

contaminating proximity of the public by crying "Make way for the Honorable Court." The same functionary would open court by stepping to the open window at the head of the staircase and making proclamation designed to penetrate the remotest corners of the county. Tradition relates that the customs attending admission to the bar were formerly marked by more joviality than dignity. Judge White of Washington, the senior member of the Orange county bar, has told me that when he was admitted (1843) the unwritten but binding etiquette of the occasion required him to furnish enough whiskey to comfortably supply the members of the bar and the officers of the court, no small amount, we believe. He relates that upon this occasion, one able lawyer, who afterwards held a judicial position by presidential appointment, drank his whiskey from a tea cup, and, between the sips, gravely admonished the legal fledgeling to beware of the evils of intemperance.

While all this has changed, there is no county seat in the state that retains quite so much of the old-time flavor as Chelsea. A gifted member of the bar, now resident in another state, has well said: "The term at Chelsea with its incidents must be more like the old-time sessions of court than anything else now existing in Vermont. Chelsea not being on any railroad, the journey to the county seat is still made by the attorneys in their own private conveyances. On arriving at Chelsea, the objective point is the Orange County hotel, which, at the beginning of a term, fills up with judges, lawyers, jurors and people of the court. It is, in fact, wholly given up to them. The legal atmosphere is as dense there as at the court room. The hotel delivers up its contents to the court room in the morning, receives it again at noon, and takes it back at night. Some traditional etiquette is observed in the treatment of the legal body by the hotel management. The judges, lawyers and officers of the court are served in a dining room by themselves, jurors, witnesses and others taking their meals in different rooms. The presiding judge occupies a seat always at the head of one particular table. The assistant judges sit next him and beside them the sheriff and reporter. The presiding judge is also assigned the parlor of the hotel and room connecting with it. Many of the lawyers who go there stately have occupied the same rooms year after year."

#### Supreme Court.

The first reported case in Vermont, is the case of State v. Amice, which was tried before the supreme court of Orange county at the December term, 1789, at Newbury. The case is reported on page 9 of N. Chipman's reports, but is not a safe one upon which to rely as a precedent.



The Old Blake Store, owned by A. R. Hood & Son.

The first supreme court ever held in Chelsea convened August 29, 1797. Nathaniel Chipman, chief justice, and Enoch Woodbridge and Lot Hall, assistant judges, were present. The docket contained forty cases, of which fourteen were tried by jury, the supreme court in those days sitting for the trial of fact as well as law. Some of the lawyers of the present day are said to labor under the impression that the functions of the supreme court in this respect have not changed.

For many years, the first Tuesday in March was the date upon which our supreme court convened. It generally happened that the travelling at this time was such as to remind the judges and lawyers of the experience of the Gloucester county court, above narrated, and in 1886 the legislature changed the time to the first Tuesday in May, by which time the greater part of the snow is generally gone. This arrangement continued until 1894, when the present system of three general terms annually, at Montpelier, was inaugurated. The last supreme court held here was the May term of 1893.

#### County Buildings.

The first building used as a court house in Chelsea was built by Major Reuben Hatch in 1796, and stood on the "Union store" site. It was built with the understanding that the town meetings, religious services, courts, etc., might be held in it and was never owned by the county.

The main building was fifty feet long, and there was an ell part, which was subsequently moved above the jail and is now occupied by Converse Bixby. The court room or "arched room," as it was called, was in the center of the building, and at each end were rooms used by the judges, lawyers and jurors, and over these were galleries, commanding a view of the room beneath. The building had a French roof, and is said to have been a very creditable structure for the times. It was in later years moved directly across the street, where it now stands, though radically altered in appearance, as well as in use.

The second court house (the first one to be owned by the county) stood where the present one now is, though farther back from the street. In his article in Hemenway's Gazetteer, Mr.

Clarke states that it was built in 1810, and Mr. Hale repeats the statement in his excellent historical sketch of Chelsea. But I am convinced that this date must have been a typographical error to commence with, that the last two figures were accidentally transposed and that the true date is 1801. One of my reasons for this opinion is the following record which I find in the county clerk's office:

"Be it known and remembered that we, the undersigned, by virtue of the powers vested in us by an act of the legislature of Vermont entitled 'an act relating to the court house in Chelsea in the county of Orange,' passed the 16th day of October, A. D. 1801, having carefully examined the said court house in Chelsea, do find the same is not only convenient but elegant and erected on more eligible ground than that originally designated by the committee appointed for that purpose, and do therefore accept the same and hereby direct the clerk of the county of Orange to execute a deed as in the aforesaid act directed. Certified under our hands this fourth day of Sept., in the year of our Lord Christ, one thousand eight hundred and two."

"JONA. ROBINSON"  
"ROYALL TYLER"  
"STEPHEN JACOB"

"Judges of S. Court."

Another fact showing that 1801 is probably the correct date is, that at the March meeting of 1800 the town voted to receive proposals for building a court house; and it further appears that the proposal of Oliver Torry to build it for \$1,955 was accepted. Dr. Nathan G. Hale is of the opinion that the court house was built at an earlier date than 1810, and is quite positive that it was standing when his father came to town in 1806. So I think that the date of the building of the second court house may be considered as proved to be 1801, by that measure of proof so often dwelt upon by its occupants—"proof beyond a reasonable doubt."

This court house was two stories in height in front, and had a four-sided roof which came to a point in the center, or would have come to a point had it not been for the belfry perched upon it. The front part of the building contained a vestibule and a room in the southwest corner used as the clerk's office. Over these was a gallery, reached by stairs from the vestibule, overlooking the court room, which was on the ground floor, but which occupied all the remaining space in the building. There were tables in the middle of the room for the lawyers, and the seats rose on three sides, in tiers, like an amphitheatre. The judge's desk was at the east end of the room, and back of it was a large window with an oval top, with a smaller window on either side. In the summer of 1847, becoming inadequate for the needs of the county, the building was sold to Lewis Skinner for \$50. Mr. Skinner tore it down and sold or used the lumber, the house now occupied by E. M. Smith being built of some of the material.

The third court house (the present one) was erected in 1847, and the basement was constructed as a town hall, the town having appropriated \$1,000 toward that purpose. It was built in a thorough manner and is good for many years to come. It was thoroughly repaired and somewhat remodeled in 1879 and again in 1891. The occasion of the repairing done in 1879 deserves special notice. The building had become somewhat out of repair and was too small to accommodate the court, and there was considerable talk of removing the county seat to some town that would build a new court house. It is needless to say that such a proposition was not favorably regarded by Chelsea people. The assistant judges at this time were Stephen B. Darling of Vershire and James P. Cleveland, Jr., of Braintree, and they were friendly to Chelsea. But there was no money with which to repair the building, and no authority to raise any. Elihu Hyde was the president of the bank, and the bank officials agreed to advance the funds upon the individual responsibility of the judges. So the money was forthcoming, the repairs made and the county seat probably saved to Chelsea. About \$3,800 were laid out, the repairs including an addition to the east end of the building, the construction of a vault and the refurnishing of the rooms. When this work was finished we had as pleasant and convenient a court room as could be desired.

In 1891 the town sold its interest in the building to the county for \$800, the county paying \$600 and the citizens \$200, and the part of the basement formerly used as the town hall was divided into rooms for the use of the court. A commodious fireproof vault was added to the clerk's office at this time and other repairs made, costing in all about \$2,000.

The same bell used in the second court house hangs in the belfry of the present structure. It is an "old-timer" and I have been told that it came from a monastery in Spain. It bears this inscription, however: "Byfield Parish in the county of Essex, 1714," which would indicate that it came from Massachusetts. What its history is, or how it came here, I am unable to tell. While this would be a good theme for the novelist, it is an unsatisfactory one for the historian.

The first jail was erected in 1796, near where the present jail stands, the town appropriating \$400 for that purpose. It was of wood and contained three rooms with two dungeons beneath, built of four-inch hard-wood plank with 18-inch hard-wood timbers outside of that. At the east end and over one of the dungeons was the debtors' room, with walls eight inches thick. Opposite the debtors' room and over the other dungeon was the grand jury room. The building faced the west, and the front part was subsequently bought by Harry Hale, who added a three-story wing, put a brick partition between it and the jail proper, and kept a tavern there in connection with the jail, a rather whimsical combination to say the least. In 1824 a stone jail was built at the east end of the former jail, the town assisting in its construction to the extent of \$300. This was used by the county until 1863, when it was set on fire by prisoners attempting to escape by burning through the wooden ceiling, and was burned. The present strong and convenient jail was then

erected at a cost of \$14,000. It has been thoroughly repaired several times since, and in 1894 a complete system of water works was put in.

The present county buildings, and the repairs made thereon from time to time, represent an outlay of \$26,000 in round numbers.

#### COUNTY CLERKS.

When the county seat was removed to Chelsea in 1796, Isaac Bayley of Newbury was county clerk, residing in the house now occupied by W. J. Tarbell. He held that office until the December term of 1810, when Harris E. G. McLaughlin of Chelsea was appointed. I find the statement in some of the histories that Elihu Hyde was clerk in 1812, but the records do not verify that assertion. Mr. Hyde was appointed clerk pro tem September 5, 1810, evidently to attend to the supreme court which commenced its session on that day, and his services in this capacity appear to have ceased upon the adjournment of court. Mr. McLaughlin was superseded by Mr. Bayley in 1814, who, in turn, was succeeded by Mr. McLaughlin in 1815, the latter holding the office until the December term of 1833. Since that time the following persons have filled the office: Harry Hale, 1834-36; J. W. D. Parker, 1836-37; John W. Smith, 1838-39; Perley C. Jones, 1839-40; Robins Dinsmore, 1840-41; Perley C. Jones 1841-43; Calvin Blodgett, 1843-49; Joseph Berry, 1849-52; Samuel M. Flint, 1852-54; Cornelius W. Clarke, 1854-55; Burnam Martin, 1855-57; Salmon B. Hebard, 1857-60; Lyman G. Himekley, 1860-87; Salmon B. Hebard, 1887-94; Curtis S. Emery, 1894-.

Some brief biographical mention of the later clerks, all of whom have been prominent and influential citizens, seems proper.

#### Hon. C. W. Clarke.

Cornelius Wilder Clarke, in his day the peer of any lawyer in the state, was born in Barnard, Vt., Oct. 17, 1823, and studied law with Prof. Amos Dean at Albany, N. Y., coming to Chelsea in 1846 and continuing his studies with Hon. Levi B. Vilas. He was admitted to the bar in 1849, and gradually built up an extensive and lucrative practice. The field of jury advocacy was not one in which Mr. Clarke appeared at his best, but as a special pleader and draughtsman of papers requiring an acute technical knowledge of the law, he had no equal in this section. Extensive reading and a marvelous mem-



ory made him an unusually well-informed man and a brilliant and entertaining conversationalist. Hard work broke him down in 1878, and from that time until his death, in 1893, he gradually withdrew from business, doing none whatever the last few years of his life. Being a Democrat, he never held an elective office, though he was honored by his party's nomination for several offices, among them that of supreme court judge. He was register of probate for the Randolph district in 1848 and 1849, and county clerk from the January term, 1854, to the January term, 1855. He was succeeded by

#### Hon. Burnam Martin.

who was born in Williamstown August 10, 1811. Mr. Martin removed to Ohio in 1834, where he was admitted to the bar and served in both houses of the legislature. He came to Chelsea in 1848 and formed a partnership with Hon. William Hebard, which continued as long as Judge Hebard was member of congress. He was elected state's attorney in 1849 and 1852, and represented Chelsea in the legislature in 1857 and 1876. He was chosen lieutenant-governor in 1858 and was re-elected in 1859. In this office he is said to have shown more than ordinary ability as a



presiding officer. He served in the state senate in 1866 and 1867, and from 1872 to 1882 he was town clerk of Chelsea, with the exception of a single year. Gov. Martin's character and bearing were above reproach, and his geniality won friends for him everywhere. He died in Chelsea November 17, 1882. His wife still survives, residing in Vergennes. Gov. Martin's deputy and successor was Salmon B. Hebard, and it will be noted that their deaths, though twelve years apart, occurred on the same day of the month.

#### Hon. Salmon Blodgett Hebard

began his service as clerk at the June

term, 1857, serving until the January term, 1860, when Lyman G. Himekley was appointed. Upon Mr. Himekley's death in November, 1887, Mr. Hebard was again appointed clerk and held the office until he died, Nov. 17, 1894.

Mr. Hebard was born in Randolph, November 15, 1835, and removed to Chelsea with his father, Hon. William Hebard, in 1845. At the age of nineteen he began the study of law in his father's office, and soon after he was twenty-one he was appointed county clerk. He was admitted to the bar in January, 1861. He enlisted in the First Vermont Light Battery in the fall of 1861, was made second lieutenant and served in the Department of the Gulf.



In 1863 he returned to Chelsea and formed a partnership with his father which lasted until the death of the latter in 1875. He was state's attorney in 1880-82 and was a member of the state senate in 1884, serving on important committees. When in active practice, Mr. Hebard was a strong lawyer and did a large business. Long experience well fitted him for the duties of county clerk, and the ease and rapidity with which he could perform the work was a marvel to everybody. If ever there lived an honest and honorable man, the subject of this sketch was one. He was honest with himself, honest with others. What higher praise can be awarded any man?

#### Hon. Lyman Gillett Himekley.

who, as a resident of Chelsea, rivalled the traditional popularity of D. Azro A. Buck, was born at Post Mills, April 13, 1832. He graduated at Dartmouth in 1856 and came to Chelsea in 1857. He studied law with Gov. Martin and Judge Hebard, and was admitted to the bar in January, 1860. At this time he was appointed clerk and served until the time of his death, Nov. 23, 1887. He represented Chelsea in the legislature in the years 1862, '63, '68, '69, '70 and '81, and was senator from Orange county in 1872 and lieutenant-governor in 1874.



He also held numerous town offices. His ability, brilliant social powers and fine personal appearance won for him a wide circle of friends and he was one of the best-known men in the state. But perhaps the highest tribute that can be paid to his memory is to say that he was kind to the poor. Few men ever gained or retained the affections of the people to such an extent as Gov. Himekley. Upon his death, Mr. Hebard was appointed clerk, as above stated, and, at the latter's decease, Curtis S. Emery, the present incumbent, was appointed.

#### Curtis S. Emery.

Curtis Stanton Emery was born in Brookfield, November 6, 1861, and came to Chelsea with his parents in 1869. He received his education at Chelsea academy and studied law with the late Hon. C. W. Clarke. He was admitted to the Orange county bar in 1883 and practiced his profession in Chelsea until 1886, when he was elected cashier of the First National bank of Chelsea. He resigned this position in 1893 and resumed the practice of law. He was elected county commissioner in 1886 and has received continuous elections since. In 1888, he represented Chelsea in the legislature, being the youngest member of that body. He was chosen



town clerk of Chelsea in 1894, holding that office until November of that year, when he resigned to accept the position of county clerk, which was ten-

dered him on the death of Hon. S. B. Hebard. Mr. Emery has been a member of George Washington Lodge, No. 51, F. & A. M., for several years and was its W. M. for two years. He is also a member of Whittier Chapter, R. A. M., of Randolph, and Mount Zion Commandery, K. T., of Montpelier. He has been for several years local agent of the Vermont Mutual and Union Mutual fire insurance companies, and is a director in the latter company.

#### ATTORNEYS.

The limits of this article, already extended beyond the original design, do not admit of even an enumeration of the many able members of the legal profession who have practiced in Chelsea. There were the Bucks, father and son, Judge Vilas, Judge Smith, Judge Jones, Mr. Hinton and others who would be named did space permit.

#### Hon. William Hebard.

No doubt the Chelsea lawyer to acquire greatest distinction in the state was Hon. William Hebard, who was born in Windham, Conn., November 29, 1800, and who moved with his parents to Randolph in 1804. He was educated at the Orange County Grammar school and studied law with William Nutting at Randolph. He was admitted to the bar of Orange county in 1827 and located at the then thriving village of East Randolph, where he remained until November, 1845, when he removed to Chelsea. While residing at East Randolph, he represented the town in the general assembly in the years 1835, '40, '41 and '42, was judge of probate in 1838, '40 and '41, and judge of the supreme court of Vermont three years, from 1842 to 1845, inclusive. In 1848, Judge Hebard was elected to congress by the Whigs, and re-elected in 1850. In 1834 and 1848 he was a member of the council of censors, and in 1860 a delegate to the National Republican convention. He represented Chelsea in the legislature in 1858, '59, '64, '65 and '72. He died at Chelsea, October 20, 1875.

Judge Hebard was an excellent lawyer, both before the court and the jury, and his counsel was widely sought as well for his known honesty as for his legal knowledge. He was a tireless worker and most patient and painstaking in his work. He was in great demand as a referee and auditor, possessing the unbounded confidence of lawyers and litigants, as well as of the court. Of his five children, but two survive—Olivia B., wife of Charles Paine, Esq., of New York city, and William, now a resident of California.

The attorneys now in active practice in Chelsea, in the order of their location in town, are George L. Stow, Joseph K. Darling and Hale K. Darling. George Lewis Stow was born in Grafton, Mass., October 10, 1851, graduated at the University of Vermont in 1873, attended lectures at the Dane Law school, Harvard University, and was admitted to the bar in 1875. He practiced in Barre until 1880, when he removed to Chelsea. He was state's attorney in 1892-94. At the time of the burning of the "Union store" Mr. Stow's office was in the building and he suffered the loss of his library and papers. Since that time, he has had his office at his residence.

#### Joseph Kimball Darling.

Joseph Kimball Darling was born in Corinth, March 8, 1833, was educated at Corinth academy and went to California in 1853. In 1861 he returned to Corinth and enlisted in Co. H., 12th Vt., in 1862, serving until 1863. From 1864 to 1871 he engaged in mercantile pursuits at East Corinth. The latter year he commenced the study of law with Hon. Roswell Farnham and was admitted to the bar in 1874. He practiced at East Corinth until 1884, when he removed to Chelsea. He was postmaster at East Corinth from 1864 to 1871, chairman of the Orange County



Republican committee for several years, and was elected state's attorney in 1882. He represented Chelsea in the legislature in 1890, serving as chairman on the committee of elections, and in 1892, when he was chairman on the committee of military affairs. In 1894 he was elected senator from Orange county. He is a Republican in politics, a Congregationalist in religious preference, and is connected with the Masonic and G. A. R. fraternities. His office is in the court house and he is associated with his son in partnership.

#### Hale Knight Darling.

Hale Knight Darling, youngest son of J. K. Darling, was born January 26, 1869, at East Corinth, was educated at Chelsea academy and commenced the study of law with his father in 1887. In 1888 he went to Fitchburg, Mass., and was employed by the Fitchburg R. R. until 1891, when he became reporter on the Fitchburg Daily Sentinel. In 1893 he went to North Carolina for his health, resumed the study of law and took a course in the law department of the University of North Carolina. He was admitted to the bar at Raleigh, N. C., September 21, 1894, came to Chelsea, formed a partnership with his father under the firm name of Darling & Darling and was admitted to the Vermont bar, on motion, at the last general term. He is a member of the Masonic fraternity, and also belongs to

the Red Men, Knights of Pythias and Sons of Veterans, holding in the latter order, the office of judge advocate of



the Vermont division. He is deputy clerk of the Orange county courts and publisher of the Chelsea Herald.

#### Acknowledgements.

In the preparation of the foregoing sketches, a careful perusal of the county records has been productive of much light upon the history of Chelsea as the county seat. But in addition to the information thus gained, I have been greatly aided by Gov. Farnham's carefully prepared sketch of the "Bench and Bar," published in Child's Orange County Gazetteer, by Thomas S. Hale's historical sketch of Chelsea, read at the centennial in 1884, and by Mr. Keyes' sketch, before mentioned. For most of the facts relating to the early court houses and jails, I am indebted to Dr. Nathan G. Hale, who, I venture to say, is in possession of more facts regarding the history of this town than any other person now living.

#### CHURCHES, SOCIETIES, ETC.

##### Congregational Church.

The Congregational church was organized in 1789, numbering among its members Asa Bond, Enos Smith, Samuel Linkon and Ivory Douglass. For the first ten years of its life there was no settled pastor, but there was occasional preaching by ordained ministers and reading of sermons by members of the society. As early as 1795 the town made provision for occasional preaching, the services being held in dwelling houses and barns in different parts of the town, until the erection of the "public building" in 1796, after which the upper arched room, spoken of in connection with the county seat sketch, was used. In 1811, a Christian society was organized under the pastoral care of Rev. Frederick Plummer, and a dispute arose between the two sects as to the use of the "upper arched room." To this controversy we are indebted for the present church edifice, which was begun in 1811, and completed by Nathan and Harry Hale in 1813. Originally the audience room was on the ground floor, with wide galleries overhead on three sides. The building has been repaired several times, and was radically remodeled in 1876. The auditorium is now on the upper floor, the lower floor being divided into rooms for prayer meeting and social purposes. A handsomer or better-fitted church edifice cannot be found in another town of this size in the state. Its approximate value is \$6,000.

The first settled pastor was Rev. Lathrop Thompson, who was installed November 20, 1799, and who continued in this relation for six years. From here he went to Southold, L. I., where he remained until 1826, when he returned to Chelsea to live with his only daughter, who was the wife of his successor, Rev. Calvin Noble. He died July 19, aged 82. Rev. Mr. Noble came here in 1807 and was ordained September 7th of that year. The prosperity of the church dates from his pastorate. In 1809, 42 persons were added to the church, 47 in 1819 and 73 in 1831. In 1834, after 27 years of arduous and faithful labor as pastor of the church, Mr. Noble died of consumption, sincerely mourned by all. His successor was Rev. James Buckham, a native of Scotland, educated in England, who was installed as pastor February 25, 1835. After six years he resigned and was dismissed February 16, 1841.

After Mr. Buckham's dismissal, the society was without a pastor for sixteen months, but during this period the most remarkable revival in the history of the church took place under an evangelist named Parker, resulting in the reception of 91 persons into the church in July, 1842, and several more in September. Rev. Benjamin B. Newton was installed as pastor June 28, 1843, and was dismissed March 11, 1846. He subsequently entered the ministry of the Protestant Episcopal church, and died the assistant rector of a church in Brooklyn, N. Y., January 17, 1875.

Rev. Thomas S. Hubbard came here as acting pastor in January, 1847, was installed to the pastorate February 13, 1849, and dismissed August 31, 1854. He is still living, residing at Stockbridge. Mr. Hubbard was succeeded by Rev. James C. Houghton, who served as acting pastor from February 1, 1857, to April 1, 1865. He died at Montpelier, April 29, 1880.

Rev. Salem M. Plimpton commenced to preach here January 1, 1866, and the beginning of his service was full of promise, but was early closed by his death September 14th of the same year. Rev. William A. James next became pastor of the church, this being his first parish. He was ordained May 1, 1867, and dismissed December 29, 1869. He died at Los Angeles, California, January 13, 1892.

Rev. Edward E. Herrick, a native of Randolph, commenced preaching here in May, 1870, and was installed pastor February 14, 1871. He continued as such until the reluctant acceptance of his resignation, April 2, 1889. He is now pastor of the Congregational church at Milton. In the latter part of 1889, Rev. Barker B. Sherman of Wollaston Heights, Mass., came here to preach and a resultant call was extended to him January 4, 1890, which he accepted. He was installed February 21, 1890, and dismissed February 21, 1890, Rev. Austin Hazen, D. D., preaching