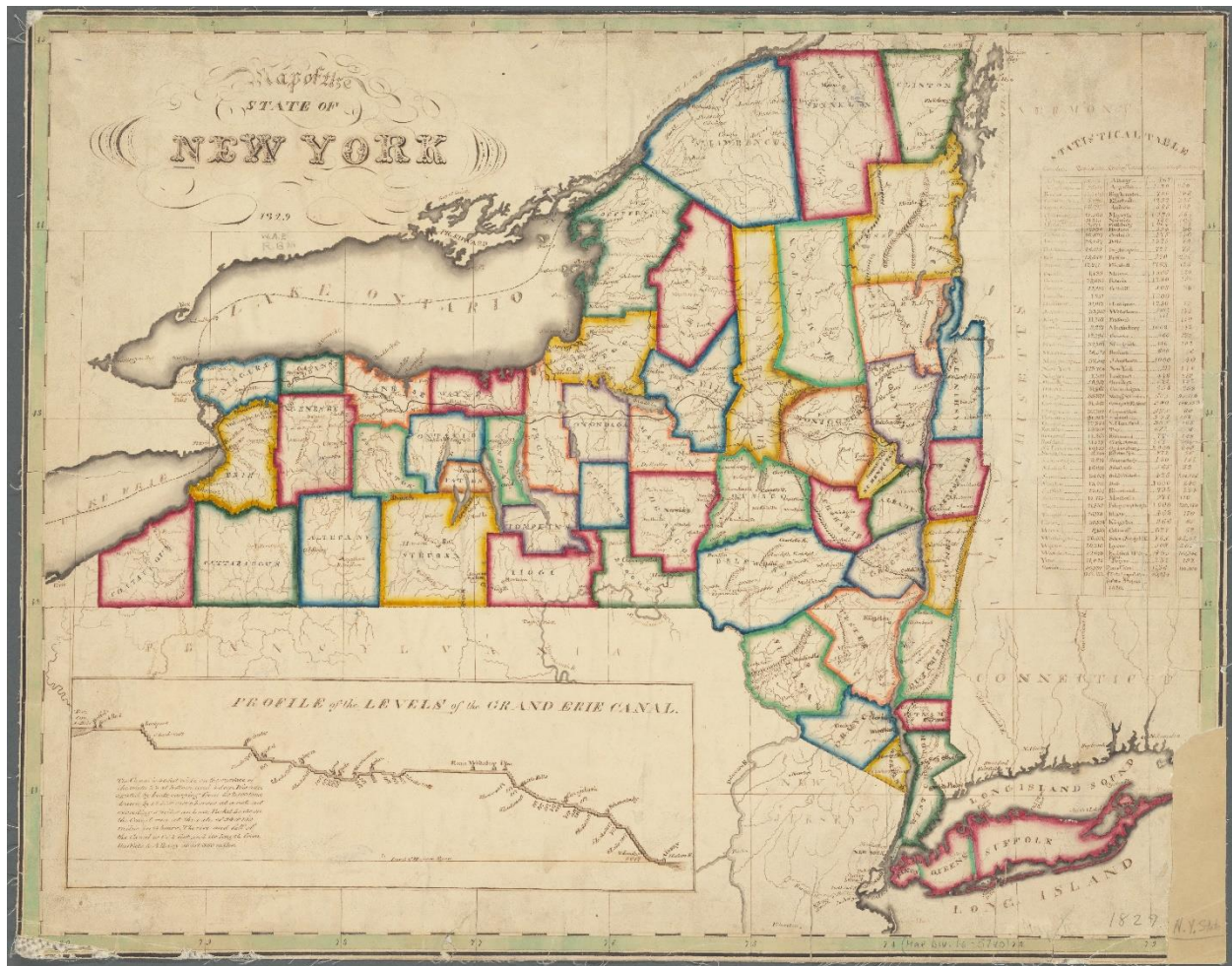




HISTORICAL SOCIETY
of the **NEW YORK COURTS**

History of Rockland County

Bench and Bar



Ilya Schwartzburg & Mary Kay Vyskocil

**The Historical Society of the New York Courts
County Legal History**

Rockland County

Hon. Mary Kay Vyskocil and Ilya Schwartzburg

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I. County Introductory Essay (Origins & History)

Rockland legal history closely tracks the history of the county itself. For most of its history, Rockland was a relatively rural region. Its proximity to New York City and location on the Hudson River eventually spurred industry and then suburbanization. Rockland's history can be split into three general phases: first, the colonial period until the mid-19th century when Rockland was wholly agricultural and sparsely populated; second, the mid-19th century until the mid-20th century when Rockland benefited from highway and railroad infrastructure that brought industry and part-time residential interest from New York City inhabitants; finally, the mid-20th century until the present when convenient car traffic to the city and the area has become possible and the county has become quite the sprawling suburb.

Rockland County was only formally created in 1798, but the area that now constitutes it was originally settled much earlier. Rockland was part of a greater area that included most of what is now Orange County. In 1683, this was all considered Orange County and the county seat was Tappan. There were fits and starts at settlement during Dutch rule, but tension with the native Lenni-Lenape people hampered it. Initially, local administration was entirely run out of New Amsterdam and then New York. By 1703, the county held enough people to complete the first courthouse in Tappan. Settlement steadily expanded, but primarily for subsistence farming. There were a few attorneys, but they only handled odd disputes, filings, and other relatively mundane matters. This sleepy history was dramatically interrupted by the Revolutionary War. The small number of relatively prominent men in the community took leading roles, many of them lawyers. In 1774, a number of citizens met and issued the Orange Town Resolutions, a precursor to the Declaration of Independence. The war itself scarred Rockland, which was site to a few skirmishes and the Battle of Stony Point. George Washington long kept his headquarters in Ramapo. The most notorious case that arose from this activity was the trial and hanging of John André who famously conspired with Benedict Arnold to get a hold of plans of West Point's fortifications. Washington personally requested André be tried. The trial itself took place in the Old Dutch Reformed Church in Tappan because the courthouse had burned down and not yet been rebuilt. After the war, in 1798, because of geographic isolation from the northern half of the county, the southern half became current day Rockland County with its county seat in New City. Allegedly, according to later newspaper accounts, New City was chosen because it was at once the geographic center of the county and had a very small local population. The planners thought they could thereby isolate any legal activity from the population and reduce litigiousness. The founding of Rockland corresponded with a three generation line of county judges from a single local family, the Sufferns.

By the mid-19th century, a couple of railroad lines and regular highways passing through Rockland led to industries popping up and bringing a whole new class of people into the county and a whole new class of cases into the courts. Slowly, the docket, once dominated by land issues and petty crimes, became peppered by business disputes and the odd felony. Haverstraw's brickmaking industry, in particular, was very successful, very competitive and attracted labor. Greater access to transportation also spurred greater interest in Rockland as a seasonal or purely residential destination. Many well-to-do families established estates "in the

country,” and this included some prominent attorneys who could maintain a practice in New York City. This would include Justin DuPratt White, co-founder of White & Case LLP, as well as Senator Clarence Lexow, who famously became embroiled in city affairs, chairing the Lexow Commission, which investigated police corruption and Tammany Hall at the turn of the century. The county was also large enough in population to create its own intrigues and notoriety. For instance, the tragic Romeo and Juliet story of the William Cleary murder scandalized both the locals, as well as New York City itself. Cleary was the powerful head of the local Democratic Party. Cleary did not approve of a relationship between his teenage daughter and the son of a local newspaper owner, who was his political rival. The son came to Cleary’s office to inform Cleary that he and Cleary’s daughter had wed in secret, but before the son could say anything, Cleary shot him dead in front of a handful of witnesses. The trial was a farce and the jury acquitted.

The mid-20th century greatly disrupted life in Rockland County and ushered in the county’s status as a suburb. By building the New York State Thruway and the George Washington Bridge, and ultimately the Tappan Zee Bridge, Rockland became wholly connected with the general New York Region. The area quickly attracted a number of New Yorkers seeking a quieter home and a wide variety of immigrant communities. Population increased exponentially, as well as development. The legal community and its business expanded with the increase in activity. Because Rockland encountered suburbanization (or as contemporaries called it, “urban sprawl”) rather abruptly, it became well known in the legal community for stretching certain doctrines of the law like zoning and local government authority. Rockland also drew more criminal attention and endured a few nationally notorious crimes and trials, including the Brink’s robbery in 1981 where former members of the Weather Underground and the Black Liberation Army were responsible for the deaths of a security guard and two local policemen. As a sign of the times, many claimed that these two policemen were the first in the county’s history to die in the line of duty. In recent years, the county has unfortunately been victim to a series of political corruption scandals.

II. Timeline

- September 13, 1609:** Henry Hudson anchors near present-day Haverstraw aboard the Half-Moon during his voyage up the Hudson River.
- 1640-45:** David Peterson De Vries and others found the first European settlement called Vriesendale by purchase from the native Algonquin American Indians of the local Tappan tribe. The colony fails due to strife between New Amsterdam and the native Algonquins and the Iroquois.
- 1666:** The first English land patent in now Rockland County is granted to Belthasar De Hart for the land on the western bank of the Hudson River known as Haverstraw. De Hart had previously purchased the land from the native Lenni-Lenape.
- 1680s:** English land patents continue to be granted and permanent settlement begins, slowly at first. The population is primarily from Dutch and English extraction until the 19th century.
- 1683:** The first twelve counties of New York are established. Present-day Rockland County is then part of Orange County and the county seat is Tappan.
- 1699:** The Colonial Legislature mandates that Courts of Sessions of Justices of the Peace (criminal) and Courts of Common Pleas (civil) be held in Orange County. Courts of Sessions would be held twice yearly.
- 1703:** The first county courthouse and jail is built in Tappan in Orangetown. It is a log structure with whipping posts and stocks.
- April 5, 1703:** First session of Court of Sessions of Justices of the Peace is held at Orangetown.
- April 28, 1703:** First session of Court of Common Pleas is held at Orangetown.
- 1704:** A courthouse is built at Orangetown to replace the original for unknown reasons. The courthouse later burns down.
- October 29, 1705:** The first case of record is heard at Orangetown, the court ordering a man to put down his dog who had become “injurious to many of his neighbors.” In his 1886 history, Dr. Frank Bertangue Green attributes this case of litigiousness to tensions between the original Dutch settlers and outsiders.
- 1723:** Goshen, in present-day Orange County, is made a county seat for the area north of the Highlands mountains and is provisioned a separate courthouse in 1738.

1737-1739: The southern courthouse is rebuilt opposite the Old Dutch Reformed Church in Tappan.

July 4, 1774: The people of Orangetown hold a convention and issue the “Orange Town Resolutions,” a list of demands upon George III asking for the repeal of certain taxes and duties and calling for a general export-import boycott of English goods. The Resolutions are often considered a precursor to the Declaration of Independence.

1774: The Tappan courthouse burns down. Some charge that Tories burned the courthouse, who were angry about the Resolutions.

1774: The southern county seat is changed from Tappan to New City. Construction on a new two-story frame courthouse begins.

October 20, 1774: The Continental Congress at Philadelphia passes the non-importation agreement, presumably influenced by the Orange Town Resolutions. Henry Wisner from Orangetown is in attendance at the proceedings.

April 17, 1775: John Haring, Esq. is elected by Orangetown to be its representative at the New York Provincial Congress. Haring becomes in charge of the affairs of the Continental Army for Orangetown.

July 17, 1775: The freeholders of Orangetown vote to pledge their allegiance to the Continental Congress until reconciliation with Great Britain.

1776-77: The British focus on maintaining a presence on the Hudson in order to split the United States. British and American troops and local militia engage in some skirmishes in the county. Local groups correspond with General George Washington and General George Clinton to coordinate efforts.

July 17, 1779: The Battle of Stony Point. The British had seized American fortified positions at Stony Point, which controlled shipping on the Hudson. American forces under General Anthony Wayne retake Stony Point. The British suffer 63 killed and 543 taken prisoner. American losses numbered 15 killed and 83 wounded.

1780: General George Washington establishes his headquarters in Ramapo for a feigned invasion of New York City.

September 23, 1780: Major John André, Adjutant General of the British Army, is captured in disguise near Tarrytown after having conspired with General Benedict Arnold to turn over to the British a plan of the fort at West Point and the extent of American forces there.

September 29, 1780: Under Washington's orders, André is tried at the Old Dutch Reformed Church in Tappan, found guilty of spying and sentenced to death. André is hanged on October 2. André's remains are exhumed in 1821 and reburied in Westminster Abbey in London.

Early 1780s: After a long delay due to the war, the courthouse in New City is completed.

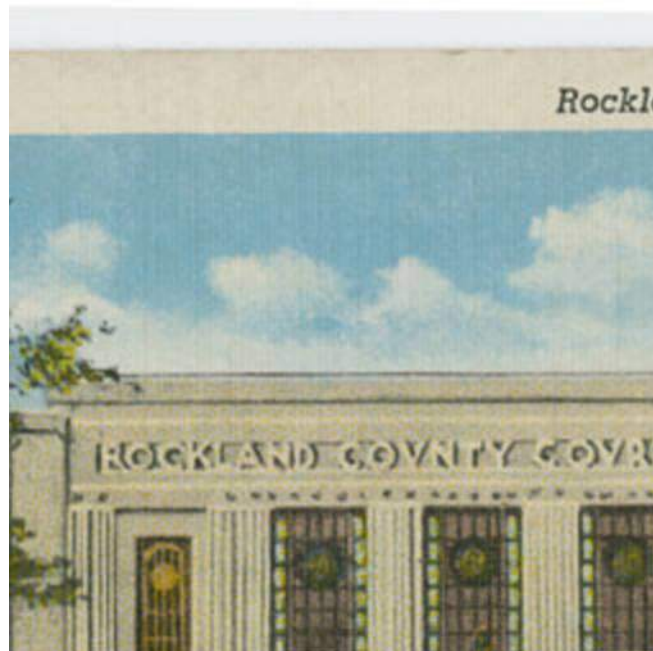
1783: George Washington negotiates the peace with Great Britain in Ramapo. Great Britain's formal acknowledgment takes place on a ship on the Hudson.

February 23, 1798: Rockland County becomes independent from Orange County due to the diverging interests of the populations of the northern and southern sections. The county seat is established at New City.

May, 1798: The Court of Common Pleas at New City convenes for the first time to admit Reuben Hopkins, Esq.

1798-99: A courthouse is built in New City and used for 30 years.

1820: The courthouse in New City is damaged by lightning, but controversy over whether it should be located again in New City prevents the construction of an immediate replacement (New City was the center of the county by geography, but not by population).



- 1827-1828:** A two-story brick courthouse and jail in New City is built to replace the damaged wooden one. Costing \$3,000, it is a two-story and basement brick structure with a wooden cupola.
- 1856:** A large addition is constructed to the courthouse in New City, costing \$8,000.
- 1873:** A major addition to the courthouse and jail is built for \$23,000.
- 1907:** The courthouse and jail at New City is expanded again.
- 1928:** The current Rockland County Courthouse is built and the old courthouse is demolished. The building is designed by Denison and Hirons of New York City.
- 1941:** The George Washington Bridge opens.
- December, 1955:** The Tappan Zee Bridge is opened, connecting Rockland and Westchester Counties and forever transforming Rockland from a relatively rural region into a bustling suburb.
- October 20, 1981:** The Brinks Robbery. Former members of the Black Liberation Army and the Weather Underground rob a Brinks armored car outside Nanuet Mall. Three men were killed in the robbery and the attempted getaway. The wrongdoers are eventually brought to justice. Pretrial proceedings take place in New City.
- 1985:** Rockland County adopts a new leadership scheme, electing a full-time County Supervisor to replace the part-time legislative council.
- 1998:** Palisades Shopping Center opens.
- 2001:** A five story annex is added to the Rockland County Courthouse in New City, costing \$35,000,000.
- 2002:** The Rockland County Courthouse in New City is repaired and remodeled.

III. County Courthouses

County Courthouse entries should contain a short-form essay describing the history of the structure, its art & architecture and anything else notable about its role in our legal history. These should take the following format:

Rockland County Courthouse

New City, NY

1928, Annex 2001, renovated 2002

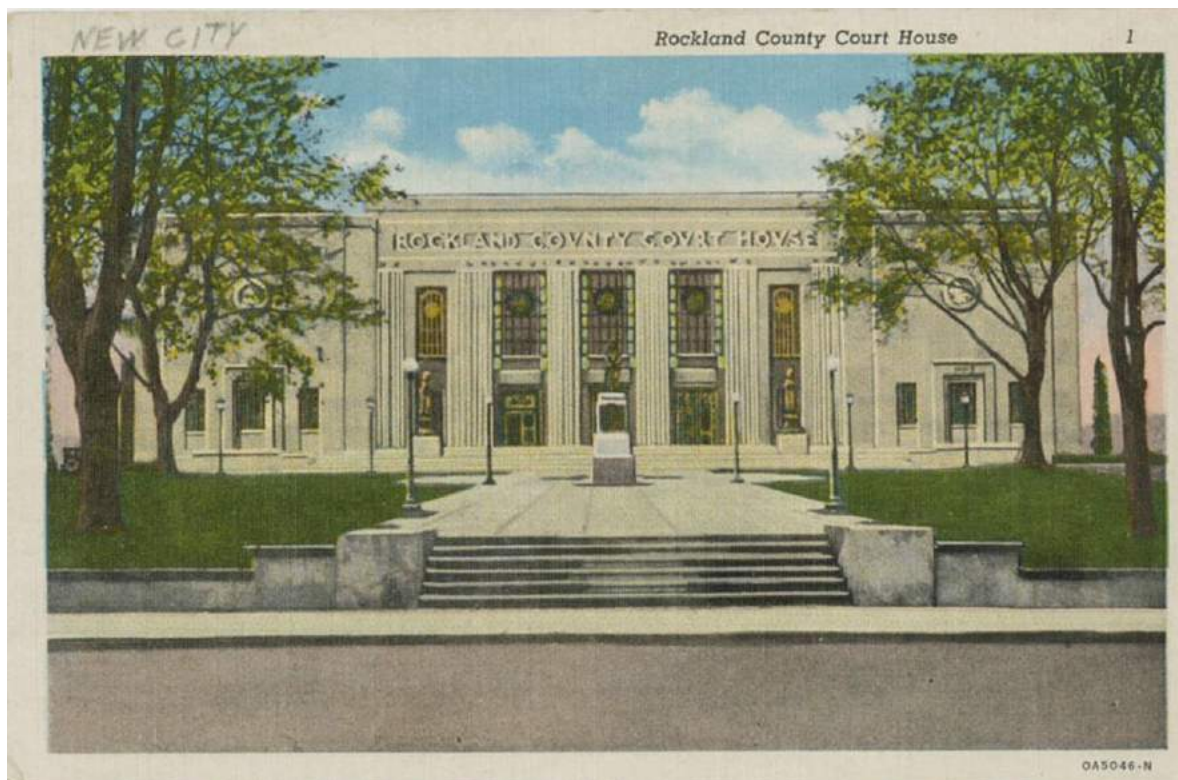
Art & Architecture

The Courthouse was built in 1928. It is made of white granite and trimmed in heavy bronze in a Beaux Arts/Art Deco transitional style.

Architect

Dennison and Hirons of New York City.

Soon after its construction, it was considered a model courthouse for the nation. In its first decade, over fifty architects came to inspect it. At the time, it was appreciated for its beauty and calm of its courtrooms, its efficient layout, its museum, and its modern jail.



IV. The Bench

John Suffern (1741-1836)

John Suffern was the first judge of the Court of Common Pleas at New City established at Rockland County's founding in 1798. He was born in Ireland and immigrated to Philadelphia in 1755 only to enlist in the British army during the French and Indian War. He narrowly avoided the disastrous Braddock expedition on the French Fort Duquesne. He eventually settled in what is now Suffern. He served first as an Assemblyman in 1781 and then as First Judge of the Court of Common Pleas of the newly formed Rockland County until 1806 and State Senator from 1800-1804. He was the first of a dynasty of Suffern judges during the 19th century. He, his son and his grandson were county judges for 57 out of the first 84 years of Rockland's existence.

1781	Assemblyman
1798-1806	First Judge
1800-1804	State Senator
	First Judge of the Court of Common Pleas

Edward Suffern (c. late 1700s-1873)

The son of John Suffern, Edward was born in Suffern, NY. He was admitted to the bar in 1810 and immediately had a large practice. He proceeded to hold the office of District Attorney and then First Judge, following in the footsteps of his father.

1816-1820	District Attorney
1820-1846	First Judge
1826, 1835	Assemblyman
1852	Presidential Elector

Peter Tallman

1787, 1788	Assemblyman, Orange County
1798-1807	Surrogate
1801	Member of the Constitutional Convention
1808-1810	Surrogate
	First Surrogate for Rockland County

Edward Pye (1823-1864)

Judge Edward Pye was a well-respected lawyer in Rockland County. He went to Rutgers College and studied law with County Judge William F. Fraser. Pye was elected county judge and surrogate for one term in 1855. He served as a colonel of the 17th regiment of militia. At the outbreak of the Civil War, Judge Pye entered the Union army as a major (then promoted to colonel) in the 95th regiment of volunteers from New York State and died in 1864 from wounds sustained during the Battle of Cold Harbor in Virginia.

1856-1859 County Judge and Surrogate
President, Village of Haverstraw
Colonel, 95th Regiment, N.Y. Volunteers

Alonso Wheeler (1844-1913)

Judge Alonso Wheeler was born in Nyack in 1844. His father was a steamboat engineer and later chief engineer and master mechanic at a sugar refinery, but Judge Wheeler had ambitions in the legal profession. He was a student of lawyers in New York City and then in Nyack. He was admitted to the Bar in Nyack in 1868. In 1878, he ran for district attorney and won with the Republican nomination. As district attorney, he allegedly amassed an eighty percent win rate in criminal cases and prosecuted several homicides. In 1880 and 1881, he was appointed by the N.Y. Supreme Court as Surrogate when the judge was ill. He served as District Attorney until 1898 when he was appointed by the governor to be the county judge. He served as the counsel for the village of Haverstraw and was the first president of the Rockland County Bar Association. Governor Odell appointed Judge Wheeler onto a committee of fifteen to “examine in to the condition of the statutes and laws of the State,” led by Alton B. Parker, Chief Justice of the New York Court of Appeals.

1878-1898 District Attorney
1880-1881 Surrogate
1898 County Judge
First President, Rockland County Bar Association

Arthur Sidney Tompkins (1865-1938)

Judge Tompkins was born in Schoharie County, NY. He attended public schools and was admitted to the N.Y. State Bar in 1886. He practiced in Nyack and began a political career as a Republican in a Democratic county. He was elected, in order, a Police Justice, a NY State Assemblyman, a Rockland County Judge, and a US Congressman. In 1906, Judge Tompkins was made a N.Y. Supreme Court Justice and served until 1935, the last 5 years in the Appellate

Division, Second Department. Upon his retirement in 1935, he practiced with the Greenbaum, Wolff & Ernst law firm in New York City and White Plains. Judge Tompkins was a fixture in Rockland County, taking leadership positions in many local and state groups, including the State Fireman's Home, the local Republican Party, the Masons, the Odd Fellows, the Elks, the Nyack Club, the Union League Club, and the City Clubs of White Plains and Newburgh. Judge Tompkins published his *History of Rockland County* in 1902.

1887	Police Justice, Village of Nyack
1889	Assemblyman
1893-1899	Rockland County Judge
1899-1903	U.S. Congressman
1906-1935	N.Y. Supreme Court Justice
1930-1935	Appellate Division, Second Department

V. The Bar

John William Ferdon (1826-1884)

John W. Ferdon was born in Piedmont in 1826. He graduated from Rutgers College and was admitted to the N.Y. Bar in 1851. He never truly practiced, but instead chose to mind his estate and practice politics, primarily for the Republican Party. He represented Rockland County in the State Assembly and State Senate. After declining a nomination twice, he was elected to the 46th Congress and served one term before he again declined renomination.

1855	Assemblyman
1856-1857	State Senator
1864, 1876	Republican National Convention Delegate
1879-1881	Congressman, 46 th Congress

Cornelius P. Hoffman (1829 or 1830-1894)

Cornelius P. Hoffman was considered the greatest criminal defense attorney of his time in Rockland County. He was born in Piermont to a prosperous merchant. First employed with a sloop that operated between Piermont and New York City, he later studied medicine and then law. He practiced in Haverstraw, Nyack and New York City. While he ran for Congress once as a Democrat and served as a captain of the 17th New York Regiment in the Civil War, he was primarily known for his criminal defense specialty law practice. From 1865 to 1890, Hoffman represented the defense in almost every important criminal case in Rockland, including “scores” of murder cases. He was known for his adept handling of witnesses and his ability to subtly break down witnesses’ defenses on cross-examination. In many ways, he typified the ideal criminal defense attorney. He was extremely devoted to his work and was never neglectful. He had no natural sympathies with the poor and the vulnerable, having come from a well-to-do family, but nevertheless fought vigorously and successfully for them.

1856	President, Village of Haverstraw (then Warren)
1863-1865	Captain, 17 th New York Regiment
	President, Rockland County Bar Association

Clarence Lexow (1852-1910)

Clarence Lexow was a lawyer in Rockland County and New York City, but was most famous for his brief, but stunning, political career. He was born in Brooklyn, but moved with his parents to Nanuet as a child. Lexow attended the Universities of Bonn and Leipzig and then graduated Columbia College in 1874. Lexow lived in and established a law practice in South Nyack, but was

soon distracted by politics. He served as trustee of South Nyack and publisher of the Nyack Evening Star. He also established local utility and bank companies. Soon he became the chairman of the county Republican committee, ran for county judge and ran for Congress, both unsuccessfully. In 1894, however, he was elected to the State Senate. Almost immediately, Lexow proposed a Senate probe into police corruption in New York City, particularly into connections with organized crime and the local Democratic machine led by Boss Tweed. Lexow chaired the commission and became famous nationwide for successfully reforming the city police and fighting machine politics. In 1896, Lexow was instrumental in consolidating New York City and creating Greater New York. In 1898, Lexow succeeded in getting the first primary electoral reform bill passed. At that point, Lexow's reputation was at an all-time high with his name floated as a possibility for governor. However, Lexow chose not to run for reelection and bowed out of politics in favor of his law practice. He passed away in 1910.

1886	Chairman, Republican County Committee
1894	Chairman, "Lexow" Investigation
1894-1898	State Senator
1896	Chairman, State Senate Judiciary Committee
1900	Presidential Elector

Justin DuPratt White (1869-1939)

Justin DuPratt White grew up in Nyack, NY. He attended private schools and Cornell University, graduating with a Bachelor of Letters in 1890. He was admitted to the Bar in 1892 and practiced in Rockland County and New York City. He ran unsuccessfully for county judge and thereafter swore off politics. In 1900, Governors Theodore Roosevelt of New York and Foster McGowen Voorhees of New Jersey each appointed White a commissioner of the newly founded Palisades Interstate Park. He was integral to the effort to form the park and was largely responsible for obtaining Hook Mountain and Taulman Mountain for it. With George B. Case, he founded the White & Case law firm in 1901. By securing J.P. Morgan & Co. as a longtime client, the firm became very successful. In 1919, White was made a Chevalier of the Legion of Honor to recognize his service as counsel to the French High Commission during World War I. He loyally served as trustee for Cornell University for many years and served on many important committees, including committees to choose university presidents. He chaired the committee to build the new courthouse in New City. White also served on the village board of Upper Nyack, helped found the Nyack Hospital, and was a founding member of the Rockland County Society (now the Historical Society of Rockland County). He held honorary Doctor of Laws degrees from Cornell University and Colgate University.

1900-1939	Commissioner of Palisades Interstate Park for New York and New Jersey
1901	Co-Founder of White & Case, LLP
1913-1939	Trustee, Cornell University
1919	Chevalier of the Legion of Honor

1921 President, NY Commission of Palisades Interstate Park
1937 President, Joint Commission of Palisades Interstate Park
1939 Chairman of Board of Trustees, Cornell University

Charles A. Pace (1869-1940)

Charles A. Pace was born in New Lexington, Ohio. He studied law under Frank B. Kellogg, future Secretary of State in the Harding administration. He was admitted to the Ohio bar in 1897 and practiced in New York from 1904. In 1906, he and his brother Homer S. Pace founded Pace & Pace, an educational firm that became what is now Pace University in New York City. The goal was to teach law courses to those primarily interested in accounting and business. In 1910, Charles A. Pace bought a large estate in Suffern and settled there. He became very active in the community during the last twenty-five years of his life.

1906 Co-Founder, Pace & Pace (now Pace University)
1916-1919 Water Commissioner, Suffern
President, Board of Education

Natalie Couch Williams (1887-1956)

Natalie Couch Williams (*née* Couch) was a pioneer for women in the law in Rockland County. Born in Nyack to a well to do family, she graduated Wellesley College in 1907. She had to enter the workforce when her father, a physician, became incapacitated after an elevator accident. She went to school for stenography and became a long-time secretary to Judge Arthur Tompkins. While working, she put herself through Fordham Law School, where she graduated cum laude in 1924. She settled in New City and practiced law there, partnering with two former judges, including Judge Tompkins, and employing male attorneys to work under her. For a time, she was the only female lawyer in Rockland County. In 1937, the Rockland County Bar Association elected Couch Williams president, becoming what some claimed to be the first female president of any county bar association in the state. Couch Williams also pursued politics alongside her legal work. In 1920, upon the grant of women's suffrage, Couch Williams established the first women's Republican club in the state. She became a force in east coast politics and was instrumental on Alfred M. Landon's unsuccessful attempt to unseat Franklin D. Roosevelt as President of the United States in 1936. She then ran for Representative-at-Large in New York, but was defeated. Nevertheless, the State Assembly appointed Couch Williams as Journal Clerk in 1937. As the first woman to hold the position, Couch Williams accepted it as a "recognition of women." The same year, she was appointed police justice for Grandview, NY. She was reelected in 1938. In 1940, she tried to run for County Judge and Surrogate, but was the only Republican in the county to lose. Many blamed her loss on the public's disapproval of having a woman serve as Surrogate. The same year, she married ex-State Senator Lawrence G.

Williams from Buffalo. She continued to be a leader in politics, taking part in Thomas E. Dewey and Wendell L. Wilkie's presidential campaigns. She died on October 19, 1956 during a meeting of the Citizens for Eisenhower Committee of Rockland County. Her husband was in attendance and asked that the meeting continue, as Couch Williams would have wanted.

1920 Founder, Rockland County Women's Republican Club
1936 Director, Republican National Committee of the East, Women's Division
1937 President, Rockland County Bar Association
1937-1954 Journal Clerk of State Assembly
1937-1939 Police Justice, Grandview, NY
Founder, Republican Club of Nyack
Member, Board of Governors, Women's National Republican Committee
Founder of 1st Women's Republican Club in New York State
1st female President of a County Bar Association in New York State
1st female Vice Chairman of Rockland County Republican Committee

Jay Martin Cornell (1933-2002)

1964-1965 Town Attorney of Clarkstown
1966-1969 Rockland County Attorney
1969 President, Rockland County Bar Association
1974-1982 State of New York Grievance Committee, 9th Judicial District
1984-1998 Commissioner, Palisades Interstate Park Commission
1990-1996 President, Mental Health Association of Rockland County

Belle Zeck (1919-2006)

Belle Zeck was born in Port Henry, NY to Hungarian immigrants. She grew up in Suffern and attended Syracuse University and Fordham Law School. In 1946, she was working in Washington for the general counsel's office of the United States Treasury when she was recruited to join the legal team to serve as prosecutors at the Nuremberg Trials. As one of the few female prosecutors, she was part of a team that prosecuted officials at I.G. Farben, a German industrial company, for war crimes that included plunder and use of slave labor. The case went to trial from 1947-1948 and resulted in 13 convictions. After the trial, she married fellow prosecutor William A. Zeck and practiced law in Suffern. In 1960, she ran for New York State Assembly as a Democrat, but lost. She then served on the party's New York platform committee. In 1970, she was elected president of the Rockland County Bar Association.

1946-1948 Prosecutor at the Nuremberg Trials
1964 Member, Democratic Party New York Platform Committee

1970 President, Rockland County Bar Association

Arnold Becker (1929-2010)

Arnold Becker was a criminal defense attorney in Rockland for 56 years. He was Rockland's first public defender and was actively involved in civil rights, youth, and veterans' issues.

Spring Valley Village Justice
First Public Defender in Rockland County

VI. County Trials

Notorious

Court Martial of Major John André

Date: September 29, 1780

Courthouse: Old Dutch Reformed Church, Tappan

Major John André, Adjutant General of the British Army, was court-martialed and found guilty of spying on the Continental Army. He had conspired with Continental Army General Benedict Arnold to aid and abet Arnold to commit treason on the United States. The plan was for André to come near West Point in disguise, receive plans from Arnold detailing the composition of the fort and manpower at West Point, and return back to British-held territory. However, André was captured in Tappan on the way back. André was stopped by three patriots along the road and mistakenly thinking them British because of a red coat worn by one of them, he disclosed his real identity. The men searched him, found the plans from Arnold in his boot and arrested him. Arnold escaped upon learning of the capture. André was then quickly tried by court-martial as ordered by General George Washington. The trial was held at the Old Dutch Reformed Church at Tappan since the courthouse had burned down several years prior. He was sentenced to death for spying and then hanged outside the Church on October 2. In 1821, his remains were exhumed and he was reburied at Westminster Abbey in London.

Scholarly

***Worrall v. Munn*, 38 N.Y. 137 (1868)**

Date: 1844-1873

Courthouse: Court of Chancery, New York Court of Appeals

In the mid-19th century, the “Worall Law Suit” was Haverstraw’s celebrated controversy. The case proceeded for almost thirty years before a final settlement and went to the Court of Appeals three times. In 1843, David Prall, a druggist, held a tract of land in Haverstraw that was useful for brickmaking. Prall appointed an agent to sell the property and the agent contracted with Henry Worall to sell the land. According to Prall, he had informally promised David Munn the right of first refusal whenever he sold the property. It is unclear if the agent knew about the promise, but Prall refused to honor the contract with Worall, disavowing the actions of his agent, and deeded the land over to Munn instead. Under the laws at the time, an interested party could not testify, but because Henry Worall, it turns out, was acting only as an agent for Noah Worall, Henry Worall could testify about the transaction, but Munn was precluded. Over the course of the controversy, the brickmaking industry in Haverstraw grew exponentially, prolonging the suit by raising the possibility of a giant damage award for Worall. The Court of Appeals ultimately held for Worall as entitled to specific performance of the property, damages for the rental or use value of the property, which was *de minimus*, and damages for waste, although Worall was refused lost profits damages. This was not the end of the case, however, because Munn found and purchased a neglected right of way easement on the same property

and managed to get an injunction on expansion of the brickyard, which forced the parties to finally settle.

Aside from the local and historical interest in the case, *Worrall v. Munn* remains a seminal Court of Appeals decision on a court's equitable power to award specific performance and damages in appropriate cases. "The court of equity will, so far as possible, place the parties in the same situation as they would have been if the contract had been performed according to its terms..." *Worrall v. Munn*, 38 N.Y. 137, 142 (1868). This usually involves the use or rental value of the property during the time it was wrongly held. In this case, however, the property had almost no value except as a brickyard and Worall wanted to get damages based on his lost profits he would have earned if he had developed the property during the controversy. The Court held, however, that such damages would be too speculative. The case has been cited for this proposition as recently as 2011. See *Petrello v. White*, No. CV 01-3082 DRH AKT, 2011 WL 4793172, at *12 (E.D.N.Y. Feb. 23, 2011).

Scholarly

***People v. Tomlins*, 213 N.Y. 240, 107 N.E. 496 (1914)**

Date: December 18, 1914

Courthouse: Supreme Court, Rockland County; N.Y. Court of Appeals

People v. Tomlins is the source of New York's "castle" exception to the duty to retreat before resorting to deadly harm in self-defense. The case arose from an incident in Stony Point where a father and his 22-year-old son had a heated argument during which the father shot and killed his son. The father claimed that he acted in self-defense, perceiving a deadly assault. After a trial, the jury convicted the father of murder. On appeal to the New York Court of Appeals, the only issue was whether the judge correctly advised the jury that in order to make out self-defense in the case, the jury must be satisfied that the father could not have reasonably had a chance to first retreat and leave the house. Judge Benjamin N. Cardozo wrote for the Court that the instruction was in error because there is no duty to retreat from one's own home. Cardozo traced this "castle" exception back to English law and Blackstone. This exception even applies to fellow occupiers in a home, which was highlighted in *People v. Jones*, 3 N.Y.3d 491, 495, 821 N.E.2d 955, 958 (2004) as an important consideration for today's domestic violence cases. The case was prosecuted by District Attorney Thomas Gagan who gained infamy in the trial of William Cleary, which began the same day the Court of Appeals opinion came down.

Notorious

People v. Cleary

Date: December 18-20, 1914

Courthouse: Rockland Court House, New City

The trial of local Democratic machine boss William V. Cleary is thought to be one of the most prominent New York murder trial in the 20th century. Cleary was town clerk of Haverstraw for 14 years. Cleary's daughter Anna, 17, fell in love with Eugene Newman, 18, the son of Fred Newman, owner of the *Rockland County Messenger*. Cleary hated Fred Newman and tried to send Anna away to New York City to avoid the relationship. On July 22, 1914, the family physician informed Cleary that his daughter was pregnant and the father was Eugene Newman. Cleary proceeded to go on a drinking binge enraged. The next day, Eugene Newman visited Cleary in his office, possibly intending to reveal the fact that he and Anna had secretly married. Before he could speak, however, Cleary declared "You thought you had the best of me, but I've got you now!" He then shot Newman four times with the chief of police's revolver in the presence of the chief of police and several other witnesses. Allegedly, Cleary ran to the office of the District Attorney Thomas Gagan and confessed, claiming Newman seduced his daughter. Cleary was not arrested until the following day because police claimed to be unable to find him despite reports he was walking the streets of Haverstraw. At the trial, he claimed he was momentarily insane from "drink and shock." The trial was marred by either prosecutorial incompetence or by plan. District Attorney Gagan himself testified to Newman's enraged state. The police gave conflicting testimony, and the jury was stacked with personal acquaintances of Cleary's. The jury ultimately acquitted Cleary, arousing a new round of criticism from the victim's family and members of the public. The presiding judge, Supreme Court Justice Joseph Morschauer of Poughkeepsie, even voiced his disagreement with the verdict. In 1915, the governor's office investigated Gagan for misconduct during and around the trial, but charges were ultimately dismissed. Cleary was later convicted of embezzlement of poor funds, but was pardoned by Governor Al Smith.

General Interest

***River Vale Twp. v. Town of Orangetown*, 403 F.2d 684 (2d Cir. 1968)**

Date: November 1, 1968

Courthouse: Southern District of New York; Second Circuit Court of Appeals

In early 1967, a proposal was made to build a \$75 to \$100-million-dollar commercial development in Pearl River to be known as the Blue Hill Office Complex, the largest development project yet undertaken in Rockland County at the time. It would be spread over 230 acres and would house up to 8,000 employees. It was said the complex would half Pearl River residents' tax burden. The New York Stock Exchange was even offered the opportunity to relocate to the complex (but New York City drove a harder bargain). Despite these advantages, a number of local residents fiercely resisted the move, fearing it would destroy the suburban character of the village and turn Orangetown Road into a new Long Island Expressway. Nevertheless, Orangetown rezoned the area and construction began. Because the plan was contiguous with the New Jersey border, the nearby township of River Vale sued in federal court to void the rezoning due to similar concerns. The case never reached a final decision and petered out with most of the local resistance. The project was ultimately not as profitable as

expected and only two of the twelve planned buildings were built. The lawsuit is indicative of the extent to which locals went to resist the pace of change in the mid-20th century.

In the case, River Vale alleged that the rezoning violated its residents' due process rights and was arbitrary and capricious. The case went up to the Second Circuit Court of Appeals on the issue of standing. The township alleged that it suffered injury because the development would depreciate the value of property along the border and the town would have to upgrade its infrastructure to deal with the resulting increased traffic. The district court held that an out of state town cannot sue to invalidate a foreign zoning ordinance, but the Second Circuit reversed, finding that the town alleged sufficient injury to its residents and qualified for due process protection as a valid corporate entity.

General Interest

The Hillburn School Case

Date: September, 1943

Courthouse: Family Court

Colloquially called the Hillburn School Case, this case was something of a forerunner of the desegregation cases of *Brown v. Board of Ed.* and its progeny. Thurgood Marshall, future U.S. Supreme Court Justice, working for the NAACP, represented a number of parents in Hillburn, NY who went on strike to demand integration, refusing to send their children to school. In 1938, the State made segregated schools illegal. Nevertheless, in Hillburn in 1941, the school district continued to maintain a small, wooden four-room school called the Brook School only for colored children with no indoor plumbing and little outdoor space. The Main School had eight rooms for fewer children, but it was reserved for whites. Responding to the strike and state criticism, the school district redrew new boundary lines so that the Brook School would continue to be all-black, although a third of the students at the Brook School could attend the Main School. The parents continued to protest, calling for the Brook School to be shut down entirely. They were then charged with truancy in family court before County Judge John McKenna. Marshall violated the confidentiality rules of family court, revealing that the Judge had given the parents suspended fines of \$10 each provided that they enroll the children in the Brook School. The judge commented on the violation of confidentiality that Marshall was undermining the nation's sense of unity during wartime and threatened grand jury action against him and others. Nevertheless, Marshall appealed to the Appellate Division, at which point the N.Y. State Commissioner of Education, Dr. George Stoddard, forced the district to close the Brook School. Many white parents subsequently enrolled their children in private and parochial schools in order to avoid sending their children to an integrated school, a pattern that would become all too familiar. The case was notable for drawing much media attention and sparking a debate over school segregation, which was risky among the calls for unity during World War II.

Scholarly

***Golden v. Planning Bd. of Town of Ramapo*, 30 N.Y.2d 359, 285 N.E.2d 291, dismissed for want of a federal question 409 U.S. 1003 (1972)**

Date: 1970-1972

Courthouse: Supreme Court, Rockland County; Appellate Division, Second Department; Court of Appeals

During the sixties and seventies many in Rockland County were fighting to contain “urban sprawl.” In 1969, John F. McAlevey, Ramapo Town Supervisor, chose to enact a radical zoning program known as the 15 Point Program limiting new housing to areas with extant or planned infrastructure, testing the limits of municipal authority. The plan’s novelty lay in trying to regulate the pace of growth, in addition to its nature. The case went to the Court of Appeals, which reluctantly affirmed the plan’s constitutionality. Although the state financial crisis of the 1970s ultimately derailed the effort to put the zoning system in place, the case remains a pivotal one defining the constitutional boundaries and outer limits of zoning regulations.

Facing exponential growth in undeveloped parts of town and expecting the trend to continue, the town board amended their zoning laws to require a special use permit in order to develop properties for residential use. Such a permit would only be issued if there was enough local infrastructure, including sewage, drainage, and public facilities like schools, state roads, and firehouses. Because the town adopted an 18-year capital improvement plan to expand infrastructure gradually, the effect would be to slow development greatly and to give the town complete control over the pace of growth within the 18-year period. Property owners and construction interests sued, arguing that the zoning amendments were beyond the town’s powers because town law does not allow zoning to control population growth and would effect a constitutional taking of their property without just compensation.

The Court of Appeals held for the town and upheld the zoning amendments. The Court found that the town’s purposes were within their authority to zone for the goal of ensuring residents’ access to infrastructure and found no legal distinction between conditioning grants on the provision of infrastructure by developers and by the town. The Court also found that a temporary restriction, despite lasting upwards of 18 years, is not a constitutional taking. However, the Court gave particular attention to new scholarship criticizing Euclidian zoning and potential abuses and obstacles local zoning could provide. Referring to the town’s plan, the Court commented that “there is inherently something suspect” when a town conditions free mobility on future facilities. This less than deferential attitude was particularly picked up on in a passionate dissent by Judge Charles D. Breitel. Building on the rationale in *Golden* only three years later, Chief Judge Breitel set forth a more exacting test for whether zoning regulations fall within statutory and constitutional authority in *Berenson v. Town of New Castle*, 38 N.Y.2d 102, 106, 341 N.E.2d 236, 239 (1975), requiring regional considerations to be taken into account.

The petitioners also appealed the case to the U.S. Supreme Court, but it was dismissed for lack of a federal question. Apparently the Court agreed with the majority that the zoning amendments were more a matter of state statutory authority than constitutional authority.

Scholarly

***Abate v. Mundt*, 403 U.S. 182, 183, 91 S. Ct. 1904, 1905, 29 L. Ed. 2d 399 (1971)**

Date: 1971

Courthouse: U.S. Supreme Court

In 1964, in *Reynold v. Sims* (377 U.S. 533, 84 S. Ct. 1362, 12 L.Ed.2d 506), the Supreme Court established the principle of “one man, one vote” – that electoral distribution must be roughly mathematically equal in any local or state jurisdiction under the Equal Protection Clause. The Court suspected that local governments may be disenfranchising people based on racial or geographic animus or interests, and the early cases were dominated by these suspicions. In 1968, a federal district court ordered Rockland County to create a new electoral districting scheme because Rockland’s system resulting in huge discrepancies. At that point, the county was run by a board of town supervisors, one from each town. The five towns, however, had widely varying populations. Because Rockland had historically relied on a decentralized model favoring county and town cooperation in governance, the government decided to redistrict along town lines and without fractional votes, which still resulted in an 11.9% deviation from absolute voter equality. Despite a two justice dissent, Justice Marshall wrote for the court that the scheme was constitutional because of the county’s unique circumstances and needs, namely “flexibility in local governmental arrangements, the interest in preserving the integrity of political subdivisions, and the longstanding tradition behind New York’s practice in the latter respect.” *Whitcomb v. Chavis*, 403 U.S. 124, 166, 91 S. Ct. 1858, 1881, 29 L. Ed. 2d 363 (1971). The case remains a notable exception to the general rule that a significant percentage deviation, in itself, would doom an electoral plan. Local attorney J. Martin Cornell was responsible for arguing the case all the way to the Supreme Court and successfully communicating the “combination of factors” that led to the anomalous result.

Notorious

***People v. Larkin, aff’d* 47 A.D.2d 600, 364 N.Y.S.2d 1019 (1975)**

Date: April 10, 1973

Courthouse: Rockland County Courthouse, New City

On March 24, 1972, an 84-car Penn Central freight train collided with a school bus driven by Joseph Larkin. There were 49 teenagers on board headed to Nyack High School from Valley Cottage. Three children died instantly, and two others died from their wounds. Dozens others were injured. This tragedy was the largest school bus accident in NY history. Larkin claimed he did not see or hear the train coming, but the teenagers testified that despite warnings, Larkin tried to beat the train through the Gilchrest Road crossing because he was running late. Larkin was convicted of criminally negligent homicide and sentenced to five years’ probation. The case led to numerous safety laws involving railroad crossings, bus policies, and bus design. It also led to 49 different civil suits that were eventually settled.

Notorious

***People v. Sohn, aff'd* 148 A.D.2d 553, 539 N.Y.S.2d 29 (1989)**

Date: September, 1981

Courthouse: Rockland County Courthouse, New City

In December, 1980, a couple in Spring Valley was found killed in an apparent robbery. The husband had been brutally beaten, and the wife was drowned in the bathtub. Their 23-year old daughter, Sheryl Sohn, confessed to the murders. She had hired Belton Brims, a man she met in a local bar, to carry out the murders and left the house door open for him to get in. The plan was that he would get to keep any valuables in the home, but she got to keep her mother's diamond ring. Sheryl was convicted and sentenced to 25 years' imprisonment. Brims actually escaped from the county jail in New City using a smuggled-in hacksaw, but was eventually recaptured, convicted, and sentenced to two consecutive 25-year terms.

Notorious

Brinks Robbery Trial: *People v. Boudin*, 90 A.D.2d 253, 457 N.Y.S.2d 302 (1982)

Date: October 21, 1981-September 18, 1983

Courthouse: Rockland County Courthouse, New City; Nyack Village Hall; Orange County Court, Goshen

Content as a sleepy outer suburb of New York, the Brink's Robbery thrust Rockland into national affairs with the most notorious of crimes. On October 20, 1981, eight heavily armed men and women robbed a Brink's armored truck in the parking lot of Nanuet Mall, killing one security guard and seizing \$1.6 million. At a shootout in a road block, the perpetrators killed two Nyack police officers. The police initially caught four suspects and recovered the money. It was said that the two officers were the first to be killed in the line of duty in the history of Rockland County. The suspects included former members of the Black Liberation Army (BLA) and the Weather Underground. After a manhunt and vast nationwide investigation coordinated between the Rockland County District Attorney Kenneth Gribetz, the federal government, and New York City, it was discovered that the robbery was part of a greater terrorist conspiracy. The main case with the initial suspects was prosecuted by Gribetz with pretrial proceedings in Rockland and trial in Goshen in Orange County. There was a parallel federal racketeering case in Manhattan.

The case was a wild one from the beginning with plenty of media attention, an overwhelming security effort, and unorthodox legal issues. The day after the robbery, the first three suspects were arraigned in Nyack Village Hall with suspect Judith Clark asking "Is this a court?" The suspects were then spirited to New City Jail. At Rockland County Courthouse, Supreme Court Judge Harry Edelstein presided over the pretrial proceedings until the Appellate Division granted a change of venue for the defendants to Orange County. Judge Edelstein was

confronted with uncooperative defendants and defense counsel, refusals to plead or attend proceedings, and political demands like being allowed to wear black armbands for the Palestinian cause in court. The defendants also criticized the massive security force the county had assembled, claiming that it was meant to instill fear in the jury pool. Gribetz claimed it was because the BLA had a history of jailbreaks. There was an incredible amount of national and local interest, and there were constant dueling protests outside the courthouse. The *Rockland Journal News* had dozens of articles on all aspects of the case. These concerns ultimately led to the Appellate Division granting defendants' motion for a change of venue even before *voir dire*, an extraordinary measure. Gribetz prosecuted the rest of the trial, but in Goshen in front of Orange County Judge David S. Ritter. The main verdict came down on September 18, 1983 with three defendants convicted of three counts of murder and four counts of robbery. They were given extremely long sentences. Kathy Boudin later pled guilty in Westchester to the murders and received a 20-year sentence. Samuel Brown, the last state defendant, went to trial in Westchester and was convicted. Other suspects and trials continued into the decade.

One aspect of the case was always prominent in the minds of Rockland County residents: the cost. The prosecution and security arrangements amounted to millions of dollars and Rockland County was on the hook, only securing half a million dollars from the federal government and none from the state. DA Gribetz ultimately sued the N.Y. courts as a taxpayer to provide funding on an equal protection argument, having received some criticism himself on the cost. He lost in the Appellate Division, the Court finding a rational basis for perceived funding inadequacies. See *Gribetz v. Evans*, 113 A.D.2d 376, 496 N.Y.S.2d 465 (1985).

Scholarly

***C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383, 114 S. Ct. 1677, 128 L. Ed. 2d 399 (1994)**

Date: May 16, 1994

Courthouse: United States Supreme Court; Appellate Division, 2d Dep't; Supreme Court, Rockland County

This case is notable because it went to the U.S. Supreme Court and established what the Court called a small new chapter in its dormant commerce clause jurisprudence. It is also notable for the practical issue it concerns. By the end of the 20th century, Rockland County had become a relatively dense suburban area with acute environmental concerns, including waste disposal. In the 1970s, Clarkstown could just put all of its waste in a local landfill. However, throughout the 1980s, the town was cited for dumping and agreed to close its landfill and build a waste processing facility. Clarkstown then issued a "flow-control" ordinance that mandated all waste produced or brought into the town to be processed at the town's waste transfer station, which would sort it between recyclable and non-recyclable waste before leaving the jurisdiction. This waste was then subject to a tipping fee that would go to offsetting the cost of the facility to the town's designated private operator/owner. Carbone operated a similar waste processing facility and shipped its own non-recyclable waste out of the town without submitting it to the town's

station. The issue was whether this ordinance violated the dormant commerce clause, *i.e.* did the ordinance improperly discriminate against out-of-state economic actors in favor of local interests? The Appellate Division found the ordinance constitutional, and the Court of Appeals declined to give leave to appeal. In an opinion by Justice Kennedy, the Court found that it did by disallowing or disincentivizing the processing of any waste except by the designated local actor. The town and its various *amici* argued that the flow control ordinance should be excepted because it was a necessary local law to stop waste from ending up in environmentally harmful disposal sites. However, the Court found that there were other regulatory options available and that highlighted the financial goals of the ordinance as opposed to the environmental ones. The three justice dissent pointed out that this case extended the dormant commerce clause to a case where local and out-of-state interests were treated equally, subject to a local monopoly to fulfill a local governmental function. In their view, the Court took a very strict approach to the doctrine and applied it to a case where the law was not in fact protectionist.

Notorious

Conviction and Disbarment of District Attorney Kenneth Gribetz: *Matter of Gribetz*, 223 A.D.2d 149, 646 N.Y.S.2d 279 (1996)

Date: May 3, 1995 (guilty plea); July 15, 1996 (disbarment)

Courthouse: Federal District Court of the Southern District of New York; Appellate Division, 2d Dep't

District Attorney Kenneth Gribetz was the lead county prosecutor for over twenty years, gaining fame for many famous trials, including those of the Sohn murders and the Brink's Robbery. In 1994, however, federal prosecutors began investigating him for a few illicit practices they discovered. Gribetz had been receiving referral fees from local attorneys to whom he sent people he encountered during his work. This practice was barred by state law and professional ethics requirements. Furthermore, he did not disclose these fees on his income tax returns. Investigators also discovered that he was using office resources for personal purposes, the details of which made national tabloid headlines. On May 3, 1995, he pleaded to one count of theft of federal funds and one tax nondisclosure/nonpayment count in federal court. Gribetz was subsequently disbarred by the Appellate Division based on his conduct. Later, Gribetz was readmitted to the bar and maintains a criminal defense practice.

VII. County Resources

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County Records

The records of the New York State Supreme and County Courts of Rockland County are maintained by County Clerk Paul Piperato. Many of the records are digitized and available online [here](#). To view records in person, the Office of the Rockland County Clerk in the Rockland County Courthouse stores recent records, filed within the past six years. The Rockland County Archives stores records filed earlier, from 1798 to approximately 2010; these include the records of the Court of Common Pleas, General Sessions, and Oyer & Terminer. Other frequently asked questions may be answered on the County Clerk's [website](#). Below is the contact information for both the County Clerk and County Archives.

County Clerk's Office
Rockland County Courthouse
1 South Main Street, Suite 100
New City, New York 10956-3549
Telephone (845)638-5070
FAX (845)638-5647
Email rocklandcountyclerk@co.rockland.ny.us
7:00 a.m. — 6:00 p.m.
(Monday through Friday)

Rockland County Archives Building
Building S, Sanatorium Road,
Pomona, New York 10970
Telephone (845)364-3670
FAX (845)364-3671
Peter J. Scheibner - County Archivist
Email scheibnp@co.rockland.ny.us
9:00 a.m. — 5:00 p.m.
(Monday through Friday)

Additional county records of interest may be found at the Historical Society of Rockland County, Local History Room of the New City Free Library, and the Supreme Court Law Library. Contact information for each organization is below.

Historical Society of Rockland County

20 Zukor Rd, New City, NY 10956
(845) 634-9629

New City Free Library (Local History Room)
220 N Main St, New City, NY 10956
(845) 634-4997

Supreme Court Law Library
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