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**IN MEMORIAM.**

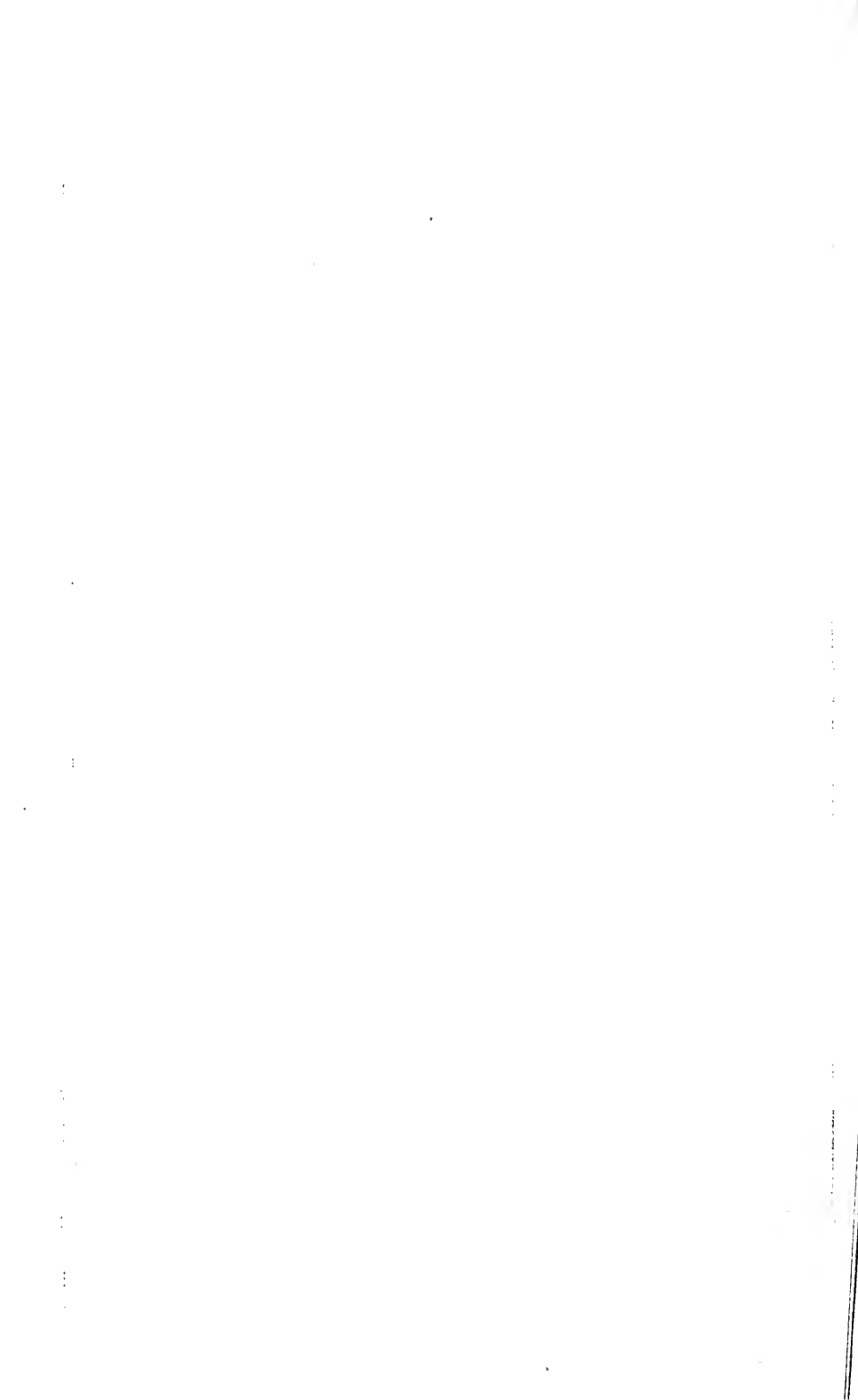
ABRAHAM BRODKINS GARDNER,

BORN SEPTEMBER 2, 1819.

DIED NOVEMBER 23, 1881.

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*EDITED BY A. P. CHILDS.*



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*DATA FURNISHED BY HON. GEO. W. HARMAN.*

**Citing Authority Therefor.**

Abraham Brodtkins Gardner was the oldest child of David and Eunice (Wright) Gardner.—S. J. GARDNER.

He was born in Pownal, Vt., Sept. 2d, 1819.—A. P. CHILDS

He partly fitted for College at Union Academy in Bennington, and was noted for his close attention to and proficiency in his studies.—ISAIAH MATTESON.

He was graduated from Union College in July, 1841.—E. L. SIBLEY.

He studied law with Hon. Isaac T. Wright, at Castleton, Vt.—G. W. HARMAN.

He was admitted to the Bar of Rutland County Court at its April term, 1844.—DOCKET.

He was admitted to the Bar of the Supreme Court at its February term, 1847, in Bennington county.—DOCKET.

He was register of Probate the most of the time from Dec. 1, 1848, to Dec. 1, 1857—about seven years.—PROBATE RECORDS.

He was Bank Commissioner from about 1855 to 1867.

He was State's Attorney from Dec. 1, 1855 to Dec. 1, 1857, two years.—PRINTED DOCKET.

He represented the town of Bennington in the General Assembly from October, 1860, to October, 1865, five years.—HOUSE JOURNALS.

He was Speaker of the House of Representatives from October, 1863, to October, 1865, two years.—SESSION LAWS.

He was Lieut.-Governor from October, 1865, to October, 1867, two years.—SESSION LAWS.

He was State Senator from October, 1870 to October, 1872, two years.—SESSION LAWS.

He was Judge Advocate General from ——— to ———

He was President of the Bennington and Rutland Railway, and counsel of the Troy and Boston R. R. Company.

He died in Bennington, Nov. 23d, 1881.—A. P. CHILDS.

# ABRAHAM BRODKINS GARDNER ;

## His Life and Character.

*FROM THE REFORMER, DECEMBER. 2, 1881.*

No mere words can fully and clearly set forth a just estimate of this man of impressive bearing, of noble qualities, of great abilities. His public and private career was such that his bier was surrounded—last Saturday—by a throng of mourners whose countenances betokened the deep and painful anguish of their sorrowing hearts. This was no momentary semblance of sadness—which comes and goes in a day—but it was profound, universal and enduring, over a loss that can never be repaired, for a counsellor, neighbor and friend, the like of whom a century will not replace. It may justly be affirmed that no other citizen of our county, in all the varied relations of life, filled so large a place in the hearts, homes and business life of our people. His seniors as well as juniors in years feel that the loss of his counsel and his friendship is irreparable.

The life of Abraham Brodkins Gardner, though only a span of three score years, was crowded to repletion ; a busy, toilsome one; he performed four score years of labor within a score less of lifetime. Repose he seemed to have, yet it was the repose that comes to a student mind, filled with problems for solution requiring ceaseless activity of thought and analysis. To those who knew Mr. Gardner most intimately, the wonderful fertility of resources which he brought to the consideration and discussion of any cause or topic, evinced his great power, and confirmed the great and beneficent influence of the man. As we have said, mere words are too unmeaning and insignificant to convey the measure and stature of such a life and character. His potential influence in community upon the masses of the people, however high or humble, was traceable to the sincerity and manly expression of intelligent convictions of duty.

In his chosen profession he ever sought to prevail through the merits of his cause, rather than through a resort to legal quibbles or pettifogging stratagems. In his political aspirations and associations the same loyalty to earnest convictions led him to often espouse the cause of the minority, striving to persuade his fellow citizens through manly argument and fair

reasoning, never seeking to subvert the manhood of a voter by those subtle and degrading arts which too often appeal to the pocket rather than the intellect.

He will long be missed among good and true men and women wherever he was known, because his ability and influence was ever exerted for good, never for evil; because all his methods and purposes were in the line of faithful and honorable service for his fellow men. The lessons of his valuable life of industry, culture, sobriety and integrity upon those who are to follow in his honored pathway, who can impress?

As a grand and vigorous oak, suddenly struck down by the lightning amid a clustered forest of trees, crushes and disfigures all its surroundings, so the fall of this man lacerates the minds and hearts of the people. To many an aged man and woman he was the main staff, counsellor and comforter; to many in middle life he was a guide and inspiration; to the young he was ever a shining example of manhood, temperance and nobility of character.

Though often estranged from kindred and friends in his political relations, he never forfeited their confidence and admiration by an unmanly act or unworthy demeanor. Opposing public action never was allowed by him to degenerate into unfriendliness in private or business associations. He would meet a political opponent the day following an exciting canvass, with the same cordiality of greeting as though he was a most steadfast co-worker and supporter. Confiding in his nature, in his professional and political course he, too often, suffered through the success of those latent influences, which, like an insidious disease, covertly overthrow the wisest plans of the best of men.

His life was so busy that he left many of his own tasks unfinished, through his steadfast devotion to the demands of the public, his clients and friends. The best monument that can be reared to his memory would be the completion of his unfinished tasks, notably the erection of a lasting monument to the heroes of 1777, near the resting place of one whose life was so interwoven with this momentous and patriotic project.

Another enduring monument can be erected to the memory of Mr. Gardner by his fellow citizens and admirers, through practical resolves that the old church and society, at the center village, which he so revered, shall not suffer financial injury by reason of the withdrawal of his support.

In order that this imperfect sketch of his life and character may be as complete as possible in this issue of the REFORMER, the announcement of his death, contained in our last issue, is herewith republished, and to fully illustrate the wide-spread nature of this afflictive bereavement, the obituaries published by our cotemporary, also that of the Troy Press, where deceased was so well known and esteemed, are included herein.

FROM THE BENNINGTON BANNER.

Mr. Gardner was sixty-two years old last September, and had lived in town about thirty-five years. Two or three years of his professional life were passed in Pownal, his native town, before he removed to Bennington. He was the oldest son of the late David Gardner, of Pownal, and a brother, Samuel, and sister, Miss Lodusky, residents of that town, survive of his father's family. Mr. Gardner graduated at Union College at Schenectady in early manhood, and afterwards studied law with his uncle in Castleton, the late Isaac T. Wright. He was admitted to the bar and followed the law as a profession all his life, being associated at the time of his decease with Henry A. Harman, Esq., under the firm style of Gardner & Harman.

Mr. Gardner had been married three times. His first wife was Miss Jeannette Swift, daughter of Dr. Heman Swift, of Bennington Centre. She died after a short married life and her child died also. The second wife was Miss Cynthia Brown, a step-daughter of the late J. L. Wilmarth of Stamford. Two children of this union survive—Miss M. Jennie Gardner, aged 18, now a student at Vassar College, and Arthur B., a lad of 13 years. The surviving wife was Martha Wilmarth, a daughter of the Mr. Wilmarth above mentioned. There is a little girl, aged about five years, the fruit of this union. Mr. Gardner was a man who thought everything of his family, and there was nothing too good for them that was in his power to provide. In all his public career he never lost his domestic life as is so often the case with public men and politicians. This was shown a few years ago when Mr. Gardner was thought of as a judge for the Supreme Bench. The thoughts of the life away from home which the duties of circuit judge entailed, were so repugnant to his feelings, that he gave the appointing power no encouragement of his probable acceptance, and Hon. Hoyt H. Wheeler, a man out of the district, was the one finally chosen.

Mr. Gardner's public life has been known to his associates so long that very little is needed to be said. He has represented this town three times in the house of representatives, and was chosen Speaker and served two terms. In these relations he ably and creditably served the State of Vermont and represented his constituency. Elected to the State Senate he as satisfactorily served both the State and people, as he did in the more popular branch of the house. In the early years of the war, Mr. Gardner was this county's candidate for Member of Congress against the Addison county candidate, Hon. F. E. Woodbridge. It was nothing to Mr. Gardner's discredit that Bennington county was defeated in the district convention of that year. The county has been defeated in its candidate for that office each term since. It has always seemed to Mr. Gardner's Bennington friends that he should have been the successful man then.



But a majority of the First Congressional District Convention thought otherwise. The esteem, politically, in which he was held was shown a few years afterward (in 1864-65, we think) when he was elected to the office of Lieut.-Governor by a large majority of the people, after a flattering nomination by the State Convention of the Republican party, and thus called to preside over the State Senate, in which he was afterwards to be a member in 1870. Of other State offices held by the deceased we recall: Judge Advocate General, Bank Commissioner and State Prison Inspector. In the Republican party of the nation he represented the State in the National Convention of 1864, and served four years upon the executive committee of the National committee of that party. In all these relations Mr. Gardner ably represented the State. In town affairs he was auditor and moderator for many successive years and held one office at the time of his decease. As a lawyer Mr. Gardner ranked high and was employed chiefly on those cases, during his later life, where great legal acumen was necessary to win. He was an excellent counsellor, and as an advocate, the calm, dispassionate, clear and forcible pleas he made convinced his hearers that his ability was unquestioned. His temperament was such that it was almost impossible for him to make a plea except on the side he believed to be right.

One trait of Mr. Gardner's character may serve as a key whereby the public may now look back upon his life and understand something of the motives by which it was governed. He always maintained that the dignity of the public office should be recognized by the man holding the position. The Governor or President always received (as well as other stations) the courtesy due, no matter who was in the chair. Woe unto him, therefore, who degraded the office in Mr. Gardner's estimation—they were sure to estrange him from their support thereafter. This may explain why he was a firm supporter of General Grant for the first term and not an adherent of his cause for the second term in 1872. This is one of the reasons which led him to espouse the Greeley movement. Added to this was the fact that he had long been a supporter and believer in Horace Greeley, and ties thus formed were not easily broken in his case. These associations made him a Liberal Republican, and the union of that faction with the Democracy, the candidate for Governor of that fusion in 1872. Since which time he has continued to act politically with the Democracy, though he gave the Hayes administration a cordial support.

In early manhood he united with the I. O. O. F., passed the chairs, and was a zealous member of that order until the lodge to which he belonged was compelled to surrender its charter. The relation thus severed was not renewed when the order was revived in this state twenty years after. He was afterwards a member of Mt. Anthony Lodge, No. 13, F. & A. M., of this village.

Mr. Gardner was a model man in his neighborly relations, always kind, and taking a deep interest in the welfare of those associated with him in this capacity. He will be greatly missed in Bennington Centre, where death has taken so many during the past few years. Although not a church member he was a firm supporter of the old First Church, and worshipped with that congregation. He traced his descent from the Gardiner, one of the Pilgrim fathers who landed from the "May Flower," in 1620.

*FROM THE TROY AND NEW YORK PRESS.*

He was a Vice-president of the Bennington battle monument association. He was an influential member of the Bennington county bar. He took great delight in amateur farming and the cultivation of flowers and fruit. The cause of death was congestion of the lungs in connection with a heart trouble. He was thrice married. Mr. Gardner had become possessed of property worth from \$60,000 to \$75,000. He had an insurance of more than \$20,000 on his life. Mr. Gardner was a supporter of church work and a member of Mount Anthony Lodge, F. & A. M.

He had practiced law 35 years in Bennington, and was formerly prominent in the political affairs of Vermont. He had held the offices of Judge Advocate General, Bank Examiner, Speaker of the Vermont House of Representatives, and other important state, county and town offices. He was president of the Eagle Square Manufacturing Company of South Shaftsbury, and vice-president of the Bennington Battle Monument Association. He was 62 years old.

The Springfield Republican and Boston Journal also contained suitable notices of the life, character and death of the departed.

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The following tribute written by ex-Governor Hiland Hall to his son, John V. Hall, Esq., well expresses the grief and sympathy of the writer :

"ANNAPOLIS, Md., Dec. 1, 1881.

Being absent from my home in Bennington during the brief sickness and sudden death of the Hon. Abraham B. Gardner, I was unable to show my regard for him and my sympathy for his family and relatives by attending his funeral, which I greatly regret.

Mr. Gardner was a distinguished citizen of our State, by which he was repeatedly honored, and as a leading member of the bar he had the earnest respect and esteem of his professional associates and of the Bench before which he practiced, as well for his legal acquirements and talents, as for his uniform kindness and courtesy.

I am very sorry it is out of my power to be present at a meeting of the bar, to express my own grief and sorrow in connection with his other professional brethren, for his untimely decease, and our sympathy for his family in their bereavement.

Again expressing my deep regret for my absence from home on this occasion, I am,

Very truly yours,

HILAND HALL."

# FUNERAL SERVICES

*FROM THE BENNINGTON COUNTY REFORMER.*

Saturday, Nov. 26, 1881, the day of Mr. Gardner's funeral, was a day of universal mourning in Bennington. An informal meeting of the bar was held at the office of County Clerk John V. Hall in the morning, when it was resolved to attend the funeral in a body and to leave the formal ceremonies of tribute, eulogy and respect to their late associate to be held upon the opening of the county court, Dec. 6th proximo. The obsequies were at the late home of the deceased in the Centre village, at 12:30 p. m., where the Rev. Isaac Jennings offered a brief and eloquent prayer, making feeling allusion to the repeated summons to this household upon similar sorrowful occasions. Among those present with the immediate relatives and neighbors were Messrs. Brayton, Tinker and A. C. Houghton, of North Adams, Mr. Jewett of Rutland and many others. Owing to the unfortunate running of the trains many were debarred from attending the obsequies. The solemn ceremonies were under the conduct of Mr. C. R. Sanford. The casket, an elegant one, was festooned with immortelles and laden with a beautiful floral cross, sickle, anchor and wreath, prepared by florist Goldsmith. The coffin-plate bore the inscription, "Abraham B. Gardner, died Nov. 23, 1881, aged 62 years. His mortal remains bore no trace of his recent severe sufferings; his noble, attractive features bore that genial expression which in life never repelled the humblest or most exalted individual. In his coffin he looked the calm, dignified, heroic spirit that he was in life, and whose death has so shaken the strongest of his survivors. Shortly after 1 p. m. the sad rites were continued at the old church he so much revered. The bearers were Hons. Benj. R. Sears, Milo Pierce, Milo C. Huling, John V. Hall, Wm. P. Mattison and A. P. Childs. After the solemn chanting by the church choir of "Cast thy burden on the Lord," Rev. Mr. Partridge read portions of the Scriptures, after which the choir sang, "Friend after friend departs, who hath not lost a friend?" in a subdued and tender manner, the beloved pastor and friend of deceased, Rev. Mr. Jennings, paid a just and touching tribute to his memory, from which we extract the following:

*REV. MR. JENNING'S TRIBUTE.*

“ It is difficult with calmness to approach the subject of the sad and to us all, the most unwelcome death which this day calls us together. We are convened to pay our last tribute of affectionate respect to the memory of one so profoundly missed by the community, but more sadly of all by his bereaved family to whom he was so much and who loved him so dearly, whose supreme interest in their welfare and happiness was so constantly in his thoughts. We come to bear and follow to the grave the remains of one who has long occupied a large and important place among us. It is a solemn and very impressive event. Our sympathies are moved, our hearts are touched with tenderness. The occasion evokes a profound sensibility within us all, when we consider the circumstances of his short and violent sickness and death in the very ripeness of his experience and his attainments, his gentle spirit becoming more mellowed and chastened by the consciousness and the observation of the vanity of this transitory and earthly life and the uncertainty of continuance, and thus he departed and the places that knew him shall know him no more forever. The calamity that has befallen our people is similar to that which afflicted the country in the removal of President Garfield.

The features of Mr. Gardner's honorable and worthy private and public life have been so fully noticed by the local and metropolitan press that it is almost unnecessary again to rehearse these interesting and instructive particulars. Truthfully has it been said that the sorrow of the people for whom he so long and zealously labored is general and unfeigned, while they realize the void his death has created. Without effort to seem obtrusive or prominent, his advice and service was always in demand for the public welfare. As a leader and presiding officer he had few equals. Calm, unimpassioned, with none of those arts and affectations too common among men. Self-poised, a man of few words save those of wisdom and judgment, spoken with felicitous and manly energy and unostentation, ever urbane, yet dignified,<sup>2</sup> never frivolous, though always accessible, there was a singular unity and self-consistency in his bearing, his mien, his behavior, his deportment, his speech, his dress, his address, his surroundings, his life, all these bespoke the man. There were no idle words; there was the reserve of repose, of dignity, though he was never taciturn or unapproachable, rigid or censorious; he was human still, and in many ways he was one of you and one with you. Gifted with an intellect to grasp, he ever took original yet solid and fundamental views of things, which every year was strengthened by the aid of a liberal education, profound study, and constant intercourse with the best of his fellow men, while he never was misunderstood by the most untutored mind. Thus was his life filled up and crowded to repletion.

In your presence, gentlemen of the law, it does not become me to attempt to portray this representative man in the learned, responsible and laborious profession of his choice. In this sphere you were more conversant with him than I have been, and your own feelings are a guarantee that justice shall be done to his memory in this respect.

To defer to his judgment, to wait till he had spoken, and then accept his position, was the experience of those associated with him, in matters requiring deliberation and great wisdom. And yet he was the least obtrusive of men, always ready to listen, and willing that others should act according to their own best wisdom. Who can rightly estimate the amount of service that has been pressed into these forty years since he left college—his self-possession, sobriety of judgment and understanding, and so steadfast an eye to the highest types of character for individuals and institutions of government, education and religion. We must feel that he had a long life if we measure it by deeds, not years.

It is not difficult to analyze his power, to distinguish the factors in his character which influenced his fellow men in matters of counsel and leadership, whether in private, or while presiding at town or school district meetings, in the Senate or halls of our State Legislature. I wish every young man would draw lessons in life from his industry, sobriety, simplicity of equipage and address, his dignity of bearing, (and this too at a time when through fear of too rigid strictness the tendency toward frivolity and vanity are to the other extreme), his exemption from drinking, profanity, and all other bad habits and vices, his appreciation of the responsibilities of office, his reverence for the house of God, and the truth of God's word, his kindly bearing to those in need or want of advice, whether the rich or lowly.

He had his own views with respect to public proceedings or institutions, being very earnest and decided in condemning everything superficial in the education of the young, emphatically commending thoroughness in pursuit of any study or subject, fully appreciating the old and trite saying, "What is worth doing at all is worth doing well."

This is a remarkable instance of a death in which none can be found to say, "It is best he should have been taken." All would unite in saying Mr. Gardner should have lived for many years—for his family, for the community; live for the need in his profession of his eminent mental and moral qualifications, live for the Church of God. It is plain in this case, "God's ways are not our ways, nor his thoughts our thoughts, for as the heavens are high above the earth, so are his ways higher than our ways and his thoughts higher than our thoughts."

I can but recall his manliness, his deep and sincere sense of the significance of death, in connection with numerous family bereavements, and the extent to which he accorded to religion its exalted claims, as most touching of all. I remember his course with regard to the step the sec-

and Mrs. Gardner took in uniting with our church. She presented a written statement in her own writing of her views and experience, and when at his request the address at her funeral was to be printed, he especially desired that that statement might be added. Though he had made no public profession of religion, it was one form of manifesting a trait which was ever prominent in him, of realizing deeply the sacred and supreme propriety of such a step, (in all), and that each one should be enabled and brought to do it in sincerity and truth.

I am sure at this hour all must feel the unspeakable preciousness of a hope in Christ, and all the power of these heavenly consolations in sickness and sorrow. Let us remember that we are partakers of this great salvation not through our own worth, but after that the kindness and love of God our Saviour toward man appeared. Not by works of righteousness which we have done, but according to his mercy He saved us, by the washing of regeneration and renewing of the Holy Ghost.

Rev. Mr. Jennings then closed with prayer, beginning with the Lord's prayer, and closing with, "O God, the protector of all who trust in Thee, without whom nothing is strong, nothing is holy, increase and multiply upon us Thy mercy that though being our Ruler and Guide, we may so pass through things temporal, that we finally lose not the things eternal. Grant this, O heavenly Father, for Jesus Christ's sake, our Lord. Amen."

The choir then sung, "One sweetly solemn thought comes o'er me every hour, Every passing hour," "Nearer my God, to Thee." etc. A final view of the remains was held by the large concourse of people present, including the Bar and employes of the Eagle Square Manufacturing Co., who attended in a body. Then the solemn funeral procession wended its silent way to the old cemetery, in near proximity to the old church where the remains were deposited and an afflicted pastor and people bade adieu to all that was mortal of Abraham B. Gardner, the friend and champion of the people.

In his sermon the next day, Sunday, Mr. Jennings alluded to his funeral in these words: "I cannot but refer to the closing scenes of the funeral yesterday; the tender and plaintive cadences of sacred song; those beautiful flowers on the coffin; that touching spectacle of tears as the coffin-lid was shut down on that noble head; the coffin lowered into the grave—all surrounded by graves the mementoes of bereavments reaching back to almost the earliest period of our friend's residence amongst us, and following in almost uninterrupted succession; that beautiful monument standing in the midst of them, the rarest monument we have for chasteness and simplicity and beauty combined, bespeaking the pure taste, and the domestic loyalty and affection of him who caused it to be reared, and whose remains now repose at its base. You did well to lay beautiful flowers upon his coffin. There was no man of purer taste among us; to weep tears as you were taking your last look of him, in what re-

mained of earth—there was no one among us more worthy to be lamented as a brother and a friend.”

## OTHER NEWSPAPER TRIBUTES.

*FROM THE REFORMER, NOV. 25, 1881.*

By the death of Abraham B. Gardner, at his Bennington Centre residence Wednesday, one of Bennington's best and ablest citizens is removed. The sad intelligence was carried into nearly every household of the town Wednesday evening, while the wires flashed it to neighboring towns and distant states. The sorrow of the people for whom he has so long and zealously labored, is general and unfeigned, while they realize the void that his death has created.

Mr. Gardner was born at Pownal, Bennington county, Sept. 2d, 1819, and had passed his sixty-second birthday. He was the son of David Gardner, a long-time resident of that town. Graduating at Union College about 1844, he entered the Castleton law office of his uncle, Isaac T. Wright, and, after being admitted to the bar practiced a while, we think, in Rutland county before opening an office at Pownal, from whence he removed to Bennington. He married Jeannette Swift, from one of Bennington's best families, and a sister of Mr. Charles W. Swift, the well-known deputy clerk of the Bennington county court. Called to mourn her loss, he subsequently re-married, and at the time of his decease was living with his third wife, formerly Miss Mattie Wilmarth, sister of A. W. Wilmarth.

He has for more than twenty-five years been one of the foremost lawyers and business men of his county and state. A man of strong and vigorous intellect—a close student of men and books—a well-trained lawyer, conscientious and faithful in all his relations to his clients, his family, his friends and to the community in which he was born and lived—his sudden and unexpected death removes one who could not well be spared. He was in the front rank of the Vermont bar. In his earlier professional life he was prominent in politics. He was a member of the lower branch of the legislature for several years, and for two years speaker. He was also a member of the senate, and for two years Lieut.-Governor. While the Republican party upheld the principles and doctrines of constitutional liberty, Mr. Gardner was a vigorous supporter of its men and measures. After the death of Lincoln, i. e., with Sumner, Chase, Greeley, Trumbull and others, being the purest and best of the party, saw his duty to oppose the men who had obtained control of the organization of their party to promote their private ends. For the last ten years Mr. Gardner has been an independent in politics, more often perhaps voting with the Democrats.

He was not a member of any church, but a man who believed in the fundamental doctrines of the Christian religion and lived in accord with them. He was of a most kindly and tender disposition, without malice and full of charity. An affectionate husband, a most devoted father, a faithful and reliable friend. His stricken wife, the children he so tenderly loved, the friends and clients whose confidence he never betrayed, will miss him and mourn for him.

He had been in failing health for a few months and fully realized that he had but a short time to live. To one at least of his intimate friends, just two weeks before his death, he disclosed his condition and made known his conviction that he must soon die. It is some consolation to his family to know that the burden of his later thoughts concerned them and their welfare, and, while death had no terrors for him, he would gladly have lived longer for them.

It was in August, 1880, that he first complained of trouble in his chest, and to several, outside his immediate relatives, expressed apprehension that his remaining days were few. Although the immediate cause of his death was pneumonia, with which he was attacked on Monday, Nov. 14, there is little doubt that heart trouble complicated the fatal malady.

*FROM THE SPRINGFIELD REPUBLICAN.*

Vermont loses one of her most valuable citizens in the death of Abraham Brodskins Gardner of Bennington. The Green Mountain state is not famous for the political independence of her sons, while she has a good percentage of well-intentioned men; and A. B. Gardner was prominent in that small body of citizens, who, with firm convictions not regulated by mistaken loyalty to party, voted for Horace Greeley, worked for his election and labored always for cleaner government and wiser men in office. Had he been willing to coddle persons of power or drift along with public opinion when his good sense told him that it was in error, he could have held any office in the gift of his state. As it was he rose from representative to lieutenant-governor, and, as the liberal candidate for the governorship, drew as large a vote as any independent man could poll. As speaker of the House, and later of the Senate, he was ready, fair and wise; in private life he was honored and loved, and as the undisputed leader of the Bennington county bar he left impressions which will be long remembered. He was quick to see and act and wise to manage; and the success of the Bennington centennial celebration was perhaps due more largely to his generosity and his efforts than to any other man. Mr. Gardner was a man of rarest personal presence, with features that told his strength of mind and body. There are many outside of his state who mourn to-day that he is dead in the full development of his powers.

*FROM THE HOOSICK VALLEY NEWS, NORTH ADAMS, MASS.*

Hon. A. B. Gardner, well known in this village and vicinity, and for many years a prominent figure in his native State, died at his home in Bennington Centre, Vt., on the 23d of November after a brief illness, of congestion of the lungs. His health had not been good for a considerable time, and it was while in Albany for the purpose of securing medical advice that he was attacked with what proved his last sickness.

Mr. Gardner was born at Pownal, Vt., in 1819, and passed his early life there, removing to Bennington Centre about thirty-five years ago where he has since resided, gaining by an upright life and sterling business qualities a wide and enviable reputation throughout the state which he served repeatedly in honored and responsible positions. He was a lawyer by profession and achieved a success in his chosen field that might well gratify the highest ambition.

Mr. Gardner was married three times. His first wife was Miss Jeannette Swift of Bennington Centre, Vt. The second was Miss Cynthia Brown, step-daughter of J. L. Wilmarth of Stamford, Vt., who left two children, M. Jennie, now a young lady of 18 years, and a student at Vassar College, and Arthur B., a lad of 13 years. His third wife who survives him, was Miss Martha Wilmarth, daughter of the above mentioned J. L. Wilmarth. He also leaves a little daughter five years old. In his domestic life he was a kind and indulgent husband and father and his greatest pleasure was taken in the bosom of his family for whom he was ever willing and anxious to do all that love could suggest and liberal means provide. His professional and public duties could never for a moment blind him to the more sacred duties he owed to those dependent on him, and thus it was that during a long and conspicuous career as lawyer and poli-



tion he never lost sight of the beacon light of home nor parted with those refinements which are best appreciated in the home circle.

Mr. Gardner was called repeatedly to serve his fellow citizens in positions requiring keen judgment and sound practical knowledge, and in no instance did he ever disappoint their highest expectations. He represented his town three times in the Legislature and was once elected Speaker of the House. He was also elected to the State Senate where his great abilities found room for congenial and useful effort, and in that capacity he did creditable service to the State and more than met the expectations of his constituency. During the war of the rebellion he was the county's candidate for Member of Congress, but was defeated by Hon. F. E. Woodbridge of Addison county in the district convention. He was afterwards elected Lieut.-Governor of the state by a large majority, after a flattering nomination by the Republican State convention, and in that capacity presided over the State Senate to the entire acceptance and satisfaction of all. He also held at different times the offices of Judge Advocate General, Bank Commissioner and State Prison Inspector, and represented the State in the Republican National convention in 1864, and also served four years as a member of the executive committee of the national committee of that party. In all of these positions Mr. Gardner ably and satisfactorily represented the state. In town affairs he was also called to bear a prominent part and he served as moderator and auditor for years in succession. As a lawyer he ranked with the foremost of the State and was chiefly employed in cases where great legal acumen and forensic ability were necessary to success. As an advocate and counsellor he was unsurpassed, and his pleas were always calm, but forcible and eloquent, and seldom delivered on the side he did not believe to be right.

Mr. Gardner was associated with the Eagle Square Manufacturing company South Shaftsbury, as its president, and owned and carried on a large farm in the town of Shaftsbury. In the Battle Monument Association he took a deep interest, was one of the earliest promoters of the project to celebrate the centennial of the battle of Bennington and to build a suitable monument, and his place in the Board of Directors it will be difficult to fill.

He was a model man in his neighborly relations, always kind and taking a deep interest in the welfare of those associated with him in this capacity. He will be greatly missed in Bennington Centre where death has taken so many within the past few years. Although not a church member he was a firm supporter of the Old First Church, and worshipped with that congregation. He traced his descent from one of the Pilgrim Fathers who landed from the "May Flower," in 1620.

His funeral was attended from the Old First Church last Saturday afternoon at one o'clock, many of the prominent professional men of the State being present. His memory will long be cherished by the people of Vermont as that of a dutiful, honored and respected friend and citizen.

## MEMORIAL.

### *Exercises by Bennington County Court.*

At four o'clock, Dec. 8, 1881, the bar assembled, while the case in hand was suspended for the time being, and the chairman of the bar committee presented the resolutions with these felicitous words :

#### REMARKS OF HON. JAS. K. BATCHELDER.

*Your Honors* :—Since the last term of this court it is well known to all that one of the most honored members of this bar has been taken away from us by death. In view of this fact, upon the assembling of the court Tuesday, the bar called a meeting and appointed a committee to draft resolutions to be presented before this court. Pursuant to that order of the bar the committee would now respectfully report the following resolutions :

**WHEREAS**, A lawyer of eminent ability, a citizen without reproach, has fallen from our ranks in the midst of a career of great usefulness to the public and the profession : therefore :

*Resolved*, That in the death of Abraham B. Gardner the bar has sustained the loss of one foremost in its ranks, whose high attainments, exalted character, unsullied life and reputation well qualified him for that distinguished leadership wherein he adorned the profession and honored the State.

*Resolved*, That we tender to his family our profound sympathy in this hour of their great sorrow and desolation, with the assurance that the remembrance of the virtues of our departed friend and brother shall ever inspire our solicitude for their highest welfare.

*Resolved*, That these resolutions be inscribed upon the records of the court, and that a copy be furnished to the family of our deceased brother.

In offering these resolutions, your Honors, I cannot refrain from a moments' remarks about our brother who is gone.

Although older in years by far than myself, I have known him well ever since my practice at the bar. His courtesy and ability as a lawyer was only equaled by his virtuous and high character as a citizen. How well do I recollect when I commenced the thorny road of my profession, how much I looked to him for guidance and advice, and how readily it was given me. Never did I ask him for a favor that he did not readily grant if it was not against the interests of his clients.

I think I can say truthfully of him that during all the time I have known Mr. Gardner I have never known him to do an unprofessional act.

Few men there are in this county, community or State who have passed through so varied scenes of life as he, and who in its long and eventful course, have been so truthful, so upright, and so honest as Abraham B. Gardner.

## REMARKS OF HON. GEO. W. HARMAN.

*May it please the Court* :—A few days since a meeting of the bar was called, and, from the action then taken, I did not suppose I should be called upon to make any remarks at this time. In seconding the motion for the adoption of the resolutions, I will say that I cordially agree with everything contained in them, and in the remarks made by my brother Batchelder.

It was my good fortune to make the acquaintance of Mr. Gardner in his early life. He had been graduated from Union College and was in the law office of his uncle, the late Hon. Isaac Tichenor Wright in Castleton, Rutland county, when I formed his acquaintance. It was his custom to attend the courts, both county and supreme, at Rutland, and it was my good fortune to room with him during all that time, and the acquaintance and intimacy thus formed, has never been marred in the least.

Mr. Gardner, after the completion of his studies, was admitted to the bar in Rutland county, and then came to this county; and as I used to attend the courts here our acquaintance was continued until I moved to this town about thirty-four years ago; and ever since our relations have been of the same intimate and pleasant character.

Mr. Gardner was a gentleman who never, to my knowledge, allowed himself to be ruffled. If things were said and done that would raise the "fur" upon the backs of some of us, they never ruffled him in the least.

Mr. Gardner was a gentleman who always kept his word. I have known of his making promises, not only to the members of the bar, but to others of what he would do—promises involving pecuniary loss or liability, and he always made them good. As his homely expression was at one time, "I'll do it if it takes a leg."

Mr. Gardner was not the most polished in his English or erudite in his profession, but he was very fair in both, and he possessed one gift which it would be well if all the bar of the whole State had it in an equal degree. He had the deepest common sense pervading his mind. He was one of the most practical men I ever saw. He had a solid, abiding judgment, so that when he had gotten the facts of a case, that innate common-sense or judgment which he had, enabled him to come to very correct conclusions. I have often remarked, during his life time, that I had rather have his opinion upon a point of law than that of a great many others whom I knew, who were greatly above him in legal attainments. That quality was what raised him to the exalted position he had attained and occupied for so many years.

Mr. Gardner, in his domestic relations, was very much afflicted. At one time he said to me that he had had—I don't know how many children—but the number went up into the teens, and they were nearly all dead. He said that when a member of his family was sick he always intended to do all he could, and if the result was unfavorable he did not indulge in vain lamentations. This was true philosophy.

But he loved his family and was deeply affected when a death occurred among them. I well remember the occasion of the funeral of his daughter Estelle, an accomplished and blooming maiden, when his grief was intense. I was out of town when Brother Gardner died, and I deeply regret that circumstances rendered it inexpedient for me to attend his funeral. I would that I could have taken a last view of his face—pleasant in death—mingled my sympathy with his sorrowing friends and laid upon his bier a token of my tender regard.

## REMARKS OF HON. C. N. DAVENPORT.

*May it please Your Honors* :—Although not a member of this bar, it has been my

good fortune to be associated for the last twenty-six years with the Bennington County bar, and I have had the pleasure of meeting my professional brethren in this county as they have lived and moved, two or three times at least a year.

As I look over my brethren here, I see in this bar but two men who were in practice here at the time I commenced to attend this court. Uncertain is human life, how soon it is that all are gathered to their fathers! My brother Harman was here in the county at the time I came, but he had left, for the time being, the profession he had always loved and never dishonored; because, I suppose, the material returns were not so great as outside of it; but he has come back to his first love now as every man ought to.

Brother Lyman, who still lives, was engaged in outside business, Gov. Robiusion, A. L. Miner, A. B. Gardner, Harman Canfield and others—a strong bar, and composed of as able members as there ever was of its size in the State—were here.

I have been most intimately associated with Mr. Gardner. For fifteen years outside of my own family, he was my best friend.

Our clientage happened to be quite largely in this section of the country identical. For many years we were often associated together as counsel for the same persons.

Our business often took us away from the State, and oftentimes our families, or members of our families went with us.

In all the affairs of Mr. Gardner's life I feel that these resolutions, although couched in the usual language, do not do more than justice to his memory.

It is one of the good qualities of our nature that prompts us, when our friends pass away, to forget their failings and remember their virtues, and it is to our credit that we do so, and that our natural inclination is not only not to speak evil of the dead, but to say of them good. It would not be fair to say that A. B. Gardner had no weaknesses, because he had them; but he had as few weaknesses as often falls to the lot of man, and more virtues.

Afflicted though he often was, there never was a kinder husband or a kinder father; and your Honors, the best test we have of a man here on earth is to find out how those near and dear to him regard him. And the next best test—especially in regard to a lawyer—is to find out how his clients, who have placed their interests and their all in his hands regard him. Now if you will look over the clients of Mr. Gardner you will find the men who were his clients a quarter of a century ago, were his clients, so far as living, when he died; and when the fathers died the children still went to him. He lived up to the oath he took, "to do no falsehood," he was ever faithful to that oath; he never deceived your Honors; he acted with good faith to the court as well as to his clients. What more could be said, or ought to be said of any man?

I want to say one thing more. He was a man that looked upon the profession to which we brethren belong and to which your Honor belongs, also—he looked upon it as a high and honorable profession. He never regarded it as a trade to make money. Faithful as he was to his clients he had rather lose his cause than have injustice done.

I don't know but there are men of larger legal information than Mr. Gardner. There are men who have had better opportunities. He followed in his early life, as many other men have done to their loss, the idea of political honor and preferment. Had he devoted his whole life, as he did the last fifteen years of it, to his profession, he would have had few, if any, superiors. For the last fifteen years he has been growing as a lawyer, and before, he was a good lawyer. If the young lawyers of Bennington county will take A. B. Gardner as their example and their guide, they will never dishonor their profession or themselves.

## REMARKS OF HON. TARRANT SIBLEY.

I cannot let this occasion pass your Honors without speaking a word here in connection with these resolutions. A great deal has already been said and very well said in behalf of our late brother, and I fully endorse all that has been said here. I fully endorse these resolutions as they are drawn up and signed.

My experience, perhaps my social and professional relations, with my brother antedate those of any member of the bar here present.

Our relations have always been the most intimate, social and professional, without interruption or jar, from the time we were admitted to the bar until the time he was removed by death.

My first acquaintance with Mr. Gardner was in college life, and after that we were admitted to the bar at about the same time. We located in Bennington village, where the court house and the public business of the court was then being done. We have been associated together a great many times, and we have in our professional life been pitted against each other. We have fought the battle (o'er and o'er) over this table and at Manchester, and during all this time there has never been a particle of discord in our social life.

We have lived near together and in all our relations socially we have stood together. We had both arrived to over three-score years, and to have our associations thus suddenly broken has for me cast a pall over this bar, and it casts a shadow not only over his professional brethren, but over the village, over the town and over the State: wherever he was known he was everywhere respected. It is a sad loss, not only to the professional brethren of this bar, but to the public at large.

Stricken down when his sun was almost in the meridian—in the height of his usefulness! Stricken down in the way he was, it gave a shock to all his friends.

There is a vacant chair! and that chair will be vacant while I am allowed still to remain and carry on the profession of the law. His memory is cherished. I never shall attend a term of court without missing the friend of my youth, the man who has stood by me, shoulder to shoulder, and worked in the harness with me for more than forty years.

I will close by saying "Peace to his ashes."

## REMARKS OF HON. H. K. FOWLER.

*May it please your Honors:*—Mr. Gardner was by a few months my junior and as we were admitted to the bar about the same time we may be said to belong to the same class. We were indeed boys together. I well remember the time when my brother Tarrant Sibley and Mr. Gardner of Bennington, and Hon. E. B. Burton and myself of Manchester, were called "the boys." We were all admitted about the same time and age, Mr. Gardner being the youngest. The men, the lawyers at that time were my friend Hon. A. L. Miner and his venerable partner Gov. Sargeant, Gov. Hall and his partner A. P. Lyman, Gov. John S. Robinson, Judge Pierpont Isham, Wm. S. Southworth, Uel M. Robinson, Henry Kellogg, Harmon Cantfield and Daniel Roberts—the latter then quite a younger man. They composed a strong and efficient bar. But most of these veterans have preceded Mr. Gardner to the grave. A few only remain as reminiscences of 38 years ago. It reminds us that boys become men, that men grow old, and that we all—both young and old—must soon pass away.

I feel that I must add a few more words as a tribute of respect to my deceased contemporary and friend. Mr. Gardner possessed a happy blending of those peculiar traits and characteristics essential to worth and greatness. He was always social, genial, gen-

erous, kind and courteous. He had a dignified, gentlemanly bearing, yet was free from arrogance and ostentation. He was a man of easy approach and acquaintance and of lasting friendships. He was the friend of all—the enemy of none.

The history of his professional life and career—could it be written in detail—would afford us a befitting commentary to study, a profitable example to follow. His unquestioned integrity, his inflexible fidelity and his unblemished character secured the confidence of all; his studious habits and great attainments enabled him to render efficient aid to his employers, while his generosity and moderate charges placed his distinguished abilities within the reach of the poor as well as the rich, and gave him a widespread professional popularity and resulted in his building up a large and lucrative practice. He was a success. He attained an eminence to which, however much we may strive, we cannot all expect to reach—the leadership of the bar.

But he has gone—stricken down in the midst of his usefulness, at the zenith of an honorable and successful career. Yes, the youngest of “the boys” has left us. His seat among us is vacant. We miss him and deplore the loss. This bar is smitten with grief. The village in which he lived, the town and county of Bennington, nay the State of Vermont, has had a sad bereavement. The occasion leads us to inquire who next will be the subject of an obituary bar meeting? I know it is not a pleasant theme to contemplate, yet it is an important matter. It is a crisis that lies in the pathway of us all—a crisis I hope we may all be prepared to meet with the record of a life as pure and as well spent as he for whom we mourn.

#### REMARKS OF H. A. HARMAN, ESQ.

*May it please the Court* :—While there is no member of the bar here present, whose recollections of the deceased are not of the most pleasant nature possible, yet it was my privilege to sustain toward him a peculiar and intimate relation, since during the past six years and more he has been my constant companion and my friend. As I have been listening to the reminiscences which others have here detailed, it has seemed to me that I could do little more, perhaps, than strew upon his grave some of the humble flowers I might pick up from the walks of daily life.

Mr. Gardner, in his daily life, was the same man that he has been described in his public career. Those admirable traits, which we have heard commended and which so endeared him to the public, became thus admirable because they were merely the outcome of his ordinary life and thought. And if there were any one feature of his life I would especially dwell on—any one lesson I would teach to those who are to come after him—it was this fidelity to his clients which has been here alluded to.

While Mr. Gardner never did injustice to any, in or out of court, yet if any one principle were peculiarly marked about him, it was his faithfulness under all circumstances to those who had employed him. No concern of his own personal interests, no matter of importance to his friends was ever allowed to intrude between himself and his sacred professional duty; so that always the thought in his mind and the question upon his lips, in his private consultations as well as in his public efforts, was “What is for the best interests of the client whom I now represent in the matter under consideration?”

Mr. Gardner was not only all that has been said of him as a man of common sense and of excellent judgment; he was even more than has been said of him; he was a lawyer. When I first became interested with him as a partner, I know it was a matter of continual surprise to me to observe how familiar he was, not only with the great principles of the law, but with the decisions of the courts. And while perhaps during

the last year or two he was inclined, as every such man is, to repose a little upon the laurels he had won before, yet I have found that whenever I went to him for consultation I received good counsel.

But he is no more; there is, as has just been said, a vacant chair among us which can never be filled within any of our lifetimes. The least I can say is that I have lost a friend whose place earth can never supply; that no matter how aged I may come to be, I shall look back to my connection with him as one of the greenest spots in the vista of my life, and one which I can never hope to find repeated.

#### REMARKS OF A. P. CHILDS, ESQ.

*Your Honors*:—In the sorrow that pervades the hearts of the bar and which invades the homes and hearts of the entire community, is betokened a deep and enduring sense of personal loss and bereavement, seldom so universally felt by the people. Were the one whom we so deeply lament not my friend—the friend of humanity—I would refrain from placing my humble tribute upon his bier.

I knew Abraham B. Gardner well and intimately, and during the past ten years I was at his fireside nearly every week, and during all our cordial relations I never knew him to suggest an unworthy thought or act. We have met amid the scenes of sorrow and joy, sickness and health, and I mourn his untimely death as a separation from a constant, sincere and devoted friend. It is difficult to measure in words the perfect and complete stature of such a character as the departed. Young men like myself, perhaps, are apt to render the tribute impelled by the bestowal of favors from their seniors, rather than to accord careful and just estimate of character; but there need be no fear of over-praise in honoring the memory of our fallen brother.

He was an unselfish man: as far above duplicity as are the heavens above the earth, while his character and life was as remote from hypocrisy as are foreign climes from our own country. His wonderful fertility of thought and breadth of mind caused him ever to take broad and conservative views of men and affairs. His life was replete with all that is faithful, true and ennobling, while his generosity and sobriety were prominent attributes of his exalted demeanor. No one in need or distress ever found a braver or truer champion, a wiser or better counsellor and friend. He ever extended the hand of aid and fellowship to his juniors at the bar, ever encouraged, never obstructed their progress. The multitude of sorrows that came to his own family and home mellowed his tender heart to pity ill in affliction, causing manly tears and worthy deeds of love and sympathy. But this man of great worth and ability has gone in the very zenith of his honor and fame, leaving us in sadness and mourning. He did not fear death, though long forewarned of the approach of the grim messenger, his great, though gentle spirit, was calm and unperturbed. The flowers of praise which we scatter above his bier will wither, and fade, and die, but the fragrance of his memory, his manly, dignified bearing, his illustrious example will survive long years after the lips and hearts that now bespeak his worth are as mute as his whom we so deeply lament.

#### REMARKS OF HON. LOVELAND MUNSON.

*Your Honors*:—It so happened that a short time before Mr. Gardner died I rode with him from Pownal across the hills to Bennington. Our road led through a section entirely new to me, but familiar to Mr. Gardner from his earliest years. An inquiry or two of mine soon directed his attention to surrounding objects, and during the whole ride his conversation was full of pleasant reminiscences, family anecdotes and scraps of local history. He pointed out to me the house where he was born, the fields familiar to him in childhood, the tree, now grown to large pro-

portions, which when a boy he carried on his shoulder to the place of its transplanting. He showed me the places where he had been a frequent and delighted visitor in his boyhood, and told of the people who lived and labored there a half century ago. If, as present information leads me to believe may have been the case, he was thus reviewing the scenes and associations of early life under a conviction that his earthly career was near its end, it was done so cheerfully and unreservedly that I had no suspicion of the fact. Subdued and tender in tone but entirely free from any tinge of sadness or regret, it seemed to me only the natural expression of one who had carried a youthful heart into the fulness of years, and retained in the changed relations of a busy and successful life, a strong affection for his early friends and his native town. I esteem myself fortunate that among the latest recollections of our deceased brother, I have the memory of an occasion free from the demands of business, where he was simply the genial friend and companion—kindly, charitable and open-hearted. A few days later his career of activity was brought to a sudden and, as it seemed to me, untimely end. But in the years of life allotted him how much there was of kindly assistance, of manly endeavor, of professional duty, faithfully and honestly performed. Those who have met him only in the contests of public and professional life can bring to this occasion no other feelings than those of friendship and respect, while those who have known him in the more intimate relations of private life, will long remember his social virtues and kindly deeds. Surely of him it may be said:

"His life was gentle; and the elements  
So mixed in him, that nature might stand up  
And say to all the world: 'This was a man!'"

REMARKS BY WM. B. SHELDON, ESQ.

*Your Honors*:—I heartily concur in the sentiment of the resolutions which have been read, the numerous obituary notices which have been published in the newspapers, the tender and eloquent eulogies which have been pronounced by his associate members of the bar in honor of our lamented brother, all of which seem to me to do but imperfect justice to his rare attainments in the profession which he loved and honored, and to his exalted qualities of mind and heart which have taken strong hold upon the affections of our brotherhood and upon the community at large.

It is more fitting that the senior members of the bar who have known him longest, and consequently best, should, as they have, speak most at length of the life and character of him whose death is to each of us a great and irreparable loss. Every member of the bar is compelled to say in sorrow, I have lost a friend, and in the breast of each there is welling up a tribute to his memory, more tender, more beautiful than we can express. Nearly ten years ago I came a stranger to Bennington to embark in my chosen profession, and from that time until his death Mr. Gardner was to me a most valued and constant friend; to him I was accustomed to go for such information and advice as young lawyers are apt to need, which he always gave most cheerfully and with such apparent generous interest in my welfare and success that I was made to feel that in difficulty I could unhesitatingly go to him for aid. It was upon his own voluntary suggestion and recommendation that I was admitted to the higher courts. To him my debt of gratitude is very great and not soon to be forgotten. How well I remember not long since asking of him a professional favor; his answer was, "Sheldon, did I ever refuse to do anything you asked me to?" compelled to answer no; he said, "that answers your question."

In his last professional act which came to my knowledge, (I speak of it because char-



acteristic of him, and fitly illustrating that exalted sense of honor which was the guiding star of his professional life), we represented opposing interests, and Brother Batchelder represented still another interest; large sums of money were involved; differences of opinion arose which it seemed would inevitably lead to protracted and expensive litigation, most damaging to the interests of my clients. Mr. Gardner proposed a conference of counsel at which he urged with great force and earnestness the desirableness of coming to a common understanding and agreement in the matter. His aim was that justice be done and that speedily. Of him may it be truly said, he was never jealous of the success of his contemporaries.

“Though dead he speaketh,” and the impressive dignity and consistency of his demeanor in the daily walks of his professional life, has, and will for long years to come, intensified the august solemnity which pervades the atmosphere of our courts of justice; his living example is left a priceless legacy to the bench, the bar and the people.

#### REMARKS OF HON. E. L. SIBLEY.

*May it please the Court:*—As nearly the youngest member of this bar, it is well that I too should cast a flower upon the bier of Governor Gardner. During my early connection with the court below, my youth and inexperience made it often necessary for me to seek the counsel of those older and more learned in the law. Upon many such occasions I went to Mr. Gardner. By him I was always kindly received and advised; and there was no person upon whose counsel I relied with more confidence and certainty in the result. Living the greater portion of my life in the same village with him, his kindness to me, while yet a mere child, had won from me a reverence and regard for him which increased with my years and was retained by him until the day of his death. I shall remember Governor Gardner, not as I saw him a few days before his death at my office, not as I saw him lay in his coffin, but as I have seen him for many years past walking from his house to his office, grand in personal carriage and bearing. I shall remember him for his kindness and grandeur, as a man among men.

#### REMARKS OF THOS. E. BROWNELL, ESQ.

*Your Honors:*—The fact that Mr. Gardner was a native of Pownal makes it fitting for me to say a word on this occasion. I cannot testify to the same personal intimacy that others have done who have already spoken. My remarks, therefore, will have reference to what others relate of him who knew him when he was a young man.

After his admission to the bar he practiced law in Pownal. At that day debating societies were the only literary entertainments afforded the people besides the church and possibly a law suit. Mr. Gardner interested himself in furnishing his native town with such an institution. Those who knew him at that period testify now to the dignity of his manner then. He never engaged in debate unprepared, and his arguments were full of facts and straight to the point. An entertainment never lost character for dignity and propriety when he was present.

So, also, after he had moved to Bennington and was elected state's attorney, the condition of Pownal frequently required him to discharge the duties distinctive of that office. And he is remembered now on account of the manly efficient manner in which he performed the requirements of his station. No one ever suspected him of trifling with offenders. Afterwards, when he identified himself more prominently with the politics of his section he refused the office of states attorney, although it was urged upon him by the friends who trusted his integrity, because the temptations were too many in connection with that public trust for a successful politician to risk. I relate these inci-

dents, selected from among many others of like import which might be produced, to illustrate how early in life the honorable and manly traits of his character shaped his every action.

#### REMARKS OF HON. JOHN V. HALL.

*Your Honors.*—The words which I shall speak will be few, but I cannot permit this occasion to pass without expressing the love and reverence I had for our deceased brother during his life, and which I shall ever retain for his memory.

For the last few years our relations had been of the closest kind, and it is a pleasure and satisfaction to me that I was permitted to call him by the sacred name of friend. Of his character and success as a lawyer and public man I need say nothing.

I only desire to give utterance to what I believe is the expression of the feeling of us all, that as a man of generous sympathies and sound common sense, as a good citizen, as a faithful friend, and in all the sterling qualities which go to make up a strong character, he had no superior; and although his circle of acquaintances was large, and extended beyond the limits of any State, and although he was widely and favorably known and loved, yet, here, where he was best known and where he passed the years of his business life, he will be most sincerely lamented and deeply mourned.

#### REMARKS OF H. N. HIX, ESQ.,

*To the Honorable Court and Brethren of the Profession.*—We stop for a short time the business career of this session of the court, to pay a tribute of respect to the memory of our deceased brother, A. B. Gardner. I have known Bro. Gardner for the last twenty five years. He was an able lawyer and an exemplary citizen. He was a clean-hearted man.

His example is worthy of the imitation of all the members of the bar, especially of the younger members. We, the older members, have already made our record, and soon shall be gathered to our departed brother. We are admonished by the sudden decease of our late brother that we, too, are all passing away, and soon it will be said of us, that the places which we now occupy at this bar are vacant. May we consider these things as we ought.

#### REMARKS OF HON. RANNEY HOWARD.

*May it please the Court:*—I arise to second the resolutions under consideration, and will say I heartily concur in the sentiments and facts which they express. When I learned of the death of Hon. A. B. Gardner my heart was filled with sorrow; I felt that the bar, of which he was a member, had lost one of its most able and distinguished representatives; his town, county and state a worthy citizen.

I had not the good fortune to be as intimate with him as others who have spoken, yet I knew him well as a lawyer and a man of business. I came into this county 21 years ago and commenced the practice of law. I met with those difficulties which every young lawyer experiences, and to steer clear of the breakers, I sought the advice and counsel of my superiors, and I soon learned that the now honored dead was one of the best lawyers at the bar, and one who sympathized with and was always ready to help his inexperienced brethren, and I ever felt at liberty to apply to him for such counsel and advice as I needed, and he would listen with such patience and courtesy that it made me feel that he had a kind and generous heart.

I have often seen him enter this court, and the bar at Manchester, pass from chair to chair in the most cordial manner, shake hands with each occupant, and never passing the humblest without a friendly recognition. Young lawyers appreciate such

kindness and generous bearing toward them; they feel it an honor as it really is, to be recognized as brethren by such men. I then esteemed it an honor and have ever since to be so recognized by him. I soon learned to look up to brother Gardner as one of the honored fathers in his profession; but the best thing I can say of him is not that he was a great and good lawyer, but that he was a man in the highest sense of the word.

He is gone: buried out of sight; yet he lives and ever will live in our esteem and affections and memory of the good people of his town, county and state, whom he delighted to serve, and who in return delighted to honor him. Peace, peace to his ashes.

#### REMARKS OF A. S. KEYES, ESQ.

*If the Court please:*—I feel how inadequate and empty are words to express the loss we all feel in the sudden death of our brother, A. B. Gardner, a man whom we respected and revered. We remember him as an exemplary and able man, and “take him for all in all we shall not look upon his like again.” As a lawyer he stood in the front rank of his profession, and was noted for his fidelity to his clients. He loved his profession, and as he received great honor and profit therefrom, he ever sought in return to dignity and honor it.

How well I remember in my youthful days the first time I ever heard him argue a cause before a jury. It was in an important trial at the old court house in Bennington Centre. His eloquence, his clear and forcible manner of speaking, his towering form, all made up a picture as impressive and commanding as that of a Roman senator in Rome’s proudest days, and as I listened to him on that occasion my boyish mind became enthused with the ambition to become a man like him. It was through his advice that I began the study of the law. The genial countenance of Gov. Gardner will greet us no more; he has passed away to “that land from whose bourne no traveller returns,” and his death has left an aching void in our midst which will never be filled.

#### REMARKS OF HON. G. W. HARMAN, CHAIRMAN.

*May it please the Court:*—After what has been said by the members of the bar, I think I can safely state that these resolutions have been adopted and I hope it will be ordered that they be spread upon the records of the court, and that when it meets the pleasure of your Honors, the court will, in consideration of our bereavement, adjourn until to-morrow morning.

#### REMARKS OF HON. W. G. VEAZEY, PRESIDING JUDGE OF THE COURT.

The court heartily concurs in the language and sentiment of these resolutions, and also in all of the remarks that have been so well made here in respect to our late brother Gardner. My acquaintance with him extends back over nearly my whole professional career, now more than fifteen—nearly twenty—years; but it was not so intimate as yours has been. It was, however, familiar enough to enable me to discover in him the most sterling qualities as a man, and eminent abilities as a lawyer.

When death removes such a man and lawyer from any community, it produces a loss that can hardly be measured; but when it comes into a bar, which is not a large gathering, and takes from it one of its most influential and beloved members, it is more than a loss, it is a deep bereavement.

Our brotherhood is not a large one. It is a brotherhood, so to speak, of contention—of a manly, vigorous struggle between each other; but I am most happy to say that it is one wherein are formed the strongest friendships that can be found outside of the family circle.

From what I have seen of Gov. Gardner I doubt if there ever was a man anywhere for whom the members of the bar had a deeper and more sincere friendship than they had for him.

If we shall pay due regard to these sorrowful epochs, when death breaks into our ranks, by the removal of one after another, then the lesson of their lives and examples will not be lost upon us.

It is with the deepest sorrow, and with the most profound respect for the memory of Gov. Gardner, that the court will order these resolutions spread upon the records of the court and a copy to be sent to his family under the seal of the court. And in further consideration of his memory the court will now take a recess until nine o'clock to-morrow morning.

—o—

The following tributes were handed the Court by those not present and speaking and speaking at the memorial ceremonies :

#### TRIBUTE OF HON. A. L. MINER.

*May it please the Court and Gentlemen of the Bar:*—It is a very willing duty that I perform in saying a few words upon these resolutions. My acquaintance with our deceased brother Gardner has been long and familiar; a great portion of the time that of extreme intimacy. We have been associated in the trial of many cases, and have often been on opposite sides. I have very frequently appeared as counsel before him, when he was acting as referee or auditor, and our positions have quite as often been reversed, he being the counsellor and myself trying the case. This relation has continued from the time he came to this bar up to this present session, covering a space of more than thirty years. We have also been connected with our Legislature for three sessions, during one of which we occupied the same room. During all this long and close acquaintance I have found him to be a just and safe counsellor, an able advocate, a high-minded and honorable lawyer, and above all an honest man. I deeply feel and mourn his death. Not only this bar, but this town and county and state have lost a bright ornament. We are no more to witness his manly form, his open countenance, and his pleasing and instructive conversation. Nearly forty-seven years have passed since I became a member of this bar. There was then a bright array of attorneys here, the greater part of them being comparatively young men. The lawyers in this county who were then in practice were Judge Bennett and Leonard Sargeant of Manchester; Harmon Canfield of Arlington; David Robinson, John S. Robinson, Pierpoint Isham; U. M. Robinson, Henry Kellogg, Samuel H. Blackmer, A. P. Lyman, and Wm. S. Southworth, all in this town. A brilliant cluster of names, but with one exception they have all passed that portal which opens into the unseen world. Yes, death has often entered our ranks and chosen many shining marks; but perhaps the shaft has never fallen upon one who was more esteemed, or whose loss was more deeply felt than our lamented brother who has just fallen. I would gladly offer a word of consolation to the heart stricken widow and family. They have many consolations in their deep bereavement. A loved and honored husband and father died at home, surrounded by his kindred and many, very many, friends. Their own loving hands held his dying head, and smoothed his dying pillow. Let us commend them to the teachings of Him, who alone can heal the cleft heart, and who is the widow's God and the orphan's father.

#### TRIBUTE OF A. M. HULING, ESQ.

*May it please Your Honors:*—It is death, the sudden death of our brother Abraham

B. Gardner, that calls us together at this time. I esteem it a pleasure as well as duty to say a few words in memory of the deceased.

Forty-four years ago this winter we were school-mates at the Union Academy at East Bennington (thus called), and now the village of Bennington, and from that time to the day of his death we had been intimately acquainted with each other, living together the most of the time in Bennington Centre in the same neighborhood, almost in speaking distance of each other. During this long period the deceased lived an exemplary life, and while volumes could be spoken in his favor, not one word could be said against him.

When at the Union Academy he was but a youth eighteen years of age, yet he was dignified and manly in his address, of great self-respect, exceedingly ambitious, of good habits, good moral character, good native talents and abilities, and a thorough scholar, thus winning for himself the respect, good repute and admiration, not only of his schoolmates, but of all others of his acquaintances.

Since then, through his long and eventful life, whether as Speaker of the House of Representatives, or moderator in a town or school district meeting, or advocate before court and jury, or at any other place where he may have been called to preside, he has at all times maintained those distinguishing traits of character, not in the least impaired by years.

In reference to the resolutions I would say, I heartily approve of all in them contained, as well also the apt and appropriate remarks of the several members of the bar on the same. If I would, time and space will not permit me to eulogize the virtues of our deceased brother. All that knew him well can but speak his praise.

His eventful life has not at all times been as bright and happy, as some supposed. There was a time in his life when death removed from him the wife of his earliest affections, his second wife also, and children one after another. It was at these times, at these visitations of Providence, that many gloomy days of sadness and sorrow were upon him. The deceased has done well his part among his fellow men, and if he did not reach all the high places for which he may have aspired, it can be truly said by all that knew him that his life was a success, and in his death the community has sustained an irreparable loss.

#### TRIBUTE OF HON. A. P. LYMAN.

Though the infirmities of years sternly admonish me that I cannot convene with the court and bar upon the solemn occasion that suggests your assembling, I cannot refrain from offering a few words of sincere admiration and respect for the memory of Mr. Gardner, now so deeply and justly lamented. I most cordially concur in the eulogies which this honorable court, the bar, and press has pronounced. No words of tribute, or symbols of mourning, can fully portray the magnitude of this sad bereavement to his family, his associates, or the public at large, to all of whom he was endeared by the most tender ties of affection and regard. With the exception of ex-Gov. Hall I am the oldest member of the bar of this county, though Mr. Miner is my senior in years.

It is due to the memory of our fellow citizen and brother to say that during all of my long practice at the bar with Mr. Gardner, no relations save those of uniform friendship and courtesy have ever existed. We were frequently arrayed in opposition, and as often in accord, but in all our legal battles our friendly personal relations were never disturbed. His ability, assiduity, fidelity and integrity remain an honored example and legacy to his survivors. An honest cause ever found in him an earnest, able and fear-

less defender. He has departed and left behind an enduring monument. The unwelcome summons that called him hence will soon still further thin our ranks. May the fragrance of his life and example long impart a benign influence to those who follow in the pathway of a profession that he never dishonored, and leave a lasting impress upon the community.

#### TRIBUTE OF JAMES B. MEACHAM, ESQ.

Brother Gardner was a lawyer highly esteemed by me. He was one of the committee in connection with the late Governor John S. Robinson that examined me for admission to the bar, and in questioning me in the text-books at that time, though but partially acquainted with him, I then formed my opinion of him that he was well versed in the rudiments of law, and being so well versed in them he must be a lawyer of high standing among his brethren at the bar. And after my admission to the bar, if I wished to counsel with any one in regard to any matters of law, I would call on him, and if he could give me any information without detriment to his clients, he was always willing and freely gave it to me, and told me to call on him at any time, and if he was not on the other side he would impart it to me. But now he has gone and the places that once knew him will know him no more forever. I miss him at his office and in the street, and I miss him at the present term of court. He was always prompt in attendance upon court and looking after the interests of his clients which were many; he was always prompt at the time and place where he made his engagements. When I saw him the last time, which was but a few days previous to his last sickness, he appeared to me to be in good health, and I little thought at the time that in a few days we should be called upon to mourn his death.

#### TRIBUTE OF JOSEPH G. MARTIN, ESQ.

*May it please this Honorable Court.*—When I became acquainted with our distinguished Brother Gardner, to whose memory the eloquent tributes of my learned brethren have been paid, he was walking in the full height of his career, in that elevated position in his profession which has been vividly portrayed to you. For seven years it has been my pleasure to meet him within and without the courts of justice, and I am pleased to say that his commanding presence, his polished manners made him capable of adorning the best circles in our great and proud Republic. Though I was not as intimately acquainted with him as many of the members of this bar, yet the tidings of his death filled my heart with profound sorrow to know that another pillar of strength had been removed from among us and gathered to yonder churchyard, where buried lies the dead. It seemed for a moment that this bar had been robbed of a resplendent ornament, but upon maturer reflection I know that it is declared that the great over-ruling Power who gives, has a right to take away in his own good time and manner. It is far from my sphere then to question the Immaculate authority upon whom we all depend for that life and strength which enables us to eulogize our brother. Doubtless my aged brethren feel that their loss is greater than mine. This may be true in a temporary sense, but in experience they were his equals, and some perhaps his superiors. The rich stores of wisdom which he had accumulated by that experience could benefit them little, and that little not long, while we younger men, in order to fill the ranks made vacant by the relentless visitation of death, must seek instruction from the fathomless depths of legal codes and gather wisdom from our seniors. We have now one the less great source or fountain head from whom we are to gain that rich store of human knowledge of which he became possessed by sixty two years of contests in the battle of life. It burdens our souls with grief to realize that in one mo-

ment Mr. Gardner has gone from among men forever. We take pleasure in assuring his stricken family that he was endeared to us by such ties of love and admiration that his exemplary life will be cherished and freshly remembered until this generation of lawyers shall like him have passed away. It is a consolation to know that during his last sickness he was at home with his family who did everything which mortals could suggest to alleviate his suffering and mitigate his pain. In conclusion I will say in the language of the poet,

Farewell, gallant lawyer,  
Thou art buried in light;  
God speed thee to Heaven,  
Lost star of our night.

#### TRIBUTE OF JOSEPH E. FENN, STATE'S ATTORNEY.

*My it please your Honors* :—Being one of the junior members of this bar and having lived at some distance from the home of our departed friend and brother, I have been associated but little with him whose memory we so willingly seek to honor. But three short years are enough and more than enough to learn much of a man like Mr. Gardner. One needed but little association with him to learn that he was a pure and good man. His friendly greeting, his laugh, the warm grasp of the hand gave evidence of the kind heart within. His large clientage for many years stamped him as a successful lawyer. The esteem and respect in which he was held by all who had known him long and intimately is ample proof of his honesty and integrity. Bennington county bar has lost a successful lawyer; but not as a lawyer only will he be missed from our number so much as because from our midst has departed forever a genial companion, a valued friend, an honest man. However high his attainments at the bar may have been, the best legacy he has left us is his noble manhood. His life has been a marked success and all mourn and deplore his loss.

#### TRIBUTE OF CHARLES S. CHASE, ESQ.

*If the Court please*.—Although not a member of this bar, yet my connection with this court the past three years, has brought me into a quite intimate business acquaintance with Gov. Gardner, and if "from the fullness of the heart, the mouth speaketh," I also may be allowed to testify to my appreciation of his great worth, and especially to the consideration with which he treated me upon my first appearance in this court. Coming as I did here, almost wholly inexperienced, his kindness attracted me to him and I have considered him, ever since, among my truest friends. I shall ever remember the last time I met Gov. Gardner. It was at Rutland during the last September term of court: he came into the hotel where I boarded, and coming directly to me extended his hand with that hearty grip, which no young man has ever felt without remembering. He took a chair beside me and visited (for no other word will express it) during the whole noon time. He inquired minutely in regard to the court and all the cases heard, asking particularly in regard to the questions of law that were involved in each. He paid me for a little work I had done for him, and requested me to have certain entries made in his cases in the Rutland court, as he was unable for some reason to attend to it himself. And when the time came to go, bidding me good-bye with the warmth of a man of my own age, he passed from out of my sight forever, leaving with me memories of him to which I shall always look back with pleasure, and with the belief that my acquaintance with him, though short, has given to me higher and nobler aims in life.

## TRIBUTE OF HON E. B. BURTON.

I was not in Bennington at the time the memorial service was held before the County Court, upon the demise of our lamented brother, Abraham B. Gardner. I have read the resolutions then adopted, and the several speeches then made, and I cordially concur in all that was done and said on that occasion. I do not know as there is anything I can add to what was so well and forcibly said at that time.

From my long and intimate acquaintance with the deceased, I will merely give a brief summary of my views of the man: He was not so much distinguished for his superior legal attainments (though by no means deficient in that regard) as for his good common sense, integrity of purpose, quick and just appreciation of the weight of evidence, faithful adhesion to the cause of his clients, and sound, practical judgment. In all these qualities he was rarely excelled. In the death of Brother Gardner, how pertinently is brought to mind the truth of the old adage, "Death loves a shining mark." How often the reflection occurs, why was he "in his pride of place" stricken down, and others of us left. Surely "God moves in a mysterious way His wonders to perform. Let us, therefore, bow submissively to His decrees, saying not our will, but Thine be done.

## TRIBUTE OF HON. MYRON BARTON.

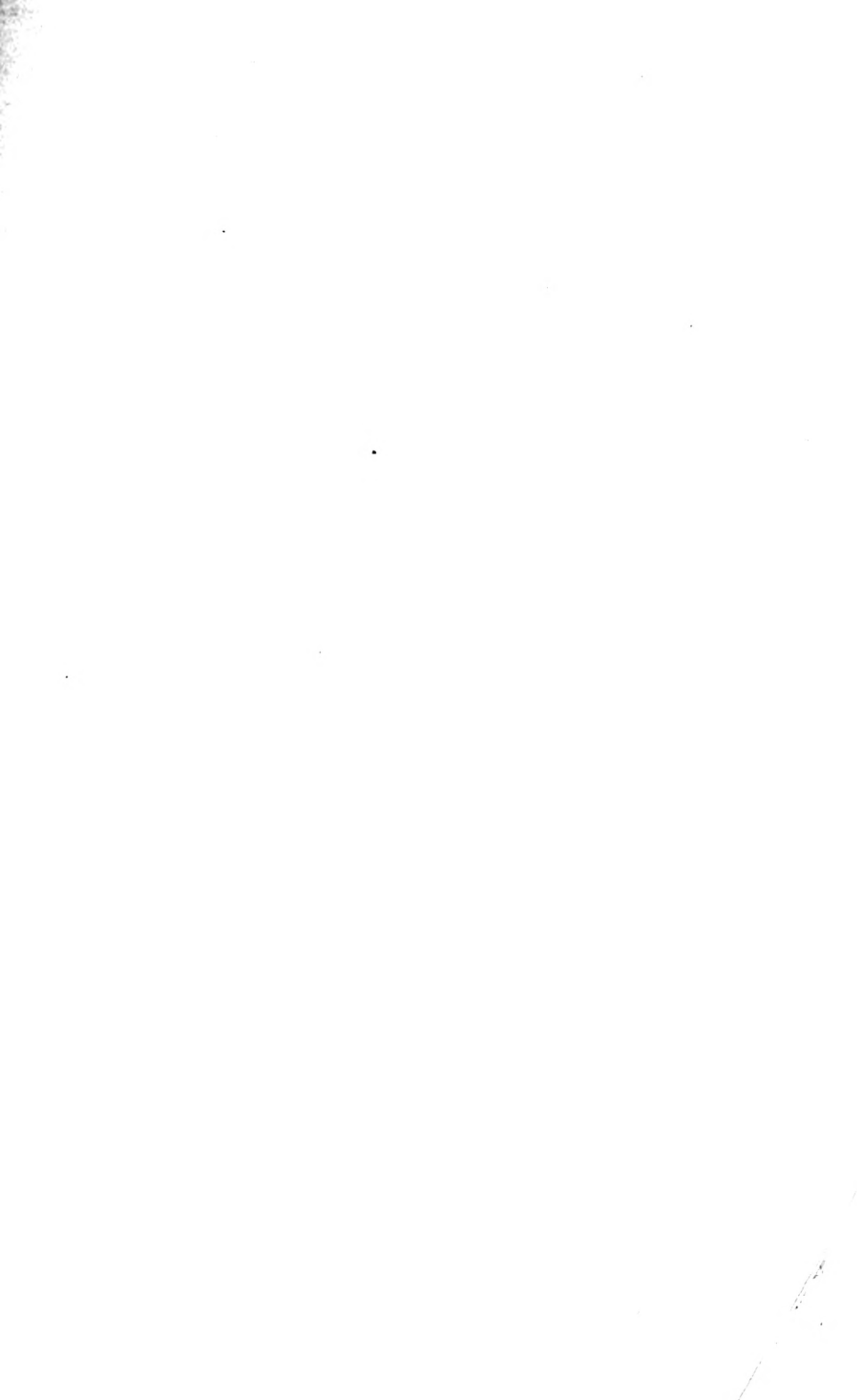
Hon. Myron Barton, sheriff of the county, also desired to bear testimony of his sincere admiration for Mr. Gardner as a lawyer, citizen and friend, also to express his hearty approval of the action taken to honor the memory of the departed:

I have known for more than thirty years Mr. Gardner, meeting him at county courts, and also in Shaftsbury at our justice courts at my father's office. I have done business for him in my official capacity for the last 22 years, and can truly say he has treated me kindly, and his directions and counsel have always been relied upon and followed. It is the universal expression of every citizen of our town, that in the death of Mr. Gardner we have lost our best friend. His business enterprises in our town were extensive, and all his business relations with us have been to build up and improve whatsoever he has undertaken. The people of the town feel our loss of Mr. Gardner as keenly as do the people of Bennington, and anything more I could say would not add to his memory.









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