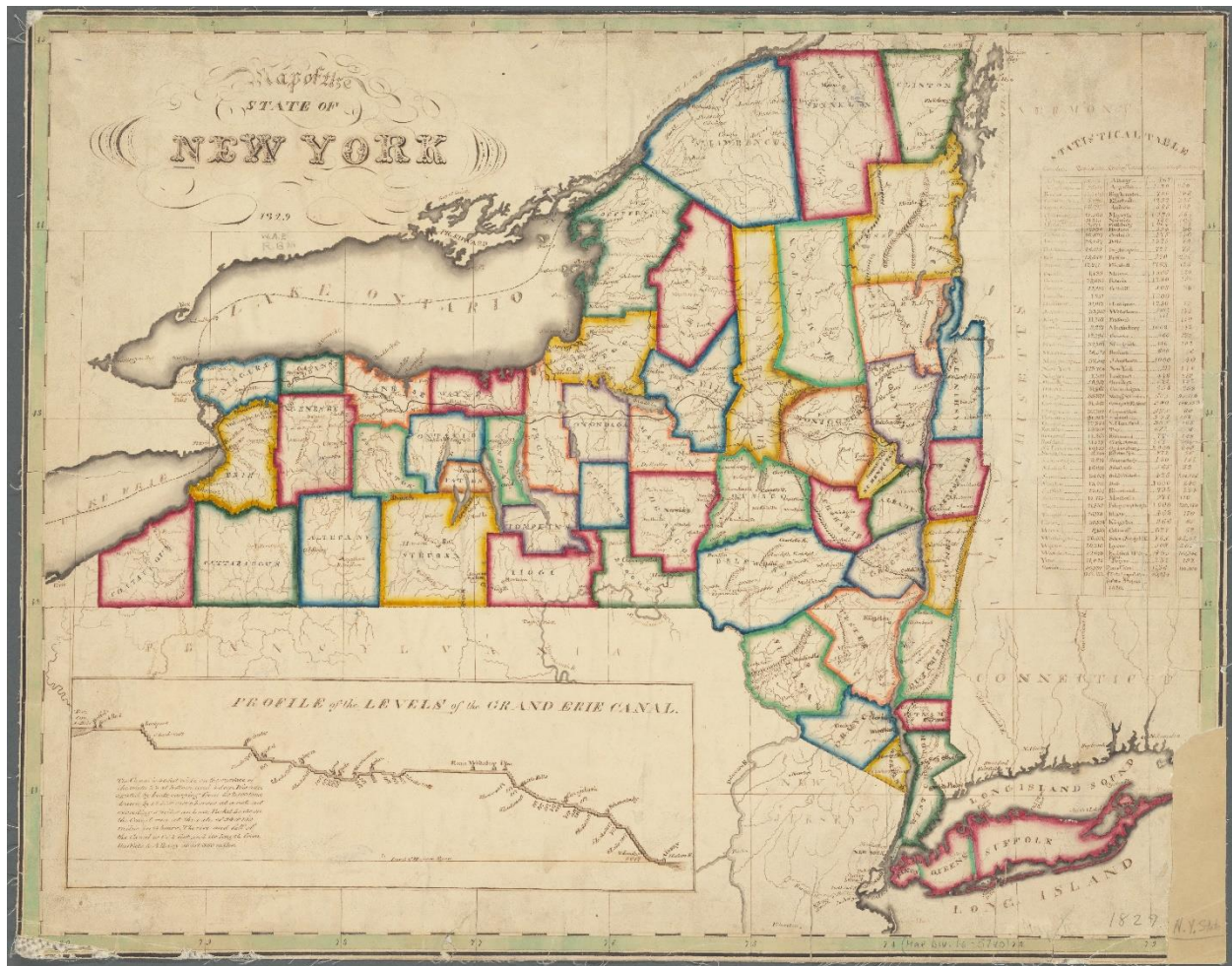




HISTORICAL SOCIETY
of the NEW YORK COURTS

History of Columbia County

Bench and Bar



Helen E. Freedman

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I. County Origins

a. General Narrative

In September of 1609, Henry Hudson, an Englishman sailing under the auspices of the Dutch East India Company, set foot in what was to become Columbia County. When he stepped off his vessel, the Half Moon, he was the first European to arrive and was greeted by natives from the Mohican tribes who had settled in what is Stockport today.¹

Starting in about 1620, Dutch immigrants settled the area along the Hudson River and extending east to the Massachusetts border, pursuant to land patents issued by the Dutch West India Company. Large manorial tracts were granted to the Van Rensselaer family, mostly in the northern part of the county and further north, starting in 1629. Kiliaen Van Rensselaer, a diamond and pearl merchant from Amsterdam and a director of the Dutch West India Company, founded the Manor of Rensselaerswyck in 1630, which included what is now the Capital District and Rensselaer and part of Columbia Counties. The Dutch often just settled rather than purchasing the land from the Natives.²

After the British naval forces captured the Hudson River Valley territory in 1664, representatives of the Crown engaged in transactions with the Natives by purchasing land and then issuing land patents. Although the Dutch recaptured the area in 1673, the English regained it under the Treaty of Westminster in 1674. Dutch was spoken in Columbia County well into the middle of the 19th century.³

The first land patents issued by the English Crown were those granted to the Livingston family and were recorded in or about 1684. The Livingstons became the controlling manorial family in the southern part of Columbia County. Robert Livingston, the largest patroon, actually

¹ History of Columbia County New York, by Everts & Ensign, J.B. Lippincott & Co., Philadelphia 1878, p.3.

² John C. Brooke, Columbia Rising, University of North Carolina Press, 2010, p. 40.

³ Interview with Carl Whitbeck, Esq. whose family dates back to the 1600's. Dutch was Martin Van Buren's first language.



Robert Livingston

returned some of the land to Queen Anne in 1710. In or about 1740, Robert Livingston brought 1200 German or Palatine farmers over to work on the part of his estate now known as Germantown. The original Livingston patent was partly located in Dutchess County, but in 1799, thirteen years after its creation as a separate County, Columbia County's southern border was lowered to encompass the entire Livingston holdings.

b. Legal and Social Beginnings

Fort Orange was established along the Hudson River as a trading post with Natives in 1629. While Mohican Natives occupied the eastern shore, Mohawk and Iroquois Natives occupied the lands west of the Hudson. That region became Albany County under the English, and encompassed the entire area north of Dutchess County until after the Revolutionary War. In 1786, pursuant to a proposal made by Senator Philip Schuyler, the state legislature carved Columbia County out of Albany County. The newly created County with its own legal system was bounded on the north by Rensselaer and Albany Counties, on the south by Dutchess County, on the east by Berkshire County in Massachusetts and on the west by the Hudson River. Currently, the county consists of 648 square miles of which 634 are land and 14 are waterways.

While the County was heavily populated with tenant farmers who worked on the large manorial estates and possessed no ownership rights, towns like Claverack, Chatham and Kinderhook were home to small Dutch and German merchants and tavern owners like the Van Burens, Van Alens, Staats, and Van Nesses. Their children would become notable political and legal figures, along with the Livingstons and Van Rensselaers, in the newly established County.

c. Timeline

- 1609 Henry Hudson sails past Poughkeepsie and stops in Stockport.
- 1629 Dutch patroon system was established.
- 1664 British capture what had been New Netherlands.
- 1673 Dutch recapture the area briefly but relinquish to British in 1674.
- 1684 English Crown grants large patent to Robert Livingston.
- 1772 Regions of Columbia County were divided into districts consisting of Kinderhook in the northwest, King's in the northeast, Claverack in the central portion, and Livingston Manor in the south. The Germantown district was formed from part of Livingston Manor on April 1, 1775, and the Hillsdale district was taken from Claverack on March 26, 1782.
- 1785 The City of Hudson was incorporated on April 22, 1785.
- 1786 Columbia County created as a separate entity by the State legislature on April 4, 1786.
- 1786 Claverack became the County Seat. The first Courthouse was built, and the Court of Common Pleas was established.
- 1788 Additional towns were created into the 1800's, increasing the total to 18.
- 1796 By L. 1796 Ch.8, the New York State Legislature divided the state into seven districts with an assistant attorney general to serve in each. Columbia County was in the third district and was grouped with Albany, Greene, Rensselaer, Schoharie, Sullivan and Ulster Counties.
- 1801 By L. 1801, Ch. 146 the State Legislature created "district attorneys."
- 1805 The County Seat was moved to Hudson and the County Courthouse was relocated to Hudson City Hall.
- 1835 The third Courthouse was erected.
- 1836 Martin Van Buren of Kinderhook and Hudson was elected United States President.
- 1846 Current State Court system established.

- 1900 The fourth Courthouse, designed by architect Henry S. Moul, was erected after the third was razed.
- 1907 The fifth Courthouse, designed in Beaux Arts style by Warren & Wetmore, was erected after fire destroyed the previous one on January 27, 1907.
- 1985 Hon. Roger J. Miner of Hudson New York was appointed to United States Court of Appeals for the Second Circuit.
- 2014 The Warren & Wetmore Courthouse was renovated and expanded and dedicated to Hon. Roger J. Miner on November 14, 2014.

II. County Courts and Courthouses

Countywide, Regional and Statewide Courts

In 1786, the Court of Common Pleas of Columbia County was established. There was also a Surrogates Court, and Supreme Court Justices sat in Columbia County from time to time. Appeals could be taken from judgments of these courts and judges to the Court for the Correction of Errors in Albany, which had both legal and equitable jurisdiction. Land disputes constituted a significant portion of the civil dockets of these courts in the late 18th and early 19th century, and became the source of the livelihood for many prominent lawyers such as future President Martin Van Buren. The current court structure was established under the State Constitution of 1846.

Local Courts.

Justices of the Peace courts were also established for the various towns and villages within the County in the late eighteenth century. The Judges of those courts were appointed by the State legislature until 1834 when the positions became elective. In 1967, all Justices of the Peace in Columbia County were renamed Town or Villages Justices. Currently, only about 30 percent of the Town and Village judges are lawyers. Those judges preside over arraignments and preliminary hearings and take misdemeanor pleas. They also preside over civil cases where the amount in issue is no more than \$3,000.

In 1896, the Hudson City Court was established. Currently, that court has the same criminal jurisdiction as the Town and Village courts have, but has civil jurisdiction of up to \$15,000 and Small Claims jurisdiction up to \$5,000. The Hudson City Court has county-wide civil and criminal jurisdiction (Laws of New York, 1895, Ch. 751).

First County Court House



First Columbia County Courthouse in Claverack

In 1786, the village of Claverack was established as the County Seat and became home to the first County Court. The Court House was situated next to the Dutch Reformed Church on land that was acquired from one Gabriel Es-selstyne on June 7, 1786. A mural depicting Hon. Peter Van Ness (1734-1804), the First Judge of the Court of Common Pleas of the

County of Columbia, arriving at the Claverack Courthouse in 1787, is displayed in the Hudson County Courthouse today. Other judges presiding in Columbia County during the early years included Peter Sylvester, Peter R. Livingston, Henry I. Van Rensselaer, Stephen Hogeboom, Robert Yates and Isaac Hoes.



First Columbia County Courthouse in Claverack



Second County Court House

In 1805 the County Seat was moved to Hudson, necessitating relocation of the County Court. From 1805 to 1835 the Court resided in what was formerly the Hudson City Hall. The City Hall had been built in 1785, the year that the Village of Hudson was incorporated. On June 7, 1785, a Mayor's or Recorder's Court opened in Hudson. While some cases were tried in that Court, it did not function regularly.

Third Columbia County Courthouse

This courthouse, featuring ionic columns and a dome, was erected in 1835 on the square at Warren and South Fourth Street and lasted until 1900 when it was razed.



Third Columbia County Courthouse

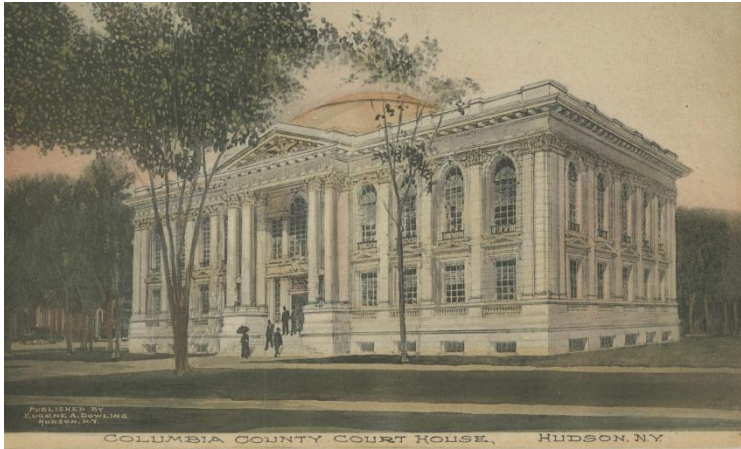
Fourth Columbia County Courthouse

This courthouse, featuring more columns and a larger dome, lasted only seven years as it was destroyed by a fire in 1907.



Fourth Columbia County Courthouse, Hudson

Fifth Columbia County Courthouse



Columbia County Courthouse, 1908



Columbia County Courthouse, present day

This Courthouse, described as “a magnificent Beaux Arts building,” was designed in 1908 by the architectural firm of Warren & Wetmore, the same firm that designed Grand Central Station in New York County. It is said to “brilliantly make reference to and harmonize with the surrounding buildings.”⁴ The dome is far less dominant. The ionic columns are gone and replaced with two more subtle Corinthian columns. The square in front of the courthouse features benches, an octagonal gazebo and four war memorials to

Columbia County soldiers of

World War II, the Korean and Viet Nam Wars, and the 1991 Desert Storm military action. That Courthouse was renovated and expanded over a twenty-year period ending in 2014. In 2014, the Courthouse was dedicated to Hon. Roger J. Miner who served on the United States Court of Appeals for the Second Circuit from 1985 until his death in 2012.

⁴ See pamphlet describing Courthouse published in 2014 by Unified Court System.

II. The Bench and The Bar

a. Judges and Justices

COURT OF COMMON PLEAS AND PRE-1846 SUPREME COURT

Hon. Peter Van Ness (1734-1808) of Claverack, Columbia County, NY was the First Judge of the Court of Common Pleas of the County of Columbia. He arrived at the Claverack Courthouse when the new County was established in 1786. Other Judges who presided during the early years included Peter Sylvester (1734-1808), of Kinderhook, also appointed in 1786. Peter R. Livingston (1766-1847) of Rhinebeck, Henry I. Van Rensselaer (1742-1813) of Claverack, and Stephen Hogeboom (1744-1814) of Claverack.

Hon. Robert Yates (1738-1801) of Albany was a Supreme Court Justice beginning in 1777 who also served in the Claverack Courthouse. He became Chief Justice of the New York Supreme Court in 1790.



Morgan Lewis

Hon. Morgan Lewis (1754-1844) of Rhinebeck and Albany, (sat in Columbia County) served in several prominent roles: New York State Attorney General, (1791-92); Justice of New York Supreme Court (1792-1801), Governor of New York (1804-1807). Member of the New York State Senate Middle District (1811-14); and General of the US Army during the War of 1812.



James Kent

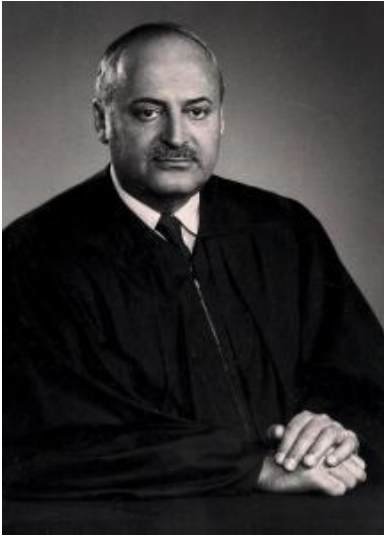
Hon. James Kent, (1763-1847) of Poughkeepsie, Dutchess County, New York was Justice of the Supreme Court from 1798-1804.. On occasion, he sat in Columbia County. He was Chief Justice, 1804; Chancellor of New York, 1814; member of the New York State Assembly, 1790-91, 1792-93, 1796-97 (Dutchess County); and author of *Commentaries on American Law*, the first comprehensive treatment of the subject.

Hon. Ambrose Spencer (1765-1848) of Hudson, New York was Associate Justice New York Supreme Court, 1804-1819; Chief Justice New York Supreme Court, 1819-1822; and New York Attorney General, 1802-1804.



Ambrose Spencer

FEDERAL JUDGE FROM COLUMBIA COUNTY



Roger J. Miner

Roger J. Miner (1934-2012)--of Hudson, New York graduated from New York Law School in 1956. He served as United States District Judge for the Northern District of New York (1981-1985) and Judge of the United States Court of Appeals for the Second Circuit (1985-2012) He was said to have been on the "short list" for elevation to the United States Supreme Court during the administration of President Ronald Reagan.

Before his service on the federal courts, Judge Miner was District Attorney of Columbia County from 1968 to 1976 and then a Justice of the New York State Supreme Court for the Third Judicial District from 1976 to 1981. Judge Miner died in 2012, two years before the renovated Columbia County Courthouse was dedicated to him.

NEW YORK STATE APPELLATE DIVISION, THIRD DEPARTMENT

Samuel Edwards (1832-1912) of Chatham and Hudson, New York was born in Schenectady, New York and served on the Appellate Division for one day in 1896 and again for the year 1900-1901.

Aaron V.S. Cochrane (1858-1943) of Hudson, New York served on the Appellate Division from 1906-1911 and again from 1915-1928. From 1922-28, he served as Presiding Justice of the Third Department.

Daniel V. McNamee (1874-1939) of Hudson, New York, was elected to the Supreme Court in 1929 and served on the Appellate Division Third Department from 1932-1939.

STATE SUPREME COURT-POST 1846

Henry Hogeboom (1809-1872) of Claverack-Hudson, New York was born in Ghent, Columbia County, New York, and served as County Judge and then Supreme Court Justice from 1857-1865. He presided over the famous murder trial of George Cole who had been indicted for the murder of Attorney Luther Harris Hiscock. Cole, a prominent physician and Brigadier General in the Civil War, was acquitted on the ground of insanity.

Sanford W. Smith (1869-1929), of Chatham, New York was elected both to the New York State Assembly and Senate and was Judge of the County Court from 1902-1905 and New York Court of Claims from 1918-1927. In 1929, he was appointed to the Supreme Court where he served a year and died.

Roger J. Miner (1934-2012) of Hudson, New York. He graduated from New York Law School in 1956 and was elected District Attorney from Columbia County in 1968. He was elected to the Supreme Court in 1976 where he served until 1981 when he was elevated to the United States District Court for the Northern District of New York. *See above for more information.*

John G. Connor (1931-) of Hudson, New York. He graduated from New York Law School in 1956 and served on the New York State Supreme Court, Third Judicial District from 1982-2005. Prior to that, he served as Columbia County District Attorney from 1965-67 and was in private practice until his election to the Bench.

Richard Mott (1949-) of Kinderhook, New York, graduated from SUNY New Paltz in 1971, received an M.A. College of St. Rose in 1975, and a law degree from Vermont Law School in

1981. He has served as New York State Supreme Court Justice, Third Judicial District, since 2013. Before that he served as Kinderhook Town Attorney, from 1984-86, was a Public Defender, and a Special Education teacher.

COUNTY COURT

	<u>Town or City</u>	<u>Year Elected</u>
Sanford W. Smith	Chatham	1901
Mark Duntz	Greenport	1906
Daniel V. McNamee	Hudson	1912
John L. Crandell	Philmont	1918
John C. Tracy	Hudson	1924-1937
Ransom H. Gillett	New Lebanon	1937
George C. Inman	Hudson	1937
William E. J. Connor	Philmont	1943-1960
William F. Christiana	Hudson	1969
Warren E. Zittell	Hudson	1978
John G. Leaman	Hudson	1983
Paul Czajka	Hudson	1994
Jonathan D. Nichols	Hudson	2003
Paul Czajka	Hudson	2004
Hon. Richard M. Koweek	Hudson	2011
Jonathan D. Nichols	Hudson	2013

SURROGATE COURT

	<u>Town or City</u>	<u>Year Elected</u>
George McClellan	Kinderhook	1907-1912
John V. Whitbeck, Jr.	Hudson	1913-1934
Robert G. Patrie	Livingston	1935-1942
Sherwood B. Speed	Hudson	1942-1955
Burns Barford, Jr.	Valatie	1955 (July-December)
William F. Christiana	Hudson	1955-1960
John J. Curran	Kinderhook	1961-1964
William F. Christiana	Hudson	1964
R. Waldron Herzberg	Hudson	1964-1970
Earl Schram, Jr.	Claverack	1971-1972
Edwin R. Oberwager	Ghent	1973-1982

Since 1982, County Court Judges are also Surrogate Court and Family Court Judges.

John Stegmayer, Esq. is the County Support Magistrate.

CURRENT AND RETIRED COLUMBIA COUNTY JUDGES

John Connor, Jr. (1959-) of Hudson, New York. Union College 1981; Wake Forest Law School 1984. He has served as Hudson City Court Judge since 2012.. He was City Attorney for Hudson prior to his judicial service.

Paul Czajka (1956-) of Hudson New York. SUNY Albany 1977; Western New England School of Law 1981. He served as Columbia County Court Judge from 1995-2011. He was Columbia County District Attorney from 1988-1994 and again from 2012-present. He was Columbia County Public Defender from 1987-1987.

Brian J. Herman, (1958-) of Copake, New York. Queens College 1980, Brooklyn Law School 1984. He has served as Hudson City Court Judge since 2016. Prior to that, he Served as Town Justice for Copake from 2005-2013.

Richard M. Koweek (1953-) of Hudson, New York. Colgate University 1975, Albany Law School 1978. He is a Columbia County Court Judge, serving from 2012-2021. Judge of the Hudson City Court 2009-2011. He also serves as Surrogate, Acting Supreme Court, and Family Court Judge.

John G. Leaman, (1947-) of Hudson New York. Georgetown University 1969, Columbia University Law School 1972. He served as Columbia County Court Judge and Acting Supreme Court Justice from 1984-2003. He served as Hudson City Court Judge from 1979 to 1983. He has had many years in private practice.

Jonathan Nichols (1957-) of Hudson, New York, B.S. Western New England College 1979, Western New England College of Law 1984. He is a Columbia County Court Judge, serving from 2004-20023. Served as Columbia County Attorney 2002-2003. He also serves as Surrogate, Acting Supreme Court, and Family Court Judge.

TOWN AND VILLAGE JUSTICES

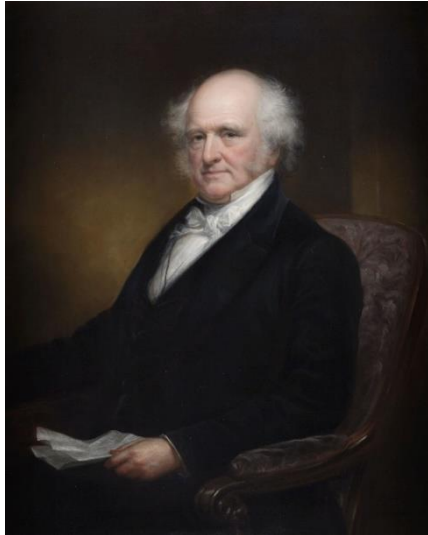
President of Town Justices Association-Hon. Dr. Carrie A. O’Hare

Ancram	Hon. George Wittlinger, Sr.	
Austerlitz	Hon. Sharon E. Grubin	Hon. David N. Cassuto
Canaan	Hon. Delena M. Schaefer	Hon. Katherine E. Ambrosia
Chatham	Hon. James Borgia-Foster	Hon. Michael Rosen
Chatham Village	Hon. Walt Simonsmeier	Hon. James Borgia-Foster
Claverack	Hon. Michael Brandon	Hon. Michael Cozzolino
Clermont	Hon. Ronald Banks	Hon. Richard Christensen
Copake	Hon. John Spencer	Hon. Glenn Schermerhorn
Gallatin	Hon. Fred Schultz	Hon. Tia Dannenberg
Germantown	Hon. Wendy Nack-Lawlor	Hon. John Rustici
Ghent	Hon. Michael Bruno	Hon. Mark Portin
Greenport	Hon. Victoria K. Hill	Hon. John Porreca
Hillsdale	Hon. Mark Cawley	Hon. Russ Immarigeon
Kinderhook	Hon. David Dellehunt	Hon. Lisa M. Mills
Kinderhook/Village	Hon, David Dellehunt	
Livingston	Hon. Harold M. Weaver, Jr.	Hon. Angela M. Guzzi
New Lebanon	Hon. Jack Nevers	Hon. Jessica Byrne

Philmont/Village	Hon. Carla Ingersoll	Hon. Grant Prime
Stockport	Hon. John Mabb	
Stuyvesant	Hon. Carrie A. O'Hare	Hon. William T. Vick, Sr.
Taghkanic	Hon. Jeffrey S. Tallackson	Hon. Robert C. Prochera

b. Attorneys and District Attorneys

PRESIDENT AND GOVERNOR



Martin Van Buren

Martin Van Buren (1783-1862), of Kinderhook and later Hudson New York, already a prominent trial and land use lawyer and frequent opponent of Elisha Williams, was appointed Attorney General of New York State in 1815. Van Buren served on the Court for the Correction of Errors while in the New York State Senate in 1817, was elected to the United States Senate in 1821, and became the leader of the State Constitutional Convention of 1821-2. Van Buren was briefly Governor in 1828, nominated to be Secretary of State in 1829, and elected Vice President in 1832. He was elected United States President in 1836 and served one term. Van Buren's family home, two miles south of the Village of Kinderhook, is known as Lindenwald. It is a National Historic Site and a unit of the National Park Service.



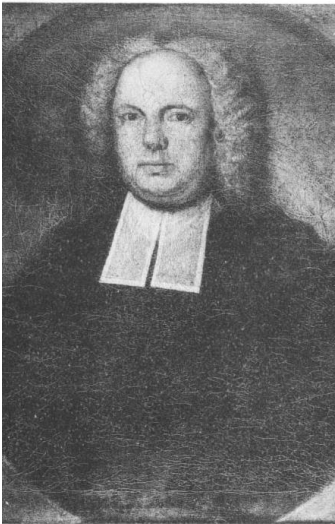
Samuel J. Tilden

Samuel J. Tilden (1814-1886), of New Lebanon, Columbia County, was elected New York's 25th Governor in 1874 and was the Democratic Party candidate for United States President in 1876. Although he won the popular vote, Tilden lost the election when the Electoral College selected Rutherford B. Hayes of Ohio as successor to President Ulysses Grant. A graduate of Yale College and New York University School of Law, he successfully practiced corporate law specializing in railroad finance in New York City and died in 1886. He left his extensive personal library to the main

branch of the New York City public library as well as his entire fortune. Relatives contested the will and the matter was settled with the library receiving about \$3 million.

OTHER PROMINENT ATTORNEYS

Adrian Van der Donck (1618-1655), of Yonkers, was said to be the first lawyer who practiced in what is now the Northern District of New York that includes Columbia County. Van der Donck was trained in Leyden in the 1600's.⁵



John Bay



Elisha Williams

John Bay (1743-1818), of Claverack 1765, was said to have been the first lawyer in Columbia County. **Peter Sylvester (1734-1808)**, of Kinderhook, who studied law with Bay, was one of the first Columbia County Judges. Over the years, numerous legal luminaries in addition to past judges and notables described above have plied their trade in Columbia County Courts. Among them have been **Jacob Van Rensselaer (1767-1832)**, **William Van Ness (1778-1826)** of Claverack, **Elisha Williams (1773-1833)** of Hudson and known for his silver tongue and ability to persuade juries, **Ambrose Spencer (1765-1848)** of Hudson, **Peter Van Schaak (1747-1832)**, of Kinderhook, **James Van Alen (1772-1822)** of Kinderhook and Surrogate, **John Van Buren (1810-1866)** of Hudson and Albany, Attorney General of New York State 1845-7, and **Benjamin F. Butler (1795-1858)** of Kinderhook, future United States Attorney General from 1837-41.



*Elisha Williams House in Hudson (1810),
National Register of Historic Places*

⁵ He is the central figure in Russell Shorto's *The Island in the Center of the World*, See I Alden Chesterk Courts and Lawyers of New York -1609-1925, cited by Roger Miner, April 10, 1984 in lecture to Federal Bar Council.



Robert Livingston (1756-1813)

The Livingston family boasted several prominent lawyers including **Judge Robert Livingston (1718-1775)** of Clermont and his sons **Robert Livingston (1746-1813)** and **Edward Livingston (1764-1836)**, both of whom became Ministers to France. Edward Livingston became a United States Attorney for the District of New York, Mayor of New York City, a Congressman from Louisiana, and then Secretary of State under Andrew Jackson. **Daniel Cady (1773-1859)** of Fulton County, who served on the New York Court of Appeals from 1849 to 1853, practiced in Columbia County for a short period.

DISTRICT ATTORNEYS

The Act of 1796 created the position of District Attorney, but the occupant was designated as Assistant Attorney General. There were seven districts in New York State; the Third District included Columbia and Rensselaer counties. The office of District Attorney was created in 1801, with thirteen districts in New York State, Columbia, Greene and Rensselaer comprising the Third District. District Attorneys were appointed by the Governor. The Act of 1818 made each county a separate district and with the appointing authority vested in each county's legislative body. Pursuant to the Act of 1846, District Attorneys were elected. They were:

<u>Name</u>	<u>Term</u>
Ambrose Spencer	1796-1801
Ebenezer Foote	1801-1802
John V. Scott	1803-1804
Moses J. Cantine	1805-1809
Thomas P. Grosvenor	1810-1811
Moses I. Cantine	1811-1818
Joseph D. Monell	1818
Thomas Bay	1819-1820
Julius C. Wilcoxon	1821-1830
Josiah Sutherland, Jr.	1831-1842
Theodore Miller	1843-1846
Robert C. Andrews	1847-1849
John C. Newkirk	1850-1852
William A. Porter	1853-1855
David S. Cowles	1856-1858
Francis Silvester	1859-1861

James Storm	1862-1864
John M. Welch	1865-1867
John B. Longley	1868-1870
Charles M. Bell	1871-1873
Gershom Buckley	1874-1876
John B. Longley	1877-1879
Aaron B. Gardenier	1888-1888
Aaron V.S. Cochrane	1889-1892
Edward F. McCormick	1892-1894
Mark Duntz	1895-1899
Alfred Bruce Chace	1901-1910
William Daley	1911-1912
John C. Tracy	1913-1924
Thomas A. Cookingham	1925-1934
Edward H. Best	1935-1940
William F. Christiana	1941-1946
Thomas P. Kennedy	1947-1949
John N. McLaren	1950-1958
David G. Handler	1959-1964
John G. Connor	1965-1967
Roger J. Miner	1968-1976
Charles Inman	1977-1983
Eugene Keeler	1984-1987
Paul Czajka	1988-1995
Beth Cozzolino	1996-2011
Paul Czaika	2012-2019

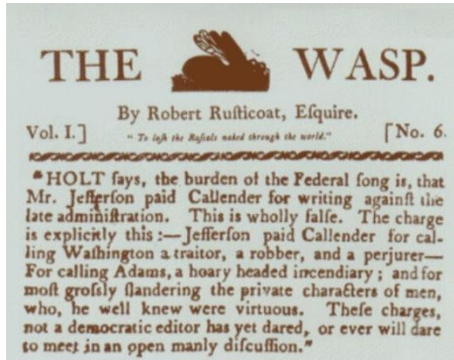
c. Columbia County Bar Association

There is only one Bar Association functioning in Columbia County today. The Association was founded in the mid 1800's and has been in continuous operation since that time. Currently the Association has a membership of about sixty lawyers and is headed by Andrew B. Howard, Esq. of the Hudson law firm, Freeman Howard. Lisa Mills, Esq. serves as secretary of the Association; Max Zacker, Esq., Vice President; and Ken Esrick, Esq., Treasurer. Anthony Buono, Esq. is immediate past president. While the Association is made up of lawyers practicing in the County, there are many other lawyers who live in towns like Chatham and Kinderhook and work in the Capital District for the New York State government. Those towns are at most a forty-five minute drive to Albany.

Although there are now a significant number of female lawyers practicing in Columbia County, there is no separate Women's Bar Association. However, a number of women belong to the Capital Chapter of the New York State Women's Bar Association. The only woman to serve as Columbia County District Attorney was Beth Cozzolino, from 1996 to 2011. Until July 2019, the only female judges in or from Columbia County are those sitting on the Town Courts, including both lawyer and non-lawyer judges. Catherine Leahy Scott, recently of Columbia County, was appointed to the Court of Claims in July 2019 by Governor Andrew Cuomo. Jean Tiogo, Esq., a graduate of Albany Law School, is reputed to have been the first woman lawyer to practice law in Columbia County.

IV. Notable Cases

Columbia County was the site of two famous early nineteenth century trials, *People v. Croswell*, 3 Johns Cas. 337 (N.Y. Sup. Ct. 1804) and *Yates v. Lansing*, 6 Johns Rep. 337 (1810) and 9 Johns Rep. 394 (1811).



Editorial from The Wasp

In the first case, Harry Croswell, editor of the Federalist publication, *The Wasp*, was indicted under the prevailing state and federal Sedition Acts. He was accused of vilifying a number of state and federal officials, including then President Thomas Jefferson. Croswell stated among other things that Jefferson had paid Virginia printer James Callender to call George Washington “a traitor, a robber, and a perjurer.” Ambrose Spencer was the prosecuting attorney and William Van Ness defended Croswell. Croswell was convicted by Judge Morgan Lewis (later Governor Lewis) in the Claverack Courthouse. The conviction was reversed on appeal to the Court for Correction of Errors in 1805 in Albany, when Alexander Hamilton argued in behalf of Croswell.

The *Yates* case was a civil matter in which John Van Ness Yates, a lawyer, sued Judge John Lansing for imprisoning him twice on grounds that were reversed on appeal. The decision established the principal of judicial immunity for acts done in furtherance of a judge’s role. That case is still cited as precedent. Judge Ambrose Spencer and Chancellor James Kent were involved in various aspects of the case and Martin Van Buren was one of the lawyers who represented Counselor Yates in his law suit against Judge Lansing.

A third Columbia County trial of note involved the prosecution of Smith A. Boughton and Mortimer Belden, the leaders of the Anti-Rent War of 1844. That case challenged the feudal manorial system still prevalent in the mid 1800’s. When Stephen P. Van Rensselaer III, known as the “Good Patroon” because he allowed tenant farmers to live rent free and realize profits from

their land, died, tenant farmers of the Van Rensselaer and Livingston patroons, desirous of owning land and not paying rent and/or of having land that they had worked sold to others, organized to protect their interests. Wearing Calico dresses and Indian mask disguises, thus known as the Calico Indians, led by Dr. Boughton, the tenant farmers wrested and burned a deed from a sheriff who was about to sell tenant occupied land. Six days later, during an Anti-Rent demonstration in Smoky Hollow between Claverack and Hudson, Boughton and Belden, known by the Anti-Renters as *Big Thunder* and *Little Thunder*, were arrested, imprisoned, and tried for murder as there had been a killing during one Anti-Rent demonstration.



John Van Buren

In March 1845, Attorney General John Van Buren assisted by District Attorney Theodore Miller prosecuted the case before Justice Amasa J. Parker in the Hudson County Courthouse during the term of Oyer and Terminer (Criminal Term). Defense counsel included Ambrose L. Jordan and James Storm. The trial resulted in a hung jury, and was retried in September 1845 before Justice John W. Edmonds. During the second trial, Counsel came to blows and both Van Buren and Jordan were sentenced to solitary confinement in the county jail for twenty-four hours. After Counsel were released, the case continued, occupying a total of four weeks and three days and resulting in a guilty verdict. Boughton was sentenced to life in State prison. However, in 1846, the incumbent governor was defeated for reelection, and the new Governor, John Young, pardoned Dr. Boughton and the other Anti-Renters who had been convicted of murder.

More recently, in a pollution case involving a cement factory in Columbia County that was damaging neighboring property by excessive blasting vibrations and the spewing out of dust and dirt, New York's highest court held that plaintiff was not only entitled to damages for injury to its property but was also entitled to a conditional injunction: *Boomer v. Atlantic Cement Co.*, 26 N.Y.2d 219 (1970). The jury found the cement plant was a public nuisance and plaintiffs

were entitled to damages. The trial court and intermediate appellate court denied the injunctive relief sought based on the relative cost to the parties. However, the Court of Appeals reversed the lower courts in part as there was a public interest involved and granted conditional injunctive relief. It directed the defendant to find a way to abate the nuisance within a reasonable amount of time.

V. County Resources and References

a. Bibliography

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http://self.gutenberg.org/articles/eng/National_Register_of_Historic_Places_listings_in_Columbia_County,_New_York

b. County Legal Records and Their Location

County records including tax and property records are maintained by the Board of Supervisors of Columbia County at 401 State Street, Hudson, New York 12534. The Board of Supervisors consists of 18 members from different towns.

The **County Attorney** is Robert Fitzsimmons, Esq., and his office is also located at 401 State Street, Suite 2B, Hudson New York 12534; (518)828-3309.

The **County Clerk** is Holly Tanner whose office is at 560 Warren Street, Hudson, New York 12534; (518)828-3339.

Court records are maintained at the County Courthouse at 401 Union Street, Hudson, New York. The Court Clerk's office is located in the Courthouse, which also houses a substantial law library. Laura Hankin is the librarian.

c. County History Contacts

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