

# The Meticulous Advocate

## Hiland Hall of Vermont: A Biography

By Tyler Resch

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## Introduction

Hiland Hall comes to life from faded papers and handwritten pages as an intelligent and substantial political figure of his era. He lived for almost the entire 19th century, and his fascination with history encompasses much of the 18th as well. He was born in North Bennington, Vermont, while George Washington was president, and when Vermont had been a state only four years. He clerked to become a lawyer, served as a state legislator, then was elected to the U.S. House of Representatives, a position he held for ten years. In national office he was Second Comptroller of the Treasury and then chairman of the California Land Commission. He was Vermont's commissioner of banking and then a justice of the state Supreme Court. He was elected governor of Vermont for two terms before the Civil War – a war he tried to help prevent.

After retiring from public life, Hall served for six years as president of the Vermont Historical Society, and at the age of 73 published a thorough if somewhat controversial 500-page history of Vermont "from its discovery to its admission into the Union in 1791." His book doggedly defends the plight of early hard-working Vermont pioneering farmers who successfully fought off the threats from avaricious, aristocratic, greedy, and tyrannical (these are some of Hall's own adjectives) New York State politicians and land speculators, and who then joined forces to form an independent republic that later became the first new state to join the Union of the original thirteen.

At the local level, Hall is best remembered for his successful determination in the final year of his life, at the age of 90, to achieve a "monumental" – as opposed to an "artistic" – design for the Bennington Battle Monument to commemorate the encounter on August 16, 1777, in which American patriot forces defeated British and mercenary soldiers to mark the first encouraging turning point of the American Revolution. Only four months before his death Hall won, almost single-handedly, a struggle to assure that the battle would be remembered by a 306-foot obelisque, similar in grandeur to the Washington and Bunker Hill monuments.

Perhaps more important than a recitation of the offices he held or the achievements for which he is remembered are the various measures of the man himself. As a politician he took an

uncompromising stand on many issues and sometimes plunged eagerly into controversy. He was a compulsive list maker – tax records, everyday expenses, probate matters, addresses of residents street by street, legal points, political arguments, historical sequences of events. His writing demonstrated humility, self-deprecation, and wry humor; he rarely spoke ill of anyone – at least in public. As to his reputation as a public speaker, the 19th-century Vermont biographer Jacob Ullery wrote with evident candor, "His flow of language as an extemporaneous speaker was deficient, but at the desk he excelled, as formulated thoughts and moulded ideas flowed freely as could be readily written." Perhaps he had faults as a speaker but it is clear from the many words he left that he was a graceful, well-organized writer although his sentences tended to be long and interrupted by many commas.

Hall was a Whig at a time when that party represented the conservative alternative to the politics of Andrew Jackson; and he was a delegate to the 1856 national convention that launched the national Republican Party by nominating the explorer John Charles Fremont for president. Hall went out of his way, as early as the 1830s, to express opposition to slavery and he practically breathed fire about the issue in both of his inaugural addresses as governor of his provocatively anti-slavery state.

Thanks to a carefully tended archive of tens of thousands of letters, lists, documents, books, receipts, diaries, maps, photographs, and other memorabilia at the Park-McCullough House in North Bennington (now located at the University of Vermont), it is possible to assemble a relatively detailed portrait of Hall in his many roles. These items were squirreled away by Hall himself, by his granddaughter Eliza "Lizzie" Hall Park McCullough, and by his great-grandson, Hall Park McCullough, all of whom lived into their tenth decades.

Some important elements that biography can never tell us would include Hall's personal characteristics: what his voice sounded like and what were the specific "deficiencies" of his public-speaking manner, his quirks or habits of behavior, his demeanor on a scale of pomposity to informality. At his funeral he was eulogized, curiously, for "his characteristic modesty and childlikeness of spirit," and one cannot help but wonder what the speaker meant by that.

It stretches history to think that this writer, more than forty years ago, spoke with a man, then in his 90s, who as a child had

known Hall well. That man was Hall Park McCullough, the great-grandson who, born in 1872, was about 13 when Hall died in 1885. Hall's great-great granddaughter, Ethel "Babs" McCullough Scott, the daughter of H. P. McCullough, remembered how her father spoke of Hall. These recollections were of a kindly gentleman who always had time for children, carved willow whistles for them, enjoyed games, and had a grand sense of humor.

It was "Grandpa Hall" who stimulated Hall Park McCullough's lifelong absorption with history, especially that of his own state of Vermont. As a voracious collector of Vermontiana, McCullough once carefully took apart a copy of Hall's *Early History of Vermont*, laid the individual pages into folio-sized leaves, then interspersed some 450 manuscripts, letters, maps, prints, sketches, and other documents relevant to the persons and events mentioned in the text. An inventory of the items in this collection was published in 1988 by the Special Collections office of the Bailey-Howe Library at the University of Vermont.

Hall's life was separated by less than a generation from the events of the American Revolution and Vermont independence that he described in his own words. He and his wife, Dolly Tuttle Davis Hall, marked their 50th, then 60th anniversaries, and he outlived her by several years. He outlived four of his eight children. Though he was the eldest of seven siblings he outlived all of them. He lived to be the oldest former member of the U.S. Congress. He lived to within 15 years of the 20th century. Thus a study of his life gains importance because he represents a perceptible link between our 21st century experience and the historic events of the late 18th century.

No biography should be unquestioning of the attributes of its subject, but in the case of Hiland Hall it remains clear that he was an able and meticulously honorable person. His most notable weakness, an ironic and selfless one, was his evident inability to manage his own money. He never charged enough for his legal services, and was known for being generous to a fault. For many years he struggled with an uncomfortable load of debt until his fortune-amassing son-in-law, the formidable Trenor W. Park, came to his rescue by purchasing his farm in 1864 when Park returned from California a wealthy business tycoon. For the final 25 years of Hall's life it can be assumed that only because of Park's generosity was he able to indulge his creative interest in history.

Hall was a politician of state and national stature whose professional interests always gravitated to matters of public fiscal policy, yet he could not conduct his own financial affairs without resorting to debt or support by a wealthy relative.

Another way to think about Hall's life is to consider that he never saw an automobile. Robert Lacey's 1986 biography *Ford: The Men and the Machine* speculated that honors for the first car to appear on a public street in the United States was the Duryea in 1893 in Springfield, Mass. Hall died in 1885 in that city.

### Acknowledgments

In addition to the Park-McCullough House archive, now mostly located at the University of Vermont, other sources of Vermontiana consulted included the Bennington Museum's library, the George Russell Collection in Arlington, the Sawyer Library at Williams College, Vermont Historical Society library, and the Bailey-Hall Library at the University of Vermont.

Upon the realization that little material could be located about the California Land Commission in 1852 or about Hall's role as chairman, a serendipitous meeting took place with the Rev. Harry B. Morrison of Union City, California, whose avocation was researching that commission, and who had pored over its records at the National Archives in Washington and elsewhere. Father Morrison, a Catholic priest, came to the Park-McCullough House in the summer of 1986 to continue research into Hall's papers and the commission. He generously provided much of the factual basis of Chapter 3.

Others who were of much assistance included Muriel Palmer, then executive director of the house; Marguerite d'Aprile-Smith, then curator; a publications committee co-chaired by J. Robert Maguire and Peggy Kahn; family members John G. McCullough and his sister, Ethel "Babs" McCullough Scott, and her husband, William R. Scott. A great-granddaughter of Hiland Hall's, Elizabeth "Shibby" Hall, offered some financial support of the research.

Weston A. Cate Jr., of Calais, Vermont, the retired director of the Vermont Historical Society, shared some research he had developed for his own book *Up and Doing: The Vermont Historical Society, 1838-1970*, published in 1988, which contained much material on Hall's strong role in that society. Readers of early drafts

included Samuel B. Hand, history professor at the University of Vermont and former VHS president; Michael Sherman, director of the VHS; and J. Kevin Graffagnino, then curator of the Wilbur Collection and later director of VHS.

In a work of this kind, where few have ever lowered a plow blade into the soil of research, the chances are magnified for committing errors of omission or commission, or for failing to follow up each potential avenue of information, so the writer assumes responsibility for whatever sins come to light.

## Chapter One

### **ORIGINS ON THE FARM**

Though born and raised on a farm that he would be responsible for managing, Hiland Hall always seemed more comfortable with public policy and finance than agriculture or horticulture. At the time he was born, at the Hall Farm in North Bennington, Vermont, on July 20, 1795, the first history of the brand new state of Vermont had just been published by the Reverend Samuel Williams of Rutland; seventy-three years later Hall would publish his own originally researched history of the state. In 1795 George Washington was the first president of the independent United States of America and Thomas Chittenden was the first governor of the new state of Vermont. There were fifteen states in the Union, the original thirteen plus Kentucky and Vermont -- Kentucky slave and Vermont adamantly free. Hall's father Nathaniel was 32 years old, having been married only a year or so to Abigail Hubbard of Norfolk, Connecticut. Nathaniel had returned to Connecticut in 1794 to marry and he brought his bride back to Vermont.

Hall would describe the conditions of his homestead and family in modest terms. The farm, he once wrote, was "in a rather obscure part of the town," yet he conceded that it was "productive and during my boyhood my father was enabled from the wheat and other grain which he raised to support his family, and to lay up something of the surplus."

Of Nathaniel, his father, Hiland recalled that he "was a man of hardly sufficient education to enable him to read very slowly, and to keep very bunglingly the accounts of his limited dealings with his workmen and neighbors." The son went on to depict his father as a drudgingly domestic person, never leaving home except to attend church meetings on Saturdays and services on Sundays. "As he read little and saw little of the world, his information was of course extremely

limited," Hiland continued about his father. "He was not very free in conversation even in his family, and his diffidence was excessive." The elder Hall lived until 1849 and therefore saw his son serve for a decade in the U.S. House of Representatives. Nathaniel even witnessed one of the keystone relationships in this large and far-reaching family, the 1846 marriage of his granddaughter Laura to the entrepreneurial Trenor William Park.

Nathaniel Hall's father, Thomas, first came north to Vermont from the coastal town of Guilford, Connecticut, in 1779 at the age of 53 and purchased the 200-acre farm in North Bennington.<sup>1</sup> The reasons for the move probably had to do with the ample quantities of fertile and low-cost farmland available in Vermont, and it was a time in which many settlers were pouring into Vermont from the southern New England states.

In 1779 Vermont was marking its third year as an independent republic, having rejected all three governments that had laid claim to it -- New Hampshire, New York, and the British Crown. Vermont aspired to become one of the United States, but in 1779 the newly emerging nation had not yet established its own independence from Great Britain. Vermont played a waiting game for fourteen years and did not join the Union until March 4, 1791. In 1779 North Bennington was identified as Haviland's Mill, a village along the banks of Haviland Creek (today known as Paran Creek) where Joseph Haviland had built a grist mill in 1761, the very first year of the settlement of Bennington, and the year dozens of Vermont towns were chartered by New Hampshire Governor Benning Wentworth following cessation of the French and Indian Wars. Haviland himself was known as a Tory during the American Revolution, and around the time of the Battle of Bennington Haviland's lands and mill were confiscated and sold to his sons-in-law, one of whom was Moses Sage. The place soon was called Sage's City; not only did the village wish to avoid being known by the name of its Tory founder, but Sage earned the distinction by building several mills. By 1828, the year Hiland and Dolly Hall's daughter Laura was born, the village earned its own post office and officially became North Bennington.

Among the earliest records of young Hiland Hall's career is a notation that between ages 7 and 15 he attended school in Sage's City, three months each summer and three in winter. In 1811, at the age of 16, he broadened his outlook by attending two terms of "classical studies" at the academy in Granville, New York, about thirty miles from his home, and he recalled that while there he "studied the Latin grammar, read some Esop's Fables and in Virgil." During the next academic year, 1811-12, he taught at what he called "the new school at Sage's City." It was recorded that as a boy Hiland learned the art of apple grafting from David Millington, the inventor of grafting wax, who lived nearby in Shaftsbury.<sup>2</sup>

A family story that recalls one strong characteristic of young Hiland has been passed along over the generations. The lad had driven a farm wagon to sell produce in Troy, New York, a round trip of sixty or so miles that probably required a day's travel each way. As he was preparing to return home, so the legend goes, Hiland was approached by a young man who admired his trousers, which were probably spun and woven at home. A generous offer of \$5 was made for the pants; Hiland quickly accepted the deal, removed the pants and drove home wrapped in a horse blanket. When he arrived at his own gate he called out to his younger brothers to open it for him. "Open it yourself" was the fraternal reply. After some argument Hiland climbed down, pantsless, and to the amusement of all opened the gate, suffering some humiliation but satisfied with the knowledge that he had completed a good business deal.<sup>3</sup>

In June of 1812, just before his 17th birthday, Hiland encountered his first personal experience with the realm of international news and politics. After a trip by horseback to "Black River country" in eastern Vermont, he wrote cryptically, "Express rider carrying the news of declaration of war against England flashed past me." On that issue he would soon take a strong stand.

The reason for the trip to "Black River Country" was to make a payment on "a lot of wild land" that his father Nathaniel had bought in 1808 or 1809 for between \$800 and \$1,000. Hiland later recalled that "the location turned out not to be a good one" and that his father "ran up a bit of debt" because of the purchase. But Nathaniel managed to exchange the Black River land for "a small dwelling house and lot adjoining his farm" in North Bennington. The episode tends to underscore Hiland's impression of his father as a less-than-adept businessman; but in the end the deal worked advantageously, and the dwelling house remains the closest neighbor outside the stone wall that surrounds today's Park-McCullough House.

In 1813 Hall taught school in Shaftsbury and attended an academy in White Creek, New York, just across the state boundary that was to assume such importance for him in later years when he documented the Vermont-New York jurisdictional dispute. That same year he became active in a young men's political society in Bennington known as the Sons of Liberty, which advocated vigorous prosecution of the war with Britain. Hall helped persuade the women of Bennington to knit 158 pairs of mittens and 42 pairs of socks to donate to soldiers recruited throughout Vermont.

During 1814 and 1815 Hall worked as a clerk in the Paran Creek store and also at E. James's store, attended Lansingburgh Academy some forty miles away near Albany, New York, and began clerking with lawyers David Robinson and S. B. Young in Bennington. Hall's memoirs record that when he worked at the Paran Creek store he contemplated a career as a merchant, and he briefly thought of



opening a store in Sage's City "in company with Asa Doty." But then prices fell rapidly in the fall of 1815 and times became depressed. He despaired of making an adequate living in the mercantile arena.

On October 27, 1818, Hall married Dolly Tuttle Davis of Rockingham, Vermont, the daughter of Henry and Mary (Tuttle) Davis.<sup>4</sup> Of love and marriage Hall put few words on paper, but in his memoirs written in old age, he penned this enigmatic and unromantic note next to the date of July 4, 1817: "Just saw my wife at the house of S. B. Young -- fell in love with her, etc."

After his marriage Hall clerked with Marshall Carter, a Bennington lawyer whom he much admired. In 1819 he was admitted to the bar and became Carter's partner. On April 1, 1819, Hiland and Dolly Hall moved from the farm to Centre Bennington (now Old Bennington) in a house that was owned by the widow of Moses Robinson, governor of the republic of Vermont in 1789 and 1790. Perhaps he picked up a sense of in history while living in a former governor's home, but if so he left no memoir about it. Instead he wrote, about the house, "We occupied the southern half of the house and Dr. R.P. Williams the northern." Much later Hall would write a brief biography of Moses Robinson's grandson John, who in 1853 was elected the last Democratic governor of Vermont until 1962.

On January 17, 1820, Hall recorded that, "In a violent tempest the roof of the house in which we lived blew off, and we took shelter in the family of Judge David Fay, one door south, until the next day . . . The Captain Dewey House, now owned by Dr. B.F. Morgan, being empty, we moved into it."

The first of the Halls' eight children was born on March 7, 1820, a son named Marshall Carter Hall in honor of the law partner, who was then in poor health. When lawyer Carter died in September of that year at the age of 31, Hall described him as "a young lawyer of much talent and professional promise." It was ironic that son M. Carter Hall, as he was known, also suffered from poor health much of his life, and subsequent family letters refer repeatedly to problems with M. Carter Hall's eyes. In October 1820, Hall formed a new partnership with "Mr. White," but the arrangement lasted only a year because White moved first to Philadelphia to practice law and then to Richmond, Virginia, as an associate editor of the Richmond-Whig; he died in 1825 at the age of 35.

The Hall family moved in 1820, again in Centre Bennington, "into the Charles Wright house, now that of Frank Blackmer, in which we lived until December, 1824." Their numbers grew steadily. Daughter Eliza Davis Hall was born August 29, 1821, and sons Henry Davis Hall on May 5, 1823, Hiland Hubbard Hall on January 7, 1825, and Nathaniel Blachley Hall on September 2, 1826. From April to June 1822, Hall reported that, "I was sick with inflammatory rheumatism nearly three months -- was reduced very low." It was the only

occasion when he was known to be ill, other than a devastating experience in 1851 with "Panama fever."

In 1824 Hall voted for John Quincy Adams for president on the National Republican ticket, and the family moved to a house they built, once again in Centre Bennington. Of it he wrote, "Moved into the new house I had built on the south side of the road west of Mrs. VanderSpiegel and east of the Welburn place. Lived there till the spring of 1847" (when they returned to the Hall Farm in North Bennington). The mention of the neighbor gains significance when the names of the next two children are noted: Laura VanderSpiegel Hall was born January 27, 1828, and John VanderSpiegel Hall February 10, 1831. The last child, Charles, the only one lacking a middle name, was born November 18, 1832.

Another family story, recounted in 1924 by Hiland and Dolly's granddaughter Eliza Hall Park McCullough, describes some of Dolly's family values.<sup>5</sup> Dolly's chief aim was to keep her six sons happy in their own home and to protect them from dangerous outside influences. She remained unperturbed one day when "the minister" walked in and found her playing cards with her boys -- a potentially embarrassing circumstance in an era of strict religious rules of conduct. Dolly calmly told the minister that she had decided that it would be a lesser sin to play cards with her boys herself and to show them the innocence in cards as cards. She was making clear to them the dangers that lay in wait if they played cards away from home under other conditions and with persons who did not share their values.

There are few direct clues that describe Dolly Hall, but one can piece together some evidence from the correspondence between herself and her husband. By reason of his public service, the couple lived apart for a total of about twenty out of the sixty years of their marriage. This most laudatory reminiscence of Dolly appears in the 1883 Hall genealogy, written a few years after her death by son Henry.<sup>6</sup>

Her early education, though somewhat limited, was such that she became a successful teacher. She was remarkable for strength of mind and character, and was possessed of uncommon personal beauty. In company she always drew attention for her queenly appearance and high social qualifications. She had a retentive memory, which was especially shown in her later years, by the repeating of much she had learned when quite young, and in many cases whole pages of prose or verse which had particularly impressed her. She enjoyed the confidence and esteem of her neighbors and friends, and richly deserved the approbation she received for her successful efforts in the management and raising of

so large a family, mostly boys, her husband, during the formation period of their lives, being so much absent upon public official business.

She never grew old in her feelings, but ever entered into the sports of her children with a zest that carried them with her...though a dignity was always maintained in the most familiar recreations, which tended to elevate. The wants of the needy received her kindly attention, and by her benevolence and uniform efforts she did much to enhance the comfort and happiness of others. For nearly fifty years she was an exemplary member of the Congregational Church in Bennington, and died confidently trusting in the Christian's hope.

In 1823 Hall was named to his first position in public office, probate court registrar. In 1825 he was admitted to practice law before the federal Circuit Court, and in 1827 was elected Bennington's representative to the Vermont General Assembly and also appointed clerk of the county and of the superior courts for Bennington County. In October 1829, Hall was appointed state's attorney (prosecutor) for Bennington County, a post to which he was re-elected for three more one-year terms.

In his lone one-year term in the legislature he was best known for his role in obtaining a charter for the Bennington Bank. He wrote from Montpelier to Dolly, "My Dear Wife: My most sanguine hopes are answered in the final passage of the bill incorporating the bank of Bennington by a majority of 21 votes." Three days later he wrote again and termed the bill's passage a "triumph."

When one was elected to the legislature in Montpelier in the 1820s from Bennington, the logistics of simply traveling there and back were noteworthy. It is not recorded how Hall traveled the 125 miles to attend the legislative session -- most likely on horseback. But in one instance, in pursuit of legal business at the state capitol, he walked! The earliest letter from Hiland to Dolly reports his safe arrival in Montpelier on October 28, 1823, having walked a dozen miles a day, in one instance through new snow a foot deep.

Hall also served locally as a member of the school committee for Bennington Academy. That institution's catalogue for 1833 listed, among gentleman pupils attending, the names of M. Carter, Henry D., and Hiland H. Hall, and among the ladies, Eliza D. Hall.

One wonders about Hall's acquaintance or relationship with two prominent journalists at work in Vermont in the late 1820s. William Lloyd Garrison, the abolitionist, launched his career in Bennington as the editor in 1828 and 1829 of a weekly paper called *The Journal of the Times*. About the same time not far away, in East Poultney, a very young Horace Greeley was apprenticing -- setting type,

cranking the press, and occasionally writing some squibs -- for a small failing weekly paper called the Northern Spectator.

## Notes

1. *Male members of the Hall family were known for their longevity. Of eight generations of Halls, starting with Hiland's son Henry Davis Hall (1823-1902) and going back in time to John Hall (1584-1673), the average age at death was 80.6 years. Hiland himself set the record among those eight generations by living to 90 years and 5 months. For six consecutive generations golden weddings were celebrated. At the age of 80, Hiland Hall compiled a genealogy and titled it "The Emigrant John Hall of 1633 and his Descendants." The year was that in which John Hall, born in County Kent, England, emigrated to the New World, settling first in Cambridge and then Roxbury, Massachusetts, moving on to Hartford and later to Middletown, Connecticut. Hiland Hall introduced his genealogy with the typically modest caveat: "This collection is only an incipient step in the search for the posterity of the emigrant John Hall, leaving it to others who may feel interested in the inquiry to pursue it further." The collection was far more than "incipient," for he evidently labored amid church records in Middletown to trace details of the life of John Hall, a carpenter who died in Middletown at the age of 89 in 1673. The name Hiland was that of our subject's great-grandfather (1703-1781), and it was the maiden name of that Hiland's mother, Mary Hiland (1672-1738), who married Thomas Hall (1671-1753), a grandson of "The Emigrant John Hall."*

*Following are the eight generations of Halls:*

<i>John Hall</i>	<i>1584-1673</i>
<i>Samuel Hall</i>	<i>1626-1690</i>
<i>Thomas Hall</i>	<i>1671-1753</i>
<i>Hiland Hall</i>	<i>1703-1781</i>
<i>Thomas Hall</i>	<i>1726-1803</i>
<i>Nathaniel Hall</i>	<i>1763-1849</i>
<i>HILAND HALL</i>	<i>1795-1885</i>
<i>Henry D. Hall</i>	<i>1823-1902</i>

2. *An undated clipping of an article about Millington, provided by Hall's great-granddaughter Elizabeth Hall, and published in Hall's old age, recalled how the distinguished former congressman and governor "has not forgotten how to make good pippins grow on a crabapple tree."*

3. *Eliza Hall Park McCullough's recollections, Within One's Memory, were edited and published by her family and friends in 1924, and republished by the Park-McCullough House in 1987. In it she relates her Uncle Charlie's tale of the selling of his pants, but other relatives remember that the pants seller was Hiland Hall himself.*

4. *Henry Davis was a farmer who had served in the Battle of Bunker Hill under Colonel John Stark of New Hampshire (who as General Stark became the hero of the Battle of Bennington). Both Henry and his wife had migrated to southeastern Vermont from the towns of Groton and Littleton, respectively, in northern Massachusetts.*

5. *Within One's Memory, op. cit.*

6. *Son Henry D. Hall's "Memoir," published in 1887.*

## Chapter Two

### **A DECADE IN CONGRESS**

Each state, regardless of size or population, is entitled to at least one seat in the U.S. House of Representatives, and that is the number Vermont has held since 1932. But there was an era, between 1812 and 1820, when Vermont was large enough relative to other states to qualify for six congressional districts. Starting with the 17th session of Congress in 1822, Vermont began to slip in population so that it could support only five districts.

On May 14, 1832, one of the state's five Congressmen, Jonathan Hunt of Brattleboro, died in office. He thus left a vacancy in District One, the southernmost region, which included Bennington and Windham counties. Hiland Hall of North Bennington won a special election for the seat, served the brief remainder of Hunt's term in the 22nd Congress and also the upcoming 23rd Congress.

Hall served in the 23rd session of Congress with fellow Vermonters Heman Allen of Milton<sup>1</sup>; William Slade of Middlebury, who became a nationally known anti-slavery radical, and later secretary of state and governor; Horace Everett of Windsor, and Benjamin F. Deming of Danville. The president of the United States was Andrew Jackson, a Democrat with whom Representative Hall disagreed on

several issues, especially about monetary policy. Hall also served under President Martin Van Buren, whom he had several reasons to dislike. Democrat Van Buren was a protégé of Jackson, a former aristocratic governor of New York, and tended to equivocate on slavery. Hall helped to defeat him in the 1840 campaign, in which the diffident Van Buren ran against the "Log Cabin and Hard Cider" campaign of General William Henry "Tippecanoe" Harrison. Hall served his final term in Congress after Harrison and Tyler were elected, and he was a pall bearer at the funeral of the unfortunate Harrison who died within the month of his inauguration from pneumonia he picked up while delivering the longest inaugural address in American history.

Hall's route to Congress was remarkably circuitous. The special election he finally won climaxed a series of conventions and elections between June 1832 and January 1833 that were necessitated by the fact that no candidate -- and there were several running, in three political parties -- achieved a majority of votes until a fourth and final runoff election; Vermont law requires that a winner obtain at least 50 percent of the vote.

Hall wrote an account titled "How I became a member of Congress" in his 1880 memoirs, and his detailed explanation not only clarifies this complicated series of events but also sheds light on the peculiar political climate of the day, accented by the short-lived strength of the Anti-Masonic party.

Anti-Masonry flourished throughout the Northeast, starting in 1826, for less than a decade. The movement was fanned by suspicions that a clandestine European organization was spreading insidious doctrines of the French Revolution throughout the nation by means of Masonic lodges, and it found Vermont especially receptive.<sup>2</sup> William A. Palmer was elected governor in 1831 on the Anti-Masonic ticket while it was, briefly, a major political party. Palmer was actually elected by the legislature following his own failure to achieve 50 percent of the vote.

Locally, in the First Congressional District, the strongest party was Hall's National Republicans, and there were several candidates from the Democratic and Anti-Masonic parties. Hall observed that his district's two counties, Windham and Bennington, had little in common and were separated by a ridge of the Green Mountains with "but three practicable mountain roads" (which is more than they have now). In Vermont's spirit of political alternation, Hall explained, it was understood that because the seat had been held by a Windham County resident for some time, Bennington County's turn had arrived in 1832. This was the spirit known later at the gubernatorial level as "the mountain rule," which decreed informally that candidates for governor must alternate between east side and west side.

Governor Palmer directed that a special election be held on July 3 to fill the seat vacated on May 14 by Representative Hunt's death. On June 14, Bennington County's National Republicans convened at James Hicks's Walloomsac Inn in (Old) Bennington, and nominated Hiland Hall with 101 out of 102 votes cast. But in the July 3 election the candidate who emerged with the most votes was Richard Skinner of Manchester. Skinner had been governor from 1820-23 and thus was widely known; he gained 1,342 votes to Hall's 586, with 755 cast for William Bradley, the Democrat, and 368 for John Phillips, the Anti-Masonic nominee, plus a scattering of 79 votes. The result was 446 votes short of the majority that the law required.

Hall considered withdrawing so as not to fracture party unity, and at a Windham County convention of National Republicans on August 13 at Fayetteville (the largest village in Newfane, shire town of Windham County) he did withdraw, and Skinner was nominated. Skinner was also nominated by a Bennington County convention of the party, held in Arlington on August 21. But at the September election Skinner came no closer to a majority. Results were: Skinner 2,276; Orsamus C. "Ole" Merrill, Democrat, 1,253; William Bradley, Democrat, 293; John Phillips, Anti-Masonic, 625; J.S. Pettibone, Anti-Masonic, 239; others, 343; resulting in 477 votes short of a needed majority.

Skinner's supporters became disillusioned and another election was called for November to coincide with the presidential vote of 1832. At a Bennington County convention in Arlington on October 17, Hall was unanimously nominated, though Skinner remained in the race. Results showed Hall with the greatest number of votes, 2,261, while Skinner's support had dwindled to 128. But because of the Democratic candidate's strength and the same two Anti-Masonic hopefuls, there was still lacking, by 209 votes, a needed majority.

The state legislature then reapportioned Vermont's districts, added seven towns in southern Windsor County to the First Congressional District, and provided for a special election on the first Tuesday of January 1833, to accommodate the final session of the 22nd Congress. At a party convention called at Fayetteville on December 21, Hall was unanimously nominated. And at the January election he was finally victorious (over two Democrats and two Anti-Masonics this time) by the slim majority of 47 votes.<sup>3</sup>

He left immediately for the nation's Capitol.

Traveling the four hundred miles from Bennington to Washington, D.C., in the 1830s proved more of an ordeal than wending one's way by horseback to Montpelier. It was an arduous six-day stagecoach journey. Hall's 1880 memoirs recall that he began by stage from Bennington to Albany, and it then took four days to reach Baltimore, "stopping nights for a few hours at Pokepsie (sic), New York, and Philadelphia." He recounted this traumatic episode:

In midnight darkness and in a lonely wood a few miles this side of Baltimore, the coach lights went out and the stage was upset into a ditch by the roadside. Fortunately none of the eight passengers were seriously injured and after a couple of hours of discouraging hard work we succeeded in getting the coach right side up and proceeded slowly on our way, making the hotel in Baltimore an hour or two before daylight; from which, after a short nap on the floor, I left for Washington, arriving there about noon on the sixth day after leaving home. It had been a most tedious and fatiguing journey, during which I had been in bed only three times and then only a few hours at each time the stages uniformly ending their daily trips at night, and beginning them before daylight in the morning.

The milieu into which he was plunged at the Capitol was vividly described in a letter Hall wrote to Samuel Fay of Bennington on January 28. Hall first remarked that he had just arrived on the 21st "after a very tedious journey all of which except 30 miles was by land." Then he conveyed this picture:

The Senate room is this morning filled to overflowing with ladies & others to hear the debate which is expected upon Mr. Calhoun's resolution in favor of nullification. Mr. Calhoun is expected to have the support of the Virginia Senators, & perhaps of those of N. Carolina, Alabama & some others, but the great mass as well as the North will be true to the Constitution & it must & will triumph. I heard Mr. Calhoun make a short speech in the Senate on Friday. He has a wild uneasy look that makes me think of plots, strategems & war. . . . Mr. Clay spoke briefly in reply. He is mild & very gentlemanly in his manner & he threw more energy & meaning into a single emphatic word than any man I ever heard.

Hall's first vote in Congress was cast on the losing side, against the "compromise" tariff of 1833. He regarded the outcome as "unfortunate" because it suppressed the high protective tariff of 1828. Hall favored protective tariffs to help "our infant manufactures." He wrote to Judge Jacob Collamer of Woodstock, contending that it was the protective tariff of 1828 that was helping to support Vermont as a wool-growing state, and that this tariff also helped to establish the wool manufacturing plants of Massachusetts, Rhode Island, and Connecticut. It was true that when the protective wool tariff was removed in the 1840s, Vermont's famous era of sheep raising ended abruptly; but that situation encompassed other



factors such as the arrival of railroads, the opening of Western prairies, and competition from Australian wool.

Hall soon made his views known about slavery. In February 1836 he wrote to a friend in Montpelier that Southerners with rare exception tend to become so agitated on the subject that they bring disrespect to their own cause. In another letter, he showed perhaps more than a hint of naivete by writing:

In relation to the slave trade I believe that Congress has power to act and that it ought to act . . . I am willing the debate should be continued until all possible light is thrown on the subject; not doubting in the least that good will grow out of it, and that it will eventually tend strongly to bring the North and South nearer together, and allay rather than increase the jealousies existing on this matter.

On a series of historic votes on the Pinckney resolutions, May 25, 1836, Hall split his vote on the three issues involved -- and this might be the only instance in which he could be said to have compromised on a slavery question. On the first resolution, that Congress has no constitutional authority to interfere with slavery in any of the States of the Confederacy, which was adopted 182 to 9, Hall voted with the majority, though three other Vermont congressmen were in the minority. On the other two Pinckney questions, that Congress ought not to interfere with slavery in the District of Columbia, and that all legislative proposals relating to slavery or its abolition shall be tabled with no further action -- known as the gag resolution -- Hall joined his Vermont delegates and voted nay, though both measures were adopted, 132-45 and 117-68 respectively.<sup>4</sup>

Hall's first speech in Congress opposed President Jackson's monetary policies, specifically Jackson's removal of government deposits from the Bank of the United States. Hall wrote, "I confess myself at a loss to see how we are to get along without a [national] bank of some kind."

Known more as a worker and thinker than speechmaker, Hall did speak when the occasion demanded. He delivered a speech in favor of distribution of proceeds from the sale of public lands among the states, and when the proposal was implemented nearly \$700,000 came to Vermont for use by the public schools.

As a member of the Post Office Committee in the 1836 session, Hall prepared a minority report opposing a bill that would suppress "incendiary publications" on the increasingly sensitive subject of slavery; the majority favored suppression but could not agree on a law that would achieve it. Hall said that Congress should not proscribe the kinds of opinion that can be sent through the mails and he adhered to guarantees of freedom of speech and press spelled out in

the First Amendment to the Constitution. By taking that position he opposed Jackson, who in his annual message had requested a law to prohibit circulation through the mails in Southern states of "incendiary publications intended to instigate the slaves to insurrection." Also in that session Hall played a role in the passage of an act that radically reorganized the postal department, following disclosures of frauds in postal accounts.

The Congressional issue for which Hall is best remembered the topic on which he worked hardest and longest and seemed to relish the most -- involved a series of Revolutionary War claims against the federal government by residents of Virginia. On December 30, 1839, Hall was named to chair a commission that investigated the validity of these claims and was authorized to adjudicate any payments. The investigation dragged on for four years and produced the most heated oratory that ever provoked Congressman Hall of Vermont on the floor of the U.S. House.

After meticulous investigation, and in the face of fiery criticism from his colleagues from Virginia, Hall ultimately proved that all of the Revolutionary War claims were worthless.

While the probe was nearing completion, Hall wrote to his wife Dolly that his report on the Virginia claims "will be as interesting -- or at least a considerable portion of it will -- as a book of police reports -- being much of it a recital of individual cases of fraud. It will make a 'right smart stir' in Virginia. That state has already got over three millions of dollars from Uncle Sam and is now asking for hundreds of thousands more." The evidence showed, Hall insisted, that the so-called "Virginia claims" were a swindle in which agents promised to "locate" one's Revolutionary War ancestors for a fee amounting to 40 or 50 percent of the reward that participants expected from the federal treasury.

"I came to the conclusion," Hall wrote to Dolly in February 1840, "that, even supposing the claims [are] all good against Virginia, the U.S. are under no obligation to pay them."

A sampling of Hall's most witty and also most emotional oratory demonstrates a skill with which he could assemble words, convey the thrust of an argument, and skewer opponents. He said on the floor of the House on June 16, 1842:

I wish now, Mr. Speaker, to call your attention, and that of the House, to the bounties which have been granted to the Virginia State Navy. Gentlemen need not feel particularly mortified if they have never before heard of the State navy of Virginia. As an apology for their ignorance, I would inform them that its history yet remains to be written. I have taken much pains to inform myself in regard to it,

but have not been very successful. The fullest account I can find of it is in Jefferson's Notes on Virginia, written in 1781, and corrected where necessary in 1782. I will read all that he says.

Hall then quoted from Thomas Jefferson the following paragraph:

Marine Force. -- Before the present invasion of this State by the British under the command of General Philips, we had three vessels of sixteen guns each, one of fourteen guns, five small galleys and two or three armed boats. They were generally so badly manned as seldom to be in condition for service. Since the perfect possession of our rivers assumed by the enemy, I believe we are left with a single armed boat only.

Then he quoted a report of the board of officers, which in 1784 listed names of one commodore, twenty-one captains, and five lieutenants, for a total of twenty-seven officers. He continued:

I am not familiar with naval service, and cannot pretend to speak confidently of the number of officers which would be required for the force described by Mr. Jefferson, but suppose twenty-seven captains and lieutenants to be a very fair complement of officers. And how many do you suppose, Mr. Speaker, have been allowed the land bounty? I will inform you, sir. The bounty has been allowed two commodores, each for over six years' service, to thirty captains, and sixty lieutenants, making in the whole ninety-two officers. Allowing one captain and two lieutenants to each galley, and one lieutenant to each boat, which I suppose an ample number, there remain six captains and twelve lieutenants for each of the four brigs and sloops. Though Mr. Jefferson says the vessels were very badly manned, yet it would seem from the list of bounties that they must have been very well officered.

He persisted for several more pages, proving that the total number of officers' allowances in the Virginia navy, instead of being twenty-seven, had been inflated to 268, of which 176 allowances had been made since the passage of the first scrip act of 1830. Hall kept pressing the point, quoting from public records. At one point he hauled out a large manuscript volume which he said contained eleven different and independent lists of Virginia officers of the Revolutionary War from 1776 to 1783, taken from records of the Pension Office and the papers of

George Washington, all indexed. He proceeded to go through the list alphabetically, which must have bored other members of the House as thoroughly as it nettled the members from Virginia who were perpetrating this fraud.

In a speech a week later, June 25, 1842, Hall intoned:

For the performance of what I believed to be my duty in regard to these bounty land claims -- a duty imposed on me, in some degree by the House -- the gentleman from Virginia (Representative Thomas W. Gilmer) has thought proper to represent me as acting the part of a hyena, prowling among the tombs of the Virginia revolutionary dead, seeking to expose their remains to the public gaze. Sir, it is not I who have sought to disturb the rest of the quiet dead. No, Sir, no. It is the gentleman himself who has violated the sanctity of the tomb. It is the claimants and speculators who, encouraged by his course of action, have gone into the grave yards of Virginia, raked from the tombs the bones of their ancestors, and brought them here to barter away for money and land.

A newspaper clipping, the source of which has been lost, reported on the final resolution of the matter as follows:

Mr. Hall, having obtained the floor, spoke for an hour in vindication of his course and against the bill then pending in the House on the Virginia claims. He said every one of them was fraudulent and offered to abandon his opposition to the claims if any member from Virginia, or any other state, would select from the list any single claim he pleased and satisfy the House that it was well founded.

Several Virginians spoke at length, but they tended to steer away from the substance of the argument in favor of heaping abuse and invective upon Hiland Hall. None dared to validate a single claim. Hall seemed to stand up well to the harassment.

A plausible reason for Representative Gilmer's vehement opposition to Hall is that Gilmer possibly stood to gain a percentage of whatever claims were paid by the federal treasury.<sup>5</sup>

At one of Vermont's most memorable historical -- and oratorical -- events, Congressman Hall played a crucial role. This was the Whig convention held on July 7, 1840, at Stratton village, high in the Green Mountains, where 15,000

persons assembled, attracted by promises of hearing Daniel Webster.<sup>6</sup> The Massachusetts senator was stumping -- though he reportedly stood under a big tamarack tree -- for the Whig candidacy of General William Henry "Tippecanoe" Harrison and his running mate, Governor John Tyler of Virginia. Hall, who had served in the House with Webster, helped to arrange the Great Whig Gathering, made certain that Webster would indeed attend, then practiced his own oratory by introducing Webster.

Hall's theme was to praise "the log-cabin tradition" of those who fought in the American Revolution and of those who founded the independent republic of Vermont, as well as the log-cabin spirit of candidate Tippecanoe. The Whigs went on to win the election, though General Harrison lived only for a month after his inauguration and Tyler became the first vice president to succeed to the presidency upon the death of an incumbent; Webster would be named secretary of state and remain in that post through the shaky administration of Tyler and again under President Millard Fillmore.<sup>7</sup>

The Stratton affair was actually a convention of the Whigs of Bennington and Windham counties for the specific purpose of renominating Congressman Hall for the election of 1840. Statewide, the Whigs had already held their convention in Burlington on June 25, with Hall as chairman.

The setting of the Stratton convention was described thusly by the Niles' Register:

The place selected was a clearing of about three hundred acres in the midst of a magnificent amphitheatre of hills, of at least five miles in diameter. From the verge of the clearing to the summit of the mountains there was a deep and unbroken fringe of foliage which added greatly to the beauty of the scene. It was far from the haunts of men, scarcely a house being visible.

A counter at the gate of the Arlington turnpike recorded the passage of 6,000 people from the west, and it was said that even more travelers trudged from the east side up toward Stratton.<sup>8</sup>

During his decade in Washington, Hall wrote frequent letters home, and though Dolly probably only joined him there once, he was visited often by his daughter Eliza, who in her older teen years served as his hostess and companion at social events in the capitol. Hiland and Eliza were "messmates" with Congressman Millard Fillmore of western New York, and became quite friendly with the future president and his wife and two daughters.

In a letter on November 30, 1839, Hall reported on the state of "our mess," meaning the boarding house of Mrs. McDaniels where he stayed most of the time he was in Washington. He wrote:

Dear Wife,

Mrs. Fillmore & her children appear to be taken with Eliza, & she spends considerable of her time in Mrs. F's room. Eliza continues in excellent health & spirits. I do not think they intend to charge any thing for Eliza's board. [The reference appears to be an example of Hall's sense of humor.]

In a letter to Dolly on January 20, 1839, Hall expressed concern about the operation of the farm in mid-winter, and offered some advice:

How do you get on with household affairs. How does the beef and pork go? Do they both keep good and eat well, and have you smoked your hams and beef for drying. Are your apples all gone? How about vinegar. How does the cow behave, and how does the hay hold out? By the way, have Hiland [son Hiland H. Hall, age 14 in 1839] get two or three bushels of oats or more before the 8th of February. You will be overrun with company, but don't take in strangers. You will have enough cousins to eat you up.

Dolly Hall replied on January 26:

We have had our hams & beef smoaking (sic) more than a week. Our beef is excellent, I do not think it was quite salt enough & I put more salt to the brine. Hiland takes good care of the cow. She gives a good mess of milk. I have made all the butter we have eat & have got 15th ahead; don't you think that is doing pretty well? Hiland says we shall have hay enough to last. Our apples are not near gone, we shall have enough to do very well, we use as many as we want. The vinegar makes good, it has not been filled up but a little while, but it will be first rate.

She ignored the teasing warning about avoiding company and too many cousins.

Shortly after that, an exchange of correspondence took place between Hiland and Dolly that made repeated reference to a forthcoming public hanging in

Bennington. It was, in fact, one of only two public executions ever held in Bennington -- the other being that of David Redding, an alleged Tory, for "enemical conduct" in June 1778, in which Ethan Allen himself was prosecutor. In 1839 the doomed party was Archibald C. Bates, who was convicted of murdering his brother's wife, and he was to be hanged on February 9 in Centre Bennington before a crowd of thousands. The question in the Hall family was whether the children should attend. The hanging of Bates was mentioned in several letters, and it was Dolly who finally allowed the children to go. The execution was witnessed by young Hiland, John, Laura, and Charles, but not by Dolly herself. To which the congressman replied from Washington, "I did not undertake to advise you about the family's attending the execution. I am entirely satisfied with the children's going."

Dolly attempted to keep up with political issues, and she wrote in December 1838: "We congratulate you & Eliza on the election of your Whig speaker. Carter is very much pleased & begins to hope the Whigs will come to the help of each other & that Harrison will be our next president." She proceeded to more mundane concerns: "I made a bargain yesterday for my wood. I have 20 cords of first rate wood without any tops, for \$54...of Dr. Brockway. Have I made a good bargain? You know it pleases one to be praised a little. Mother is better of her lameness. Sister Abby is no better."

A year later, in December 1839, Dolly reported another good deal for firewood, which she bought from "Dewey Gardner who lives on the mountain near Wordsworth's. He is to draw me 20 cords of first rate wood for \$54."

Dolly did not often express her loneliness or complain about the separation from her husband, but in this letter she did:

Oh Hiland you don't know how much we all want you back again, we almost count the days. Carter says he wants to see his father, it would be so comfortable to have him read to him. [Apparently Carter's eye problem was so severe at this point that he was unable to read.] He is a good boy & tries to be as careful as possible about taking cold, & in his diet. I have nothing else to tell you so good night dear husband. Yours affectionately, D.T. Hall.

Dolly wrote on February 17, 1839, with the following request:

Hiland I wish you would cut a few slips from the rose bushes which run over the summer houses in the Capitol yard. You will recollect when I was there we used frequently to look at them. They are the Tennessee rose I believe. If you take particular notice

you can tell the rose from the myrtle. [This appears to be a facetious reference to Hiland's lack of interest in gardening matters.] I believe I can make the slips live in our climate. And if you are very anxious you may fetch me a few slips of the Flowering Cherry. I had some of the blossoms when I was at W[ashington].

There was a postscript:

Carter wants you to fetch him 4 good Spanish cigars.

Hall complied with the first request, as evidenced by a followup letter a year later. On February 8, 1840, Dolly wrote to Eliza, then in Washington with her father:

Eliza I wish you would remember the Flowering Cherry & the Tennessee Rose. You know your pa was so long on his way home that they did not live.

Dolly and Eliza, then age 18, corresponded frequently during the daughter's visits. The archives contain, for instance, thirteen letters to Eliza in the three months between December 1, 1839 and March 2, 1840. Many of them were about domestic or social matters -- dresses, dinners, visits -- and there were many friendly references to the Fillmores and their two daughters.

Hall often wrote to his other children. On December 12, 1839 he wrote to Carter, then age 20:

We have a very pleasant mess & Eliza is living quite fast enough. The girls & Mrs. Fillmore are very kind & attentive to her, & she has abundance of other company. Today Governor Tyler, the nominee for the vice presidency, gave the girls Mary, Sarah & Eliza a carriage ride into the country, to Col. Brooks & etc. He [Tyler] is an old boarder & friend of the family, & a great favorite of I believe all ladies. He is 49 years old & possesses talents of a very respectable order, & is full of mirth...He has a wife & a large family of children -- lives in Williamsburg, Va.

Hiland also advised Carter to get involved in debating. He did so by commenting on a particularly good speech by Henry Clay: Clay is *one* of the noblest, if not the noblest of mortals, & ought to be president, but destiny forbids



it. He urged Carter to "speak because you have something to say, not undertake to find something to say for the sake of speaking."

Hall's philosophy of education emerged in correspondence with son Henry, who at the age of 16 in 1839 took a job as an apprentice with a retail business in Fayetteville. The congressman offered these words of advice:

I fear your mind is too much occupied with the party squabbles of the day. Don't allow your thoughts to be much engrossed with such matters. What time you can spare from business -- and that undoubtedly must receive your first attention -- should be devoted to reading. Cannot you find some time, say an hour or more each evening, to read history. You need much the information which a course of historical reading would give you. I suppose you have read Plutarch's Lives. You should also read some history, say Gillie's or Goldsmith's Greece, & Goldsmith's Rome. The history of England is also still more important, & more important yet is the history of our own country. If you have a history of England suppose you begin now with that & read it carefully, specially from the time of Charles the First when it becomes the most interesting & important. There is no first rate history of England. Hume's is admirably written but he does great injustice to the Puritans & republicans, & it should be read with an eye to his prejudices in favor of kingly prerogation & high church governments. What history of England can you find? And what do you think of reading it through the winter, & corresponding with me on the subject from time to time.

Hiland also advised Henry to mend his own clothing and to follow Dr. Franklin's proverb "a stitch in time saves nine." "It is a good omen for a young man to be neat & particular in his dress, tho' it would be weakness to be a dandy." Evidently Henry followed some of this advice, for a few weeks later Hiland wrote:

I am very glad to learn that you have begun the reading of Goldsmith's England, & hope you will not leave it until you are the master of its contents. It will grow more interesting & important as you progress, until you will discover in it the germs of most that is valuable in our own institutions.

When Hall was first elected to Congress he had a majority of only 47 votes, but he continued slowly to gain in voter approval. In the election of 1834 he won, with 3,462 votes, over Democrat John Roberts, with 1,866, and the Anti-Masonic

John Pettibone, with 1,373, for a majority (counting scattered votes) of 95. In 1836 Hall ran as a Whig for the first time and his only opponent was Democrat Roberts, whom he beat handily, 4,414 to 3,168. Hall ran against Roberts again in 1838 and the vote was slightly stronger for Hall, 5,211 to 3,328. In his final election to the House, in 1840, Hall was opposed by Democrat Daniel Kellogg and defeated him 6,923 to 4,084. (In only a few years Hall would serve with Kellogg on the state Supreme Court.)

Hall concluded his memoir on how he was elected:

I had been in Congress ten years, quite as long as any man ought to be, unless he expected to remain there during life, which I did not.

As to his successor, Hall thought that it was probably Windham County's turn now, but no candidate could be agreed upon by the Windham County Whigs. In 1840 Rutland County had been merged into the First Congressional District, and candidate Solomon Foot from Rutland became the nominee and won the election of 1842; Foot would go on to serve for two decades in the U.S. Senate. As it happened, when Hall retired from Congress, so did all of his fellow members from Vermont: William Slade of Middlebury, Horace Everett of Windsor, Augustus Young of Craftsbury, and John Mattocks of Peacham. Because of continuing population decline, the state's five districts were reduced to four, and in 1842, besides Solomon Foot, the new congressmen elected were Jacob Collamer of Woodstock, who would also become a U.S. senator; George Perkins Marsh of Burlington, who later gained fame as an environmentalist and also served as U.S. ambassador to Turkey and to Italy; and Paul Dillingham of Waterbury, who would be governor from 1865-67.

In the final days of Hall's last term, in November, 1842, daughter Eliza was married, at the age of 21, to Adin Thayer of Hoosick Falls, New York. But the family's happiness was to be short-lived. Less than a year later the beloved daughter Eliza, with whom Dolly had exchanged so many devoted letters, who had served as such a sprightly social companion to her father in Washington, who had dined at the White House and became closely acquainted with two future presidents of the United States, developed a "lung ailment" -- probably a euphemism of the time for tuberculosis -- and died in August, 1843, at the age of 22.

*Notes*

1. *Heman Allen of Milton was apparently no relation to Heman Allen of Burlington, a nephew of the legendary Ethan Allen, though both Heman Allens served in Congress from Vermont. Heman Allen of Milton served in the 22nd through 25th sessions, March 1831 to March 1839, and was defeated for re-election to the 26th Congress. Heman Allen of Burlington, son of Major Heber Allen, was a nephew of Ethan. He served in Congress from March 4, 1817 to April 20, 1818, when he resigned to become a U.S. marshal, and then he was U.S. minister to Chile from 1823-27. He is also referred to as Heman Allen of Colchester to distinguish him from the congressman from Milton. Source: **One Thousand Men** by Dorman B.E. Kent published by Vermont Historical Society, 1914.*

2. ***Social Ferment in Vermont: 1791-1850*** by David Ludlum, published by Columbia University Press in 1939 and reprinted by the Vermont Historical Society in 1969, contains an excellent chapter on the wildfire spread of anti-Masonic activity in the late 1820s and early 1830s.

3. *Indicative of the idiosyncratic nature of Vermont politics, in the 1832 presidential election Vermont was the only state to cast its vote for national Anti-Masonic candidates William Wirt of Maryland and Amos Ellmaker of Pennsylvania. Henry Clay and John Sergeant, the National Republican candidates, received pluralities in both counties of Vermont's First Congressional District over Democrats Andrew Jackson and Martin Van Buren. Nationally the result was overwhelming re-election of Jackson.*

4. *Walter Hill Crockett's **History of Vermont**, published in 1921-22, which describes Hiland Hall as "one of the ablest, most useful and most versatile of the public men of Vermont" (Vol. IV, page 260), reports in detail how all Vermont's congressmen voted on the Pinckney resolutions (Vol. IV, page 272). Hall's colleague William Slade earned national renown (or notoriety) in December 1837 when he took advantage of a pause in the renewal of the gag rule to present abolitionist petitions. The move resulted in angry debate in the House and led Southerners to consider an amendment for protecting the institution of slavery or, failing that, to declare the expediency of dissolving the Union. Nothing came of this issue, but in retaliation an alliance of Southern and Northern Democrats adopted an even stricter gag resolution 122-74.*

5. ***Biographical Encyclopedia of Vermont of the Nineteenth Century***, Metropolitan Publishing & Engraving Company, Boston, 1885, was the only source the writer could find to claim that Gilmer was personally on the take in the land-claims affair. Gilmer, a former governor of Virginia, was a political associate of John Tyler, also a former Virginia governor, and served as Secretary of the Navy in President Tyler's cabinet. Gilmer and Secretary of State Abel P.

*Upshur, another Virginian, were killed in a gun explosion aboard the Navy packet **Princeton** on February 28, 1844 when the Navy's demonstration of the power of gunpowder proved too explosive.*

*6. For those who wish to pursue the Great Whig Gathering at Stratton in 1840, **The Tamarack Tree** by Howard Breslin, published in 1947 by McGraw-Hill, is a historical novel that involves a fictional plot and characters but the geographic setting and political context are accurate. The location, on the so-called Kelly Stand Road about twelve miles east of Arlington, Vermont, is today a remote picnic area where the basic facts of the 1840 convention are carved onto a stone marker.*

*7. Even though the Whigs, successors to the so-called National Republicans, were a coalition and not a real political party, they proved extremely popular in Vermont. In the election of 1840 they carried every county for Harrison and Tyler; the state's total vote was 32,445 for the Whigs versus 18,009 for Democrat Van Buren. The Vermont electorate of 1840 was much larger than four years earlier, when the same two presidential candidates attracted, in Vermont, 20,994 to 14,037, respectively; the difference was that in 1836 Van Buren won nationally and in 1840 Harrison did. The 1840 census showed Vermont's growth to be slowing to the smallest of any decade since the first census was taken in 1791. The ten years that ended in 1840 recorded only a growth of 4 percent in the state's population, with losses reported in the counties of Addison, Bennington, Orleans, Rutland, Windham, and Windsor.*

*8. Crockett. op. cit.*

## Chapter Three

### **ON TO CALIFORNIA**

After a decade in the tumultuous public arena, Hiland Hall accepted the peace and quiet of a less conspicuous public office. Whether he sought serenity consciously or not, he most likely found it in the two state positions to which he was appointed after returning to Vermont from Washington.

In addition to his stated reason -- that he did not want to hold the office for life -- Hall probably retired from Congress at the relatively young age of 48 because he did not like to compromise -- and he found compromise pervasive in the American political process -- and also because he had proven to himself that he could never be an orator in the grand tradition of Henry Clay or Daniel Webster.<sup>1</sup>

Whatever the reason, it was apparent that his motive was not to simply to return home to Bennington and reopen his law practice. Instead of doing that, Hall chose in 1843 to accept appointment as Vermont banking commissioner, an office that had been established in 1831 to oversee the operation of banks within the state. And in 1846 he was appointed a justice of the Vermont Supreme Court, a position he held until 1850. Both of these jobs offered considerable solitude and serenity compared with service in the tempestuous U.S. House of Representatives.

Hall was able to indulge his interest in Vermont history, and since 1841 he had been an active member of the new Vermont Historical Society, founded three years earlier by the eccentric Henry Stevens of Barnet. Even while still in Congress in 1841, Hall found time to write a series of "historical readings" about the Green Mountain Boys that was published, anonymously, in eighteen irregular installments in a new weekly newspaper in Bennington called The State Banner. Hall kept his role in the formation of this new newspaper quiet. It was of Whig orientation as opposed to the Democratic line favored by the Vermont Gazette.

Hall also remained somewhat active in politics while banking commissioner, as indicated by correspondence he had with Horace Greeley of the New York Tribune. He asked Greeley to speak at the Vermont Whig convention of September 1844. Greeley declined because he felt "my time is now so engrossed with engagements to speak that I am compelled to do less than justice to my paper. That speaks to so many that I must be faithful to it."

(In the 1844 election Hall's former colleague in the House, the abolitionist William Slade of Middlebury, emerged as governor after selection by the legislature because of his failure to achieve 50 percent of the vote.)

The rest of Greeley's letter to Hall offers some clues to the political and philosophical state of the nation on the eve of the powerful expansionist thrust known as Manifest Destiny. A provoked war with Mexico within a few years would be followed by the addition to the Union of the territories known by the names of "Oregon," "New Mexico," and "California." These large territories included the present states of Texas, California, Arizona, New Mexico, Nevada, Utah, Oregon, Washington, and parts of Wyoming and Colorado.

Greeley, whose best-remembered advice, after all, was "Go West," wrote to Hall:

Besides you can't need any speaking on the right side in Vermont. [Emphasis is Greeley's.] If any body wants to argue that protection is not the true policy of the country that Polk is a friend of protection -- or that Texas ought to be annexed to this Union -- let him go to Vermont and preach it. Now that Millerism is in a decline and Mormonism in a crisis, I think such a lecturer should show audiences, just for the novelty and drollery of the thing. But to

preach protection and anti-annexation to Vermont must be superfluous -- Vermont rather shall preach it to the Union! I trust she is soon to furnish us a forcible combination of benefit and example.

Yours, with grateful remembrance. Horace Greeley.

Forty years later, in 1884, Hall penned this memoir: "Horace Greeley, in my opinion, did more to mould and form a healthy public opinion in social & political morality in this country than any other man of his time -- but he died, as many other worthy men have & will, of unwise aspiration for the presidency." Greeley died in 1872 shortly after losing election as the nominee of both the Democratic and the Liberal Republican parties to incumbent President Ulysses S. Grant, a Republican.

During the 1840s, following the death of daughter Eliza, the remaining children of Dolly and Hiland Hall came into maturity and four of them married. On April 20, 1844, son M. Carter Hall married Sophia Baker Deming of Arlington, a descendant of Green Mountain Boy Remember Baker. On December 15, 1846, Laura VanderSpiegel Hall was married to Trenor William Park. An ambitious young Bennington lawyer who was clerking with his cousin, A.P. Lyman, Park had been born in 1823 in the sparsely populated mountain town of Woodford, east of Bennington. In 1846, Hall's mother Abigail died, followed in 1849 by the death of his father, Nathaniel. In 1847 the Halls moved from Centre Bennington back to the 200-acre family farm in North Bennington. On March 24, 1847, Henry Davis Hall married Carolina E. Thatcher, a union that was to last well beyond a golden anniversary. In 1849 Hiland Hubbard Hall married Jane A. Waters, a marriage that, as we shall soon learn, was to be short-lived and ill-fated.

As for his service as an assistant judge on the five-member Vermont Supreme Court, Hall handled cases dealing with legal fine points of the most mundane circumstances -- allegations of stolen cows, landlord-tenant ejectment tangles, disputes involving quantities of potash or bags of wool. Indeed, after being deeply involved in important national legislative issues for ten years, it must have been a plummeting comedown for the former congressman to be assigned, as a junior member of the court in 1847, to write the opinion in the case of Cole & Robinson vs. Kerr & Norton.

The weighty question was whether the seller or the buyer of 40,000 pounds of wool -- at 40 1/2 cents per pound, cash -- should bear the cost of bagging the wool. The Chittenden County court decision had favored the seller, Cole & Robinson, but the Supreme Court and Justice Hall reversed that decision and ruled for the buyer. Hall's opinion contained an unusually generous supply of commas, and he wrote, as if with measured determination:

No principle of law is better settled, than that a contract of sale, whatever may be its terms, is incomplete, until there has been a delivery of the goods, either actual, or constructive. There could have been no constructive delivery, in this case, at the time of the making of the contract, because payment was not then made, and because, also, the quantity of wool remained to be ascertained, before the sum to be paid could be known...

It was the business of the plaintiffs, the vendors, to complete the sale by the delivery of the wool, and such delivery was not in point of fact made, until after the wool was sacked -- the sacking having preceded the weighing. Until the weighing the duty of the vendors, in regard to the sale, was not perfected.

. . . They elected to pack the wool in the sacks of the defendants; and having done so, in the absence of any express contract of the defendants to pay for services preceding the delivery...we think nothing can be recovered for such services.

As if those issues were not enough to induce somnolence, consider the legal subtleties in the case of Roswell Sawyer vs. William Joslin. This was a dispute in which Justice Hall affirmed a decision of the Addison County court which held that merchandise was considered delivered when it arrived on the Lake Champlain dock at Vergennes, not the store half a mile away of the intended recipient.

Sawyer was a merchant in Troy, New York, who sold some goods to one Preston, a bankrupt Vergennes retailer whose first name is not mentioned in the Supreme Court Reports. As soon as the merchandise was delivered to the wharf it was seized by a creditor, William Joslin. Sawyer sued Joslin to recover its value. The high court and Justice Hall ruled that when the shipment was delivered to the wharf by the Vergennes & Troy Boat Company it was, in effect, delivered to Preston, and so the creditor had the right to seize it. Hall's opinion read:

Our decision merely declares, that, the usual place of the consignee's receiving goods in that town, and where they were in point of fact placed for him by the carriers, was the place of their ultimate destination, named by the consignor, and that, there being no middle man in the case, the goods, when they passed from the hands of the carriers, came into the constructive possession of the vendee, and were beyond the bounds of the vendor's right to enforce his original lien upon them.

A stimulating new chapter in Hall's career was opened with the succession of Millard Fillmore to the presidency in the summer of 1850, on the death of

General Zachary Taylor. Fillmore was a Whig from western New York state who had served in Congress during the same decade Hall served from Vermont. Their friendship, stemming from the days when they were "messmates" at a Washington boarding house, made it natural that the president would appoint Hall to a national office. The job was that of Second Comptroller of the U.S. Treasury.

This position was to last less than a year, but Hall left an enduring imprint upon the federal fiscal establishment while in the Treasury Department. He declared that as a matter of policy, his office had the right and duty to reject an expenditure it considered illegal even if the expense had been authorized by a government department head, or even by the president himself. Hall contended that judicial authority had been conferred on the accounting office as a check on lavish government spending. Years afterwards, in his old age, Hall visited Washington and, stopping in at his former Treasury office, learned that his policy was still being implemented. A letter confirmed this on September 16, 1884 when Second Comptroller W.W. Upton wrote, "It affords me great pleasure to say, your very able opinion...has been the rule of the Treasury Department from its date to the present time. I regard it as one of the clearest expositions of the subject of statutory delegation of authority that has ever come under my observation..."

President Fillmore no doubt recalled the lengthy hearings and intemperate wrangles over the Virginia Revolutionary War claims during the years he served in Congress with Hiland Hall of Vermont; and in 1851 a juxtaposition of political events took place that prompted Fillmore to appoint Hall to the California Land Commission, at a salary of \$6,000 a year. Hall even carried enough influence to recommend successfully that his friend Edward J. Phelps of Burlington, son of U.S. Senator Samuel S. Phelps of Vermont, be named to succeed him at Treasury.

After California was seized from Mexico on July 7, 1846, and was ceded to the United States by the Treaty of Guadalupe Hidalgo on February 2, 1848, but before California was admitted to the Union as the 31st state by the Great Compromise of 1850, gold was discovered at Johann Augustus Sutter's fort on the Sacramento River. As if the Gold Rush and ensuing panic were not causing sufficient chaos, the situation with regard to California land titles remained legally anarchic and politically charged. Some national figures did not want any of this vast new land to go to Mexican claimants. Others, notably those who owned Mexican land claims, took an opposing view.

On the final day of the 31st session of Congress, March 3, 1851, amid a last-minute deluge of legislation a law was enacted to create the California Land Commission. But then it took President Fillmore five months to locate three persons willing to serve as commissioners. The first three he approached refused, probably because the appointment did not include compensation for traveling to the site of the commission's business, San Francisco. Fillmore was also under



pressure to satisfy sectional interests, with appointments from the West, the South, and the Northeast.

In May, Judge Harry Innes Thornton of Alabama became the first to accept appointment to the California Land Commission, satisfying the Southern requirement. Not until July did Fillmore find a second nominee: former Congressman Hiland Hall of Vermont, who would represent the Northeast. One can speculate as to reasons for the appointment: about their friendship, about Hall's record for handling other sensitive claims in Congress, about the pressures on Fillmore to get moving on California land-claim adjudication, and about Hall's likely response to being asked to do something by the president of the United States. The third seat on the commission, that of the Western member -- though that connection was tenuous -- went to General James Wilson of Keene, New Hampshire, also a former Congressman, who was already in San Francisco, probably working as a lawyer.

Because Congress was not in session none of the three could be confirmed by the Senate as the law required, but all took their oaths pending confirmation.

On September 22, 1851, Hall posted printed notices around Bennington signifying his intention to "leave this part of the country for a time" and offering to sell at public auction most of the livestock and equipment at his North Bennington farm. The inventory he listed indicates the scope of Hall's farm as well as his intention to be away for a good long time. Included for sale were one full-blooded Devon bull of imported stock, a three-year-old full-blooded Devon heifer, calves, steers, yearlings, a yoke of oxen, seven milch cows, four fat hogs, a "covered pleasure carriage," a double lumber wagon, a horse cart, a traverse sleigh, two pleasure sleighs with four Buffalo robes, two cooking stoves, a fanning mill, plows, cultivator, horse rake, scythes, forks, shovels, hoes, casks, barrels, and ox yokes. Among many other items were an assortment of household furniture including beds, bedsteads, and bedclothes. A postscript on the printed poster offered 250 bushels of oats, 200 bushels of corn and "sixty or eighty tons of hay." The sale was to commence at 9 o'clock on the morning of October 7 and "to continue until all the property is disposed of."

Late in October 1851 Hall set sail for San Francisco by way of Panama, accompanied by sons Hiland and Charles, and by young Hiland's wife Jane. Both sons were on the federal payroll as employees of the commission.<sup>2</sup> To accommodate the hundreds of Gold Rush prospectors, a railroad had been started the year before between Colon and Panama City, but it would not open until 1855. In 1851 the isthmus of Panama could be crossed only by strenuous overland journey through narrow jungle paths, on foot and by mule. The process took about two weeks; then the Halls were delayed almost another fortnight while waiting for the San Francisco steamer. During this time the two Hilands became ill with what

was called "Panama fever." It was probably yellow fever, the same plague which, along with malaria, would later ravage personnel involved in the building of the Panama canal. Young Hiland was affected most seriously, and on December 9, only two days after arriving in San Francisco, he died. His father was devastated by the loss, and continued for some time to feel his own effects of the illness, reporting in a letter home in February that his weight was only 134 pounds, down from his usual 155.

The first formal session of the California Land Commission was held December 8, 1851, the day after the Halls stepped off the Panama steamer, the day before young Hiland died. Commissioner Hall was not present for that meeting but he did attend, in January, the first working session when rules were established, a staff was appointed, and his new colleagues began receiving petitions on claims. They knew that they faced a potential workload of hundreds if not thousands of land claims.

Between December 26, 1851, and February 14, 1852, Hall wrote nine letters back home to Trenor Park, who at the age of 28 was agitating to follow his father-in-law westward. Hall repeated himself often in case one of the letters should "miscarry," as mail sometimes did on the Panama steamer. He cautioned Park about the many financial, physical, and moral dangers inherent in coming west. Acknowledging that the loss of his namesake son was perhaps causing him to be more candid than usual, he warned Park about "your usual propensity of getting into something new, without taking pains to get out of your old concerns . . ."

Hall urged his son-in-law several times that if he did make the trip, not to consider bringing the family, or at least to wait "eight months or a year" before allowing them to follow. He wanted also to be sure they did not cross Panama during "the sickly season," that is, during the fall. Hall's letters mentioned some Vermonters he had met in California, including "Mr. Billings, a member of one of the richest law firms in the city." Park knew this to be Frederick Billings of Woodstock, a University of Vermont graduate whose arrival in California in 1849 had followed the discovery of gold. Hall was renewing his own acquaintance with Mr. Billings by virtue of his work with the commission because he probably had daily contact with the firm of Halleck, Peachy & Billings, then on the road to making a fortune dealing in land claims.

By the sixth letter to Park, written on January 29, Hall was "now almost prepared to advise you to come" but still suggested that it be without the family. He urged, too, that Park be sure to arrange for employment because if he did not, of "The probability that [a young man] would be driven either to the mines or to hand labor for support, or what is quite often the case, to loafing, dissipation and gambling." Hall was underestimating the formidable ambition of Trenor W. Park!

By the ninth letter, Hall said he expected the work of the commission to last "four or five years, perhaps more," and he even suggested, "If I should be left off from it at the end of the present Administration, I have no doubt you and I together could make money in law business for a year or two more if we desired it." But the two men were not destined to work together, for their personalities were stark opposites. Hall was cautious and frugal, paid meticulous attention to detail, and clearly preferred the security of a salaried job to practicing law on his own. Park craved adventure, yearned to speculate, to jump into business deals over his head, to borrow vast amounts of money, to think big, and take huge risks.

In a February 14 letter to Park, Hall drew this picture of his fellow commissioners: "Judge Thornton is an old granny. Monday I delivered an opinion on a question submitted to us, and he a dissenting one. His was twice as long as mine and with what he has done before is making him a subject of ridicule. Gen. Wilson is a first-rate fellow."

By March it became clear that there were massive problems in the workings of the new Commission on California Land Claims. Confusion continued to prevail not only because of the complexity of the commission's business but also because of its staff situation. Hall, who had been elected chairman by his fellow members, appealed to Washington for the clarification of several issues, and the commissioners waited the sixty days or more it required for correspondence to travel via Panama to Washington and back. In 1852 there was no regular overland transcontinental mail, and while the telegraph had been invented recently, its signals did not yet cross the nation. By Panama steamer it took a month for a letter to be delivered; and thus for a reply by return mail, two months -- minimum. Hall had no way of knowing that Washington's response to his plight, and to other political pressures, would cause even more disruption in the commission's operation.

Meanwhile Trenor Park ignored most of his father-in-law's cautionary advice and embraced all of the positive possibilities Hall envisioned. In early 1852 Park cleaned up his business dealings, sought letters of reference from lawyers, packed his possessions and sailed in April by way of Panama for San Francisco.<sup>3</sup> He was accompanied not only by his wife Laura but also by their three-year-old daughter Eliza Hall Park, his mother-in-law Dolly, a sister-in-law, and faithful family friend Charley Lincoln, a lawyer from Wilmington, Vermont. Park had no trouble finding employment. Within five months of his arrival in California he was a full partner in Mr. Billings' law firm, which soon became known as Halleck, Peachy, Billings & Park.

On May 8 President Fillmore, responding to criticism that the California Land Commission was ignoring southern California claims, invoked a provision of the law that the commission must hold sessions "at such times and places as the

president of the United States shall direct." He sent orders to halt the work being done in San Francisco, known until recently as Yerba Buena, and asked that it move to Los Angeles, then a rustic settlement cut off from the rest of civilization and known as Pueblo de Los Angeles -- town of the angels. The president's orders would be obeyed, but orders from Washington to California took a long time to arrive, and the commission did not receive them until the end of July. By the time the staff packed up its books, moved the furniture, closed the office, and arranged for a steamer to Los Angeles, it was August 15. Then on August 31 Congress changed the rules; supplemental legislation was passed, as proposed by Senator Gwin of California, providing among other things for automatic appeal of decisions of the land commission to the Federal District Court, with an option for appeal to the U.S. Supreme Court. But the commission had no way of knowing yet about these changes.

Still more confusion lay in store. The Senate confirmed the appointments of Judge Thornton of Alabama and former Congressman Hall of Vermont. But it rejected that of General Wilson of New Hampshire. When he was a member of Congress Wilson had made a fiery anti-slavery speech on the floor of the House, and certain senators remembered. Among them was the influential Senator Gwin, known for his pro-slavery views.

It was the duty of the Secretary of the Interior to notify Wilson that he had been rejected by the Senate, but word did not reach Wilson, who was carrying out his oath as a working member of the California Land Commission in Los Angeles, until October 13, at which point he dropped everything and took the next boat to San Francisco, presumably to resume his law practice. Hall, on learning of Wilson's abrupt departure, sent a letter to Secretary of the Interior Alexander H.H. Stuart expressing his frustration at Wilson's rejection, and also complaining of a reduction in the clerical force at the very time that a multiplicity of problems was prompting the commissioners to seek more clerical help.

To complicate matters hopelessly, Hall and Thornton disagreed as to the status of their own oaths of federal office following Wilson's rejection. Thornton, the fastidious Southerner, the "old granny," concluded that his own oath should be renewed before a federal judge. Hall, meticulous but more practical, wanted to get on with the job of adjudicating the pressing land claims. The nearest federal judge was in San Francisco, so Thornton set sail on the steamer to locate him, and did not return while the commission sat in Los Angeles.

Hall wrote a letter while in Los Angeles to his minister, the Reverend Mr. James in North Bennington, a Congregationalist. Dated September 26, 1852, and datelined "The City of Angels," Hall wrote with grace and humor:

. . . And now to Confession, as we say in this Catholic country. Well, I have not spent the day much after the fashion of a New England Sunday, indeed it was impossible to do it. In the first place there is no church in this city except a Catholic one, and in the second, Sunday is regarded by everybody here only as a day of exemption from labor and of devotion to amusements and frolicking.

Hall told of attending a ball that was given in honor of the commissioners, and a bullfight. But he did not expect to stay long:

You will have heard that I came here with Charles about a month ago leaving the other members of the family at San Francisco -- to which place we hope to return by the middle of November and to which place any letters to me should be directed.

Meanwhile, President Fillmore attempted in vain to find a replacement for Wilson. He appointed Gustavus Adolphus Henry of Tennessee, a relative of the patriot Patrick Henry, and the nominee was duly confirmed by the Senate but then Henry turned down the appointment. On Henry's recommendation Fillmore nominated J.O. Shackelford, but he too declined to serve. The president then named former Governor John Helm of Kentucky, but by the time Helm took the oath and made arrangements to go to California, his appointment became moot because of the knowledge that the new president, Franklin Pierce, wanted to name his own members of the California Land Commission and would not reappoint Hall and Thornton. Pierce, a Jacksonian Democrat from New Hampshire, was elected that November to succeed Fillmore.<sup>4</sup> Like Fillmore, Pierce had also served in the U.S. House with Hall -- but on the opposite side of the aisle.

In spite of all of its frustrations and stumblings, its abundance of procedural, substantive, geographical, regional, political, and philosophical impediments, the California Land Commission under Hall as chairman actually decided 72 out of the 813 cases presented to it. Because of the touchy political nature of the claims, all of its decisions by law were automatically appealed to the Federal District Court of California with the option of further appeal to the U.S. Supreme Court.

The best-known case was the first presented to the commission, on January 21, 1852, the Mariposa claim of John Charles Fremont, involving millions of dollars. Hall wrote the judgment in that case and by so doing laid the legal foundation for virtually all decisions that followed. Fremont's claim was upheld by the commission on December 27, 1852, but on September 20, 1853, U.S. Attorney General Caleb Cushing filed an appeal from that decision, and on January 7, 1854,

the Federal District Court for northern California overturned the commission's ruling.

On appeal to the U.S. Supreme Court, the case, known as John Charles Fremont vs. the United States, in 1855 was overturned again, sustaining Hall's original decision. Chief Justice Roger B. Taney argued for the majority to uphold a peculiar concept known as an "inchoate" or floating land claim, which involved no survey, no habitation, no confirmation by any public authority. No witness could provide any description as to size, location, contents, or boundaries of the Mariposa claim. But Fremont's claim -- as well as the first decision of Hall's commission -- was nonetheless upheld by the Supreme Court.<sup>5</sup>

After his appointment was not renewed, Hall remained in San Francisco for a while, accompanied by Dolly, and sharing a house with the Parks. He worked briefly as a "consultant" for Halleck, Peachy, Billings & Park at \$500 a month. In 1854, waiting until the safe month of April to cross the isthmus of Panama, the Halls returned to North Bennington so that he could retire from public life, or so he said, and to resume the practice of law in his home town, and to return to life on the old family farm. He was 58 years old.<sup>6</sup>

Trenor Park stayed in San Francisco where he made, lost, and remade several fortunes.

One of the sources of Park's wealth -- several years after the Supreme Court decision -- was the Mariposa Estate. A series of five gold mines located atop the Mother Lode southeast of San Francisco, the estate was owned by Fremont who, though known as an able explorer, military adventurer, and powerful politician, was not much of a businessman. Fremont borrowed money from Park, at first a mortgage of \$65,000; then Park began assembling other mortgages and judgments until, by 1859, he held interests worth about \$250,000. To secure his investment Park personally took over the management of the mines, and arranged in 1860 for a commission of 5 percent on its plentiful production. In 1861 Park even moved his wife Laura, known as Luddie, and daughter Eliza Hall Park -- Lizzie -- to Bear Valley in Mariposa County to be near the mining operations. The next year a disastrous flood damaged the mines, and some criticism was expressed about the quality of Park's management, notably by his partner Frederick Billings, who was also a major investor. By 1863 when the Mariposa estate was offered for sale, Park held a mortgage for one-eighth of it and proposed to offer possession if his accounts could be cleared for \$1,400,000. He did well indeed when a New York stock company bought the estate for \$10 million.

Park's law firm built the famous Montgomery Block in downtown San Francisco, originally located on the waterfront.<sup>7</sup> Park was involved in other gold and silver mines, in banks, and real estate. In his post-California years he and his son-in-law, John G. McCullough, became deeply involved in railroads; and Park

was a pioneer investor in the first tunnel under the Hudson River at New York City. At a fortuitous time, as president of the Panama Railroad in 1881, Park managed to pass along that title to McCullough while selling his shares in the railroad company to Ferdinand de Lesseps' Compagnie Universelle du Canal Interoceanique for a personal profit of \$7 million.<sup>8</sup> De Lesseps and his French stock company had embarked on an ambitious but ultimately unsuccessful attempt to use portions of that route to dig a trans-isthmus canal.

## Notes

1. *This conclusion is reached in The American Chronicle, an unpublished manuscript by June Barrows, archivist of the Park-McCullough House in the 1970s.*

2. *Documents in Hall's handwriting in the Park-McCullough archive record his settlement with the U.S. Comptroller after the death of his son Hiland H., who received a federal salary to the date of his death after arriving in San Francisco. Charles remained on the payroll until his resignation on March 21, 1853.*

3. *A rare hand-written letter from Trenor Park, dated February 19, 1852, addressed to E.L. Ormsbee Esq., declares his intention to depart for California on April 1: "[I] wish to send to father [Hall] by next steamer letters from legal gentlemen as to my qualifications to practice law." The letter is in the manuscript collection of the Bennington Museum.*

4. *In the election of 1852 both parties convened at Baltimore. The Whigs spurned Fillmore and turned instead to a military hero, General Winfield Scott, as their candidate for president, though he was not nominated until the 53rd ballot. Pierce was a classic dark horse, not nominated until the Democrats' 49th ballot.*

5. *The Mariposa Estate was granted in February 1844 by Manuel Micheltorrena, then governor of California, to Juan Bautista Alvarado, who preceded him as governor. In February 1847 Alvarado sold the land to Fremont for \$3,000. Fremont's lawyer, William Carey Jones, who was also his brother-in-law (both married daughters of Senator William Hart Benton of Missouri), argued that Alvarado had the right to grant the land in consideration of Fremont's public services to California; this argument was reiterated in Taney's decision. Taney contended that California at the time was in the possession of American forces, held by the United States as a conquered country, subject to U.S. government authority. No law prohibits, he said, a citizen of a conquering country from purchasing property in territory thus held. Mexican law might have treated Alvarado's sale to Fremont as a violation, but not U.S. law. Whether gold or silver mines were located on the land was not relevant to the court, nor of the land commissioners, Chief Justice Taney argued in overturning the Federal District*

*Court. Two associate justices dissented from Taney's decision, John Catron and John A. Campbell. Wrote Catron: "To hold that the Mexican government designed to leave in force for an indefinite length of time large undefined concessions, that might be surveyed at the election of claimant at any time and at any place, to the hindrance of colonization and to the destruction of other interests, is an idea too extravagant to be seriously entertained." U.S. Reports 58, Howard 17, p. 541-576.*

*6. A family story about Dolly Hall in the 1850s is related by her great great grandson, John G. McCullough. Dolly, three years older than her husband, had posed for her portrait by a San Francisco daguerreotypist, the end result of which was one of those thin, metallic, framed pictures that must be tilted in the light in such a way as to enable the viewer to see an image. Even the daguerreotypists of the 1850s had learned to flatter their female subjects by retouching flaws. But Dolly was too honest to accept this technique, and was most upset that the photograph had disguised her wrinkles and thus failed to convey her countenance accurately.*

*7. The handsome Montgomery Block, now the site of San Francisco's landmark TransAmerica Building, was demolished in the 1950s for a parking lot. Halleck, Peachy, Billings & Park paid \$300,000 to build the Montgomery Block in 1853, according to an article in the California Historical Society's journal by former Park-McCullough House researcher Virginia Bell.*

*8. **The Path Between the Seas** by David McCullough, Simon and Schuster, 1977, p. 136.*

## Chapter Four

### THE GOVERNOR OF VERMONT

Independent Vermonters have always been wary of excessive power in the hands of one person. Perhaps, as Hiland Hall believed, their early experience with autocratic and duplicitous New York public officials sensitized Vermont against anything that resembled too much government. Whatever the reason, Vermont has always favored strong local control and retained its system of towns that resemble "little republics," governed by town meetings. Only in the twentieth century, when forced by federal standards or other influences to catch up with the times, has Vermont state government been viewed as much more than a coordinator of independent towns -- though in fact the towns are, legally, creatures of the state legislature.



Vermont today remains one of two states with two-year terms for state officials (the other is New Hampshire). In the Watergate year of 1974, when confidence in government was at an extreme low, Vermont voters rejected a constitutional referendum that would have expanded those terms to four years. But during its first century of existence, Vermont until 1870 had only a one-year term for state officers, the governor and legislature. Elections were held each year in September and inaugurations in October. Such was the case when Hall served two one-year terms as governor in 1858-59 and 1859-60.

Throughout the nineteenth century, governors of Vermont held power lightly and sparingly, if prestigiously. The honor also rotated geographically. East-side governors alternated with west-side governors; north was balanced by south; each region took its turn at being represented by this highest office. With few exceptions governors held two one-year terms, though there was, nor is, no legal limit to the number of terms one may serve.

After Hall returned to North Bennington from California in 1854, having served in local, state, and national offices for more than a quarter of a century -- located in North Bennington, Montpelier, Washington, D.C., and California, his intention was to retire from public life. He kept his hand in politics by serving as chairman of the Vermont delegation to the important 1856 national convention of the new Republican Party at Philadelphia. About his position on that convention's candidate for president, John Charles Fremont of California, Hall was cautious. Surely, as chairman of the California Land Commission, having adjudicated Fremont's Mariposa claim, and as father-in-law of Trenor W. Park, who would manage Fremont's Mariposa Estate gold mines, Hall knew a good deal about the way Fremont operated.

The fact that Hall was dubious about Fremont emerged a few years after that convention, for on September 27, 1861 he wrote to Park in California to warn of an odoriferous reputation:

I enclose you a slip from the New York Times in relation to Fremont, from which after making all due allowances it is impossible for me to come to any other conclusion than that Fremont in military matters is a mere humbug. I am very sorry to think so, but the fact, which is confirmed from other quarters, [is] that he has gathered about him a knot of the most consummate scoundrels from California -- men who everywhere stink with corruption.

Quite likely this was the strongest judgment Hall ever expressed on paper about anyone. At least it was private, to his son-in-law. His opinion came at a time when Park was deeply involved with Fremont financially, was managing the

Mariposa mines, and had moved his family to Bear Valley near the mines until the operations were sold a couple of years later.

In 1856, when Hall chaired the Vermont delegation to the Republican convention that nominated Fremont for president, Hall was more interested in seeing the new party become a force on the national scene and he was at least tactfully silent in public about its candidate. In any case, Democrat James Buchanan won the election of 1856, and Hall was none too pleased about that, either. Four years later the new Republican Party would redeem itself by nominating Abraham Lincoln for president.

Regardless of what Hall thought of Fremont, the Vermont electorate in 1856 favored Fremont by a four-to-one margin, 39,561 to 10,577, and that fact was no doubt on Hall's mind also. Thus the popularity of the Whigs had been transferred smoothly and solidly in Vermont to the new party called the Republicans; it was an affinity that would endure for the next century.<sup>1</sup>

As a partisan, Hall was a so-called National Republican from the time he voted in 1824 for John Quincy Adams through his own second election to the U.S. House in 1834. Starting with the election of 1836 he ran on the ticket of the Whigs with whom the National Republicans had merged, and he remained more or less loyal to the Whigs until most of them joined the newly national (with a small "n") Republicans in 1856.

At the Republican state convention in Montpelier on June 29, 1858, Hiland Hall was nominated for governor, gaining 49 out of 64 delegate votes. Burnham Martin of Chelsea was named as his running mate for lieutenant governor. The Democrats ran a slate of Henry Keyes of Newbury and Wyllys Lyman of Burlington. In the September election, Hall was elected governor by a margin of nearly three to one: 29,660 to 13,338.<sup>2</sup> When he stepped into the prestigious part-time position, the governor's salary had just been increased to \$1,000 a year.

Governor Hall's inaugural address, presented on the morning of Saturday, October 16, 1858, was notable not only for its summary of the state of affairs of pre-Civil War Vermont but also for its forceful commentary on the institution of slavery. Hall had not been in the legislature for three decades, and he had had no reason even to visit the capital city of Montpelier since he resigned his position as state Supreme Court justice more than eight years earlier. He addressed this situation, then acknowledged the historically weak nature of the governor.

The authority of the governor, he said, "is of an advisory character merely; if a majority of the two houses adopt a measure, it becomes a law without the approval of the executive." The governor did not even have the veto power until the state constitution was amended a few years later to provide for an override by a three-fourths vote instead of a simple majority.

On the economy, Hall reported that the state had been suffering from the "unusual depression" being experienced elsewhere in the country, but that there was "still no occasion for despondency."

The productions of our soil during the past season have been unusually abundant; our people have been blessed with an ordinary degree of health; are in the full enjoyment of civil and religious liberty, and the means of intellectual culture, as well as of comfortable bodily subsistence, are believed to be within the reach of all our citizens. . . . we have abundant cause for thankfulness and rejoicing for the past, and also for hope and confidence in the future.

He reviewed state expenses and receipts, and a recent report of the auditor of accounts. Even with the unusual outlay of \$61,127.70 for the construction of a new State House, to replace the one destroyed by fire on the evening of January 6, 1857, the state had a balance of \$8,000. There was a lengthy digression on the state militia, in which the new governor traced the tradition of the use of firearms among earliest settlers. He mentioned the military spirit that prevailed until after the War of 1812 and the difficulties of drilling and mustering companies whose members live in widely separated agricultural communities. He suggested, without any specifics, that legislators "give the matter a careful and judicious consideration, and that whatever action you may take, will be such as will be permanently beneficial to the soldier and to the community."

The rest of his address was given over to a passionate dissertation on slavery, though he began gently:

The marked general feature of the national government for several years past, has been its entire disregard and abandonment of some of the most important principles, which were considered as political axioms by the framers of the constitution, and acted upon as such in the earlier and purer days of the government, and indeed down to a very recent period. This has been more particularly manifested in reference to the subject of slavery.

He picked up steam by lamenting that:

. . . judges, of distinguished legal attainments, have often been found giving countenance to oppression and wrong by ingenious and fanciful constructions, and that English liberty has been fixed upon its

present firm foundations, not by the aid of judicial efforts, but by overcoming them.

More forcefully, he continued:

There is reason to hope that the extra-judicial opinions of the majority of the judges in the Dred Scott case, contrary as they are to the plain language of the constitution, to the facts of history, and to the dictates of common humanity, will meet the fate which has attended those of the judges in the parent country, and that liberty will be eventually established in spite of them.

The extraordinary persevering exertions which, during the past year, have been made by the chief magistrate of the nation to prevent the people of Kansas from excluding slavery from their soil, by imposing upon them a constitution which he well knew they loathed and abhorred, furnishes new and alarming evidence of the aggressive character of the slave power which controlled him, and shows that the principles of justice and of popular sovereignty stand no more in the way of its demands for political domination than do those of the constitution. The near approach to success, by congressional legislation, of this attempt to stifle the will of the great majority of the people of Kansas, is calculated to excite strong distrust in the continued success of our republican institutions; for if the principle of right and justice, by the influence of government patronage and party discipline, can be thus outraged and overcome, our boasted democracy will be but another name for despotism.

It is, however, matter of just pride and congratulation, that these efforts to impose a slave constitution on an unwilling people, have as yet proved unsuccessful, and that the people of that rich and growing territory, boldly defying the threats of executive power and nobly spurning the offered bribes of government patronage and lands, have, by an overwhelming majority, declared their love of freedom and their abhorrence of slavery.

Now in full dudgeon, the new governor concluded:

The people of Vermont, mindful of the history of its early settlers in their struggle against injustice and oppression from without, have deeply sympathised in the extraordinary and protracted sufferings of the people of Kansas in the cause of liberty and right,

and now greet them on the favorable prospect of a happy and successful termination of their patriotic labors.

After he concluded and apologized for having "already occupied more space than I had intended," the House agreed to a resolution by Representative Rodney V. Marsh of Brandon:

That so much of the Governor's Message as relates to Slavery, the Dred Scott decision and the action of the general government thereon, be referred to a Select Committee of seven members of this House.

Marsh, who operated an "underground railroad" station that assisted runaway slaves, was known as a radical abolitionist, having been a founding member of the Vermont Anti-Slavery Society in 1834.

There was ample precedent for Hall's abolitionist message. The previous governor, Ryland Fletcher of Proctorsville, had protested the evils of slavery during his inaugural messages in 1856 and 1857, as had Governor Slade in 1845 and 1846. Governor Fletcher in two addresses compared the hardships suffered by the Free State settlers in Kansas with those of the Vermont pioneers. Fletcher expressed fear that the Dred Scott decision of March 6, 1857 left little hope that "the spread of slavery will ever be stopped under our present form of government."

Marsh's Select Committee soon issued a report declaring that citizens of Vermont and of the free states could be reduced to slavery with impunity and their property could be destroyed without remedy, and that the Fugitive Slave Law of 1850 was unconstitutional. In late November the legislature adopted resolutions presented by Marsh's committee guaranteeing the freedom of all persons in Vermont and resolving that the Dred Scott decision had no warrant in the Constitution or in the legislative or judicial history of the nation, and furthermore that "these extra-judicial opinions of the Supreme Court of the United States are a dangerous usurpation of power and have no binding authority upon Vermont or the people of the United States."

This effort was earnest but it constituted no more than wishful thinking. The aberrant and hated Dred Scott decision, which declared slaves to be property and not persons, would not be remedied until the adoption of the Thirteenth Amendment in December 1865, which freed the slaves, followed by the Fourteenth Amendment, ratified in July 1868, which defined national citizenship to include Negroes.

As governor, Hall could append his name to elaborate state proclamations, such as the one dated March 11, 1859, which called for a day of public fasting. Its

text is worth reading because it reflects the pious tone of officialdom of the day and because of the attitude it conveys about the mixture of state and church. The document launches forth in stately tone, then becomes more religious:

In obedience to a venerated custom uniformly followed from the first organization of the government of the State for the executive authority, annually towards the opening of Spring, to designate a day to be observed as a GENERAL PUBLIC FAST, I have thought proper, and do hereby appoint, FRIDAY, THE EIGHTH DAY OF APRIL NEXT, for that purpose.

The people of the State are desired to put aside all unnecessary labor and improper amusements, and by abstinence, humiliation and prayer to observe the day in a manner consistent with the design of its institution.

Let ministers and people, with a just reverence for the character and perfections of the Sovereign Ruler of the Universe, whose favor is to be propitiated, assemble in their respective places of worship and with deep humility supplicate his forgiveness for their past offences, -- implore his aid and support in their endeavors to conform more nearly in future to the requirements of His holy law, and ask His blessing upon their various social and business relations during the coming year.

Let us beseech our Heavenly Father that He would in His Merciful Providence preserve the people of the State in health and keep them from want and suffering of every kind; prosper them in their agricultural, mechanical, and other industrial pursuits, and increase their social and domestic enjoyments; that He would encourage all our laudable institutions and efforts for the dissemination of knowledge, morality and religion, and especially that He would so influence the hearts and consciences of men everywhere that they should in all their actions, both as nations and individuals, follow the Divine injunction of doing unto others as they would that others should do unto them, thereby banishing aggression and injustice from the earth, and producing universal peace and good will throughout the world.

Given under my hand and the Seal of the State, at North Bennington, this 11th day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty third.

HILAND HALL

By the Governor,  
William P. Davis, Secretary

Preparing for the election of September 1859, a state Republican convention on July 12 renominated Hall for governor by acclamation. Its platform termed "a delusion and a cheat" the doctrine of Popular Sovereignty, which allowed each territory to decide for itself whether slavery would be permitted. The platform also condemned President Buchanan's veto of the Morrill Land Grant College bill.<sup>3</sup>

On June 15 the Democrats had nominated a poet, John Godfrey Saxe of Burlington, to run for governor, with Stephen Thomas of West Fairlee for lieutenant governor. An interesting literary figure, Saxe made two unsuccessful runs for governor, in 1859 and 1860. A native of Highgate, graduate of Middlebury College, and member of the bar, Saxe combined several careers -- editor of the Burlington Sentinel, lawyer, and politician -- all the while writing poetry.<sup>4</sup> Most of his poems are light and humorous, and achieved considerable popularity. His collected *Poems*, published in 1850, reportedly went through forty editions. Here, for example, is one of Saxe's typical ditties, titled "On an Ugly Person Sitting for a Daguerreotype:"

Here Nature in her glass -- the wanton elf--  
Sits gravely making faces at herself;  
And, while she scans each clumsy feature o'er,  
Repeats the blunders that she made before!

Saxe's poetry proved more popular than his candidacy. Hall trounced him 31,045 to 14,328 votes, an even greater majority than Hall held over Keyes a year earlier. The margin confirmed the Republicans' grip on state politics.

In his 1859 inaugural address, delivered in the brand new State House on the morning of Saturday, October 15, Governor Hall conveyed a stronger grasp of the affairs of state than he had the previous fall. He issued a comprehensive list of the year's accomplishments and a series of proposals for lawmakers.

Commenting on a marked improvement in the business climate, he congratulated the legislators upon completion of the "noble and imposing" new State House building -- the same State House Vermont has known ever since. Issues of the day included anticipating a new geological survey of the state by the Rev. Dr. Edward Hitchcock -- something Hall also mentioned anticipating the previous year (it was finally delivered in the fall of 1859). He reported that a "cabinet of minerals and specimens of natural history" had been purchased from the widow of naturalist-author Zadock Thompson and would soon be placed on exhibit. He praised the work of the state Board of Education, created less than

three years earlier after much equivocation. He reported having expanded the uniformed militia to four units. The laws prohibiting traffic in intoxicating liquors "have become the settled and approved policy of the State," he declared, but still asked for further ideas "to increase their usefulness and efficiency." He urged the establishment of a juvenile reformatory. He sought improvements in the appropriations procedure, the governor's office having not been consulted in several recent instances. He asked to have the governor's pardoning powers clarified. He recommended amending laws relating to creditors' attachment of property.

As for the customary gubernatorial message on slavery, Hall reiterated his position:

While . . . Vermont does not claim a right to interfere with slavery in the states where it exists by law, she protests in strong and emphatic terms against its extension into the territories of the Union, which she insists shall be forever consecrated to freedom. And . . . she repudiates all pretensions of right in the slaveholder to bring his slave into the State and hold him here in bondage; and will never, under any circumstances, permit her soil for a single moment to be thus contaminated by the curse of slavery.

He then announced his intention to retire from public life at the end of his second term.

Among hot political issues of the 1859 session was whether to authorize a statue of Ethan Allen to be commissioned for exhibit at the new State House. One problem was that no one believed that a likeness of Ethan Allen existed; there were no known portraits, and of course he died long before photography was invented, so there was not much in the way of a model for a sculptor to go by. But after "spirited debate" in the House, the statue was approved by 110-98. The measure had less trouble in the Senate.

Upon his retirement as governor, the University of Vermont awarded Hall an honorary Doctors of Laws degree.

On December 30, 1860 Hall wrote to son-in-law Trenor Park:

The Country seems to be in the midst of rebellion, possibly to end in revolution. I should have no fears of serious difficulty if the government would not turn against itself, but every day's new development seems to render it more certain that Buchanan is in league with the seceders to destroy the Union and break up the government. I trust however that the Constitution and the laws will be finally triumphant.



It was not inconsistent with Hall's opposition to slavery to know that he also favored a last-minute attempt to forestall violence and to prevent the Civil War that loomed over the nation in early 1861. Hall consented to chair the Vermont delegation to a Virginia "Peace Conference" that was devoted to that vain purpose in February 1861. He wrote home from Willard's Hotel in Washington to describe how a delegation from each state was assembling in an effort to save the Union, but commented realistically:

I don't think we can agree upon any thing that will satisfy the Virginia hotheads. . . I think the feeling against compromise is strengthening . . .

Early in the conference Hall proposed a resolution that would forever prohibit slavery in the District of Columbia, and it was adopted by a vote of 11-10. But the overall outcome of the convention was, of course, just as ineffectual as Hall had feared because "the feeling against compromise" prevailed.

On the same day as the Peace Conference, eight of Vermont's delegates to the Republican National Convention of 1860 met in Montpelier to discuss "the present state of the country" and agreed that "no compromise should be made that would recognize slavery as a national institution or allow its extension in any territory of the United States."

Hall undertook his own role in the war, which was "to do all in his power to uphold the integrity and unity of the government," as his son Henry once wrote.

On April 28, 1861, Hall wrote to Park in California, "There is no party politics now, we are all as one man for the Stripes and Stars." The letter describes preparations in Bennington for war -- mostly military drills and the manufacture of uniforms. During the war Hall helped local families with sons in the war, in recruiting, and in morale-building efforts by traveling around New England, to New York, and to Washington.

A word seems in order about the condition in which Vermont found itself relative to its sister states at the end of the decade: between 1850 and 1860 the population of the United States swelled by more than eight million to a total of 31.5 million, while in Vermont the 1860 census showed a population gain of only 0.3 percent, or 978 more souls than in 1850, for a statewide enumeration of 315,098. Vermont's chief export seemed to be its populace, and that condition would continue for some time. When Hall was in Congress Vermont had five House seats, and before that there had been six. In 1842, the year he declined to seek re-election, the number was reduced to four; in 1852, the year he worked in California, it dropped to three. By 1882, when Hall was a vigorous octogenarian,

Vermont's Congressional districts dwindled to two. Not until 1932 did the number reach the minimum, one.

Even though the cautious father-in-law and venturesome son-in-law declined to become entangled in business dealings in San Francisco, where they initially shared a residence, Hall and Park did collaborate after Park returned home in 1863.

While Hall attempted to serve the cause of the North as well as he could during the Civil War, he also took advantage of Park's uncommon good fortune in California to relieve his personal indebtedness. His characteristics in this regard were described by son Henry, who in 1887 wrote in a posthumous memoir:

Mr. Hall being naturally of a generous disposition, and easily turned aside when collecting his own bills, and thinking little of money for its own sake, but using it freely for the necessary comfort of his family . . . as well as answering the claims of the needy and unfortunate; he early became involved in his pecuniary relations, and for years lived in a home which was heavily mortgaged, but which he was enabled to clear up in middle life, having never settled a debt at less than one hundred cents on the dollar.

What happened in his "middle life" was that on March 31, 1864, Hiland Hall sold his farm in North Bennington to Trenor Park for \$20,000. The family's pecuniary difficulties ended. Park took advantage of laws designed to help finance the Civil War by establishing a national banking system that would invest in U.S. securities: he founded the First National Bank of North Bennington. He capitalized it with an ample \$400,000. The first board meeting was held in Hall's law office on January 5, 1864. Only eight days later the new bank gained authorization of the Comptroller of the Currency and opened to the public on February 18. Hall was chairman of the board of seven directors, Park was president, and Charley Lincoln was the cashier.<sup>5</sup>

Park was lured irresistibly by politics. He had recently lost a run for U.S. senator from California, but back in North Bennington he succeeded in being elected to the Vermont legislature for four one-year terms between 1865 and 1868. He was also a Vermont delegate to the 1868 Republican national convention that nominated Ulysses S. Grant for president. Park maintained some of his interests in Western gold and silver mining while in Vermont but concentrated mostly on railroads. His intention was to transform little Bennington into an important rail crossroads, a focal point for a system that would connect Boston, New York, and Montreal. But Park was unable to interest the major railroads in this proposal, then lost money on the line he built locally, the Chatham Division of the Lebanon

Springs Railroad, completed in 1868. His grand scheme for Bennington never materialized.

In 1865, adjacent to Hall's modest North Bennington family farmhouse, on land Park now owned, Park built a magnificent house that was in keeping with his stature as a supremely successful businessman. A family legend is that Park was inspired by an elegant home in Watertown, Massachusetts, built by Alvin Adams of the Adams Express Company of San Francisco, which Park had served as counsel, a firm later to become the Railway Express Company.<sup>6</sup>

Park's new home was a stylish Second Empire Victorian mansion, topped by a square belvedere that looked out over miles of woods, fields and distant mountains through multi-colored window glass. Designed by the Wall Street architectural firm of Diaper and Dudley, the prestigious Mansard-roofed thirty-five room "cottage" measured 90 by 53 feet and included 15,000 square feet of space on its three floors. On the main floor, dominated by a massive foyer, a 75-foot central formal hall, and divided stairway, there were morning, music, study, game, and dining rooms, all ornately decorated. There were nine bedrooms on the second floor and ten on the third, with generous bathrooms, dressing rooms, and closets. The house was served by a staff of nine, heated by a central coal-fired steam boiler, illuminated by lamps connected to a system of gas lines, and supplied with fresh water piped by siphon from an unyielding cold spring two miles away in Shaftsbury. Nearby, a compatibly ornate carriage house was built to shelter the family's several carriages and cutters, with stables for the horses that pulled them. All this construction was concentrated throughout the year 1865 and the family moved in for a joyous celebration at Christmas time.

The grounds included formal gardens, a small graperies, curvaceous driveways, elaborate landscaping, all surrounded by a massive, low wall of cut blue stone running for hundreds of feet in two directions. The cost of the spread, an estimated \$80,000 to \$90,000, scarcely put a dent in Trenor Park's California fortune. For the residence of the former governor and his wife, Hiland and Dolly Hall, a separate spacious apartment was integrated into the design of the new house.<sup>7</sup>

### Notes

1. *In politics of this era it seems a minor footnote yet useful to know that on at least three occasions Hall was prominently mentioned as a candidate for United States senator. (Until 1912, state legislatures elected members of the U.S. Senate, and governors had the authority to fill vacancies, as they still do.) In 1856, the first six-year term of U.S. Senator Solomon Foot of Rutland was expiring, and it was up to the legislature to re-elect Foot or to choose someone else. Foot had succeeded Hall in the First Congressional District in 1842, and in 1850 Foot was*

*elected to the U.S. Senate. He was re-elected in 1856 by the legislature, though not unanimously; Hall received three votes in the state Senate for that position. (In 1856 also, the environmentalist George Perkins Marsh urged Hall to consider running for the U.S. House again.) A decade later, someone in the legislature still favored Hall as a successor to Foot. For when Foot died in office March 28, 1866, Hall was among those suggested to replace him; instead, Governor Paul Dillingham appointed George F. Edmunds, a Burlington lawyer, who served in the Senate until 1891. Hall was also mentioned prominently in 1865 as a candidate for the remainder of a term in the U.S. Senate when Senator Jacob Collamer died in office, but the appointment went to Hall's former Supreme Court colleague, Luke P. Poland.*

2. *Which governor Hall was numerically depends on who is counting. Conant's **Vermont** counts repeated terms separately, and thus Hall was the 28th; the appendix of **In a State of Nature: Readings in Vermont History** compiled by H. Nicholas Muller III and Samuel B. Hand (Vermont Historical Society, 1982), the same appendix used in Senator William Doyle's 1984 **The Vermont Political Tradition**, lists Hall as the 24th person to serve as governor.*

3. *The Morrill Land Grant College bill, though vetoed by President Buchanan, was later maneuvered toward passage by Vermont's Justin S. Morrill, who served twelve years in the House and thirty-two in the Senate. The bill was enacted into law in 1862 under President Lincoln, becoming the basis for a nationwide network of higher education. The act granted to each loyal state 30,000 acres for each senator and representative then in Congress for the endowing of at least one agricultural college. Under the act, 69 land-grant colleges were established.*

4. *John Godfrey Saxe's work is included in **The Literature of Vermont: A Sampler** edited by Biddle and Escholz (University Press of New England, 1973). A little volume titled **Saxe's Poetical Works**, published by James R. Osgood and Company of Boston in 1873, contains hundreds of the prolific writer's poems, love poems, fairy tales, legends, "apologues," satires, travesties, sonnets, epigrams, and footnotes.*

5. *The founding of the North Bennington bank by Park and Hall, and details of a few of Park's other business ventures, are described in a 1954 booklet "The Story of a Country Bank" by Bradford Smith, published by the bank.*

6. *Alvin Adams was a Vermont native, born in the Windsor County town of Andover June 6, 1804.*

7. *The description of the Park-McCullough House is based on its 1972 application for listing on the National Register of Historic Sites.*

## Chapter Five

### THE HISTORIAN

“In many respects Hall's work *The History of Vermont from Its Discovery to Its Admission into the Union in 1791* is the best authority on early Vermont history. It contains sketches of most of the principal characters in the New York-Vermont controversy. Unfortunately, however, it was controversial in character and was based upon an untenable theory as to the effect of the boundary order of the King in Council of July 20, 1764.”

-- Matt Bushnell Jones, *Vermont In the Making 1750-1777*, Harvard University Press, 1939.



After he retired from the office of governor of Vermont in 1860 at the age of 65, Hall embarked on the most creative period of his long life: he assumed the role of state historian and respected elder statesman. It was a productive quarter century during which he researched and wrote a major work of Vermont history and several shorter historical papers. He was a most active president of the Vermont Historical Society in an era when members traveled around the state and delivered assigned papers on specific topics. He was elected founding president of the Bennington Historical Society and became absorbed by the matter of an appropriate design for a monument to commemorate the victorious Battle of Bennington in the Revolutionary War.

This era was marked by a series of disputes in which Hall, as he did during his first major conflict in Congress over the Virginia Revolutionary War claims, meticulously proved that he was right and his opponents were wrong. He did so carefully, dispassionately, and without resorting to *ad hominem* arguments. In two of these disputes Hall argued from a defensive position when his historical judgment was challenged. In his final battle he seized the initiative to correct what he considered a major aesthetic error on the part of prestigious colleagues.

Even though he had held a wide assortment of political offices on local, state, and federal levels, Hall is probably best remembered as a historian. A lifelong fascination -- indeed, almost his obsession -- was with the eighteenth-century jurisdictional disputes between the brave, hard-working, early settlers of the New Hampshire Grants and treacherous New York State politicians who

wrongfully and avariciously, he insisted, attempted to claim the territory that was to become Vermont.

This preoccupation seems to have surfaced first in Hall's flowery "Oration" on the Battle of Bennington, delivered August 16, 1823 when he was 28 years old. In that speech it can be seen how his interest was piqued by "the difficulties" with New York, for he did not limit his subject to the Battle of Bennington against the British, which was the topic of the day, but he broadened it to cover the discord with the Yorkers.

Proclaimed Hall in his 1823 Oration:

The contest with New York . . . had served to call forth the latent energies of this community, and to cement its union. In this school had been formed that ardent attachment to liberty, and that bravery in defending it, which shone with so much splendor in the progress of the American Revolution, which was now approaching. Here was formed the cool, deliberate, the calculating Chittenden. Here was bred the bold and desperate Allen. And here was tried, proved, and fastened within him, the firm, steady, and determined bravery of Warner . . .

The thesis here is that the lengthy quarrel with New York State was a forge on which strengths for later battles were wrought.

Two milestones in Hall's career as historian were passed in 1841, his final full year as a member of Congress. He wrote a lengthy series of "Historical Readings" and he was elected to membership in the new statewide Vermont Historical Society.

Hall's series was published as 18 installments in Bennington's new weekly newspaper, the State Banner, and it forms an early history of the Bennington region and activities of the Green Mountain Boys. Indeed, at 22,000 words, its sheer volume constitutes a medium-sized book. The series was never published in permanent form, though one copy of pasted clippings made its way into the Wilbur Collection of Vermontiana at the University of Vermont.

The 1841 history records the dilemma of early settlers of the New Hampshire Grants who flooded into the territory that is now Vermont, mostly from the southern New England states, after 1761 and the end of the French and Indian Wars. Hall focused on residents of "the Grants" in the Bennington region who learned unexpectedly that their land had been claimed by New York State; if they protested or disputed the claim they were considered "rioters" subject to indictment and arrest, and if they did not protest they faced confiscation of their property or else the necessity of buying it again at high cost from greedy "land jobbers." As a

result the settlers revolted and took actions that led to the formation of their own independent republic.

Hall's articles glorify the Green Mountain Boys led by Ethan Allen, Seth Warner, and Remember Baker, and describe techniques such as the "beech seal" employed to intimidate the New York authorities. Hall agreed that the Green Mountain Boys may have used ridicule; on occasion they inflicted "the lash;" they burned a couple of Yorker houses that were discovered on the east side of the disputed boundary. But they never killed anyone.

An underlying philosophical dispute rages here, and Hall does not ignore it. Government on "the Grants" was based on the supremacy of the township, with its direct-democracy Town Meeting running public affairs; that of New York was more regressive and feudal, a system of a few large landowners and many small farmer-tenants, in which government decisions were made mostly in Albany or by Albany-appointed justices.

The "Historical Readings" end just the way the dispute with New York did. In April 1775, while His Majesty King George III was considering yet another reasonable plea from settlers of the New Hampshire Grants that the dispute be resolved, the Battle of Lexington came along to make the entire matter moot. Yorkers and Green Mountain Boys alike forgot their own quarrels as they united against the common enemy, Great Britain. Hall's later *Early History of Vermont* in 1868 focused heavily on the traumas of the Green Mountain Boys in Bennington County but it also took a broader statewide perspective and completed the story with the state's admission to the Union on March 4, 1791.

Hall's other 1841 milestone, his being elected an "associate member" of the Vermont Historical Society, took place three years after that organization was founded by Henry W. Stevens of Barnet, a Connecticut River town in Caledonia County. Stevens was an antiquarian known for an eccentric streak of possessiveness. As a collector he tended to blur the line between those artifacts and documents that belonged to the society and those that belonged to himself. Indeed, Stevens owned different collections, one of which was badly damaged in the State House fire of 1857. Another he sold to New York State after his reputation in Vermont had deteriorated to a point where he was too well known to consummate a sale on his own turf.

At the 1842 annual meeting of the VHS, Hall gave an address on "the early settlement and antiquities of Vermont." He also initiated an argument that would endure for many years. He presented a resolution, duly adopted, "that a committee be named to confer with President Henry Stevens of the society upon the expediency of his consenting to the removal of his individual collection, together with the Library and Cabinet of the Society, from Barnet to Montpelier, for a limited term of years . . . "

Time passed, and Stevens remained VHS president through 1858. In 1859 Stevens did not attend the annual meeting and thus Hall, while governor, was elected to succeed Stevens, becoming the second president of the Vermont Historical Society.<sup>1</sup> George Perkins Marsh of Burlington was named vice president. The absent Stevens, who was merely elected one of eight "councillors," later grumbled that those who attended were unauthorized participants in a rump session.<sup>2</sup>

The longstanding nature of the dispute with Stevens is highlighted by the fact that *eighteen years* after Hall's motion about an "expedient" resolution, nothing had been resolved. At a special society meeting held July 17 and 18, 1860, in Brattleboro, with Hall presiding, the special committee that was charged in 1842 with regard to the removal of the library and cabinet from Barnet to Montpelier was granted "further time to perfect their report" but only "on condition that they positively report at the annual meeting to be held at Montpelier on the 16th of October next." At that meeting the committee reported having visited Stevens and found him tenacious in his possession of 23 volumes belonging to the VHS. Stevens would return the books only upon payment of \$300 he claimed the society owed him for work he had done.

The committee, consisting of Daniel Roberts, D.W.C. Clarke, and D.P. Thompson, did not consider itself authorized to pay the \$300 and concluded that its report be referred to yet another committee, which was duly selected, its members being Daniel Kellogg, Edward J. Phelps, and Timothy P. Redfield. The new committee reported at the 1861 annual meeting that because Stevens still refused to part with the books, it asked for and was granted more time.

Hall continued to make reference to the endless irritation over Stevens' acquisitive habits. At the annual meeting of 1862, held in Room 9 of the new State House, which was the society's "Cabinet" room, Hall delivered a paper on his favorite topic, "The Grants." Then at a special meeting in Middlebury on February 18, 1863, Hall issued a report that attempted to clear the air as follows:

“It is now over 25 years since our Society was formed and incorporated by act of our legislature. It failed, however, for many years -- from causes which it is unnecessary to state -- to attract extensive public attention. During this long period, however, many donations of printed books and manuscripts of much historical value were made by individuals, both at home and abroad, and by societies and literary institutions in other states, *to the society and received in its name* [italics are Hall's] which the truth of history compels me to say, have been withheld from its archives and appropriated to individual use and private emolument.



“It is but a little more than three years since the Society emerged from under the cloud by which it had long been enveloped and became really and practically a *public* institution. Within this short time we think something has been accomplished towards promoting the just objects of a State Historical Society. The legislature of the State has generously granted to the Society the use of a spacious and convenient room in the State House, in which to hold its meetings, and filled it up in a suitable manner for the reception of its archives, which already embrace much rare and valuable historical matter, and which, with such additions as may be hereafter made, will be safely and sacredly preserved.”

On a personal level Hall dealt tactfully and respectfully with Stevens. A record exists of twenty-nine letters from Hall to Stevens between 1842 and 1860. Hall's purpose was to keep Stevens apprised of his own ambitions to write about historical themes and to consult Stevens, as other historians did, for help with sources. One subject, for example, on which Hall sought data was the so-called Haldimand negotiations in which Governor Thomas Chittenden and Ethan and Ira Allen purported to consider overtures from Sir Frederick Haldimand, the governor of Quebec, that might have led to a separate peace between Canada and independent Vermont in the event that Congress refused to admit Vermont as the fourteenth state.

On August 24, 1842 Hall wrote to Stevens, "My plan is not yet mature but the subject will be the New York controversy and in connection with it the Canada negotiations. I *hope* to get some important *new* information in Albany. I think I am on track of some." On September 12 Hall mentioned having been in Albany, where he obtained "some important facts of which I was indeed before well apprised in regard to the personal interest of many of the New York leaders in the Grants."

In other letters, Hall wrote to ask for information about "the New York controversy," saying he was preparing an address on the subject, and about the pivotal orders of the King in Council of July 20, 1764 that declared the western bank of the Connecticut River to be the boundary between New Hampshire and New York, thus making Vermont part of New York.

While governor, Hall wrote to Stevens on the official letterhead of the State of Vermont Executive Department, and the subject turned to books that seemed to be missing not from the VHS collection but from the Secretary of State's office. He sympathized with Stevens' loss of several books in the 1857 fire that nearly destroyed the State House.

On February 15, 1860, Governor Hall told Stevens, "Since I saw you I have been teased until I have more than half concluded to attempt a sort of history of Bennington." He asked whether Stevens had any information about subjects such as Herrick's Rangers, companies engaged in the Battle of Bennington, or an account of the prosecution of David Redding, the Tory who was hanged in Bennington for his "enemical conduct."

Hall's last known letter to Stevens, written October 10, 1860, still on governor's office letterhead, was notably diplomatic and asked whether Hall could spend the following Saturday at Stevens' home to examine historical papers. Hall added, "I would also like to have a friendly and full conversation with you in relation to the papers and documents collected by you since the formation of the Historical and Antiquarian Society, and the disposition to be made of these, about which I fear there is likely to be an unpleasant controversy unless it is timely prevented. Will it be convenient for you to see me on Saturday?" There is no evidence that the meeting took place, nor is there any resolution of the matter in minutes of VHS meetings. But Hall's statement delivered at the 1863 meeting, about how the VHS had emerged from under a cloud, would indicate that some sort of accommodation with Stevens had been reached. Too, the ravages of time served to resolve things; in 1863 Stevens was 72 years old and either had or was about to have a stroke that left him paralyzed, and so it became less than a vital priority to harass an ailing old man for a few dusty books.

The pre-Civil War era was a time in which members of the historical society undertook research and presented papers at meetings all over Vermont -- Middlebury, Brandon, Montpelier, Burlington, Brattleboro, St. Johnsbury, Windsor. The state's railroads, in enlightened self-interest, provided VHS members with free tickets -- one-way.

One of the papers Hall delivered, at a special VHS meeting in Burlington on January 24, 1861, was a biographical sketch of the recently deceased John S. Robinson of Bennington, a Democrat who was Vermont governor from 1853-54.<sup>3</sup>

For a paper on "New York Land Grants in Vermont" Hall turned skilled investigative reporter as he documented the covetous nature of the New York politicians who granted Green Mountain land. He indulged his penchant for making lists, showing which officials received what fees. For every thousand acres of land patented, for example, Lieutenant Governor Cadwallader Colden received \$31.25, and six other top government officials gained \$59 more, divided as follows: secretary of the province, \$10; clerk of the council, \$10; auditors, \$4.62 1/2; receiver general, \$14.37 1/2; attorney general, \$7.50; and surveyor general \$12.50. Hall's source was New York Council minutes and Colden's report to the Lords of Trade of October 13, 1764.<sup>4</sup>

Hall persisted, listing numbers of acres granted in Vermont by each New York governor, with a recapitulation showing a total of 2,115,610 acres granted by Colden and three other governors between 1765 and 1776, for a total of \$66,112.74 in fees. Colden issued grants for 965,000 acres, gaining personal fees of \$30,171.81. Fees to all New York officials added up to \$124,820.99 which, when added to fees to the governors, came to a grand total of \$190,933.73.

Hall concluded that all this land was "granted in direct disobedience of the positive order of the king, and in his name, and for which there could be no possible motive but the avarice and cupidity of the greedy government officials."

He added data on military patents, of which 303,100 acres in Vermont were granted by the Yorkers between 1765 and 1775, for a grand total of 2,418,710 acres. The military grants, he said, were made almost exclusively to benefit New York City speculators. Thus, 125,350 acres granted by Governor Dunmore were the property of James Duane, a prominent New York lawyer, "being the claims of six officers, 57 noncommissioned officers and 39 privates." These claims were included in 1771 in two patents called Chatham and Eugene, Hall reported, which were located in irregular parcels in the choicest parts of Rupert, Dorset, and Pawlet, townships settled a decade earlier under New Hampshire charters.

One of Hall's historical papers required some courage because it was presented in the camp of the enemy, so to speak. On December 4, 1860, he appeared before the New-York Historical Society to deliver a talk titled "Why the Early Inhabitants of Vermont Disclaimed the Jurisdiction of New York, and Established an Independent Government."

When Hall delivered this address he suppressed the bitter adjectives as long as he could. Speaking about the New Hampshire Grants, where by 1765 some one hundred and thirty townships already had been chartered by Wentworth, Hall observed that these lands:

. . . had either been granted to, or purchased by New England men who were rapidly removing to and settling upon them. There was no desire in New York to emigrate to this territory -- there was no demand in that province for these lands for purposes of cultivation. All this was well known to Lieutenant Governor Colden, as well as to his official and unofficial advisers; but the temptation arising from the money to be pocketed and the patronage to be wielded, made him regardless of the claims and rights of others, and he proceeded at once to regrant the lands in large masses to the officers of his government and others...not forgetting in his liberal donations to his favorites and friends, to take very prudent care of himself and family.

Only when Hall had warmed to his subject, before the New-York Historical Society, did a derisive adjective tumble out -- but not until the bottom of page 11 of a 14-page address. Describing the situation in the late 1760s on the west side of the Grants, he said [*italics added*]:

“So pressing indeed were the demands of the speculators, and so *greedy* were the New York officials for the fees to be obtained from land patents, that even the solemn prohibition of the crown was insufficient to restrain their issue.”

Hall seemed to relish particularly this part:

“By an Order of the King in Council, made July 24, 1767, on application of the settlers, the Governors of New York were forbidden in the most peremptory terms and 'on pain of his majesty's highest displeasure,' from making any more grants within the disputed territory; but the order was put at defiance and wholly disregarded -- Lieutenant Governor Colden and his successors proceeding still to issue patents, as if no such order had been made.”

By the bottom of page 13 he could not resist a couple more judgmental adjectives (*emphasis added*):

To these and such like *rapacious* and *mercenary* claimants were the early inhabitants of the New Hampshire Grants required by the New York rulers to surrender lands which they had once fairly purchased, and had made more valuable by cultivation and improvement. The settlers were freemen -- intelligent, hardy and brave. Is it surprising that they should have resisted? Would it not, indeed, have been matter of astonishment if they had done otherwise?

He then drew the parallel between the plight of the English colonies revolting from the mother country, and the case of inhabitants of the New Hampshire Grants being asked to surrender their worldly estates:

If revolution was justifiable in the former case, as is now universally admitted, it would seem to have been much more clearly so in the latter.

One of the most successful meetings of the Vermont Historical Society -- certainly its best attended -- took place in Bennington on Battle Day, August 16, 1865, and therefore it also celebrated the recent end of the Civil War. Bennington swarmed with 15,000 visitors, one third of whom took part in a massive parade that was memorable for starting two hours late on extremely dusty streets. Hall made appropriate remarks and introduced the orator of the day, the Reverend E.H. Chapin of New York, who spoke for an hour and twenty minutes about "The Elements of National Life." After more speeches, by Governor J. Gregory Smith and Lieutenant Governor Paul Dillingham, the crowd insisted on hearing Civil War hero General Joseph Hooker. Despite his reluctance to address the multitude, "Fighting Joe" uttered remarks that "gave satisfaction to the audience."

At a business meeting VHS members re-elected former Governor Hall as president, and the gala occasion ended with a ball at the Mount Anthony House that was "attended by most of the best people in the place, as well as many from abroad."<sup>5</sup>

In the fall of 1868 the publishing firm of Joel Munsell in Albany published Hall's 500-page book, the full title of which is *The History of Vermont, From Its Discovery to Its Admission Into the Union in 1791*. It is an impressive work and has become an item of indispensable Vermontiana. Hall was engaged for years in carrying out painstaking research and writing. With a few exceptions, the book was enthusiastically received.

In the preface Hall wrote about himself: "His aim is to embody facts, and to state them with his views in intelligible language, without making any pretensions to literary merit." But aside from a penchant for using commas in places we would not, and vice versa, and the fact that one must retain clarity about which concepts he considered *former* and which *latter*, Hall's history remains most intelligible today, though it requires concentration because the verbiage is slightly more dense -- and the type size is just a bit smaller -- than one might wish.

As for the book's substance, there is no doubt that it offers a point of view, that of the independent Vermonter, anti-Yorker. It forms an intriguing combination of scholarly research and lawyerly brief. Some valid criticism is that while Hall focused heavily on documents that related the perfidious nature of the New Yorkers' interest in Vermont, he neglected to consider any possible illegitimacy of the chartering of townships inside Vermont by the wily governor of New Hampshire, Benning Wentworth.

Stronger criticism, offered here with benefit of twentieth-century hindsight, would be that, unfortunately, Hall's thesis eventually was deemed legally wrong. The U.S. Supreme Court resolved the question by deciding a suit that Vermont brought in 1915 against New Hampshire to determine the precise boundary that separates them.<sup>6</sup> The issue arose because of the need to settle such matters as

which state could levy taxes on land and electrical generating facilities in or near the Connecticut River and how the states would apportion the construction and maintenance costs of bridges and dams.

Vermont, it was argued before the high court by attorney Warren R. Austin,<sup>7</sup> contended that the boundary was "the thread of the channel" of the river; while New Hampshire, represented by attorney Charles Evans Hughes, Jr., of New York,<sup>8</sup> insisted that the state line should be the river's western bank. On May 29, 1933 the court ruled in favor of New Hampshire in an opinion delivered by Associate Justice Harlan Fiske Stone.

The court accepted that boundaries of the territory west of New Hampshire originated in a grant of June 29, 1664, by King Charles II to his brother James, the Duke of York, which included "all the lands from the west side of Connecticut river to the east side of Delaware Bay." This grant merged in the Crown when the Duke of York became King James II in 1685. Even though the royal province of New York did not assert its jurisdiction over the Vermont territory until 1764, and even though Benning Wentworth erroneously construed his New Hampshire territory as extending west of the Connecticut River and made numerous grants of townships there, and that those townships were settled, it was the 1664 grant that established the boundary.

The Supreme Court acknowledged that efforts by New York to interfere with the landholders led to protests and forcible resistance "which assumed the proportions of a revolutionary movement" culminating in 1777 in the declaration of an independent republic, and finally, in 1791, in the admission by the U.S. Congress of Vermont as the fourteenth state.

So in spite of Hall's eloquent, compassionate, and lawyerly pleading on behalf of the brave New Hampshire Grants settlers, the high court imposed twentieth-century finality upon eighteenth-century confusion by declaring that New York had had the legal right to commit the depredations it did. It is tempting to speculate about what kind of response lawyer Hall would have about that decision -- in the same way that we have his scornful comments about the Dred Scott decision.

The format of Hall's *Early History of Vermont* is similar to that of a book with which it is often confused, *The History of Eastern Vermont* by Benjamin H. Hall, no relation, published in 1858. Hiland Hall read B.H. Hall's book as soon as it was available, for he wrote to Henry Stevens on December 9, 1857 to say that he had just finished it, and opined, "It appears to me to be a very decided New York view of the subject, an argument in favor of Gov. Clinton & the Windham County malcontents, rather than a fair history of events." The two books resemble each other closely in scope, size, organization of contents, typefaces, and appendices,

and there is good reason to confuse them -- so long as one is not familiar with the different points of view they represent.

Hiland Hall's history contains thirty-four chapters in 450 pages, followed by another fifty pages of appendices, half of which provide biographies of forty-seven participants on both sides of the disputed boundary; the other half reprints the texts of relevant documents.

The final item in his appendices is a list of the seventy-six New York claimants of land in the New Hampshire Grants, or their descendants, with whom settlement finally was made by Vermont in 1799 on the basis of slightly less than five cents per acre. The list discloses that the recipient of the largest amount, a full one-fourth of the \$30,000 appropriated by Vermont, was Goldsbrow Banyar, who was secretary to the New York Governor and Council during the entire period in which grants of Vermont land were made by New York. Banyar and his son William received \$7,528.36 for their claim to 150,800 acres.

Hall's book received high praise from within Vermont, and some not so high praise from without. After receiving his own copy, old friend Millard Fillmore wrote from Buffalo on December 1, 1868, "I think that you have hit the true medium between prolixity and conciseness . . ." and, "I cannot doubt that your work will always be regarded as the only reliable Early History of Vermont." An editorial in the Rutland Herald concluded, "This work will be read with great interest and profit, not only by the citizens of Vermont, but by all students of New England history, as it gives the best account of the settlement of colonial boundaries, embracing New Hampshire, Connecticut, Massachusetts and New York, which we have anywhere seen."

Some doubts about the book's thesis were expressed from the New York side of the border. A Troy Press editorial raised the question of whether Hall's argument that Vermonters had the right to resist the oppressive government of New York, just as the colonies did against Great Britain, might apply equally to the right of Southern states to secede from the Union. Said the Troy editorial:

“But we would like respectfully to inquire of him [Hall] if the people of the Southern States were not likely to be just as good judges of their grievances and of 'actual and threatened oppressions,' as the people of Vermont were. It is a pretty difficult matter to determine where loyalty should cease and rebellion begin.... Truly, when we read the Governor's defence of the action of the Vermont people in 1777, we are reminded of the sneer of Swift, 'Orthodoxy is my doxy, heterodoxy is your doxy'. . .”

More criticism came from Henry Steele Wardner's *The Birthplace of Vermont*. Wardner focused on Hall's deprecating portrayal of Sir Harry Moore, who was briefly a governor of New York, and commented that, "For anything pertaining to what Governor Hall called 'aristocracy' he had an almost childish aversion..." Wardner concluded that Hall's history "is the result of earnest and painstaking work and contains a notable collection of historical matter" but that it "has the tone of a lawyer's plea" and should be considered such rather than a traditional history.

The sharpest criticism of Hall -- at least that which elicited pained response from the author -- came from Henry B. Dawson, editor of *The Historical Magazine*, a monthly published in the Bronx, Morrisania, New York. In his issue of May 1869, Dawson reviewed Hall's book and scoffed: ". . . we do not admire that class of literature which seeks to justify what is admitted to have been a *crime*; and we do not propose to argue in support of what is *acknowledged by Governor Hall himself to have been a law*, [italics are Dawson's] which was, or ought to have been, binding alike on all who were within the bounds of its authority.

Dawson listed other reasons for denunciation, most of which were picky, and he seemed to savor his own several references to "the insurrection of the Vermontese" against "the legitimate government of New York." In the January 1871 issue of *The New York Historical Magazine*, also edited by Dawson, a scattershot of criticism was fired against Hall's interpretation of the Vermont-New York controversy.

By any rational standards, Dawson's criticisms appear petulant and minuscule; many had to do with trivial errors in the copying of documents or in proofreading. But Hall, wary of Dawson's circulation, and concerned about posterity, chose to issue a lengthy response, detail by picayune detail. The Vermont Historical Society in 1871 published a twenty-page pamphlet written by Hall titled "Vindication of Volume First of the Collections of the Vermont Historical Society from the Attacks of the New York Historical Magazine," which deals fastidiously with each allegation of Dawson's. Hall concluded:

His seemingly uncontrollable propensity to impugn the motives and assail the integrity, as well as to misrepresent the conduct and arguments of those who fail to concur in his opinions and share his antipathies, must be well known to his readers, and we confidently trust they will be prepared to make due allowance for this unhappy weakness of his, and will estimate what he may say at just about its actual value.



Ultimately Hall had the satisfaction of seeing Dawson eat humble pie. Between 1875 and 1878 Hall and son-in-law Trenor Park received several postcards from Dawson. These asked, first, whether the Vermonters wished to purchase any of an apparent surplus supply of copies of *The Historical Magazine* containing Hall's paper on the Dellius Patent, and another with Hall's article on Governor Philip Skene; the price was \$5 a dozen or 50 cents each. Hall's response was seen in his own copy of his reply to Dawson, in shaky, angry handwriting and with many words crossed out, some of which is not legible.<sup>9</sup>

Then two letters from Dawson to Hall claimed that he, Dawson, wished to retire, that his health was broken, and that he wanted to dispose of his stock of magazines. Dawson expressed hope that "the conflict of other days ought to be forgotten, now both were (sic) approaching the grave." In November 1878, Dawson pleaded with Hall to buy old sets of *The Historical Magazine* to prevent Dawson's home from being foreclosed. "I earnestly hope that you will be inclined to give me your helping hand, to the extent to which I have solicited it, in this, the most trying circumstance of my life," Dawson begged. Amid no evidence of any response, a final five-page plea from Dawson thanked Hall for his hospitality of "many years ago," offered to sell copies of the magazine "at the lowest possible price" and tested Hall's willingness to purchase minutes of the Dorset conventions of 1775 and 1776 kept by Jonas Fay and Ira Allen and others, for which the writer claimed to have refused "quite a handsome advance." That seemed to end the Dawson relationship.<sup>9</sup>

Hall engaged in yet another "vindication" -- this time over the reputation of Ethan Allen as hero of the 1775 capture of Fort Ticonderoga, and it was the subject of a paper Hall read before the VHS at Montpelier on October 19, 1869. The challenge had been posed by one B.F. DeCosta in an article in *Galaxy* magazine, which contended that John Brown, a lawyer from Pittsfield, Massachusetts, and not Allen, should be credited with taking Fort Ti. DeCosta was identified by Hall as someone "who I understand is a retired clergyman living in New York" and who professes to belong to a "new school of history."

Hall found DeCosta's interpretation to be full of distortion and falsification:

. . . This apostle of 'the new school of history' has utterly failed to weaken or impair the long established historical account, which with high pretensions and parade, he promised to overthrow and annihilate. Notwithstanding his extraordinary efforts, things continue as they were. Ethan Allen remains the undisturbed and undoubted hero of Ticonderoga. To him, and the fearless band of patriots under his command, belongs the honor of the capture, and of thus

compelling the first surrender of the British flag to the coming of the American Republic.

DeCosta's vehicle was the weekly Charlestown, Massachusetts, *Advertiser*, published by William H. DeCosta, apparently a brother of B.F. In the issue of June 25, 1870, Hall was thusly rebutted:

“This paper [evidently Hall's "vindication" address] might be dismissed on account of its ungentlemanly character, for its imputation of bad motives, and for the deliberate charges brought by its author against his opponent who, months before, had actually printed and published the facts of which Ex-Governor Hall here declares him ignorant.”

William DeCosta insisted that Ethan Allen did not suggest the attack, did not furnish the majority of the men, was not the first man to enter the fort, and therefore was not the hero of Fort Ti. Benedict Arnold and John Brown "took Ticonderoga," he concluded. "Let us have peace."

DeCosta, in fact, was allowed to have the final word. Hall wrote to the Reverend Pliny H. White of Coventry, who succeeded him in 1866 as president of the VHS, that, "It would seem to be making too much of DeCosta, after the *thrashings* he has already got, to have a formal answer to his article in the [Vermont] Historical Magazine."

### *Notes*

*1. As a former governor and a historian, Hall did not seem overtly aware of his own place in history, but he was clearly concerned about the reputations of some previous governors. His correspondence with other VHS members included recollections of Governors Martin Chittenden and Jonas Galusha.*

*In a letter of January 13, 1868, to the Reverend Pliny H. White, Hall renewed a request that White travel to North Bennington to read over his book manuscript. "I trust you have not forgotten my request to come and spend a few days with me and be **bored** with the reading of my manuscript about Vermont. . . ." In the same letter Hall offered commentary on Martin Chittenden of Jericho, governor from 1813-15 and son of the first governor, Thomas Chittenden. While this discourse is more deprecating than Hall's usual tone, it seems worth recording: I had no personal acquaintance with Martin Chittenden & not much intercourse with men who knew him intimately. My impression from what I heard said of him by his political friends & opponents while he was governor, & from*

*what I read of him then & since, certainly is, to use your language, that 'he was a man of no more than average intellectual ability.' He certainly made no lasting mark during the ten years [1802-12] he was in Congress, and though he did while governor -- it was one that he & his friends might well wish to have altered -- that he was a weak man his apologist in the Free Press admits by attributing his unpatriotic conduct in 1813 & 1814 'more to his counselors than [a matter] of loyalty.' In this I am inclined to think he was correct. Such was the statement of the officers in reply to his proclamation recalling them from Plattsburg. I think he was a man of ordinary intellect whose superior advantages for education over most men by whom he was surrounded, his strong family connexions, & an upright & amiable character, gave him the rank in political life to which he was advanced*

....

*“That Gov. Chittenden during his administration in 1813, 14 & 15 was surrounded by bitter narrow-minded partisans, who advised him badly & that they ought to share largely in the advice which ever attached to some of his note is undoubtedly true. But if he had been a man of strong intellect, with a little of the strength and moral courage of his father, he would not have been thus influenced.”*

*Hall's opinion of Jonas Galusha of Shaftsbury, who was governor for nine years (1809-13 and 1815-20) and brother-in-law of Martin Chittenden, was contained in another letter to Pliny White on November 28, 1865:*

*“I have just had a conversation with an old & intelligent neighbor of Gov. Galusha in regard to his personal appearance, whose recollection corresponds with & confirms mine.*

*“He was about 5 ft. 9 inches in height -- stout built, weighing say 180 & a little round shouldered, light complexion, blue eyes, with light hair inclining to the sandy. He had a strong constitution, his physical powers strengthened & hardened by active labor especially in early life. His dress was plain, that of a respectable farmer who had mingled somewhat with the outside world & knew something of the habits & manners of fashionable society.*

*“He was not a talking man in the speechmaking sense, though he could express his ideas clearly when duty required it, & when on the bench was in the habit of charging juries in an intelligent & acceptable manner.*

*“He had great shrewdness as a politician -- knew well what would operate in the minds of others & how to apply it . . .*

2. *The records of annual and special meetings of the Vermont Historical Society were supplemented for the writer by Weston A. Cate, Jr., its director from*

1975-85, who was commissioned by the VHS upon his retirement to write a history of the society titled **Up & Doing: The Vermont Historical Society, 1838-1970**. We gratefully acknowledge Mr. Cate's assistance.

3. John Robinson was Vermont's last Democratic governor for more than a century -- until the one-party logjam was jarred in 1958 by the election of William H. Meyer of Rupert as the state's lone congressman; Meyer was the first Democrat in a century elected on a statewide basis. The first Democratic governor since Robinson was Philip H. Hoff of Burlington, elected in 1962, re-elected in 1964 and 1966.

4. Lieutenant Governor Cadwallader Colden was the primary villain among several detestable New Yorkers in Hall's history. Colden served often as interim governor of New York in between terms of the many colonial governors appointed by the Crown; and for decades before he had been New York's surveyor general, so Hall was wont to point out that no one knew better than Colden where New York State's boundaries were supposed to be. Thus in Hall's opinion it was especially opportunistic and mercenary for Colden to claim suddenly, as he did on December 28, 1763, that by virtue of an old grant from Charles II to the Duke of York, the terrain as far east as the Connecticut River belonged to New York; and Colden then initiated a lengthy feud with settlers of the Grants by commanding the Albany County sheriff to bring him names of all persons who held New Hampshire grants in that territory.

5. Cate, *op. cit.*, p. 47.

6. *State of Vermont vs. State of New Hampshire*. 289 U.S. Reports 593, 1932.

7. Warren R. Austin of Burlington, U.S. senator from Vermont between 1931 and 1947, was also the first United States ambassador to the United Nations.

8. New Hampshire's lawyer in this case was the son of Chief Justice Charles Evans Hughes. The elder Hughes took no part in the case, according to the Supreme Court Reports. Associate Justice Stone, who delivered the opinion, succeeded Hughes as chief justice in 1941.

9. In Hall's time, before carbon paper or xerox, he often kept copies or drafts of letters he sent, almost as if he foresaw the usefulness of helping researchers learn both sides of the conversation. The trouble is that one never knows for sure that the originals were sent, or if they were sent how the drafts might have been modified. A special archive of Hall's papers collected by the late John Spargo of the Bennington Museum, now in the Wilbur Collection, contains the draft of Hall's angry reply to Dawson as well as other documentation of Hall's contretemps with Dawson and DeCosta.

10. Another governor of Vermont who was interested in the state's history, Redfield Proctor, gathered together the missing Dorset Convention records and

*published them in facsimile form in 1904. Proctor included an introduction that explained the course of events with the "notoriously irascible and quarrelsome" Dawson.*

## Chapter Six

### **ELDER STATESMANSHIP**

#### An Updating

After the publication in 1868 of his book of Vermont history, on which he had worked for so many years, several important events took place in Hiland Hall's life that will be summarized here. He and Dolly were residing in their apartment at the southwest corner of the elegant Victorian mansion that Trenor Park had built in 1865 in North Bennington. On October 27, 1868, Hiland and Dolly celebrated their golden wedding anniversary, entertaining a wide circle of friends, neighbors, and old acquaintances, none of whom was less than fifty years of age; the invitations also specified "No presents received." In 1871 the Parks' daughter, Eliza Hall Park, was married to former California Attorney General John G. McCullough, a business associate of Trenor's, and the couple settled first in San Francisco where their son Hall Park McCullough was born. In 1873 the young family moved back to the North Bennington mansion.

In 1874, in one of his many high-octane business deals, Park was named president of the Panama Railroad that had been completed in 1855 to facilitate travel across the isthmus. In 1875, the Halls' daughter, Trenor's wife, Laura VanderSpiegel Hall Park, died at the New York home, 130 Hicks Street in Brooklyn, which the Parks had recently purchased, and she was buried in Greenwood Cemetery there. She was only 47 years old. Photographs of Laura, as well as one formal portrait, indicate that she had become increasingly obese. In the last few years of her life she did not allow photographs to be taken of herself.

The family weathered a scandal in 1877 and 1878. Son John VanderSpiegel Hall in 1860 had married a woman named Ellen Lyman. She was the daughter of A.P. Lyman, the lawyer cousin of Trenor Park for whom Park first clerked to learn the law. In 1878 John and Ellen Hall had two children, Florence, age 16, and Edward, 12. John V. Hall held a prominent community position as clerk of Bennington County, a task that involved being court clerk for the June term of Superior Court at Manchester and the December term at Bennington, in addition to keeping legal records and those of the operations of courts in the county. John publicly accused Ellen of an adulterous affair with another lawyer,

John W. Beebe, and full details of the divorce trial that followed in John Hall's own court appeared in both the Bennington Banner and the Vermont Gazette, including the text of a long love letter from John Beebe to Ellen. Trenor Park could not believe what John Hall was saying about his cousin and he tried in vain to reconcile the couple. John proved to have a valid case, for not only did the court grant custody of the children to him, but then Ellen and John Beebe confirmed the fact by running off together. The only recorded comment of Hiland Hall about the affair is a notation in his draft of a letter he wrote to Trenor, expressing special regret over the sorrow the scandal caused for Ellen Lyman's mother. The year-long episode obviously caused embarrassment and mortification for the prominent and untainted Hall family in an age in which divorce was cause for shame.

On July 27, 1878, Hiland and Dolly celebrated their sixtieth wedding anniversary with a large family reunion held at the North Bennington Congregational Church; and a year and a half later, on January 8, 1879, Dolly Tuttle Davis Hall died at the age of 86. In 1881 Hall experienced the grief of attending the funeral of the fourth of his children, son M. Carter Hall -- who was preceded in death by Eliza in 1843, Hiland H. in 1851, and Laura in 1875. (1)

In 1881, as previously noted, Park sold his shares in the Panama Railroad to Ferdinand de Lesseps' French canal-digging company for a reported personal gain of \$7 million. Park's son-in-law John G. McCullough succeeded him as president and kept that position for another seven years. On May 31, 1882, the widowed Park, age 58, married Ella Nichols, 38, an old friend of Lizzie's who had sometimes lived with the family both as companion to Lizzie and as nurse to the frequently ailing Park. The day before their marriage the couple signed a prenuptial agreement in which Ella agreed, in the event of the death of her husband, to accept a one-time payment of \$100,000 and annual compensation of \$15,000. Besieged with painful headaches that fall, Park followed doctor's orders to "stop work or else" and took a sea voyage aboard the steamer *San Blas* to Panama while Ella remained in New York. Park, accompanied by family friend Charley Lincoln, was stricken on the ship and died on December 13, abetted, some thought, by an overdose of sedatives (2). The New York Times on December 21, 1882, carried the obituary of "Trenor W. Park, the well-known capitalist." At first he was buried next to Laura in the Greenwood Cemetery in Brooklyn, but later their bodies were moved to a gravesite in the Old First Church Burial Ground in Old Bennington, a location that once had once been the home of Ethan Allen. Charley Lincoln's grave is at their side, a faithful companion in death as he was in life. Park died without a will, and McCullough, who was named executor of his ample estate, handled Ella's securities and compensation for the next twenty-two years.(3) During that time Ella used her resources to build another magnificent Park

estate in San Rafael, California; it is now a restored Victorian home open to the public.

On July 20, 1884, a family reunion in North Bennington celebrated the former governor's 89th birthday. The Rutland Herald and Globe reported the occasion in much detail, including this list of those who attended: "Sophia B. and Sophia D., widow and daughter of the late M. Carter Hall of Bennington; S.B. Hall and wife, North Bennington; J.S. Heart and wife, Troy; Henry D. Hall and wife, Henry T. Cushman and wife, Hiland Hall 2nd, North Bennington; Frank G. Mattison and wife, Rutland; John V. Hall and wife, Florence Hall, Edward J. Hall, Charles Hall, Miss Katie Atwater, Bennington; Charles Hall and wife, Springfield, Mass.; Rev. Cyrus W. Heizer and wife, Chicopee, Mass., and T. B. Jennings and wife, New York."

Continued the newspaper account: "Dinner was sumptuously served at six o'clock. At the conclusion of the repast Governor Hall touchingly alluded to the anniversary the company were assembled to celebrate; he also spoke of the many wonderful changes he had witnessed in the social, political and scientific world during the more than ordinarily long life he had been permitted to enjoy. He referred to the growth of the uses of steam; how many received with incredulity and derision the announcement that one Fulton had constructed a boat that was propelled by steam that would sail at the rate of four miles an hour. Mr. Hall also related reminiscences connected with the struggle of Prof. Morse to obtain the appropriation in 1843 for the construction of an experimental telegraph line; of the manner in which the subject was treated by some of the members of Congress; of the amusing amendment which was introduced to the bill by Mr. Cave Johnson, 'that mesmerism and spiritualism be included in the experiments to be made.' Mr. Hall fittingly closed his remarks by acknowledging his obligation to his Maker in permitting him to live to such an extended age, and of his willingness to trust Him as to his future and eternal existence."

Then this poem, "contributed by a member of the company assembled," was read by John V. Hall:

O happiest he, whose riper years retain  
The hopes of youth unsullied by a stain!  
His eve of life in calm content shall glide.  
Like the still streamlet to the ocean tide:

An age that melts with unperceived decay,  
And glides in modest innocence away:  
Whose peaceful day, benevolent endears,  
Whose night congratulating conscience cheers;

The general favorite, as the general friend,  
Such age there is, and who shall wish its end.

Son Henry Hall, who attended Burr Seminary in Manchester, became a cotton manufacturer in North Bennington, where he lived in the Stone House and remained a prominent businessman throughout his life. Eliza, the daughter of Henry and his wife Caroline, was married to Henry T. Cushman whose North Bennington factory, across the road from the Stone House and on the banks of Paran Creek, made a line of wood furniture that gained much renown.

Another Hall who remained in North Bennington for many years was Samuel Baker Hall, son of Marshall Carter Hall. (His middle name derived from his mother's status as a descendant of Green Mountain Boy Remember Baker of Arlington.) S.B. Hall was cashier of the First National Bank of North Bennington, founded by his grandfather and his uncle.

Nathaniel B. Hall studied law and practiced in North Bennington for a time, served as a major with the 14th Vermont Regiment in the Civil War and saw combat at Gettysburg; he joined his brother Henry in manufacturing, then moved with his family in 1870 to Jackson, Michigan.

In November of 1884 another family reunion, this time with a Thanksgiving theme, was held at the residence of Hall's son Charles in Springfield, Massachusetts, where the elder Hall resided during the winters of his years as a widower. The event was attended by, among others, sons Henry and John from Bennington, and Nathaniel from Jackson, Michigan. A clipping about the reunion in a Springfield newspaper noted that at the age of 89, Hiland Hall was then the oldest living former member of Congress.

In national and state politics during this elder statesman era, Hall did not seem to become directly involved. But two of his letters indicate that he had a friendly relationship with the important U.S. Senator Justin S. Morrill. In 1876, Hall wrote the senator a "private" letter commending Morrill for his role in a report that condemned a Senate bill pertaining to a familiar subject, Revolutionary War claims. Said Hall, "However this bill may have got into the Senate, it was undoubtedly concocted by a band of claim agents, and is nothing but a stupendous fraud. From my long service on the Committee of Revolutionary Claims of the House, during the period of the great avalanche of claims of that description from Virginia...I became very familiar with the subject, and the tricks and devices of those prosecuting the claims."

Two years later, in October 1878, Hall worked to nip what appeared to be some opposition to the re-election of Senator Morrill by the legislature. He wrote to State Representative B.F. Morgan on October 12 (according to his handwritten draft): "I am told that some of the active Republicans of our country are



opposing the re-election of Senator Morrill. I doubt if they are representing the wishes of the intelligent portion of our county . . . He is in undoubtedly one of the best informed and most extensively useful members of the Senate, and he occupies a very high position among his [colleagues] in that body." Morgan replied, on the letterhead of the Representatives Hall, after the legislature had voted on October 19: "The two houses have just voted for U.S. Senator, Judge [Luke P.] Poland having withdrawn his name. There was no organized opposition to Senator Morrill, and he had a large majority in both houses." (Judge Poland had warmed this Senate seat for a year after Jacob Collamer died in 1865 and before Morrill was first elected to it in 1866.)

In November 1875, at the age of 80, Hall shifted his historical interests from the state to the local level. He was elected president of the new Bennington Historical Society, the logical person to be so honored. A pamphlet the following year listed the organization's ambitious goals and numerous officers. There were thirty-two vice presidents, a board of twenty-four directors, a corresponding secretary, treasurer, recording secretary and secretary to the board of directors, three auditors, seven members of a genealogy board, and three members of a committee on printing and publishing.

The grand purposes of the new society were "to form a starting point for the centennial celebration of the Battle of Bennington of August 16, 1777," to publish a town history, to designate "historic localities," to construct a society building, and to erect "a soldier's monument" to those who served in the American Revolution. Of the centennial of the battle the pamphlet stated, "Already the attention of the state has been turned in this direction in the expectation that the event will be celebrated with more than the usual *eclat*."

These goals were mostly fulfilled except for the publication of a town history. Hall had written a sketchy history of Bennington and the Green Mountain Boys that was printed in installments in the weekly Banner in 1841, but either no one remembered it in 1876 or else it was considered of insufficient import to be published in book form.

In the fall of 1876, Hall attended a session of the Vermont General Assembly to guide a bill that would incorporate the Bennington Battle Monument Association. The legislation promised that the state would appropriate \$15,000 if another \$5,000 could be raised through public solicitation; and the states of New Hampshire and Massachusetts, but of course not New York, would be invited to contribute official funds. (Later, the U.S. Congress would add \$40,000 to the cause.) For the elaborate centennial celebration of the Battle of Bennington in August of 1877, which was attended by President Rutherford B. Hayes, Hall prepared a full description of the battle, and it was widely circulated.

On December 2, 1884, the "committee on design for the Battle Monument" issued a report that was lengthy, erudite, and as it turned out, volatile. The committee was composed of four distinguished members: Hall's old friend E.J. Phelps, a prominent lawyer who had succeeded him as Second Comptroller of the Treasury, who served as president of the American Bar Association, and who was to be President Cleveland's minister to England; Hall's grandson-in-law, John G. McCullough, who had succeeded Trenor Park as president of the Panama Railroad and who would be elected governor of Vermont in 1902; Alexander H.H. Rice, the governor of Massachusetts; and Benjamin F. Prescott, the governor of New Hampshire. The report contemplated various monuments through the ages, including the Egyptian pyramids, Pompey's Pillar at Alexandria, the Nelson Monument and Duke of York's column in London, and the towers of the new Brooklyn Bridge, which were then at 265 feet the tallest structures in the city of New York. "It is obvious," intoned the design committee, "that the choice must be taken between the purely architectural structure of large and imposing dimensions and little else, and the smaller monument which tells its story and expresses its sentiment principally through the genius of the sculptor." The report unanimously recommended a design proposed by Professor John H. Weir of Yale University for an "artistic" monument twenty feet square on the ground, fifty feet high on a mound ten feet high, with four bronze allegorical statues each eight feet high, all to cost an estimated \$85,000. The report specifically rejected the "monumental" approach and concluded that ". . . such monuments . . . have failed of their purpose . . . . They tell us no story; they appeal to no memory, and to no sentiment: their lips are silent; rather they have no lips and no voice."

If he had been slapped in the face, Hiland Hall could not have been more stunned by such a recommendation -- grandson-in-law or not, distinguished political colleagues or not. In January 1885, a petition citing "an honest difference of opinion" asked the Bennington Battle Monument design committee to withhold its final decision. The petition was signed first by former Governor Hall, followed by seventy-three other names, including those of all the selectmen of Bennington, prominent clergymen, lawyers, bankers, judges, and doctors. Hiland Hall, wintering with his son Charles in Springfield, penned a lengthy dissent to accompany the petition, addressed it to the Honorable Luther R. Graves, treasurer of the Bennington Battle Monument Association, and had it published in full in the January 12 edition of the weekly Bennington Banner. Hall favored the "monumental" approach, and he favored it strongly and persuasively. He disparaged the design committee's arguments for an "artistic" monument and said that no conclusive reason had been advanced to justify that alternative.

"The object of a monument in commemoration of an important event need not be, and can not be, to give its history," he said, "for that, in this intelligent age

and so long as civilization shall be perpetuated, will be found, a thousand times more full and complete during this and all succeeding generations, in written language and pictorial representations, than can possibly be communicated by any conceivable artistic structures whatever. Art in marble or bronze may form a desirable appendage to a commanding monumental structure . . . but any attempt to elevate it into a substitute for intelligent history must necessarily be a failure."

He wrote that the committee failed to prove that any "artistic" monument to a great event had ever been met with approval and success, that such an untried experiment would be doomed to insignificance. "I can not believe that a monument to commemorate the important battle of Bennington, that is not of sufficient size and height to tower above its surroundings and to attract the attention and excite the admiration of the distant beholder, will command the approval of the public of either of the three States that contribute to its erection, or the people of the vicinity."

Hall concluded, "A monumental structure after the fashion and size of that at Saratoga, having its foundation on the brow of the high hill where stood the old revolutionary storehouse that General Burgoyne sought to capture . . . would be seen and admired for its beauty and grandeur by many thousand residents of the vicinity, and by a much greater number of travelers from abroad on the many miles of railroad that the monument would overlook. Such a monument I can not but hope will in due time adorn our old State Arms Hill, though I can not reasonably expect to live to see it."

With the exception of its reference to the short-lived railroad line through the town, this vision proved uncannily accurate. Whatever else might be said about the Bennington Battle Monument, now owned and operated as a tourist attraction by the Vermont State Division of Historic Sites, it is situated on a dramatic height of land and can be seen for many miles, including -- on a clear day -- from the Bennington Battlefield State Park about six miles away in Walloomsac, New York, now maintained as a picnic site by the New York State Education Department.

On April 14, at a meeting of the Bennington Historical Society, an advisory committee of not less than *forty* members was named to bring before the annual meeting on August 12 the opinions of engineers, architects, and builders on the cost, durability, and stability of "a massive structure of commanding height, built of stone of this vicinity." With Hiland Hall himself presiding, the advisory group met and named a "working committee" (which included son John V. Hall) and also a finance committee, with the intention of locating such a monument on the site in Old Bennington of the old continental storehouse. The site itself, at 283 feet elevation above the Walloomsac River, beholds a panoramic view of the countryside for many miles. The scene for 180 degrees to the north encompasses

the Taconic Mountain range extending to Mount Equinox and beyond toward the north and northwest, the Green Mountain range stretching from Glastenbury and Stratton mountains toward the north and northeast, and in between them the grand basin of settled, fertile valley land that constitutes most of Bennington County.

"The site," declared the new committee, "is therefore on a hill between two ranges of mountains and commands so extensive a view that a monument erected on it, of the height proposed, will be a most conspicuous feature of the landscape for miles around." The monument should be able to withstand winds of more than 100 miles per hour and would be more stable than either the Bunker Hill or Washington monuments, the committee declared.

On June 1, Hall addressed the members of the Bennington Battle Monument Association "as the time for the final action approaches" (the annual meeting would be on August 12) and reported that \$80,000 had now been raised -- from the legislatures of Vermont, New Hampshire, and Massachusetts, from the U.S. Congress, and from private subscriptions. He still expressed the concern that a small artistic monument "would remain unknown to the world and would dwindle into an obscure art gallery." He faulted the design committee for "rejecting magnitude and grandeur of dimensions," reiterated that the Washington Monument "speaks for itself," and envisioned a structure that would "stand in a village of less than a thousand inhabitants, where people are not accustomed or expected to resort to find any thing of the kind . . ." He concluded, "We are now confronted with the experiment of attempting to dignify a great event by a small monument." The full text of his address goes on and on for 18 pages of the cramped, tiny handwriting that became smaller and more difficult to decipher as he aged.

But progress, from Hall's point of view, was being made rapidly, for on July 9 the new advisory committee to the Bennington Historical Society recommended a design that "ought to be massive and lofty to comport with the mountains surrounding the site." This committee "strongly and unanimously" approved Design Number 1 of J. Philipp Rinn, "an artist and architect of Boston," who proposed a massive granite shaft 301 feet high, tapering to a point from a base 37 feet square. Hall had assembled an advisory committee of several distinguished persons no doubt to balance the prominence of members of the original design committee. These included, besides himself, A.L. Perry, a professor at Williams College; J.B. Walker, vice president of the New England Historical-Genealogical Society for New Hampshire; H.A.P. Torrey, a professor at the University of Vermont; former Vermont Governor Horace Fairbanks of St. Johnsbury; and John W. Stewart of Middlebury, another former Vermont governor who had also served as Congressman from the First District.

On July 20, at a family reunion at the home of his granddaughter, Eliza Hall Park McCullough and her husband, John G. McCullough, Hiland Hall's 90th

birthday was celebrated. The party was attended by fifty-one descendants and was reportedly much enlivened by humorous remarks from the governor himself. On July 28, at another meeting of the Bennington Historical Society, favorable opinion was recorded of a design for "a lofty monument."

At the climactic August 12 annual meeting, with the incumbent governor of Vermont, Samuel E. Pingree, presiding, a victory for monumentalism was finally and fully achieved when it was voted unanimously to approve the Rinn design. There would be, after all, a lofty monument. But the association also agreed, after receiving reports from builders and engineers, that another \$25,000 would be required for construction.

Thus at the age of 90, after meticulous and persuasive preparation and argumentation, Hiland Hall had won a satisfying, clear-cut, and very public victory in his final dispute. It was as if he would be able now to die in peace.

That fall he made lists of possessions he would take with him so that he could spend the winter once again with his youngest son Charles, who operated a hardware, china, and crockery business in Springfield, Massachusetts. Earlier that year, Hall and his four living sons, Henry, Nathaniel, John, and Charles, visited the photographic studio of Chauncey L. Moore in downtown Springfield to have a group portrait made, and at the same time several individual portraits of Hiland Hall were taken. One can presume that after the death of Marshall Carter Hall, the surviving brothers probably thought it was time to have their picture taken for posterity. The resulting set of photos was revealing, for they disclosed five white-bearded men who appeared if not quite unhappy, at least somber. Hiland himself, at the age of 89 and with a long white beard but no mustache, seems old, worn and tired though not really feeble. Either he was in a melancholy mood or else the photographer lacked the ability to arouse much facial expression. Henry, thinnest of the lot, bearded and bald, seems the most congenial. Nathaniel comes across in the photos as severe and unfriendly. John is obese but dashing, with a vest and watch fob, a curvaceous waxed mustache and flowing beard and white hair. Host Charles is also overweight, almost roly-poly, with stiff white chin whiskers thrust forward.

Shortly before Christmas, on December 18, 1885, Hiland Hall passed away. The cause was simply old age. The obituary in the Springfield Daily Democrat said that he had been "in the best of spirits" only the day before, when he had made his daily visit to Charles's Main Street store; and that evening he retired early, though not complaining of any illness. At 7 a.m. the family heard him fall in his room and he was found lying on the floor, having attempted to get dressed. Despite the efforts of a doctor, who found him "in a very low state," he died at about 10 a.m.

Funeral services were conducted at his home in North Bennington by the Reverend Dr. Isaac Jennings, pastor of the First Congregational Church in Bennington Centre, though Hall was not a member of that church. The elderly clergyman, who had served the church for thirty-two years and was himself to die in another two years, chose to enumerate Hiland Hall's many virtues. Mentioned first by Pastor Jennings were "His rare social characteristics combined to a remarkable degree with kind and friendly attentions to all." Second, "he was an instructive example to all of tireless and well-directed industry, without which he could not have accomplished all that he did." Third, "...The ethical spirit was a dominating principle in him...he did indeed shun the bitterness of the time, but he had strong conclusions of his own, arrived at by research which left no stone unturned..." and "it was admirable and impressive to see his characteristic modesty and childlikeness of spirit, and yet the indomitable purpose for truth and duty rising with the occasion, growing more and more tenacious, unyielding and determined." Fourth and last was simply "his historic spirit."

Hiland Hall was buried in the Centre Bennington Cemetery adjacent to the old church, in a grave not far from those of three other governors of Vermont from Bennington, Moses Robinson, Isaac Tichenor, and John S. Robinson. He was also next to Dolly and the children who had predeceased them. The gravesite today is marked only by a hydrangea and a modest marble obelisk, with no indication of his prominence as a governor or any other distinction.

By a remarkable coincidence, on December 19, the day after former Governor Hall died, he was followed in death by Ryland Fletcher, age 88, of Proctorsville, who had preceded him as governor.

In the spring of 1887 a contract for the construction of the 301-foot Bennington Battle Monument was awarded for \$74,000 to the firm of William H. Ward of Lowell, Massachusetts. There was some further give and take as to details of design. Both to enhance the simplicity of the massive obelisk and to shave costs, the concept was abandoned of a small museum building attached to the monument's base. The very massiveness and height of the monument became the central spectacular feature of the site, as it surely remains today. The state of Vermont even offered to spend another \$10,000 so that ten parcels of land could be assembled to create a large square park in the middle of which could be located the monument; it would not have to be placed merely on the side of the road near the former arms storehouse. One most unfortunate aspect of that plan was that it required the demolition of the State Arms House, a dignified brick hotel that had been the site of many a Bennington Battle Day celebration. Yet the plan resulted in a dignified setting and a majestic landscape that appropriately complement the massive monument.

The monument's cornerstone, weighing five tons, was filled with local ephemera and historical memorabilia that included a copy of Hiland Hall's "History of Vermont," and it was dedicated on the 110th anniversary of the Bennington Battle, August 16, 1887, during elaborate ceremonies that included "3,500 men in line" and about 1,000 Masons. Throughout 1888 the structure of Sandy Hill bluestone grew higher and higher by means of temporary railroad tracks, massive scaffolding, and an elevator.

Another community ceremony took place in November 1889, as the monument's capstone was about to be cemented to the peak, and various dignitaries climbed the scaffolding to take turns standing for a few dizzying moments on the flat surface that was about to be capped by a final pyramid-shaped stone. The monument remained completed but unsanctified for some time; the official dedication awaited the massive centennial of Vermont's statehood in 1891.

These combined state-centennial-monument-dedication festivities involved ceremonies the duration, dimensions, grandeur, and pretentiousness of which Bennington never experienced before or since. The events also merited a visit from several cabinet members as well as another president of the United States. This time it was Benjamin Harrison, the Republican grandson of the Whig candidate and short-lived president for whom Hiland Hall had campaigned so earnestly at a clearing in the woods of Stratton back in the summer of 1840.

### *Notes on Chapter Six*

#### *1. Some family dates of birth and death.*

##### *The children of Hiland and Dolly Hall:*

		<i>age at death</i>
<i>Marshall Carter Hall</i>	<i>1820-1881</i>	<i>61</i>
<i>Eliza Davis Hall</i>	<i>1821-1843</i>	<i>22</i>
<i>Henry Davis Hall</i>	<i>1823-1903</i>	<i>80</i>
<i>Hiland Hubbard Hall</i>	<i>1825-1851</i>	<i>26</i>
<i>Nathaniel Blachley Hall</i>	<i>1826-1892</i>	<i>66</i>
<i>Laura VanderSpiegel Hall</i>	<i>1828-1875</i>	<i>47</i>
<i>John VanderSpiegel Hall</i>	<i>1831-1888</i>	<i>57</i>
<i>Charles Hall</i>	<i>1832-1907</i>	<i>75</i>

##### *Other family members:*

<i>Hiland Hall</i>	1795-1885	90
<i>Dolly Tuttle Davis Hall</i>	1792-1879	87
<i>Nathaniel, HH's father</i>	1763-1849	86
<i>Abigail, HH's mother</i>	1767-1846	79
<i>Thomas, HH's grandfather</i>	1726-1803	77
<i>Eliza Hall Park</i>		
<i>McCullough (Lizzie)</i>	1848-1938	90
<i>John G. McCullough</i>	1835-1915	80
<i>Hall Park McCullough</i>	1872-1966	94

*Siblings of Hiland Hall:*

<i>Hiland</i>	1795-1885	90
<i>Phebe</i>	1797-1860	63
<i>Abigail</i>	1799-1884	85
<i>Nathaniel</i>	1800-1846	46
<i>Anna</i>	1804-1869	65
<i>Laura</i>	1806-1854	48
<i>Polly</i>	1808-1870	62

2. *David McCullough, "The Path Between the Seas," ibid. p.136.*
3. *June Barrows, "An American Chronicle," unpublished manuscript in the archives of the Park-McCullough House.*
4. *Pastor Isaac Jennings was the father of Frederic Beach Jennings, a lawyer who was married to Laura Park, known as Lila, the younger sister of Eliza Hall Park McCullough; Laura Park Jennings was also the younger daughter of Trenor W. and Laura VanderSpiegel Hall Park. The Jennings estate in North Bennington, originally purchased as three or four farms by Trenor Park to give to Lila as a wedding present, was conveyed in the 1930s by the Jennings family to Bennington College for its campus. The Jennings mansion is now used as the college's music building.*

**Bibliography**

**Most but by no means all of Hall's letters and papers, long located in the archive of the Park-McCullough House in North Bennington, Vermont, are in the hands of Special Collections at the University of Vermont, with the hope that they can be returned to North Bennington. Hall's granddaughter, Eliza Hall Park McCullough, wrote her family**



recollections of the Halls, the Parks, and California days in *Within One's Memory*, published in 1924 and republished in an illustrated edition by the Park-McCullough House in 1987.

Other letters and papers -- Hall's 1823 "Oration" on the Battle of Bennington, his treatise "How I became a member of Congress," some data on the design and construction of the Bennington Battle Monument, and the Reverend Dr. Isaac Jennings's hand-written funeral eulogy -- are among manuscripts in the Bennington Museum. Most letters and papers dealing with Hall's *The Early History of Vermont* are found in the Wilbur Collection, which also holds some Hall letters within the papers of John Spargo, plus letters Hall sent to Henry Stevens, founder of the Vermont Historical Society. The Wilbur Collection also has Hall Park McCullough's elaborately mounted and interleaved edition of *The Early History of Vermont*, and John Spargo's specially bound edition of the same book.

The best reference for Hall's history is the book itself, published in 1868 by Joel Munsell, Albany, New York. An opposing interpretation is Benjamin H. Hall (no relation), *History of Eastern Vermont*, D. Appleton & Co., 1858, which Hiland Hall disliked for its pro-New York bias.

Some of Hall's papers dealing with his years as governor are in the library of the Vermont Historical Society in Barre, Vermont, though these are not numerous and tend to be routine correspondence. The VHS library has documents on Hall's years as president of the VHS (1859-66) and copies of Henry B. Dawson's *Historical Magazines*. An inventory published by the Secretary of State's Office in 1985 lists the known locations of all papers of Vermont governors.

Data about Hall's years in the U.S. House of Representatives are found in standard sources, but several of his speeches are at the Park-McCullough House. Records dealing with Hall's term as chairman of the California Land Commission are in the National Archives in Washington, as well as with the papers of commission members. A useful chapter on the background of the California Land Commission is included in Robert Cleland Glass, *The Cattle on a Thousand Hills: Southern California, 1850-1880*, published by the Huntington Library, San Marino, 1951. Hubert Howe Bancroft's *History of California*, written in the 1880s, includes a volume that covers the era of 1848-1856. The life of John Charles Fremont and early days of California statehood are described in at least two biographies, Ferol Egan, *Fremont: Explorer for a Restless Nation* and Allen Nevins, *Fremont: Pathmarker of the West*.

William Doyle, *The Vermont Political Tradition* (Northlight Studio Press, Barre, Vermont, 1984) was often consulted for its discussion of political history and for appendices that list all Vermont governors and members of the U.S. House and Senate. Outdated but still useful are the many editions of the textbook *Conant's Vermont*. For the basics of Vermont political history, i.e., who ran for what office in what year and what the issues and results were, the five-volume Walter Hill Crockett *History of Vermont* is indispensable.

A brief biography of Hall's 1859 opponent for governor, poet John Godfrey Saxe, by Arthur Wallace Peach, is included in *Vermonters: A Book of Biographies*, Walter H. Crockett, ed., Stephen Daye Press, 1936. The same contains Charles Edward Crane's short biography of Hall. Some of Saxe's poems are found in *The Literature of Vermont: A Sampler*, Arthur W. Biddle and Paul A. Escholz, eds., University Press of New England, 1973.

Details about Vermont's three State Houses, notably about the fire that heavily damaged the second State House in January 1857, are found in Daniel Robbins, *The Vermont State House: A History and Guide*, published in 1980 by the Vermont State House Preservation Committee and Vermont Council on the Arts. Vermont's involvement in opposition to slavery is told in Wilbur H. Siebert, *Vermont's Anti-Slavery and Underground Railroad Record*, Spahr and Glenn Co., 1937, and reprinted by Negro Universities Press, 1969.

For background on Hall's home village there is Herbert S. Walbridge, *The History and Development of North Bennington, Vermont*, privately published in 1937, though Walbridge evidently took H. P. McCullough at this word when advised to "leave me out of it," for the author barely acknowledges the Hall, Park, and McCullough families, whose activities really dominate the history of that village. Some facts about the era of Trenor Park's return to Vermont from California are noted in Bradford Smith, *The Story of a Country Bank*, a 1954 booklet about the bank Park founded, the First National Bank of North Bennington. But except for a few papers in the Park-McCullough House, notably June Barrows's lengthy *The American Chronicle*; an article, "The California Connection" by Virginia Bell; and some historical newspaper articles by Joseph Parks, Park's life and business activities have not been researched in depth.

Two relevant documents, both published as paperbacks, appeared in 1988. *Hall Park McCullough: Americana Collector 1872-1966*, an inventory of McCullough's extra-illustrated copy of Hall's *Early History of Vermont*, contains brief biographies of Hall and McCullough, by J. Robert Maguire and J. Kevin Graffagnino, published by the Special Collections division of the Bailey-Howe Library, University of Vermont. The Vermont Historical Society published its own sesquicentennial history, *Up and Doing: The Vermont Historical Society 1838-1970*, by Weston A. Cate Jr., its director from 1975-1985. This anecdotal volume includes many references to Hall and his years as second VHS president.

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