

NORTH COUNTRY NOTES

ISSUED MONTHLY EXCEPT SUMMER BY THE

CLINTON COUNTY HISTORICAL ASSOCIATION

No. 76

Allan S. Everest and Charles W. McLellan, Editors

June 1971

On June 5th —

the Historical Association will sponsor a tour of Clinton County ghost towns under the direction of Miss Connie Pope. This will not duplicate the highly successful trip to other ghost towns last year. Among places to be visited this year will be Goshen, The Union, Palmer Hill, Arnold Hill, Jerusalem, Alder Bend and Wood's Falls.

Those who plan to make the trip are asked to bring their own lunch and blanket. Lunch will be eaten in an attractive setting such as Wood's Falls. Bus seats at \$2.00 per person should be reserved with the President, Richard Ward, at 44 Leonard Avenue, whose business telephone is 563-5190, or with the program chairman, Daniel Shea, at 40 Morrison Avenue, 563-3592. A check should accompany these applications. Others may follow the bus in their own cars, and will need to do so after all bus seats have been reserved. The bus will leave the College Gymnasium promptly at 9 o'clock on Saturday morning, June 5th.

RIDDLE OF THE MONTH

Old riddle: In the census of 1875 the town of Clinton had 37% of its inhabitants born in a foreign country. It was followed by Altona with 29%, Champlain with 28% and Mooers with 26%.

New riddle: When was the first newspaper published in Clinton County?

1844 IN PLATTSBURGH

Mrs. Elizabeth Swetland to her son-in-law, Henry Livingston Webb, on October 27, 1844:

"I have a chance to send this by Mr. Flagg who I have not seen. Had I been well Mr. Swetland would have asked him and some of the other gents here and the Gov. too. I presume the Locos have not invited him to their houses. They have all staid at Foquettes, except when viewing the ore beds about the country. I understand their steam machine answers all expectations at the Skinner and Averill ore bed, and the Forge. Whether they will now settle the question as to the place where the State Prison is to be I much doubt, but it would be a fine thing for our place if they settled it at the Skinner bed—but the Keeseville people are striving hard."

(The Swetlands lived in the Delord house, for Mrs. Swetland was the widow of Henry Delord. The Locos were a Democratic faction opposed to Governor Bouck, who was in Plattsburgh. The Foquet House was the town's leading hostelry. As a result of this visit by officials from Albany, including Azariah Flagg, formerly of Plattsburgh, the decision was made to build the new Clinton prison over the ore bed at Dannemora.)

The Tabor Murder Story

In 1888, the New York State Legislature passed a new execution law. Effective in 1890, capital punishment was to be by electrocution. The first person in the state sentenced to suffer this death was Joseph Chapleau of Plattsburgh.

The Tabor murder was a great surprise to the North Country. Mr. Chapleau and Mr. Tabor had lived across the road from each other for years. Tabor, 42, formerly from Vermont, had an invalid wife and three daughters. Chapleau, 39, and his wife had two children. He was formerly from Montreal, where he attended Terre Bonne College. Serving in the United States Army, he was in Company G, 5th Artillery, stationed at Plattsburgh. He later settled here. They were farmers, Mr. Tabor owning his own land, Mr. Chapleau renting his. Mr. Chapleau and some friends also hauled slab wood from Cadyville to Plattsburgh.

On January 28, 1889, I. E. Tabor started for Plattsburgh to pick up his two daughters at school. He was about a mile east of his home, or about three miles from Plattsburgh, when he met John and Nelson Brown. Nodding, he passed them and a little farther on met Joseph Chapleau. What happened then, no one knows. Less than five minutes later, Chapleau was seen running up the road to catch up with his team and Tabor was lying dead in the middle of the road. Tabor had been beaten to death by a blunt instrument. Since Chapleau had been seen running down the road with a sled stake in his hand, he was quickly arrested for murder. He was held over by the Grand Jury for first degree murder.

The trial began on January 20, 1890. Judge Fish arrived on the north-bound train at 2:45 pm and court opened at 3:00 pm. This was the first trial held in the new county courthouse. Mr. S. L. Wheeler, the District Attorney, prosecuted the case, which was his first, as prosecutor. The courthouse was filled to capacity and many were turned away at the door. James Averill had been appointed as defense counsel two weeks before. By recess at 7:00 pm., eleven jurors had been chosen. The twelfth was selected early the following morning. The trial thus began.

Dr. David S. Kellogg, a friend of the victim, was the first witness for the prosecution. He had been called as soon as the body was found. He said that Tabor's face, especially the left side, had been so badly beaten that it was not recognizable. Tabor had fractures of the upper and lower jaw, left cheek bone and bones in the nose. Several teeth had been driven into the mouth. There could have been as many as six blows, with the first one probably rendering the man unconscious. The skull was not fractured. The immediate cause of death was effusion of blood around the base of the brain. This was verified by Dr. Madden, who assisted in the autopsy. He added that the blows could have been inflicted from behind.

James Boyle, a neighbor of the two men, was then called to testify. He was in his yard when he saw Chapleau running by with the sled stake in his hand. John Brown ran up to Boyle and said that Chapleau and Tabor had had a fight. Boyle drove Tabor's team, which had been running down the road, back to the murder scene. Tabor gave one breath and then died. He still had a length of rein in his hand and the blanket from the sled was under him in the snow. There was no sign of a struggle. Boyle went for Sheriff Randall and, on finding him, continued on for Dr. Kellogg.

The next important witness was Nelson Brown, one of Chapleau's companions. At the inquest, he had testified that he and his brother, John, had been walking their teams behind Chapleau and then without noticing it, they had passed him. Tabor smiled as he went by them. Brown did not know anything was wrong until he got home. He had seen Chapleau run by him with a sled stake and had seen Tabor's team running up the road, but had not thought anything about it. At the trial, he said he heard a yell and on turning around saw Chapleau hit Tabor twice, Tabor falling down with the second blow. But Brown did not stop to see what was happening.

Henry Hicks took the stand next. He was outside when he heard Chapleau say, "God damn you!". He turned and saw Chapleau in front of Tabor's team, chasing them down the road. Hicks watched as Chapleau ran by and caught up with his own team and put the sled stake inside. On seeing Tabor's body in the road, he went to it. Later that night, he went to the defendant's barn looking for the sled stake. One was missing. He had heard the accused threaten to shoot Tabor if he poisoned any more of his cows. At the inquest, Hicks had recounted a happening the August before the murder. Chapleau had him skin a cow that he claimed Tabor had poisoned. Hicks had found zinc, iron and bones in the stomach, which had two nails protruding

from it. Chapleau had known this, yet he still persisted in saying his cow was poisoned. This testimony was ruled inadmissible at the inquest because it was not relevant.

Peter Brown was then called by the prosecution. The night before the murder, Chapleau had been visiting him and had said that he had met Tabor that day and told him that he was going to shut his head for good. Mrs. Brown then said, "You'll have a rope around your neck." Chapleau replied, "People would be glad to have that long body destroyed. They wouldn't hurt me much. They don't hang any more. If I was going to be killed, it would be that new way (electrocution).

The State also put into evidence the defendant's statement given at the inquest. He had requested to be allowed to speak. He said that he had met Tabor and Tabor went for him. Tabor jumped on his (Chapleau's) sled with something in his hand and Chapleau grabbed for anything and found the stake and hit him with it once or twice. He said that Tabor told him if he said any more about his poisoning cows, he would shoot him. With the second blow, he fell on the ground and the accused continued on in his sled. Young Brown (John) caught Tabor's team. The Browns were behind him and they must have passed by the body. He said that he put the stake back in his sled and supposed it was still there. Randall arrived just as he was getting ready to go into town to give himself up. He said he did not know the man was dead. He did not mean to kill him. But when asked to sign this statement, the defendant refused, saying it was not true.

John Brown, Chapleau's other companion, said he heard Tabor's team running and looked around. Chapleau, with his back to him, was hitting Tabor with a sled stake. Brown hollered to him and was told to mind his own business. This was different from his first testimony, given at the inquest. Then, he said he saw Chapleau running by him, followed shortly by Tabor's team. He saw nothing else.

Sheriff Ames Randall said he asked the prisoner why he did it. He replied that they had had trouble before and when they met, Tabor made a vile remark and he picked up the stake and hit him.

The defense was feeble. Mr. Averill called Dr. LaRocque to prove that he told Nelson Brown to tell the truth. Several character witnesses were called to testify to Chapleau's good character. The defense rested early on the second day of the trial. By 3 o'clock the jury had decided on a verdict of guilty of first-degree murder. Chapleau was to be taken to Clinton Prison while awaiting sentencing.

On January 28, 1890, the first anniversary of the murder, Chapleau was sentenced to be executed sometime during the week of March 3rd. Averill had requested a new trial on the grounds that Chapleau's confession was not voluntary and not true. When that was denied, the defendant himself listed several reasons why he should have a new trial: 1) the foreman of the jury was related to the Smiths; 2) on Tuesday, the jury was allowed to speak to outsiders; 3) the statement was not the one he gave; 4) he was not allowed to take the witness stand; 5) Averill was sick ever since appointed, just two weeks before the trial. This too was denied. Chapleau was taken to Dannemora to await his sentence.

At the prison, the prisoner was allowed to retain his citizen's dress. A special enclosure had been built for him in the new wing of the prison. This was a fourteen-by-eleven-foot area which was divided into two cells, one for sleeping and one for reading and writing. Both cells were carpeted, as they had to serve as an exercise area, too. Three guards were to remain with the condemned man until his death. The law permitted no visitors except the minister. Of course, the sentence was to be carried out inside the enclosure. The law even designated those able to attend the execution: the justice of the State Supreme Court, the sheriff, the District Attorney, seven deputy sheriffs, two physicians and surgeons, two reputable citizens of the state, and two ministers selected by the prisoner.

Shortly after this, Judge Fish issued an opinion in which he hoped that the warden would invite someone to the execution who knew something about electricity. Later that month, a stay of execution was granted while a general grounds appeal was brought before the Court of Appeals. This was denied in June and, as the law prescribed, Chapleau was resentenced. The courthouse was packed with people. The new execution date was the week of July 21st. Chapleau was taken to the sheriff's office, where he met his family. At this date, there was not much hope for commutation of his sentence.

But on July 16, 1890, Governor Hill commuted the death sentence to life imprisonment. This decision was based on a petition signed by many Clinton county residents, including the county judge, nearly all the county officials, and the twelve

jurymen. The petition said there was no doubt that he did commit the murder, but there was doubt as to the degree of guilt and the extent of his responsibility at the time of the killing. The previous good character of the prisoner was in his favor, too. All the evidence that could have been produced by the defense was not forthcoming. The governor decided justice would be better served by the commuting of the death penalty.

Meanwhile, the new electrocution law had been appealed to the Court of Appeals on the grounds that it was unconstitutional because it took the killing of convicts out of the hands of sheriffs and placed it with the wardens. The Court ruled it constitutional. The U. S. Supreme Court, where it was next appealed, on May 23 found the law "unusual" but not cruel in the context of the federal constitution. The first electrocution took place at Auburn in August.

Mary E. Forbes, SUC

ERRATA IN THE ISSUE OF MARCH 1971

We are indebted to Miss Connie Pope for discovering errors in "Man and Woman: The First to be Executed in Clinton County" in our March issue. James Daugherty was convicted of killing Ethan Bradley instead of **John** (not James) Waite, as the article stated. Mr. Waite was a witness against Daugherty.

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