

WHAT HE SAID

By Paul Gillies

His are the most famous words ever used in a Vermont courtroom. Before he would release a man into the custody of another who claimed to own him, this judge insisted on seeing a "bill of sale from God Almighty." That judge was Theophilus Harrington. That story, repeated in sermons, speeches, essays, and histories dozens of times over the years, became an axiom of the abolitionist movement, and a lasting monument to the Vermont character, independent spirit, and wry humor. It carried.

He was born in Coventry, Rhode Island in 1762, and moved to Clarendon, Vermont in 1785.¹ He represented Clarendon in the Vermont House of Representatives in 1795, and again from 1797 to 1803, served as Speaker that last year, and at the same time, between 1801-1803, served as Chief Judge of the Rutland County Court. In 1803, he was elected to the Vermont Supreme Court, and was reelected every year until 1813.²

He was an unlettered farmer, with virtually no education, not a writer, and is said to have read only the 1797 Compilation of Vermont laws. "Yet he was a good Judge, an excellent Judge," historian Pliny H. White wrote of him. "He had a mind so energetic and vigorous, a discrimination so acute, a common sense so strong, perceptions so keen, and a sense of justice so intuitive that while he may sometimes have failed to decide technical points correctly, it is believed that he rarely failed to do true and substantial justice, which, if it be not always law, is always better than law."³

Everything we know about him is interesting, even astonishing. He met his wife Elizabeth Buck when he passed her house on his way from Rhode Island to Clarendon. He stopped, wooed, and wedded her, bringing her with him north to his home on the same journey.⁴ They had twelve children. He fought in the Revolutionary War, although we know nothing of where he

served.⁵ He was baptized into the Ira Baptist Church in Clarendon in 1809, following a revival, and is reported to have preached the gospel after that.⁶

He was 51 when he died in 1813. He rests in Chippenhook Cemetery at Clarendon, under a large marker, partly paid for by an appropriation of \$400 from the State of Vermont, on which these words appear --"He sleeps on the hills/No slave ever trod,/Nor claimant brought bills/From Almighty God."⁷

Most Vermont judges are barely remembered. We have their decisions, sometimes a painting or a photograph, perhaps a monument in a cemetery, but they are basically beyond our reach. Not so Theophilus Harrington. The stories abound.

"What do you call that?" asked Judge Harrington, of one of the lawyers in a trial. "A demurrer," answered the lawyer. "I do not know anything about your demurrer," replied Harrington, "but I know that if my dog kills sheep you can't make my neighbors pay for it. Mr. Clerk, enter judgment for the defendants."⁸

When counsel argued that his client, accused of stealing a horse, was not guilty as the actual theft occurred out of state, Judge Harrington was unmoved. He is reported to have said, "He stole the horse at Concord, he stole it at Keene, he stole it at Bellows Falls, he stole it every step of the way here."⁹

To an objection that a deed was inadmissible, for lack of a seal, Harrington looked over the bench and said, "Mr. Clerk, hand me a wafer," placed it on the exhibit, stamped it, and ruled, "That objection is removed, now proceed, Mr. Attorney."¹⁰

Judge Harrington was hard on everybody. When attorney Daniel Chipman offered the deposition of a witness, saying he was one of the "most reputable men in Troy," Harrington replied, "I am sorry for Troy, then, for if the angel Gabriel had signed that deposition I would not believe his testimony." The judge was familiar with the witness. "No sir, that fellow don't open his mouth in this court. He is a knave, a scoundrel, who was convicted in Rhode Island for horse-stealing. I tell you that I know the fact myself. I should not know it better with a dozen records. Go on with the case!"¹¹

"What books are those?" he asked a lawyer. "English books, your Honor." "P'shaw," responded Harrington, "take them away, we don't want books brought over the big puddle to tell us what the law is." ¹²

He had a reputation for hard, plain justice. When counterfeiters lost a gold nugget in Newfane, in the bed of the Deerfield River, and went back to look for it, they were arrested, tried, convicted and sent to prison, according to the report of this incident a generation later, by the "terror to evildoers," Judge Harrington.¹³ Perhaps these were the same counterfeiters at whose trial Harrington presided when an attorney asked a witness, "Do you know the respondent? Have you ever been acquainted with him? Do you know where he came from?" Before the witness could answer, Judge Harrington said, "Neither do I know where he came from, but I know where he is going to."¹⁴

We should stop there, and reflect on what these stories tell. Here is a judge who places common sense over the common law. Here is a judge who is unafraid to say what he thinks, spontaneously, without guile or pretence, or much grace.

Obadiah Noble, a Tinmouth lawyer, remembered Judge Harrington this way: "Judge Harrington would express more in fewer words than any man I ever heard speak. He took no minutes of the evidence, yet he would repeat all that was material in a long trial with perfect accuracy. After a clear and perfectly fair charge to the jury, he would often say: 'If justice controls your verdict you will not miss the general principles of the law.'" ¹⁵

Daniel Chipman appeared before Judge Harrington many times. Daniel Chipman said of him, "He would sit as dozy as a bear, half asleep, and not appearing to notice anything that was going on, and I would think I was going to have it all my own way, but when his opportunity came, he would get up and tare a bigger hole in a case than any other creature I ever saw."¹⁶

Pliny White, who compiled the stories about Judge Harrington, wrote, "He was a man of large frame, full six feet high, broad shouldered, and of great physical strength. His complexion was swarthy, his beard black, heavy, and more often than otherwise, unshaven, his hair black, coarse, and rarely combed. His eyes were small, keen, and mischievous in expression, his face was expressive, and his feature flexible. His temperament was nearly unmixed bilious."

Finally, we must deal with the stories of his barefootedness. Several writers mention in passing that he often went barefoot on the bench.¹⁷ Pliny White's account in 1868 contains the first published report of the curious habit of this judge. "He was a coarse, rough, uncouth, slovenly boor. It was no uncommon thing for him, when on the bench, to take off his shoes and stockings, nor did he hesitate to put his naked feet upon the table before him."¹⁸

What do we make of him now? This lion of a judge, this Old Testament figure, whose words were taken down and repeated and eventually published, becomes an enigma, an anomaly. Remembered through the years as a beacon of freedom, for freeing the slave who was brought before him, he was not a model of tolerance. He got into an argument on the State House lawn with a man who was showing off Merino sheep, trying to persuade the state legislature to promote the importation of the breed. Harrington said, "[if] improvement of wool is your object, why don't you go into the business of cultivating the negro? You could raise just as good wool and save the cost of dyeing!"¹⁹

Antislavery in Vermont

The first Vermont Constitution abolished slavery.²⁰ Article 1st of the 1777 Constitution starts with a sentence taken directly from the Pennsylvania Constitution of 1776: "All men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."²¹ The Vermont Constitutional Convention of 1777 added these words:

*Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive at such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.*²²

The first exercise of this antislavery provision came on November 12, 1777, a little more than five months after the constitution was enacted, on Lake Champlain, when Captain Ebenezer Allen captured 49 people, mostly British troops, who were retreating northward after the surrender of Burgoyne. Among them was Dinah Mattis and her child, who under the

authority of Continental Congress became the prize of her "captivators." Allen wrote out a manumission of the two, emancipating them. "I being conscientious that it is not right in the sight of God to keep slaves --I therefore obtaining leave of the detachment under my command to give her and her child their freedom . . . [allowing her] to trade and to traffic for herself and child as though she was born free, without being molested by any person or persons."²³ Allen did not mention the constitution as his authority, although the "sight of God" played an important role in his decision.

In 1786, the Vermont General Assembly passed, "An act to prevent the sale and transportation of negroes and molattoes out of the state."²⁴ A hundred pound fine was levied against anyone attempting to remove anyone out of Vermont "with intent to hold or sell such person as a Slave." The Whereas clauses of this act make clear that in Vermont "the Idea of Slavery is expressly and totally exploded from our free Government."²⁵

The year before Theophilus Harrington was elected to the Supreme Court, the Court issued its decision in *Selectmen of Windsor v. Jacob*. Stephen Jacob, a member of the Court, was sued by the town to pay for the maintenance of Dinah, a woman he had purchased as a slave and brought to Vermont. The Court denied the claim, explaining that the Vermont Constitution abolished slavery, so "when the master becomes an inhabitant of this state, his bill of sale ceases to operate here."²⁶ But the posture of the case is significant. At issue was whether the bill of sale for the slave was admissible. The Court ruled, "the bill of sale cannot be read in evidence to the Jury."²⁷

Two years later, Judge Harrington was confronted with a man who claimed to own another as a slave. Harrington's quotation, in context, extends the rule of the Jacob decision, but twists it, putting the burden on the claimant to prove his claim is justified by God Almighty.

How the story survived is unclear. It was told enough times for it to last for many years before it first appeared in print. Abolitionist William Lloyd Garrison, who wrote and edited *The Journal of the Times*, one of the early abolitionist newspapers, in Bennington in 1828, wrote a letter several years later to the Vermont Antislavery Party, after he had left Vermont. Dated February 10, 1836, and read at the Society's second annual meeting, held in Middlebury, Garrison wrote,

I read an anecdote, some years ago, which is probably familiar to many, but which I quote as characteristic of the spirit which animates the people of your patriotic State. A slaveholder, in pursuit of a runaway slave, finding him in one of your villages, immediately pounced upon him, and brought him before the court, presenting at the same time, what he considered indubitable evidence, that the victim was his lawful property. Still the judge demurred --he wanted other proof. At last, the prowling oppressor passionately desired to know of the judge, what evidence would satisfy him that the slave belonged to the claimant? "A bill of sale from the Almighty!" was the memorable reply.²⁸

This last sentence ended with a footnote, stating, "When the reading of this letter was concluded, the Hon. Dorastus Wooster of Middlebury rose and stated, that the transaction here referred to took place in THE VERY ROOM where the Society was then assembled! The memorable decision was pronounced by the late Judge Harrington of Clarendon, a man remarkable for his unyielding firmness and practical good sense. The annunciation of this fact, as may well be conceived, produced a thrilling effect!"²⁹

The story bore repeating. It was repeated in an 1841 issue of *The Dial*, where the unnamed author said of that Vermont judge, that he "did not search the records to ascertain what my Lord Mansfield or Judge Story said on the subject," but "went to the source of all law; and demanded of him who claimed to hold his brother as an article of merchandise, that he should present his title deed, signed and sealed by Him who alone has the right to dispose of the work of His own hands."³⁰ In his *Illegality of Slavery* (1846), Benjamin Shaw asked, "Now where will you find a decent jury in a free State, that would decide that the reputed slave owes service to the reputed master. If I was one, I should want as much evidence as judge Harrington of Vermont wanted; a bill of sale from God Almighty."³¹

Wendell Phillips reviewed Lysander Spooner's *Essay on the Constitutionality of Slavery* in 1847. Phillips recalled "the stout old Vermont Judge, who asked, in 1807, for a bill of sale from God Almighty, before he would consider the proof 'sufficient.'"³²

On the floor of the U.S. House of Representatives in 1864, Vermont Congressman Frederick E. Woodbridge, in the midst of a debate on the constitutional amendment to abolish slavery, stated, "Coming from the Green Mountain state, where a good old judge fifty years ago said to a

claimant and presented a bill of sale to a slave: 'Show me a bill of sale from God Almighty, and your title will be recognized.,' it is not necessary for me to say that in my judgment there can be no property in man."³³

Harrington was apotheosized. An American Missionary Association pamphlet from 1886 exclaimed, "This man might well be called the morning star of emancipation! In that decision lies the whole arsenal of argument whose ringing use by Phillips, Garrison, Tappan and others prepared the moral sentiment of the nation to bring forth the abolition of slavery, when the time came that in the providence of God the oppressed were to go free. We are glad that the Vermont people have rescued the name of this grand John the Baptist of freedom, this righteous and just, though unlearned, Judge from an oblivion into which there was danger it might fall, and brought it forth to the gaze and admiration of the civilized world."³⁴

That year the monument in Clarendon was dedicated. At the ceremonies, Judge Hoyt Wheeler of Brattleboro said, "Wheresover this gospel of freedom shall be preached throughout the whole world, this also that this State has done shall be spoken as a memorial of her."³⁵

By late in the Nineteenth Century, the phrase was treated as familiar enough to warrant inclusion in a quiz on what makes Vermont unique. "What jurist, in a fugitive slave state, first trampled on the traditions and laws of human chattelship, in demanding before a surrender of a slave which was held for return, a 'bill of sale from God Almighty'?"³⁶

In his *Vermont: A Study in Independence* (1892), Rowland Evans Robinson wrote, "The star-guided fugitive might well feel an assurance of liberty when his foot touched the soil that in the old days had given freedom to Dinah Mattis and her child, and draw a freer breath in the State whose judge in later years demanded of a master, before his runaway slave would be given up to him, that he should produce a bill of sale from the Almighty."³⁷

The phrase was so popular, so appreciated, there was even thought of having it illuminated on the facade of Vermont's pavilion at the 1892 World's Fair in Chicago.³⁸

In *Vermont Tradition* (1953), Dorothy Canfield Fisher wrote, "[B]efore 1800, a Vermont judge was approached by a slave-owner, wanting to secure the return of a slave of his escaped to Vermont, and showing his bill of sale to prove his legal right to his property. To him Judge Harrington replied that he would order the arrest and return of the slave only if he were shown 'a

bill of sale from God Almighty.' Vermont memories have allowed no dust to fall on these episodes."³⁹

When did this happen? Fisher says before 1800. Wendell Phillips said 1807. Many others use 1809. One scholar of note, John Lovejoy, has researched it and concluded the hearing took place in early 1804, at the Addison County Courthouse in Middlebury.⁴⁰ The imprecision of memory is expected. Elaborations of the interchange in the courtroom also vary. Edward Conant, in his Vermont Historical Reader (1907), has Harrington say, "You do not go back to the original proprietor," before bringing out the matter of the bill of sale from God Almighty.⁴¹ The story changes, although the line remains intact.

Harrington's bill of sale ruling finds a curious echo in a story of a decision of Judge Theodore Sedgwick, a Massachusetts judge, who in 1780 gave a slave girl her freedom based on the Massachusetts Bill of Rights. One commentator wrote this "was the first act of slave emancipation by law not only in Massachusetts, but in the United States."⁴² Oh, the jealousy of states to be first is unrelenting, but this time, Vermont takes the lead. Our stout judge came first, shoes or no shoes.

What does it mean to insist on that bill of sale? Is God the only one who can own a slave or sell him to another man? Only God can seize a man? The delight in the story is the crusty judge dryly mocking the institution of slavery by applying rules of property, but turning them on their head. The officiousness of the setup--just one more form, please--and the realization creeping into the slaveholder's mind that he was trapped in the law, in a foreign place where higher rules applied, is perfect. The unlettered boor turns out to be smart as a tack.

Judging

Lucius Chittenden summed up the phenomenon of Theophilus Harrington this way: "Many farmers administered the law from the bench. Their strong common sense, inflexible integrity, and devotion to the principles of liberty perhaps qualified them for the judicial office better at the time than three years' service in an attorney's office or lectures at the law-schools. The precedents they established have seldom been departed from by their successors, some of whom have all the advantages that study and

education could give to great natural abilities trained by long and intelligent experience."⁴³

What do we want in a judge? Legal acuity is essential, but the majority of decisions made by judges from the bench involve questions of credibility, judgments of fact, and procedural decisions motivated by a sense of fairness and frugality. Credentials, then and now, are no assurance of the quality of judgment. Today when we first appoint people to the bench, they are sent to Reno to learn how to be judges. Theophilus Harrington did not get a week in Reno. But there is no evidence he had a moment's doubt about what he had to do. He had the advantage of experience and common sense.

Today, the practice of issuing findings and rulings from the bench is becoming more common, perhaps due to the new austerity in the judicial budget. Judges, expected to deal with their business efficiently, conclude trials with judgments, on the record, stating their rulings aloud, usually with only a short period of off-bench deliberation. Some judges look down when they speak. Some look out into a space somewhere in the middle of the room, out of focus, without making eye contact with anyone. Some confront the parties and their counsels directly. However it is delivered, the law is stated and heard by all from the judge's own lips.

The bench is a bully pulpit. What judges say from on high is expected to be delphic, solomonic, and principled. The courtroom acoustics and the bench, the black robes, and the formalities of standing when the judge enters, or when we speak to the court, provide an august setting for the articulation of the law, and justice. The judge must be a commanding presence in the courtroom. No one need doubt who is in charge.

You have to love the drama of the courtroom. There are many boring parts, but when the tension rises, or when a hearing is over and we turn our attention to the judge, to render a decision or issue jury instructions, that is when the judicial system is at its best. How tragic then that so often the most memorable expressions are lost. Oh, they are on that recording, if anyone ever were to appeal, and have it transcribed, but most of the best work of the judiciary (and the bar, for that matter) lasts only as long as the next speaker. We all might say things as memorable as Judge Harrington from time to time. Who remembers?

¹EDWARD CONANT, VERMONT HISTORICAL READER: AND LESSONS ON THE GEOGRAPHY OF VERMONT (1907), 110-112. He spelled his name "Herrinton," but is known as "Harrington" or "Herrington" in various books. JACOB G. ULLERY, REDFIELD PROCTOR, CHARLES H. DAVENPORT, HIRAM AUGUSTUS HUSE, LEVI KNIGHT, MEN OF VERMONT (1894), 178.

²RUSSELL S. TAFT, "THE SUPREME COURT OF VERMONT," ⁶GREEN BAG (1894), 75-76; JOHN LOVEJOY, "THEOPHILUS HARRINGTON," THE VERMONT ENCYCLOPEDIA (2003), 151.

³PLINY H. WHITE, "THEOPHILUS HERRINGTON," RUTLAND HERALD, DECEMBER 15, 1868, 6 (HEREAFTER, WHITE). One of their children was named Pliny, although there is no known connection.
<http://www.harringtons.org/Harrington/BulletinBoard/messages/295.html>.

⁴WHITE, 6.

⁵WALTER HILL CROCKETT, SOLDIERS OF THE REVOLUTIONARY WAR BURIED IN VERMONT (1904), 21.

⁶<http://www.harringtons.org/Harrington/BulletinBoard/messages/295.html>; WHITE, 6

⁷LESTER WARREN FISH, THE FISH FAMILY IN ENGLAND AND AMERICA: GENEALOGICAL AND BIOGRAPHICAL RECORDS AND SKETCHES (1948), 206 (ONLINE AT GENEALOGYLIBRARY.COM). "AN ACT PROVIDING FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF THEOPHILUS HARRINGTON," NOVEMBER 27, 1884, NO. 233, LAWS OF VERMONT (1884), 250. The 1884 act appropriating the money was passed just before the legislature voted funds for the erection of the Bennington Battle Monument.

⁸WHITE, 6.

⁹CONGREGATIONAL HOME MISSIONARY SOCIETY, ⁴⁰THE AMERICAN MISSIONARY (1886), 213. Pliny White's version has the horse stolen in Canada. He wrote, "Judge Harrington said that in his opinion the man stole the horse when he took it, and stole it every step of the way he took with it until he sold it, and therefore was stealing it all the way through Vermont." WHITE, 6.

¹⁰TAFT, 76; WHITE, 6.

¹¹LUCIUS CHITTENDEN, PERSONAL REMINISCENCES, 1840-1890 (1893), 23.

¹²WHITE, 6.

¹³INDEPENDENT INQUIRER, MARCH 8, 1834, VOL. 1, ISSUE 26, P. 2 (BRATTLEBORO).

¹⁴WHITE, 6.

¹⁵CHITTENDEN, 22.

¹⁶CHITTENDEN,23. "Tare" is the spelling used by Chittenden.

¹⁷EDWARD CONANT,VERMONT HISTORICAL READER:AND LESSONS ON THE GEOGRAPHY OF VERMONT(1907), 110-112); TAFT, 76.

¹⁸WHITE,6.

¹⁹CHITTENDEN,24.SEE KEVIN GRAFFIGNINO,"VERMONT ATTITUDES TOWARD SLAVERY:THE NEED FOR A CLOSER LOOK,"45VERMONT HISTORY1977, 31-35.

²⁰LAWS OF VERMONT 1777-1780,IN XIISTATEPAPERSOFVERMONT27(ALLEN SOULE,ED.,1964),8;JOHN H.WATSON,"IN RE VERMONT CONSTITUTION OF 1777,AS REGARDS ITS ADOPTION,AND ITS DECLARATION FORBIDDING SLAVERY,AND THE SUBSEQUENT EXISTENCE OF SLAVERYWITHIN THE TERRITORYOF THE SOVEREIGN STATE," 94 Vt. 501-525.

²¹Id.; PA. CONST. of 1776 art. I.

²²LAWS OF VERMONT1777-1780,IN XIISTATEPAPERSOFVERMONT27(ALLEN SOULE,ED.,1964), 8.

²³GOVERNOR AND COUNCIL (1873),93;CHARLES E.TUTTLE,JR.,VERMONT AND THE ANTISLAVERY MOVEMENT(1937), 3.

²⁴"AN ACT TO PREVENT THESALE AND TRANSPORTATION OF NEGROES AND MOLATTOES OUT OF THE STATE,"OCTOBER 30,1786,XIV STATE PAPERS OF VERMONT, 100.

²⁵Id.

²⁶SELECTMEN OF WINDSOR V.JACOB, 2 Tyl. 194, 198 (1802). This Dinah is not the same as the Dinah Mattis that Capt. Allen freed in 1777.

²⁷Id. See AVIAM SOIFER,"DE FACTO SLAVERY AND THE 'SYREN SONGS OF LIBERTY AND EQUALITY,'"40 CONN.L.R.1315(JULY,2008);ERNEST LUDLOW BOGART,PEACHAM,THE STORY OF A VERMONT HILL TOWN(1982), 217.

²⁸SECOND ANNUAL REPORT OF THE VERMONT ANTI-SLAVERY SOCIETY (1836),13-16.ON GARRISON'S TIME IN VERMONT,SEE WENDELL PHILLIPS GARRISON,FRANCIS JACKSON GARRISON,WILLIAM LLOYD GARRISON:1805-1879:THE STORY OF HIS LIFE (1889), 117.

²⁹SECOND ANNUAL REPORT, 13. The old Middlebury courthouse, built in 1794 and used by the General Assembly in 1800 and 1806, and by the Congregational Church and the town for town meeting, was on the site on Court Street/Route 7 where the brick edifice that formally served as the Addison County Courthouse stands today, before the new Mahady Courthouse was constructed. It had been moved in 1816 when its location became a nuisance to travelers. SAMUEL SWIFT, HISTORY OF THE TOWN OF MIDDLEBURY (1859), 17-23.

³⁰"CHARDON STREET AND BIBLE CONVENTIONS, III THE DIAL (1841), 109.

³¹BENJAMIN SHAW, ILLEGALITY OF SLAVERY (1848), 11; <http://medicolegal.tripod.com/shawuos.htm>. Shaw also quoted Judge Charles K. Williams of Vermont, that "if a case of the kind should come before, I would dismiss it at once; for I know that no man can bring evidence enough to prove to me, that another man is his property." The source of this quotation is unknown. A Westlaw search of the Vermont Reports turned up nothing.

³²GEORGE BUSH, THE VALLEY OF VISION; OR THE DRY BONES OF ISRAEL REVIVED (1844), 34.

³³ISAAC NEWTON ARNOLD, THE LIFE OF ABRAHAM LINCOLN (1885), 360.

³⁴CONGREGATIONAL HOME MISSIONARY SOCIETY, 40 THE AMERICAN MISSIONARY (1886), 213-214.

³⁵Id.; RUTLAND HERALD, JULY 6, 1886, 1; 10 VERMONT WATCHMAN, DECEMBER 17, 1884, 4. Commenting on the recent legislation for erecting a monument to Judge Theophilus Harrington, the editor added, "Some who had listened to the debate on the proposal to increase the salary of the judges might have thought that he was another of those 'poor unfortunates,' described by the tearful advocates of that measure, who had gone down from the bench to a pauper grave and the state had interposed to save his resting-place from obliteration."

³⁶JOSIAH BUSHNELL GRINNELL, HENRY WEBSTER PARKER, MEN AND EVENTS OF FORTY YEARS: AUTOBIOGRAPHICAL REMINISCENCES OF AN ACTIVE CAREER FROM 1850 TO 1890 (1891), 376.

³⁷ROWLAND EVANS ROBINSON, VERMONT: A STUDY IN INDEPENDENCE (1892), 335

³⁸H.H. MCINTYRE, "VERMONT AT THE WORLD'S FAIR," 10 THE NEW ENGLAND MAGAZINE (1894) 6. "The Commission considered and rejected a proposal to

illuminate the facade of the building with the decision of Judge Theophilus Harrington, in 1809, when the slave-owner proffered a bill of sale in proof of title to his human chattel: 'Only a bill of sale from God Almighty will serve to hold a slave before this court.'"Several years earlier, the story had been repeated during the ceremonies attending the dedication of the Bennington Battle Monument. VERMONT CENTENNIAL COMMISSION, THE DEDICATION OF THE BENNINGTON BATTLE MONUMENT(1892), 11.

³⁹DOROTHY CANFIELD FISHER, VERMONT TRADITION(1953), 230.

⁴⁰JOHN M. LOVEJOY, "RACISM IN ANTEBELLUM VERMONT," VERMONT HISTORY 69(SYMPOSIUM SUPPLEMENT), 48-65 (2001), http://www.google.com/#q=theophilus+harrington+1886&hl=en&rlz=1R2ADRA_enUS353&sa=2&fp=a048890d3c90c6fc.

⁴¹EDWARD CONANT, VERMONT HISTORICAL READER: AND LESSONS ON THE GEOGRAPHY OF VERMONT(1907), 110-112.

⁴²WILLIAM HAMILTON PHILLIPS, PATHFINDER TO GREYLOCK MOUNTAIN, THE BERKSHIRE HILLS AND HISTORIC BENNINGTON(1910), 98.

⁴³CHITTENDEN, 24-25.