

The Historical Society of the New York Courts County Legal History

Clinton County

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County Introductory Essay (Origins & History)

Clinton County is in the northeast corner of New York State, 300 miles directly north of New York City, and the eastern edge is bounded by Lake Champlain. The first European to explore the waters of Lake Champlain was Samuel de Champlain, who came in July of 1609, starting from the Richelieu River in Canada and traveling south. There were 24 canoes, with two other white men and 60 Algonquins and Hurons on their way to attack the Mohawks. There were no white settlements at that time.

New York State was divided into twelve counties in 1683, with the present Clinton County as part of Albany County. This was an enormous county, including the northern part of New York State as well as all of the present state of Vermont and, in theory, extending westward to the Pacific Ocean. This county was reduced in size on July 3, 1766, by the creation of Cumberland County and further on March 16, 1770, by the creation of Gloucester County, both containing territory which is now in Vermont.

On March 12, 1772, what was left of Albany County was split into three parts, one remaining under the name Albany County, with Charlotte County containing the eastern portion. In 1784, the name "Charlotte County" was changed to Washington County to honor George Washington. In 1788, Clinton County was split off from Washington County. It was a much larger area than the present Clinton County, including several other counties or county parts.

Timeline

- 1763** The first European settlers in the area were Jean Baptiste LaFramboise, his brother Bonhomme, and Frank Monty, who came in 1763 to what became known as Chazy, on the shore of Lake Champlain 12 miles north of Plattsburgh. The British drove them out in 1777, but they returned in 1783.
- 1766** South of Plattsburgh, at the mouth of the Salmon River, then known as Mill Creek, William Gilliland settled on the Friswell Patent in 1766, building what became known as Possession House. Gilliland was a New York City merchant who settled Willsborough with others about a year earlier.
- 1767** The first white settler in Plattsburgh was Count Charles de Fredenburgh, a German nobleman who was a captain in the British army. He established a residence and sawmill on the Saranac River in 1767, then petitioned for and received 30,000 acres from the King of England. A short time before the Revolution, he moved his family to Montreal. He returned to protect his property, but his house and mill were destroyed by fire and he disappeared, rumored to have been murdered.
- 1785** Plattsburg was first continuously settled in 1785, when Zephaniah Platt, Melancton Smith, Ezra l'Hommedieu and Thomas Treadwell led a group up Lake Champlain and established a settlement at the mouth of the Saranac River. Peter Saily, recently emigrated from Lorraine, France joined them as one of the original proprietors of the new town and village of Plattsburgh.
- 1788** When Clinton County was formed in 1788, the population of the village of Plattsburgh was only 200; it became the county seat. There were no lawyers in Clinton County, so positions in the newly-created courts were filled by the leading businessmen. The first judicial officers in the county were Charles Platt as the First Judge of the Court of Common Pleas and Associate Judges Theodorus Platt, Pliny Moore, Peter Saily, William McAuley and Robert Cochrane. Theodorus Platt was also the Surrogate. Pliny Moore was the founder of the Town of Champlain, and appointed the first justice of the peace there.
- 1788** The first Court of Sessions for the county of Clinton was held in October, 1788. According to the **History of Plattsburgh From Its First Settlement to January 1, 1876** by Peter S. Palmer, at p 26,

Judge Charles Platt presided, assisted by [the five Associate Judges;] Benjamin Mooers was Sheriff, and Melancton L. Woolsey, Clerk. The coroner, four constables and seventeen grand jurors were in attendance. Of the latter sixteen were sworn in and one was set aside 'for refusing to take the oath of allegiance.' This

jury, the first grand inquest which assembled in Northern New York, closed its labors by indicting two of its members for official misconduct.

They were tried at the next term of the court, when one was acquitted and the other convicted and fined. The courts were very strict to enforce prompt attendance on the part of jurors and officers. The records are filled with orders imposing fines upon dilatory constables and grand and petit jurymen. The Bench was not always overlooked. In 1825, two of the Associate Judges were indicted for 'not attending at court the first day,' and two others, in 1827, for the same offense."

1795 According to the **History of Clinton and Franklin Counties**, the first resident lawyer in Clinton County was Adrial Peabody, admitted to the bar in 1795. He was followed by Caleb Nichols in 1796, Eleazer Miller 1797, Silas Hubbell and Jonathan Griffin in 1802, John Warford 1805, Julius C. Hubbell, who studied law in the office of his brother Silas, admitted in 1808, brothers Gilead and Anson Sperry 1808, John Palmer and Reuben H. Walworth, who both moved in Plattsburg in 1810 after being admitted to the New York bar that year, and William Swetland 1811.

County Courthouses

Blockhouse

On the Point, near shores of Lake Champlain, at mouth of Saranac River, Village of Plattsburgh

1789

Architect: Pliny Moore

The blockhouse was originally built for a jail. It was subsequently enlarged to also use as a courthouse, school house and place of public worship. In 1795 \$40 was voted for completion of the separate courthouse, and court began being held there in 1796 even though the building was unfinished. The first Circuit Court of Oyer and Terminer for the northern part of the state was presided over by Judge Lansing in Plattsburgh in August 1797; then at the blockhouse in Willsborough in 1798. \$100 was authorized to complete the Plattsburgh court in 1799, and a permanent wooden jail and courthouse building was finished in 1803 for total cost of \$2751.

1803 Courthouse

Corner of Court and Margaret Streets, Plattsburgh

Completed in 1803

Art & Architecture: Wooden structure, housing the jail and courthouse

An English merchant, Samuel Bridge, kept a diary during his 1809 visit to Canada and the United States. He travelled through Plattsburgh on October 19, making a stop at the courthouse, which is described as "a very neat building." He continued, that the "court-room is made use of as a place of worship. We were introduced into the jail and black hole -- two very snug, little, comfortable, dark apartments. No prisoners at present."

During the Battle of Plattsburgh in 1814, the British took possession of Plattsburgh and immediately "broke open the jail and let out two persons confined for murder." During the battle, the courthouse and several other buildings burned. In May 1815, the town supervisors authorized building a "gaol and courthouse for the County of Clinton" of brick and stone "to be the same size as the former courthouse."

1816 Courthouse

Corner of Court and Margaret Streets, Plattsburgh

1816

Art & Architecture: Brick and stone

The *Plattsburgh Republican* of March 16, 1889 quotes the October 4, 1816 minutes of the County Supervisors authorizing Reuben Walworth “to go to the City of Washington to receive \$8000 for the destruction of the county court house.” The article noted that this was because the courthouse was destroyed by order of American General Macomb, apparently during the siege and battle at Plattsburgh.

On October 1, 1816, the Court of Common Pleas occupied the new courthouse. That courthouse was destroyed by fire on May 17, 1836, after fire caught in a stable or shed in the jail yard, close to the cornice of the courthouse. The newspaper reported that “little could be done to save the building,” which was completely gutted, although the walls remained standing. The prisoners were unharmed and moved to the Essex County Jail. Eleven days later, the New York State Senate passed a bill authorizing funds to rebuild the courthouse.

1836 Courthouse
Corner of Court and Margaret Streets, Plattsburgh
Completed in 1836

On June 10, 1836 the court clerk issued a notice that the basement of the nearby Trinity Church would be the temporary courthouse. It appears that the new courthouse was completed by the end of 1836. This courthouse was in serious disrepair before its use was discontinued. The minutes of the Board of Supervisors November 15, 1887 Annual Session include a resolution to build a new courthouse and jail based on a report set forth in the minutes, which concludes that “the buildings are in very bad condition, and wholly insufficient for the needs of the county. The Court House is old, the woodwork decayed, and the foundation and walls in no such substantial condition as would warrant building upon, or any outlay in repairs.” According to the report, among other issues, the:

total lack of room for the Judges of the Court, or for consultation rooms, usually provided, and necessary for the decent transaction of business; the inadequate size and arrangement of the court room itself; and the lack of proper rooms for the Grand Jury and room for the Petit Jury have long been cause of complaint. . . . It is notorious that the Court House of this county is regarded by citizens, at home and abroad, by Jurors and Judges, Attorneys and witnesses who are compelled to meet there, as a public nuisance.

As to the Jail, the place is unfit for the confinement of human beings of any grade or color. It would be counted a disgrace to any barbarous community to shut up in such a place any human being, whatever his crime. It cannot be repaired or improved; it should be torn down.



1836 Courthouse - Photograph courtesy of the Clinton County Historical Association

The “Old” Courthouse

Corner of Court and Margaret Streets, Plattsburgh

Completed in 1889

Architect: M.F. Cummings

Art & Architecture: Late Victorian Romanesque, brick and stone

Finally, in 1889, a new courthouse was erected at the same location, also made from brick and stone. That Late Victorian Romanesque building, now referred to as the Old Courthouse, still stands at the corner of Margaret and Court Streets. Next to it is the old Surrogate Building; both buildings are on the National Register, and both presently house county-related agencies.

Clinton County Government Center

Corner of Cornelia and Margaret Streets, Plattsburgh

Completed in 1976

The current courtrooms are on the third floor of the Clinton County Government Center, completed in 1976.

The Bench

George M. Beckwith, 1805-1883, first studied medicine like his father, then changed to law in 1828, reading law in Plattsburgh with attorney St. John B.L. Skinner. He was admitted to the bar in 1832 and formed a partnership with William Swetland until 1847. He eventually practiced with his sons, George H. and Benjamin M. Beckwith.

Positions:

1841	NYS Assembly
1864-71	US Commissioner
1872-	Clinton County Judge

Norman L. Harvey, 1918-96, was born in Canisteo, Steuben County. He graduated from the Canisteo Central School Class of 1935 and Syracuse University College of Law and was admitted to practice in 1948. His education was interrupted by World War II where he served as a pilot and air executive officer in the Army Air Corps, completing 74 combat missions over Germany and Axis occupied Europe. In 1949, Justice Harvey was elected Mayor of Canisteo. His career was interrupted by a second tour of military duty in the Air Force during the Korean conflict when he became Commanding Officer of the 509th air refueling squadron and the 715th bomb squadron. He was later transferred to the Office of the Secretary of the Air Force in Washington, D.C., and was discharged with the rank of Colonel. Following his military service, Justice Harvey and his family moved to Plattsburgh, where he became associated with the law firm of Jerry, Lewis & Harvey. He was elected to the Supreme Court, Fourth Judicial District, in 1967, and was appointed district Administrative Judge in 1975. Effective January 1, 1984, he was designated to the Appellate Division. He served on the Court until his retirement in 1993.

Henry Theodore Kellogg, 1869-1942, was the first Clinton County lawyer to rise to New York Court of Appeals, where he served from 1927 to 1934, when he resigned due to ill health. The following is excerpted from the biography of Judge Kellogg found on this website under Court of Appeals Judges:

Henry Theodore Kellogg was a distinguished son of Northern New York who continued a family legacy on the bench. Born in Champlain in Clinton County, New York on August 29, 1869, he was the son of Sylvester Alonzo Kellogg, a Plattsburgh lawyer, and Susan Elizabeth (Averill) Kellogg. The Kellogg family was a prominent one in Northern New York, and was said to be descended from Chancellor Kent. Henry Kellogg's father had been

justice of the state Supreme Court and also served on the Third Department of the Appellate Division at the designation of Governor Theodore Roosevelt. Henry Kellogg's great-great-grandfather died of exposure and disease as result of participating in Benedict Arnold's expedition against Québec in 1775. The Kelloggs descended from Lieutenant Joseph Kellogg, who before 1651 came to Connecticut from England.

He received an LL.B. from Harvard Law School in 1892 and returned home to Plattsburgh where he entered into a law practice in his father's law office, the firm of Kellogg, Weed and Palmer. He then became a law partner of Judge L.L. Shedden and was also associated with Charles E. Johnson. He practiced until elected county judge in Clinton County in 1903. From 1898 to 1903, Kellogg also served as a referee in bankruptcy. On March 5, 1903, Judge Kellogg married Plattsburgh resident Katherine Miller Standish Weed, the daughter of Smith Mead Weed, his law partner.

Kellogg resigned from county court after less than six months of service when, on June 25, 1903, Governor Benjamin B. Odell, Jr. appointed him justice of the Supreme Court, Fourth District. Kellogg's father, S. Alonzo Kellogg, previously held the Supreme Court seat, and the New York Times reported that the father resigned from the post early - his term did not expire until December 31, 1904 - in the hope that his son would be his successor. The younger Kellogg was elected to Supreme Court in November 1903 and then reelected in 1917 for a second term ending in 1931. He served on the trial bench until his appointment to the Third Department of the Appellate Division on January 1, 1918. Kellogg has been credited with making the Workmen's Compensation Law workable through his jurisprudence on the subject while a justice of the Appellate Division.

Kellogg served on the Appellate Division until he became a judge of the Court of Appeals, elected in November 1926 to fill the vacancy created by the retirement of Judge Chester B. McLaughlin (1856-1929), and his term began on January 1, 1927. Although Kellogg was a Republican, he had received bipartisan endorsement. He had been considered for the Court of Appeals in 1923, but withdrew at that time and Judge Irving Lehman (1876-1945) filled the seat. Although his term did not expire until December 31, 1939, Kellogg resigned from the Court of Appeals on May 16, 1934 due to failing health.

Important Decisions:

Among Judge Kellogg's best-known writings as a Court of Appeals judge was *Sliosberg v. New York Life Insurance Company*, 244 N.Y. 482 (1927). That case involved the constitutionality of a provision in the Civil Practice Act that stayed proceedings on certain insurance policies issued in Russia until after the United States formally recognized the new Soviet government. Former Governor Charles E. Hughes and John Foster Dulles represented the carrier. Like the Appellate Division below, the Court of Appeals held that this indefinite stay violated the federal constitution's prohibition on the impairment of contracts.

S. Alonzo Kellogg 1838-1904, who was born in Champlain, Clinton County, was the first Clinton County attorney to sit on the Appellate Division, Third Department, the intermediate appellate court which encompasses Clinton and 27 other counties. He was educated at the Champlain Academy and graduated from Middlebury College in 1860. He first practiced law in Nevada (then called Utah Territory) and during his residence there (near Virginia City) he was elected in 1864 as a senator in that state's first legislature. When he returned east in 1866, he opened a law office in Plattsburgh. He was elected Clinton County District Attorney for one term, beginning 1876. From 1881 to 1890, he was Clinton County Judge. In 1890, he was elected to the Supreme Court for the Fourth Judicial District, in the Third Department. He also served in 1890 as a member of the Constitutional commission appointed by Governor Hill to revise the Judiciary Act. The commission's report was influential at the 1894 Constitutional Convention, which adopted reforms creating the Appellate Division.

Justice Kellogg was appointed to the Appellate Division in 1899, and retired from the Court in 1903 because of ill health. He died on March 12, 1904. His son, Henry T. Kellogg, succeeded him on the Supreme Court and eventually was named to the Appellate Division and then the Court of Appeals. The Kellogg family lineage includes Elijah Kellogg of Revolutionary War (Ticonderoga) fame and is connected to the great New York State Chancellor, James Kent, and to Secretary of State Frank B. Kellogg (during the Coolidge Administration). Justice Kellogg's wife was a direct descendant of Zephaniah Platt, founder of Plattsburgh. The second Clinton County attorney to sit on the Appellate Division was his son, Henry T. Kellogg, who sat there from 1918 through 1926, before his appointment to the Court of Appeals.

John A. Lahtinen was appointed to the Third Department effective March 6, 2000. He is a graduate of Colgate University and Albany Law School. After his admission to practice in 1971, he engaged in the private practice of law in Plattsburgh, Clinton County, until he was appointed and then elected Justice of the Supreme Court for the Fourth Judicial District in 1997. Justice Lahtinen also served as law secretary to the late Justice Norman L. Harvey in the early 1970s, as

a Clinton County special acting District Attorney, and as a Plattsburgh special acting City Court Judge.

Luella R. North 1872-1962, was the first female judge in Clinton County. She sat as the Children's Court Judge of Clinton County from 1923-1935, which was the entire existence of that court. She was not an attorney, but had been a teacher before her marriage in 1900. A local Republican leader asked her in the summer of 1922 to run for the new Children's Court. She agreed to do so and, according to her daughter, "our [summer] vacation began to be interrupted by visits from prominent leaders throughout the State. Some were wealthy woman [sic] of social prominence who had become active in the Woman's Suffrage Movement." She was one of only three women in the state running for that office. She won the election, and re-election six years later. Thereafter, Children's Court was consolidated with County Court. *The information here is from the memories of her daughter, also Luella, published in 1991. Louella said of herself that she "secured a Master's Degree in Social Work, an interest certainly inspired . . . by my association with her and her court work."*

Her husband, Dr. Charles Henry North, became Superintendent of Dannemora State Hospital for Insane Criminals in 1904. In 1917 he was murdered by an inmate of the facility, who as a "trusty" well-liked by the North family, who had a home on the hospital grounds. Her son, Thomas R. North was Plattsburgh City Court Judge 1948-1950, then District Attorney of Clinton County from 1951 to 1972. Her other son Grover was also an attorney.

George W. Palmer, 1818-1916, studied law in the offices of John Palmer, then Swetland & Beckwith, then Daniel Gardner in Troy, and was admitted to the bar in 1843.

Positions:

1844-47	Surrogate of Clinton County
1857-61	US House of Representatives -the first Republican from this district
1862	Consul to Crete - appointed by President Lincoln
1866-70	Judge of the Mixed Court of Sierra Leone - created by an international treaty to suppress the African slave trade
1885-86	NYS Assembly

John Palmer, 1785-1840, was born in Hoosick, New York and moved to Plattsburgh after being admitted to the bar, was law partners with Reuben H. Walworth from 1811-20. Among their cases were collections on behalf of businessmen Bailey and Delord, who had extended credit to soldiers posted in the Plattsburgh area during the War of 1812. In 1811, Palmer married Charlotte, the youngest daughter of Peter Saily.

Positions:

1817-19 US House of Representatives
1819-32 District Attorney of Clinton County
1832-37 "First" Judge of Clinton County
1837-39 US House of Representatives

Peter Saily Palmer, 1814-1890, son of John Palmer and grandson of Peter Saily, he studied law in the office of William P. Haile in Plattsburgh, then the firm of McKown and John Van Buren in Albany. He was admitted to the bar in 1836, then moved to Michigan, where he was elected Macomb County Probate Judge in 1840. However, he resigned in 1841 and returned to Plattsburgh, where he resumed practicing law. He was very interested in the history of this region and published at least three books: "Palmer's History of Lake Champlain, from 1609 to 1814," "Battle of Valcour," and "Historical Sketches of Northern New York."

Positions:

1840-41 Macomb County, Michigan, Probate Judge
1864-68 Clinton County Judge and Surrogate

Zephaniah Platt, May 27, 1735 - September 12, 1807, was born on Long Island and educated in England. He studied law, was admitted to the bar and practiced law in Poughkeepsie, then continued practicing law in Plattsburgh in 1798.

Positions:

1775-77 Member of the Provincial Congress
1777-83 NY State Senate - Middle District
1781-95 NY State Court Judge, Dutchess County
1785-86 Member of the Continental Congress
1788 Delegate to NY Convention to ratify US Constitution
1791-1807 Regent of the state university
One of the "projectors" of the Erie Canal

Peter Saily, April 20, 1754 - March 16, 1826 was born in Lorraine, France, immigrated to US and settled in Plattsburgh 1785, joining the settlement founded by Zephaniah Platt, who came from Dutchess County. This was a fresh start for Saily, whose business in France was unsuccessful. He first scouted out the area the year before; after landing in New York, he met William Gilliland in Albany and traveled north with him, by wagon to Lake George, by canoe across that lake to take a sloop up Lake Champlain.

Plattsburgh was founded in wilderness at the mouth of the Saranac River, where there was great beauty and commercial possibilities in the dense woods and mountains of ore. There was very little settlement on either side of Lake Champlain before or during the American Revolution, except a French settlement at Crown Point. Saily recalled that the Platts came with a small amount of milling machinery and a “band of pioneers” with “large amounts of energy and ambition.”

Saily first tried trading goods, then soon traded goods for furs, including to John Jacob Astor, who frequently came to Plattsburgh to buy furs. Saily’s mercantile business prospered, bringing in goods and exporting potash, created from burning the trees as the forest was cleared, as well as spars and timbers for overseas trade.

Before and during the Battle of Plattsburg, September 11, 1814, Saily sent his family to Hampton in Washington County while he remained here a collector of customs and military storekeeper. He is buried in Riverside Cemetery in Plattsburgh.

Positions:

1788-96	Common Pleas Court Associate Judge
1802	One of the Commissioners to build a courthouse
1789-91 & 1803-04	Overseer of the Poor
1797-98	Commissioner of Highways and School Commissioner
1799-1800	Supervisor of Town of Plattsburgh
1802-03	NY State Assembly
1803	Appointed by President Thomas Jefferson as Bankruptcy Commissioner
1804	“First Judge,” Clinton County
1805-07	US House of Representatives, NY 11th District (Saratoga, Clinton & Essex Counties) - during the first session of President Jefferson’s second term
1809	Agent to supply goods to the troops stationed in Plattsburgh “to enforce the embargo”
1809-26	Collector of Customs at Plattsburgh for the District of Champlain

Lemuel Stetson, 1804-68, studied law under Julius C. Hubbell in Chazy, then established a practice in Keeseville.

Positions:

1835-38	NYS Assembly
1838-43	District Attorney of Clinton County
1842	NYS Assembly
1843-45	US House of Representatives
1846	Delegate to New York State Constitutional Convention

1847-51 Judge of Clinton County
1862 US House of Representatives

Reuben Hyde Walworth, October 26, 1788 - November 27, 1867

Notable Achievement: Chancellor of New York - the highest judge, court of equity or chancery, 1828-48

Important Decision: *Jack v Mary Martin*, 14 Wend 107 (1835) - separate opinion questioning the authority of Congress to pass laws forcing states to turn over fugitive slaves.

Walworth was born in Bozrah, Connecticut. He began practicing law in Plattsburgh in 1810, and served in the War of 1812, including as acting adjutant-general of US forces during the siege of Plattsburgh. He moved to Saratoga Spring in 1823, when he became a circuit judge, where he remained until his death on November 27, 1867.

While Chancellor of New York, he was nominated to the United States Supreme Court by President Tyler in 1844, but the Senate never acted on the nomination. President Tyler withdrew it in 1845, and instead nominated NY Chief Judge Samuel Nelson, who was confirmed by the US Senate. According to the Clinton County NY Bar Association booklet, "The First One Hundred Years" of the Clinton County Bar Association, Walworth's nomination was "strongly opposed by southern Senators, because of his abolitionist sympathies."

If so, private letters to Walworth held at the Saratoga Springs Historical Society indicate that this may well have been due to his opinion in *Jack v Mary Martin*, 14 Wend 107 (1835). In this case, Judge Walworth sat with members of the state senate and the justices of the New York Supreme Court on appeals heard by the Court for the Correction of Errors. In that capacity, he wrote a separate opinion in which he agreed with the majority that the runaway slave, Jack, must be returned to his Louisiana owner, under the particular facts of the case where Jack acknowledged that he was Mary Martin's slave. However, Judge Walworth went beyond this ruling and questioned the authority of Congress to make laws forcing a state to return fugitive slaves.

The new Constitution of 1846 abolished the position of Chancellor, effective 1848. There are comments suggesting that a primary motivation was to remove Walworth from the powerful position. It was reported that Walworth "was condemned in the Senate as 'querulous, disagreeable [and] unpopular . . . there was no denying that he was cantankerous, to a point where members of the state bar openly declared that they supported his nomination . . . as a means of getting him out of their own judiciary."

He ran for New York Governor in 1848 and lost in a three-way race to Hamilton Fish. After retirement, he devoted himself to study of the Hyde family genealogy, and published it in two large volumes totaling 1446 pages. For many years he was president of the American Temperance Union.

His first wife, Maria Ketchum Averill, was from Plattsburg, and they had six children. His second wife was Ellen Hardin Walworth, daughter of Col John J. Hardin from Kentucky. Their daughter, also named Ellen Hardin Walworth, was one of the founders of the Daughters of the American Revolution in 1890, and was the first director of the Women's National War Relief Association, established in 1898 to assist the soldiers during the Spanish-American War.

His granddaughter Reubena (1867-98), graduated from Vassar College, worked as a teacher, then trained as a nurse. At age 31, in October 1898, she died of typhoid at Camp Wyckoff, at Montauk on Long Island, caring for soldiers afflicted with yellow fever and other illnesses, who were quarantined there on return from fighting in Cuba during the Spanish American War. The NY Times described her as the "first female nurse to enter the detention hospital."

Reuben Walworth's son Mansfield Tracy was a lawyer turned popular romance novelist. He was intentionally shot by his own son Frank in 1873 in his New York City hotel room. Frank's defense was that he shot his father in response to Mansfield's abuse of his mother. He was found guilty and sentenced to life in prison at Sing Sing, but pardoned four years later by the governor, on the ground that he was not legally responsible for his act due to insanity. It is reported that Frank's mother Ellen studied law to learn how to secure her son's release.

Positions:

1811	Master in Chancery
1811	County Judge
1815	An original trustee of Plattsburg village
1821-23	US House of Representatives
1823-28	Judge, 4th Judicial District of NY

Winslow Charles Watson, 1832-1908, graduated from the University of Vermont in 1854, earned a Master's Degree in 1857, then studied law in the office of George A. Simmons in Keeseville; was admitted to the bar in 1861. He first practiced in Elizabethtown with Robert A. Hale for several years, then in Keeseville as a sole practitioner first, then partner with H.N. Hewitt until 1876. He became Clinton County Judge and Surrogate in 1876, then returned to private practice in 1881.

J. Douglas Woodward, 1804-70, studied in the law office of John Lynde in Clinton County and was admitted to the bar in 1825.

Positions:

1831	District Attorney
1837	Master in Chancery for Clinton County

1844 Clinton County Judge
1867-70 NY State Commissioner of Public Accounts

Clinton County Judges from Courts and Lawyers of New York 1609-1925

1787 Charles Platt
1789 Edward Antill
1797 Charles Platt
1804 Peter Saily
1806 William Bailey
1807 Pliny Moore
1819 Elisha Arnold
1823 Nathan Carver
1827 John Lynde
1832 John Palmer
1837 William F. Haile
1843 William Hedding
1847 Lemuel Stetson
1851* Thomas R. Watson
1855 Perry G. Ellsworth
1863 Jesse Gay
1863 Peter Saily Palmer
1867 Daniel S. McMasters
1871 George M. Beckwith
1875 Winslow C. Watson, Jr.
1881 S. Alonzo Kellogg
1890 George S. Weed [July]
1890 Lucian L. Shedden [November]
1902 Henry T. Kellogg
1903 Robert E. Healey
1909 John B. Riley
1913 Arthur S. Hogue
1919 John K. Collins

*beginning in 1851, the judges were elected

Surrogates

1788 Theodorus Platt
1807 Thomas Tredwell
1831 St. John B.L. Skinner
1840 Eleazer Miller
1844 George W. Palmer
1881 David F. Dobie
1893 John H. Booth

1905	David H. Agnew
1911	Victor F. Boire
1923	Charles M. Harrington

The Bar

Julius Caesar Hubbell, March 17, 1817 - June 9, 1880. His brother Silas was one of the first lawyers in Clinton County, coming to Champlain in 1802; at the age of 16 in 1803, Julius came from Massachusetts (walking most of the way) to study law with him. In 1808 he was the first lawyer to be admitted to the bar in Clinton County.

That year he settled in Chazy, and started a law practice that he continued for almost 70 years.

When he moved to Chazy, “there was no road, only a path marked by cut bushes” and “nearly all was dense wilderness between Plattsburgh and his home in Chazy.” He built his office from stone, completing it in 1811; he continued practicing law in it until 1880. In 1812 he married Anne Moore, the daughter of Pliny Moore, founder of Champlain, New York.

In recalling those times, he said “there was no court house in Plattsburgh then; the courts were held in a public house. . . .” The area was sparsely settled and the men “were largely engaged in the business of making potash for the English market the timber here was mostly hard wood, and large tracts were cut down and piled into log heaps and burned for the ashes, to make potash.” ““Logging bees’ were all the fashion in those days . . . there used to be plenty of whisky on hand at these logging bees and as a natural consequence, considerable fighting followed, and that made litigation brisk: assault and battery cases coming up in abundance, and as I was the only lawyer between Champlain and Plattsburgh, it made me plenty of business.”

He did handled a great deal of real estate work, including as “Agent for a large number of land dealers who bought great tracts of land from the state and sold to the settlers. He also became a land dealer in his own right accumulating a vast amount of property, and was probably the wealthiest man in the town at the time.”

Positions:

1812	Issuing Commissary for American troops stationed near the northern Frontier
1813	School Commissioner
1818-32	Postmaster
1843-44	NY State Assembly - introduced the bill for establishment of Clinton Prison at Dannemora and selected its site
1842-72	Justice of the Peace, Chazy

William Swetland, 1782-1864 was admitted to the bar in Plattsburgh in 1811, after graduating from Middlebury College in 1809, and studying law in Washington County, NY. He did not enter politics, but remained in practice, described as “a very superior office-lawyer, as well as an able and accomplished advocate,” he was referred to as “the great lawyer of Northern New York.”

Winslow Cossoul Watson, 1803-84; was born in Albany, NY and attended Middlebury College in Vermont, then studied law in Albany under Ambrose Spencer who would become a Chief Justice of the United States Supreme Court. Watson was the son of Elkanah Watson, a direct descendant of Edward Watson, of the Mayflower, who was the third governor of the Massachusetts Colony. Elkanah was a figure in the Revolutionary War and friends with Washington, Franklin and Adams, among others, writing about this in his book, "The Men and Times of the Revolution." He founded the village of Port Kent, NY and is buried there.

Winslow practiced law in Plattsburgh from 1824 to 1833, when he stopped because of ill health. He then lived in Manchester, VT for seven years, during part of which he was a state senator from Bennington County. In 1840 he returned to Port Kent, NY. He was active in Democratic politics, holding local offices and served as delegate to several Democratic National Conventions. He also published books on Essex County NY and Champlain Valley history.

Smith Mead Weed, July 26, 1833 - June 8, 1920, born in Belmont, Franklin County, New York, became a powerful lawyer, business entrepreneur and politician for more than 50 years. He owned an iron ore company and had a stake in railroads when these industries were young and growing. His 1881 involvement in the Nicaragua Canal Co and Santa Domingo Improvement Co may have been in speculation of a canal being dug across Nicaragua, instead of the eventual course through Panama.

Positions:

1865	President of Village of Plattsburgh
1865-67	NY State Assembly - credited with passage of the Free School Act of 1867
1867	delegate to NY State Constitutional Convention
1871	NY State Assembly
1873-74	NY State Assembly
1857	graduated Harvard Law School and entered law practice in Plattsburgh with Judge Beckwith and Henry Johnson
1859	married Carrie Standish 9-6-1859 [descendant of Miles Standish of the Mayflower Pilgrim Company], and bought land in the Village of Plattsburgh
1868	founded Chateaugay Iron Co with Andrew Williams
1870	bought Bluff Point property
1873	opened a law office in NYC - continued law office in Plattsburgh
1872-1875	credited as the central figure bringing the railroad north to Plattsburgh, directly connecting to New York City
1877	spinning cables for Brooklyn Bridge begins, using iron ore from the Chateaugay blooms for the steel cables
1881	Nicaragua Canal Co – VP & on board
1881	San Domingo Improvement Co – President
1883	May 24 – Brooklyn Bridge opens - cables are made from Chateaugay ore

- 1888 sold 7100 acres of Bluff Point to D&H RR for Hotel Champlain \$25,000
- 1891 April 9 – Gov David Hill unexpectedly appointed himself as the candidate for the US Senate, although before the November election he had assured Smith Weed that he would not run for it under any circumstances, and asked Weed to consider it. At the time, the state legislature elected the US Senators. Weed was a Democrat and in November the Democrats won a majority of the legislature. The *New York Times* article of April 9, 1891 is headlined: “Smith M. Weed Tricked - How He Was Swindled Out of the Senatorship. The Story of Gov. Hill’s Sly Game to Secure the Prize for Himself -- A Disgraceful Chapter in the State’s Political History.”
- 1893 July - Smith Weed recommended, then arranged for, enlarging Plattsburg Barracks to designation as a Regimental Post. Notes for his incomplete, unpublished autobiography go into detail about his strategy, including hosting a luncheon at Bluff Point where the new hotel tower was unfinished but he took guests, among them Col Cannon and Vermont officials (Cannon was President of the Champlain Transportation Co and also VP of D&H Board of), up to see points of interest and strategic importance of Plattsburgh for important military post.” Weed’s notes say that Weed & Wm P Mooers owned Crab Island for years; when the federal government demanded 50 additional acres before increasing the status of the Barracks, they deeded it to the US government for nothing, which met the requirement of 50 acres to get the Regimental Post.
- 1897 President McKinley at summer White House, the Hotel Champlain – and road the Chateaugay RR from the hotel to Saranac Lake
- 1903 D&H Railroad took over Chateaugay Ore & Iron Co - there was huge demand for this very high quality ore; it was used for the cables of the George Washington Bridge and olden Gate Bridge, as well as for tanks and ships. In 1939 Republic Steel bought the company, and the mines operated until 1967.

District Attorneys from Of the People - A History of the Office of the Clinton County District Attorney

- 1818-31 John Palmer
- 1832-37 J. Douglass Woodward
- 1838-43 Lemuel Stetson
- 1844-50 Lorenzo D. Brock
- 1850-53 Thomas Armstrong
- 1853-56 Jesse Gay
- 1856-59 Charles E. Everest
- 1859-62 Henry S. Johnson
- 1862-65 James Averill
- 1865-68 George H. Beckwith
- 1868-71 John G. McDermott
- 1871-74 Henry E. Barnard

1874-78	S. Alonzo Kellogg
1879-83	Lucien L. Shedden
1883-92	Wilmer H. Dunn
1892-96	Samuel L. Wheeler
1896-99	Egbert C. Everest
1899-1902	Henry E. Barnard
1902-08	Charles J. Vert
1908-13	Arthur S. Hogue
1913-18	John K. Collins
1918-24	Harold A. Jerry, Sr.
1924-29	B. Loyal O'Connell

County Trials

Scholarly

Baxstrom v Herold

383 U.S. 107 (1996)

Clinton County Surrogate's Court

The United States Supreme Court ruled unconstitutional, as denial of equal protection, New York's statutory scheme that provided for prison inmates found to be mentally ill while serving sentence to be civilly committed to a mental institution at expiration of criminal sentence. The statute treated prison inmates differently from all others in denying them the right to *de novo* review by jury trial of the question of their sanity. The case originated in Clinton County Surrogate Court because Dannemora State Hospital was in Clinton County.

Notorious

People v Peggy Facto and Francis LaBarre

January, 1825

Clinton County

Reuben H. Walworth was the Judge, John Palmer the District Attorney [first DA of the county and former law partner of Walworth from 1810-20], and Julius Caesar (J.C.) Hubbell the Defense Attorney.

Peggy Facto was convicted of murdering her newborn child; her co-defendant Francis LaBarre was acquitted. Judge Walworth sentenced Facto to death, and ordered that her body should be given to the doctors for dissection. A clemency petition was sent to Gov. DeWitt Clinton, signed by Judge Walworth, as well as Peter Saily and other prominent community members. The governor denied clemency, and she was publicly hanged on March 18, 1825. The newspapers reported that people came across the ice from Vermont to watch, and that after the hanging, her body "was carted through the streets, attended by a band of music and a great throng of people. . . ." There is much more about the Peggy Facto case, and other early North Country murders at the New York Correction History Society website:

<http://www.correctionhistory.org/northcountry/html/crimes/crimesinnorthcountryhistory3.htm>

Notorious

People v Joseph Chapleau

121 N.Y. 266, 24 N.E. 469 (1890)

Clinton County

Chapleau was convicted after trial of murder. He was the first person in New York state to be sentenced to die in the new electric chair, however his sentence was commuted to life. Full details of the Chapleau case can be found at:

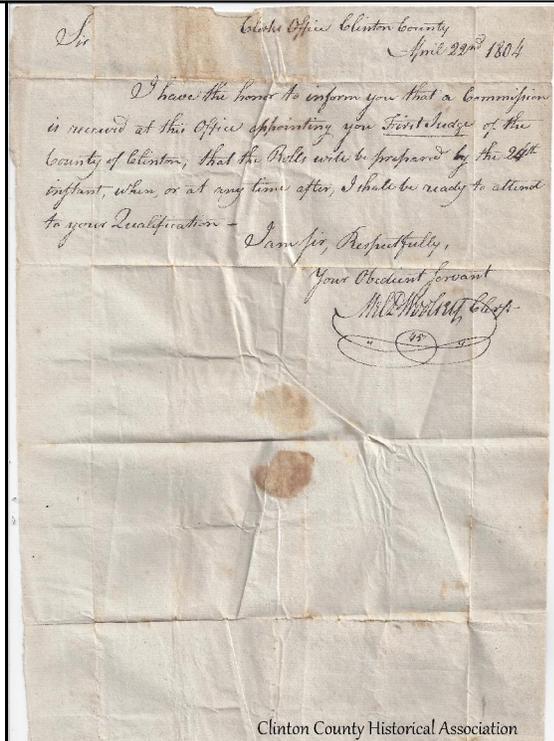
<http://www.correctionhistory.org/northcountry/html/crimes/chapleauarticle3.htm>

County Images



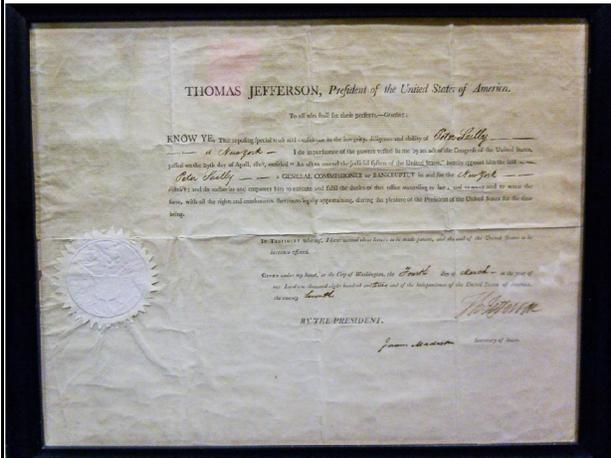
**Passport issued to Peter Saily
by King Louis XVI
in Versailles on 27 November 1784**

Courtesy of Clinton County Historical Association

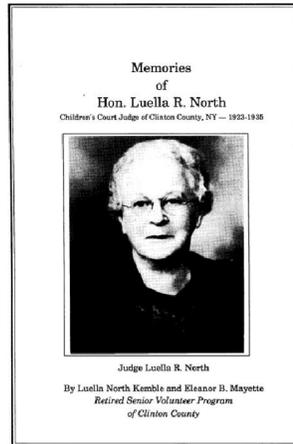


**Letter appointing Peter Saily
as First Judge 1804**

Courtesy of Clinton County
Historical Association



**Peter Saily appointment as Bankruptcy
Commissioner in 1803 by
President Thomas Jefferson**
Courtesy of Clinton County Historical
Association



**Cover of booklet,
"Memories of Hon. Luella R. North"**



Clinton County Bar 1904

County Resources

Bibliography

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Biographical Directory of the US Congress www.bioguide.congress.gov

Brooklyn Daily Eagle, online 1841-1902 www.eagle.brooklynpubliclibrary.org

Courts and Lawyers of New York, A History 1609-1925, by Alden Chester

Historical Society of Saratoga Springs - on Reuben H. Walworth

History of Clinton and Franklin Counties, New York (1880) aka Hurd

History of Lake Champlain From Its First Exploration by the French in 1609 to the Close of the Year 1814, by Peter Saily Palmer [3rd Edition]

History of Plattsburgh From Its First Settlement to January 1, 1876, by Peter Saily Palmer http://archive.org/stream/historyofplattsb00palm/historyofplattsb00palm_djvu.txt

Julius Caesar Hubbell, from an article written by John Wolcott Hubbell, his youngest child, in records of Chazy Village Historian under "Hubbell History," pages 84-86.

Leading Citizens of Clinton and Essex Counties - Biographical Review of 1896

Memories of Honorable Luella R. North, Children's Court Judge of Clinton County, New York - 1923-1935, by Luella North Kemble and Eleanor B. Mayette, *Retired Senior Volunteer Program of Clinton County (1991)*

New York State Historic Newspapers -- <http://nyshistoricnewspapers.org>

North Country Notes, issued by the Clinton County Historical Association (October 1968), reprinting extracts from the Samuel Bridge diary, first published in The Munsey Magazine, November 1908.

OF THE PEOPLE - A History of the Office of the Clinton County District Attorney, History Collected by John P. Masella, Esq. & Erik Pinsonnault (2008)

Peter Saily (1754-1826) A Pioneer of the Champlain Valley with Extracts from his Diary and Letters, by George S. Bixby, *New York State Library History Bulletin #12* (1919)

Political Graveyard.com

The First One Hundred Years of the Clinton County Bar Association 1788-1888, by Jerome P. Lavalley for the Clinton County Bar Association in Observance of the Bicentennial [1976]

The Plattsburgh Idea in Education, by Frank Cooper [discusses Smith M. Weed and the Free Public School Act - book is at the Clinton County Historical Association]

Recollections of Hon. Julius C. Hubbell of Old Times in Chazy, Battle of Plattsburgh, etc., *Plattsburgh Republican*, February 1, 1879, p 1.

The Souvenir *Industrial* Edition of Plattsburgh 1897 (Reprinted 1978 by the Corner-Stone Bookshop)

US House of Representatives - History, Art & Archives <http://history.house.gov>

Weed-Standish Collection, Boxes 6-9 and "Additional Materials" Folders 1-7, at Special Collections, Feinberg Library, Plattsburgh State University

Survey – Clinton County Clerk's Office, Surrogate Building & Court House, compiled by Addie L. Shields, Clinton County Historian, December 1986.

County Records

- A. Clinton County Clerk's Office, Clinton County Government Center, 137 Margaret St., Plattsburgh, NY 12901
 - B. Records Management, Clinton County Legislative Office, Clinton County Government Center, 137 Margaret St, Plattsburgh, NY 12901 - has inventory of all archived county records, beginning with the late 1790's
 - C. Special Collections at Feinberg Library, Plattsburgh State University, Plattsburgh NY - contains many local history records
<http://www.plattsburgh.edu/library/specialcollections/onlineresources.php>
 - D. Plattsburgh Public Library local history collections, Oak Street, Plattsburgh NY 12901
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<http://www.clintoncountygov.com/departments/historian/historianhomepage.html>

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Town and Village Historians - a complete list is at the website for the Clinton County Historian:

<http://www.clintoncountygov.com/departments/historian/HistorianPicturePage.html>

and also at the Clinton County Historical Association's website

<http://clintoncountyhistorical.org/historian.html>

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<http://www.clintoncountyhistorical.org/>

Northern New York American- Canadian Genealogical Society aka Clinton County Genealogical Society <http://nnyacgs.com/>