



HISTORICAL SOCIETY *of the* NEW YORK COURTS

History of Putnam County

Bench and Bar



Hon. John W. Sweeny, Jr., Hon. James F. Reitz, Sallie Sypher, and Sarah Johnson

**This history is dedicated
to the memory of our friend and colleague
Judge James F. Reitz
whose tireless efforts and love for Putnam County
helped to bring this project to fruition.**

**With appreciation of
Justice John W. Sweeny, Jr.
Judge James F. Reitz
Putnam County Deputy Historian Sallie Sypher
Former Putnam County Historian Sarah Johnson
for the compilation of this history**

TIMELINE

1806	Dutchess County courthouse burns & new one proposed further north; Fishkill steals some of Philipstown; Kent town meeting calls for separation
1807	Separation bill passes NYS Senate but fails in Assembly by one vote
1812	Petition from 5 towns for separation; Republicans lose election to Federalists: Separation bill passed by lame duck Republicans & signed by Gov. Tompkins
1814	New Putnam Courthouse opens
1823	Constitution of 1821 establishes judicial districts & governor now appoints judges, local justices and district attorneys.
1847	Constitution of 1846 makes all supreme and county judges, local justices, and district attorneys elective.
1848	(circa) Decision made not move county seat; portico and Corinthian columns added to courthouse
1860	New jail “annexed” to courthouse
1924	Fire sweeps through downtown Carmel and damages courthouse
1925	Decision made to repair, not replace, the courthouse
1937	Women serve on juries in Putnam County, first in NYS.
1949	Putnam County Bar Association founded
1961	New Judiciary Article in Constitution approved establishing Unified Court System
1962	Family Court established state-wide
1977	Putnam County Charter approved by voters
1977	Jail moved out of courthouse to new structure
1989	Old courthouse restoration begins; courts held in County Office Building and nearby office building
1994	Restored 1814 Courthouse reopened with Surrogate’s Court and Legislature
2007	New Courthouse opened: Supreme and County Courts meet

COUNTY HISTORY: PUTNAM COUNTY'S BEGINNINGS

Many factors led to the separation of Putnam from its mother county of Dutchess, but the most important was the need for having local government functions, especially a court and a jail, closer to home. For years, the folks in the five towns¹ that would become our county complained of the difficulty and time needed to go to Poughkeepsie to the county court to answer a summons, serve on a jury, appear as a witness, sue or be sued, probate a will, or file a deed. All sorts of important documents had to be filed with the county clerk. Officeholders had to travel to the county seat to take an oath of office, carry cash back and forth, and file school and other reports, and attend meetings of the board of supervisors, which were held over several days.



David Burr's 1829 map, reprinted 1839, gives an idea of distances.

Any time one had to go to Poughkeepsie, a minimum of two days had to be allowed for the trip. Frightful dirt roads (often impassable in spring and fall) meant an overnight stay in Poughkeepsie and the expense of food and lodging for oneself and one's horse(s). The simplest civic act or duty became onerous and sometimes hazardous. Worse still, one often had to hire a Poughkeepsie lawyer to represent one and to file required instruments and writs. (Lawyers living in the southern towns were at a distinct disadvantage.)

There were, to be sure, other factors as well. The five southern towns were just a bit different from the thirteen other towns of Dutchess County. The north was a little more Dutch, more Federalist, more Episcopalian, Dutch Reformed, and Quaker, more slave-owning, and more commercially and industrially advanced. The five southern towns tended to include more small farmers with fewer slaves, and were more Republican (Democratic-Republican), less Dutch, and more Methodist and Baptist. Their farming and cottage

industries were local and not much changed from the 18th century. Of the county as a whole, Henry Noble McCracken stated, "In 1800 Dutchess stood first in the state in success of her agriculture and promise of her manufacture and trade", but this was owing to the relative prosperity of the northern town.

¹ Putnam Valley was not created until 1839 when it separated from Philipstown.

Beside the distance to Poughkeepsie and the dissimilarities just noted, other events also propelled Putnam toward separation. The southern towns needed better roads to move their goods to market, but this demand went unheeded by the Dutchess County Board of Supervisors. The New York legislature refused to allow local justices or town clerks to acknowledge deeds and mortgages or to permit commanding officers of the militia to administer oaths to their subordinate officers. When the county courthouse in Poughkeepsie burned in 1806, it was proposed that it be rebuilt even *farther* north. It wasn't, but people were upset by the very idea. In 1806, the Legislature granted Fishkill a piece of Philipstown – without asking Philipstown. And then, in 1808 the Legislature proposed – but did not pass – a tax on dogs which infuriated the farmers.

But above all, it was the distance to Poughkeepsie and the great inconvenience of travel to the courts that propelled separation. In 1806, the Frederick (later Kent) town meeting proposed “that this County be divided and that three persons be chosen to correspond with other committees from the several towns in this County in a County meeting if any shall be called for the purpose of dividing”. Kent even authorized a committee of three to discuss with northern Westchester towns whether they would like to join them, though there is no record of such a meeting occurring. In the following year a bill to divide Dutchess passed in state senate but failed by one vote in the Assembly. A similar bill was defeated in 1808 as well. In the election in the spring of 1812, the anti-war Federalists gained control of the Legislature and another petition² for separation arrived in Albany from the five towns. This time, Governor Daniel D. Tompkins called the lame-duck Republican legislature back into session and rammed the separation through before the Federalists could take over. Putnam County was born.

As expected, after drawing the boundary between old Dutchess and the new Putnam, the 1812 Act of Division decreed that the Court of Common Pleas and Court of General Sessions would be held in Carmel, the new county seat. The act authorized and *required* the Putnam County Board of Supervisors³ to levy taxes in the amount of \$6000 to build a courthouse and a jail. In the meantime, court would be held at the Baptist meeting house.

Robert Weeks, the assemblyman who had shepherded the Act of Division through the State Legislature, together with his wife Naomy, sold a half acre of land for \$50 to the new county “for the purpose of erecting thereon a Courthouse and Gaol for the County of Putnam and such other buildings as shall be necessary, for the convenience and accommodation of said county *and for no other purpose.*” It was not a donation, as is commonly believed.

² Opponents tried to stop it claiming that some names on the petition were fraudulent. Evidently, Patterson had had a last minute change of heart. But the vote was not postponed.

³ Until Putnam County adopted a charter in 1978, the county was governed by a board consisting of the supervisors of each of the towns.

COUNTY COURTHOUSES

A Provisional Courthouse in the Baptist Meeting House

The Act of the State Legislature that separated Putnam from Dutchess County provided that while a new courthouse be being constructed “the Courts of Common Pleas and General Sessions of the Peace ...shall be holden at the Baptist meeting house, in the town of Carmel, until a court house shall have been built...” and that criminal and other proceedings begun before the separation should continue uninterrupted by the division. This Baptist Church was the second to be built in Carmel, replacing a simple, hollow structure with benches for the worshippers. Only six-years-old at the time of separation, the 1806 structure was considered a more fitting place of worship than its predecessor and, presumably, suitable for the courts. In 1810, two years before the creation of Putnam County, the church recorded a membership of about 200 people, an impressive number for the tiny hamlet of Carmel before it became a county seat.

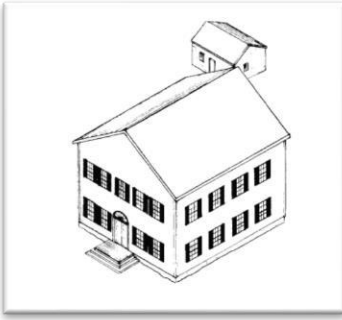
From 1812 to 1814, until the creation of the historic courthouse which stands today, this church was the location of judicial proceedings for the new county. While today the Mount Carmel Baptist church stands, this was neither the exact site nor the structure of the provisional courthouse. That meeting house was demolished in 1836 and replaced by an even larger church. Altogether, there have been four Baptist churches in Carmel from 1790’s until the present. Unfortunately, there are no known pictures, and only a few records of the 1806 church. There are, however, voluminous records in the County Archives of the meeting house when it was used as a court.

On October 18, 1814, the Court of General Sessions convened in the Baptist Meeting House as it had for more than two years. It opened at 11 a.m. with a proclamation for its regular October term “when Peter Crosby, High Sheriff of said county, informed the court that the court house erected for said county was now ready for the reception of this honorable court, whereupon court ordered proclamation be made that this court will Immediately adjourn thereto for the remainder of the session.” So, the four judges, five constables, twenty-one grand jurors, the accused and their attorneys, assorted witnesses, the bailiff, the sheriff and the district attorney all picked up their papers and books and processed a few hundred yards down the street to their brand-new courthouse.

The Birth and Near-Death of the Old Putnam County Courthouse

The new courthouse was a simple rectangular structure measuring about 30’ by 40’, little bigger than a house. The tiny jail sat close to the courthouse. In 1822, a county clerk’s office was constructed next to the courthouse where the David D. Bruen County Office Building now stands. The fire-proof clerk’s office cost \$750 to build. The 1854 O’Connor map shows the relative position of each of these first county buildings.⁴

⁴ W. Clossen’s Store and T.W. Taylor, as seen on the 1854 map, are actually across the street from the county buildings. Taylor was sheriff four separate times. He had an easy commute to work.



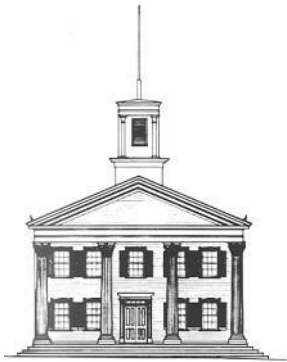
Even before the new courthouse was ready, the pent-up demand for access to a nearby court is reflected in the voluminous records of court cases for those first years preserved in the County Archives. Putnam's farmers were probably no more litigious than rural people elsewhere, but it seems so when one looks at the suits that they brought as soon as they had their own court nearby. The docket was packed at first, often with claims so small that they had not been worth a trip to

Poughkeepsie. By the time poor Martha Jennings brought her suit in Carmel against Isaac Jones (who was alleged to be obliged to pay her \$50 a year for the rest of her life - but for what?), she could not produce the proof. The "certain writing obligatory" had been "lost by time and accident".



Even if Putnam County men no longer had to serve on juries in Poughkeepsie, they still had more reason to complain about jury duty than we do today. Fines were levied for failure to serve when called. Travel across the new county was slow and difficult: The Cold Spring turnpike was not much of an improvement. And jury duty was no picnic. In 1826, a bailiff was charged "*to take this jury into some private room and there keep them without meat or drink except water...or suffer anyone to speak to them or speak to them yourself...until they are agreed on a verdict.*"

How We Almost Lost the Courthouse – Three Times!



By 1840, the little – but busy – courthouse was deemed inadequate. The county was growing; but more to the point, Philipstown – the town farthest from Carmel – was growing most of all. By 1840, Philipstown and Putnam Valley (which had split off from Philipstown the prior year) comprised 43% of the county's population, up from 30% in 1812. Now the folks in the western part of Putnam complained of the distance to the county seat. In 1842, at the request of the Board of Supervisors, the State Legislature gave permission for the county to move its courthouse to a different – and presumably more central – location in the county.

Then somebody – probably from Carmel – looked up the deed from Robert and Naomy Weeks and found the "*and for no other purpose*" stipulation.⁵ So, since the board of supervisors couldn't sell the land, they voted to enlarge the existing structure. It was at this time that the beautiful portico and Corinthian columns were added as well. The Courthouse was saved, for the first time.

In 1860, Carmel's position as the county seat was subsequently confirmed when the courthouse was further extended by the construction of a new stone jail at the rear. It almost didn't happen. After years of appropriating money to repair the old jail, security became an

⁵ It shouldn't have been hard to find. It is just the second deed ever filed in Putnam County. Series .009, Liber A, p. 3

issue. A new guard had to be hired; and even so, there was a 3-person jailbreak in December 1858. The supervisors thought to move the jail to the county poor house and requested legislation in Albany to allow the jail to be built more than two miles from the courthouse. Evidently, they were unsuccessful; and at the end of 1859 they voted to borrow up to \$5000 to construct a jail “annexed” to the courthouse.



Carmel's preeminence was further settled by the construction of a new county clerk's office on the site of the old 1822 building. In 1871, the supervisors spent \$10,000 on a new structure made with stone quarried from Lake Gilead. In this turn-of-the-last-century postcard view, the second clerk's building has established a luxuriant growth of ivy.

Fire!



Early in the morning of November 17, 1924, a fire that began in the kitchen of Smalley's Inn seriously

damaged the courthouse; destroyed Smalley's (the “famous old hostelry”), *The Putnam County Courier*, the Putnam County National Bank, several law offices and two barns, and threatened all of “uptown” Carmel. Fire companies from Carmel and neighboring towns fought 60 mph. winds in 10 degree weather. They had to run hose up the stairs of the new⁶ County Office Building to its roof to direct water to the courthouse roof. In the end, the fire destroyed the roof and ceiling upstairs and devastated the first floor with water damage.

The supervisors were faced with a difficult decision: restore or replace. Their architect, who had met with the board two days after the fire, presented three plans and his estimates for their implementation: (1) specifications for restoration of the old structure at an estimated cost of \$35,000, (2) a new semi-fireproof building, \$55,000, and (3) a new totally fireproof building, \$70,000.

⁶ The 1871 clerk's office had been replaced with today's county office building in 1911. Made of Indiana limestone, it was enlarged in 1925 and again in 1936.

The supervisors put the plans up for public inspection – long before “open government” laws. Mark your cross (X) and send the ballot to this office.

☐ I favor restoring the present historic Court.

☐ I favor a new fire-proof building on the same lines
as the present building.

Signed _____

The local press weighed in on the issue. *The Brewster Standard* favored a new building, but the *Courier* pulled out all the stops in trying to persuade the board to restore the old courthouse. It not only circulated petitions, but printed a “ballot” (see above) in the paper. The ballots and petitions were submitted to the board, and according to the *Courier*, they were nearly unanimous for restoration – and spending less money. The supervisors’ vote was 4-2 for restoration, with Supervisors Oscar Bailey of Southeast and Harry Silleck of Putnam Valley voting in the minority. The State Prison Commission had pushed for a new fireproof building,⁷ and a new courthouse seemed to some to be a more prudent and farsseeing option. But historic preservation, public sentiment, and frugality prevailed, and the old courthouse was saved once again.

Historic Preservation Prevails

The most recent threat to the courthouse occurred in the 1980s. The old courthouse had become a structurally



unsound
and
unusable
either as
the
county



courthouse or the county jail. The jail was gone, having been replaced with a new stand-alone building (but not before the state had ordered the old jail closed and prisoners to be boarded out to other counties). The county, in those years the fastest growing in New York, was under orders from the state to build a new courthouse. What to do with the old building, even if it was the symbol of the county?

Citizens advisory committees came up with schemes, but finally the county opted to properly restore this old building for more than \$3 million and *at the same time* to plan for a new courthouse for most of the courts. It was a difficult political choice. Despite delays, cost

⁷ The commission had noted that it made little sense to have prisoners in the new, enlarged fire-proof jail where their only exit was through the old frame courthouse. It was, indeed, a firetrap.

overruns, unpleasant structural surprises, lawsuits,⁸ political opposition, and changing contractors, the courthouse was beautifully restored for the use of the Surrogate's Court, the legislature, and ceremonial occasions. The old courthouse survived again!

A New Courthouse for the 21st Century and Beyond

The second courthouse, which stands in the center of the town of Carmel only a few doors down from the 1814 courthouse, was erected in 2008. Even before the old courthouse was taken out of service for its restoration, the New York State Office of Court Administration had determined that Putnam's court facilities were no longer able to accommodate the rapidly-growing Putnam County and its judicial needs. During restoration of the old courthouse, court proceedings were held in makeshift courtrooms in Putnam County office buildings as well as in the nearby Veterans Memorial Hall. These temporary courts created totally unsuitable conditions for legal proceedings: They were often

overcrowded and placed warring litigants no more than a few feet from one another during court proceedings and adjournments. The state had concluded that these scattered "office building" courts, along with the historic courthouse, even after renovations, would not be able to handle the judicial workload of the growing county and demanded that a new courthouse be constructed.



After years of indecision, and the internal conflict among lawmakers on how to complete the best possible courthouse at the least expense to the taxpayers, it was decided that rather than build a new courthouse behind the historic one, or build an addition to the existing Burchetta law firm building (located only a few doors down from the Putnam County office buildings), the courthouse would instead be built on land purchased from Putnam County Motors, along with parking lot space from Putnam office buildings. Construction commenced in September of 2005 and finished on time and 1.6 million dollars under budget according to Robert Bondi, the then County Executive. The 18.2 million dollar project was contracted by Worth Construction of Bethel, Connecticut, and managed by Hill International Construction Management Company. This large 60,000 square foot, 4-story building is complete with courtrooms, jury deliberation rooms, judges' chambers, and media rooms. Not only is this courthouse able to serve today's judicial needs, but there is also unassigned, currently unused space that may be developed to accommodate future needs of the county courts as Putnam County grows.

⁸ The contractor sued the county for \$1.5m, was awarded \$434k plus interest, and the county ended up paying \$735k!

Moreover, the courthouse is furnished with modern security systems. Upon entering the courthouse from the main entrance, body scanners as well as x-ray machines are utilized to ensure the safety of persons in the courthouse.



Today, the new courthouse is used by the county courts and the Supreme Court of the 9th Judicial District while the 1814 restored courthouse is home to the Surrogate's Court facilities. Together they represent continuity with Putnam County's historic courts as well

as looking to judicial needs of generations for years to come. According to many, it was well worth the long wait.

THE COURTS IN PUTNAM COUNTY

Town and Village Justice Courts

The courts that affect the most people in Putnam County are the courts held by the justices of the peace in the towns and villages. They have civil jurisdiction (limited to \$3000 in 2018) and criminal jurisdiction limited to misdemeanors, violations and traffic infractions, felony arraignments, and preliminary hearings. They occasionally hold jury trials. There are now two justices in each Putnam town and one or two justices in each village. They are elected to four-year terms. They need not be lawyers, but in Putnam County in 2018 only a few of them are not.

In the early 19th century, justices were invariably not lawyers. But by virtue of their offices, they were entitled to the honorific “esquire” after their names, a term that today is usually reserved for attorneys. Until the mid-twentieth century, justice courts were usually held in the judges’ living rooms, porches, and – sometimes – their kitchens. Gradually in the 20th century, all towns provided real court facilities, such as this one (on right) in Putnam Valley where Justice Harvey Tave sits in his brand new courtroom in 1962.



Until 1823, justices of the peace – like all judges – were appointed by the Council of Appointments in Albany. From 1823 to 1827 they were appointed by the governor. Starting in 1827, they became elective in each town at the annual town meeting, four being chosen for staggered four-year terms. Until 1847, one among them was selected to be the county “first judge” of the county courts, *i.e.*, the court of general sessions (criminal) and the court of common pleas (civil), and two or more of their number were selected to sit with the “first judge” to hear and decide cases in the county court. One justice of the peace also sat with the district or supreme court judge and the “first judge” of the county court in supreme court cases. Thus, the town justices of the peace played an important role *at all levels* in the courts of Putnam County – even though they were, for the most part, not lawyers.

It is interesting to note the important part played by the justices in the development of the town government. In the early days, officials were elected, taxes were levied, and laws were enacted at annual town meetings, as many New England towns carry on that tradition today. In between annual town meetings, the town clerk and supervisor managed most of the town business, the supervisor keeping the accounts. Once a year, the justices met with the supervisor to audit his accounts. By the middle of the 19th century, the justices and supervisor affixed their signatures to the town clerk’s minutes of the annual meeting and calling themselves the “town board of officers”. They began to meet as a board between town meetings to deal with problems that could not wait for the annual meeting. In 1932, a state law took

legislative and administrative power away from the annual town meeting and gave it to a town board, reducing the number of justices to two and adding two councilmen. In 1976, all justices were removed from town boards and replaced by two more councilmen, and by that time, councilwomen.

The County Courts

The County Courts, the **courts of general** and **special sessions** (criminal) and the **court of common pleas** (civil), were trial courts of first instance and appeals courts from decisions in the town justice courts. The **Court of General Sessions** could hear all criminal cases except those that could result in the death penalty or life in prison. This court usually had three terms a year in February, June, and October. The **Court of Common Pleas** was an extremely busy civil court that heard cases of various trespasses, including assault and battery, bastardy, and theft.

In both the court of sessions and common pleas, cases were judged by a panel consisting of the “first judge”, selected from among the town justices, and two or more town justices, who were called variously “judges” “assistant judges” and “justices”. Few were lawyers, even the “first judge”. In jury trials, each side was ordinarily, but not invariably, represented by an attorney.

All judges and justices were appointed by the New York Council of Appointment though 1823. From 1823 to 1827, they were appointed by the governor with the consent of the senate. The same judges sat in both civil and criminal courts. In the absence of the first judge, the court sat with three or more justices of the peace, as in the June term in 1813. In the period 1812-1846, the appointed surrogate judge was separate from the “first judge”.

After 1846 with the adoption of a new Constitution, courts at all levels were made elective (as the town justice of the peace had been since 1827), and court of common pleas and the court of sessions were combined in the **County Court**. 1847, all county court judges elected in Putnam County were lawyers.

In 1847 in Putnam County, the office of **surrogate** judge was combined with the office of county court judge. In 1921, through an amendment to the state constitution, the children’s court was established: and because of Putnam’s small size, it was combined here with the county and surrogate judgeships. The **Children’s Court** had jurisdiction over delinquent, neglected and disabled children, but it was often not effective in putting the interests of the children first. In 1962, it was replaced by the **Family Court**, which had the additional jurisdiction of child abuse, family assault, child support, paternity, custody and adoptions. From then on, in Putnam one person was County Court, Surrogate Court, and Family Court judge.

County Court “First Judges”

Years	First Judge
1812-1817	Stephen Barnum
1818-1828	Harry Garrison
1929-1832	Frederic Stone
1833-1843	Bennett Boyd
1843-1847	Robert P. Parrott

County Surrogate Judges (appointed)

1813-1819	Joel Frost
1819-1821	Walker Todd
1821-1823	Joel Frost
1823-1832	Jeremiah Hine
1832-1839	Walker Todd
1839-1840	Howard H. White
1840-1844	Abraham Smith
1844-1847	Azor B. Crane (appointed)

County Judges and Surrogates (elected)

1847-1851	Azor B. Crane
1851-1864	Ambrose Ryder
1864-1883	Edward Wright
1884-1901	William Wood
1902-1928	J. Bennett Southard
1928-1929	Joseph P. Shea (appointed)
1930-1945	James W. Bailey
1946-1960	John P. Donohoe
1961-1976	Fred A. Dickinson
1975-1980	Frank C. Bowers
1979-1985	S. Barrett Hickman
1986	Thomas Costello (appointed)
1982-1999	William B. Braatz
2000	Thomas Scuccimara (appointed)
2000-2006	Robert E. Miller
1987-1999	John W. Sweeny, Jr.
2002- present	James T. Rooney
2007- 2019	James F. Reitz.

District and Supreme Courts sitting in Putnam County

The court higher than the county courts sitting in Putnam County was the Supreme Court. When hearing criminal cases and appeals from the court of general sessions, it was known as the **Court of Oyer and Terminer** (felonies) and the **Supreme Court**, which civil cases usually more serious than those tried in Common Pleas. The District Court also heard appeals from the county courts in both civil and criminal cases.

Supreme and District Court Judges. Until 1823, New York's five Supreme Court judges traveled the state on circuit, holding trial terms in each county. The New York Constitution of 1821 (effective 1823) divided the state into eight judicial district circuits. District court judges, based in Poughkeepsie, rode circuit, sitting in county courthouses. In the years 1812 to 1846, the district circuit judges were distinct from the judges of the Supreme Court of Judicature, which sat in Albany. As in the county courts of this period, a district judge sat as part of a panel, over which he presided, along with the "first judge" of the county court and one "designated justice" of the peace. In 1847, the Supreme Court was expanded from 11 to 33 justices. There was no longer a distinction between circuit judges and Supreme Court judges. The Supreme Court also gained equity jurisdiction when the Court of Chancery was abolished. In addition to being a trial court in both civil (circuit courts) and criminal cases (Oyer and Terminer), the Supreme Court heard appeals from the lower courts. The Constitution of 1894 ended the distinction in Supreme Court cases between circuit courts and courts of Oyer and Terminer, which was abolished in 1895. As he had in the old court of Oyer and Terminer, the Supreme Court judge assigned to Putnam County presided over a panel consisting of himself, the county court judge and two designated justices of the peace one of whom was the "first judge".

From 1847, Putnam County was in the second judicial district, (which included Kings, Richmond, Queens, and Suffolk as well as the Hudson Valley counties it has today). Today, it is in the 9th district.

Years	District Judge
1823	Samuel R. Betts
1824	Nathan Williams
1825	Samuel R. Betts
1826	Ogden Edwards
	Samuel R. Betts
1827-1830	James Emott
1831-1843	Charles H. Ruggles
1844	Amasa J. Parker
	Charles H. Ruggles
1845	Charles H. Ruggles
1846	John W. Edmonds
	Seward Barculo

The following Supreme Court judges were or are from Putnam County:

1946-1966	James W. Bailey
1961-1976	John P. Donohoe
1877-1991	Fred A. Dickinson
1992-2003	S. Barrett Hickman
1999-present	John W. Sweeny, Jr. (to Appellate Division 2004)
2014-present	Victor G. Grossman

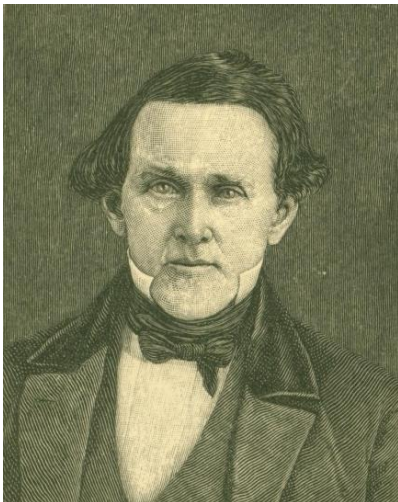
SELECTED BIOGRAPHIES OF LAWYERS & JUDGES

James W. Bailey (1890-1970)

A Cold Spring native, James W. Bailey's rise through the legal and judicial ranks was interrupted only by his service as a lieutenant in the US Navy during World War I. He had graduated from New York Law School and had passed the bar when he enlisted. Upon returning to civilian life after serving in the Mediterranean, Bailey was elected Putnam County District Attorney in 1921 and twice re-elected. He took the next step up the ladder in 1929 when he was elected County Court Judge, Surrogate and Children's Court Judge. In 1945, he gained the Republican nomination to the Supreme Court, where he served until his retirement in 1966, becoming the first Supreme Court Justice from Putnam County.⁹ Even after his retirement, he continued to practice law with a firm in Beacon, New York, until his death at 80.



William J. Blake (1817-1900)



A native of Orange County where he had studied law, Blake happened to be passing through Cold Spring and was asked to try two cases, then five more. He quickly realized that he could make a good living as a lawyer in Putnam County, bought some law books and put out his shingle. In 1848, with some spare time on his hands, he gathered material for his *History of Putnam County, N.Y.*, which was published the following year. Not long after that, that he discovered that his hearing loss made it impossible for him to pursue a career in law. After some western travels he accepted an invitation from the owner of *The Putnam County Courier* to join him as an associate. In 1858, Blake founded *The Putnam Free Press*, later *The Putnam County Republican*, and worked in managing the paper alongside its publisher and proprietor, his daughter Ida M. Blake.

⁹ Not counting Jackson O. Dykman, who had been Putnam County District Attorney but had moved to Westchester before becoming a judge.

Frank C. Bowers
(1925-2016)

Frank Bowers came to Carmel in 1951 to practice law upon his graduation from Cornell Law School. He had graduated from Hobart College, where he was in the Officer Training Program and had served as a Lieutenant, j.g., until his discharge in 1946. Upon leaving the Navy, he intended to become an engineer and earned a degree from Yale in industrial engineering. But the law beckoned. After adding his law degree to his résumé, he opened a law practice in Carmel. In 1973, he successfully ran for county judge and surrogate and served through 1980. He also served as attorney for the towns of Carmel and Patterson and the Village of Brewster as well as Putnam County Commissioner of Elections. Bowers was president of the Putnam County Bar Association. He died in New Jersey at the age of ninety.



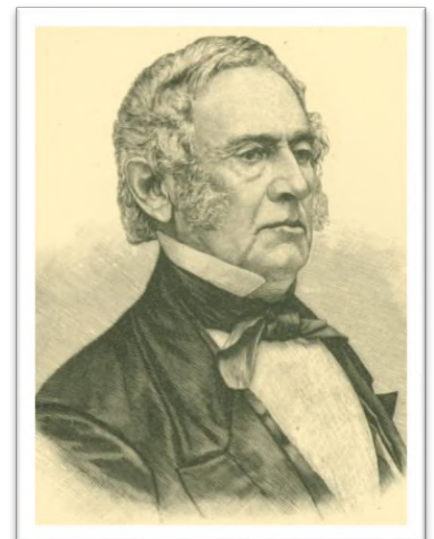
William B. Braatz
(1930-)



William B. Braatz, a graduate of Syracuse Law School, was elected county judge and surrogate in November 1981 and was reelected ten years later without opposition. Prior to his becoming county judge, he had been an attorney in private practice and had been an elected town justice in Philipstown. His wife, Rosemary, was active in local party politics and served as chair of the Putnam County Conservative Party, clerk of the Legislature, and an employee of the NY Secretary of State in the Pataki administration. The Braatzes retired to Florida in 1999.

Azor B. Crane
(1801-1864)

Azor B. Crane had the distinction of being an appointed county judge under the provisions of the Constitution of 1821 and an elected county judge under the constitution of 1846, which made all judges elective throughout the state. Up to 1846, the county judge presided over the civil court of common pleas and the criminal courts of general and special sessions. From 1847 on, both the civil and criminal courts were combined as “the county court”. In Putnam County after 1847, the county court judge was also the surrogate judge. So, in the election of 1851,



Crane, who had served three terms as Carmel town supervisor, was defeated by a twenty-five-year-old upstart, Ambrose Ryder, and lost two judgeships. But he didn't take it lying down. Instead, he brought a suit of ejectment, arguing that the Putnam County Board of Canvassers had wrongly awarded victory to Ryder, but he presented no evidence. In fact, Ryder had won with 614 votes to Crane's 609 and 467 going to a third candidate, according to election records in the Putnam County Archives.

Fred A. Dickinson
(1915-2001)

Fred A. Dickinson was a graduate of Hobart and William Smith Colleges and Harvard Law School. During World War II, he served as a commissioned officer in the U.S. Navy aboard the battleship USS Massachusetts, the fleet flag ship. After many years in private law practice, he was elected Putnam County District Attorney in 1946, succeeding John P. Donohue, who had moved up to the county court. He was sworn in as county court judge in 1961, again succeeding Donohue, and held that position until 1975 when was elected the Supreme Court. Dickinson was a Supreme Court justice until his retirement in 1991.



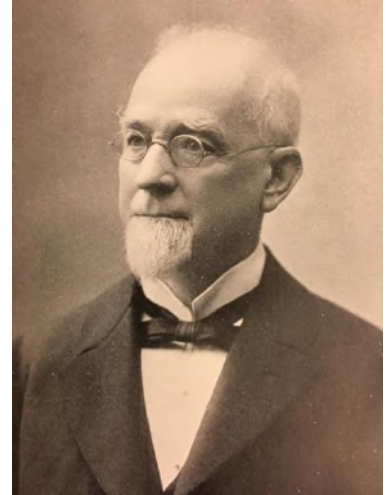
John P. Donohoe
(1904-1979)



John P. Donohoe was admitted to the bar in 1930, having graduated from Fordham University and Fordham Law School. In 1935, he was elected district attorney, was reelected twice and continued to hold that office even while he was serving overseas in World War II. He had joined the Army Air Corps where he attained the rank of captain and was awarded a bronze star for his service in a strategic bombing unit. He was elected county judge in 1946, having been released from military service on January 1st of that year and began his fourteen years in that office. In 1961, he was elected to the Supreme Court where he served until his retirement in 1976.

Jackson O. Dykman (1830-1904)

Jackson O'Dell Dykman had the distinction of being elected district attorney of both Putnam and Westchester before serving as a justice of the Supreme Court. The great-grandson of Joseph Dykman, a captain in the Continental Army during the Revolutionary War, Dykman worked in the offices of William Nelson, a lawyer in Peekskill, New York. He later settled in Cold Spring. After a short stint as school commissioner, he was elected District Attorney of Putnam County in 1861 and served for one term. In 1866, he moved to Westchester County and was elected district attorney there, serving from 1869 through 1872. In 1875, he was elected as Republican candidate to the office of Justice of the Supreme Court in the 9th Judicial District, a position he held until 1895. He was one of the editors of *A History of the Bench and Bar of New York* (1897). Dykman was described in William F. Pelletreau's Putnam County history as patient, affable and courteous in court proceedings and one who reflected "true Republican ideals". Both of his sons became practicing attorneys-at-law.



Hamilton Fish (1808-1893)



The first Hamilton Fish, the son of Col. Nicholas Fish and Elizabeth Stuyvesant, graduated from Columbia College at nineteen and was admitted to the bar three years later. He immediately embarked on a political career as a Whig, but was repeatedly defeated in his bid for the NYS Legislature. In 1843, he was elected to the US House of Representatives as a Whig. But four years later when a Whig was elected governor, Fish lost in his bid for lieutenant governor. However, he eventually won that post to fill a vacancy and then was elected governor in 1848 and US Senator¹⁰ in 1851. Although he had been elected to the Senate as a Whig, he voted with the Republican Party from its earliest days. After rendering valuable service in the defense of the Union during the Civil War, he was appointed Secretary of State during both terms of the Grant administration, a position he filled with distinction. In 1861, Hamilton Fish bought the Calvert Vaux-designed house "Glencliffe" in Garrison which he used as his seasonal residence.

¹⁰ US Senators were elected by state senates and were not elected by popular vote until the adoption of the 17th amendment to the Constitution in 1913.

Hamilton Fish II (1849-1936)

Hamilton Fish II, one in a long line of a distinguished family, was the second in the Fish dynasty to have a second home in Putnam County. Son of Gov. Hamilton Fish, Hamilton II was born in Albany in 1849. He received his bachelor's degree from Columbia College and his master's and law degrees from Columbia University. Just out of law school, he became *aide-de-camp* to Gov. John Adams Dix and within a year was a member of the NYS Assembly. In all, he served twelve years in the assembly, rising to the position of Republican leader in 1890 and speaker in 1895-96. After serving as Assistant United States Treasurer in the administration of Theodore Roosevelt, he was elected to a term in the US House of Representatives but failed to win re-election. He was the acknowledged boss of the Republican Party in Putnam County. He purchased "Rock Lawn", a house in Garrison designed by Richard Upjohn for Henry Belcher, where he made his summer home.



Harriet E. Gair (1906-2006)



Harriet E. Gair began her legal career at age 15 when she went to work as a secretary to Harry A. Gair, a prominent negligence lawyer in New York City. While working full-time as a secretary to support herself and her family, she earned a high school diploma and then a bachelor's degree at night. After her marriage to Harry Gair, she attended NYU Law School, graduating in 1940. She became managing partner of the firm, then known as Gair and Gair. In addition to their NYC home, the Gairs owned an old farmhouse in Putnam Valley, and they were involved in the community. Although she was Jewish, she was an active member of the Willing Workers of the Tompkins Corners Methodist Church near her home. She successfully argued the Putnam Valley voting rights case before the Appellate Division in 1956.

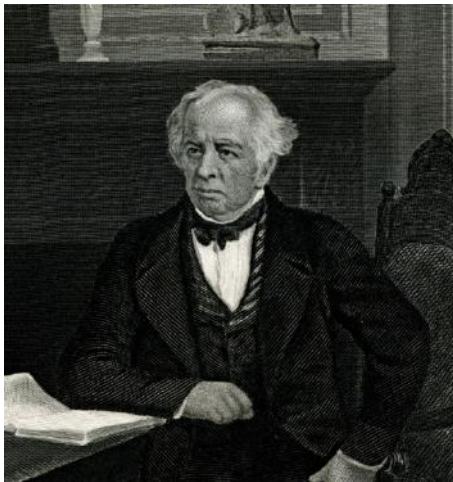
She was president of the Putnam Valley Library Board and the Mid-Hudson Library System. In 1959, she was elected to the Putnam Valley Town Board; and in 1974 she was elected town justice, the first female attorney to hold that position in Putnam County. In 1972-73, she was president of the New York State Women's Bar Association. A pioneering and accomplished woman lawyer, Harriet E. Gair died in 2006 at the age of 100.

S. Barrett Hickman
(1929-2007)

In 1997-98, Barrett Hickman made headlines when he presided over the trial in Supreme Court in Poughkeepsie in the defamation case of Stephen A. Pagones versus Alton Maddox, C. Vernon Mason, and Al Sharpton (the “advisors” of Tawana Brawley), and Brawley herself. After four judges from Dutchess County recused themselves because the plaintiff had been a county prosecutor, Hickman was brought in from Putnam County to hear the case. He was both praised and criticized for his extreme patience in this tumultuous trial that stemmed from Tawana Brawley’s earlier unproven charges against Pagones, who had been exonerated. Hickman had grown up in Carmel, and after graduating from Hamilton College and serving in the Air Force, he attended Cornell Law School. He successively held the elective positions of Carmel Town Justice (1965-76), Putnam County District Attorney (1977-78), County Court Judge (1980-85), and Supreme Court Judge (1986-2002). Judge Hickman liked to have his dog sitting beside him when he was on the bench. His voluminous public and private papers were donated to the Putnam County Historian’s Collection.



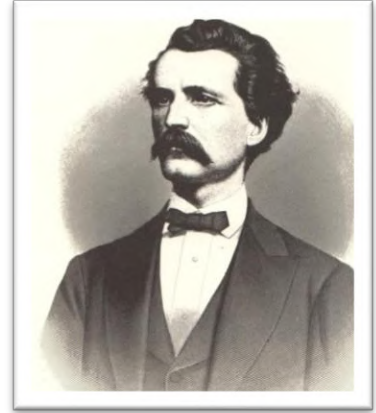
James Kent
(1763-1847)



James Kent was born in Doansburgh in Fredericksburgh (later Southeast) was the author of *Commentaries on American Law* (1826-30) and has been long considered America’s Blackstone. A grandson of the Rev. Elisha Kent, Kent’s studies at Yale were interrupted by British occupation of New Haven. (Allegedly, he made his decision to study law by reading Blackstone during this involuntary vacation.) After reading law and passing the bar in Poughkeepsie, he returned to his birthplace to practice law but, as Pelletreau wrote, “that secluded place furnished no proper field for his abilities and talents” and he returned to Poughkeepsie and later to New York City finding there “a greater scope for his talents.” He was the first professor of law at Columbia, chief justice of the N.Y. Supreme Court, and Chancellor of New York. When he was required to retire because of his age, Putnam County’s most famous son produced his monumental *Commentaries*.

James Dynes Little (1832-1883)

Born in New York City, James D. Little was seventeen years old when he assumed the general management of *The Putnam County Democrat*. At twenty, he was elected justice of the peace, a position he held for six years. Along with many others from Putnam County, he headed west and studied for the bar in a law office in Missouri; however, the outbreak of the Civil War sent him back to Putnam County. Here, according to Pelletreau, he established *The Putnam County Courier*, raising it to a high state of prosperity. In 1864, he was elected Putnam County District Attorney, a position he held for six years, all the while managing the *Courier*.



Robert P. Parrott (1804-1877)



People familiar with the famous rifled canon, or “Parrott gun”, which helped the North win the Civil War, have no idea that Robert P. Parrott, its inventor for whom it was named, was a Putnam County judge. Born in Lee, New Hampshire, in 1804, Parrott studied at West Point, graduating in 1824 as a second Lieutenant. He remained at the Military Academy as Assistant Professor of Natural and Experimental Philosophy, Assistant Professor of Mathematics, and also as Principal Assistant Professor of Natural and Experimental Philosophy. From 1843 to 1847 Judge Parrott was appointed by the governor as Putnam County Court “First Judge”, the last to be appointed before the position became elective. From 1848 through 1856, he served as Superintendent of Schools in Philipstown. All this time – from 1836 to

1867 – he was superintendent of the West Point Iron and Cannon Foundry in Cold Spring, just short ferry ride from West Point. He died in Cold Spring at 70.

Ambrose Ryder (1826-1892)

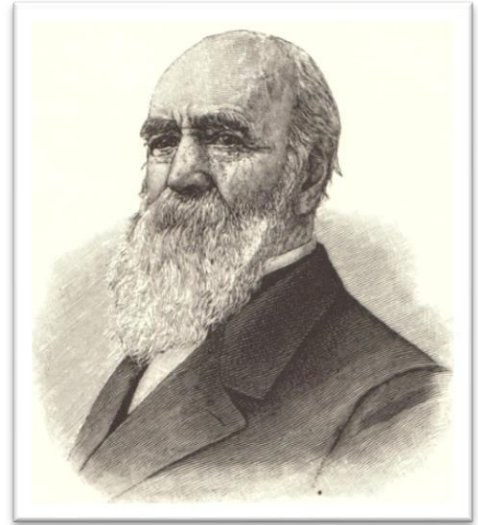
In the 1951 election for county judge, 25-years-old, Ambrose Ryder defeated the incumbent county judge, Azor B. Crane, by five votes, a result that Crane unsuccessfully contested. Like the Cranes, the Ryders were long-time Putnam County residents. During his early years, Ambrose Ryder attended grade school in the Pine Tree School District, followed by North Salem Academy, and went on to graduate from Williams College. He studied law in New York City and was admitted to the bar in Brooklyn. After his controversial



election success in 1851, Ryder held the judgeship for fourteen years. Ryder was local Republican leader and was elected County Treasurer in 1873 and served one year as supervisor of Carmel. He was founder of the Putnam County National Bank and played a key role in the development of the “Old Put”, the Putnam Division of the Harlem Railroad.

Saxton Smith (1802-1890)

Saxton Smith was the grandson of Abraham Smith, one of the first settlers in what would later become Putnam Valley. Although his formal education was limited to his studies at the common school, Smith’s first public office was as superintendent of schools. From there he moved quickly up the political ladder. He was the third elected supervisor of Putnam Valley and served on and off in that post for eighteen years. In between his various terms as supervisor, he was elected to the NYS Assembly and to the NYS Senate, serving eight years in each. It is unknown in whose office Smith read law, but his name is found more frequently than that of any other attorney in the probate records of Putnam County: he was the lawyer best known and most frequently sought after for the settling of estates. But Saxton Smith, himself, never married and left no children to inherit the house in which he was born and which still stood in 2019 at Smith’s Corners.



James Bennett Southard (1874-1928)



Judge James Southard performed a great service in the preservation of the record of Putnam County’s participation in World War I. He initiated and managed a project to capture the recollections of members of the armed forces while those memories were fresh in the men’s minds. He circulated a questionnaire regarding their service and experiences and gathered the responses together in one place; today they are preserved in the Putnam County Historian’s Collection, Series 231. Southard graduated from Haldane High School, went straight to Columbia Law School, and was appointed Putnam County District Attorney in 1897 (to fill a vacancy) at the age of twenty-three. He was elected to that office the following year and served three terms. In 1901, he was elected County Judge and Surrogate and was re-elected four times, serving until his death in 1928. His correspondence from 1902-04 is preserved in the County Archives, Series .098.

Frederic Stone
(1785-1857)



Frederic Stone was one of the first lawyers to practice in the new County of Putnam, having already been examined by Martin Van Buren and admitted to the bar in Poughkeepsie. His career in public service was interrupted several times while he pursued his private practice of law. He was appointed Putnam County District Attorney by Gov. DeWitt Clinton in 1821 and appointed “first judge” of the county court by then Gov. Van Buren in 1829. He stepped down from the bench to resume his law practice in 1833 but was reappointed district attorney in 1837 by Gov. William Marcy. During this 10-year time as district attorney, he successfully prosecuted George Denny for the murder of Abraham Wanzer (see Interesting Trials). He also unsuccessfully ran for the state senate, which he lost by one vote, and for the assembly. In 1850, he was elected district attorney and held office for the next three years. Stone was praised by Pelletreau as a “sound, faithful, and honest lawyer”, adding that at

his death “perhaps...no man in the county was more generally known to the people than he.”

Walker Todd
(1790-1840)

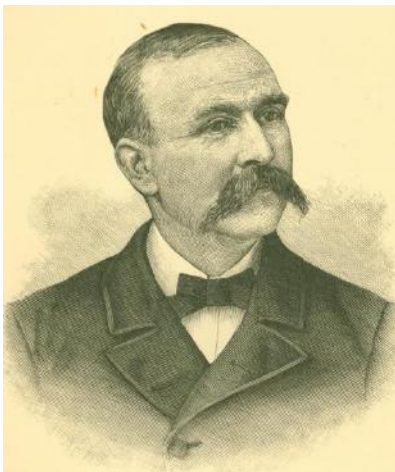
Unlike many of his cohort of practicing attorneys in Putnam in the early 19th century, whose formal education was often limited to the common schools, Walker Todd was a Yale College graduate. A Connecticut native, he may have decided that new courts in a new county offered opportunities for advancement to a young attorney that might not be available around established Litchfield. He was admitted to the bar of the Putnam County court in 1812 and was appointed district attorney in 1818, serving until 1821. He was appointed surrogate in 1819 and held the two positions at the same time for two years. Then from 1828 through 1831, he sat for three terms in the NYS Senate. On leaving the Senate, he was appointed Inspector of Mount Pleasant State Prison (Sing Sing) in 1832. Back in Carmel after his time in Albany, he was again made Putnam County surrogate by the governor and held that position from 1833 through 1840. He also found time to be Postmaster in Carmel and to practice law until he died in 1840. But for his early death, he would probably have received yet more appointments.

Isabel Basanta Walsh
(1915-2007)

Isabel Basanta Walsh became an attorney when women in the profession were rare. She graduated from Columbia Law School in 1939 with eight other women in a graduating class of 108. She served for 33 years as an Assistant District Attorney in New York County (Manhattan) from 1939 to 1972 under District Attorneys Thomas E. Dewey and Frank S. Hogan. Upon retiring from the district attorney's office, she served closer to home as Kent Town Attorney. She was appointed Putnam County Historian by the Board of Supervisors in January 1981, and she held this position with distinction until her resignation in October 1988.



William Wood
(1842-1911)

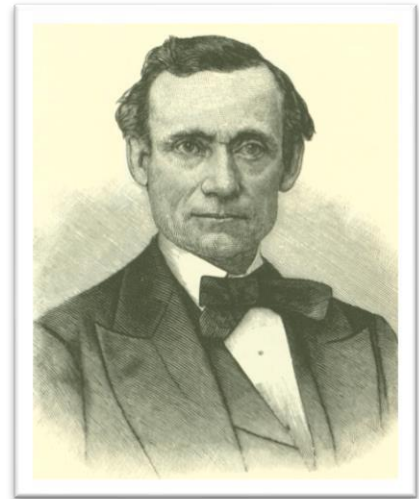


William Wood, who was elected Putnam County District Attorney two months after being admitted to the bar, had an unusual career. Born near Belfast in 1842, at the age of five he was brought this county by his parents, who settled in Cold Spring. He attended the village schools and was apprenticed at the West Point Foundry where he learned to be an iron molder, a career he pursued until he was thirty. As a youth he had often sat in on trials in the local justice court. Somehow he came to the attention of the then district attorney Samuel J. Owen, who persuaded him to read law in his office. While pursuing his legal studies, he served as clerk to the Board of Supervisors. He was admitted to the bar in September 1868 and elected district

attorney that November! William Wood served as district attorney until 1883, when he resigned to run for county judge. Successful in that election, he was re-elected twice and served through 1901. Of his many cases, perhaps the most important was the Hopper Mine Case, which is described below. Judge Wood was active in Republican politics while he was on the bench. He was a delegate to many conventions, and because of his oratorical skills, he was called upon by the New York State Republican Committee to make speeches on behalf of presidential candidates. William Wood, the former iron molder with modest education, proved through his years in office to be a more than capable member of the legal profession.

**Edward Wright
(1826-1911)**

Edward Wright had a remarkable career, culminating in his election as county judge *before* he was admitted to the bar. After attending the local common schools, he graduated from the Albany Normal School and became a school teacher. He was elected superintendent of schools in Carmel at the age of twenty-four and was elected town justice of the peace just a year later, a position he held for ten years. During this time (1853-1861), he was also clerk of the board of supervisors. In 1859 he was elected county clerk and *during his two years* in this position, he began the study of the law although he may have had a head start from his service as town justice. And in 1863 before he had been admitted to the bar, he was elected county court judge, a position he held for twenty years. As of 2019, Wright was the last Democrat to be elected county judge in Putnam County.



PUTNAM COUNTY JUDGES SERVING IN 2019

John W. Sweeny **(1949-)**

The Hon. John W. Sweeny, Jr., is a graduate of the University of Notre Dame and Fordham University School of Law. He was an attorney in private practice and in 1977 was appointed Administrative Assistant District Attorney for Putnam County, the first full time Assistant District Attorney in the County's history. He also served as confidential law secretary to Putnam County Supreme Court Justices John P. Donohoe and Fred A. Dickenson. In 1986 he was elected to the Putnam County Court and served there until 1999 when he was elected to the New York State Supreme Court. In 2004, Judge Sweeny was appointed by Governor George Pataki as an Associate Justice of the New York State Supreme Court Appellate Division, First Department, and the first judge from Putnam County to ever serve on that court.



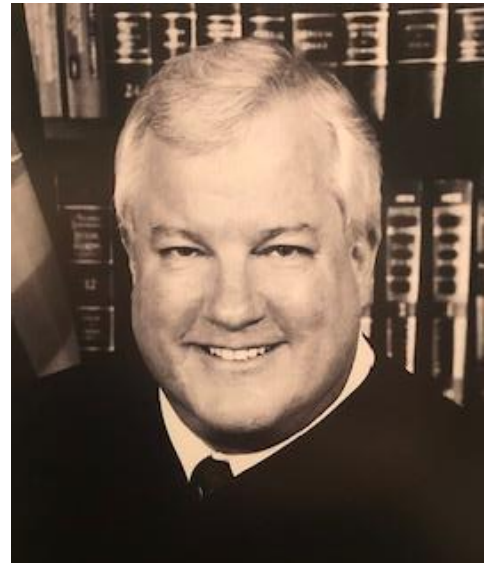
James F. Reitz **(1962-2019)**



Judge James F. Reitz was a lifelong Putnam County resident. After his 1986 graduation from Mercy College and from the Thomas M. Cooley Law School at Western Michigan University in 1989, he was an attorney in private practice in Carmel. In 1995 he was elected as Carmel Town Justice, and served in that capacity for nearly a decade. In 2006 he was elected Putnam County Judge, Surrogate and Family Court Judge. In 2007, Judge Reitz was named an acting justice of the New York State Supreme Court. Judge Reitz also presided over Putnam County's Drug Treatment Court, which, he was happy to say, had a success rate of nearly 90%, a number that he and his team hoped to improve in future years. Judge Reitz died suddenly in June 2019 while presiding over a case in Family Court.

James T. Rooney
(1950-)

Judge James T. Rooney graduated from Manhattan College in 1972 and from St. John's University School of Law in 1975. After law school, Judge Rooney worked for the Putnam County Legal Aid Society and was primarily assigned to Family Court matters until 1979 and was also a part-time associate at the Carme law firm of Ryder, Costello, and Miller. He worked as an assistant district attorney for one year before being promoted to Chief Assistant District Attorney in 1980 under D.A. Joseph M Costello. In 2001, James Rooney took office as a county court judge, presiding over the Family, County and Surrogate's Courts. In 2003, the Chief Administrative Judge Jonathan Lippman appointed Judge Rooney to Acting Justice of the Supreme Court in New York. To this day, Judge Rooney presides over various types of cases; however, he has a special devotion and is most notable for his family court.



Victor G. Grossman
(1951-)



A graduate of Brandeis University and Hofstra University School of Law, Justice Grossman was elected to the New York State Supreme Court in 2013. Prior to ascending to the bench, Justice Grossman was an attorney in private practice, first as an associate with a White Plains firm and later in private practice in Carmel, dealing in a variety of areas, including criminal law, matrimonial and landlord cases. Along with many public positions he was a member of the Putnam County Legislators, Chairperson of the Putnam County Charter Revision Commission and Deputy Supervisor of the Town of Southeast.

THE BAR

Lawyers, 1812-1822

The large volume of cases in the early days of the Putnam County Court of Common Pleas shows that lawyers could make a good living in the new county. If one compares the names of the lawyers listed below with the names in the 1810 census, it seems that most, if not all, of them came from outside the county to practice here. It is reasonable to conclude that the new county with new courts – and little competition from established lawyers – was an opportunity for young lawyers to attract clients. Court records in the County Archives show that their decision to come to Putnam County paid off.

Judging from the biographical information provided in Pelletreau's county history, a few – namely Walker Todd, Henry B. Cowles, Jeremiah Hine and James Kent – were college graduates. Their legal training was practical: They “read” law by working in the office of another lawyer. They were admitted to the bar, presumably after their mentor and employer deemed them ready, by appearing at a session of the county court. There they were examined by other lawyers and were allowed to practice before the court if their knowledge of the law was deemed sufficient. It should be noted that they were often arguing cases before judges who were not themselves lawyers.

It seems that lawyers were not universally admired. The legend of a 1795 map of the Town of Southeast describes the town thus:

Southeast – wherein are contained One Meeting House. One settled minister. Eight School houses and Eight School Masters. And much to our happiness not one lawyer can live among us...

The names of the following men appear in the early records of the county and district courts as representing clients before the courts. The dates are the first year their names appear in the Putnam court records.

<i>Year</i>	<i>Name</i>
1812	George W. Niven
	R.C. Austin
	Joseph Silliman
	Walker Todd
	William Nelson
	Frederic Stone
	Frederick Coffin
	William Silliman
1813	William F. Barrett
	Alexander McDonald
	Charles Thompson
	Minott Mitchell

	Henry B. Lee
1815	John Philips
1816	Joseph J. Jackson
1817	Jonas Strang
	Robert P. Lee
1818	George Bloom
	Isaac Hoffman
	Ebenezer Nye
1819	Stephen Cleveland
	James W. Oppie
	Joseph W. Strang
1820	Jeremiah Hine
	Henry B. Cowles

The Putnam County Bar Association

The Putnam County Bar Association was founded in 1949. In 2019, the PCBA had about 60 members, and membership is available to anybody who submits an application and pays his or her dues. Lawyers and judges who seek membership must be in good standing with the New York State Bar Association. The PCBA also has honorary members who may be retired lawyers or judges. It is also possible for non-attorneys to have a membership with the association.

The PCBA, along with other Bar Associations around the nation offer many opportunities to their members. For one, it gives attorneys the opportunity to meet one another outside of the often competitive and formal setting of the courtroom, which may help promote healthy relationships both inside and outside the courtroom. Another advantage the PCBA offers through its membership is Continued Legal Education (CLE) for discounted prices or sometimes for free. This may be especially valuable to its younger members who are still learning their way around the field. Arguably the most important aspect of The Putnam County Bar Association is its ability to represent its members. Through the PCBA delegate to the New York State Bar Association, this organization unites the voices of its individual lawyers and allows them to express their opinion on certain issues and policies. Finally, members of the PCBA are kept updated on continually changing rules and regulations set in place by the Office of Court Administration.

Putnam County District Attorneys

District Attorneys were appointed by the governor through 1847; thereafter they were elected for three-year (later four-year) terms.

Years	Name
1812	George W. Niven (acting)
1813	Alexander McDonald
1814	unknown
1815-1817	William Nelson
1818-1821	Walker Todd
1921-1829	Frederic Stone
1829-1837	Jeremiah Hine
1837-1847	Frederic Stone
1848-1950	Charles Ga Nun (resigned)
1850	Charles Griffen Miller (appointed to fill vacancy)
1851-1853	Frederic Stone
1854-1856	John Griffen Miller
1856-1858	Peter M. Jordan
1858-1860	Levi H. McCoy
1862-1864	Jackson O. Dykman
1865-1870	James Dynes Little
1871-1876	Samuel J. Owen
1877-1883	William Wood (resigned to seek election as county judge)
1883	Frederic S. Barnum (appointed to fill vacancy)
1884-1896	Abram J. Miller
1896-1897	Elisha N. Rusk (elected 1896, died in office 1897)
1897-1900	James Bennett Southard (appointed 1897, then elected)
1901-1909	William Weeks
1910-1917	Henry J. Rusk (elected 1909; left office 1917 to enter service)
1917-1918	William Weeks (appointed to fill vacancy)
1919-1921	Peter A. Anderson
1922-1929	James W. Bailey
1930-1932	Alvin D. Pond
1933-1946	John P. Donohoe
1947-1960	Fred A. Dickinson
1961-1976	Howard A. Thomsen (resigned 1976)
1976	William Gordon (appointed to fill vacancy)
1977-1978	S. Barrett Hickman
1979-1987	Joseph M. Costello
1988- 2007	Kevin L. Wright
2008-2015	Adam Levy
2016-present	Robert Tendy

SOME REMARKABLE COUNTY TRIALS

The People vs. Alvin, a black man ***Court of General Sessions, October Term, 1816***

In 1816, Alvin, an African-American man, was charged with grand larceny. Alvin (no other name given) was alleged to have entered the house of Stephen Frost on August 24, 1816, and stolen a \$20 bank note. The Court of General Sessions found Alvin guilty and sentenced him to three years and one day at hard labor at the New York State prison located in New York City. The verdict presented a problem. Alvin was a slave belonging to Joseph Crane of Southeast, and the verdict would deprive Crane of Alvin's labor even though Crane had committed no crime. Thus, Crane would be punished for Alvin's crime. Rather than send Alvin to jail, the court provided the option to Crane to transport Alvin out of the state within fourteen days. In other words, Alvin would be sold "down the river" and probably endure worse conditions than he had experienced in Carmel; and Crane could make up some of his losses and possibly purchase another slave.¹¹

The People v. Amos Tompkins ***Court of Oyer and Terminer, 1835***

The People vs. Amos Tompkins just one of many similar cases brought in 1835 by the district attorney against persons charged with the sale of spirituous liquors and the operation of a tavern without a license in violation of the Excise Laws. Charges were filed against more than thirty of Putnam County's upstanding men (and one woman), including Amos Tompkins of Tompkins Corners (now in Putnam Valley but then part of Philipstown). Tompkins, who had a grocery license to sell alcohol had sold liquor to a neighbor named Crawford and allowed him to drink a gill of rum, a gill of whiskey, and a gill of rum "then and there" (not off premises) before Crawford managed to make his way home. Evidently, there was a "sting" throughout the county that year, entrapping not just the sitting sheriff, Thomas W. Taylor, but also a former state assemblyman and two town justices of the peace. Whether they pleaded guilty or not, all – with one exception – were found guilty by the judge and fined \$25. A single defendant, Henry R. Carpenter, defended himself against the charges in a jury trial and was acquitted.

These trials came on the heels of the establishment of the New York State Temperance Society (1829). Local chapters throughout the state encouraged individuals to take a pledge of total abstinence from alcohol. Methodists were strong temperance supporters, and Putnam Valley's residents were *very* Methodist. In 1846, a special town meeting voted 90 to 35 against allowing *any* "retailing of ardent spirits" within Putnam Valley.¹²

¹¹ According to census records, Crane had one slave in 1790 and four in 1800. He manumitted James in 1801 (Carmel Town Record Book) and Nimrod in 1813 (Court of Common Pleas).

¹² Putnam Valley at one time had four Methodist churches. Putnam Valley and Kent would vote dry again in 1896.

Nathaniel Crane v. John Jacob Astor, 30 U.S. 190 (1831)

“The Astor Case”

The most important case in Putnam County’s legal history was decided not in a county or state court but in the Supreme Court of the United States. It affected the titles held by local farmers in a third of Putnam County; that is, the Philipse lots 3, 5 and 9. It all came about because John Jacob Astor, by far the richest men in America, acquired title to the land that had been sold to local farmers by the Commissioners of Forfeitures after Roger and Mary Philipse Morris were attainted as traitors during the Revolutionary War. The catch was that the land had been entailed to their children as part of the Morris’s marriage settlement in 1758. The entail meant that their rights were *not* affected by the bill of attainder against their parents, that the children’s land therefore was not forfeited and could not be sold, and that the children would inherit the Putnam County land upon the death of their mother. So, Astor – supposedly at the prompting of Aaron Burr – found this out and went to England in 1809, bought from the Morris children all their “rights, title and interest” in the land and notified the farmers of his purchase and his claim. When their mother died in 1825, Astor exercised his rights and sent notices of eviction to the farmers. The farmers, who were threatened not only with the loss of their farms but also the value of all the improvements they had made, urged the N.Y. Legislature to buy out Astor for \$450,000 and extinguish his claims, but Astor wanted more. In 1827 he brought suit in U.S. District Court, seeking to enforce his rights, but the jury found in the farmers’ favor. Astor appealed to John Marshall’s Supreme Court, which reversed the lower court and found in his favor. In 1831, by the terms of the settlement with Astor, New York State, which had sold the land to the farmers in the first place, was required to pay \$450,000 in stock certificates, plus interest. With the extinguishment of Astor’s claims, the farmers’ long nightmare came to an end.

The People v. George Denny

Court of Oyer and Terminer, November Term, 1843

Court of Oyer and Terminer, May Term, 1844

The conviction and hanging of George Denny is one of the most notable cases in Putnam County history. George Denny, a young man of eighteen was convicted for the murder of 80-year-old Abraham Wanzer in Philipstown. Denny was tried twice for the murder of Wanzer, and was convicted at the second trial. As a result of the guilty verdict, Denny was sentenced to death and was hanged behind the courthouse, making him the only person ever executed in Putnam County. Charles H. Ruggles presided over the first trial, and Amasa J. Parker presided over the second.¹³ Both jury trials were held in today’s historic courthouse.

Through extensive archival records and William J. Blake’s *The History of Putnam County (1849)*, a contemporary account drawn from the report of a friend who was an eyewitness of the trial, we have a vivid picture of the crime, the trials and the hanging. Wanzer was shot outside of his home on the night of October 10, 1843. In the first trial, the jury heard twenty-

¹³ It should be noted that in both trials the circuit judges sat with the “first judge” of the county court and with three or four justices of the peace. The “first judge” Robert P. Parrott was the same in both trials, and three of the justices were the same in both trials. Except for the circuit judge, not one of these men was an attorney.

two witnesses for the prosecution and three for the defense and was unable to reach a verdict *following an all-night deliberation*. In the second trial six months later with a different judge and jury, even more witnesses were heard (twenty-seven for the prosecution and eleven for the defense) and the jury reached a guilty verdict after four hours' consideration. This time Denny was convicted and sentenced to death, and the sentence was carried out on July 26, 1844.

Ever since that date, the verdict has been debated. Although Benjamin Baily, Denny's attorney, later wrote out Denny's confession, which he had urged Denny to make "to ensure him peace in his last moments" and "free his mind of a heavy burden", there have been questions about this nearly illiterate and unstable young man's competence to stand trial, the adequacy of his defense counsel, the veracity of the witnesses, the fairness of the trial, and whether, indeed, Denny was guilty at all. Blake certainly thought he was guilty and so did a crowd of 3000 who came to the courthouse before the hanging to view George Denny lying on a table with a noose around his neck.

**Ferris Chapman *et al.* v. John Travis *et al.*, NY Supreme Court, Putnam County, #3046, 1880-1883
"The Hopper Mine Case"**

This case, commonly known as "the Hopper Mine" case, established the right of the heirs of Philip Philipse to a third of the minerals and mineral rights throughout Putnam County. The case was initiated by Ferris Chapman, who had purchased fractional shares of the old Hopper Mine just off the Old Albany Post Road. When he began his suit against the other owners of fractional shares, Mary Philipse Gouverneur and her husband Samuel Gouverneur joined the suit as additional defendants, claiming that as heirs of Philip Philipse, they owned a third of the mineral rights to all the land in the county. Judge William Wood sustained the claims of the Philipse family, holding that only the claims of Beverly and Susannah Philipse Robinson and Roger and Mary Philipse Morris had been extinguished by confiscation or by compensation after the Astor decision (see above) and that as the mineral rights were undivided among Philipse siblings, Philip Philipse's claims had never been extinguished. To this day most deeds in Putnam County reserve a third of the mineral rights to the heirs of Philip Philipse.¹⁴

**In the Matter of the Application of THE PEOPLE OF THE STATE OF NEW YORK, ex rel., Sidney Croen, a voter, Petitioner For an Order v. Anthony J. Bosco *et al.* as Commissioners of Election of the County of Putnam *et al.* Appellate Division, Second Department, April 1956.
"Putnam Valley Voting Rights Case"**

¹⁴ The case of *Marvin v. Brewster Iron Mining Company*, 55 N.Y. 538 (1874) held that the holder of mineral rights can enter a property he doesn't own and mine it. In 1913, the Putnam County Board of Supervisors urged the NYS Legislature to acquire the mineral rights from the Philipse heirs to remove the cloud on the title to land in Putnam County, but the Legislature failed to do so.

In the Putnam Valley town election of 1955, the Democrats swept all offices except for one council seat that was won by Sam Slutzky by 2 votes. The Republicans would certainly have won had it not been for the votes of the “summer people” who were predominantly enrolled Democrats and Liberals. The Democrats believed that some Republican actions during the campaign had been designed to intimidate seasonal residents to keep them away from the polls. After the election and two investigations in Albany, questionnaires were sent to hundreds of Putnam Valley voters who had homes both in Putnam Valley (where they voted) and elsewhere. Attorney General Jacob Javits obtained an order to show cause why the Putnam Valley election inspectors should not be ordered to strike the names of 356 seasonal residents from the voter rolls. The Democrats lost in Supreme Court in Westchester County but won in the Appellate Division, where it was decided that the summer people could choose Putnam Valley as their voting residence. (Despite the Democrats’ victory in court, the seasonal residents received jury questionnaires from Putnam County courts, a move which appeared to be designed to discourage their voting in Putnam Valley.)¹⁵

¹⁵ See Putnam County Historian’s Collection, Series 529, Israel Ben Scheiber Papers, Box 1, Folder B. Many seasonal residents preferred to vote in Putnam County where they were more likely to own property than in the city and where their votes were more likely to have an impact. In 1960, there were more registered voters in Putnam Valley than there were adults in the census population! The census was conducted in April before the summer people had arrived.

LOCATION OF COURT RECORDS

Records Located in County Archives

68 Marvin Avenue, Brewster NY 10519

1-845-808-1420

historian@putnamcountyny.gov

These records are open to researchers with a few exceptions required by law. See County Historian's website for days and hours.

Courts, Juries

- . 037 Jury lists, 1813-1952
- . 061 Indictments, 1839-1910
- . 062 Grand Jury Minutes, 1855-1922
- . 154 County Court Records, other, 1844-1932
- .176 Jury, Other, 1984-1875

Courts, Civil

- . 013 Court of Common Pleas, 1812-1848
See also, .079 box # 1
- . 014 Supreme Court Records, 1846-1910
- . 015 Justice Court Records, 1813-1891
- . 045 Judgment Records, Court of Common Pleas, Supreme, Oyer
& Terminer, Putnam County Court, 1812-1913 (numbered cases)
- . 046 Orders and Rules, Supreme Court, 1878-1937 (vol. & pg. no.)
- . 047 Putnam County Civil Actions & related documents, 1819-1872 (vol. & pg.
no.)
- . 054 Orders and Discontinuances, 1878-1936
- . 057 Transcripts of Judgments, 1812-1935
- . 058 Index to Judgments, 1812-1954 (series 045)
- . 059 Assignments of Judgments, 1854-1936
- . 060 Satisfactions of Judgments, 1835-1937 (numbered files)
- . 063 Supreme Court Orders, 1859-1939
- . 064 Lis Pendens, 1824-1864
- . 065 Lis Pendens Index, 1812-1961
- . 066 Bail Book, 1812-1851
- . 067 Notes of Issue, 1878-1939
- . 079 Insolvent Assignments, 1814-1915
- . 088 Orders Appointing Receivers, Insolvency Cases, 1874-1906
- . 089 Court directed Moneys to County Treasurer, 1892-1923
- . 113 Putnam County Court Minutes, 1812-1935
- . 134 New York City vs. Putnam County Assessors, 1904-1937
- . 149 Justices Returns, 1850-1916
- . 174 Attachments, 1835-1891
- . 175 Assignees, 1861-1903

Courts, Criminal

- . 005 Commitments to County Jail, 1812-1850
- . 016 County Court, Court of Sessions records, 1812-1895
- . 018 Court of Oyer and Terminer, 1814-1892
- . 061 Indictments 1839-1910
- . 068 Records of Convictions 1855-1916
- . 155 Criminal Court Records, 1843 – 1934, gaps
- . 156 Recognizances and other Criminal Papers, 1837-1919
- . 173 Monthly Reports of Convictions, 1913-1922

Courts, Civil and Criminal

- . 017 County Court Records, 1817-1949 (mostly civil) (book and pg ref)
- . 042 Circuit Court records, 1823-1871
- . 098 Judge Southard, correspondence copies, 1902-1904
(*See series .034 for Surrogate Court*)
- . 129 Index to Civil Actions and Special Proceedings, County and Supreme Court, 1812-1932
- . 146 Affidavits for Witness Fees, 1890-1943
- . 154 County Court Records, other, 1844-1932
- . 157 Undertakings and Bonds, 1849-1919

Courts, Surrogate

- . 034 Probate, Surrogates' Court Records, 1814-1915/18 (numbered cases)
- . 053 Guardianships, Infancy Proceedings, 1857-1925
- . 071 Executors' Oaths, 1868-1887
- . 076 Taxable Transfers, 1892-1965
- . 077 Taxable Transfers Index, 1920-1945
- . 078 Transfer Tax 1922-1943
- . 121 Surrogates' Minutes, 1829-1955
- . 123 Surrogates' Court Correspondence, 1919-1922
- . 141 Administrator's Oaths, 1868-1941
- . 142 Administrators' Bonds, 1895-1925
- . 143 Bonds of executors and trustees, 1915-1939
- . 144 Corporation Sureties, 1908-1933
- . 150 Wills, 1814 – 1931 (Liber A is missing¹⁶)
- . 151 Letters of Administration, 1812 – 1905
- . 152 Letters Testamentary, 1830 - 1905
- . 153 Record of Old Estates, 1812 – 1875
- . 184 Letters of Guardianship, 1812-1975
- . 185 Guardian's Bonds, Administrator's Bonds, 1890-1948
- . 187 Index to Probate, 1812-1950

¹⁶ Thirty-one wills that would have been in Liber A have been scanned from the Probate records, and an incomplete substitute for Liber A has been recreated in the Historian's Office. The other wills from that liber were not included in the Probate records.

Records Located in the Putnam County Records Center

68 Marvin Avenue, Brewster NY 10509

These records are not open to the public at this site. Contact County Clerk (40 Gleneida Ave., Carmel, NY 10541 (845-808-1001) or the Surrogate's Office, 44 Gleneida Ave., Carmel NY 10541 (845-208-7860) to make arrangements to see them. They may be viewed to the extent permitted by law.

County Clerk

Matrimonials, 1928-1999

Miscellaneous Court Papers, 1913-2008

Conservatorships, 1935-2006

County Court

Criminal Indictments, 1918-91

Surrogate's Court, 1915-1978

Probate

Administration

Tax Proceedings

Guardianship

Designation Only

Safety Deposit Box

Wills

Court Reporter, 1962-2010

Records of the County Courts and Supreme Court

The following records are located in the new Courthouse, 20 County Center, Gleneida Avenue, Carmel.

Contact the County Clerk's Office at 40 Gleneida Avenue, Carmel, NY 10541 (845-808-1001) to arrange for access to these records which may be viewed to the extent permitted by law.

Criminal Files from #6386 to present

Civil Files from 2009 to present

Matrimonial Files from 2000 to present

Conservatorships from 2007 to present

Integrated Domestic Violence Files from 2009 to present

Surrogate Court Records later than 1978

Contact the Surrogate Court Chief Clerk at the Historic Courthouse, 44 Gleneida Avenue, Carmel N 10541 (845-208-7860) to arrange access to these records to the extent permitted by law.

Probate

Wills

Guardianship

Administration

BIBLIOGRAPHY

Primary Sources

Various series in County Archives (see above, pp. 34-36) containing the records of the Court of Common Pleas, the Courts of General and Special Sessions, the Court of Oyer and Terminer, the County Court, the Surrogate's Court, Supreme and District Courts.

HC211 Putnam Valley Democratic Club Records, 1934-1980, includes background and briefs submitted in the Putnam Valley Voting Rights case.

HC 509 S.Barrett Hickman Papers (especially material from Judge Hickman's campaigns for judicial office, his papers relating to the planning of the new courthouse, and his papers relating to the defamation suit brought by Stephen Pagones against Al Sharpton, Alton Maddox, C. Vernon Mason and Tawana Brawley.

HC 519 Israel Ben Scheiber Papers (includes papers relating to the Putnam Valley voting rights case)

HC541 Sol and Ruth Kroll Papers (include papers relating to Sol Kroll's unsuccessful campaigns for district Attorney (1958) and county court judge (1961))

Journal of the Proceedings of the Board of Supervisors, 1846-1978.

Proceedings of the Putnam Valley Legislature, 1979 - 2016

Secondary Sources

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Blake, William J. *The History of Putnam County, N.Y.* New York: Baker & Scribner, 1849.

(Although Blake's history is a secondary source, Blake he was a lawyer and was a contemporary of many of the events that he describes, including the trials and hanging of George Denny.)

Encyclopedia of the State of New York. Peter Eisenstadt, editor-in-chief. Syracuse: Syracuse University Press, 2005.

Duely & Constantly Kept: A History of the New York Supreme Court, 1691-1847 and An Inventory of Its Records, 1797-1847. (Edited by James D. Folts). New York

State Court of Appeals and the New York State Archives and Records Administration. Albany, 1991.

The Putnam County Courier, 1849-1972

The Brewster Standard, 1870-1945

The Cold Spring Recorder, 1867-1935

The Putnam County Republican, 1882-1946