History of Ulster County

Bench and Bar

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# Ulster County Legal History

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I. COUNTY ORIGINS

Introduction

Few counties in New York can boast the historic tradition of Ulster. Located approximately 90 miles north of Manhattan and 50 miles south of Albany, the County seat at Kingston is the third oldest community in New York State and, for much of its history, one its most relevant. From the first settlers to today, Ulster County’s sons and daughters have played an outsized role, both here and beyond, in the history of our community, our State and the nation at large.

In the journals of Henry Hudson’s voyage up the river that would eventually carry his name, reference is made to what is now Ulster County on September 15, 1609 when Hudson’s Half Moon sailed past the Rondout Creek. Within a few years, it’s likely that trappers and traders traversed the area with regularity, developing commercial relationships with the Esopus branch of the Delaware Tribe residing here. Formal settlement of the area by Europeans, however, didn’t begin until 1652 with the arrival of Englishman Thomas Chambers and others from Rensselaerswyck, now the present city of Troy. Difficulties soon arose between the European settlers and the local Native Americans, resulting in the relocation of the settlers from their scattered homesites to a centrally stockaded fortification. By 1661, the first community building was constructed and functioned as a church, school and courthouse, recording its earliest legal proceeding on July 12, 1661. This Stockade area, chosen and laid out by Governor-General Peter Stuyvesant in 1658, remains extant today as the Stockade Business District of Uptown Kingston.

Like the rest of early New York, what is now Ulster County began as the Dutch settlement of New Netherlands. It came under English control in 1664 as a spoil of war, reverting briefly back to Dutch control in 1673 and returning once more to England the following year. The former New Netherlands became New York under the control of James, Duke of York, later the ill-fated King James II and brother to King Charles II. In 1683, Ulster County was formalized as one of the original twelve counties dividing New York, its name a tribute James’ Irish Dukedom of Ulster.

From that time until the American Revolution, Ulster County stood a reflection of both Dutch and English influence, jealous of its rights and proud of its heritage. Ulster became a focal point in the War of the Colonies and Kingston
became the first Capitol of the new State of New York in 1777. And it was here, in the Ulster County Courthouse, that the New York State Constitution was created, and its first Government formed. Ulster County can proudly claim the title, “Birthplace of New York State.”

From these auspicious beginnings, Ulster’s role in the history of New York and beyond has continued. As the terminus of the Delaware & Hudson Canal, she carried the building blocks of a growing nation to the world. From coal to bluestone, towing to cement, the legacy of Ulster County looms large. And from Sojourner Truth’s struggle for freedom and equality, a struggle leading to the very steps of Abraham Lincoln’s White House, to Ulster’s indispensable role in the Civil War, few counties can merit a like claim to the laurels of freedom.

Today, Ulster County remains justifiably proud in our achievements and the people, places and events that have sculpted the world around us. And we hope, sincerely, to continue the path of progress as generation succeeds generation and again.
Timeline

1609: Henry Hudson’s *Half Moon* sails past what is now Ulster County (Sept. 15, 1609).

1652: Settlers from Rensselaerswyck (near current Troy, New York) led by Thomas Chambers purchase land from members of the Lenni-Lenape Tribe. They name the new settlement “Esopus.”

1658: After difficulties with local Natives, Governor-General Peter Stuyvesant directs the settlers to move to a fortified location. The area he selects encompasses what is now the Kingston Stockade District.

1659-1660: First Esopus War.


1661: Stuyvesant changes name from “Esopus” to “Wiltwyck”, meaning “Wild Place.”

1661: Erection of community building within Stockade for use as Church, School and Court. There, the earliest recorded court case is heard July 12, 1661.

June 7, 1663: Massacre at Wiltwyck.

1663-1664: Second Esopus War.

1664: Possession of New Netherlands transfers from Dutch to English. Name changed to “New York” for James, Duke of York, brother of King Charles II.

1664: Second Esopus War ends in Treaty transferring to the settlers much of what is now southern Ulster County. The Treaty is renewed by the parties with varying regularity thereafter for the next 81 years.
1669: Wiltwyck name changed to “Kingston” in honor of Governor Francis Lovelace’s maternal Estate in England.

1676: Old Senate House built by Colonel Wessell Ten Broeck. Home later serves as meeting place for first NYS Senate in September, 1777.

1683: Ulster County established as one of twelve original Counties of New York by Act of Legislature.

1759: George Clinton takes Oath as Ulster County Clerk, a position he holds for the next 53 years.

April 20, 1777: Constitutional Convention ratifies New York State Constitution in Courthouse at Kingston, New York State’s first Capital.

July 30, 1777: George Clinton sworn in as first elected Governor of New York State in Ulster County Courthouse. He later goes on to serve as U.S. Vice President under both Presidents Thomas Jefferson and James Madison.

1777: John Jay appointed first Chief Justice of the New York Supreme Court. First Session held in Ulster County Courthouse on September 9, 1777.

October 16, 1777: Burning of Kingston by British forces under Major General John Vaughn.

1818: Construction of present Ulster County Courthouse completed.

1827: Slavery abolished in New York.

1828: Delaware & Hudson Canal begins operation.

1828: Sojourner Truth (then “Isabella”) wins freedom of her son, Peter, in the Ulster County Courthouse.

1849: Rondout incorporates as Village.
April, 1861: 20th NYS Militia becomes first NYS Regiment outside of NYC to leave for the Civil War.

1862: 120th NYS Volunteers leave Kingston for the Civil War.

1872: City of Kingston incorporated, merging Villages of Kingston and Rondout.

1875: Construction of Kingston City Hall completed.

1887: Old Senate House sold to State of New York by Elizabeth Schoonmaker, becoming only second NYS Historic Site (after Washington’s Headquarters in Newburgh).


1927: Museum Building at Old Senate House Site dedicated.

1950: 1898 Statutes of Henry Hudson, Peter Stuyvesant and George Clinton (by John Massey Rhind) found abandoned in scrapyard in NYC. Statues are repaired, relocated to Kingston and installed at Academy Green.

1965: Friends of Historic Kingston formed to prevent continued destruction of local historic architectural heritage.


2000: Old Kingston City Hall, abandoned in early 1970’s, is restored and returned as seat of Government.
II. THE ULSTER COUNTY COURTHOUSE: 1683 TO PRESENT

The Ulster County Courthouse, Birthplace of New York State, is located at 285 Wall Street in Kingston, New York. The current Courthouse is our fourth Courthouse and the third located on the present site.

First Courthouse (1661 - 1684)
The first Courthouse serving the community that was then Wiltwyck was located in the Community House along with the church and school. Situated within the first extension of the original Stockade District as laid out by Governor-General Peter Stuyvesant, this Court handled matters of limited jurisdiction with more serious matters forwarded to the Governor-General and his Council in New Amsterdam (New York City). There are no known depictions of this Courthouse.

Second Courthouse (1684 - circa 1737)
The second Courthouse was located at the current site of our Courthouse on Wall Street in Kingston. This Courthouse was authorized by direction of the General Assembly soon after the organization of Ulster County in 1683. The structure contained both the Courthouse and Jail and was most likely constructed of wood and stone. After a number of years, the building could no longer satisfactorily serve its intended purpose and was removed to make way for a new Courthouse and Jail building. There are no known depictions of this Courthouse.

Third Courthouse “The 1777 Courthouse” (circa 1737 - 1816)
The third Courthouse located on the present site, popularly known as “The 1777 Courthouse,” was authorized by an Act of the Provincial Legislature on October 14, 1732 to address the insufficiency of the existing building. It was in this Courthouse that what became the New York State Constitutional Convention met beginning March 6, 1777 to form the government of New York State under a Constitution written largely by Founding Father John Jay. The New York State Constitution was passed in this Courthouse, with one dissenting vote, on April 20, 1777. John Jay served as the first Chief Justice of the New York State Supreme
Court, located here, later becoming the first Chief Justice of the United States Supreme Court in 1789 by appointment of President George Washington. It was also in this Courthouse that George Clinton took the oath of office as New York’s first Governor on July 30, 1777, the first official act of New York State.

This Courthouse was damaged by fire by the British during the “Burning of Kingston” on October 16, 1777 but was quickly restored and continued in use as a Courthouse, Jail and County Clerk’s office until 1816.

**Fourth (and current) Courthouse (1818 - Present)**

Construction of the current Courthouse was completed in 1818 and, with several additions to the original structure since that date, has nobly served as the rallying point for events transforming our community, our state even our nation. Through
its halls have walked a Presidential candidate and United States Supreme Court Justices, Freedom Fighters and leaders of industry, military and government. It was within this Courthouse that a former enslaved woman named Isabella sued for and won her son’s freedom from slavery in 1828. She went on to champion the cause of freedom and equality as famed abolitionist and women’s rights activist, Sojourner Truth.

A reflection of the people it serves, the Ulster County Courthouse and the achievements within have long held, and will continue to hold, a unique place in the history of Ulster County.

Current Courthouse- circa 1900
On February 19, 1777 a group of extraordinary individuals met in Kingston to determine the future of New York. What they achieved created not only the new State of New York, but laid the building blocks of a new nation. These individuals, whose number included the first Chief Justice of the United States Supreme Court, the author of the phrase “We the People...” in the United States Constitution and the man responsible for the Louisiana Purchase, pledged their fortunes, their futures, their very lives, for the ideal that freedom and democracy should be the guiding precedent for all government.

This group became the New York State Constitutional Convention and met formally in the Ulster County Courthouse for the first time on March 6, 1777. Here a Committee led by Founding Father John Jay and including such members as Chancellor Robert R. Livingston, Gouverneur Morris, and Ulster County’s Charles DeWitt created a governing compact for our new state. They presented this compact to the Convention on March 12 and, after due deliberation and discussion,
the New York State Constitution was ratified by the members on April 20, 1777. The Constitution was read in public for the first time on the front steps of the Ulster County Courthouse two days later, on April 22, 1777, and went on to become the model for our United States Constitution. It is to the revolutionary concepts contained in this sacred document that we owe the freedoms we enjoy today and the Ulster County Courthouse has justly earned, through the efforts of this esteemed collective, the title “Birthplace of New York State.”

After ratification, copies of the New York State Constitution were printed for dissemination to the public and the municipalities, with the first series printed in Fishkill, New York and a subsequent printing in Philadelphia, Pennsylvania. An original copy of the Philadelphia printing, one of the few remaining from the original printings, is on display in the Ulster County Courthouse courtesy of the Ulster County Bar Association.
IV. THE BENCH AND THE BAR

Distinguished Members

1. John Jay (1745-1829) – One of the truly indispensable Founding Fathers, John Jay served as the first Chief Justice of the Supreme Court of the State of New York in the Ulster County Courthouse in 1777. Earlier that year, as a member of the Provincial Congress (later the New York State Constitutional Convention) that met in Kingston he was the principal author of the New York State Constitution. This Constitution gave birth to the new State of New York and later served as a model for the United States Constitution in Philadelphia. Jay resigned as Chief Justice for New York to become President of the Continental Congress and later US Minister to Spain. At the conclusion of the Revolutionary War, Jay was perhaps the chief negotiator of the Treaty of Paris with England. In 1789, he was appointed first Chief Justice of the United States Supreme Court by President George Washington, serving in that role until 1795.

2. Alton B. Parker (1852-1926) – After graduating from Albany Law School in 1872, Alton Parker practiced law in Kingston with the firm Parker & Kenyon. Early involved in Democratic politics, he was elected Surrogate for Ulster County in 1877 and re-elected again in 1883. In 1885, he was named Chairman of the New York State Democratic Executive Committee by Governor David Hill. Later that same year he was appointed Justice of the Supreme Court by Governor Hill to fill the seat vacated by the death of fellow Ulster County resident Justice Theodoric Westbrook. In 1897, he was elected Chief Judge of New York’s highest tribunal, the NYS Court of Appeals.

In 1904, Parker was nominated as the Democratic Party’s Candidate for President of the United States, running against fellow New Yorker Theodore Roosevelt. While unsuccessful in his bid, Parker was a uniquely qualified
candidate for the nation’s highest office. Following the election, Parker resumed his legal practice to great success, and in 1907 served as President of the American Bar Association.

3. **John T. Loughran** (1889-1953) – A lifelong resident of Ulster County, Judge Loughran attended law school at Fordham and began his legal practice in Kingston with the firm Fowler & Loughran. He also taught law at his alma mater. In 1930 he was elected Justice of the Supreme Court, and in 1934 was appointed to fill a vacant seat on the New York State Court of Appeals. In the election for the seat later that year, Judge Loughran easily bested his opponent. He was appointed Chief Judge of the Court of Appeals in 1945 by Gov. Thomas E. Dewey, and served in that capacity until his death in 1953.

4. **Ezra Hasbrouck Fitch** (1865-1930) – Originally from Greene County, Ezra Fitch moved to Ulster and began practice with the firm Fitch and Jenkins. He’s perhaps best known, however, as co-founder of the international clothing company, Abercrombie & Fitch. Fitch became partners with outdoor clothing outfitter David Abercrombie of New York City in 1900. After a series of business disputes on the future of the company, Fitch purchased Abercrombie’s interest in 1907. He kept the name but managed the company until his retirement in 1928. Fitch is credited with expanding the scope and appeal of the company internationally, creating its first mail-order catalogue and popularizing the game Mahjong in the United States. A popular outdoor outfitter, Abercrombie & Fitch outfitted the expeditions of Amelia Earhart, Teddy Roosevelt, John Steinbeck and Sir Ernest Shackleton. It was Abercrombie & Fitch that outfitted Charles Lindbergh on his legendary non-stop flight across the Atlantic in the *Spirit of St. Louis* in 1927.
5. **George Clinton** (1739-1812) – Native of Ulster County, Founding Father, Vice-President of the United States to Presidents Thomas Jefferson and James Madison, New York’s first (and longest serving) Governor, Revolutionary War General, Ulster County Clerk, attorney and surveyor -- these and more are the attributes claimed by George Clinton during his life and career. He served as the President of the United States Constitution Ratifying Convention in Poughkeepsie in 1788 and is believed to be “Cato” of the Anti-Federalist Papers to Alexander Hamilton, James Madison and John Jay’s Federalist Papers. It was Clinton’s demand for the inclusion of a Bill of Rights to the United States Constitution that are believed to be most responsible for their addition in 1791. Buried today in the Old Dutch Church Cemetery in Kingston, Clinton remains perhaps Ulster County’s favorite son.

6. **Harry H. Flemming** (1874-1958) – Harry Flemming graduated from Albany Law School and was admitted to the Bar in 1902. He established a successful practice there, representing many of the most prominent business organizations and citizens of the community, including Samuel S.D. Coykendall of the Cornell Steamboat Company (at one time the largest towing operation in the nation). He was elected Ulster County Surrogate in 1939 and served as such until 1943.

Flemming’s son, Arthur S. Flemming, shaped US policy in Washington D.C. for more than 40 years in his roles in the US Civil Service Commission, the Hoover Commission and as US Secretary of Health, Education & Welfare and Chairman of the Commission on Civil Rights, serving under Presidents from Franklin D. Roosevelt to Ronald Reagan. He was instrumental in the institution of the civil service system in Federal Government and was twice awarded the Presidential Medal of Freedom, by Presidents Dwight Eisenhower and Bill Clinton.
7. **James A. Betts** (1853-1928) – Born in Fulton County, James Betts moved to Kingston to become Principal in the local school system. A few years later, he took up the practice of law and was admitted to the Bar in 1880. He was elected Ulster County Surrogate’s Court Judge in 1892 and in 1898 defeated Judge Alphonse Clearwater for Supreme Court Justice. Judge Clearwater had been previously appointed to fill the vacancy created when Alton Parker became Chief Judge of the Court of Appeals. In 1910, Judge Betts was elevated to the Appellate Division, Third Judicial District, where he served until 1912. A close friend of perennial Presidential Candidate Williams Jennings Bryant, he often entertained “The Great Commoner” at his home.

8. **Theodoric R. Westbrook** (1821-1885) – Nephew of Court of Appeals Chief Judge Charles Ruggles, Theodoric Westbrook attended Rutgers College before reading for the Bar, earning admission in 1843. He was elected to Congress in 1853, declining to run again for a second term. In 1873, he was elected Justice of the Supreme Court, and it was Justice Westbrook that presided over the civil trial against Tammany Hall that rendered a verdict of $6.5 million dollars against the Machine, bankrupting Tammany and finally bringing to an end its corrupt political reign.

9. **Abraham Bruyn Hasbrouck** (1791-1879) – Known locally as A. Bruyn to avoid confusion with a cousin named Abraham, A. Bruyn Hasbrouck attended Kingston Academy and Yale College before reading for the law. He was admitted to the Bar in 1814 and formed a practice with future Court of Appeals Chief Judge Charles Ruggles. He was elected to Congress in 1825, serving one term, and in 1840 became the first lay President of Rutgers College. Hasbrouck was founder
and first President of the Ulster County Historical Society and has long believed to be the individual behind Sojourner Truth’s famous case in the Ulster County Courthouse, employing Truth at his home and likely financing her defense.

10. **Marius Schoonmaker** (1811-1894) – Marius Schoonmaker attended Kingston Academy and Yale before reading law in Kingston. He was admitted to the Bar in 1833 and commenced practice in Kingston until elected to the NYS Senate in 1850 and Congress in 1851. He was appointed Auditor of the NYS Canal Department in 1854 and to the NYS Constitutional Revision Convention in 1867. A trusted friend of renowned portrait artist John Vanderlyn, Schoonmaker has long been known for his contributions to local history and his 1888 *History of Kingston* remains the de facto authority on the subject. Schoonmaker was the last private owner of the New York State Senate House building in Kingston, home of New York’s first Senate and the oldest public building in the United States. It was Schoonmaker who transferred the property to New York State in 1887, where it became New York’s second State Historic Site (after Washington’s Headquarters in Newburg).

11. **Augustus Schoonmaker, Jr.** (1828-1894) – Augustus Schoonmaker began his career as a teacher in the local school system, moving to the study of law in 1851. He was admitted to the Bar in 1853 and began his practice with the firm Hardenbergh & Schoonmaker. Schoonmaker was elected Ulster County Court Judge in 1863 and again in 1867. In 1875 he was elected to the NYS Senate and in 1877 as NYS Attorney General. It was Schoonmaker who, as Attorney General, refused in the face of intense political pressure to grant early release to William M. “Boss” Tweed following his corruption conviction in 1878. It was this act that likely led his loss at the polls the following year.
12. **Alphonse T. Clearwater** (1848-1933) – A native of West Point, Alphonse Clearwater studied law under Senator Jacob Hardenburgh and Judge Augustus Schoonmaker, earning admission to the Bar in 1871. He was elected Ulster County District Attorney in 1877 and re-elected again in 1880 and 1883. He was later elected Ulster County Court Judge in 1889 and 1895, accepting appointment in 1898 as Supreme Court Justice to fill the vacancy left by Alton Parker’s elevation to Chief Judge of the Court of Appeals. Judge Clearwater was defeated for the seat by James Betts later that year and returned to the practice of law. Judge Clearwater’s contributions to the history of Kingston and Ulster County are myriad, including supervising the translation of Ulster’s Dutch Records into English, creating the position of and serving as the first Historian for the City of Kingston and publishing the two volume compilation, *The History of Ulster County.*

13. **Lucas Conrad Elmendorf** (1758-1843) – A lifelong Kingston resident and personal friend of Thomas Jefferson, Lucas Elmendorf attended Princeton College and earned admission to the Bar in 1785. He served in Congress from 1797 to 1803, the NYS Assembly from 1804-1805 and the NYS Senate from 1814-1817. He served as Ulster County Court Judge from 1815-1821 and Ulster County Surrogate from 1835-1840. He’s fondly remembered locally as the prosecuting party of the longest civil suit in Ulster County history, a suit lasting 52 years and employing at various times Court of Appeals Chief Judge Charles Ruggles, Congressman Marius Schoonmaker and US Vice President and Alexander Hamilton duelist Aaron Burr. The case ended, however, not with a decision on the merits but upon the death of Elmendorf while having tea at an inn on the way to argue yet another motion on the matter.
14. **John Sudam** (1782-1835) – Noted for his exemplary orator skills, John Sudam was amongst the most prominent and successful attorneys of his time. He was elected to the NYS Senate in 1823 and again in 1833 and served as Regent for the University of the State of New York. Sudam was a close friend and confidant of United States Vice President (and soon to be President) Martin Van Buren and author Washington Irving, both of whom visited his home in Kingston.

15. **Dirck Wynkoop** (1732-1796) – Dirck Wynkoop was a member of the Provincial Congress in 1775 and the NYS Assembly from 1780-1781. He was also a member of the United States Constitution Ratifying Convention in Poughkeepsie in 1788. Elected Ulster County Court Judge in 1783, he served there until 1793. Judge Wynkoop’s residence was a popular resting stop for the prominent attorneys attending circuit court in Kingston, and he hosted George Washington on his visit to Kingston in 1782.

16. **Christopher Tappen** (1784-1826) – Brother-in-Law to Governor George Clinton, Christopher Tappen was an attorney, Deputy Ulster County Clerk and, upon Clinton’s death, Ulster County Clerk from 1812 to 1821. He was a member of the First, Third and Fourth NYS Provincial Congresses and he voted there to approve the Declaration of Independence on July 9, 1776. He was a member of the NYS Constitutional Convention in 1777 and, following the passage of the NYS Constitution, he served on the 15 member Council of Safety governing the new State of New York until the formal swearing in of Governor Clinton on July 30, 1777. His home on the corner of Wall & North Front Streets was the Executive Mansion during Kingston’s tenure as First Capital of New York State.
17. **Gen. George H. Sharpe** (1828-1900) – George Sharpe attended Kingston Academy, Rutgers College and Yale Law School. Following his graduation, he was admitted to the Bar in 1849. Prior to pursuing his legal career, he served as Secretary of Legation in Vienna from 1851-1852, returning in 1854. Sharpe also served in the military during the Civil War, first as Captain in the 20th NYSM and then forming the 120th NYSV. In 1863, he was tapped by Gen. Joseph Hooker, at that time Commanding General of the Union Army of the Potomac, to form and oversee the Bureau of Military Information, or BMI, perhaps the nation’s first all-source intelligence agency. As Colonel of the BMI, Sharpe effectively invented modern military intelligence. He was an eyewitness to the surrender of Robert E. Lee at Appomattox Courthouse and thereafter was delegated by Gen. Ulysses S. Grant the responsibility of paroling General Lee and the Army of Northern Virginia. It was Sharpe’s parole the kept Lee from prison, and possible execution, following the War. He was breveted a Major General by the close the Conflict.

After the Civil War, Sharpe was appointed US Marshall for the Southern District of NY, where he undertook the investigation that brought down Boss Tweed and Tammany Hall. He served in the NYS Assembly from 1879 to 1883 and as Speaker in 1880. It was George Sharpe who, at the Presidential Convention of 1880, selected Chester A. Arthur as Vice-President under James Garfield. Arthur became President of the United States one year later after the assassination of President Garfield.

18. **Frederick L. Westbrook** (1828-1874) - Frederick Westbrook studied law under Justice Theodorick R. Westbrook and was admitted to the Bar in 1851. He soon formed a partnership with Westbrook, the partnership continuing until Justice Westbrook’s election to the Supreme Court in 1873. Frederick Westbrook was elected Ulster County Court Judge in 1854 and Ulster County District Attorney in 1868.
19. **John L. Larkin** (1923-1979) – A lifelong Kingston resident, John Larkin attended Albany Law School before joining the US Navy during World War II. Severely wounded during the War, he spent almost two years in the hospital recuperating before returning to Kingston to practice law in partnership with future Ulster County District Attorney and County Court Judge Francis J. Vogt. He was elected to the Ulster County Supreme Court in 1970 and appointed Associate Justice of the Appellate Division, Third Department in 1974. He served there until his death in 1979.

20. **Francis J. Vogt** (1923-2008) – After serving in the US Navy during World War II, Francis Vogt worked the FBI and went to law school at St. John’s. He graduated in 1958 and began practice in Kingston with the future Justice John Larkin. In 1970 he was elected Ulster County District Attorney, a position he held until 1978. In 1978, he was elected Ulster County Court Judge. He served as County Court Judge until his retirement in 1993.

21. **John Rusk, Sr.** (1838-1905) – A native of Ireland, John Rusk immigrated to the United States at the age of seven. He was admitted to the Bar in 1871 and moved to southern Ulster County in 1877, setting up his legal practice in the town of Marlborough. The firm he founded continues to this day, the oldest law firm in Ulster County. His home in Marlborough was said to be the setting of the Masons meeting many years earlier that expelled Gen. Benedict Arnold from the Order following his act of treason.
22. **John F. Wadlin** (1901-1953) – Prominent attorney in Highland, John Wadlin served as Town of Lloyd Supervisor, Chairman of the Ulster County Board of Supervisors and member of the NYS Assembly from 1941 to 1953. While serving in the Assembly, he co-sponsored the Condon-Wadlin Act prohibiting public employees from striking.

23. **Gilbert D. B. Hasbrouck** (1860-1942) – A descendant of one of Ulster County’s oldest families, Gilbert Hasbrouck studied at Columbia and was admitted to the Bar in 1882. He began his practice in Kingston with Judge Alphonse Clearwater, soon after forming a partnership with Walter Gill. He was elected to the NYS Assembly in 1883 and again in 1885 and served as NYS Deputy Attorney General from 1895 to 1899. He was appointed Court of Claims Judge in 1902 and Justice of the Supreme Court in 1904. He served only one year there, but in 1912 he was elected Justice of the Supreme Court, serving there and as Justice of the Appellate Division, Third Department from 1912 until 1930.

24. **Charles H. Ruggles** (1789-1865) – Born in Connecticut, Charles Ruggles began his law practice in Kingston, forming a partnership with A. Bruyn Hasbrouck. He’s believed, along with his law partner, to have played a role in Sojourner Truth’s famous case in the Ulster County Courthouse. He was elected to Congress in 1821, serving one term, and Ulster County District Attorney in 1828. He served as Circuit Court Judge from 1831 to 1846 and was delegate to the New York State Constitutional Convention on 1846, participating in the amendment modifying the judiciary and establishing the Court of Appeals. He was elected as one of the original Associate Judges of the first Court of Appeals.
in 1847, serving as the second Chief Judge in 1851. He served on the Court until 1855.

25. Karen K. Peters (1947 - ) – Karen K. Peters graduated from New York University Law School in 1972 and entered private practice in New Paltz until 1979. She also served as an Assistant District Attorney in Dutchess County and assistant professor at the State University at New Paltz, teaching criminal law, gender discrimination and the law, and civil rights and civil liberties. In 1979, she was appointed first counsel for the newly created New York State Division of Alcoholism and Alcohol Abuse, serving until 1983. In 1983, she became the director of the State Assembly Government Operations Committee.

Later that year, she was elected Ulster County Family Court Judge, remaining on the Bench there until 1992 when she became the first woman elected Justice of the Supreme Court in the Third Department. In 1994, she was elevated to the Appellate Division, Third Department by Governor Mario M. Cuomo and was appointed Presiding Justice of that Court by Governor Andrew M. Cuomo on April 5, 2012, the first woman so appointed. She currently serves on the New York State Permanent Judicial Commission on Justice for Children, the New York State Task Force for Wrongful Convictions, and the New York State Bar Association Committee on the New York State Constitution. She has also served on the Commission on Judicial Conduct from 2000 to 2012. She is the Chair of the New York State Bar Association Committee on Judicial Wellness and has also served on the New York State Bar Association Special Committee on Alcoholism and Drug Abuse, the New York State Bar Association Special Committee on Procedures for Judicial Discipline, and the President’s Committee on Access to Justice.

He was elected to the Supreme Court, 3rd Judicial District, in 1998 and was elevated by Governor Pataki in 2006 to the Appellate Division, First Department. In 2008, he was appointed to the Appellate Division, Third Department where he sat until 2012. The following year, he joined the National Arbitration and Mediation as a Neutral. He is a member of the New York State Litigation Coordinating Panel, the Advisory Committee on Judicial Ethics, the New York State District Jury Advisory Committee of the New York State Bar Association, and the Unified Court System’s Drug Court Advisory Committee.
Ulster County Supreme Court Judges
(under NYS Constitutional Amendment of 1846)

Theodoric Westbrook 1873–1885
Alphonse T. Clearwater 1889–1899
James A. Betts 1899–1913 (A.D. 3rd Dept. 1911-1913)
Alton B. Parker 1885–1904 (Court of Appeals, 1889–1892, 1898–1904, Chief Judge 1898–1904, Democratic Party Candidate for President of the United States, 1904)
Harry E. Schirick 1935–1960
Roscoe V. Elsworth 1945–1969
Louis G. Bruhn 1961–1974
Aaron E. Klein 1977-1988
Joseph P. Torraca 1982–2000
Christopher E. Cahill 2007–
James P. Gilpatric 2009–
Julian D. Schreibman 2017–
# Ulster County Court Judges

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<td>2009-2019</td>
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# New York State Created Under NYS Constitution - 1777

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## Ulster County Family Court Judges

*(Family Court Created by NYS Constitutional Amendment – 1962)*

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<td>Steven Nussbaum</td>
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<td>Mary M. Work</td>
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# Ulster County Surrogate’s Court Judges

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**New York State Created Under NYS Constitution - 1777**

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<td>N. LeVan Haver</td>
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Unquestionably the most significant matter heard in the Ulster County Courthouse, its impact extending far beyond our boundaries, remains the case of famed Abolitionist and Women’s Rights Activist Sojourner Truth.

Born into slavery in Hurley, New York around 1797, Sojourner Truth (or Isabella, as she was then known) toiled in servitude for the next 29 years. By 1825, she found herself bound to John Dumont in the Town of New Paltz. That year she made an agreement with Dumont guaranteeing her freedom, and that of her family, on July 4, 1826 -- one year earlier than the date set for statewide abolition -- provided she “did well and remained faithful.” By July of 1827, however, John Dumont had reneged on his part of the agreement, refusing to free her as promised. Isabella, her infant daughter in tow, left the Dumont property and walked to the home of Isaac Van Wagenen, who welcomed her and her daughter. Isabella’s path on that journey, known now as the “Trail of Freedom,” can still be walked today (https://sojournertruthmemorial.org/walking-tour-map/).

The Van Wagenens eventually paid John Dumont $25 for the balance of Isabella and her daughter’s term of servitude, freeing her in the eyes of the law. She had been forced, however, to leave her son, Peter, behind with the Dumonts. The Dumonts shortly thereafter sold Peter to a neighbor and relative, Solomon Gedney, who in turn sold Peter to his son-in-law in Alabama -- a sale illegal in New York due to the impending abolition of slavery. When the Gedneys refused to return Peter to New York and to his mother, Isabella took her case to the steps of the Ulster County Courthouse.

And it was here in the halls of our Courthouse that Isabella triumphed and won the freedom of her son, marking the first time an African-American woman sued a white man -- and prevailed. Almost overnight, Isabella became a national
figure in the Abolition Movement, later changing her name to “Sojourner Truth.” She spent the rest of her life fighting for freedom as a noted speaker, Abolitionist and one of our earliest Women’s Rights Activists.

A true pioneer in every sense of the word, we are understandably proud of Ulster County’s small but significant role in this special woman’s journey.
The Mob Hit Made Famous by Martin Scorsese

People v. Anthony Provenzano & Harold Konigsberg – May/June, 1978

From a murder played out in Martin Scorsese’s hit film, The Irishman, a trial in the Ulster County Courthouse in May and June of 1978 captivated the nation. This murder trial featured two defendants of renown in the Underworld of Organized Crime -- Anthony Provenzano, at that time the de facto head of the International Brotherhood of Teamsters Union and a prime suspect in the disappearance of former Teamsters President Jimmy Hoffa, and Harold Konigsberg, an infamous hitman suspected of multiple contract killings in New York. The two gangsters faced trial for the murder of Anthony “Three Fingers Brown” Castellitto 17 years earlier. To further add to the difficulty faced by newly elected Ulster County District Attorney Michael Kavanagh, Castellitto’s body had never been found.

In 1961, Provenzano hired Konigsberg to kill rival Anthony Castellitto, a Teamsters business agent who challenged Provenzano’s leadership of the powerful Local 560 controlling all cargo coming into the Port of New York. Konigsberg, in turn, recruited Salvatore Sinno, a loan shark and acquaintance of Castellitto, and Salvatore Briguglio as accomplices. The three came up with a ruse to lure Castellitto upstate by having Sinno ask to use Castellitto’s summer home in Ulster County to hide a friend wanted by authorities. Castellitto agreed, and when he, Sinno and “friend” Edward Skrowran arrived at the Kerhonkson cottage, Castellitto was strangled to death by the waiting Konigsberg and Briguglio.

But the killers’ plan soon began to unravel, and when they went into the nearby woods to bury Castellitto’s body they happened upon an inquisitive neighbor, John Nadratowski, who asked what they were doing. Though Nadratowski seemed to accept Konigsberg’s tale of inspecting the property for possible purchase, Konigsberg decided that it was too risky to bury Castellitto there and later that day disposed of the body in Northern New Jersey.

When Castellitto’s family reported him missing a few days later, an FBI investigation rolled out to extensive media coverage. And since the FBI was aware of Castellitto’s role within the Teamsters, foul play was immediately suspected. Nadratowski soon contacted the FBI after seeing news coverage of the disappearance and reported the earlier incident in the woods. He further identified Konigsberg and Sinno from photos and provided a New Jersey license plate number from the late model Cadillac the men were driving. When the FBI ran the
plate number, they found it registered to a business owned by Harold Konigsberg. As a result, the investigation quickly focused on Konigsberg and Sinno.

Both, however, denied involvement in the disappearance. But after repeated questioning, Provenzano and Konigsberg became concerned that Sinno might cooperate with authorities and, a few weeks later, Sinno and his long-time girlfriend disappeared. Again, foul play was suspected.

But Sinno had not been killed and instead had fled with his longtime girlfriend to Wisconsin after learning that Provenzano had put out a contract hit on him. There, he quietly lived as an insurance salesman named “Charles Caputo” for the next 15 years.

Meanwhile, back in New York, Konigsberg was convicted of extortion in 1964 and sentenced to 40 years in prison. Faced with what was effectively a life sentence, he reached out to federal authorities and offered information regarding his criminal past, including the disappearance of Anthony Castellitto. In return, he wanted early release into the Federal Witness Protection Program. One of the many crimes he told authorities about was the disappearance and murder of Anthony Castellitto, and Anthony Provenzano’s involvement.

With this information in hand, authorities agreed to place Konigsberg in the Witness Protection Program provided he led them to Castellitto’s body. Konigsberg agreed, but when federal agents exhumed the location provided, they could find no remains. (Years later authorities learned that Provenzano had moved the body when he learned that Konigsberg was cooperating with the FBI -- to date, no body has never been recovered.)

Back in Wisconsin, Sinno’s quiet life ended when he assaulted his girlfriend (now wife) during a heated argument. She, believing that Sinno had simply been evading an arrest warrant in New Jersey when they fled all those years ago, called the Hoboken Police Department and told the dispatcher Sinno’s alias and where he was living. And while the police dispatcher paid no attention to the call (believing it a prank), Sinno grew terrified when he saw the long-distance call on his next phone bill. Fearing that Provenzano would soon learn where he was, he took off once again. But without money or a place to go, he soon gave up and turned himself in to the FBI. So now, with a witness in custody and willing to testify, authorities could proceed with charges against Provenzano, Konigsberg and Briguglio for the murder of Anthony Castellitto.
Indictments against the three were filed in both Federal and New York State Courts. But since there was no murder charge at the time under Federal law, the Federal indictments charged Defendants with kidnapping under the Lindbergh Law, a conviction of which carried a mandatory life sentence. Concurrently, an Ulster County Grand Jury issued indictments in Ulster County Court charging the Defendants with Murder and Conspiracy to Commit Murder. With both Federal and State indictments pending, it was agreed that the Federal prosecution under the auspices of the Organized Crime Task Force would take precedence. But this changed, however, when the Federal indictments were dismissed as untimely under the five-year Statute of Limitations period under Federal Law. So in May, 1978, almost 17 years after his disappearance, jury selection began at the Ulster County Courthouse in Kingston for the murder of Anthony Castillitto.

Before the trial could begin, however, the FBI learned from confidential sources that a contract had been put out on Defendant Salvatore Briguglio because he was suspected of cooperating with authorities. So unbeknownst to his attorneys, Briguglio met with District Attorney Michael Kavanagh, who informed him of the contract. Regardless, Briguglio refused Kavanagh’s offer of protection and shortly thereafter was killed outside of a restaurant in Manhattan.

Now down to two Defendants, the trial began in late May before Albany Judge John Clyne (known as “Maximum John” for the severity of his sentences). Due to the extensive media coverage jury selection extended for two weeks, during which Provenzano attempted to bribe one juror with a $20,000 payment (resulting in the arrest of the juror following the verdict). The prosecution was represented by DA Kavanagh and the Defense by a group of noted mob attorneys, including Maurice Edlebaum for Provenzano and Ivan Fisher for Konigsberg.

Following jury selection and an additional delay for a medical emergency with Edlebaum, the trial proper began. And after two weeks of testimony and evidence, during which neither Defendant testified amidst allegations of a government conspiracy against Provenzano and the Teamsters, the trial wound to a close. At closing, DA Kavanagh told the jury:

The Defense has in effect accused the government of making up this case, of manufacturing evidence, of suborning perjury, all in an effort to convict these Defendants of a crime that may not have occurred, or if it did, that they did not commit it. If you believe that, if you believe that agents of the FBI, members of the NY State Police, officials in the U.S. Department of Justice and the Ulster County DAs Office did
that you have a moral as well as a legal obligation to acquit these defendants and find them not guilty - and if you believe that, take that American flag and throw it in a garbage can.

After two days of deliberation, the jury came back with a verdict on June 24, 1978, ironically, Flag Day. With a packed Courtroom under a blanket of heavy security, the Jury Foreman answered to the questions of the Court Clerk, “Guilty!” for each charge of Murder in the Second Degree. And at Sentencing, several weeks later, Judge Clyne sentenced both Defendants to Life Imprisonment without the Possibility of Parole, the maximum sentence allowed.

Provenzano’s conviction was affirmed on Appeal and he spent the rest of his life in prison. Konigsberg’s conviction was reversed on Appeal, but he was again convicted of murder after retrial and sentenced to life in prison. This time, the conviction was upheld. In 2016, he was granted parole due to terminal illness and died shortly thereafter at his daughter’s home in Florida.
Parental Rights, Due Process & The U.S. Supreme Court

Lehr v. Robertson (463 U.S. 248, 430 N.E.2d 896 (1983))

What are the Due Process and Equal Protection Rights under the United States Constitution due a biological father who’s evinced no parental intent in an adoption of the child by another? In 1983, it was an Ulster County case, argued by an Ulster County attorney, in the U.S. Supreme Court that answered that very question.

The facts of the case were straightforward. The putative father of a child born out of wedlock initiated a paternity petition in Westchester County Family Court following the mother’s filing of an adoption proceeding with her now husband in the Ulster County Family Court. The child at the time was over two (2) years of age and, as the putative father was not in a category entitled to notification by statute, he received no notice of the adoption proceeding. In the Ulster County Family Court matter, an Order of Adoption was entered terminating the parental rights of the putative father. In response, the putative father filed a Petition to Vacate the Order of Adoption alleging that the failure of notification constituted a violation of his Due Process and Equal Protection Rights under the Fourteenth Amendment. His claim was denied by the Ulster County Family Court, the Appellate Division of the New York State Supreme Court and the New York State Court of Appeals. He then appealed to the United States Supreme Court.

In agreeing with the argument of Ulster County attorney and Bar Association member Jay L. Samoff, Esq. on behalf of the mother and adoptive father, the U.S. Supreme Court affirmed, holding that:

…Appellant’s rights under the Due Process Clause were not violated, [for] where an unwed father demonstrates a full commitment to the responsibilities of parenthood by coming forward to participate in the rearing of his child, his interest in personal contact with his child acquires substantial protection under the Due Process Clause, but the mere existence of a biological link does not merit equivalent protection.

The Court went on to hold that the putative father’s rights under the Equal Protection Clause were not violated because he never established a substantial relationship with the child, and in such circumstances the Equal Protection clause does not prevent a State from according two parents different legal rights.
Jay L. Samoff, Esq. of Ulster County represented the mother and adoptive father throughout and successfully argued the matter before the U.S. Supreme Court.
VI. COUNTY RESOURCES

a. Bibliography

Among the many sources useful in the history of Ulster County are:


The Historic Society of the Courts of the State of New York – NYS Legal History ([Legal History by Era - Historical Society of the New York Courts (nycourts.gov)]).


b. County Legal Records

Ulster County’s Legal and Historic Records are maintained by the Office of Ulster County Clerk Nina Postupack. These records, including court records and documents, date back to May 31, 1658, with Document Number 1 – “The Stockade Agreement” between the Dutch Settlers and Governor-General Peter Stuyvesant to relocate to what is now the Uptown Stockade District in Kingston. Other notable artifacts in the collection include the Peace Treaty ending the Second Esopus War, May 16, 1664, along with the Wampum Belt given by the Native Americans as their pledge to never break the peace made that day.

The Court Records begin with the first Court Sessions of Dutch “Wiltwick” in 1661 and continue through today. Information regarding online access to records and exhibits can found at Welcome to the Ulster County Archives! | Ulster County Clerk (ulstercountyny.gov).

For further information:

1. Ulster County Clerk’s Office
   244 Fair Street
   Kingston, N.Y. 12401
   (845)340-3288
   countyclerk@co.ulster.ny.us

2. Ulster County Archives
   300 Foxhall Ave.
   Kingston, N.Y. 12401
   (845)340-3415
   archives@co.ulster.ny.us
**County Historical Contacts**

1. Ulster County Historical Society  
   Bevier House Museum  
   2682 Route 209  
   Kingston, NY 12401  
   (845) 377-1040  
   info@ulstercountyhs.org

2. Friends of Historic Kingston  
   63 Main St.  
   Kingston, N.Y.  12401  
   (845)339-0720  
   info@fohk.org

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3. Town of Esopus  
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4. Town of Gardiner  
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13. **Town of Plattekill**  
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2. D&H Canal Historical Society
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3. Daughters of the American Revolution – Wiltwyck Chapter
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4. Friends of Historic Kerhonkson
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5. Friends of Historic Rochester Museum
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6. Gomez Mill House
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7. Historic Huguenot Street
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8. Historical Society of Woodstock
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9. Hudson River Maritime Museum
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10. Hurley Heritage Society
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11. John Burroughs Association
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12. Klyne Esopus Museum
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13. Marlborough Historical Society
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15. Old Dutch Church & Heritage Museum
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24. Volunteer Firemen’s Hall & Museum of Kingston
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