

**A SKETCH OF THE LIFE AND  
CHARACTER OF CHARLES  
LINSLEY, READ BEFORE THE  
VERMONT HISTORICAL SOCIETY**

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A sketch of the life and character of Charles Linsley, read before the Vermont Historical Society  
by E. J. Phelps

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## CHARLES LINSLEY.

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THE life of a lawyer, however eminent, if mainly devoted to the pursuit of his profession, affords but few materials for the manufacture of biography. His labors, unlike those of the statesman, or even the politician, are expended for the most part upon private and personal affairs, of but temporary consequence, and having no hold upon history. The attention which courts of justice usually attract is but transitory, and the excitement that sometimes attends them soon passes away. The contests of the forum are rapidly forgotten. Even their results are generally unimportant, except to the parties concerned.

Nor has the advocate, like the successful author, the advantage of leaving his productions behind him, in permanent and accessible form. His best efforts perish with the occasion that produces them. The vigorous practical sense, the wit, the fancy, the eloquence even, that embalmed in the pages of literature might survive through many generations of the brotherhood of scholarship, are scattered by the wayside, never to be gathered up nor remembered. His

more solid and valuable, though less attractive labors in the learning of his profession, rarely receive even a momentary attention, outside the circle of the bench and the bar, and are often least appreciated by those who profit by them most. His reputation, therefore, survives but in tradition. Only the patient student in the science of the law ever traces through the broken fragments of the reports, the life of the master lawyer as well as of the judge, in the gradual growth of great principles, and the establishment of a sound and durable jurisprudence.

It is but little then, at best, that usually remains to be told of the departed lawyer. Something of the manner of man he was, the stand he made, the qualities that attracted, and the force he brought to bear, can perhaps be added to the dry record of the events of his life. But in the main, Mr. Webster's epitome of the career of a successful advocate tells the whole story: *To work hard;—to live well;—to die poor.*

Mr. Linsley was born in Cornwall, in Addison county, on the 29th of August, 1795. His father, Hon. Joel Linsley, one of the earliest and most prominent settlers of that town, came there from Woodbury, Conn., in 1775. I extract from Rev. Mr. Matthews's excellent history of Cornwall, some interesting account of him.

Mr. Matthews says, "Judge Linsley belonged to a class of men whose energy, enterprise and intelli-

gence go far in forming the character of a town. He was indeed formed by nature to exert a controlling influence, in any community in which he might reside. He was appointed town clerk at the organization of the town, and held that office, with the exception of two years, until his decease, in 1818. He represented the town several years in the state legislature; was assistant judge, and afterwards chief judge of the county court. His wisdom was often called into requisition by his fellow citizens, in cases where special executive tact was needful. In every office his duties were discharged with marked ability, and to universal acceptance.

"Few men enjoyed with keener relish the pleasures of social intercourse. Possessing an inexhaustible fund of anecdote and humor, and unusual conversational powers, he was the life of every circle with which he associated. The aged and the young alike found him an agreeable companion. To the unfortunate he was a sympathizing friend; to virtuous indigence a cheerful benefactor; and of every scheme of benevolent effort a munificent patron."

Judge Linsley had two sons who grew up, Charles, the subject of this memoir, and Rev. Joel H. Linsley, D.D., who still survives, a much respected minister of the Congregational church.

Charles grew up to manhood in the county where he was born. He did not enjoy the advantage of liberal studies in early years, but seems to have ac-



quired a good plain education, and a useful appreciation of the necessity of something more. He was first engaged in mercantile pursuits; was employed in a store in Salisbury, where he at the same time taught a singing school; and afterwards for a while in New York. In 1818 he entered into the business of selling goods at Middlebury, in partnership with Benjamin Seymour. This, however, continued but a short time. He had already begun to turn his attention toward the legal profession, and had been earnestly striving during his mercantile life, though with few advantages, to acquire some classical knowledge, as a foundation. Judge Chipman, of Washington, says that he frequently called at Mr. Linsley's store of an evening, and almost always found him, if disengaged from business, poring over Virgil.

About the year 1819 he commenced studying the law in the office of Mr. Starr, in Middlebury, and after remaining there a year or two went to St. Albans and completed his course in the office of Mr., afterwards Chief Justice Royce, working very hard there both in law and classics. In 1823 he was admitted to the bar in Franklin county, returned to Middlebury, and began there the practice of his profession.

At that day, the Addison county bar comprised no ordinary class of men. Perhaps no rural district ever combined in that profession at one time, a greater variety of remarkable ability. Daniel Chipman, nervous, vigorous and luminous, a master of the common

law ; Seymour, acute, subtle, fertile and convincing ; Bates, eloquent, adroit and accomplished ; Edmunds, one of the most finished advocates that ever lived ; Woodbridge, pithy and sagacious ; with Starr, Phelps, and many others who could be named, all strong men, formed an array that might well suggest to the new comer whether his usefulness there was likely to be extensive. That was, doubtless, throughout the state, the golden age of the profession. The business of the courts was large, taxing their utmost capacity to discharge. The people, attracted by the brilliant forensic displays, and unable as now to return almost nightly to their homes, thronged the Court Houses during the entire sessions, and afforded to the advocates the stimulus of an eager and intelligent audience. The occupation of the bar, too, was in itself more intellectual than now. American law was comparatively an open field, with much remaining to be done in the application of English principles to American institutions. The statutes were few, simple and clear. The flood of enactments, ill-advised, and worse expressed, which has since swept over the common law, and obliterated so many of its landmarks, was then unknown. Nor was that age favored with the incredible multiplication of modern reports. The day of case learning had not begun. Much villainous gunpowder of that sort had not yet been "dugged out of the bowels of the earth." They had but few books ; the best collection among them all would have

made but a pitiful figure at a modern auction. But those they had were of the early English classics of the law, and were thoroughly read, and well understood.

The consequence was, that the law had more science and less learning; more of the perfection of reason, and less of the imperfection of popular legislation. Conclusions had to be reasoned out from general principles, rather than hunted for among multitudes of conflicting cases, and practical rules deduced from a discriminating application of the common law, not from the forced misconstruction of incapable statutes. Causes, too, were not then patched up by a referee in a corner, but manfully fought out in open day, before a jury of the county, and the county itself; and called forth the finest powers and most fertile resources of the advocates.

The lawyers of that day, therefore, if less technical, were more logical. If less learned in cases, they were more firmly grounded in principles. If less cunning of fence, they were stouter of arm. And the sentiments of a gentleman, and the education of a scholar, were found no disadvantage even before the plain but appreciative tribunal of the jury box.

Tradition yet speaks of the splendid tournaments of those days, in the Addison county courts; but only tradition. All the actors have passed away. Mr. Linsley, the youngest of all, survived them all, and survived also, most of his later associates. No relic