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Litigious Vermonters : court records to 1825

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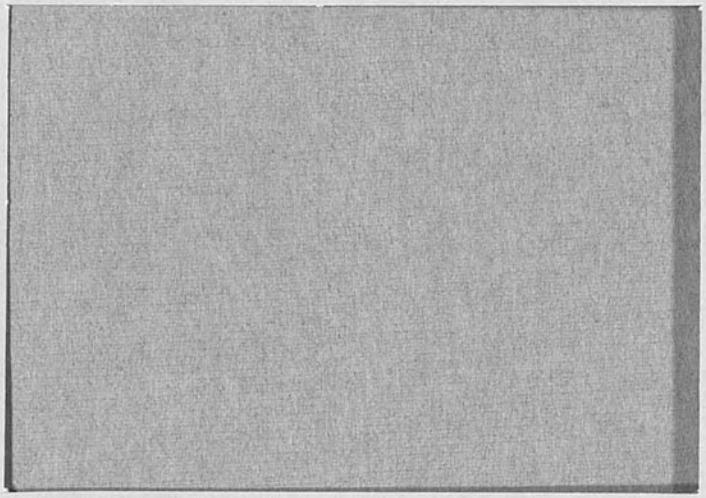

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LITIGIOUS VERMONTERS: COURT RECORDS TO 1825

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In September 1976 the Center for Research on Vermont initiated a Research in Progress Seminar series. These seminars are conceived primarily as opportunities for researchers on Vermont topics to present their preliminary findings for critical review. We especially encourage attendance by people who either through participation or observation and study have special competencies in the subject under investigation. All sessions are free and open to the public.

Although not every seminar has followed this precise format, the presentations have invariably either profited from critical commentary or otherwise promoted additional research. In order to facilitate wider dissemination of these efforts the Center has elected to distribute selected presentations as "Occasional Papers."

We encourage readers to provide substantive comments. They may be addressed to either the author(s) or the Center for Research on Vermont. We also welcome suggestions for future Research in Progress Seminar topics.

Sincerely yours,

Samuel B. Hand, Director
Center for Research on Vermont
September 1, 1979

SBH/cgp

VERMONT COURT RECORDS PRIOR TO 1825

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Courts have always figured prominently in accounts of early Vermont. Historians invariably detail the Green Mountain Boys' opposition to New York courts. The Westminster Massacre, a riot that precipitated the closing of New York courts east of the Green Mountains, is chronicled only slightly less frequently and no less passionately. The establishment of a Vermont court system, an intrinsically less dramatic affair, usually receives only fleeting acknowledgement. The actual operation of early Vermont courts has never been systematically explored.

To some extent this neglect reflects fashions in research. In 1826, Chancellor Kent, writing of his interest in how the law was "known and received" in the large commercial centers, reported that he did not "much care what the law is in Vermont, Delaware or Rhode Island."[1] Most subsequent researchers have followed this eminent jurist's lead. Another factor contributing to this lack of close attention has been the time and expense required to research the source material. Vermont county court records have never been published and Supreme Court decisions were not published systematically until 1824.[2] The original records, retained by

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[1] Kent to Peter S. DuPonceau, December 29, 1826, Duponceau Papers, Historical Society of Pennsylvania, cited in M. Bloomfield, American Lawyers in a Changing Society, 1776-1876 (Cambridge, Massachusetts, 1976), p. 361.

[2] Some of the first Supreme Court cases were published in William Slade, Vermont State Papers (Middlebury, 1823),

the courts where they were created, have been scattered throughout thirteen Vermont counties,[3] and are in varying states of preservation.

To insure preservation and facilitate greater use of these valuable records, the National Historical Publications and Records Commission awarded a grant to the Vermont Supreme Court in February 1978. The grant funded a pilot project to initiate the microfilming, centralizing, and indexing of selected Vermont Supreme and County Court records prior to 1825. Four counties were chosen for the project: Chittenden, Windsor, Washington, and Bennington. After surveying their remaining records, we elected to microfilm the Supreme and County Court clerk trial books. This was an obvious selection as they constitute the most complete single source. We have also prepared an index and deposited the original volumes with the Public Records Division in Montpelier (see Appendices A and B).

What then can we now say about the substance of these records? The formats of the volumes are quite similar,

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pp. 549-556. Nathaniel Chipman's Report and Dissertations (Rutland, 1793), span the terms held between 1789 and 1791; and Royall Tyler's two volumes, Reports of Cases Argued and Delivered in the Supreme Court of Judicature of the State of Vermont (New York, 1809), cover the Court's activities between 1800 and 1803. These volumes, in addition to Daniel Chipman's first volume of Reports (Middlebury, 1824), which cites early cases providing precedents, contain only a small segment of the cases heard by the court.

[3]Vermont's 14th county, Lamoille, was not incorporated until 1835.

offering terse and skeletal summaries of the cases. In addition to listing litigants, summaries specify when the suit was first entered, the attorneys representing the parties, notations indicating the type of action, the court's judgment, and type and size of the award. Whether a jury was present, and whether an appeal was requested is also noted.

The idiosyncratic and uneven recording of the clerks contribute to a variety of shortcomings, particularly in the county court records. Names were frequently misspelled, in many instances three or four different ways. Case summaries often neglect to record the attorneys for one or both parties, the size of the award granted by the court, and often even the type of action upon which the case was based. Here the clerk directed the reader to examine the court files containing the original writs; but, alas, these files have all too often disappeared from the court vaults.

GENERAL HISTORY

Although the organized jurisprudence of Vermont dates from 1778, it was in 1782 that a court system consisting of a Supreme Court, and county and justice of the peace courts was instituted. Thus three bodies of judges served in each county. Justices of the peace and county court judges were empowered to act only within their particular county. The Supreme Court rode circuit, generally meeting once each year in each county, hearing actions only from the county in which

it was then sitting.[4]

Justices of the peace exercised jurisdiction in the prosecution of "inferior crimes, misdemeanors and petty civil cases." Above them was the county court which, during most of this period, consisted of a chief and two assistant judges elected by the legislature and generally met for two terms a year.

Modeled after the Massachusetts Courts of General Sessions, county courts possessed broad supervisory powers over town governments and over the local economy. They approved the routing and rerouting of roads, licensed tavern-owners, peddlers, and often ministers. They also approved county accounts and expenditures, supervised town administration of the poor laws, and regulated county prisons. The county court served, in effect, as the county government, and in addition exercised original jurisdiction over all matters, excepting "petty matters" handled by the justices of the peace, and those matters reserved to the Supreme Court. As delineated in the revised statutes of 1796-97, Supreme Court jurisdiction extended over "capital and other high crimes and

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[4]Appeals were brought from the county court to the Supreme Court "unto the first stated session of the Supreme Court of Judicature, then next to be holden within and for the same county." See Acts and Laws Passed by the General Assembly of the State of Vermont (1797), pp. 72-73. For a discussion of the organization of these courts see Samuel B. Hand, "Lay Judges and the Vermont Judiciary to 1825," Vermont History, Vol. 46 (Fall, 1978), pp. 205-220.

misdemeanors"[5] as well as civil actions in which the State was a party. The Supreme Court also exercised appellate jurisdiction, and dissatisfied litigants, irrespective of their reasons for dissatisfaction, often had their cases retried.[6]

COUNTY COURTS

County courts dealt with a significant number of litigants. During the three decades between 1794 and 1825 the Chittenden County Court averaged more than 150 cases per term. The majority, 61% of the total actions, involved debt.[7]

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[5]These crimes, delineated in the 1797 "Act for the Punishment of Certain Capital and Other High Crimes and Misdemeanors," included treason, perjury, murder, arson with death ensuing, rape, assault with intent to ravish or murder, forgery, counterfeiting, adultery, polygamy, incest, and defamation of the civil authority. See Laws of Vermont (1797), pp. 155-175.

[6]Appeals were not granted in cases decided by default, in cases involving the sheriff's failure to properly serve a writ of execution, and in cases involving the sheriff's bonds for indemnity. Appeals of suits involving notes, book accounts, and bonds could be granted only with permission of the judges of the county court "upon consideration of the equity of the appellant's cause." See Laws of Vermont (1797), pp. 74-75.

[7]Percentages refer to known actions. In about 10% of the total actions the Supreme and County Court clerks did not record the type of action and instead referred the reader to the original writs. Although we have not been able to locate the county court writs, some Supreme Court writs are available. By checking these writs, it has been apparent that the unknown actions were similar in scope and magnitude to those recorded. We have concluded from this the percentages of particular litigations would not be significantly altered were there no unknowns.

This comes as no surprise to students of early Vermont history and we can assume similar percentages for the earlier years. During 1786 some Vermonters turned to violence and attempted to forestall debt collection by forcibly closing the courts. Although unsuccessful, these efforts, along with the subsequent and more significant Shays' Rebellion in Massachusetts, provided notable illustrations of the "Regulator" Movement.[8]

Despite relative prosperity during the last decade of the 18th century, widespread numbers of debts went unpaid. Creditors insisted they had no alternative save "the disagreeable necessity of putting their accounts in suit."[9] Debt actions presented to the Chittenden County Court between 1794 and 1824 involved (in order of magnitude) notes, usually involving personal transactions; book debts, invariably involving business transactions; and affirmations of judgments rendered by justices of the peace. In the great majority of instances the debtor did not dispute the debt. Throughout the period surveyed, in fact, most defendants

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[8]A discussion of the "Regulator" movement in Vermont can be found in John Bach McMaster, A History of the People of the United States (New York, 1914), Vol. I, pp. 347-355. See also Frederic Van De Water, The Reluctant Republic (New York: John Day Co., 1941), pp. 330, 331. Records of the Governor and Council of the State of Vermont, Vol. III, pp. 366-370 also includes pertinent information.

[9]Burlington Sentinel, January 6, 1809. Creditor warnings frequently appeared in the weekly newspaper throughout this period.

neither appeared in court nor contested the charge. More than three-quarters of the suits were uncontested. In short, the courts functioned as a collection agency by virtue of its authority to invoke the severe pressures upon the debtor the law then invited.

The creditor, having been issued a writ of execution by the court and having presented it to the sheriff, could at his option levy execution in one of three ways: first, he could have his debtor's goods and lands appraised at their "fair and just value," and seize the property to the amount of his debt. Secondly, he could have the debtor's goods sold at auction and obtain satisfaction from the proceeds. Finally, if the debtor's possessions were insufficient, the creditor could "levy execution on the debtor's body and commit him to the common gaol in that county."[10]

The court records suggest that imprisonment was used extensively for debt. Although it is not possible from the court records to construct reliable tables, H. J. Conant's 1951 article, "Imprisonment for Debt in Vermont: A History"[11] cites an 1830 study for the years 1827 to 1829. This study found that 4,901 persons were imprisoned throughout the state during these three years, while only 2,085 of these persons were discharged during the same time. John Bach McMaster's

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[10] Laws of Vermont (1787), p. 60.

[11] See H. J. Conant, "Imprisonment for Debt in Vermont: A History," Vermont History (April, 1951), pp. 68-69.

observation that "no crime known to the law brought so many to the jails and prisons as the crime of debt"[12] seems to have held true throughout the early national period for Vermont.

Yet, Vermont laws were not completely devoid of their humanity. Debtors who possessed less than $20 in property could obtain releases by taking the "poor debtor's oath." For those not qualifying, and for lack of a general law relating to insolvency, the state legislature considered petitions from debtors for relief.[13] Probably the most humane aspect of Vermont law concerns the admission of debtors to the so-called "liberties of the jailyard," although jailors who permitted prisoners to escape were liable to creditor suits. Liberties extended the boundaries of the jail into the town, and allowed prisoners a chance to depart from the close confinement and unhealthy conditions bred by the jails. The liberties were obtained by filing a penal bond and indemnifying the sheriff against escape. The ease, too, of breaking the bond, contributed to a sizable number of suits brought by the creditor. These cases,

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[12] McMaster, p. 98.

[13] Peter Coleman, having researched the State Papers of Vermont (1786-1799) and The Acts of Vermont (1786-1821), reports 258 relief bills were enacted between 1785 and 1821. In only 17 cases, he notes, did the relief act discharge the debts: the vast majority merely provided a stay of execution, typically for one to five years. See Peter Coleman, Debtors and Creditors in America (Madison, Wisconsin, 1974), pp. 68-73.

combined with similar actions, comprise a second category. We have termed these "recirculated cases"; cases having already been heard in the county court, and then reentered under a different charge. These actions, all arising from a particular debt, often involved either defendants different from those originally charged or additional defendants.

Jail bonds appear in the Chittenden County Court records with staggering frequency, totaling 1,488 times; fully 90% of these actions were defaulted. Why, then, were these cases recirculated? A partial answer lies in the lawyers' "mischievous application of the law." Though the jail bonds often represented a legitimate access to credit, most often attorneys recognized the bonds would probably be broken. This, as one practitioner acknowledged, the lawyer was prepared to respond with "a new suit upon a jail bond, with judgment, execution, commitment, and a second jail bond, breach and suit and so on indefinitely, to the increasing profit of the attorney."[14] This practice invariably proved more profitable for the attorney than his client.

Actions involving sheriffs as defendants appeared frequently. These cases, alleging misconduct on the part of the sheriffs or their deputies, for whom they were liable, alleged "misfeasance or neglect in performing a duty relating to civil litigation." This would include failing to serve a

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[14] Quoted in W. S. Rann, ed., History of Chittenden County, Vermont (Syracuse, 1886), p. 227.

writ of attachment (the most common charge), failing to keep attached goods in possession pending trial, or failing to levy execution or to levy it properly.

Few of these "recirculating cases" were challenged by the sheriff-defendants. The Chittenden county default rate was 89%, and again, there are indications of dubious legal maneuvering. Collusion appears to have been common between attorneys and sheriffs. In 1807, the state legislature enacted a comprehensive statute bearing the significant title "An Act to Punish Undue Combinations, Speculations, and Unjust Practices among Attornies and Pettifoggers." The act provided for disbarral and forfeiture in cases where "any attorney shall enter into any agreement or contract with any sheriff, deputy sheriff . . . for the delay of any writ of execution, thereby to lay the foundation for another action, and to recover judgment for another bill of costs, in the collection of the same demand."[15]

The act focused directly upon a perceived abuse by focusing upon the legal profession. Debt cases, including "recirculating cases," comprised almost 90% of the Chittenden County caseload each term: fully four-fifths of these actions were uncontested. Lawyers, operating within the county courts, were basically debt collectors. Small wonder that lawyers in general, administering to the needs of

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[15] Laws of Vermont (1808), pp. 400-404.

creditors, were adjudged to be the "bane of society" by great numbers within Vermont society.

County court rulings seldom involved close legal reasonings and county court judges were seldom lawyers. They were, however, very prominent men in their communities. Prior to 1825, 21 of the 23 members of the Chittenden County Court served in the legislature or upon the Governor's Council either before or during their tenure on the court; in Windsor, the figure was 26 of 28. These judges commanded authority and possessed the respect and confidence of their constituents. Within a society where government did not possess a vast bureaucracy to enforce its laws, this respect and confidence was a fundamental prerequisite for local compliance.

Certain types of cases were frequently disputed within the county court. These fall under three categories: (1) "seizin," (2) trespass with force and arms, and (3) trespass on the case. Six hundred and ninety-five such cases were presented in the Chittenden County Court between 1794 and 1825, comprising 8% of the total caseload. The default rate for these cases was under 25%. Hence, about 500 such cases were actively litigated.

The first category deals with "Seizin" cases. The plaintiff here claimed title and ownership to property inhabited by the defendant. The vast majority of these cases involved the failure of the defendant to satisfy the terms

of a mortgage deed and were invariably decided in favor of the plaintiff. However, the court judgment postponed eviction for six to twelve months, stipulating that if the defendant made payment he could retain possession of the land. "Seizin" cases could sometimes become excruciatingly complicated. One point, however, should be stressed. The bulk of these cases, tried once and sometimes twice as was allowed in the county court, were frequently appealed for retrial at the next session of the Supreme Court.

Trespass cases encompassed an interesting array of suits. Trespass with force and arms suits included destruction of landed property, theft of trees, crops, animals and personal items. In addition, assaults were commonly filed as civil suits rather than state criminal prosecutions. The law permitted assault victims monetary reimbursement from their assailants, and victims frequently elected to seek reimbursement in preference to having the state jail or fine their assailant.

Similarly, the principal type of case presented in the category of trespass on the case suits involved the plaintiff's charge that the defendant was in possession "of the plaintiff's lost goods." In such cases of theft the plaintiff could collect damages totaling three times the value of the stolen items. Trespass on the case also included slander suits, suits involving the defendant's failure to deliver goods, his writing false letters of recommenda-

tions--one suit even involved impregnation, the plaintiff seeking damages for the inconvenience he suffered from his pregnant daughter being "rendered incapable of performing her domestic duties."[16] These trespass suits were seldom defaulted in the county courts, and 30% were appealed promptly to the Supreme Court.

SUPREME COURT

Although established in 1778, the supreme Vermont court was not formally styled the Supreme Court until 1782. Initially consisting of five judges, in 1787 it was reduced to three. Originally staffed by lay judges, since 1789 it has been a lawyers' bench. As noted earlier, the jurisdiction of the Supreme and County Courts overlapped considerably. Through much of the period, however, the Supreme Court exercised exclusive jurisdiction over, among other matters, divorces, foreclosures, and serious crimes.

Divorces were permitted in Vermont for "impotence, adultery, intolerable severity, three years willful desertion, and long absence with presumption of death." The records detail, however, the general use of only two of these grounds: desertion and adultery. The records further

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[16] John Martin vs. Samuel Fargo, Vol. 9, Chittenden County Court Records, pp. 345-346; this case, appealed to the Supreme Court, appears in Vol. 2, Chittenden County Supreme Court Records, p. 261. Martin was awarded $75 damages by the County Court. Fargo appealed and Martin won an $85.43 award from the Supreme Court.

reveal that husbands filed petitions only slightly less frequently than their spouses, again employing the same grounds.[17]

Foreclosures generally appeared as "seizin" cases in which the defendant's grace period had elapsed. The Supreme Court, after extending the defendant an additional six months to satisfy the terms of the mortgage, would execute an eviction notice.

Serious crimes constitute our final category. Consistent with the attitudes and policies of other New England states, Vermont prosecuted cases principally involving the protection of private property. Between 1789 and 1824 sexual offenses, including adultery, fornication, incest, rape, and bestiality totaled 25 cases in Windsor and Chittenden counties, about 10% of the criminal prosecutions. As suggested earlier, state prosecutions for assault were even rarer. Only eight such prosecutions were brought before the Supreme Court for Chittenden County between 1800 and 1824. Seven murder prosecutions were heard in Chittenden and Windsor counties, and in only two instances (once in each county) was the defendant convicted.

The vast majority of criminal prosecutions involved theft, counterfeiting, or the passing of forged notes.

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[17] For a discussion of divorce, see Betty Bandel, "What the Good Laws of Man Hath Put Asunder," Vermont History, Vol. 46 (Fall, 1978), pp. 221-233.

Penalties levied by the court were consistently harsh and usually the maximum permitted by law. Until 1797, convicted counterfeitors and horse thieves were sentenced to lose their right ears, to be branded on the forehead (horse thieves with an "H.T.", counterfeitors with a "C"), fined and imprisoned. In 1797 sentencing was restricted to imprisonment: horse thieves receiving seven years at hard labor, counterfeitors ten. Punishment for theft was scaled to the money value of the items stolen, and ranged from two to ten years. Those convicted of passing forged notes received from two to five years.[18]

The remaining cases were appeals from the county courts. More than half the Supreme Court's business was retrying cases. Parties dissatisfied with a county court decision who possessed the right of retrial in the Supreme Court frequently took advantage of the opportunity. The majority of these appeals were based on questions of fact, relatively few appellants charging "error" in the county court proceedings. Even when hearing appeals the Supreme Court resembled a trial court of general jurisdiction.

The Supreme Court's annual caseload for any particular county approximated 10% of the number of county court cases. No particular category dominated to the degree debt did for the county courts. In the Supreme Court for

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[18] Laws of Vermont (1797), pp. 155-175.

Chittenden County, debt cases, the most numerous category, constituted 18% of the total.[19] Equally significant is the fact that judgments were rendered in less than one-third of these cases by default or nonsuit. Thus the Supreme Court expended relatively little of its energies as an automatic processor of creditor claims. Furthermore, aggrieved appellants often found the Supreme Court receptive to their pleas. In Chittenden County, the Supreme Court reversed almost half (48%) of the county court's decisions in seizin and trespass cases, and more than one-quarter of the contested debt suits. These figures seem to hold true whether jury or court trials.[20]

In 1824 the Legislature reorganized the courts. After November 1825 the Supreme Court became an appeals court in the sense that we have come to understand appeals court. Appeals were granted only "for the rehearing of some issue of law determined by [the] county court." The county courts were simultaneously converted into courts of general jurisdiction, the true predecessor of Vermont's modern Superior Court.

In summary, this paper has attempted to describe the operations of the early Vermont Supreme and County courts.

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[19] Recirculating cases comprised 11% of the Supreme Court caseload; seizin 9%; and trespass suits 8%. No other category of appeals exceeded 8% of the court's caseload.

[20] In the Supreme Court for Chittenden County (1800-1824), 18% of the appeals in fact were heard by juries.

Admittedly incomplete, our analysis nonetheless serves to illustrate some aspects of the information that can be gleaned from the court records of those counties microfilmed and indexed through the auspices of the National Historical Publications and Records Commission. These records, as we have already suggested, are of interest to a wide range of researchers and not merely to legal or institutional historians. We anticipate the indices will help make this collection of particular value to genealogists and students of economic and social history. We also appreciate that the collection is not as valuable as it would be if it were similarly available for all Vermont counties. It is our earnest hope that the various county bar associations and historical societies will direct their efforts towards completing this project. The value of such a collection will be limited largely by the imagination of those who research in it.

APPENDIX A

Time and mother nature have exacted a heavy toll upon the original records. The Bennington County courthouse, leveled three times by fire, lacked record books detailing either Supreme or County Court activities from 1790 to beyond 1830. Twelve docket books, spanning the years from 1781-1789 have, however, survived. One of these, the County Court docket for 1782, includes enough additional commentary to suggest it may have also served as the record book for that term and it has been indexed and microfilmed.

Washington County, originally incorporated as Jefferson County on December 1, 1811, is the only one of our four counties to have retained a complete set of its Supreme and County Court records, but these records are not always legible, having suffered substantial damage from the Great Flood of 1927.

Some records have doubtless been lost. Although we initially thought this might be a consequence of shiretown relocations, records are also lacking for terms held in current shiretowns. We know for instance that the Vermont Supreme Court first met in Bennington in 1778. Yet despite publication of these early records in Slade's State Papers, the earliest Supreme Court records we located are for the February, 1794 term held in Windsor county and we possess a complete set of Windsor County Supreme Court records from that time. Similarly, the Chittenden courthouse in

Burlington possessed volumes intact only since 1800. For both the Windsor and Chittenden Supreme Court records the earliest volume we located is numbered one. Although these markings were apparently applied many years ago (perhaps at the time of the first entry), we do not know for certain when those markings were made. We can infer, however, that when they were made earlier records did not exist, having been either lost or never fully recorded. The first Windsor County Court met in 1782, but the volumes in our possession, labelled one through thirteen, contain complete records only since 1789. The Chittenden records for the years through 1825 consist of eleven volumes, labelled two through twelve (volume one is missing), spanning the September, 1794 term through the September, 1825 term.

Fragmented collections of docket books and judgment files have also been located. The haphazard preservation of judgment files is evidenced by the amount of materials having made their way into private collections. The University of Vermont, for instance, possesses the Windsor County judgment files for the 1802 through 1810 terms; similarly, the Sheldon Museum in Middlebury owns a collection of early 19th century Addison county judgments. Judgment files and docket books generally supplement information located in the court record books. As the amount of materials we could microfilm was restricted by monetary limits, only the original court record books detailing the court's proceedings have been

microfilmed. The collections of judgment files remain in the county courthouses and in private hands.

APPENDIX B

Microfilming and Index

To promote maximum access to this material, microfilm copies will be deposited with the appropriate county court houses. In addition the entire set of microfilm, which will total approximately fourteen rolls containing thirty-eight volumes, may be reproduced at cost (about $17 per roll) upon request.

Each microfilmed volume has been indexed individually and geared to a prefacing guide. This guide, organized by county, provides inclusive dates for each court term, the number of litigations, the volume and pages upon which each term appears, the total number of cases for each term, the judges, and, for the Supreme Court, a list of the lawyers who appeared. The index, in turn, contains an alphabetical list of cases by plaintiff for each volume. Less consistently, we have included the county court indexed issuance of licenses, maintenance of town reports and similar activities.

	1800	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	TOTALS
A. ORIGINAL JURISDICTION [T=283;%=37]																										
Divorce	2	2	1	4	--	6	5	2	7	4	--	--	3	4	6	3	4	--	6	2	--	4	1	5	2	73
Foreclosure	2	3	4	1	6	2	7	5	10	7	4	15	26	14	8	--	--	--	--	--	--	--	--	--	--	114
Guardianship/Partition	--	--	--	--	--	--	1	--	--	--	--	--	--	--	--	1	4	3	1	--	--	1	--	2	--	13
"Serious crimes":																										
Assault/Robbery	3	--	1	3	--	--	--	--	2	--	--	--	1	2	2	6	8	2	5	2	3	--	4	--	--	44
Forgery	--	--	--	--	--	--	2	2	3	1	--	--	1	--	--	3	--	--	2	1	1	1	1	3	--	21
Murder	--	--	--	--	--	--	--	--	1	3	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	4
Other criminal	1	5	--	--	--	--	--	--	5	--	--	--	--	--	--	2	--	--	--	--	--	1	--	--	--	14
B. APPEALS FROM COUNTY COURT [T=467;%=63]																										
I. DEBT																										
Note/Money had and received	5	4	4	3	4	2	2	1	2	1	--	--	4	5	5	3	5	2	1	5	5	6	6	4	6	82
Arbitrator's award	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	1	--	1	--	3
Commissioner's report	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	2
Book account	1	--	--	--	1	--	--	--	--	--	--	--	1	4	1	--	--	--	2	1	--	3	1	--	--	15
Indebted-goods and labor	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	1	--	--	--	1	1	3	1	8
Receipt/Order	--	--	--	--	1	--	--	--	--	--	--	--	1	1	1	--	--	--	--	--	--	--	--	1	--	5
II. POST JUDGMENT ACTIONS																										
Jail Bond	2	--	2	2	1	--	1	2	--	--	--	--	--	--	4	1	--	3	--	1	--	2	1	2	3	27
Recognizance	1	1	--	5	2	--	--	--	3	1	--	--	3	--	--	3	1	5	4	--	2	--	1	1	2	35
Scire Facias/Liability (bail)	1	--	--	1	--	--	1	--	2	1	--	--	--	2	--	1	1	--	1	1	--	1	1	--	--	14
Receipt: Execution	1	--	--	--	--	2	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	1	--	5
Receipt: Property-Execution	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	1	1	--	4
Escape/Insufficient bail (jailer)	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	2	--	--	--	4
Debt: Judgment	1	3	3	--	--	1	5	2	2	3	--	--	2	--	1	1	--	--	1	--	1	--	--	1	1	28
III. PROPERTY																										
Seizin	8	1	1	--	4	2	2	2	6	1	--	--	5	1	1	2	3	3	3	--	3	8	1	7	5	69
Covenant broken	--	1	1	2	--	--	--	--	3	--	--	--	1	1	--	--	--	--	--	--	1	1	--	2	1	14
Betterments	--	--	--	1	--	--	2	1	--	--	--	--	--	--	1	--	--	1	--	--	--	--	1	--	--	7
Lease/Rents	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	1	--	--	1	1	--	--	--	4
IV. MISCELLANEOUS																										
Trespass with force and arms	--	--	2	1	1	--	--	2	3	--	--	--	3	1	2	2	2	2	1	3	3	7	3	1	2	41
Trespass on the case	--	1	1	1	--	1	1	1	--	--	--	--	--	1	1	--	3	1	1	--	--	3	2	2	2	22
Error*	4	--	2	3	--	3	1	--	--	1	--	--	--	--	--	1	--	1	1	1	--	--	--	2	7	27
Other	4	1	--	4	1	2	1	1	2	1	--	--	1	5	4	3	2	3	3	4	1	3	1	2	2	51
V. UNKNOWN	--	--	--	--	--	--	1	1	2	--	--	--	--	2	2	--	--	--	--	6	2	--	--	1	1	18
TOTALS	34	22	22	33	21	21	32	22	53	24	4	15	54	43	40	34	33	28	31	28	24	47	26	42	35	768

+This indicates per cent of known actions.

*The specific actions in these appeals, charging a legal mistake in the county court, have not been tabulated.

	1794	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	TOTALS
A. ORIGINAL JURISDICTION [T=549;%=40+]																																
Divorce	4	5	1	2	2	6	--	2	6	10	3	17	2	10	1	5	6	4	7	8	6	--	2	7	8	5	2	3	5	2	4	145
Foreclosure	--	--	--	1	1	2	--	2	2	2	1	5	5	4	1	5	15	3	11	16	8	--	6	7	21	22	14	8	5	4	5	176
Guardianship/Partition	--	--	--	--	--	1	--	1	--	1	1	2	3	1	2	6	4	2	3	2	--	1	6	5	6	5	5	4	2	1	5	69
"Serious crimes":																																
Robbery/Assault	--	1	--	--	1	5	4	5	1	1	--	1	--	1	2	1	1	2	6	1	3	1	1	7	2	3	3	--	2	4	3	63
Forgery	1	1	--	5	--	2	1	--	--	--	2	2	--	7	--	6	2	2	2	1	--	1	--	1	1	1	2	--	3	--	1	44
Murder	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	1	--	1	--	--	--	--	--	--	--	3
Other criminal	2	--	1	1	1	1	--	--	4	1	3	1	2	1	2	3	3	--	--	1	4	--	--	3	3	3	4	--	--	3	2	49
B. APPEALS FROM COUNTY COURT [T=818;%=60]																																
I. DEBT																																
Note/Money had and received	4	3	7	7	3	7	--	4	2	5	2	2	4	5	3	6	6	8	2	7	7	7	--	6	7	1	8	2	2	3	6	136
Commissioner's report	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	2	--	--	--	--	--	--	1	--	1	4	--	--	1	--	10
Book account	--	1	--	1	--	1	1	--	--	--	--	1	1	--	--	3	--	1	3	--	--	1	--	2	--	--	2	--	--	--	2	20
Indebted-goods and labor	1	--	--	--	2	--	--	2	1	1	1	--	--	--	1	--	--	--	--	--	--	--	--	1	--	--	--	--	1	3	1	15
Receipt/Order	--	--	1	--	--	--	--	1	1	--	--	--	4	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	7
II. POST JUDGMENT ACTIONS																																
Jail Bond	--	--	--	--	--	--	--	1	2	--	--	1	--	--	--	--	2	7	16	19	5	3	3	8	4	4	1	4	1	--	--	81
Recognizance	--	--	--	1	--	--	2	1	--	1	--	--	4	5	10	9	2	--	2	1	--	2	3	5	6	2	5	2	1	4	1	65
Scire Facias/Liability (bail)	1	--	1	2	--	--	--	1	--	--	--	2	--	1	2	--	2	--	--	--	1	--	--	--	1	--	--	--	--	--	--	14
Receipt: Execution	1	--	--	--	--	--	--	2	--	--	--	1	--	--	--	1	--	--	--	--	--	--	--	--	2	--	--	--	--	--	--	7
Receipt: Property-Execution	--	--	--	1	--	--	--	1	1	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	--	--	1	--	--	5
Escape/Insufficient bail (jailer)	--	1	--	--	--	1	--	1	1	1	--	--	1	1	--	--	--	--	--	1	--	--	--	--	--	1	--	--	--	--	--	9
Debt: Judgment	1	--	2	2	--	--	3	1	2	6	1	2	3	4	3	3	2	6	4	15	4	--	--	1	2	--	3	1	1	1	1	74
III. PROPERTY																																
Seizin	10	7	4	--	1	3	3	8	--	4	4	3	3	--	5	2	2	8	2	1	1	2	2	4	4	4	10	4	5	6	4	116
Covenant broken	--	1	1	1	--	1	--	3	--	2	--	--	--	--	2	--	--	--	--	1	--	3	--	--	1	1	1	1	--	1	--	20
Betterments	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1
Lease/Rents	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	2
IV. MISCELLANEOUS																																
Trespass with force and arms	1	3	--	2	2	--	1	1	--	--	1	--	2	1	--	1	--	1	1	--	4	--	3	1	5	2	7	1	1	1	1	43
Trespass on the case	1	1	--	1	--	--	1	1	1	--	1	1	--	--	--	3	--	2	1	--	1	--	--	--	2	2	3	1	1	--	--	24
Error*	--	--	1	1	--	2	2	1	1	4	--	1	2	2	1	1	3	--	--	1	3	--	1	--	4	--	3	5	5	5	3	52
Other	3	4	3	2	2	2	1	5	1	22	2	4	2	9	--	1	3	5	4	--	1	2	1	2	4	7	3	7	3	5	3	113
V. UNKNOWN	1	8	--	--	--	--	--	2	5	5	2	3	--	2	1	--	2	1	--	--	--	--	--	4	--	--	--	3	--	2	--	41
TOTALS	31	37	22	30	15	34	19	46	32	66	24	50	38	55	36	57	53	65	65	75	48	24	28	66	83	64	80	46	39	46	42	1,408

+This indicates per cent of known actions.

*The specific actions in these appeals, charging a legal mistake in the county court, have not been tabulated.

	1794	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	TOTALS
I. DEBT [T=5823;%=61•]																																	
Note/Money had and received	33	92	16	35	43	119	63	67	95	98	131	144	147	131	120	164	198	189	194	211	142	117	187	232	208	108	209	194	128	65	95	93	4,0[illegible]
Arbitrator's award	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1	1	--	1	--	--	--	--	--	1	1	2	--	--	[illegible]
Commissioner's report	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	3	1	3	4	1	1	--	1	1	--	--	1	--	--	1[illegible]
Appeal from Justice Court	6	22	8	4	10	7	16	8	9	8	16	33	21	25	42	29	29	43	49	10	10	11	14	26	21	14	18	32	8	9	4	13	5[illegible]
Book account	8	16	5	13	9	21	15	22	28	38	32	53	26	27	30	42	54	58	67	50	30	37	57	50	56	30	46	57	28	18	18	32	1,0[illegible]
Indebted-goods and labor	--	--	--	--	--	--	--	2	4	1	--	--	--	2	--	3	--	3	2	1	--	1	4	2	2	--	4	3	1	1	4	5	4[illegible]
Receipt/Order	--	--	--	--	--	--	--	2	1	1	--	1	--	1	2	4	--	6	--	2	2	3	3	2	1	--	1	--	--	--	3	2	3[illegible]
II. POST JUDGMENT ACTIONS [T=2543;%=27]																																	
Jail Bond	--	--	--	--	--	28	45	64	45	57	47	62	84	61	75	78	92	66	82	64	57	30	31	78	77	55	46	60	45	28	15	16	1,48[illegible]
Recognizance	--	--	--	--	--	--	--	2	1	2	2	1	4	9	2	3	--	--	6	6	4	2	5	5	3	8	4	2	3	--	--	--	[illegible]
Scire Facais/Liability (bail)	--	--	--	--	--	--	--	3	1	1	4	3	13	5	6	7	--	8	4	12	7	7	6	7	7	--	3	8	3	3	--	5	1[illegible]
Receipt: Execution	10	36	3	43	19	18	19	16	39	14	28	12	29	26	19	28	--	10	9	10	3	4	5	3	2	1	1	3	3	4	1	3	4[illegible]
Receipt: Property-Execution	--	--	--	--	--	--	--	18	28	14	--	1	1	5	3	3	--	3	4	5	2	--	3	--	8	2	2	5	2	4	7	3	1[illegible]
Escape/Insufficient bail (jailer)	--	--	--	--	--	1	--	1	--	--	3	--	--	1	2	2	--	--	--	4	1	2	2	2	1	--	--	--	--	--	--	--	--	[illegible]
Debt: Judgment	--	--	--	--	--	11	12	14	14	10	5	13	16	10	9	3	1	14	16	8	19	14	15	11	8	10	8	8	13	2	8	7	2[illegible]
III. PROPERTY [T=402;%=4]																																	
Seizin	2	--	6	5	3	6	6	5	5	2	12	8	7	9	6	17	9	13	4	9	10	13	10	12	8	19	11	5	7	16	15	12	2[illegible]
Covenant broken	--	2	8	11	4	6	2	6	2	7	2	1	2	5	4	3	4	6	2	3	2	2	1	--	--	2	2	--	--	9	3	3	11[illegible]
Betterments	--	--	--	--	--	--	--	--	--	--	--	--	--	1	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	[illegible]
Lease/Rents	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	2	--	2	3	1	1	1	1	--	1	1	2	--	--	1[illegible]
IV. CRIMINAL [T=128;%=1]																																	
Assault/Robbery	1	4	2	--	1	1	2	2	1	--	--	--	--	--	--	--	--	--	--	1	5	3	3	1	--	--	2	3	1	2	3	--	3[illegible]
Road Tax/Repairs	--	--	--	--	--	--	--	--	1	6	1	--	--	--	2	1	--	4	5	4	--	2	1	1	3	2	1	1	--	--	--	--	3[illegible]
Liquor without license	--	--	--	--	--	--	--	--	--	--	--	--	--	14	--	--	--	--	1	8	19	9	4	--	--	--	--	--	--	--	--	--	5[illegible]
V. MISCELLANEOUS [T=661;%=7]																																	
Trespass with force and arms	--	10	10	12	3	6	2	6	2	2	2	13	6	13	5	4	11	12	8	13	6	20	10	10	11	9	11	5	11	3	14	23	2[illegible]
Trespass on the case	--	1	--	1	18	--	--	11	12	7	8	4	6	5	9	2	2	8	5	2	1	6	6	6	4	3	4	4	3	5	3	4	1[illegible]
Other	2	1	--	3	--	--	--	8	5	14	7	7	7	14	6	7	--	10	9	15	16	10	18	10	16	11	8	8	5	4	7	9	2[illegible]
Unknown	8	49	106	105	74	25	15	8	4	3	13	11	22	16	31	74	129	66	12	1	2	2	4	31	25	53	59	42	30	9	14	--	1,04[illegible]
TOTALS	70	233	165	234	187	249	197	265	298	285	313	367	391	380	373	474	529	519	485	441	343	303	391	491	462	333	441	442	296	187	216	230	10,59[illegible]

*Records for 1794 are for one term. From 1795 through 1825 the Chittenden County Court generally sat two terms each year, usually February and September.

•This figure indicates the per cent of known actions.

GLOSSARY OF TERMS

APPEAL FROM JUSTICE COURT: Suit asking the county court to affirm a judgment rendered by a Justice of the Peace (with a 12% penalty), insofar as the defendant failed to place his appeal from the judgment upon the docket of the next county court session.

BOOK: Debt on account, invariably involving a business transaction.

COMMISSIONER'S REPORT: Debt reported by a probate commissioner upon administration of an estate.

COVENANT BROKEN: Suit charging the defendant with breach in the contracted terms of a land transaction.

DEBT: JUDGMENT: Suit brought to the county court to revive a writ of execution originally issued by the county court but never delivered.

ERROR: Writ presented to the Supreme Court, charging a legal mistake by a lower court.

ESCAPE: Suit charging a jailor with responsibility for the escape of a prisoner.

JAIL BOND: Creditor suit holding the signers of a bond (securing the release of a debtor-prisoner from a prison cell to the "liberties of the jailyard") financially responsible for the prisoner's escape.

MONEY HAD/LAID OUT: Debt on an unpaid monetary loan.

RECEIPT: EXECUTION: A suit charging a sheriff or constable with failure to collect damages specified in a writ of execution within sixty days (thus rendering the writ void).

RECEIPT/ORDER: Debt for goods delivered.

RECEIPT: PROPERTY ON EXECUTION: A suit brought by a sheriff or constable, invariably following a receipt of execution, against an intermediary for not physically delivering goods specified in a writ of execution.

RECOGNIZANCE: Suit seeking the forfeiture of bonds for the non-appearnce of the defendant in court.

SCIRE FACIAS (bail): Suit seeking the forfeiture of bail for the non-appearance of the defendant in court.

SEIZIN: Action brought to recover property inhabited by the defendant.

TRESPASS ON THE CASE: Primarily consisting of suits charging the defendant with possession or sale of "the plaintiff's lost goods" (theft), this category also includes a scattering of medical malpractice, slander, and faulty warrantee suits.

TRESPASS WITH FORCE AND ARMS: Generally actions charging destruction of the plaintiff's land or personal property, theft, and assault.