Did Ethan Allen readily reject the offer to work on behalf of New York, or did he deliver a pithy lesson on the different theologies of the Green Mountains and the Hudson River? The two sources on the meeting between Kempe, Duane, and Allen relate very different versions.

By H. Nicholas Muller III

“...he gods of the valleys are not gods of the hills,” Ethan Allen intoned defiantly to his haughty Yorker opponents. The day before, the Yorkers had vanquished Allen’s clients in the Ejectment Trials held before a New York Supreme Court sitting in Albany in late June 1770. When one of the Yorkers asked for an explanation of his cryptic pronouncement, Allen menacingly replied, “that if he would accompany him to Bennington, the phrase should be explained.” Historians, novelists, biographers, children’s book authors, politicians, and even a Vermont magazine have chiseled these bold words into the hard granite of proud Vermont tradition. But did Ethan Allen ever utter those words and instead of bold defiance agree to work on behalf of the Yorkers?!

Ethan Allen’s youngest brother, Ira, reported the celebrated oral exchange nearly three decades after the event. By the mid-nineteenth century the Ejectment Trials had become a pivotal event in the sequential

H. Nicholas Muller III, a former editor of Vermont History and Senior Editor of Vermont Life Magazine, taught courses on Vermont history at the University of Vermont and has published widely on the early history of the state. In retirement, he now views Vermont from across Lake Champlain from his home in Essex, N.Y.

Vermont History Vol. 75, No. 2 (Summer/Fall 2007): 125–133.
© 2007 by the Vermont Historical Society. ISSN: 0042-4161; on-line ISSN: 1544-3043
“for want of a nail, the horse was lost” logic, serving as an important milestone on the path to Vermont’s independence that evolved into the traditional “story” of Vermont. New York title holders had brought suit against several settlers in Bennington and Shaftsbury who would not countenance the New York titles and claimed ownership of their property under New Hampshire grants made many years before by Royal Governor of New Hampshire Benning Wentworth. In the resulting trials, the “story” depicts honest yeoman settlers losing the cases to arrogant, rapacious, and corrupt Yorker land jobbers, lawyers, and politicians.

Absentee proprietors, with huge holdings of the territory colloquially known as the New Hampshire Grants as investments, recognized the threat of the suits to their speculations. Meeting in Connecticut, these proprietors determined to support the threatened settlers, and they hired Ethan Allen as their agent. Allen went to Portsmouth, New Hampshire, purchasing New Hampshire rights during the trip, to secure documentation to support the validity of the New Hampshire titles. The proprietors also retained Jared Ingersoll, a distinguished Connecticut attorney who had once represented the colony in England and with whom Allen had previous dealings. Joined by Albany attorney Peter Sylvester, Allen and Ingersoll appeared in court on behalf of the Vermont settlers in Albany on June 28, 1770.

The standard accounts hold that “the lawsuits were over before they had begun,” and that the settlers never had a chance in unjust New York courts. Attorney General John Tabor Kempe, at public expense, and James “Swivel Eyes” Duane, who represented the New York claimants, had much at stake themselves as owners of extensive New York land patents in Vermont. Both of the presiding judges, including Duane’s brother-in-law, Robert Livingston, also held titles in the disputed land.

If the New York dramatis personae held the upper hand, the court’s ostentatious trappings reinforced the disparity. Sitting in the pretentious three-story Albany city hall, the bewigged and elaborately robed officers of the court mimicked high English ritual in stark contrast to dour New England courts. Writing four years later in his not so brief Brief Narrative, Ethan Allen mistakenly placed the trials in July 1769. He described the Yorkers “appearing in great Fashion and State, which, together with their Fraternity of Land-monopolizers, made a brilliant Appearance.” He compared the Yorkers to the homespun “Defendants appearing in but ordinary Fashion, having been greatly fatigued by hard Labor,” who “made a very disproportional Figure at Court.” He concluded “Interest, Connection, and Grandeur, easily turned the Case against the forlorn Defendants.”

In the first case the court ruled against James Breakenridge because
much of his farm lay outside the Wentworth grants and within a patent issued by New York in 1739 that antedated all New Hampshire titles. In the remaining cases the court held New Hampshire titles invalid and inadmissible as evidence and ruled against the defendants, causing Ingersoll to deem the cause “prejudged” and not worthy of further defense.  

According to Ira Allen, after the proceedings Kempe and Duane sought out Ethan Allen, observing “that the people settled on the New Hampshire Grants should be advised to be on the best terms possible with their landlords, for might often prevailed against right.” This bald threat elicited Allen’s famous retort about the different authority in the Hudson Valley and the hills of Vermont. The Yorkers then went on, according to Ira, to offer Allen “and other men of influence on the New Hampshire Grants, some large tracts of land, to secure peace and harmony, and the friendship of the leading men.” Some later versions of the meeting include money and the loan of a horse as part of the offered bribe. Tradition has Allen summarily rejecting the Yorker proposition and repairing to Bennington to report on the outcome of the trials.  

In Bennington at a large meeting at the Catamount Tavern presided over by Rev. Jedediah Dewey, Allen presented the grim news. The meeting determined that those holding New Hampshire titles could expect no relief or justice in New York courts and that until they could win a favorable ruling from the Crown, they would resist New York. This decision gave birth to the Green Mountain Boys, who under Allen’s leadership as Colonel Commandant thoroughly disrupted Yorker authority and its supporters.  

Comparing themselves to Robin Hood, the Green Mountain Boys perpetrated a series of incidents that the standard Vermont treatment presents as a shrewd, relatively benign, and often humorous form of frontier hooliganism in which bluster, intimidation, and judicious application of the “beech seal” to Yorker backsides succeeded.  

The outbreak of the American Revolution and Ethan Allen’s heroic role in the capture of Fort Ticonderoga in May 1775 “in the name of the Great Jehovah and the Continental Congress,” eliminated the Crown from any role in the title dispute. Facing New York on their own, Vermonters then proceeded to make a revolution within the Revolution. At a series of conventions beginning in late 1775, Vermont settlers eventually declared their independence from New York in January 1777, adopted a constitution in July 1777, and in March 1778 set up an independent government.  

Had Vermonters deemed the New York courts fair and New Hampshire title holders arrived at an accommodation with New York, they would have had no need of the Green Mountain Boys and Vermont
might well have remained the northeast corner of the Empire State. The Ejectment Trials and Ethan Allen’s heroic rejection of Yorker blandishments, the decision to resist New York authority, and his spirited leadership of a guerilla campaign in the logical sequence adopted by most historians forestalled that possibility and gave rise to Vermont.

But did Ethan Allen so readily reject the offer to work on behalf of New York, or did he deliver a pithy lesson on the different theologies of the Green Mountains and the Hudson River? The two sources on the meeting between Kempe, Duane, and Allen relate very different versions. Ira Allen, under house arrest in London, wrote one account from memory with the assistance of the Rev. Samuel Williams’s *The Natural and Civil History of Vermont*, which Allen had an opportunity to “correct” before its 1794 publication. Allen’s *The Natural and Political History of the State of Vermont*, written nine years after Ethan’s death in an attempt to restore his reputation, win sympathy, and help Ira extricate himself from his legal problems with the British, provides the sole source for his brother’s now famous retort and the seamless path to his leadership of the resistance to New York. Williams’s book paid little heed to the Ejectment Trials and did not mention Ethan’s legendary words. In his *History* Ira bragged about an artful presentation rendering “opposite parties perfectly satisfied with one statement, and each believing what they wished to believe, and thereby deceiving themselves.”

Ira had earned a reputation in Vermont for exceedingly clever, if not deceitful, behavior. His reputation finally collapsed in the 1780s around the perception of his performance as Vermont’s treasurer and surveyor general. With some glee he confirmed that perception, as he boasted in his autobiography of cunning and duplicitous land deals that at the very least vaulted across ethical boundaries.

Ethan had also demonstrated the capacity to contort history. An account of taking Fort Ticonderoga as a servant of Jehovah and the Continental Congress first appeared in his 1779 best-selling *Narrative* of the capture of the fort and his three years as a prisoner of the British. In this version he omits Benedict Arnold’s and others’ documented roles, reserving the credit exclusively to himself and his Green Mountain Boys, and with adrenalin rushing, calmly informed the startled and pantless British commandant that he acted “in the name of the Great Jehovah and the Continental Congress.” Congress had no inkling of the events and reflexively attempted disavowal on first learning of the “unwanted and unauthorized” capture of the fort. Other later versions of his statement uttered in the heat of the fight have entered Vermont mythology. They have Allen roaring to the British commander, “Come out of there, you damned old Rat,” or “Come out of there you sons of British whores,
or I'll smoke you out.”

Could Allen have invented his statement about mystical powers of “gods of the hills,” as he may have about the source of his authority at Ticonderoga, at a later date, and brother Ira recorded it? Or did Ira simply invent it? In any case, none of the early histories of Vermont carry the Allens’ version until the careful scholars Jared Sparks and Zadock Thompson picked up on Ira’s account. Thompson included it in his 1842 *History of Vermont, Natural, Civil, and Statistical*. Since then it has become a staple of Vermont tradition.

Writing in 1773, three years after the Ejectment Trials, James Duane provides a very different version. In Duane’s *Narrative* the Yorker court found serious flaws in the documents Allen presented on behalf of the defendants. An extract of Benning Wentworth’s power to grant land omitted the “Bounds of New Hampshire.” The plaintiffs took exception to other papers as “Copies” with no evidence they had “been sworn as true copies.” According to Duane, Ingersoll “admitted the Solidity of these Exceptions,” while Allen loudly stated that “he had been given proper Instructions, which had been disregarded by the Defendants.”

Juries, not mentioned in the Vermont accounts, made up of men “who lived remote from the Lands in Controversy,” rendered the decisions in favor of the Yorker plaintiffs, not simply verdicts handed down from the high bench.

Duane states that he met with Allen “the next morning,” not the evening of the trials in Ira’s account. Ethan, Duane wrote, “declared that he had been deceived; that he was now perfectly convinced of the right of New York, and that Governor Wentworth, who he censured with great Freedom and Bitterness, had been alone to blame.” Allen, Duane further reported, went on to lament that “the People who claimed under New Hampshire, should continue under their Delusion . . . for want of an impartial Representation of the Merits of the Dispute.” Allen then “voluntarily undertook” to provide that representation and “performed a Journey to Bennington, at the Expense of some of the New York Proprietors” to “advise his Friends to come to an immediate Agreement.”

“On his Return,” Duane reported, Ethan “declared he had convened a Town-Meeting” where “Mr. Due [Dewey] advocated the Cause for New Hampshire, and he for New York.” Allen “gave it as his opinion, that every Thing would soon be Adjusted.” Duane found “no reason to Doubt, but that thus far he acted with Sincerity.”

Allen’s biographers John Pell and Charles Jellison both address the point. Pell and Charles Miner Thompson in *Independent Vermont*, published thirteen years after Pell, assert without documentation that Allen slyly allowed Duane to interpret “adjusted” as reaching an accommodation with the Vermonters.
Jellison simply noted that Allen lied when he found it convenient, a point the Haldimand negotiations would make clear in the 1780s.  

The Yorkers then set about formulating a “Treaty” that would “defer” the consequences of the trials and establish reasonable terms for the defendants and others to come to an accommodation with New York. But because of the “intemperate Disposition of the Leaders among the intruders . . . no Terms, however generous and equitable, could satisfy them.” The “People of Bennington were become deaf to Reason and Persuasion,” Duane concluded. By then the Green Mountain Boys had formed, and “Mr. Allen, fickle and enterprising,” had “changed his Sentiments, and once more professed himself a zealous Advocate for the New Hampshire Claims.”

Duane and his friends had no reason to like Ethan Allen, who even the standard Vermont accounts agree accepted some money from them. Allen’s Brief Narrative remains silent on the point and leaps from the gavel that closed the Ejectment Trials directly to the Green Mountain resistance and a melodramatic recitation of “Women lamenting over their Children, and they crying; Men pierced to the Heart with the most pungent Grief and Affection of them, and bitter Indignation at the approaching Tyranny of New York.” He does not mention any post-trial meetings with Duane.

By the time of the publication of Duane’s Narrative in 1773, the activities of the Green Mountain Boys had elevated Allen and some of his lieutenants, in New York eyes, to the status of outlaws with a price on their heads. Duane certainly endeavored to construe the situation to put the best light on the New York case. Twenty-five years later Ira Allen returned the favor and put a favorable spin on the details of his brother’s and Vermont’s immediate response in his coverage of the wake of the trials. Thus, one principal of the post-trial meeting wrote a fairly contemporaneous account, while the other did not leave a record until his brother published an account about it more than twenty-five years later. That uncorroborated Allen version, which took root nearly a half-century later, has flourished and become an important block on which the history of Vermont rests.

In the general absence of other contemporary accounts of the immediate post-trial aftermath, Ira Allen’s version has dominated the story of Vermont’s early history. While Vermonters continue to believe that the gods of the hills differ from those of flatlanders, perhaps they should question Ethan Allen’s unswerving devotion to the New Hampshire Grants cause and the authenticity of one of their most cherished iconic statements. Accepting a single source and imbedding it into the foundation of Vermont tradition calls for serious review.
The statement, an adaptation of 1 Kings 20:28 (“The Lord is a god of the hills, but he is not a god of the valleys”), has become an important marker on the corridor of Vermont history. That corridor made a turn in 1834 when Jared Sparks in Lives of John Stark, Charles Brocken Brown, Richard Montgomery, and Ethan Allen, vol. 1 of The Library of American Biography, 3 vols. (Boston and London: Millard, Gray, and Co., and Richard James Kennett, 1834), 1: 240–242, repeated Ira Allen’s account referring to Ethan’s biblical threat as a “laconic figure of speech left to be interpreted by his visitors.” Zadock Thompson completed the turn eight years later when he quoted it, modified by the lone adverb “cooly,” in his History of Vermont, Natural, Civil, and Statistical (Burlington: Chauncey Goodrich, 1842), Part 2, 20–21. Since then Allen’s statement has become a hardy perennial in Vermont history.

Prior to Sparks’s and Thompson’s publications, the standard accounts of Vermont do not mention Ethan’s veiled threat to his Yorker opponents after the 1770 Ejectment Trials. The Rev. Samuel Williams in his The Natural and Civil History of Vermont (Walpole, N.H.: Isaiah Thomas and David Carlisle, Jr., 1794), the first history of Vermont and a work that he gave in manuscript form to Ira Allen for review and comment, pays scant attention to the Ejectment Trials and does not mention Ethan’s “laconic” pronouncement. For Ira Allen’s role in Williams’s History of Vermont, see J. Kevin Graffagnino, “Revolution and Empire on the Northern Frontier: Ira Allen of Vermont, 1751–1814” (Ph.D. diss., University of Massachusetts, 1993), 285–288 in which “Williams’ adherence to the Allen view of Vermont’s early years was clear throughout his history.” As Graffagnino makes clear in “The Vermont ‘Story’: Continuity and Change in Vermont Historiography,” Vermont History 46 (Spring 1978): 77–99, the Allen version has long dominated the view of Vermont’s past.


Relatively recent revisionist work questions elements of the Allen version as Vermont’s “found-myth,” but treats the Ejectment Trials and Ethan Allen’s role as a major development in the movement toward Vermont independence. Robert E. Shalhope, Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1760–1850 (Baltimore and London: The Johns Hopkins University Press, 1996), 74–75, contains an excellent account of the trials and quotes Allen’s response, noting that “had either Duane or Kemp visited Bennington following the
Ejectment Trials, Allen’s message would have become clear.” Michael A. Bellesiles, Revolutionary Outlaws: Ethan Allen and the Struggle for Independence on the Early American Frontier (Charlottesville and London: University Press of Virginia, 1993), 80–82, also treats the Ejectment Trials as an important event in Ethan Allen’s coming on stage on the New Hampshire Grants and the path to Vermont independence. He, reversing the order of the “hills” and the “valley,” and, citing Ira Allen incorrectly, quotes Ethan as saying “The gods of the hills are not the gods of the valley.” He also asserts, anachronistically and with no supporting documentation, that Allen’s statement “became famous in the Grants, and which he delighted in repeating,” though it first appeared in 1798, some years after Allen’s death, and no evidence of its repetition occurs until Sparks’s biographical treatment of Allen in 1834.


The first thoroughly researched and modern scholarly biography of Ethan Allen appeared with the publication of John Pell’s Ethan Allen (Boston and New York: Houghton Mifflin Company, 1929). Pell presents the Ejectment Trials and Allen’s activities (pages 29–33) without embellishment and reports on the Yorker efforts to enlist him in reaching an accommodation with the New Hampshire title holders, recognizing that, “At the close of the trial the Yankees had the law on their side, but the Yankees had possession on their side.” Pell cited James Duane, A Narrative of the Proceedings Subsequent to the Royal Adjudication Concerning the Lands to the Westward of the Connecticut River, Lately Usurped by New Hampshire with Remarks on the Claim, Behavior, and Misrepresentations, of the Intruders Under that Government (New York: John Holt, 1773), the most contemporary account of the trials. Duane did not mention hearing about the special gods of the hills and instead reported on the Yorker effort to secure Allen’s services. Pell records that Allen accepted expense money and a horse as “a chance to keep the Yorkers guessing,” rather than a bribe. And when Allen later informed the Yorkers “that everything would soon be adjusted,” he did not explain that the newly formed Green Mountain Boys would perform the adjusting. Nor did James Duane receive Allen’s assertion in that spirit, thinking rather that Allen had achieved an accommodation with the Bennington mob.

Stewart H. Holbrook, Ethan Allen (New York: Macmillan, 1940), 42–45, in a chapter he titled “The Gods of the Hills,” presented a colloquial account, inventing dialogue, that generally followed Pell’s interpretation. “‘Sir,’ replied Ethan with a line that has been quoted often for one hundred and seventy years,” according to Holbrook, like Bellesiles reversing the order of the hills and valleys, “‘the gods of the hills are not the gods of the valleys.’” On the matter of dealing with the Yorkers’ attempts to recruit Allen, Holbrook asserts that accepting expenses and a horse provided evidence that “The hill boy was learning the ways of diplomacy.” Charles Jellison, Ethan Allen: Frontier Rebel (Syracuse: Syracuse University Press, 1969), 32–38, presents a good account of the events in Albany in 1770. He reports Ethan’s “bold words of defiance,” speculating it “probable” that “Ethan did not actually say them,” as a means of “putting Duane and his friends on notice . . . Yorkers could expect trouble if they attempted to separate” the Grants settlers from their land. To explain any suggestion that Allen had ever worked for the Yorkers as Duane insisted, Jellison concluded that when “the occasion seemed to merit it, Ethan was not above lying.” Subsequent accounts like John McWilliams, “The Faces of Ethan Allen: 1760–1860,” New England Quarterly 49 (1976): 257–282, while conceding that “contemporary records provide no answer to the most significant questions of Allen’s life,” and “we do not know . . . whether he accepted Duane’s bribe,” tend to follow the conclusions put forth by Pell and Jellison.

2 Graffagnino, “The Vermont Story.”
9 Ibid.
10 Sherman, Sessions, and Potash, *Freedom and Unity*, 84, succinctly summarizes the standard account in one sentence. Allen “then retreated to the Grants and, in meetings held at the Cata-mount Tavern in Bennington, created the quasi-military unit known as the Green Mountain Boys.”
21 Ibid., 9.
22 Ibid.
No British town is more than 150 km from a sea port, and most are much closer. So when railways were built in the 19th century, fresh sea fish could easily be bought in all British towns. Cheaper than meat, sea fish became a popular source of protein. By 1870, fish and chip shops were opening all over the country and soon every town in Britain had its fish’n’chip shops. For a hundred years, they were a popular British style restaurant. In the last quarter of the 20th century, things changed. "Fish and chips are not so popular with young people these days," says Lizzie, a teenager.