

YANKEE JUSTICE: THE LIGHTER SIDE OF THE LAW

Alden Hull: A Side Judge's View of the Courtroom Scene

The following profile of Alden Hull is the twenty-sixth in a series published in the Journal under the general title of "Yankee Justice." The profiles are based on interviews of members of the bench and bar conducted by free-lance writer and oral historian Virginia Downs in 1978 and 1979. The project was proposed at a meeting of an ad hoc committee of the Vermont Bench and

Bar in April of 1978 to tie in with planned bi-centennial celebrations of the state's legal beginnings in 1779. It was in that year that Stephen Bradley and Noah Smith were sworn in as Vermont's first official lawyers. The profiles include biographical material and anecdotes from the interviewees' legal activities.

Alden Hull was born in Leominster, Massachusetts. He graduated from Leominster High School where his father had been a teacher, then became principal. Mr. Hull let all five of his children know that they were expected to go to college. Alden, the youngest of the children, chose Bowdoin in Brunswick, Maine, his father's alma mater, graduating in 1929. John Carpenter Hull had graduated from Harvard Law School, become a legislator in the Massachusetts House of Representatives, and served as speaker of the House from 1925 to 1928.

Alden Hull married Margaret Pratt of Sterling, Massachusetts, on May 16, 1936. They traveled throughout the United States, opening hotels for entrepreneur C. Kildow Lovejoy, who bought older hotels and hired Hull to hire the staff, arrange for renovations, and stock the place to prepare it for opening to the public. The couple lived for a year or more in the hotels during the process.

Hull served in World War II as a Lieutenant J.G. He studied and taught navigation, and was stationed in Pensacola, Florida, Tillamook, Oregon, and Detroit, Michigan. He ran the Officers Club in Tillamook, using his pre-war experience in the hospitality



business.

After the war, Hull followed his pre-war career of managing hotels. George Nikola, owner of the St. Johnsbury House in St. Johnsbury, Vermont, hired him to manage the popular hotel. A number of years later, Nikola bought Rabbit Hill Motor Inn in Waterford, Vermont, and hired Hull to apply his talents to transforming it into a first class hotel and dining room. Anita Destroismaison, who had worked at the St. Johnsbury House with Hull, helped with the decorating. Her brother Armand, who had been Hull's right hand man at the St. Johnsbury hotel, was his assistant in the renovations of the Waterford inn.

Hull became Assistant Judge of the Caledonia County Court in 1974, serving until 1979. Thanks to his suggestion while holding the office, pictures of judges were taken and placed on display in the courthouse.

"The normal procedure in a divorce case is when the person applying for the divorce, the plaintiff, contends that he or she has not lived with the partner for six

months, Hull related. "Up until recently the court has required two witnesses. In the particular case I am talking about, they did have two witnesses. Much to our surprise, the case involved a plaintiff eighty-six years of age. He was getting a divorce on the grounds that his wife had left him twenty-two years before. He had never heard from her since.

"There were two children from the marriage—two boys. He'd never heard from one of them but the other one would write him a letter each year, and in one he claimed that his wife had been living in Baltimore with the other boy. As is customary, the judge wanted to make sure that the plaintiff knew just what the results of this divorce were going to be, and he said to the plaintiff, 'And what is your income?' The plaintiff replied that he had a pension. I don't recall if it was from the government or what type it was, and the judge said, 'Well, now that kind of a pension, if I recall, gives fifty percent to your wife.' And the old man said, 'Yes, it does.' The judge said, 'Well, do you realize that if you get a divorce that your wife will lose this income?' There was a pause and as he looked there was the most beautiful smile on the old gentleman's face. He said, 'Yes, I do.' All those years he had waited to get even with this woman and until he hit eighty-six he had never heard of that rule.

"I think there's an old Chinese proverb that says a picture is worth a thousand words. We had a case where an old Vermonter's word was worth one witness. It was a divorce proceeding in which the plaintiff was the wife, and the husband did not appear to defend himself. But it was customary at the time, as I said before, to have two witnesses testify to the fact that they had been living separate and apart for six months. Usually the judge carefully inquires of each witness: 'Do you have any reason to believe that this couple can ever get together?' And ordinarily the answer is "no" and the judge pursues, "Why not?" The answer is, 'Because they are incompatible; because they fight; their tempers are so-and-so.' There are cases

in which one word will suffice. In this case the first witness called was a lovely, typical Vermont housewife. Apparently she was the mother or some relative of the plaintiff—the wife. The judge said to her, ‘Do you have any reason to believe this couple can ever live together?’ And she said, ‘No.’ He said, ‘Why not? What is your reason?’ She said, ‘He’s a real ding-a-ling.’ And the entire courtroom exploded in laughter. The judge said, ‘There will be no need for a second witness. The situation has been well described.’

“In Caledonia County, one of the side judges is Paul Sevigny who is secretary of the Dowers Association and is himself a very well-regarded dowser. Paul, to help pass away the idle hours at court, at times, would bring his equipment. We were doing a very important case. In fact, it was Kilfasset Farms versus the state highway department. The case had gone to the jury, which now had to determine the proper amount of damages, if any. While we were idling away the time, I ventured the guess that the verdict would be such-and-such. The judge shook his head and said, ‘No’ it would be another figure. And Paul said, ‘Just a minute, I will dowse the situation.’ And state’s attorney Hurd was hoping, of course, for a low verdict. Paul dowsed the situation and came up with an extremely high figure, at which we all laughed. Later the jury came in and its amount was within \$3,000 of the figure dowsed by Judge Sevigny. Wherewith the state’s attorney said, ‘Don’t bring that God-damned thing in again.’ He appealed the case and was successful in getting the verdict overturned.”

“Whoever said that Vermont people are dumb was crazy. There’s a certain canny type of Vermonter who somehow gets all the information denied to everyone else. There was a piece of land in Hardwick that was suddenly found not to have been taxed, but it certainly belonged to someone. A gentleman went in and paid up the taxes for the past five years; said he’d been so busy he’d forgotten to pay. They accepted the taxes and on the land he built a house and sold it. A neighboring farmer suddenly gets out on his property and there’s a house on his land. They came to our court to straighten it out. We found for the previous owner. The other person who’d paid the taxes and took over the land had no rights to it. This

is the canny method by which some Vermonters have made a great deal of money. The case was settled amicably. Somehow house and land were sold to the man who’s now living on it.

“One of the jobs of the side judges is to help the county clerk draw the jury panel which we did, usually once a year. And since it begins and continues alphabetically, it is not surprising that we had a man whose last name was the same as a woman’s who was drawn later. It was noted by one of the side judges that they were previously married and were now a divorced couple. Lo and behold, out of an entire panel of 150 names they were eventually drawn. And they would appear (there was a panel of thirty-five or forty jurors in each case) as summoned. And in each and every case this couple was drawn (and this is done by lot) and sat next to each other through every case for the entire court term. It became hilarious that one name would be drawn, then his or hers immediately thereafter. By then everyone knew they had been man and wife and were divorced. They did get along without killing each other for the fifteen weeks of the court term.”

Virginia C. Downs is the wife of John Downs, a founder of Downs Rachlin Martin.

