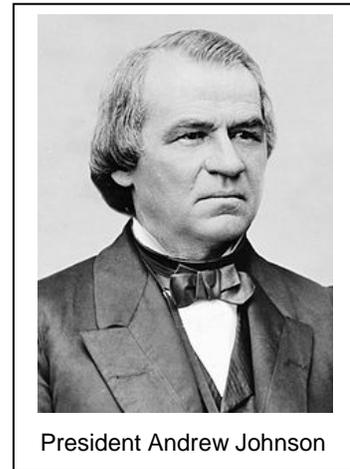


## Murder on Sugar Hill

In 1867 President Andrew Johnson had been in office for less than two years upon succeeding Abraham Lincoln after the assassination. President Johnson had the distinction of being the first president to be impeached. On March, 3 1867 Congress had passed the Tenure of Office Act which prevented the president from removing certain Executive Branch office-holders without the approval of the Senate. There was much derision about how to handle the Southern States in those Civil War Reconstruction years and some in the Senate wanted Lincoln's War Secretary Edwin Stanton to remain in office to enforce harsh military rule on the Southern States. Johnson had an opposing view and fired Stanton. The impeachment failed by just one vote. Ultimately, a similar law was deemed unconstitutional by the Supreme Court in 1926 and presidents have since been able to remove cabinet members unfettered.



On Sunday, February 10, 1867 Nebraska was admitted to the Union over the veto of President Johnson. The next day on Sugar Hill in Wallingford, Vermont, Delia Congdon was born to James Headley Congdon, II and his wife Artemisia Dawson. Delia was the ninth and last child of James and Artemisia. Her father was 52 and her mother 42 when she was born. James was one of the nine sons of James Headley Congdon, Sr., giving rise to the story of fifty-four feet of Congdons walking to the hayfields as a statement on the stature of each of the nine boys.

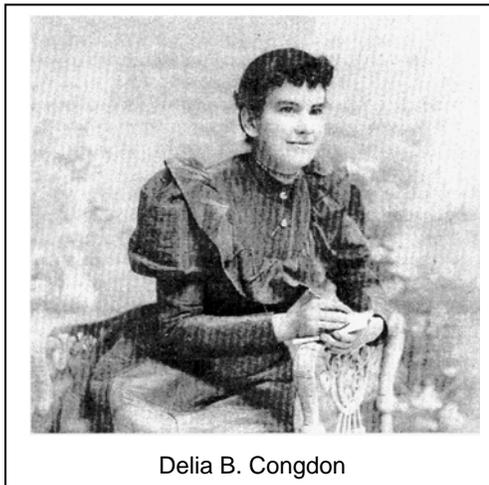
Delia's father was farming the 140 acre homestead on Sugar Hill and her grandfather was the first Congdon to settle in Wallingford in 1804 from North Kingston, RI. The US census enumeration for June 1, 1900 scribed on June 18, 1900 shows James, Artemisia and Delia living together. Presumably, the other surviving children where making their own way in the world by 1900. The surviving children would be John Tabor and George A. Congdon as the other six children had all predeceased Delia.

The Wallingford Times reports that Delia had contracted scarlet fever at the age of eight that left her deaf resulting in affected speech and only those who knew her could understand her. Family members said that she was born with an

## Murder on Sugar Hill

unknown cognitive impairment which only would have been exasperated the fever. Another account of family lore indicates that she was born deaf.

The Wallingford Times also reported that “For a time Delia lived in Wallingford with Dr. Avery’s family. While in Wallingford, she belonged to the Congregational Church and was active in the Christian Endeavor Society<sup>1</sup>. After her parent’s death, she returned to the farm. She loved Sugar Hill and wasn’t lonely there since there were caring neighbors nearby and her uncle Lansford lived just over the hill at the end of what is now Butterworth Road. Delia loved to greet and visit with the children coming home from school and often offered them cookies.”



Delia B. Congdon

Delia’s father died on August 3, 1900, only six weeks after the census taker had been to visit the family. Her mother died less than two years later in January 1902. If the Wallingford Times account is correct, she would have moved back to Sugar Hill after her mother’s death.

The games of the IV Olympiad had been underway in London during the summer of 1908. The games had been switched from Rome to London at the last minute as preparations in Rome were behind schedule reportedly due to the eruption of Mt. Vesuvius in 1906. In fact it was merely a convenient excuse as the Italians had made the decision before the eruption not to host the games. Although the games started on April 27, the opening ceremony was officiated by King Edward VII on July 13, 1908.



Olympic Games, London, 1908

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<sup>1</sup> The Young People's Society of Christian Endeavor was a nondenominational evangelical society founded in Portland, Maine, in 1881 by Francis Edward Clark. Its professed object was "to promote an earnest Christian life among its members, to increase their mutual acquaintanceship, and to make them more useful in the service of God." Christian Endeavor is still operating today throughout the world; their activities are widely reported on international and state Christian Endeavor Websites.

## Murder on Sugar Hill

Just two days before the opening ceremony in London, at Waterbury, Vermont a hapless, half-wit, 29 year old minor criminal named Elroy Kent escaped from the insane asylum opened in 1891 in that town. Waterbury is now noteworthy as the headquarters of Ben and Jerry's Ice Cream. It would later be reported by Deputy Sheriff Wilkins of Brattleboro who had known Kent for fifteen years and had arrested him several times for minor offenses, that Kent admitted he had shammed insanity while serving time at the state prison in Windsor in order to be transferred to the insane hospital where there would be more opportunities for escape.

Mr. Kent was seen on July 22 near the deserted building once called the Monadnock Club which is about three miles from the Congdon farm on Sugar Hill. The date "JULY. 22. 1908" with "E. KENT" below it was found carved in the wall of the Buffum House which is about 3/4 miles from the Monadnock Club. It is likely that about this time he visited his sister, Mrs. Rollin Flanders who lived in the mountains near Wallingford.

By Thursday, July 23, Elroy Kent had found his way to Sugar Hill. In the barn on the Congdon farm he fashioned himself a bed from straw and slept the night but not before he carved the initials "E.K" on the inside wall of the barn. Wood shavings and a depression in straw would be found later.



Summer day in the hills of Wallingford, VT

The next morning, Friday, July 24, 1908, the Wallingford Times reports that "It was a warm and sunny day in East Wallingford. The air was sweet with the scent of fresh cut hay. Birds sang in the warm summer sun.

Standing on Sugar Hill Road by the cemetery, one could view the rolling countryside dotted with farms. Next to the cemetery, a small farm lay on the hillside with a house, a barn, and a milk house. A pond sparkled in the sunshine. In the fields, hay was ready for cutting. The Sprague brothers were cutting the hay on the Congdon land since Delia Congdon, a spinster, let them harvest it on shares."



Typical farmstead in the hills near Sugar Hill

The Wallingford Times tells the story of a stranger approaching

## Murder on Sugar Hill

the Spragues asking for a job helping with the haying. According to the story this stranger was Kent and “While talking to the Spragues, Kent saw Delia in her yard, asked who she was, and proceeded to say what sort of things he would like to do to her. He was told that the neighbors would 'shoot full of holes' anyone who tried such a thing.” It is likely that this encounter occurred on the 23rd although it may have been the morning of the 24th.

As Delia’s bedroom faced the double doors of the barn, Kent could see her through a crack in the door when she arose on the 24th. Delia’s lifeless body was found in the pantry of the farm house about noon on the 24th, “in a condition which indicated she had been ravished, and with several deep cuts upon the head.” Other accounts say that she was beaten with an iron wood splitter.

Deputy Sheriff A. A. Leonard of Wallingford interviewed Frank Rogers, a farm hand often employed by Delia. He examined the clothes he wore on the 24th but found no trace of blood on them.

In the days after the murder, the mountains and valleys around East Wallingford were searched by armed posses aided by bloodhounds. The bloodhounds were obtained from the kennels of Manning Cleveland in Poughkeepsie, NY. The bloodhounds soon picked up a scent that led to the home of Mrs. Rollin Flanders and then branched off in another direction. The Flanders’ home was searched but no trace of the fugitive was found and Mrs. Flanders denied having seen Kent. Several other houses were searched after being indicated by the bloodhounds but the trail eventually went cold and no trace of Kent was found for the remainder of the summer and early autumn.

On October 21, 1908 in Pittsfield, Massachusetts a man who gave the name William Allen was arrested for stealing a bicycle while trying to sell the bicycle. When subjected to a “third degree” interrogation, Allen confessed to having committed a robbery in Holyoke. He also stated that he had been employed at South Schenectady, NY and also worked in Springfield, Holyoke and Greenfield Massachusetts. Superintendent D. D. Grout of the Waterbury asylum was telephoned and given a description of Allen. Dr. Grout felt sure it was Kent.

Kent was subsequently transferred to the house of correction in Rutland to be held for trial in the murder



Elroy Kent, Rutland, VT

## Murder on Sugar Hill

of Delia Congdon. The trial commenced in Rutland on April 1, 1909 before Eleazer L. Waterman, Judge. Testimony from Deputy Sheriff Allen Leonard, corroborated by Herbert Savery stated that Kent had confessed to the murder soon after being transferred to Rutland. According to these witnesses, Kent said he murdered Delia because she made a noise and he was afraid that other people would hear her. The Newport Mercury reported that “much of the confession was unprintable.” Although Kent pleaded not guilty at trial, the evidence of Kent’s various wood carvings was told, the most damning of which was his initials in the Congdon barn. Kent admitted to the carvings of his initials in various other places around the state but denied he had ever been to Wallingford. Dr. Grout testified for the defense and gave his opinion that Kent was a moral imbecile.

The trial of Elroy Kent concluded on Wednesday, April 7, 1909. On Saturday of that week, the jury returned a verdict of guilty of first degree murder coupled with assault, the penalty for which was hanging. At the time it was required that a session of the Legislature must hear the case to consider commuting the sentence to life imprisonment. Kent’s counsel, Ernest O’Brien then petitioned the state supreme court for a new trial.

In the trial according to the Lewiston Maine Sentenial, “Testimony trending to show that there was an apparent effort to suppress the news of Kent’s escape from Waterbury was given by former State Attorney Robert A. Lawrence, who said he could find nothing in either of the two Rutland daily papers concerning the escape until after the murder of Miss Congdon.

At issue in the appeal held in Rutland was the admission of the wood carvings of initials and dates that was compared to writing on a lawn mower handle (“E. Kent”) done in pencil. Essentially, the Supreme Court of Vermont ruled that evidence was admissible partly because of the repetition of the periods after the month and day numbers of the date that repeated in many of Elroy’s writings and carvings. The five member appeals court in a ruling written by J. Munson on November 12, 1909, rendered a “judgment that there was no error in the proceedings, and that the respondent take nothing by his exceptions.”

At some point, Elroy Kent was transferred to the state penitentiary in Windsor as his name appears in the 1910 US Census as an inmate. Strangely enough, there is also listed as an inmate a James. J. Congdon but no relationship to Delia can be found.

## Murder on Sugar Hill

Efforts to commute the sentence of Kent initiated in the 1910 Vermont Legislature failed and Governor John A. Mead also declined to interfere. Governor Mead reprieved Kent on December 31, 1910, setting the execution for January 5, 1912. Other efforts to save Kent were made on the grounds that he was weak mentally. It is reported that there was much agitation throughout the northeast against the execution.

At 1:18 PM on Friday, January 5, 1912, Kent was prepared and standing on the trap door of the gallows with the rope around his neck. This was the first hanging in the state to use the new electrical trap door activation system. The system had six buttons for six executioners to activate so that none of them would know which of them actually tripped the trap door. As the buttons were pressed, the trap door opened and Kent's body dropped taught against the rope. Almost immediately the rope broke and Kent's body fell to the floor below. It is reported that the rope was then tied over the gallows where he hung until 1:45 PM but the doctor who examined Kent said he was killed in the initial fall when the rope broke. Previously that morning, the gallows had been successfully tested with a bag of sand weighing more than 100 pounds.

The newspapers had been barred from the execution because of the execution of Mary Rogers on December 8, 1905 when the rope broke in the same manner. One theory has it that it was the same rope. There was a tremendous uproar around the state at the result of the execution of Kent. One protagonist stated that Kent was tortured. A campaign was subsequently launched in the state Legislature to have life imprisonment substituted for capital punishment. This would have to wait until 1965, however. After Kent's execution,



Elroy Kent (left) at State Prison, Windsor, VT. Exact date not know but it may be him being led to the gallows. Notice the leg iron on his left leg to keep him from running away.

On August 22, 1909, only four months after Elroy's trial, the decomposed body of his 60-year old father, George A. Kent was found by two young boys near his farm in Townshend. George had not been seen since July 9. The state attorney questioned his son Fred who was at the time of the discovery in the jail at Newfane on a charge of burglary. The location of the decomposed body apparently gnawed by animals, in a remote ravine was suspicious. The death certificate says he was murdered. Indications are that Fred Kent was arrested for the murder of his father but nothing more can be found.

## Murder on Sugar Hill

electrocution was used for capital punishment. Kent was the last person to be hanged in Vermont.

The Wallingford Times reports that “The prosecution rested its case on April 9, 1909. In his summation to the jury, the prosecutor said. ‘First she was fighting for her honor, then she was fighting for her life, and anyone who murders in the act of rape deserves to hang.’ The Times goes on to say, “After the verdict, Kent was led back to his cell by sheriff Leonard of Wallingford. Kent asked for a cigar, lit it and said, ‘Well, let them hang me. I don’t care.’ ‘I guess you’ll holler when they get the rope around your neck,’ Leonard replied. ‘No, I won’t’ said Kent ‘Til take my medicine.’

© 2013 By John G. Rumbold, half first cousin twice removed of Delia Congdon.  
[jrumbold@rumbold.info](mailto:jrumbold@rumbold.info)

With thanks to the Rutland Historical Society for the photographs of Elroy Kent.

Author’s Note: There are many conflicting posting and writings about the murder of Delia Congdon. Some of these posting are attributed to my family such as Delia being murdered in the milk house of the farm. Another example says that Delia was a farmer’s wife which is clearly untrue. This story was taken from the most reliable sources, the least of which is the transcript of the Vermont Supreme Court appeals case which repeats some of the testimony from the trial. While testimony of witnesses at trial may also be called into question, it is believed that this rendition is as close to accurate as possible with information currently available. Over the years the family has gathered many times on Sugar Hill where we often tour the cemetery and look upon Delia’s headstone with great remorse. Her photograph and the limited information on her life would indicate that she was a caring person who contributed greatly to the community of Wallingford at the turn of the 20th century.