—

1. Reuben Harmon, in June, 1785, was granted the right of coining copper for two years. For description of the Vermont coinage see Governor and Council, vol. 3, pp. 383-384. This act granted Harmon the exclusive right of coining copper for a further period of eight years from July 1, 1787. He had declared in his petition that he had been at great expense in erecting works and procuring a quantity of copper and on account of the shortness of the period of his grant he would be unable to indemnify himself for his expense. The act declared that the copper coins should weigh not less than four penny weights fifteen grams each. The coin was to show on one side a “motto *Auctoritate Vermontensium*, abridged—on the reverse, a woman with the letters, INDE; ET LIB; for Independence and Liberty.” At the expiration of three years Harmon was to pay the State thereafter 2½ per cent of all the copper he should coin. For text of act see Slade's Vermont State Papers, pp. 509-510.

2. Benjamin Holt was reputed to be an “enemical person.”—Governor and Council, vol. 3, p. 55.



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A petition signed Charles Bullis was read and withdrawn—
Adjourned until 2 °Clock afternoon—

2 °Clock P. M. Oct^r 25^t 1786—

A petition from a number of the inhabitants of Pawlet and Wells praying that a township might be formed out of part of said towns—was read—

The bill entitled an act to discharge Maj^r William Goodrich from his creditors on delivering up bona fide all his estate was returned from Council with some proposals of amendment, which was agreed to and said bill passed into a law of this state—

The bill entitled an act empowering the persons therein named to levy a tax of two pence on each acre of land in the townships of Brumley [Peru] and Landgrove for the purpose of making & repairing bridges an roads &c. was returned from Council with their concurrence read and passed into a law of this state—

The bill entitled An act fixing the shire town of Orange county was returned from Council concurred, read and passed into a law of this state—

The bill entitled “an act empowering the selectmen of Ryegate in the county of Orange to levy a tax of one penny on each acre of non-resident proprietors lands for the purpose of making and repairing roads & bridges, was returned from the Governor & Council concurred read & passed into a law of this state—

A bill entitled an act empowering the selectmen of the town of Barnet in the county of Orange to levy a tax of one penny on each acre of land in said town of Barnet and county aforesaid for the purpose of making and repairing roads & bridges was brought in read and accepted and sent to the Governor and Council for revision & concurrence &c.

M^r [Ebenezer] Allen moved for leave to bring in a bill to prevent persons in kingdoms or governments from collecting debts in this state where the inhabitants of this state cannot recover by law their just debts—*Ordered* that he have leave to bring in a bill for that purpose.

A bill entitled an act to prolong the time of redemption to an acre and one quarter of an acre of land in Brattleboro,’ was read, accepted & sent to the Governor & council for revision & concurrence.

M^r [Gamaliel] Painter moved for leave to bring in a bill for preventing the falling trees into Otter Creek¹—Granted—

Adjourned until to morrow morning 8 °Clock.

1. The preamble of this act declared that, “Whereas, the mills, bridges, &c. standing on Otter Creek are much endangered by trees and timber floating down the stream, and the current in many places obstructed or shifted by the lodging of timber so as to impede the passing of boats in said creek,” etc. The act forbade putting in or floating down the stream any trees above New Haven Falls, not well trimmed, or of greater length than twenty feet.—Acts of 1786.

THURSDAY OCT^r 26^t 1786—

Mr Joseph Bristol produced his credentials as a Representative from Sandgate which was read & he was admitted to a seat in this House.

On motion,

Ordered that at the opening of the House in the afternoon be assigned to see if this House will reconsider the act entitled “an act to discharge Maj^r William Goodrich from his creditors on delivering up bona fide all his estate—

A petition signed Abel Spencer was read and refered to a Com^t of three to take the same under consideration state facts & make report—members chosen Mr Asa Smith, Mr [Silas] Goodrich & Mr [Benjamin] Gardner.

On motion,

Resolved to reconsider the resolve for ordering the petitions of Jonathan Arnold Esq^r & Gen^l Bayley & Capt. Leavenworth to lie on the secretary’s files and that said petition be refered to a Com^t of six to join a Com^t from Council to take the same under consideration state facts & make report. Members Mess^{rs} [Silas] Goodrich, [Matthew] Lyon, [Hubbel] Wells, [Calvin] Parkhurst [Israel] Morey & [Samuel] Lane—

The Auditors made report relative to the Treasurers accounts—which was read, and Thereupon,

Resolved that the Auditors proceed to settle with the Treasurer^l agreeable to his book and after making such partial settlement [if] it shall be found that he has not credited the state for all monies received that he shall be accountable for the same in such way and manner as a future Legislature shall direct—

Resolved that the Auditors appointed in October last be and they are hereby empowered to proceed to make a settlement of all public accounts according to the laws heretofore passed—

Resolved that the stating of the Pay-Masters accounts as made by him & reported by the Auditors be accepted, & that the auditors be directed not to make any further settlement with him until they receive further directions from the General Assembly—

The Com^t to whom was refered the petition of the selectmen of Arlington made report which was read & not accepted & said petition dismissed—

On motion of Mr [Nathan] Canfield,

Ordered that he have leave to bring in a bill for a lottery for building a bridge over the roaring branch in Arlington—

1. The text of this resolution directed Ira Allen on the first day of the following February to turn over to his successor, Samuel Mattocks, all “original stumps or butts of all and every note or notes or hard money orders issued by him in behalf of the State in his official character as Treasurer, together with his original books and vouchers.” All the plates and types used by Allen for the purpose of striking notes, bills, or hard money orders were to be defaced in his presence.—Acts of 1786.

A bill entitled an act to empower the sale of part of the real estate of William Lammon, was brought in read, accepted & sent to the Governor & council for revision & concurrence—

The Com^t on the 7^t article in the arrangement made report which being read was not accepted &

Ordered that the secretary be requested to bring in a bill agreeably to the 7^t article in the arrangement—

The Com^t to whom was refered the third article in the arrangement reported a bill entitled “An act regulating the militia¹,” which was read, accepted & sent to the Governor & Council for revision & concurrence—

The petitioners in behalf of the proprietors of Bethel and Rochester brought in a bill agreeably to the report of a Com^t accepted the last session—which was read and not accepted & said petition was dismissed—

On motion of Maj^r W^m Goodrich,

Resolved to reconsider the vote for passing the act entitled “an act to discharge Maj^r W^m Goodrich from his creditors on delivering up bona fide all his estate,” and that said bill be refered to the next adjourned session of this Assembly, and that he notify his creditors by publishing the substance of his petition in the Vermont Gazette and Hampshire Herald three weeks successively as soon as may be to appear and shew cause if any they have to this assembly at their next adjourned session why the prayer of the petition should not be granted—And the several courts within this state are hereby directed to continue all civil suits which have or may be commenced against him until the rising of this Assembly at their next adjourned session—And all executions that are or may be issued against him be likewise stayed until the next adjourned session of this assembly—

Adjourned until 2 °Clock P. M—

2 °Clock P. M—

A bill entitled An act to Repeal part of an act entitled An Act constituting the superior court a court of equity and declaring their

1. This act regulating the militia provided that all persons between the ages of 16 and 45 years should constitute the military force of the State, with the following exceptions—members of the Council and House of Representatives, delegates to the Congress of the United States, the State Treasurer, Secretary of State, Secretary of the Council, Justices of the Peace, Judges of Supreme, County and Probate Courts, field and commissioned officers honorably discharged, ministers of the Gospel, the president, tutors and students of colleges, physicians and surgeons, post officers, constant schoolmasters, one miller to each grist mill, sheriffs, constables and jailers, constant ferrymen, persons disabled producing a certificate from two physicians. The Governor was Captain General and the Lieutenant Governor was Lieutenant General of the military force of the State. Provision was made for one Major General for each division, one Brigadier General for each brigade of two regiments, one company of cavalry in each regiment and one company of artillery in each brigade.—Laws of 1786, pp. 6-14.



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Adjourned until to morrow morning 8 °Clock.

FRIDAY October 27^t 1786—

Mr [Samuel] Taylor moved for leave of absence during the remainder of the Session—Granted—

Resolved that the Treasurer be and is hereby directed to pay the debenture of the Convention by orders on the hard money taxes—

The Committee to whom was refered the petition of Jonathan Arnold and General Bayley &c. brought in their report, which was read and accepted and leave given to the petitioners to bring in a bill accordingly.

The Committee to whom was refered the petition of Luke Knoulton Esq^r brought in their report which was read and accepted, and thereupon

Resolved that this Assembly will grant to Luke Knoulton^r Esq^r ten thousand acres of vacant and unlocated land in the northern part of this state so soon as the surveyor general can locate the same for such fees and under such restrictions as shall be directed by the Governor and Council of this state.

The Committee appointed to take under consideration the eight petitions of grievance &c. brought in their report which was read and the 1st 2^d 3^d 4^t 5^t 6^t 7^t and 8^t articles were accepted, the ninth article in said report being read and the yeas and nays being required upon the acceptance of said article, by Mr [Benjamin] Gardner, they are as follows—

Yeas	Nays
Mr Gardner	Mr Dewey
Mr Goodrich	Mr Smith
Mr Canfield	Mr Brownson
Mr Sheldon	Mr Gray
Mr Bristol	Mr Chipman
Mr Stevens	Mr Marvin
Mr Ward	Mr Lyon
Mr Cook	Mr Wells
Mr Roberts	Mr Jewet
Mr Knoulton	Mr Wood
Mr Hudson	Mr Briggs
Mr Shafter	Mr Bridgman
Mr Burgis	Mr B. Brown
Mr Aikin	Mr Bisbee
Mr Spalding	Mr Hubbard
Mr Davison	Mr Brigham
Mr E. Marsh	Mr Asahel Smith
Mr Weld	Mr C. Carpenter

1. The township of Bakersfield was granted to Luke Knowlton.—See State Papers of Vermont, vol. 2, pp. 14-15.

Yeas
 Mr Parkhurst
 Mr Green
 Mr Throop
 Mr J. Burt
 Mr Randall
 Mr Merriman
 Mr Higley
 Mr Robinson
 Mr Fasset
 Mr Mott
 Mr Coffeen
 Mr Emmons
 Mr Abijah Smith
 Mr Morey
 Mr P. Bliss
 Mr S. Bliss
 Mr Harvey
 Mr Pearce
 Mr Rosbrook
 Mr Ferris
 Mr Spafford
 Mr Lane
 Mr Willard
 Mr Lloyd—

Nays
 Mr Brewster
 Mr Hickok
 Mr D. Marsh
 Mr B. Burt
 Mr Clark
 Mr J. Carpenter
 Mr Johnson
 Mr Whitelaw
 Mr Rich
 Mr J. Smith
 Mr Hall
 Mr Painter
 Mr P. Brown
 Mr Heald—

So it passed in the affirmative.

The question being put whether a paper currency shall be emitted—
 It passed in the negative—

The question being put whether there shall be a general tender act passed—? It passed in the negative.

Resolved that a Committee of six be appointed to report a bill agreeable to the foregoing report—Members chose¹—Mess^{rs} [Silas] Goodrich, [Ebenezer] Marvin, [John] Bridgman, [Benjamin] Emmons, [Israel] Morey and [Gamaliel] Painter—

Adjourned until 2 °Clock P. M—

2 °Clock P. M. Oct^r 27^t 1786—

Resolved that there be and hereby is granted to General Jacob Bayley, Jesse Leavenworth and their associates, a tract of land¹ lying within the following lines viz, beginning at the northern most corner of the township of Barnet, and running on a direct line to the western most corner of the township of Lyndon, thence on a course west 20^d North to the eastern most line of township N^o 25, and bounding West-erly and southerly on said township N^o 25. and on General Saffords

1. This grant refers to the town of Danville.—See State Papers of Vermont, vol. 2, pp. 49-52.

grant called Walden Gore, and to extend southerly so far as the lands are yet ungranted, or to Capt. Deweys gore—Which tract shall be divided into so many rights as that each right shall contain the quantity of three hundred & thirty acres, or thereabouts, reserving within the said tract, lands sufficient for settlements to those persons who are resident thereon, to be so laid out that their present improvements may be included, and in quantity not more than three hundred and thirty acres, nor less than One hundred acres—such settlers paying granting fees for the same in proportion as the lands assigned to each shall bear to the fees affixed for each full right. And that the Governor and Council are hereby requested to issue a charter of incorporation under such conditions, restrictions and regulations as they judge best—

Resolved, that there be and hereby is granted to Jonathan Arnold Esq^r and his associates a certain tract of land^r in the county of Orange and contained within and circumscribed by the following lines viz—A line drawn from the northern corner of the township of Barnet to the western most corner of the township of Lynden, thence bounding northerly on the south line of said township of Lyndon to the South eastern most corner, thereof, thence on a straight line to the northern most corner of the township of Littleton thence bounding on the north-westerly line of said Littleton until it meets the eastern most line of Barnet, thence on Barnet line to the northern most corner of Barnet, the place of beginning—Which tract shall be divided into so many rights as will allow three hundred and thirty acres or thereabouts to each right reserving within the said tract lands sufficient for settlement to those persons who are resident thereon, to be so laid out that their present improvement may be included, and in quantity not more than three hundred and thirty acres nor less than one hundred acres, such settler paying granting fees for the same in proportion as the quantity of land assigned to each shall bear to the fees affixed for each full right—And that the Governor and Council are hereby requested to issue a charter of incorporation under such conditions, restrictions and regulations as they shall judge best—

The bill entitled, An act to enable the land owners of the town of Fairlee in Orange county to meet and transact the business therein mentioned, was returned from Council concurred & passed into a law of this state—

The bill entitled An act to prolong the time of redemption to an acre and one quarter of an acre of land in Brattleboro', was returned from the Governor and Council, and refered to the next session—

A bill entitled An act to prevent the sale and transportation of negroes and molattoes² out of this state, was sent in by the Governor and

1. This grant refers to the township of St. Johnsbury.—See State Papers of Vermont, vol, 2, pp. 177-179.

2. The principles of freedom, and the facts of history are found in the preamble of this act, which declares:

“Whereas, by the Constitution of this State all the subjects of this commonwealth,



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county, and the Easterly line of Addison county, was read, accepted and sent to the Governor and Council for revision and concurrence—

A bill entitled, An act to repeal part of an act entitled, an act constituting the susperior court a court of equity and declaring their power—And

A bill entitled An act to prevent the felling timber into Otter Creek, were returned concurred & passed into laws of this state—

A bill entitled An act to compel the fulfilment of contracts¹ according to the intent of the parties,” was reported by the Committee, read and accepted & sent to the Governor and Council for revision & concurrence.

Resolved that a Committee of three be appointed to join a Committee from the Council to confer with Col^o Ira Allen and Samuel Mattocks Esq^r respecting the treasurers office and report a bill for the transferment² thereof—The members chosen M^r [Ebenezer] Marvin, M^r [Lemuel] Chipman & M^r [Joshua] Wood—

A petition signed David Hyde was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report to the next session—The members chosen, M^r [Alexander] Harvey, M^r [James] Whitelaw & M^r [Thomas] Johnson—

WHEREAS Abel Spencer of Clarendon in the county of Rutland hath by petition exhibited to this Assembly, set forth, that he through misfortunes in trade and other unhappy events, is rendered deeply insolvent, and unable to discharge his honest contracts; and further, praying this Assembly to enable him to deliver up all his estate, both real and personal, for the use of his creditors in discharge of the same,—Therefore,

Resolved that Colonel James Claghorn, Samuel Williams and Thaddeus Curtis Esquires, be Commissioners, whose duty it shall be as soon as may be to take an inventory of all the estate, both real and personal of the said Abel, except such articles as are exempted by law from being taken by execution—And that the said Abel give sufficient notice to his creditors in both the newspapers of this state three weeks successively, to attend at the next session of this Assembly, to show cause, if any they have, why the prayer of the said petition should not be granted—And that all prosecutions at law in this state against the said Abel, or writs of execution be stayed, until the said petition be heard and determined—And be it further,

Resolved that the said Abel Spencer pay and satisfy the aforesaid Commissioners for their services in attending on the business of their appointment—

1. This act refers to articles that may be a legal tender for purchases made. The text may be found in Slade's Vermont State Papers, pp. 508-509.

2. Samuel Mattocks had resigned as member of the Council on Oct. 14. Ira Allen had served as Treasurer since the State government was established. It was not an easy matter to transfer authority and the Assembly had asked Allen to continue in office during the session.—See note, Governor and Council, vol. 3, p. 106.

Adjourned until 8^oClock to morrow morning—

SATURDAY October 28^t 1786—

Resolved that a Committee of six to join a Committee from Council be appointed to receive and examine the revised acts, and make such amendments therein as they shall judge expedient, and report to this Assembly at the next session thereof—Said Committee to meet at the place to which the Assembly shall adjourn two weeks before the day appointed, for the convening of this Assembly—And that it be the duty of the Committee appointed to revise the laws to attend with such Committee—The members chosen M^r [Gideon] Olin, M^r [Ebenezer] Marvin, M^r [Luke] Knoulton, M^r [Paul] Brigham, M^r [Alexander] Harvey and M^r [Abel] Thompson—

The Grand Committee, met according to adjournment after some time spent, the Committee dissolved and their report being read—And the question for accepting being put—it passed in the affirmative—

Resolved that the first Constable of the town of Newfane be and is hereby directed, to warn all the freemen of said town of Newfane to meet at the usual place for holding freemens meetings in said town on some convenient day before the twentieth day of January next at one of the clock in the afternoon, then and there, if they think proper, to elect a representative, in the room of the hon^{ble} Luke Knoulton Esq^r resigned, on being appointed one of the judges of the supreme court for the remainder of this present year.

Adjourned until Monday next 8^oClock in the morning—

MONDAY Oct^r 30^t 1786—

The bill entitled An act for ascertaining the westerly line of Orange county, and the easterly line of Addison county—was returned from Council concurred, and passed into a law of this state—

A bill entitled An act to continue in force the several statutes of this state, was brought in read accepted & sent to the Governor and Council for revision & concurrence—

The Committee to whom was refered the petition of John Harwood, brought in their report, which was read and not accepted—And, *Ordered* that said petition be refered to the next adjourned session of Assembly, and that said petitioner cite the adverse party to shew cause if any he hath why the prayer of said petition ought not to be granted—

A Bill entitled An act to prevent the sale and transportation of negroes and molattoes out this state, was returned from Council with the following amendment, viz, “Omitting the last paragraph”—which was concurred with, and said bill passed into a law of this state—

A Resolution respecting general survey Read & pass’d.

A petition signed Lemuel Buck and Phebe Bristol administrators of the estate of Gideon Bristol deceased, with a certificate of the Judge

of Probate, were Read & the prayer of the petition granted—and leave given for a bill to be brought in accordingly—

A bill entitled An act to empower the sale of a part of the real estate of Gideon Bristol, deceased, was read accepted & sent to the Governor & Council for Revision & concurrence—

A petition signed Gideon Adams Administrator of the estate of Elisha Leach late of Pawlet deceased—with a certificate of the Judge of Probate were read and the prayer of the petition granted—And leave given for a bill to be brought in accordingly—

A bill entitled An act empowering Gideon Adams Administrator of the estate of Elisha Leach late of Pawlet deceased, to sell part of the real estate of said deceased, was read and accepted & sent to the Governor and Council for revision & concurrence—

Resolved to reconsider the vote for refering the petition of John Sherer to the next session, and that said petition be dismissed—

The Committee to whom was refered the petition of Daniel Hill, brought in their report which was read and said petition and report refered to the next session.

A bill entitled an act in addition to an act regulating proprietors meetings; and

A bill entitled, an act in addition to an act entitled an act for the appointing of Sheriffs &c. were read and sent to the Governor and Council for revision and concurrence—

The Committee to whom was refered the petition of Joseph Farnsworth Esq^r Commissary General made report which was read and accepted, and

Resolved that the Auditor be directed to allow twelve per cent as wastage, in the Commissary General department—And that they allow the Commissary General and his clerk pay to the first day of May one thousand seven hundred and eighty five—

The Committee appointed to take under consideration the several acts that the Council of Censors recommended to be altered & repealed, made report which was read & accepted—

Adjourned until 2^oClock afternoon.

2^oClock P. M—

The bill entitled, An act empowering Gideon Adams administrator of the estate of Elisha Leach late of Pawlet deceased, to sell part of the real estate of said deceased—and,

The bill entitled an act to continue in force the several statutes of this state—and

The bill entitled an act to empower the sale of part of the real estate of Gideon Bristol late deceased—And

The bill entitled an act in addition to an act entitled An act for the appointing of sheriffs, were several returned from Council concurred, read & passed into laws of this state—



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The Committee to whom was referred the fourth article in the arrangement, brought in their report which was read and the last clause, viz, "That a state tax ought to be granted"—was accepted, and,

Resolved that a Committee of six be appointed to prepare and bring in a bill accordingly—

Members chosen Mr [Silas] Goodrich, Mr [John] Stevens, Mr Brown, Mr [Hubbel] Wells, Mr [Benjamin] Emmons and Mr [Thomas] Johnson—

Adjourned until to morrow morning 8 o'clock—

TUESDAY Oct^r 31st 1786—

Resolved that a Committee of three be appointed to prepare and report a bill regulating civil actions—Members chosen Mr [Paul] Brigham, Mr [Lemuel] Chipman & Mr [Alexander] Harvey—

A bill entitled "an act defining and limiting jurisdiction of justices courts¹ within this state and directing the proceedings thereon, was brought in read and accepted—and sent to the Governor and Council for revision and concurrence—

The Council sent back the bill entitled An act to compel the fulfilment of contracts, according to the intent of the parties, with the following entered on the same—viz—

"*In Council 31st October 1786*—The Council having considered the foregoing act,

"*Resolved* not to approve thereof—And propose to the General Assembly in lieu thereof, that the articles specified in the general act of tendery made in one thousand seven hundred and eighty two, be adopted and made a tendery on all contracts made to this date, with the following amendment viz—That all articles in said act, which are made a tendery, shall be delivered at the dwelling house or place of the creditors residence or such other place within this state at the cost of the debtor, as the said creditor and debtor shall agree, provided said act shall remain in force until the rising of the Assembly in February next, and no longer—

signed JOSEPH FAY Sec^y—

The question being put whether this House will agree thereto it passed in the negative—And the question being put whether said bill shall pass into a law of this state—it passed in the affirmative.

A bill entitled An act for the purpose of levying the taxes therein

1. A Justice of the Peace, within his jurisdiction, was authorized to try activities of a criminal nature where the fines and forfeitures were within forty shillings and corporal punishment did not exceed ten stripes. Civil cases might be heard where the debt did not exceed £4 in some cases and £6 in other cases, but actions concerning defamation and the titles of land were excepted. Such an official might bind over to a higher court "all criminal offenders, the enormity of whose misdemeanors surpass his power to try."—The text of this act is given in Slade's Vermont State Papers, pp. 506-508.

contained; was brought in, read accepted and sent to the Governor and Council for revision & concurrence—

A bill entitled An Act making it the duty of the states attorney to defend in suits commenced against certain officers therein named, and to enable said officers to produce their warrant or commission in court as legal proof of their being proper officers; was sent from Council proposing that the same may be passed into a law—which was read & referred to the next session—

The following resolution was sent from Council.

*“In Council 31st Oct^r 1786—*The Council being informed that their proposals of amendment on the bill entitled An act to compel the fulfilment of contracts has not been attended to, but the bill passed into a law—They therefore propose that said bill be returned to the council for revision & concurrence”*—*

p^r order JOSEPH FAY Sec^y

Which being read—The question was put whether this House will send back the bill requested—The yeas and nays were required—They are as follows

Yeas	Nays
Mr Goodrich	Mr Dewey
Mr Gardner	Mr Gray
Mr Canfield	Mr Sheldon
Mr Bristol	Mr Chipman
Mr Stevens	Mr Marvin
Mr Ward	Mr Higley
Mr Randal	Mr C. Carpenter
Mr Robinson	Mr Brewster
Mr Emmons	Mr Hudson
Mr Johnson	Mr Aikin
Mr P. Bliss	Mr Bridgman
Mr Thompson	Mr Hubbard
Mr Fasset	Mr Davison
Mr Mott	Mr Brigham
Mr Shafter	Mr Heald
Mr Burgis	Mr B. Burt
Mr Weld	Mr D. Marsh
Mr Parkhurst	Mr Freeman
Mr Green	Mr Clark
Mr Coffeen	Mr Wells
Mr Ferris	Mr Cook
Mr Allen	Mr Roberts
Mr Spafford	Mr Jewet
Mr Lane	Mr Thorp
24	Mr A. Smith
	Mr S. Bliss
	Mr Peirce

Mr Rich
Mr Rosbrook
Mr Willard

30

So it passed in the Negative—and,

Resolved that, in the opinion of this House, the said bill was returned to this House without any proposals of amendment by the honorable Council, and therefore that the said bill was constitutionally passed into a law—And that Mr [Ebenezer] Marvin be directed to acquaint the hon^{ble} Council therewith—

A bill entitled An act for transferring the papers of the treasury of this state from the former to the present treasurer, was brought in by Com^t read accepted and sent to the Governor and council for revision and concurrence—

Resolved that the Auditors be directed to allow his Excellency the Governor as one of the land Committee one percent on all the monies he received—

The Council returned the bill entitled, An act for the purpose of levying the taxes therein contained, with some proposals of amendment which were read and agreed to and said bill passed into a law of this state—

The Council returned the bill entitled An Act in addition to an act regulating proprietors meetings; concurred, which was read and the question being put whether said bill should pass into a law of this state—The yeas and nays were required—They are as follow viz—

Yeas

Mr Dewey
Mr Goodrich
Mr Smith
Mr Gray
Mr Sheldon
Mr Stevens
Mr Chipman
Mr Ward
Mr Marvin
Mr Randal
Mr Merriman
Mr C. Carpenter
Mr Mott
Mr D. Marsh
Mr B. Burt
Mr Wells
Mr Jewet
Mr Shafter
Mr Aikin
Mr Bridgman
Mr Bisbee
Mr Hubbard

Yeas

Mr Davison
Mr Brigham
Mr Heald
Mr Weld
Mr Green
Mr Throop
Mr Cottle
Mr Emmons
Mr A. Smith
Mr Johnson
Mr P. Bliss
Mr S. Bliss
Mr Whitelaw
Mr Harvey
Mr Rich
Mr P. Brown
Mr Thompson
Mr Ferris
Mr Spafford
Mr Willard
Mr Lloyd—



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January next, if they shall see cause) to choose a representative to represent said town in General Assembly the year ensuing—

Resolved that the Committee of pay-table be and they are hereby empowered to liquidate old accounts until the first of February next and draw orders accordingly—

Resolved that the Salary of his Excellency the Governor for the year ensuing be one hundred and fifty pounds Lawful money and the Treasurer is hereby directed to pay the same—

Resolved that the Governor and Council take bonds of the treasurer in the sum of ten thousand pounds for the faithful performance of his trust—

Resolved that the treasurer be and is hereby directed to pay the debt of the General Assembly by drawing orders on hard money taxes, to each member respectively—

Resolved that two hundred copies of the Journals be printed—

Resolved that Jonathan Atherton be and hereby is appointed a County Surveyor for the county of Windsor—

Resolved that Noah Paine be and hereby is appointed a County Surveyor for the county of Orange—

Resolved that the next adjourned session of this Assembly be holden at Bennington.

Adjourned until the third Thursday of February next then to meet at Bennington—

A
JOURNAL OF THE PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

AT THEIR SESSION HELD AT BENNINGTON, ON THE THIRD
THURSDAY OF FEBRUARY, 1787



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His Excellency the Governor laid before the House a letter from the Hon^{ble} W^m Smith¹ Esq^r dated Quebec Dec^r 9^t 1786 also a letter from John Kelly Esq^r dated Feb^y 2^d 1787 which were Read and refered to a Committee of six to join a Committee from the Council to take the same under consideration, state facts and make Report of their opinion to this House—The members chosen M^r [Elijah] Dewey, M^r [Lemuel] Chipman, M^r Samuel Lane, M^r [John] Bridgman, M^r [Benjamin] Emmons & M^r [James] Steele—

His Excellency also laid before the House a Letter from M^r Levi Allen² one of the Commissioners for negociating a free trade to and throug the province of Quebec with his proceedings agreeable to his appointment which were Read and refered to the aforesaid Committee.

His Excellency also laid before the House a petition from a N^o of the Inhabitants of New-Haven praying that Elijah Foot of said town might be appointed a Justice of the Peace for the County of Addison—which was Read and—*Ordered* to lie on the table until the Governor & Council shall join this House to elect officers &c. and then to be laid before them for consideration—

The Committee of revision³ reported the following bills viz—

A bill entitled an Act ascertaining the value of contracts made for Continental bills of credit—

An Act to encourage the destroying wolves and panthers—

An Act respecting fences—

An Act regulating the tryal of persons who on being arraigned for crimes against the state shall stand mute—

An Act pointing out the office & duty of Secretary of State—

An Act for the punishment of theft—

An Act concerning pedlars, hawkers & petty chapmen—and

An Act regulating mills and millers, which bills were Read and, *Ordered* a second reading—

A petition signed by the Selectmen of Reading—

A petition signed by the Selectmen of Reading one other signed by the Selectmen of Orwell and one other signed by a N^o of Inhabitants of Leiceister each praying that all the lands in each town public rights excepted might be taxed for the purpose of making & repairing roads and bridges, were Read and refered to a Committee of three to take the same under consideration state facts and make Report—The members chosen M^r [Jesse] Cook, M^r [Phinehas] Freeman & M^r [Calvin] Parkhurst—

1. The letter of William Smith, Chief Justice of the Province of Quebec, related to his lands in Vermont, and the letter from John Kelly dealt with the same subject. Smith claimed land in Putney.—See Governor and Council, vol. 3, pp. 118, 401-402; also see p. 339 of this Journal.

2. Levi Allen, a brother of Ethan and Ira Allen, was appointed a commissioner to succeed Joseph Fay, resigned.—See Governor and Council, vol. 3, pp. 399, 400.

3. Apparently considerable time was given during this session to a revision of laws already on the statute books of the State.

A petition signed by a N^o of Inhabitants of Hartford praying that Elkanah Sprague Esq^r might be appointed a Justice of the Peace for Windsor County—

Ordered that said petition lie on the table until the Governor and Council shall join this House to elect officers & then to be laid before them for consideration—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M. Feb^y 16^t 1787—

The Committee of Revision Reported the following bills viz—

An Act prescribing forms of writs in civil causes.

An Act for the prosecution and punishment of frauds and perjuries.

An Act regulating weights and measures—

An Act for authenticating deeds & conveyances—

An Act for the due observation of the sabbath—which were Read and *Ordered* a second reading—

The following bills were Read a second time & sent to the Governor and Council for Revision & concurrence, viz—

The bill entitled An Act prescribing and establishing forms of oaths in this state—

An Act for the punishment of theft—

An Act ascertaining the value of contracts made for Continental bills of credit—

An Act concerning bastards & bastardy—

An Act regulating the trial of persons who on being arraigned for crimes against the state shall stand mute.

An Act for empowering the inhabitants of the respective towns to tax themselves on certain occasions—

An Act for the suppressing of lotteries—

An Act for the punishment of drunkenness gaming and profane swearing—

An Act for the regulating ferries & ferriages within this state—

An Act for dividing the State into Probate districts—

An Act for restraining swine from going at large.

An Act concerning sudden and untimely deaths—

An Act ag^t barratry and common barrators.

An Act pointing out the office & duty of the Secretary of State—

An Act respecting fences—

An Act regulating mills & millers—

An Act for the Regulating & Auditing the public accounts—

A petition signed by Calvin Parkhurst in behalf of the Inhabitants of Royalton, one other signed by a N^o of Inhabitants of Monkton and one other signed by Roswell Hopkins in behalf of the Inhabitants of Charlotte all praying that the lands in each town might be taxed for the purpose of making and Repairing public roads & bridges—were Read &

referred to a Committee of three to take the same under consideration state facts & report—The members chosen M^r [Silas] Goodrich, M^r [John] Stevens & M^r [Benjamin] Emmons—

Adjourned until to morrow morning 9 °Clock.

SATURDAY February 17^t 1787—

A remonstrance signed by Justin Ely, for himself and Moses Ashley by desire, and George Brock (with a deposition) remonstrating against Thomas Millers petition, were Read and *Ordered* to lie on the table—

A petition signed Benj^a Randall, Lieut. Col^o and fifty five others inhabitants of Little Hoosack in the State of New York, praying for a compensation for the damages they sustained for their influence and zeal in adding the western union^r to this state &c. by a grant of land or otherwise, was read and referred to a Committee of three, to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Gideon] Brownson, M^r [Elijah] Dewey and M^r [John] Bridgman—

A petition signed by the Selectmen and Listers of Thomlinson, [Grafton] praying for abatement on the list of 1786 the sum of £73 said list being miscast that sum too much, was read and referred to the above Committee—

A petition signed by the Selectmen of Wilmington praying for an abatement of £301 on the grand list of 1786 said list being cast that sum too much through mistake—was read and referred to the above Committee—

A petition signed by forty one of the Inhabitants of Cornwall praying that they [there] may be established the first Congregational society in said town, was read and the prayer thereof granted—and

Ordered that the Petitioners have leave to bring in a bill accordingly—

The Committee of revision Reported the following bills viz—

A bill entitled An Act for appointing County surveyors in the several Counties and directing and regulating them in the execution of their office & duty—

An Act directing Town Clerks in their office and duty—

An Act for the Election of Governor Lieut. Governor, Treasurer and Representatives—

An Act for summoning juries and directing Grand jurors in their duty—

An Act directing and regulating the levying and serving executions—

An Act relating to bills of divorce—

An Act to restrain the taking of excessive usury—And,

1. This Assembly decided to grant the petitioners a township six miles square as soon as vacant land could be found.—Governor and Council, vol. 3, pp. 119.



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The Committee to whom was refered the petition of Calvin Parkhurst in behalf of the Inhabitants of Royalton brought in the following report viz—"That in our opinion the prayer of the petition ought to be granted—SILAS GOODRICH for Com^{tee}"

which was read and accepted and leave given for a bill to be brought in accordingly—

The Committee to whom was refered the letter from the Hon^{ble} W^m Smith Esq^r and John Kelly Esq^r brought in the following report viz—

"That in our opinion his Excellency the Governor by advice of Council be requested to answer the matters specially mentioned in M^r Smiths Letters and in particular to assure him that this Government have in all their official transactions inviolably adhered to the articles of treaty which he refers to—

ISAAC TICHENOR for Com^t"

The above report was read and accepted and

Ordered that the same be refered to the Governor and Council for their consideration—

The bill entitled an Act granting a new trial in a cause therein named, was returned from Council concurred Read, and Passed into a Law of this state—

The Committee of revision reported the following bills viz—

A bill entitled An Act against counterfeiting & passing bills of public credit, coins and notes and to prevent injustice in Passing the same—

An Act directing Constables in their office and duty—

An Act for regulating town and other public meetings & directing the choice of town officers.

An Act for maintaining stocks, signposts and Pounds in this state & for regulating the empounding of creatures & for punishing rescues & pound breaches—

An Act for marking & branding cattle & sheep.

An Act regulating the office & duty of Sheriffs.

An Act for the prevention & punishment of riots disorders and contempt of authority—were Read and *Ordered* a second reading—

A letter from Major R. Tyler¹ Aid-de-Camp to General Lincoln stating the situation of the insurgeants &c. in the state of Massachusetts and requesting the aid of this Commonwealth in apprehending some of the principle insurgeants who have fled from justice into this state &c.

1. Royall Tyler later established a law office in Guilford and in process of time became Chief Judge of the Supreme Court of Vermont. He was one of the most brilliant men of his time. He was the author of the first comedy acted on an American stage, and one of his plays was running in New York at the time of the first inauguration of George Washington. He was at one time engaged to the daughter of John Adams, but the engagement was broken. He was a writer of distinction, noted for his wit. The journals of his widow have been published under the caption, "Grandmother Tyler's Book," with notes and preface by Prof. Frederick Tupper of the University of Vermont.

was read and refered to a Committee of twelve to join a Committee from the Council to take the same under consideration and report their opinion to this House—The members chosen M^r [Silas] Goodrich, M^r [Gideon] Brownson, M^r [Lemuel] Chipman, M^r [Ebenezer] Marvin, M^r [Hiland] Hall, M^r S. Lane, M^r [Phineas] Freeman, M^r [Paul] Brigham, M^r [John] Bridgman, M^r [John] Weld, M^r [James] Steele & M^r [Jonathan] Peirce—

A petition signed by Stephen Clark Collector for the town of Clarendon for the year 1781 setting forth that said town was doomed for said year £110 more than the list of said town—And that he lost his pocket book containing £10 in states notes that he had collected—And praying that the Treasurer may be directed to credit him all the taxes that have been laid on said £110 and also to pay him the said sum of £10 was read and refered to a Committee of three to take the same under consideration state facts & report—The members chosen M^r [Daniel] Marsh, M^r [David] Sheldon and M^r [Ebenezer] Wilson—

M^r [Lemuel] Chipman moved for leave to bring in a bill making notes negotiable &c. *Ordered* that he have leave to bring in a bill accordingly—

Resolved that the Treasurer be desired to procure blanks for hard money orders in the following form viz—

N^o.

State of Vermont—

Treasurers office Tinmouth—

This order will be received into the Treasury for the sum of—of either of the Collectors of the hard money taxes that has or shall be granted by the Legislature of this state—Witness—

Adjourned until 9 °Clock next Monday morning.

MONDAY February 19th 1787—

On motion made by M^r [Gideon] Brownson and seconded by M^r [Elijah] Dewey that Jonathan Fasset^t Esq^r may be suspended from taking his seat in this House until to morrow morning in order that they may bring in and support a complaint or impeachment against him for aiding & assisting the mob which assembled at Rutland in November last with intentions to stop the County Court from sitting in that Place—Thereupon

Ordered that M^r Fasset be suspended from taking his seat in this House until the opening of the House to morrow morning accordingly—

A petition signed by Phillip Smith Jun^r praying for depreciation of his wages while a prisoner taken in the service of this state and for his own and his brother Stephens gun, blanket &c. was read and refered to

1. For Jonathan Fasset's part in the Rutland County uprising, see Governor and Council, vol. 3, pp. 369-371; Crockett's History of Vermont, vol. 2, pp. 415-416.

a Committee of three to take the same under consideration state facts and make Report—Members chosen M^r [Benjamin] Emmons, M^r [Calvin] Parkhurst and M^r [Joshua] Wood—

A petition signed by the Selectmen of Pawlet praying that said town might be credited the sum of £443-15-on the grand list of 1786 said list being miscast that sum too much, was read and refered to the above Committee—

A petition signed by Asa Edgerton and James Steele proprietors Committee of Randolph was read and refered to a Committee of three to join a Committee from Council to take the same under consideration state facts & make Report—Members chosen M^r [Elijah] Dewey M^r [Gideon] Brownson & M^r [Calvin] Parkhurst—

A petition and remonstrance signed by 40 persons dated Pittsford Feb^y 16th 1787 one signed by 40 persons from the town of Brandon; one signed by John Weld town Clerk of Reading dated Feb^y 7^t 1787 one signed Beriah Green Town Clerk of Barnard dated Feb^y 8^t 1787 one signed by 90 persons dated West-Parish Windsor Jan^y 2^d 1787 one signed by W^m Gallup, Elisha Gallup and Thomas Weeden Committee dated Hartland Feb^y 10^t 1787 and one signed by 66 persons dated Dec^r 10^t 1786, & also a petition remonstrating against the petition from the Committee of Hartland dated Hartland Jan^y 19^t 1787—were read and refered to a Committee of six to join a Committee from the Council to take the same under consideration, state facts and make report of their opinion to this House—The members chosen M^r [Elijah] Dewey, M^r [John] Stevens, M^r P. Brown, M^r [Joshua] Wood, M^r [John] Weld and M^r [Jonathan] Peirce—

A petition signed by Thomas Sawyer for the people dated Feb^y 1st 1787 praying that the rioters taken at Rutland in November last might be discharged from their bonds and fines and that a compensation might be allowed to Nehemiah Hopkins for the wound he received while under the Command of Capt. Cooley &c. was read and refered to a Committee of three to join a Committee from the Council to take the same under consideration state facts and make report—The members chosen M^r [Silas] Goodrich, M^r B. Burt and M^r [Jesse] Cook—

A petition signed by John Barnes Constable of Pittsford setting forth that in the month of May last past his house was burnt and in it was consumed with his effects four pounds ten shillings in hard money orders which he had collected for State taxes and praying that he might be allowed the same by the Treasurer of this state with a certificate from the Selectmen of said town that he had his burnt as set forth in the petition, were read and refered to the above Committee to state facts & make report—

A petition signed by Anne Hickok administratrix on the estate of Justus Hickok late of Castleton deceased praying for leave to sell so much of the real estate of said deceased as will pay the sum of £92-18—Lawful money with a certificate signed by the Judge of Probate for the District of Rutland certifying that the personal estate of said deceased



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A petition signed by John Perrigo and one other signed by Elisha Barber were Read & refered to the above Committee to state facts and Report—

A petition signed by a N^o of inhabitants of the East part of Wallingsford & Jacksons Gore¹ praying that the lands on the East side of the Mountains in Wallingford and Jacksons Gore might be taxed for the purpose of making & repairing public roads & bridges in said town, was read & refered to a Committee of three to take the same under consideration state facts & report—the members chosen M^r [Ichabod] Robinson, M^r [John] Stevens and M^r [Jesse] Cook—

“The Committee to whom was refered the petition of the Selectmen of Orwell brought in the following report viz—“That in our opinion the facts set up in said petition are supported & that the prayer of the petition ought to be granted—

(signed) JESSE COOK for Com^t”—

The above Report was read and accepted and

Ordered that the petitioners have leave to bring in a bill accordingly—

The Com^t to whom was refered the petition of the inhabitants of Leicester Reported,—“That in the opinion of this Committee the prayer of the petition ought to be so far granted as to lay a tax of $1\frac{1}{2}$ ^d on each acre of land in said town for the purposes prayed for—

(signed) JESSE COOK for Com^t”

The above Report was read & accepted & *Ordered* that the petitioners have leave to bring in a bill accordingly.

The Committee to whom was refered the petition of the Selectmen of Reading Reported—“That in our opinion the facts set up in said petition are supported & that the prayer of the petition be so far granted as to lay a tax of $1\frac{1}{2}$ ^d on each acre in said town.

(signed) JESSE COOK for Com^t”

The above Report was Read and accepted & *Ordered* that the petitioners have leave to bring in a bill accordingly—

The bill entitled an Act for the limitation of actions,

The bill entitled an Act directing Constables in their office and duty—And

The bill entitled an act directing proceedings against forcible entry & detainer, were Read the second time accepted & sent to the Governor & Council for revision and concurrence—

Adjourned until to morrow morning 9 °Clock.

1. By the terms of its charter Jackson's Gore became a part of Wallingford.—State Papers of Vermont, vol. 3, p. 308.

TUESDAY February 20^t 1787—

Capt. Thomas Butterfield of Colchester in the County of Addison produced the credentials of his appointment as a member of this Assembly which was read, & he having taken and subscribed the oaths & test prescribed in the Constitution—*Ordered* that he have leave to take his seat as a member of this House—

Ordered that to morrow morning be assigned for the members of Addison County to report a nomination of a justice of the peace for said County in the town of N-Haven.

The following complaint was read in its order viz.

“To the Hon^{ble} Gen^l Assembly now sitting—

“Gideon Brownson Esq^r complaining saith that Jonathan Fasset Esq^r of Pittsford in the County of Rutland & representative to this Assembly for said town of Pittsford for the present year, hath, during and since the session of this Assembly in October last by seditious speeches misrepresenting the proceedings of this Assembly at their said session among the good people of this state endeavored to influence the minds of the citizens of this state against the proceedings of this Assembly at their said session—and did excite them to mutiny and riot & sedition against the Laws & Government of this state, and did on the third Tuesday of November last excite encourage aid and abet a large number of the Inhabitants of Rutland County then notoriously and seditiously assembled at said Rutland to oppose the sitting of the County Court for the County of Rutland then and there to be holden according to Law—all of which conduct of the said Jonathan Fasset is contrary to & violation of a duty & obligation of a member of this House—Your complainant therefore moves that enquiry may be had into the conduct of the said Jonathan & he dealt with according to the rules & regulations of this House. (signed) G. BROWNSON—

The question being put to M^r Fasset whether he plead guilty or not guilty to said complaint—he answered *not guilty*—And on motion made & agreed to by M^r Fasset—*Ordered* that Wednesday morning of next week at the opening of the House be assigned to take said complaint under consideration and that M^r Fasset be suspended until that time from taking his seat in this House—And that the States attorney for the County of Rutland be requested to bring forward the evidence to support said complaint—

The Committee to whom was refered the petition of the Selectmen of Londonderry brought in the following Report viz—“That the facts set up in said petition are true & in our opinion the prayer of the petition ought to be granted—

(signed) PETER BRIGGS for Com^t—

which was read and accepted and thereupon

Resolved that the Treasurer be & hereby is directed to credit the town of Londonderry so much of all the taxes as have been laid or shall

be on the sum of £80 in the grand list of 1786 said List being miscast that sum too much—

A petition signed by Leonard Spalding in behalf of the town of Dummerston setting forth that the Treasurers warrant for the taxes on the list of 1786 was given out for £1000. more than the amount of said list and praying that the same may be taken off or the town credited all the taxes that should be laid on said £1000., was read & refered to the Committee appointed last session to doom the several towns & that they take the same under consideration state facts & report—

A petition signed by Peter Ferris^r in behalf of the inhabitants of Panton praying that all the land in said town might be taxed for the purpose of making & repairing public roads & bridges in said town was read and refered to a Committee of three to take the same under consideration state facts & report—Members chosen M^r [Jesse] Cook, M^r [Hiland] Hall & M^r [William] Ward—

A petition signed by the selectmen of Hallifax praying that all the lands in said town except public lands might be taxed 1^d p^r acre for the purpose of making and repairing public roads & bridges in said town, was read & the prayer thereof granted &, *Ordered* that the petitioners have leave to bring in a bill accord^y.

A petition signed by Elias Dickenson praying that an Act entitled, An act granting a new trial in a cause therein named, passed on the petition of John Harwood might be prevented from taking effect and dismiss said petition, or otherwise lay the same over to some future session was read & refered to a Committee of six to join a Committee from Council to take the same under consideration state facts & report—The members chosen M^r [Silas] Goodrich, M^r [Daniel] Marsh, M^r [Hiland] Hall, M^r [Daniel] Jewet, M^r [Benjamin] Emmons & M^r Bliss—

A petition signed by Asa Whitcomb in behalf of the Proprietors of Pittsfield and Hancock² in the County of Rutland praying for a grant of a tract of land lying Leicester & said Hancock on account of said towns falling short of the full quantity expected, was read and refered to a Committee of three to join a Committee from the Council to state facts & report—The members chosen M^r [David] Sheldon, M^r [John] Burt & M^r [Nathan] Canfield—

Resolved that the Sheriff of the County of Bennington be directed to suspend the collecting of the tax of ten shillings on each hundred acres in the town of Reedsboro' [Readsboro] until some further order from this House—

Adjourned until 2 °Clock afternoon—

1. Peter Ferris was one of the first settlers of Panton. He was a member of a Quaker family and emigrated from Dutchess county, New York. His house, with all but one of the houses in town, was burned during the British raid of 1778, which devastated the settlements along Lake Champlain.—Hemenway's Gazetteer, vol. 1, pp. 80-81.

2. Hancock was annexed to Addison County in January 1791.—State Papers of Vermont, vol. 2, p. 301.



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the lands in Weathersfield for the purpose of building a meeting house in said town might be directed to redeem the lands of the petitioners which he has sold, out of the avails of the tax, the petitioners being of a different religious sentiments and not having proper intelligence to comply with the Act before the time of sale &c. was read and refered to a Committee of three to state facts & report—Members chosen M^r [Calvin] Parkhurst, M^r [David] Sheldon & M^r [Silas] Goodrich—

The Committee to whom was refered the petition of Asa Edgerton & James Steele proprietors Committee brought in their report which was read and not accepted & said petition recommitted to M^r [Paul] Brigham, M^r [Calvin] Parkhurst & M^r [Beriah] Green to join a Committee from Council to state facts & report—

A petition signed by Thomas Porter, Eben^r West & Joel Walker Committee of the proprietors & land owners of Vershire praying that the tax laid on said town for paying the Surveyor General might be relinquished said town & that said tax be paid by the state in the same manner as those towns which have been granted by New Hampshire, was read & refered to the above Committee to state facts & report.

A petition signed by Abel Lyman &c. Selectmen of Brookfield was read & refered to a Com^t of three to state facts & make Report—members chosen M^r [Ebenezer] Willson, M^r [Thomas] Butterfield & M^r [Hiland] Hall—

A petition signed by Peleg Sunderland was read & dismissed—

A petition signed by a number of the Inhabitants & proprietors of Jamaica, praying that all the land in said town might be taxed 2^d p^r acre for the purpose of making & repairing roads & bridges in said town, was read & refered to a Committee of three to state facts & report—Members chosen M^r [Joseph] Clark, M^r [James] Roberts & M^r [Leonard] Spalding—

The Committee to whom was refered the petition of Wallingford & Jacksons Gore reported

“That in their opinion the prayer of the petition ought to be granted—

(signed) ICHABOD ROBINSON for Com^t”

which was read & accepted & *Ordered* that the petitioners have leave to bring in a bill accordingly—

A petition signed by a number of the inhabitants & proprietors of Winhall & a gore granted to Capt. Edward Aikin^r & associates praying that the lines of said Winhall might be ascertained and that said gore might be annexed to said town was read & dismissed—

The bills entitled “An act for the punishment of theft”—

1. Aiken's Gore contained about 930 acres and by the terms of its charter, granted in 1782, was annexed to Londonderry.—State Papers of Vermont, vol. 2, p. 250.

An Act regulating the trial of persons who, on being arraigned for crimes against the state shall stand mute—and

An Act directing proceedings against forcible entry and detainer” were returned from the Governor & Council concurred, read & passed into laws of this state—

Adjourned until to morrow morning 9 °Clock.

WEDNESDAY Feb^y 21st 1787—

Ordered that the members of the Counties of Rutland & Addison have leave to nominate such number of Justices of the Peace in said Counties as they shall judge proper & make report—

Resolved that a Committee of six be appointed to receive sort & count the yeas & nays of the freemen for paper money, tender acts &c. and make report—members chosen M^r Goodrich Judge [William] Ward, [of Poultney] M^r [Thomas] Butterfield, M^r B. Burt, M^r [Calvin] Parkhurst & M^r Bliss—

A petition signed by Abiathar Angel setting forth that the listers for the town of Pownall for the year 1786 had entered his list through mistake £461-10. too much & praying that he may not be subjected to pay any more taxes than is or shall be assessed on his true list for said year—was read and the prayer thereof Granted &

Resolved that the Treasurer be & is hereby directed to credit the town of Pownall so much of all the taxes that have been or shall be laid on the sum of £461-10 on the list of 1786 said sum being a mistake in Capt. Abiather Angels list for said year—And the Collector of said town is hereby directed to credit the said Abiather Angel all the taxes that have been or shall be laid on said sum for said year—

A bill entitled an Act for laying a tax of one penny on each acre of land in Jacksons Gore & part of Wallingford for making & repairing roads & bridges, was brought in agreeable to order, Read & accepted & sent to the Gov^r & Council for Revision & concurrence—

The Committee to whom was refered the petition of Col^o Benjamin Randall & others brought in the following report viz—

That having taken said petition under consideration beg leave to report as our opinion that the prayer thereof be so far granted that a township of land six miles square be granted them, if, any vacant lands be found within this state after the grants already made by said state are compleated that they receive a charter of such township of land under such restrictions, reservations & for such fees as shall be directed by the Governor & Council & at such time as they shall judge proper—

(signed) EBEN^r WALBRIDGE for Com^t”—

The above report was read & accepted—

The Committee to whom was refered the petition of the Selectmen of Wilmington brought in the following report viz—

“That in our opinion the prayer of said petition ought to be granted.

(signed) EBEN^r WALBRIDGE for Com^t”—

which was read and accepted &

Resolved that the Treasure be & is hereby directed to credit the town of Wilmington so much of all the taxes that have been or shall be laid on the sum of £301 on the list of 1786 said sum being a mistake in the cast of the grand list of said town for said year—

The Committee to whom was refered the petition of the Selectmen & listers of Thomlinson brought in the following report viz—That in our opinion the prayer of the petition ought to be granted.

(signed) EBEN^r WALBRIDGE for Com^t”—

which report was read and accepted and,

Resolved that the Treasurer be and is hereby directed to credit the town of Thomlinson [Grafton] so much of all the taxes that have been or shall be laid on the sum of £73. on the list of 1786 that sum being a mistake in the cast of the grand list of said town for said year—

The following bills were brought in agreeable to order viz—

An Act for laying tax of one penny half penny on each acre of land in Charlotte in Addison County for making and repairing roads & bridges,

An Act for laying a tax of two pence on each acre of land in Royalton in Windsor County for the purpose therein mentioned, and

An Act for laying a tax of one penny half penny on each acre of Land in Monkton in Addison County for making & repairing roads, were read & accepted & sent to the Governor & Council for their revision and concurrence—

A petition signed by the Selectmen of Wardsboro' praying that all the lands in said town might be taxes $1\frac{1}{2}$ ^d p^r acre for making & repairing public roads & bridges was read and refered to a Committee of three to state facts & report—Members chosen M^r [David] Sheldon, M^r [Joshua] Wood & M^r [John] Weld—

A bill entitled an act for laying a tax of one penny on each acre of land in Ferrisburgh in Addison County for the purposes therein mentioned was brought in agreeable to order read & accepted & sent to the Governor & Council for Revision & concurrence.

The Committee of revision reported the following bills viz.

An Act for the division of Counties within this state—

An act directing the form of Passing Laws—

An Act empowering the Authority & Selectmen of the Several towns in this state to abate a certain part of the several taxes—were read & *Ordered* a second reading—

The Committee to whom was refered the petition of Joshua Wood in behalf of Townsend reported—“That the facts set up in said petition



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The petition of Samuel Allen which was refered from the last session was again read with the notification &c. & refered to a Committee of three to state facts & report—The members chosen M^r [Gideon] Brownson M^r [John] Mott and M^r [William] Ward—

A petition signed by Daniel Marsh praying for pay for transporting a load of baggage for Captain Oliver Potter's company to Montreal, was read and refered to a Committee of three to take the same under consideration state facts & report—Members chosen M^r [Joseph] Hubbard, M^r [Beriah] Green & M^r [Gideon] Brownson—

A bill entitled an Act directing an appeal to be entered from a judgment rendered in the last session of the County Court holden at Bennington within and for the County of Bennington commenced by the Freemen of the State against Silas Whitney & Jabez Carpenter of Clarendon in the County of Rutland was brought in agreeable to order Read & accepted & sent to the Governor & Council for Revision & concurrence—

A petition signed by Reuben Harmon & 82 Inhabitants of Rutland, praying that the town might be divided into two societies, was read & refered to a Committee of five to state facts & make Report—The members chosen M^r [Gideon] Brownson, M^r [Hiland] Hall, Capt. [William] Ward, M^r B. Brown & M^r [James] Steele.

Adjourned until 9 °Clock to morrow morning—

THURSDAY February 22^d 1787—

A petition signed by Josiah Clark, Benj^a Hall & 18 others was read & refered to a Committee of six to join a Committee from Council to take the same under consideration state facts & report—The members chosen M^r [Elijah] Dewey, M^r [Brewster] Higley, M^r [Hiland] Hall, M^r B. Burt, M^r B. Brown & M^r [Pelitiah] Bliss—

Resolved that a Committee of three to join a Committee from the Council be appointed to prepare a bill regulating the office & duty of Treasurer—And the mode for liberating debtors who are confined in goal [jail] on delivering up their estate agreeable to the constitution. The members chosen M^r [John] Bridgman, M^r [John] Weld and M^r B. Brown—

On motion made by M^r [Daniel] Marsh,

Resolved that a Committee of six to join a Committee from the Council be appointed to prepare & bring in a bill for the settlement of debts due from Confiscated estates—The members chosen M^r [Silas] Goodrich, M^r [William] Ward, M^r P. Brown, M^r [Joshua] Wood, M^r [Benjamin] Emmons & M^r [Eleazer] Rosbrooks—

A petition signed by Jacob Rubach¹ praying for pay for Doctering sick soldiers in the beginning of the late war and for depreciation of his wages while a surgeon in Col^o Herricks reg^t &c. was read & refered to a

1. See State Papers of Vermont, vol. 3, note p. 11.

Committee of three to join a Committee from Council to state facts & make report—The members chosen M^r [Calvin] Parkhurst, M^r [John] Mott and M^r [Hubbel] Wells—

A petition signed by a number of the inhabitants of Cornwall, Middlebury & Salisbury praying for leave to raise a sum of money by a lottery to build a bridge over Otter Creek above Middlebury falls was read & refered to a Committee of three to state facts & report—Members chosen M^r [John] Stevens, M^r [Joshua] Wood & M^r [Abel] Thompson—

A petition signed by William Chase and Artemus Ross praying for leave to raise a sum of money by a lottery to build a bridge over Hoosuk River near where the bridge formerly stood in Schaticook was read & refered to the above Committee—

The Committee to whom was refered the petition of Peter Ferris in behalf of Panton Reported “That by the best information we can get the prayer of said petition ought not to be granted. (signed) JESSE cook for Com^t” which was read & accepted & said petition dismissed—

The petition of Abel Spencer which was refered from the last session was again Read &

Ordered to lie on the table until Monday next at the opening of the House in the afternoon—

The bills entitled, An Act concerning sureties & scire facias,
An Act regulating proprietors meet^gs

An Act regulating of marriages and for preventing & punishing incest & incestuous marriages, were read the second time accepted & sent to the Governor & Council for their Revision & concurrence.

The petition from part of the Inhabitants of Clarendon & Ira refered from the last session was read with the remonstrance from a number of the inhabitants of Clarendon against granting the prayer of said petition and were *Refered* to a Committee of three to state facts & make report—The members chosen Speaker, M^r [Lemuel] Chipman & M^r [Benjamin] Gardner.

Adjourned until 2^oClock afternoon—

2^oClock P. M. Feb^y 22^d 1787—

A remonstrance signed by the Select men of Windsor against granting the petition signed by a number of the Inhabitants of said town dated West-Parish Windsor Jan^y 20^t 1787 was read and refered to the Committee to whom was Committed said petition—

The petition signed by Daniel Hall was again read and *Ordered* that the same be recommitted to the same Committee & that they take the same under consideration state facts & report—

A paper signed by Ira Allen Esq^r giving the reasons why he had not attended to settle his accounts as Treasurer, which was read And the question being put whether any order shall be taken on said paper—It passed in the negative—

The Committee appointed to receive sort and count the votes on the several questions relative to paper money &c. made their report which was read and not accepted, and

Ordered that the Clerk of this Assembly be directed to sort & count the same and make report to morrow morning.

Adjourned until 9^oClock tomorrow morning.

FRIDAY February 23^d 1787—

Agreeable to order the Clerk made the following report or stating on the several questions relative to paper money¹, tender acts &c. which was read in its order viz.—

Names of Towns	Paper money		General Tender Act		Extension of Tender act passed in 1783		Fulfilment of contracts		Tender act articles mentioned		Laws as to be stand	
	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Yeas
Bennington—	—	108	—	108	—	—	—	—	—	—	—	—
Manchester—	19	25	—	—	—	—	—	—	35—3	—	—	—
Pownall—	42—23		25—9		—	—	—	—	—	—	—	—
Shaftsbury—	—	110	—	71	—	—	—	—	—	—	—	—
Arlington—	38—13		—	—	—	—	—	—	—	—	—	—
Sunderland—	29—5		—	—	—	—	—	—	—	—	—	—
Sandgate—	13—4		—	19	—	—	19	—	—	—	—	—
Stamford—	14—12		10—11		—	—	—	—	—	—	—	—
Dorset—	—	36	1—37		—	—	24—5		—	—	—	—
Ruport—	1—38		—	—	—	—	11—24		—	—	—	—
	156—446—		36—327		—	—	54—29		35—3		—	—
Rutland	13—41		—	—	7—42		42—7		—	—	—	—
Danby—												
Clarendon	—	91	2—91		—	—	62	—	—	—	—	—
Tinmouth	—	43	—	—	7—19		—	—	—	—	23	—
Pawlet—	1—59		—	—	53—7		—	—	—	—	—	—
Poultney	2—50		—	—	2—50		—	—	—	—	—	—
Brandon	12—24		1—		—	—	32	—	—	—	—	—
Wells—	5	29	12—19		—	—	18—15		—	—	—	—
Castleton	—	30	2	—	—	—	—	—	—	—	23	—
Middletown	—	56	—	55	—	—	23—29		—	—	—	—
Ira—	—	18	—	19	—	—	19	—	—	—	—	—
Wallingford	5	38	—	—	38—4		3—38		—	—	—	—
Orwell	1	31	1—32		1—22		26—6		—	—	—	—
Pittsford	25—13		—	38	—	—	—	—	—	—	—	—
Shrewsbury	11—		—	—	—	6	6	—	—	—	—	—
	75—524		18—254		108—150		231—95		—	—	46	—

1. The first question read, Shall there be established a bank for the issue of paper money on loan to the people?

The second question read, Is it expedient to pass a general tender act?

The third question read, Shall the present act making articles a tender on execution be continued?

The fourth question read, Shall the act for the fulfillment of contracts in kind after the specified time of payment is elapsed, passed in October, 1786, be continued?

This was a period of great financial depression. The currency had depreciated and was easily counterfeited. The value of property was low, debts could not be paid in many instances and there was great popular unrest, which showed itself in uprisings against the courts and in Shay's Rebellion in Massachusetts, for these conditions were not peculiar to Vermont.—Crockett's History of Vermont, vol. 2, pp. 416-418.



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ported—"That we find the facts set forth in said petition are true & report as our opinion that the Treasurer be directed to issue his note to the petitioner for the sum of £13-10-8 that he have leave to bring in a bill for the confirmation of the title of the land therein described—

(signed) HUBBEL WELLS for Com^t"

which was read & accepted—& *Ordered* that the petitioner have leave to bring in a bill accordingly—

Resolved that the Treasurer of this state be and is hereby directed to pay to Samuel Allen the sum of £15. Lawful money—

A bill entitled an Act to Authenticate the deed therein named, was brought in agreeable to order read & accepted & sent to the Governor & Council for Revision & concurrence—

The Committee to whom was refered the petition of John Perrigo & Elisha Barber reported—"That we find due from Beloved Carpenter to John Perrigo the sum of £33. & that it is our opinion the Treasurer be directed to pay the said Perrigo the above sum he giving a quit claim deed to this state of the premises mentioned in said petition.

(signed) JACOB BAYLEY for Com^t"—

which was read & accepted & *Ordered* that leave be given for a bill to be brought in accordingly—

The Committee to whom was refered the petition of the Selectmen of Pawlet reported—"That they find the facts set up in said petition to be true & that in our opinion said town be credited for the taxes laid on the sum of £443-15. the mistake in the list being that sum.

(signed) BENJ^a EMMONS for Com^t"—

which was read & accepted & thereupon, *Resolved* that the Treasurer be & is hereby directed to credit the town of Pawlet so much of all the taxes that have been or shall be laid on the sum of £443.15. on the list of 1786 said list being miscast that sum too much.

The Committee to whom was refered the petition of Middlebury &c. praying for a lottery &c. Reported which was read & dismissed—

A petition signed by the proprietors of Windsor Court House, & a petition signed by a number of the inhabitants of Windsor County, praying that the Act for the removal of the shire town & County buildings from Windsor to Woodstock might be repealed &c. was read & refered to a Committee of five to join a Com^t from Council to state facts & report—Members chosen M^r [Gideon] Brownson, M^r S. Lane, Judge [William] Ward, [of Poultney] M^r [Daniel] Jewet & M^r Bliss.

A petition signed by Felix Powell¹, James Murdock & Gidⁿ Ormsby praying that a deed executed by Samuel Averill of Kent in the County of Litchfield & State of Connecticut, who is since deceased, bearing date the 22^d Oct^r 1774 of one right of land in Burlington in Addison County (which has never been acknowledged & the witnesses living out of the state cannot be acknowledged according to law) may be ordered to be recorded in the same manner as if it had been legally acknowledged was read & refered to a Committee of three to take the same under considerations state facts & report—Members chosen M^r [Gideon] Brownson, M^r [John] Gray & M^r [Nathan] Canfield—

The bill entitled an Act for laying a tax of one penny on each acre of land in Jacksons Gore & part of Wallingford &c. was returned concurred Read & passed into a law of this state—

The bills entitled An Act for summoning Juries & directing Grand Jurors in their duty;

An Act relative to the people commonly called Quakers and,

An Act for the division of Counties in this state² were Read the second time & sent to the Governor & Council for Revision & concurrence—

The bill entitled An Act for laying a tax of 1½^d on each acre of land in Monkton &c. was returned from the Governor & Council with the following proposals of amendment viz—“That the tax be only one penny in lieu of one penny half penny—” which was agreed to and the bill with the amendments made read & passed into a law of this state—

Two letters from the Sieur St. John debreve Coeur [de Crevecoeur]³ Counsul of France to Gen^l Ethan Allen One dated at New-York 31st May 1785 the other dated L'Orient 17^t July 1785 were read &, *Resolved* that a Committee of three to join a Committee from Council be appointed to take said letters under consideration & make report of their opinion to this House—Members chosen, M^r [Lemuel] Chipman, M^r [Ebenezer] Marvin & M^r B. Brown—

1. Felix Powel was the first settler in Burlington, and in 1773 and in 1774 had bought a tract of land in that town of Samuel Averill, one of the original proprietors.—Crockett's History of Vermont, vol. 1, p. 242.

Samuel Averill was one of the original proprietors of the townships of Averill, Berlin, Bloomfield, Bolton, Pocock (Bristol), Brunswick, Colchester, Duxbury, Essex, Wenlock, Huntington, Jericho, Lemington, Lewis, Maidstone, Middlesex, Moretown, Waterbury and Williston.—See New Hampshire State Papers, vol. 26, pp. 18, 38, 42, 46, 69, 74, 77, 106, 141, 145, 170, 235, 239, 246, 251, 264, 286, 297, 528, 556. In the charters of several of the towns mentioned, Samuel Averill was designated as Moderator of the first proprietors meeting.

2. North of Rutland and Windsor counties, the counties of Addison and Orange extended to the Canadian border. The division between the two counties last named was along the west lines of the towns of Granville, Roxbury, Northfield, Berlin, Montpelier, Calais, Woodbury, Hardwick and Greensboro, and from the northwestern corner of Greensboro, “in the most direct course on town lines to the north line of this State.”—Governor and Council, vol. 3, p. 128.

3. For correspondence with Ethan Allen, biographical sketch of de Crevecour and the naming of St. Johnsbury in honor of this French official, see Governor and Council, vol. 3, pp. 385-392.

Resolved that a Committee of six to join a Committee from Council be appointed to take under consideration the proposals of President Wheelock¹ & if they shall think proper nominate Commissioners &c. & make report—Members chosen M^r [Silas] Goodrich, M^r [Ebenezer] Marvin, M^r P. Brown, M^r [Jesse] Cook, M^r [Paul] Brigham & M^r [Jonathan] Peirce—

The bill entitled an Act directing an appeal to be entered from a judgment rendered in the last session of the Court holden at Bennington &c. was returned concurred Read & passed into a law of this state.

The Committee to whom was refered the petition of Elias Dickenson reported, "That they find that the petition purports that John Harwood of Rockingham having by petition the 17^t of Feb^y Inst. obtained an act granting a new trial in a cause therein named, wherein was represented that the said John Harwood was defaulted in an action of ejectment before the County Court in & for the County of Windham on the 1st Tuesday of Nov^r 1785, And the said Harwood in order to induce the Honorable Assembly complains in his petition that by reason of the alteration of the stated term in said Court of which he had no knowledge of the time when the default was made—Your Committee beg leave to report their opinion that the facts stated in the petition of Elias Dickenson are diametrically opposed to the several matters & things set up in the petition of said John Harwood altho at the time of passing said act in favour of the said Harwood there was reasons for doing it on the 17^t inst.—Your Com^t are therefore of opinion that the facts stated in the petition of Elias Dickenson are fully & clearly supported & are of opinion that the said Act ought to be suspended until the third day of the next session of the General Assembly—And that the said parties be notified to appear at said time to shew cause, if any, why the said Act should not be repealed.

(signed) THOMAS MOREDOCK for Com^t"

The aforesaid Report was read & accepted and *Ordered* that the petitioner have leave to bring in a bill accordingly—

A petition signed by Jonathan Hunt² in behalf of himself & associates praying for a grant of land for the compensation of the trouble & expences that they were at in defending their possessions in Hinsdale³

1. See p. 245 of this Journal for reference to the proposals of President Wheelock of Dartmouth College.

2. Jonathan Hunt was a member of the Council and later was Lieutenant Governor—Governor and Council vol. 3, pp. 101-102.

3. In his "Vindication of the Opposition of the Inhabitants of Vermont to the Government of New York and of Their Right to Form an Independent State," published in 1779, Ethan Allen refers to the Hinsdale (Vernon) episode. In sketching the history of the township, he says it "was firstly appropriated by a purchase from the Indians; secondly by a grant from the government of the Massachusetts Bay; and thirdly by the government of New Hampshire; and, fourthly, by an uninterrupted possession and occupancy about seventy years." This grant was made to Colonel Howard by New York, and it was proposed to make "a suitable compensation equal to the value of their (the settlers') improvements, in crown lands, free from the expense of fees."—Governor and Council, vol. 1, pp. 508-510.



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The Committee to whom was refered the petition of the proprietors of Varshire—[Vershire] Reported,

“That it appears to your Committee that the proprietors, when they obtained the grant of Vershire supposed that the lines of Strafford, Fairlee & Corinth gave them their out lines & their grant was supposed to contain one full town & their charter fees was put at £10. on each right, on account of its being a full & large town & the sheriff of Orange collected 35/ upon each right as a state tax & that there are only about 220 acres upon each right which is but about two thirds of a township & in a further addition to the afore mentioned matters they are called upon to pay the sum of £24-7-9 as a tax for the survey of the out lines of their town & also their proportion with other towns for the survey of all those towns which are made a state tax—Your Com^t beg leave to report as their opinion that the prayer of said petition ought to be granted so far that they ought to be exempted from paying any thing more than their proportion with other towns in this state—” which was read & accepted & thereupon,

Resolved that the cost of the Surveyor Gen^l for running the out lines of the town of Vershire be paid by this state in the same way & manner as is directed for running towns that have been granted by New-Hampshire—

A bill entitled An act to suspend the operation of an Act granting a new trial to John Harwood, was brought in according to leave Read & accepted & sent to the Governor & Council for concurrence—

The bills entitled An Act directing the recording a deed therein mentioned, and,

An Act to authenticate the deed therein mentioned were returned from Council concurred, read & passed into laws of this state—

The Committee to whom was refered the petition of the Selectmen of Wardsboro reported—

“That in our opinion the prayer of the petition ought to be granted”—which was read & accepted and leave given for the petitioners to bring in a bill accordingly—

A bill entitled an act enabling a Committee to levy a tax of 1½^d on each acre of land in the town of Wardsboro’ in the County of Windham public rights excepted for the purposes therein contained, was brought in according to leave, Read, accepted & sent up for Revision & concurrence—

Mr [Abel] Thompson Requested leave of absence during the remainder of the Session—Granted—

Adjourned until 9 o’Clock to morrow morning—

SATURDAY February 24^t 1787—

The Committee to whom was refered the petition of W^m Chase & Artemus Ross reported—“That in our opinion the prayer of said petition ought to be granted so far as to raise the sum of £450 by lottery

for the purposes prayed for"—which was read & accepted and leave given for a bill to be brought in accordingly—

The Com^t to whom was refered the petition of Rob^t Loggan reported—"That they find by examination that the Treas^{rs} warrants for taxes on the list of the town of Manchester for the year 1784 was £130-10. more than the amount of the list—And Report as our opinion that the prayer of the petition be so far granted as that said town be credited all the taxes that have been laid on said £130-10.—which was Read accepted and thereupon,

Resolved that the Treasurer be & is hereby directed to credit the town of Manchester £1-15-2 on the tax of 3^d on the pound on the list of 1784—

Resolved that the Treasurer be and is hereby directed to credit the town of Manchester £2-3-6 on the tax of 4^d on the pound on the list of 1784—

A petition signed Elkanah Cobb, was read & refered to a Com^t of three to join a Com^t from Council to state facts & report—Members chosen M^r *Speaker*, M^r [Paul] Brigham & M^r [Elijah] Dewey—

The Committee to whom was refered the petition from Ira & Clarendon with the Remonstrance reported—"That in there opinion the prayer of the petition ought not to be granted"—which was read & accepted & said petition dismissed—

Timothy Bartholomew Esq^r of Thetford in Orange County produced the credentials of his appointment as a member of this Assembly which was read & he having taken & subscribed the oaths & test prescribed in the Constitution—*Ordered* that he have leave to take his seat as a member of this House—

On motion made by M^r [John] Burt—*Resolved* that the Com^t appointed yesterday to take under consideration the proposals of President Wheelock & Nominate Commissioners &c. be dismissed &—*Ordered* that at the opening of the House on Tuesday morning next be assigned to take said proposals under consideration, with the report of the Com^t &c. which was made to this House at their last session.

The Com^t to whom was refered the request of Maj^r Tyler & the several letter from Gov^r Bowdoin & Gen^l Lincoln reported—"That it is our opinion the following form of a proclamation be issued by his Excellency the Gov^r of this state—And that his Excel^y by advice of Council be requested to issue the said proclamation^r before the rising of this Assembly—

(signed) JONATHAN HUNT for Com^t"

"State of Vermont by his Excellency Thomas Chittenden Esq^r Governor of the State of Vermont &c. &c.

1. Governor Chittenden's proclamation setting forth the duties of Vermonters in relation to the Massachusetts uprising was issued under date of Feb. 27, 1787. For documents relating to Shays' Rebellion, see Governor and Council, vol. 3, pp. 375-380.

—PROCLAMATION—

WHEREAS the General Court of the Commonwealth of Massachusetts, by their act of the 4^t Feb^y Inst. declaring that a horrid & wicked rebellion did exist in said Commonwealth, that Daniel Shays of Pelham, Luke Day of West-Springfield in the County of Hampshire, Adam Wheeler of Hubbardton in the County of Worcester & Eli Parsons of Adams in the County of Berkshire were the principle aiders & abettors of said rebellion & there being great reason to fear that some of the citizens of this state who dwell near to & adjoining the said Commonwealth may uncautiously & unadvisedly give aid to the promoters & abettors of said Rebellion & thereby violate the great duty they owe to law & good Government—I have therefore thought fit by & with the advise of Council & at the request of the General Assembly to issue this proclamation strictly commanding and enjoining it upon all the citizens of this state not to harbour, entertain or conceal the said Daniel Shays, Luke Day, Adam Wheeler & Eli Parsons & I do hereby require all & every of the Justices of the peace within this state to issue their warrants when required to apprehend & convey the aforesaid persons or either of them to the Commonwealth of Massachusetts there to be delivered to some civil or military officer authorized to receive them & all the citizens of this state are absolutely & most solemnly forbidden to take arms in support of or to engage in the service or contribute to the relief of the abettors & promoters of the said Rebellion by furnishing them with arms ammunition or otherwise as they will answer it at their peril—” which report & draft of a proclamation were Read & on motion made—*Ordered* that the same lie on the table—And that his Excellency the Gov^r & Council be requested to join this House in Grand Com^t to take the same under consideration as soon as they shall judge proper—

A petition signed by Daniel Foot & others was read & refered to a Com^t of three to state facts & report—members chosen M^r [Silas] Goodrich, M^r [Thomas] Butterfield & M^r [Beriah] Green—

M^r [Joseph] Bristol moved for leave of absence until Tuesday next—Granted—

The Com^t to whom was refered the petition from Randolph Reported which was Read & dismissed—

Resolved that the petition of Maj^r W^m Goodrich be refered to the next session of this Assembly & the several courts within this state are hereby directed to continue all civil suits which have or may be commenced ag^t him until the rising of the next session of this Assembly—And all executions that are or may be issued ag^t him be likewise stayed until the rising of the next session of Assembly—

M^r [Joshua] Wood moved for leave of absence during the remainder of the present session—Granted—

The Governor & Council not agreeing to join this House in Grand Com^t agreeable to the request of the House to take under consideration the draft of a proclamation &c.—The report & proclamation were again Read & after some debate the question was put whether said



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MONDAY February 26^t 1787—

Agreeable to order the members of Addison County returned the following persons nominated for Justices of the Peace for said County viz—Ira Allen Esq^r of Colchester, Elijah Foot of New-Haven & Caleb Smith of Shelburne, who were accordingly appointed Justices of the Peace for said County for the present year—

A petition signed Eben^r Burgess praying for a new trial in a cause tried before Benj^a Burt Esq^r wherein Matthew Lane Esq^r was Plaintiff & the Petitioner Def^t in an action of trover was read & refered to a Com^t of three to state facts & report—Members chosen M^r [David] Sheldon, M^r [Benjamin] Emmons & M^r [Daniel] Heald—

Resolved that M^r [Elijah] Dewey & M^r [Jonathan] Peirce be added to the Com^t appointed on the petitions from the proprietors of Windsor Court-House &c. in the room of M^r [Gideon] Brownson & M^r Bliss who are absent—

The Treasurer informed the House that the Committee appointed to doom the several towns that did not send in their list at the last session had left out several towns that were doomed or sent in their lists the year before—Thereupon—*Ordered* that said Committee be directed to take said information under consideration & if they think proper that they doom such towns as were left out of the list last session & make Report—

Resolved that the Com^t to whom was refered the petition from the proprietors of Windsor Court House be dismissed and Also that said petition be dismissed—

A petition signed by Roger Enos praying that a road which he had opened from the mouth of Water Queche [Ottauquechee] river through his meadows &c. might be shut up & the fee of the land be again revested in him—And one other petition signed by Roger Enos & W^m Johnson & others praying for leave to raise the sum of £250. by lottery to build a bridge over Water Queche river near Col^o Willards mills, were read & refered to a Committee of three to state facts & report—Members chosen M^r [William] Ward, M^r B. Brown & M^r [Calvin] Parkhurst.

A petition signed by Elijah Paine was read & refered to a Com^t of three to state facts & report—members chosen M^r [Paul] Brigham, M^r [Benjamin] Emmons & M^r [Calvin] Parkhurst—

A petition signed by Caleb Allen was read & refered to a Com^t of three to state facts & report—members chosen M^r [John] Bridgman, M^r Asahel Smith & M^r [Brewster] Higley.

WHEREAS it is thought necessary in order to accomodate the subjects of this state residing in the upper part of Bennington County, Rutland &c. that a bridge be erected over Hoosick River near Schaticook falls on or near the place where the bridge formerly stood known by the name of Tulls bridge in the State of New York in order to accomodate

said inhabitants in carrying the produce of their farms &c. to the New-City¹ &c. Therefore,—

Resolved that Capt. W^m Chase & Artemus Ross inhabitants of said State of New-York have liberty to make a lottery to raise £450. L. M. to be appropriated in building a good bridge at the place aforesaid giving ample security for the faithful performance of their trust to the Treasurer of Bennington County—And that the Honorable Moses Robinson & Eben^r Walbridge Esq^{rs} & Capt. W^m Chase be appointed managers of said lottery who are to be accountable to the County for the County of Bennington for the expenditure of said money—And to advertize in the *Vermont Gazette* immediately after drawing said Lottery—And also that the said lottery shall in no wise be considered as being done at the risk of this state And that this state will in no wise be accountable for the same—

The petition of Jonathan Gilmore & others praying that the North part of Ira might be annexed to Castleton with the bill &c. which were refered from the last session were again read—and also a remonstrance from a N^o of Inhabitants of Castleton ag^t the same was read & said petition &c. refered to a Com^t of three to join a Com^t from Council to state facts & report—Members chosen M^r [Hiland] Hall, M^r [John] Stevens & M^r P. Brown—

A petition signed by Abel Rice, Nath^l Carpenter Asa Pratt, Francis Ackley John Martin & Giles Roberts administrator on the estate of Jeduthun Roberts praying for pay & depreciation while in Maj^r Benja^a Whitcombs corps of rangers was read & refered to a Com^t of three to state facts & report—Members chosen M^r [Gideon] Brownson, M^r [Hubbel] Wells & M^r [Daniel] Jewett—

The Com^t to whom was refered the petition of Elijah Paine brought in their Report—which was read & accepted & leave given for the petitioner to bring in a bill accord^y.

Adjourned until 2 °Clock afternoon—

2 °Clock P. M. Feb^y 26^t 1787—

Ordered that at the opening of the House on Wednesday morning be assigned to take under consideration the petition of Abel Spencer—

The bills entitled, An Act for the prevention & punishment of frauds & perjuries,

An Act empowering the authority & Selectmen of the several towns in this state to abate a certain part of the several taxes,

An Act for restraining swine from going at large,

An Act directing the form of passing the laws,

An Act to direct & compel the settlement & transfer of the late treasurers accounts,

1. "The New City, alias Lansingburg."—See State Papers of Vermont, vol. 3, part 1, p. 251.

An Act relating to Auditors & actions of account,
 An Act prescribing forms of writs in civil causes, And
 An Act for the partition of lands, were read the second time accepted
 & sent to the Governor & Council for revision & concurrence—
 Adjourned until 9 °Clock to morrow morning—

TUESDAY Feb^y 27^t 1787—

His Excellency the Governor laid before the House a letter from Mess^{rs} Hough & Spooner printers dated Windsor 19^t Feb^y 1787 giving reasons why the Journals of the last session of Assembly were not printed, which was Read—

His Excellency also laid before the House some proposals for the Com^t appointed to consider the petitions of grievances from several towns &c. which being read & not signed—*Resolved* that a Committee of three be appointed to return said papers to his Excel^y & request him to sign the same in his official or private character—Members chosen M^r [Ebenezer] Marvin, M^r [Benjamin] Emmons & Judge [William] Ward—

The Committee to whom was refered the petition of Daniel Foot & others reported, which was read & accepted & said petition by leave of the House was withdrawn.

The Com^t to whom was refered the petition of Gen^l Enos reported—“That in our opinion the facts set up in said petition are true & that the prayer ought to be granted—which was read & accepted & leave given for a bill to be brought in accordingly—

A bill entitled An Act empowering Gen^l Roger Enos to shut up the road leading through his farm to Connecticut river at the mouth of Water Queeche [Ottauquechee] River was brought in agreeable to order Read & accepted & sent up for revision & concurrence—

The Com^t to whom was refered the petition of Gen^l Enos, W^m Johnson & others reported—“That they find the facts set up in said petition true & that in our opinion the prayer of the petition ought to be granted”—which was read, accepted & leave given for a bill to be brought in accordingly—

A bill entitled An Act suspending the collection of a tax granted by the Gov^r & Council for £26-7-9 to defray the Surveyor-Gen^{ls} expence in running the outlines of Williamstown, was brought in agreeable to order Read & accepted & sent to the Governor & Council for revision & concurrence—

The Com^t to whom was refered the petition from Rutland for two societies in the town Reported—“That they find the facts set up in said petition true & in our opinion the prayer of said petition ought to be granted”—which was read & *ordered* to lie on the table—

A petition from Putney praying that the County School for Windham County might be established in said town was read & *Ordered* to lie on the table—



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land in Orwell &c. (with an amendment that it be one penny which was agreed to).

The bills entitled An Act against Adultery polygamy & fornication, (with an amendment which was agreed to)

An Act enabling a Com^t to levy a tax of one penny half penny on each acre of land in Wardsboro'—&c.

An Act to encourage the destroying of wolves & panthers—

An Act relative to the people commonly called Quakers—

An Act ascertaining the value of contracts made for Continental bills of credit—

An Act concerning bastards & bastardy—

An Act directing Constables in their office & duty—

An Act for the regulating ferries & ferriages

An Act empowering the inhabitants of the respective towns in this state to tax themselves &c.

An [Act] directing the form of passing the laws

An Act for regulating town & other public meetings & directing the choice of town officers—

An Act for the division of Counties within this state.

An Act ag^t barratry & common barrators

An Act empowering Gen^l Roger Enos to shut up the road leading through his farm &c.

An Act concerning sudden & untimely deaths—

(An Act for punishment of drunkenness, gaming & profane swearing —(with some proposals of amendment which were not agreed to) And Mr [Ebenezer] Marvin appointed to return said bill to the Gov^r & Council & inform them of the doings of this House)

An Act for restraining swine from going at large—

An Act for the suppressing of lotteries

An Act suspending the collection of a tax granted by the Gov^r & Council for £26-7-9 to defray the Surveyor Generals expence in running the outlines of Williamstown,

An Act to prevent the spread^s of the small pox

An Act enabling communities to sue for & defend their rights estates & interests

An Act dividing the state into probate districts and,

An Act respecting fences were Returned from the Governor & Council concurred Read & Passed into laws of this state!

The following bills were returned from the Governor & Council with some proposals of amendment viz—

An Act for levying a tax of one penny half penny on each acre of land in Charlottee &c.

An Act for regulating marriages & for punishing incest & incestuous marriages

An Act for summoning juries & directing grand jurors

An Act prescribing & establishing forms of oaths in this state and

An Act for regulating & auditing the public accounts—the proposals

of amendment made on each bill were agreed to & made & the bills Read & passed into laws of this state—

Adjourned until 8 °Clock to morrow morning—

WEDNESDAY Feb^y 28th 1787—

Resolved that there be & hereby is granted to Luke Knoulton Esq^r ten thousand acres of vacant land in the northern part of this state agreeable to a Resolution in October 1786—and the Surveyor General is hereby directed as soon as may be to locate the same in such manner as not to obstruct the grants made before 27^t Oct^r last. And as soon as the Surveyor General shall have made a Return of the said land his Excellency & Council are hereby requested to issue a charter therefor under such limitations & for such fees as they shall think just & equitable—

WHEREAS it appears to this Assembly that Daniel Marsh of Clarendon in the County of Rutland & State of Vermont did in the winter of 1776 go from Clarendon to Montreal in Canada with his slay & horses & carried a load of baggage & provision for the troops that went to Canada in said winter & has not received any pay for the same—Therefore,

Resolved that the Treasurer of this state be and is hereby ordered immediately to issue a hard money order for the sum of £9-12-0. L. M. payable to the said Daniel Marsh—And that this resolve, or a copy thereof shall be a sufficient voucher to him for the same—

His Excellency the Captain General laid before the House his General orders of yesterday dividing the state into Divisions, Brigades & regiments¹ &c.—which was read—and his Excellency the Governor & Council having joined the House & on motion made to choose Major Generals—The ballots being taken for a Major General of the 1st Division of the Militia of this State,

General Roger Enos was Elected—

The ballots being taken for a Major General of the second division—

General Samuel Safford was Elected—

Ordered that the members of Council & Assembly belonging to each Brigade where there is no Brigadier nominate a Brigadier General of such brigade & make report to morrow morning—And that to morrow morning be assigned for the Governor, Council & Assembly to elect Brigadiers General—

Agreeable to order the House took under consideration the complaint of Col^o Brownson against Jonathan Fasset Esq^r which was read & M^r Fasset not appearing, the evidences in support of the complaint being heard—The question was put whether said complaint is supported

1. According to the *Vermont Gazette* of March 5, 1787, these orders provided for two divisions, six brigades and fourteen regiments.

and that Jonathan Fasset Esq^r be expelled from his seat as a member of this House—The yeas & nays on the question was required by M^r Freeman. They stand as follows viz.

Yeas

M ^r Dewey	M ^r Marsh
M ^r Goodrich	M ^r Ward
M ^r Gardner	M ^r Higley
M ^r <i>Speaker</i>	M ^r Robinson
M ^r O. Smith	M ^r Asahel Smith
M ^r Canfield	M ^r Mott
M ^r Brownson	M ^r C. Carpenter
M ^r Gray	M ^r Wilson
M ^r Sheldon	M ^r B. Burt
M ^r Bristol	M ^r Freeman
M ^r Stevens	M ^r Bridgman
M ^r Chipman	M ^r Clark
M ^r J. Burt	M ^r Spalding
M ^r Marvin	M ^r Jewet
M ^r Randall	M ^r Taylor
M ^r Merriam	M ^r Wells

Yeas

M ^r Briggs	M ^r Green
M ^r Roberts	M ^r Coffeen
M ^r Cook	M ^r Parkhurst
M ^r Aikin	M ^r Bliss
M ^r Hudson	M ^r Rosbrooks
M ^r Burgis	M ^r Steele
Capt. Ward	M ^r Bartholomew
M ^r B. Brown	M ^r Hall
M ^r Bisbee	M ^r P. Brown
M ^r Hubbard	M ^r Ferris
M ^r Davison	M ^r S. Lane
M ^r Brigham	M ^r Loid
M ^r Heald	M ^r J. Lane
M ^r Emmons	M ^r Peirce
M ^r Weld	M ^r Butterfield
M ^r Abida Smith	M ^r J. Carpenter

So it passed unanimously in the affirmative—

Agreeable to the order of the day the House took under consideration the petition of Abel Spencer, which was read, after some debate the question was put whether the prayer of said petition should be granted—The yeas & nays being required on the question by M^r J. Burt they are as follows viz—

Yeas

M ^r Goodrich
M ^r Gardner
M ^r Canfield
M ^r Brownson
M ^r Marvin
M ^r Randal
M ^r Merriman
M ^r Marsh
M ^r Robinson
M ^r Asahel Smith
M ^r Mott
M ^r Wilson
M ^r Roberts
M ^r Hudson
M ^r Burgiss
M ^r B. Brown
M ^r Hubbard
M ^r Davison

Nays

M ^r Dewey
M ^r Speaker
M ^r O. Smith
M ^r Sheldon
M ^r Freeman
M ^r Bridgman
M ^r Clark
M ^r Spalding
M ^r Jewet
M ^r Taylor
M ^r Wells
M ^r Briggs
M ^r Cook
M ^r Aikin
M ^r Bisbee
M ^r J. Burt
M ^r Higley
M ^r C. Carpenter



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The bill entitled An Act directing and regulating the levying & serving of executions was returned from the Governor & Council not concurred—and the bill was read and passed into a law of this state—
Adjourned until 9°Clock tomorrow morning—

THURSDAY March 1st 1787—

A petition signed by Gamaliel Painter^r Esq^r for the proprietors of Middlebury & Salisbury praying that the lands in each town might be taxed for the purpose of making & repairing roads & bridges, was read & the prayer thereof granted and leave given for a bill to be brought in—

A bill of cost made up by M^r [Darius] Chipman States attorney for the County of Rutland on the complaint against Jonathan Fasset Esq^r

Two Subpoenas.....	0-2-0
Serv ^g d ^o on Esq ^r Drury & M ^r Moulton.....	3-12-0
Cost of taking depositions taxed by	}
Esq ^r Drury.....	
Drurys & Moultons travil.....	0-19-6
Subpoena & sev ^g on Col ^o Clark & others.....	1-14-7
Four witnesses attendance one day each.....	0-6-0
Attorneys fees.....	0-8-0
Attendance 8 days.....	1-10-0
Clerks fees.....	0-16-0
	0-2-6
	<hr/>
	£9-10-7

Resolved that the Treasurer pay to Darius Chipman Esq^r £9-10-7 in hard money orders for cost of prosecuting the impeachment ag^t Jon^a Fasset Esq^r & that he pay the same to the several persons that the same is due.

Agreeable to the order of the day proceeded to elect Brigadiers-General of the 1st 3^d 4^t 5^t & 6^t brigades—The ballots being taken—
Col^o Eben^r Walbridge was Elected to the 1st Brigade
Col^o Benj^a Wait was Elected to the 3^d Brigade
Col^o Isaac Clark was Elected to the 4^t Brigade
Col^o Israel Morey was Elected to the 5^t Brigade &
Col^o John Strong was Elected to the 6^t Brigade—
The petition of Gersham Beach which was refered from the last

1. Gamaliel Painter, one of the first settlers of Middlebury, was a native of New Haven, Conn. He has been called the father of the town of Middlebury and was active in the establishment of Middlebury College. He represented the town in the Legislature in 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1796, 1801, 1803, 1805, 1809, 1810. He served as a member of the Council in 1813 and in 1814. He was a member of several of the early conventions prior to the establishment of State government. He was Assistant Judge of Addison County Court, 1785-1786 and 1787-1795 and Sheriff of the county 1786-1787.—Government and Council, vol. 6, p. 2.

session was again Read & refered to a Com^t of three to join a Com^t from Council to state facts & report—Members chosen M^r [Silas] Goodrich, M^r [John] Bridgman & M^r [Gideon] Brownson—

Resolved that Jonathan Fasset Esq^r pay to the Treasurer of this state the sum of £9-10-7 Lawful money as cost of prosecution on an impeachment exhibited to this Assembly against him by Col^o Gideon Brownson—And that the States attorney for the County of Rutland be & he is hereby directed to collect the same of the said Jon^a Fasset & pay the same into the Treasury of this state—

Resolved that the Treasurer be and is hereby directed to issue orders upon any hard money tax to the Com^t appointed to examine the revised laws when the Com^t of Pay-Table shall have liquidated their accounts for the said service—

The Com^t to whom was refered the petition of Jacob Rubach reported—“That having enquired carefully into the facts set forth in said petition find them in part supported & report as our opinion that part of the account exhibited to us for his good services among the sick soldiers on the frontiers during the late war to the amount of £35-9-9 ought to be paid as a reasonable compensation for his aforesaid good services—and that no depreciation be allowed him on his wages for the term he served the state as a surgeon—” —which was read & accepted and thereupon,

Resolved that the Treasurer be & is hereby directed to pay unto Doct^r Jacob Rubach £35-9-9 in hard money orders being in full for all his services done this state to this time—

A petition signed by John Kelly^r Esq^r pray^g for a grant or confirmation of sundry tracts of land which he has grants under the late government of the province of New York &c. was read & refered to a Com^t of six to join a Com^t from Council to state facts & report—members chosen M^r [Gideon] Brownson, M^r [Ebenezer] Marvin M^r [Thomas] Butterfield, M^r [John] Bridgman, M^r [Paul] Brigham & M^r Bliss—

The Com^t to whom was refered the petition from Rockingham brought in their report which was read & accepted, and a bill entitled, An Act for the purpose of levying a tax of one penny on all the lands except public rights in the town of Rockingham for the purpose of build-

1. John Kelly (or Kelley) was a resident of New York City, who received from the colonial government of New York grants of land in the present State of Vermont amounting to 115, 119 acres, according to a statement in Governor and Council. Later he claimed 69,100 acres under New York grants. Although a Tory he appeared to have been less aggressive than some Loyalists and his property was not confiscated. It is said that he compromised with Vermont. The Vermont Legislature granted him the township of Kellyvale containing 31,000 acres and another grant of 6,000 acres adjoining; the township of Belvidere, 30,100 acres; Belvidere Leg 2,000 acres; and Kelly's Grant, 12,000 acres, which became a part of Troy.—Governor and Council, vol. 2, p. 495; State Papers of Vermont, vol. 1, pp. 90-91; State Papers of New Hampshire, vol. 26, pp. 676-677. Kelly appears to have been of some service to Vermont in the negotiations with New York leading to the admission of Vermont to the Union.—Governor and Council, vol. 3, p. 442; pp. 315-316 this Journal.

ing a town & School house, was brought in by leave Read & accepted and sent to the Governor and Council for revision & concurrence—

The Com^t to whom was refered the petition from Chester reported—
“That in our opinion the facts set up in said petition are supported and that the prayer of the petition ought to be granted” which was read & accepted and,

A bill entitled An Act for the purpose of levying a tax of one penny on each acre of land, except public rights, in the town of Chester for the purpose of building a town house in said town, was read & accepted & sent up for revision & concurrence—

The Governor & Council sent in a draft of a proclamation as an amendment, or to be issued in lieu of the one passed the 24^t Feb^y last which was read &

Ordered to lie on the table until the afternoon—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M.—March 1st 1787—

A bill entitled An Act for levying a tax of two pence on each acre of land in the towns of Middlebury & Salisbury in Addison County for making & repairing roads & bridges in said towns, was brought in according to leave Read & accepted sent up, for Concurrence & Revision—

Agreeable to order the House took under consideration the resolution of Council submitting a draft of a Proclamation &c. which was read and after some debate the question was put, whether the resolution of this House requesting his Excellency the Goveror to issue his proclamation¹ contained in the report of a Com^t passed the 24^t Feb^y last should be reconsidered—The yeas & nays on the question being required they are as follows viz—

Yeas
M^r Goodrich
M^r Gardner
M^r O. Smith
M^r Canfield
M^r Gray
M^r Stevens
M^r Merriman
M^r Marsh
M^r Mott
M^r C. Carpenter

Nays
M^r Dewey
M^r Speaker
M^r Brownson
M^r Sheldon
M^r Bristol
M^r Chipman
M^r Marvin
M^r Randall
Judge Ward
M^r Higley

1. This is a reference to the proclamation dealing with Shays' Rebellion. The Council, by a vote of 8 to 4, advised the Governor to publish the document, but it is recorded that Governor Chittenden expressed his dissent. He issued the proclamation, however, on Feb. 27, 1787. There appears to have been a good deal of sympathy in this State for the followers of Shays. The attempt to repeal the resolution failed in the Assembly by the narrow margin of three votes.—Governor and Council, vol. 3, pp. 131-132.



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Mr Heald
Mr Steele

Mr Marvin
Mr Chipman
Mr Randal
Mr Merriman
Mr Marsh
Judge Ward
Mr Robinson
Mr Mott
Mr C. Carpenter
Mr B. Burt
Mr Wilson
Mr Spalding
Mr Jewet
Mr Wells
Mr Briggs
Mr Roberts
Aikin
Mr Hudson
Mr Burgiss
Mr B. Brown
Capt. Ward
Mr Coffeen
Mr Green
Mr Parkhurst
Mr Bliss
Mr Rosbrooks
Mr Bartholomew
Mr Hall
Mr Ferris
Mr S. Lane
Mr J. Lane
Mr Butterfield

So it passed in the negative and

Orderèd that Mr [Ebenezer] Marvin be requested to return said bill to the Governor & Council & inform them of the doings of this House thereon—

Mr [James] Roberts, Mr [John] Gray & Mr [Hiland] Hall requested leave of absence during the remainder of the session—Granted—

The Com^t to whom was refered the petition of Dan^l Hill brought in their report which was read & accepted & leave given for a bill to be brought in accord^y.

The following bills were Read the second time accepted & sent up for Revision & concurrence viz.

An Act for marking & branding cattle & sheep

An Act regulating weights & measures.

The petition of W^m Sargeants by consent of parties was refered to the next session of Assembly.

Adjourned until 9 °Clock to morrow morning.

FRIDAY March 2^d 1787—

A petition signed Jethro Jackson was Read and refered to a Com^t of three to join a Com^t from Council to state facts & report—Members chosen M^r [John] Bridgman, M^r B. Burt & M^r [David] Sheldon—

A petition signed by Abner Chamberlain was read & dismissed—

A petition signed by Thad^u Munson first Constable of Manchester praying that said town might be credited the sum of £900 on the list of 1786 said list being returned that sum too large—was read & refered to M^r [Matthew] Lyon M^r J. Carpenter & M^r J. Lane to state facts & report—

The petition of John Rugg in behalf of himself & others which was dismissed at Windsor Oct^r 26 1785 at the request of the petitioner was again Read & refered to M^r B. Brown, M^r B. Burt & Judge [William] Ward to join a Com^t from Council to state facts & report—

A petition signed by Benj^a Warner praying that An Act might be passed confirming ten rights of land he purchased of Eph^m Cowen in Sandgate & which said Cowen in his life time had deeded to him which deed he has since lost—was read & refered to the aforesaid Com^t—

The Com^t to whom was refered Stephen Clarks petition reported—“That they find the facts in said petition true And in our opinion the prayer ought to be granted”—which was accepted and, thereupon,

Resolved that the Treasurer be & is hereby directed to pay unto Stephen Clark the sum of £19-12-6 in states notes it being for money he had lost & a miscast in the grand list of Wallingford in the year 1781—he being a Collector of said Wallingford to collect the taxes laid on the list of 1781—

A petition signed by Peleg Sunderland was read & refered to the Com^t to whom was refered John Ruggs petition &c. & that they state facts & report—

A petition signed John Strong, Ros^l Hopkins & others praying that the circuit of the post from Bennington to Rutland might be extended through Addison County¹ was read & the prayer thereof granted & leave given for a bill to be brought in accordingly—

The Com^t to whom was refered the petition of Abel Rice & others reported—“That they find the facts set up in said petition to be true & that in their opinion the prayer be so far granted as that the Com^t of Pay-table be directed to adjust their depreciation & draw orders on the Treas^r for the sums they shall find due”—which was accepted & leave given for a bill to be brought in accordingly—

Adjourned until 2 °Clock afternoon—

1. This petition is evidence of the increase of settlements to the northward.

2 °Clock P. M—March 2^d 1787—

Gamaliel Painter Esq^r requested leave to withdraw the bill entitled An act for levying a tax of 2^d on each acre of land in the towns of Middlebury &c. & that he might have leave to bring in a bill for levying a tax of 2^d on each acre in Middlebury for the purpose of making & repairing roads &c—*Ordered* that he have leave to bring in a bill accordingly—

A bill entitled An Act for levying a tax of 2^d on each acre of land in the town of Middlebury in Addison County for making & repairing roads & bridges in said town was brought in according to leave Read accepted & sent to the Governor & Council for Revision & concurrence.

The bill entitled An Act establishing the constitution of Vermont &c. was read the second time accepted & sent up for Revision & concurrence—

The bill entitled An Act adopting the common & statute laws of England¹ was read the second time—And the question being put—Whether said bill should be accepted & sent up for Revision & concurrence—The yeas & nays being required on the question they are as follows viz—

Yeas	Nays
Mr Dewey	Mr Goodrich
Mr Speaker	Mr O. Smith
Mr Gardner	Mr Stevens
Mr Canfield	Mr Randal
Mr Brownson	Mr Spalding
Mr Sheldon	Mr Jewet
Mr Bristol	Mr Taylor
Mr Chipman	Mr Burgiss
Mr J. Burt	Mr Davison
Mr Marvin	Mr Heald
Mr Merriman	Mr Emmons
Mr Marsh	Mr Weld
Judge Ward	Mr Abida Smith
Mr Robinson	Mr Green
Mr Lyon	Mr Coffeen
Mr Higley	Mr Bliss
Mr Mott	Mr Rosbrooks
Mr C. Carpenter	Mr J. Lane
Mr B. Burt	Mr Ferris—
Mr Wilson	
Mr Freeman	
Mr Bridgman	

1. A similar act was passed June 20, 1782.—State Papers of Vermont, vol. 3, part 2, p. 113 (see note).



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several accounts that may be exhibited for the service & subsistence of the troops called out by the Sheriffs of the Counties of Windsor & Rutland in Nov^r last to support the sitting of the Courts in said Counties & draw orders on the Treas^r for the same in hard money orders—

The bill entitled an act granting a new trial in a certain case therein mentioned, was read accepted & sent up for Revision & concurrence—

The petition of Jethro Jackson was withdrawn

A petition signed by Jacob Galusha was Read and refered to M^r B. Brown, M^r [Brewster] Higley & Judge [William] Ward to state facts & make report—

The Governor & Council sent in a petition signed by Stephen R. Bradley & Noah Smith Esq^r & a others with a resolution appointing a Com^t to join a Com^t from this House to take the same under consideration &c. which were read—And—*Ordered* that M^r [Gideon] Brownson Judge [William] Ward, M^r [Thomas] Butterfield, M^r [Leonard] Spalding M^r [Benjamin] Emmons & M^r [Jonathan] Peirce be a Com^t to join said Com^t of Council for the purposes aforesaid—

Resolved that the Com^t of pay table be & they are hereby directed to adjust the depreciation of the wages of Abel Rice, Asa Pratt, Giles Roberts, Francis Akley & Nath^l Carpenter late soldiers Maj^r Benja^a Whitcombs^t corps of continental troops in the same manner as the soldiers belonging to this state were allowed while in Col^o Seth Warners Reg^t & that they draw orders on the Treas^r for the ballance they shall find due—

M^r [Jesse] Cook, M^r [Hubbel] Wells, M^r [Timothy] Bartholomew & M^r [Aaron] Hudson requested leave of absence during the session—Granted—

Adjourned until to morrow morning 8 °Clock—

SATURDAY March 3^d 1787—

The petition of Joseph Foster & Aron Barlow was read & by the consent of parties refered to the next session.

The petition from Putney for County School was refered to the next session.

The bill entitled an Act for levying a tax of two pence on each acre of land in Middlebury &c. was returned concurred Read & passed into a law of this state—

The Com^t to whom was refered the petition from the Selectmen of Brookfield brought in their Report which was read & dismissed & said petition was withdrawn.

The petition from the proprietors of Randolph was withdrawn—

The Com^t to whom was refered the petition of Jacob Galusha brought in their report which was read & accepted—And,

I. In the Vermont Revolutionary Rolls, p. 796, may be found an account of Gershom Beach, Armorer, dated Dec. 23, 1778, for services of four months and four days "in a detachment at Rutland commanded by Benj. Whitcomb, Major."

A bill entitled An Act empowering Jacob Galusha to give a deed of a right of land in Vershire to Noah Chittenden¹ was read & accepted & sent up for revision & concurrence—

The Com^t to whom was refered the petition of Eben^r Burgiss reported—"That in their opinion the prayer ought to be granted so far, that the execution be suspended until the next session of Assembly— And that the petitioner be directed to notify the said Matthew Lane to appear before the next session of Assembly & shew cause why a new trial should not be had"—which was read & accepted & leave given for a bill to be br^t in accordingly.

Resolved that the Treasurer be & is hereby directed to credit the town of Manchester so much of all the taxes that have been or shall be laid on the sum of £960. on the list of 1786 said sum being a mistake in the cast of the grand list—

The following bills were brought in agreeable to order viz—An Act in addition to an Act entitled An Act for establishing post offices within this state—

An Act for laying a tax of 1½^d on each acre of land in Leicester in the County of Addison for the purpose of making & repairing roads & bridges in said town, were Read, accepted & sent up for Revision & concurrence—

At the request of Col^o Bradley,

Resolved that the proposals of President Wheelock &c. be laid over to the next session of Assembly—

The Com^t to whom was refered the petition from Londonderry reported—"That in their opinion the Commiss^{rs} viz Sam^l Fletcher Edward Aikin & Jos. Tyler Esq^{rs} be directed to sell 300 acres of land which is unimproved in said town belonging to this state & lay out the avails thereof in making & repairing roads & bridges in said town" which was read & accepted & leave given for bill to be brought in accordingly—

The following bills were Returned from Council with some proposals of amendment entered on the same which were agreed to viz—

An Act in addition to an Act entitled an act for establishing post offices within this state—&

An Act concerning sureties and scire facias—which were read with the amendments & passed into laws of this state—

The following bills were returned from Council concurred viz—

An Act regulating Mills & millers

An Act relating to witnesses & taking affidavits out of Court—

1. Noah, oldest son of Gov. Thomas Chittenden, resided in Jericho and represented that town in the Legislature in 1796 and from 1812 to 1814, inclusive. He was the first Sheriff of Addison County (1785-1786), when it extended as far north as the Canadian border, and the first Sheriff of Chittenden County (1787-1790). He was Assistant Judge of Chittenden County Court from 1804 to 1811 and Judge of Probate for the county from 1811 to 1812. He was a member of the Council from 1802 to 1811, inclusive. He was a Presidential Elector in 1812 and was a member of the Constitutional Conventions of 1822 and 1828. For biographical sketch see Governor and Council, vol. 4, p. 290.

An Act granting a new trial in a certain case therein mentioned—and

An Act for marking & branding cattle & sheep, which were Read & passed into laws of this state—

Resolved that a Com^t of three to join a Com^t from Council be appointed to inquire into the situation of the grants of land that have heretofore been made by this Assembly^r & report a stating of the same & also to inquire what charters have been issued & what towns have been granted that are not chartered—And also to Report their opinion respecting charters & priority of Grants—The members chosen M^r [Elijah] Dewey, M^r [Silas] Goodrich & Capt. [William] Ward—

WHEREAS the Surveyor General has represented to this Assembly that the townships of Hungerford, [Sheldon] Smithfield² & Fairfield cannot be surveyed according to charter & that the township of Fairfield is so situated & lies in such shape that it is impossible to survey the adjacent unappropriated lands into townships of convenient form unless the proprietors of those townships will reduce the same to better shape. Therefore in order to effect that object—

Resolved by this Assembly that the proprietors of the townships of Hungerford, Smithfield & Fairfield together with the proprietors of such adjacent tracts of land as will be effected by reducing those townships to convenient form be & they are hereby requested to warn & hold proprietors meetings in each of their respective towns to be holden at the court house in the town & County of Bennington on the first Thursday of June next for the purpose of accomodating & entering into some agreement with respect to the form of the townships aforesaid—

The Com^t to whom was refered Phillip Smiths petition reported—“That they find there was due to the petitioner as wages at 40/ p^r month £26. while a prisoner and that about two years after the commencement of his services he received £44. Continental money which reduced by the scale is £3-3. & there appears to be due the sum of £22-17. which sum in their opinion ought to be paid out of the States Treas^y which was read & accepted & thereupon,

Resolved that the Treas^r be and is hereby directed to pay to Phillip Smith Jun^r £22-17. Lawful Money for depreciation of his wages while in the service of this state—

On motion made by M^r [Joseph] Randal, the question was put—Whether the vote for referring the proposals of President Wheelock &c. to the next session should be reconsidered?—The yeas & nays on the question being required they stand as follows—viz.

1. The minutes of the Council show that the towns of Random (Brighton), Navy (Charleston), Caldersburgh (Morgan), Sheffield and Salem (annexed to Newport and Derby) as laid out had “fallen in very inconvenient shape,” being thrown partly across Canada Line and Lake Memphremagog. The Surveyor General was asked to call upon the proprietors to give up their charters and take out others.—Governor and Council, vol. 3, p. 135.

2. Smithfield, a New Hampshire grant, was annexed to Bakersfield and Fairfield in 1792.—State Papers of Vermont, vol. 2, p. 349.



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at the expence of this state to print 700 copies of the Militia Act together with such regulation of Military discipline as the Capt. Gen^l of this commonwealth shall direct—And that one copy thereof be distributed to each Gen^l, Field, Staff and Com^d officer throughout this state—

On motion made by Col^o [Matthew] Lyon—That the several petitions from Wells, Benson, Fair-Haven & Orwell praying that the shire town of Rutland County might be removed from Rutland to Castleton be filed and refered to the next session of Assembly—The question being put, the yeas & nays on the question being required they are as follows viz—

Yeas	Nays
Mr Dewey	Mr Gardner
Mr Sheldon	Mr Stevens
Mr Bristol	Mr Randal
Mr J. Burt	Mr Marsh
Mr Marvin	Mr Robinson
Mr Merriman	Mr Mott
Judge Ward	Mr Freeman
Mr Lyon	Mr Clark
Mr Higley	Mr Spalding
Mr C. Carpenter	Mr Taylor
Mr Bridgman	Mr Aikin
Mr Jewet	Mr Bisbee
Mr Briggs	Mr Davison
Mr Burgiss	Mr Heald
Mr Ward	Mr Weld
Mr Brigham	Mr Ferris
Mr Emmons	Mr J. Lane
Mr Abida Smith	Mr O. Smith
Mr J. Carpenter	Mr Coffeen
Mr Bliss	
Mr Parkhurst	
Mr Rosbrooks	
Mr Peirce	
Mr Loid—	

So it passed in the affirmative.

The following bills were sent up for concurrence viz—

An Act for registering deeds & conveyances, &

An Act for the regulation of fees—

Adjourned until 2^oClock afternoon—

2^oClock P. M. March 5^t 1787—

The Com^t to whom was refered the petition of Gersham Beach brought in their Report, which was Read & accepted and,

A bill entitled, An Act to enable Gerhsam Beach of Rutland in the County of Rutland to recover £49-8-4 L. M. from the Treas^r of said Rutland for money paid to Mess^{rs} Brakenridge & Hawley¹ for their expences in going from this state to England in order to obtain a confirmation of the New-Hampshire Grants so called which sum appears to be the proportion of said expence for the town of Rutland, which sum appears to this Assembly to have been paid by said Beach for said town, was read accepted & sent up for Revision & concurrence—

The Com^t to whom was refered the petition of John Kelly² Esq^r reported

“That having duly weighed & considered the several facts therein suggested & proofs adduced in support thereof, report, that in consideration of the large sums of money by him expended in purchasing the premises refered to and allotting the same for cultivation & settlement such part of the tract called Meath³ as now remains unchartered by this state—Also a tract called St. George⁴ situate at the Southerly end of & to the South westward of Lake Memphre-Magog—And also of a tract northward of Kelly brook and all the Land in Kelly Brook except the lands in Brownington as was claimed by the said John Kelly be granted & confirmed to him he paying the customary fees—And as for the residue of said lands contained in the schedule annexed to the petition which this state has granted & chartered to certain of the citizens of this state and others it is the opinion of your Com^t that the petitioner have liberty to locate the same quantity in two or more tracts upon any unchartered & unlocated lands in this state—he paying the customary fees—” which was Read & accepted &, thereupon

Resolved that in consideration of the large sums of money expended by John Kelly Esq^r in purchasing & allotting different tracts of land in this state for cultivation & settlement such part of the tract called Meath, as now remains unchartered by this state—Also of a tract called St. George situate upon & to the South westward of Lake Memphrema-gog—Also of a tract to the Northward of that called Kelly brook excepting the lands in Brownington, claimed by the said John Kelly be & hereby is granted & confirmed to him his heirs & assigns—& it is further—*Resolved* that for the residue of the lands contained in the schedule

1. At a meeting of delegates from Bennington and neighboring towns, held at Arlington, Oct. 21, 1772, Jehiel Hawley of Arlington and James Breakenridge of Bennington, were chosen as agents to present to the King of Great Britain a petition asking for the confirmation of their rights under the grants made by the Governor of New Hampshire—Crockett's History of Vermont, vol. 1, p. 307.

2. See note p. 303 for reference to John Kelly.

3. Meath was a New York grant of 25,000 acres, issued by Lieutenant Governor Colden to Josiah Willard & Co., Feb. 11, 1775, and included territory in Fairfield and vicinity.—State Papers of New Hampshire, vol. 26, p. 685.

4. This reference is not to the Chittenden County town of St. George, but to a New York grant of 30,000 acres, made by Lieutenant Governor Colden to John Woods & Co., Nov. 10, 1774, and included lands in Coventry and vicinity.—State Papers of New Hampshire, vol. 26, p. 710.

annexed to the petition of the said John Kelly which this state has granted & chartered to the citizens of this & other states the said Kelly shall have liberty to locate the same quantity in two or more tracts upon any unchartered and unlocated lands in this state he paying the accustomed fees for the same—And the Governor & Council are hereby requested to issue charters of incorporation therefor to the said Kelly and associates for such fees & under such restrictions & reservations as are usual & customary provided that nothing herein contained shall interfere with a grant made to Doct^r Johnston & his associates.

The Com^t to whom was refered the petition of Jonathan Hunt^r Esq^r reported—“That they find the facts set up in said petition true & that it is their opinion that the petitioners have a township of Land granted to them for such fees & under such restrictions & reservations as his Excellency & Council shall think proper as soon as the surveyor General is satisfied that there are unlocated lands not previously granted to satisfy the same—” which was read accepted & thereupon,

Resolved that this Assembly will grant to the Hon^{ble} Jon^a Hunt Esq^r & his associates being sixty four in number a township of six miles square or lands equal in quantity for such fees & under such restrictions & reservations as his Excellency & Council shall think proper as soon as the Surveyor-General shall be satisfied that there is a sufficient quantity of unlocated lands not heretofore granted—And which shall not be wanted to make up the deficiency of grants previously made by this state—

WHEREAS it is shewn to this Assembly that the Grand list for the town of Clarrendon in Rutland County taken in the year 1786 is returned too small by about £1500.—it is therefore—*Resolved* that the Listers for the said year be & hereby are directed to make out a true list of all the polls & rateable estates of the inhabitants of said town for s'd year & transmit the same to the Treas^r of this state—And the Constable of said town is hereby made accountable to the Treas^r for the whole am^t of the state taxes of three pence on the Pound payable in hard money orders & State notes each, as fully as though the am^t of the list so taken had been mentioned in the Treas^r's warrant heretofore issued—

Adjourned until 8 °Clock to morrow morning—

TUESDAY March 6^t 1787—

Resolved that the bill entitled An act to prolong the redemption to 1¼ acre of land in Brattleboro' be continued to the next session of the Legislature & then to be taken up in the state it now is—

The following bills were Read the second time & sent to the Governor & Council for Revision & concurrence viz.

1. A tract of 600 acres in the town of Whitingham was granted to Jonathan and Arad Hunt, Oct. 15, 1787.—State Papers of Vermont, vol. 2, pp. 218-219.



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Resolved that Mr [Benjamin] Emmons, Mr [Ebenezer] Marvin & Mr [Phinehas] Freeman be appointed a Com^t to devise a way to get the revised acts printed & distributed & report the number necessary to be printed—

Mr [Paul] Brigham moved for leave of absence during the remainder of the session—Granted—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M. March 6^t 1787—

The bill entitled An act concerning pedlars hawkers and petty chapmen^r was read the second time and not accepted—

The following bills were Read the second time accepted and sent up for Revision & concurrence—viz—

An Act regulating fisheries—

An Act giving remedy ag^t tenants in common &c.

An Act relating to bills of divorce and

An Act to restrain the taking of excessive usury.

A petition signed by John Taylor and 113 others praying for a discharge from paying part of the County tax of Bennington County was read & refered to Mr B. Brown, Mr [Benjamin] Emmons & Mr [John] Bridgman to join a Com^t from Council to state facts & make Report—

A petition from the County Court of Windsor County praying that a tax might be laid on said County to pay the charges of said County amounting to the sum of £229-14. was read & *ordered* to lie on the table.

The bill entitled An Act directing Listers in their office & duty was Read the second time & after some debate the question was put Whether the clause for putting unimproved lands in unorganized towns into the list be accepted—The yeas and nays were Required—They are as follows viz—

Yeas
Mr Goodrich
Mr Gardner
Mr Sheldon
Mr Bristol
Mr Stevens
Mr J. Burt
Mr Marvin
Mr Randall
Mr Davison
Mr Merriman
Mr Marsh
Mr Higley
Mr Robinson
Mr Mott
Mr C. Carpenter

Nays
Mr Dewey
Mr O. Smith
Judge Ward
Mr Lyon
Mr B. Burt
Mr Bridgman
Mr Freeman
Mr Clark
Mr Spalding
Mr Briggs
Mr Aikin
Mr B. Brown
Capt. Ward
Mr Bisbee
Mr Weld—

1. An old definition of chapman was one who buys or sells.

Yeas
 Mr Jewet
 Mr Taylor
 Mr Burgiss
 Mr Emmons
 Mr Abida Smith
 Mr J. Carpenter
 Mr Rosbrooks
 Mr Peirce
 Mr Ferris
 Mr J. Lane
 Mr Chipman
 Mr Speaker
 Mr Heald
 Mr Coffeen
 Mr Parkhurst
 Mr Bliss
 Mr Steele
 Mr Loid
 Mr Brownson
 Mr Butterfield

So it passed in the affirmative and

Resolved that a Com^t of six be appointed to see what towns shall be exempted from taxes for 15 or 20 years for encouraging settlers on the mountains¹ & to fill up the blanks in said bill—

Adjourned until to morrow morning 8 °Clock—

WEDNESDAY March 7^t 1787—

The Com^t to whom was refered the petition of Peleg Sunderland brought in their report which was read & accepted—And leave given for a bill to be bro^t in accordingly—

The petition of Josiah Clark, Benj^a Hale & others was withdrawn—

The petition signed by Tho^s Sawyer for the people was again Read and the Com^t to whom the same was refered was discharged & said petition dismissed—

The petition of John Barnes was refered to the next Session of Assembly.

The petition of Benj^a Warner was referred to the next session of Assembly—

The Com^t to whom was refered John Ruggs petition reported which was read & not accepted & said petition dismissed—

Resolved that Judge Chipman have leave to bring in a bill agreeable

1. The mountain towns were settled more slowly than those in other portions of Vermont.

to a message from the Gov^r & Council respecting an act of location issued to Andrus, Holbrook and others.

The following bills were Read the second time accepted & sent to the Governor & Council for Revision & concurrence viz—

An Act against counterfeiting & passing bill of public credit coins &c.

An Act for licensing & regulating Tavern keepers.

Adjourned until 2 °Clock afternoon—

2 °Clock P. M—March 7^t 1787—

The bill entitled An Act defining the powers of Justices of the Peace within this state was read the second time and on motion made that in the clause defining the jurisdiction of justices in civil causes the words *four pounds* be erased & the words *six pounds* be inserted in their Room & the words *six pounds* be erased & the words *twelve pounds* be inserted in their room—The yeas & nays were Required—They are as follows viz—

Yeas	Nays
M ^r Goodrich	M ^r Dewey
M ^r Gardner	M ^r Stevens
M ^r Canfield	M ^r J. Burt
M ^r Brownson	M ^r Marvin
M ^r Sheldon	M ^r Marsh
M ^r Bristol	M ^r Lyon
M ^r Mott	M ^r Wilson
M ^r Spalding	M ^r Weld
M ^r Higley	M ^r B. Brown
Judge Ward	M ^r Bisbee
M ^r Robinson	M ^r Heald
M ^r C. Carpenter	M ^r Bliss
M ^r Jewet	M ^r Peirce
M ^r Briggs	M ^r Chipman
M ^r Taylor	M ^r B. Burt
M ^r Davison	M ^r Freeman
M ^r Coffeen	M ^r Bridgman
M ^r Parkhurst	M ^r Aikin
M ^r Ferris	Capt. Ward
M ^r J. Lane	M ^r Asahel Smith
M ^r Randall	M ^r Steele
M ^r Merriman	M ^r Butterfield
M ^r Emmons	
M ^r Burgiss	
M ^r J. Carpenter	
M ^r Rosbrooks	
M ^r Loid—	

So it was carried in the affirmative & said bill was accepted & sent up for concurrence &c.



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Yeas
 Mr Taylor
 Mr Bisbee
 Mr Heald
 Mr J. Carpenter
 Mr Bliss
 Mr Steele
 Mr Ferriss
 Mr Jewet
 Mr J. Lane—

So it passed in the affirmative—

A representation of Ira Allen Esq^r requesting money to purchase books &c. was read & the consideration thereof postponed until the opening of the House in the afternoon—

On the representation of his Excellency the Gov^r & Council,

Resolved that Timothy Andrus, Harris Coult [Colt] & associates by virtue of a resolution of this Assembly made at Manchester in Oct^r 1779 & an order of location thereupon issued for a survey of six townships of land lying east of Lake Memphre Magog south of and adjoining Canada line & west of the towns of Lewis Averill &c. have a prior right to a grant of so much of the said land as have not been chartered by the Authority of this state viz. Three townships of six miles square each as surveyed by order of the Surveyor General to wit N^o 1, N^o 4. & N^o 6. lying & being situate as aforesaid—And that the same be granted to Truman Hinman, Sheldon Clarke & Shadrach Osburne & their associates & that his Excellency be requested to issue charters therefor under such regulations & restrictions & for such fees as the Legislature shall direct—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M. March 8^t 1787—

The following bills were read the second time accepted & sent to the Gov^r & Council for revision & concurrence—viz—

An Act to suspend an execution in a cause between Matthew Lane & Eben^r Burgiss—

An Act for the establishment of Post offices &c.

An Act regulating the disposal of fines &c.

An Act to Place the subjects of the United States upon the same footing in suits at law in which the subjects of this Commonwealth are put by their respective laws—

An Act regulating Goals & Goalers—

An Act to prevent falling trees into creeks & Rivers

An Act directing what money shall be a legal currency & at what rate the same shall pass

An Act for preventing store horses from going at large in this state—
And

An Act directing the laying out of highways—and—

An Act directing the sale of 300 acres of public land in Londonderry & for appropriating the avails thereof—

The following bills were Returned from the Gov^r & Council concurred viz—

An Act to enable Gersham Beach of Rutland &c. to recover £49-8-4 L. M. from the Treasurer of said Rutland &c.

An Act for the appointment of attornies &c.

An Act for making certain articles a tender &c.

An Act relating to Auditors & actions of account

An Act adopt^s the common & Statute law of England

An Act to restrain the taking excessive usury

An Act regulating fisheries—

An Act regulat^s the disposition of the monies raised by tax on lands &c. for the purpose of making roads &c.

An Act grant^s a new trial by appeal in the cause of Thomas Jincks vs David Hines &c.

An Act giving remedy against tenants in common &c. who are delinquent in payment of taxes—

An Act defining the power of Justices of the peace—

An Act defining the powers of the supreme & County Courts

An Act for prolonging the time in which the grantees of lands chartered by this state are obliged to settle the same &c.

An Act limit^s the time of hold^s County offices &c.

An Act establishing forms of writs in civil cases—

An Act for collect^s & pay^s rates—

An Act concerning strays & lost goods

An Act for appoint^s & support^s Schools

An Act appoint^s County Surveyors &c.

An Act ag^t counterfeit^s & pass^s bills of public credit &c.

An Act relat^s to bills of divorce—

An Act for the partition of lands—

An Act regulat^s the Election of Gov^r &c.

An Act for the prevention & punish^s of frauds & perjuries

An Act for the settlement of testate & intestate estates

An Act for Regulat^s weights & measures

An Act regulating the Militia of the state of Verm^t

An Act for the punishing of tresspasses in divers case & direct^s proceedings therein—

An Act empowering Jacob Galusha to give a deed &c.

An Act respect^s abatement of taxes

An Act for the punishment of divers capital & other felonies—

An Act for establishing the Constitution of Vermont &c.

An Act for the purpose of levying a tax of 1^d on each acre of land in Chester &c.

An Act for the purpose of levying a tax of 1^d on each acre of land in Rockingham &c.

An Act for the prevention of riots disorders &c.

An Act ag^t High Treason & misprission of treason

An Act direct^s the settlement & transfer of the late Treasurers accounts—And

An Act for registering deeds & conveyances & were Read & passed into Laws of this state—

Resolved that the Treas^r be & is hereby directed to pay Capt. Peleg Sunderland £8-14. in hard money orders for services done for the United States in piloting Maj^r John Brown to & from Canada in March 1775—

A petition signed by Sam^l Robinson praying for a land tax in Glastenbury for the purpose of making roads &c. was read & refered to M^r [Matthew] Lyon, M^r B. Brown & Capt. [William] Ward to state facts & make Report—

The bill entitled An act to direct & compel the settlement of the late Treasurers accounts, with the amendment made to said bill, were Read—& the question being put whether said bill should be returned to Council—The yeas & nays being required—they stand as follows viz—

Yeas
 M^r Dewey
 M^r Canfield
 M^r Brownson
 M^r Sheldon
 M^r Bristol
 M^r Chipman
 M^r J. Burt
 M^r Marvin
 M^r Merriman
 M^r C. Carpenter
 M^r Willson
 M^r B. Burt
 M^r Heald
 M^r Bliss
 M^r Steele
 M^r Bridgman
 M^r Freeman
 M^r Clark
 M^r Spalding
 M^r Jewet
 M^r Taylor
 M^r Briggs
 M^r Aikin
 Capt. Ward
 M^r B. Brown

Nays
 M^r Goodrich
 M^r Gardner
 M^r O. Smith
 M^r Stevens
 M^r Randall
 M^r Marsh
 M^r Lyon
 M^r Higley
 M^r Robinson
 M^r Mott
 M^r Emmons
 M^r Abida Smith
 M^r J. Carpenter
 M^r Coffeen
 M^r Parkhurst
 M^r Peirce
 M^r Loid
 M^r Burgiss
 M^r J. Lane
 M^r Butterfield



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An Act ascertaining the mode in which granting fees shall be assessed, & the charters given of lands granted by this state & for the payment of such bills specie or produce as is or shall be due to the Treas^r of this state.

An Act laying a tax of $1\frac{1}{2}^d$ on each acre of land in Reading in Windsor County for making roads & bridges in said town—And

An Act for laying a tax of $1\frac{1}{2}^d$ on each acre of land in Jamaica for the purpose of making & repairing roads & bridges—which were Read accepted & sent to the Gov^r & Council for Revision & concurrence—

Resolved that M^r B. Brown, M^r [Calvin] Parkhurst & M^r [Phinehas] Freeman be a Com^t to make up the debenture of this Assembly—

The Com^t to whom was refered the petition of the Inhabitants of Panton & Ferrisburgh reported—“That they find the declaration supported & that it is their opinion that so much of said petition be granted as to annex the following part of Ferrisburgh to Panton viz—beginning at the mouth of Otter Creek, thence up said Creek to the mouth of Dead Creek thence up said Dead Creek to the south line of said Ferrisburgh—on this proviso that the public rights of Ferrisburgh be & still remain the property of Ferrisburgh—& that one of the names in said petition ought to be the name of said town of Panton”—which was read &

Ordered that the consideration thereof be postponed until the next session of Assembly—

Adjourned until 2 °Clock afternoon—

2 °Clock P. M.—March 9^t 1787—

The following bills were Read accepted & sent to the Gov^r & Council for Revision & concurrence viz—

An Act directing the printing & promulgating the revised laws of this state—

An Act for mending & clearing highways—

An Act to repeal the several statutes therein mentioned & described—and

An Act for laying a tax of one penny on each acre of land in the township of Glastenbury in the County of Bennington for the purpose of making Roads & bridges in sd town—

The following bills were Returned from Council concurred viz—

An Act for Regulating fees

An Act for regulating the disposals of fines &c.

An Act laying a tax of $1\frac{1}{2}^d$ on each acre of land in Reading &c.

An Act for the due observation of the sabbath—

An Act direct^g the sale of 300 acres of Public land in Londonderry &c.

An Act to compel the fulfilment of contracts according to the intent of the parties—

An Act providing for & ordering transient idle, impotent & poor persons

An Act for mend^s & clear^s highways

An Act direct^s town Clerks in their office & duty

An Act regulating Goals & Goalers—And

An Act laying a tax of 1^d on each acre of land in the township of Glastenbury &c. which were Read & Passed into Laws of this state—

The following bills were Returned from the Gov^r & Council with some proposals of amendment made to each which were agreed to viz—

An Act for establishing Post offices within y^e state

An Act for prolonging the time in which the Grantees of lands chartered by this state are obliged to settle the same &c.

An Act regulat^s proprietors meetings

An Act for laying a tax of 1½^d on each acre of land in Jamaica &c.
And

An Act ascertaining the mode in which grant^s fees shall be assessed & the charters given &c.—which were Read & Passed into Laws of this state—

The bill entitled An Act for laying a tax of 1½^d on each acre of land in Leicester &c. was Reconsidered & dismissed—

The Com^t to whom was referred Gov^r Marsh's petition Reported—
“That the fact set forth in said petition appear to be true & in our opinion the prayer thereof ought to be granted so far as that the petitioner receive a grant in some unlocated lands if any to be found within this state when all prior grants are compleated” which was read and,

Resolved that the consideration thereof be postponed until the next session of the Legislature—

Resolved that a Com^t of three to join a Com^t from Council be appointed to confer with Mess^{rs} Haswell & Russell upon the subject of printing the revised acts & make Report—The members chosen M^r [Matthew] Lyon, M^r [Elijah] Dewey & M^r [John] Bridgman—

The Com^t appointed to doom the several towns &c. brought in their Report which was Read—whereupon

Resolved that the town of Peacham be doomed the sum of £644. Thetford £2259-15. Maidstone £300. & Guildhall £450. on the grand list for 1786 and the Treasurer of this state is hereby directed to issue his warrant for the collection of all taxes already laid or to be laid on the aforesaid sums—

A petition signed by Silas Goodrich & Tim^o Mead Jun^r Administrators on the estate of Ara Rose late of Manchester deceased praying for leave to sell part of the real estate of said deceased—And a certificate from the Judge of Probate certifying that said estate is in debt the sum of £66-10-7 more than the amount of the personsl estate of said deceased were Read & the prayer of the petition granted And,

A bill entitled an act empowering Silas Goodrich & Tim^o Mead Jun^r Administrators of the estate of Ara Rose late of Manchester deceased to

sell part of the real estate of said deceased, was read accepted & sent up for Revision & concurrence—

Resolved that the next Election [legislative session] be held at Newbury in the County of Orange & that the Rev'd M^r Asa Burton of Thetford be requested to preach the Election sermon—

The Gov^r & Council join the House in Grand Com^t to take under consideration the bill for pointing out the office & duty of Secretary of State, And the bill for Regulating Listers in their office & duty—The following are the proceedings of the Grand Com^t on said bills viz—

“His Excellency in the chair—Micah Townsend Esq^r Clerk

“On motion of Doct^r Chipman,

“*Resolved* that this Com^t do not recommend to the Legislature to erase the words “attest & register charters of incorporation” from the bill entitled “An Act pointing out the office & duty of Secretary of State”—

“*Resolved* that this Com^t do not recommend to the Legislature to agree with the Council in the amendments by them proposed to the bill entitled An Act regulating listers in their office & duty—And,

“*Resolved* that this Com^t recommend to the Legislature to refer said bill to the next session of Assembly”—

“The Com^t then dissolved—

(signed) MICAH TOWNSEND Clk”

The speaker Resumed the chair—And the question being put whether this House agree with the Grand Com^t in their resolution on the bill Pointing out the duty of Secretary of State?—It passed in the affirmative & said bill was again sent back to the Gov^r & Council—

The question being put whether this House agree with the Grand Com^t in their first Resolution on the bill regulating Listers &c.—it Passed in the affirmative—And

The question being put whether said bill be refered to the next session of Assembly agreeable to the second resolution of the Grand Com^t on said bill—The yeas & nays being required on said Question They are as follows viz—

Yeas
M^r Dewey
M^r O. Smith
M^r Canfield
M^r Brownson
M^r Sheldon
M^r Lyon
M^r Higley
M^r Bridgman
M^r Briggs
M^r Aikin
M^r Weld

Nays
M^r Goodrich
M^r Gardner
M^r Bristol
M^r Stevens
M^r Chipman
M^r J. Burt
M^r Marvin
M^r Randall
M^r Merriman
M^r Marsh
M^r Robinson



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An Act enabling the Selectmen of Hallifax to lay a tax of one penny on the acre in said town, and

An Act to naturalize^r the Hon^{ble} St. John de brevecœur [Creve-cœur] & his children America Francis, William Alexander & Phillip Lewis—

The following bills were Returned from the Governor & Council concurred with viz—

An Act for the limitation of actions

An Act enabling the Selectmen of Halifax to lay a tax of 1^d on each in said town

An Act empowering Silas Goodrich Tim^o Mead Jun^r Ad^{ms} of the estate of Ara Rose &c. to sell part of the real estate of said deceased—

An Act to empower the sale of part of the estate of Benj^a Fay Esq^r deceased—

An Act regulating tavernkeepers

An Act to naturalize the Hon^{ble} St. John &c. and

An Act to repeal the several statutes therein mentioned & described—And were Read & Passed into Laws of this state—

The Com^t appointed to confer with Mess^{rs} Haswell & Russell upon the subject of printing the revised Laws, reported the following proposals from them viz.

“The subscribers propose to the Honb^l Gen^l Assembly that if they can be furnished by the state with £150. L. M. they will deliver to the state within six months after Receiving it 334 copies of the revised laws neatly bound & lettered which will am^t to 9/ p^r book—

(signed) HASWELL & RUSSELL—

which report was read & accepted—And

Resolved that M^r [Elijah] Dewey, M^r *Speaker* & M^r Tichenor² be a Com^t to make a contract with Mess^{rs} Haswell & Russell for printing the revised laws—And *Resolved* that Isaac Tichenor Esq^r be appointed to examine the proof sheets of the revised acts—

The bill entitled An Act pointing out the duty of Secretary of State, was returned from the Gov^r & Council with a Resolution that the same be postponed until the next session of Assembly—

Resolved that the Treas^r be and is hereby directed to pay to Simeon Hathaway £3. in hard money order for fire wood candles &c. provided for this Assembly—

The Com^t appointed to enquire what grants & charters of land have been made by this state brought in the following report viz—

“Your Com^t find that 91 townships of land & 12 gores have been granted 64 townships & gores have been chartered as appears from the list from the Secretarys office & those crossed on the list of charters are

1. See Governor and Council, vol. 3, pp. 387-392.

2. Isaac Tichenor was a member of the Council.

surveyed—The greatest part or all of said gores are within the surveys made by the Surveyor Gen^l & the New Hampshire Grants within the lines of Vermont—Your Com^t are of opinion that no charters ought to issue only for those grants already surveyed and restricted to certain bounds or pitches made agreeable to their grants or where any grantee or grantees have heretofore pitched according to their grants—it further appears to your Com^t necessary for the benefit of the state & the proprietors or grantees who have received grants from New-Hampshire or the Authority of this state that the irregular lines in forming the towns granted by New Hampshire viz—Fairfield, Smithfield & Hungerford ought to be restricted to proper lines to bring said towns to their proper shape as nearly the intention of said New Hampshire Grants as may be—And your Com^t are further of opinion that the surveys made by M^r Whitlow [James Whitelaw] in the north east part of this state ought to remain as they are laid down on said Whitlows plan and not to remain as laid down on the Surveyor Generals plan unless some charter heretofore issued should interfere—And that all the unlocated lands lying in the northwardly part of this state ought to be properly surveyed as soon as may be, and when such surveys are compleated all the grantees of said unlocated lands be notified thereof by advertiseing the same in the *Vermont Journal & Gazette* requesting said grantees of lands to meet at the time & place set forth in said advertisement either themselves or agents to make good their claims to said lands according to the priority of said Grants—

(signed) JACOB BAYLEY for Com^t”

which was read and the consideration thereof postponed until the next session of Assembly—

The bill entitled An Act for regulating Listers in their office & duty was returned from the Governor & Council with a resolution that the same be postponed until the next session of Assembly whereupon—*Resolved* that the same be printed & published for the perusal of the People—

The Com^t to whom was refered the petition of Noah Smith & other reported a bill to prolong the time of settlement—which being read was not accepted & said petition dismissed—

Resolved that the Hon^{ble} Ira Allen Esq^r late Treasurer of this state be requested to pay the arrearages of the debentures of Assembly & the late Convention remaining in his office or such part of the same as shall be applied for before a settlement of his accounts by the Auditors—

Resolved that M^r [Paul] Brigham, M^r B. Brown & Gen^l Olcott be added to the Com^t appointed for contracting with Mess^{rs} Haswell & Russell And that it be an instruction to said Com^t to agree with Mess^{rs} Hough & Spooner the States printers if they will undertake printing the revised laws upon as good terms as Mess^{rs} Haswell & Russell will do the same if not that they agree with the Bennington printers & that if said

Com^t find it necessary that they divide the printing between the two presses—And be it further

Resolved that the Com^t appointed to procure the printing the revision of the laws be & hereby are empowered to draw upon the Treasurer of this state for such sum or sums of money not exceeding £200. to be appropriated for the purpose of compleating the aforesaid business.—



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