purchased, upon which was erected suitable buildings, while a half mile racing and exhibiting track was added to complete the grounds. Since then the fairs have been considered successful, the attendance being usually large and the receipts sufficient not only to enable the society the meet all obligations but to enlarge its grounds and erect thereon more spacious exhibiting halls. Present officers: Stephen Sanford, president; T. B. Vanderveer, Wm. Clark, vice-presidents; Wm. Wiles, treasurer; George L. Davis, secretary; L. A. Starin, J. B. Snow, G. M. Vorhees, executive committee; directors, John T. De Graff, Stephen Collins, John V. Sweet, Amsterdam; A. C. Phillips, 1st Ward; Edward McDonald, 2d Ward; Dr. Wm. H. Robb, 3d Ward; David Mathias, 4th Ward; George Vanderveer, 5th Ward of Amsterdam city; A. B. Miller, Ephraim Lipe, Lewis Bierbauer, Canajoharie; P. A. Dingman, M. S. Holmes, J. N. Morford, Charleston; James Herrick, Hiram Schuyler, Frank McClumpha, Florida; Ira Vanderveer, John Edwards, J. H. Faulkner, Glen; F. L. Bauder, Abram Dievendorf, David G. Hackney, Minden; George Ingersoll, John W. Wilson, Robert L. Bearcroft, Mohawk; John P. Snell, John W. Nellis, Jacob Saltsman, Palatine; Jacob Dievendorf, George Dillenbeck, Charles Dievendorf, Root; Peter F. Nellis, Abram I. Klock, Alfred Niles, St. Johnsville.

CHAPTER XVII.

THE LEGAL PROFESSION IN MONTGOMERY COUNTY.

THE sentiment is commonly expressed that the judicial system of the state of New York is largely copied from the common law of England. This is true in many respects, and such resemblances are frequent, but a close study of the history af the laws and judicial practice of this state will reveal the fact that they are in many respects an original growth. This is strikingly manifested in the simple matter of entitling a criminal process. In this state it is the people versus the criminal; in England it is rex versus the criminal. In the one the requirement is an independent judiciary responsible to the people only; in the other it is a court subservient to a king.

This great idea of the sovereignty of the people, even over our laws, has had a slow, conservative, yet progressive and systematic unfolding of the germ into organism. In the early history of the state the governor was in effect the maker, interpreter, as well as executor of the laws. He was the chief judge of the court of final resort, while his councillors were generally his subservient followers. The execution of English and colonial statutes rested with him, as did also the exercise of royal authority in the province; and it was not until the adoption of the first constitution in 1777, that he ceased to contend for these prerogatives and to act as though the only functions of the court and councillors were to do his bidding as servants, while the legislature should adopt only such laws as the executive should suggest and approve. By the first constitution the governor was entirely stripped of the judicial power which he possessed under the colonial rule, and this power was vested in the lieutenant-governor and the senate, also in the chancellor and justices of the Supreme Court; the former to be elected by the people, and the latter to be appointed by the council. Under this constitution there was the first radical separation of the judicial and legislative powers and the advancement of the judiciary to a position of a co ordinate department of the government, and subject only to the limitation consequent upon the appointment of its members by the council. This restriction, however, was soon felt to be incompatible, though it was not until the adoption of the constitution of 1846 that the last connection between the purely political and judicial parts of state government was abolished, and with it disappeared the last remaining relic of the colonial period. From this time the judiciary became more directly representative of the people. The development of the idea of the responsibility of the courts to the people, from the time when all its members were at the beck of an irresponsible master, to the time when all judges (even of the court of last resort), are voted for directly by the people, has been indeed remarkable.

Let us now look briefly at the present arrangement and powers of the courts of the state, and then at the elements from which they have grown. The whole scheme is involved in the idea of first a trial before a magistrate and jury—arbiters, respectively, of law and fact—and then a review by a higher tribunal of the facts and law, and ultimately of the

law by a court of last resort. To accomplish the purposes of this scheme there has been devised and established, first, the present Court of Appeals, the ultimate tribunal of the state, perfected in its present form by the convention of 1867 and '68, and ratified by a vote of the people in 1869; and taking the place of the old court for the trial of impeachments and correction of errors. The Court of Appeals as first organized under the constitution of 1846, was composed of eight judges, four of whom were elected by the people and the remainder chosen from the justices of the Supreme Court having the shortest time to serve. As reorganized in 1869 and now existing, the court consists of a chief judge and six associate judges, who hold office for the term of fourteen years.

This court is continually in session at the capital in Albany, except as it takes a recess on its own motion. It has full power to correct or reverse the decisions of all inferior courts when brought before it for review. Five judges constitute a quorum, and four must concur to render judgment. If four do not agree the case must be reargued; but no more than two rehearings can be had, and if then four judges do not concur, the judgment of the court below stands affirmed. The legislature has provided how and when proceedings and decisions of inferior tribunals may be reviewed, and may in its discretion alter or amend the same. Upon the reorganization of the court in 1869, its work was far in arrears, and the law commonly known as the "judiciary act" provided for a commission of appeals to aid the Court of Appeals; and still more recently there has been organized a second division to assist in the distribution of the business of the general court caused by an overcrowded calendar.

Second to the Court of Appeals in rank and jurisdiction stands the Supreme Court, which is made up of many and widely different elements. It was originally created by act of the colonial legislature, May 6, 1691, and finally by order of the governor and council May 15, 1699, and was empowered to try all issues to the same extent as the English courts of King's Bench, Common Pleas and Exchequer, except in the exercise of equity powers. It had jurisdiction in actions involving one hundred dollars and over, and to revise and correct the decisions of inferior courts. An appeal lay from it to the governor and council. The

judges, of whom at first there were five, made an annual circuit of the county, under a commission issued by the governor, and giving them *nisi prius*, oyer and terminer, and jail delivery powers. Under the first constitution the court was reorganized, the judges being then named by the council of appointment, and all proceedings were directed to be entitled in the name of the people.

By the constitution of 1821, many and important changes were made in the character and methods of the court. The judges were reduced to three, and appointed by the governor with the consent of the senate, to hold office during good behavior, or until sixty years of age. They were removable by the legislature on the vote of two-thirds of the assembly and a majority of the senate. Four times a year the full court sat in review of their decisions upon questions of law. By the constitution of 1846 the Supreme Court was abolished, and a new court of the same name and having general jurisdiction in law and equity was established in its place. This court was divided into General Term, Circuits, Special Terms and Oyer and Terminer. Its members were composed of thirty-three justices to be elected by the people, and to reside five in the first and four in each of the seven other judicial districts into which the state was divided. By the judiciary act of 1847, general terms were to be held at least once in each year in counties having more than 40,000 inhabitants, and in other counties once in two years; and at least two special terms and two circuits were to be held yearly in each county except Hamilton. By this act the court was authorized to name the times and places of holding its terms, and those of the Oyer and Terminer, the latter being a part of the Circuit Court, and held by the justice, the county judge and two justices of sessions. Since 1882 the Oyer and Terminer consists of a single justice of the Supreme Court.

The Court of Chancery of the State of New York was an heirloom of the colonial period, and it had its origin in the Court of Assizes, the latter being invested with equity powers under the duke's laws. The court was established in 1683, and the governor (or such person as he should appoint), assisted by the council, was designated as its chancellor. In 1698 the court went out of existence by limitation; was revived by ordinance in 1701; suspended in 1703 and re-estab-

lished the next year. At first the Court of Chancery was unpopular in the province, the assembly and the colonists opposing it with the argument that the crown had no authority to establish an equity court in the colony.

Under the constitution of 1777 the court was recognized, but its chancellor was prohibited from holding any other office except delegate to congress upon special occasions. Upon the reorganization of the court in 1778, masters and examiners in chancery were provided to be appointed by the council of appointment; while registers and clerks were appointed by the chancellor, and the latter licensed all solicitors and counselors of the court. Under the constitution of 1821 the chancellor was appointed by the governor and held office during good behavior or until sixty years of age. Appeals lay from the Chancery Court to the Court for the Correction of Errors.

Under the second constitution equity powers were vested in the circuit judges, and their decisions were reviewable on appeal to the chancellor. This equity character, however, was soon taken from the circuit judges, and the duties devolved upon the chancellor, while the judges referred to acted as vice-chancellors in their respective circuits. The constitution of 1846 abolished the Court of Chancery, and its powers and duties were vested in the Supreme Court,

By an act of the legislature passed in 1848 and entitled the "Code of Procedure," all distinctions between actions at law and suits in equity were abolished, so far as the manner of commencing and conducting the same was concerned, and one uniform method of practice in all actions was provided. Under this act appeals lay to the general term of the Supreme Court from judgments rendered in justice's, mayor's or recorder's and county courts, and from all orders and decisions of a justice at special term or circuit, and from judgments rendered at any trial term of the Supreme Court.

The judiciary article of the constitution of 1846 was amended in 1869, the legislature being authorized to provide (not more often than once in five years) for the organization of general terms consisting of a presiding justice and not more than three associates, but by Chapter 408 of the laws of 1770, the then organization of the general terms was abrogated, and the state was divided into four departments, and provision

made for holding general terms in each. By the same act the governor was directed to designate from the justices of the Supreme Court, a presiding justice and two associates to constitute a general term in each department. Under the authority of the constitutional amendment adopted in 1882, the legislature, in 1883, divided the state into five judicial departments, and provided for the election of twelve additional justices to hold office from the first Monday in June, 1884.

In June, 1877, the legislature enacted the code of civil procedure to take the place of the code of 1848. By this many minor changes in the practice of the court were made, among them a provision that every two years the justices of the general terms and the chief judges of the superior city courts should meet and revise and establish general rules of practice for all the courts of record in the state, except the Court of Appeals.

These are, in brief, the changes through which the Supreme Court has passed in its growth from the prerogative of an irresponsible governor to one of the most independent and enlightened instrumentalities for the protection and attainment of the rights of citizens of which any nation, ancient or modern, can boast. So well is this fact understood by the people that by far the greater amount of business which might be done in inferior courts at less expense, is actually taken to this court for settlement.

Next in inferiority to the Supreme Court is the County Court, held in and for each county in the state at such times and places as its judges may direct. This court had its origin in the English Court of Sessions, and like it had at first only criminal jurisdiction. By an act passed in 1683 a Court of Sessions, having power to try both civil and criminal causes by jury, was directed to be held by three justices of the peace in each of the counties of the province twice a year, with an additional term in Albany and two in New York. By the act of 1691, and the decree of 1669, all civil jurisdiction was taken from this court and conferred on the Common Pleas. By the sweeping changes made by the constitution of 1846, provision was made for a County Court in each county of the state, except New York, to be held by an officer to be designated "the County Judge," and to have such jurisdiction as the legislature might prescribe.

D. P. Corey

Under the authority of this constitution county courts have, from time to time, been given jurisdiction in various classes of actions, and and have also been invested with certain equity powers in the foreclosure of mortgages and the sale of infants' real estate, and also to partition lands and to admeasure dower and care for the persons and estates of lunatics and habitual drunkards. The judiciary act of 1869 continued the existing jurisdiction in all actions in which the defendant lived within the county and the damages claimed did not exceed one thousand dollars.

Like the Supreme Court, the County Court now has its civil and criminal sides. In criminal matters the county judge is assisted by two justices of sessions, elected by the people from among the justices of the peace in the county. It is in the criminal branch of this court, known as the "Sessions," that the minor criminal offenses are now disposed of. All indictments, except for murder or some very serious felony, are sent to it for trial from the Oyer and Terminer. By the codes of 1848 and 1877 the methods and procedure and practice are made to conform as nearly as possible to the practice of the Supreme Court. This was done with the evident design of attracting litigation into these minor courts, and thus relieving the Supreme Court. In this purpose, however, there has been an evident failure, as litigants much prefer the broader powers of the Supreme Court. By the judiciary act the term of office of county judges was extended from four to six years. Under the code the judges can perform some of the duties of a justice of the Supreme Court at chambers. The County Court has appellate jurisdiction over actions arising in Justice's Courts and Courts of Special Sessions. Appeals lay from the County Court direct to the General Term.

Surrogate's Courts, one of which exists in each county of the state, are now courts of record, having a seal, and their especial jurisdiction is the settlement and care of estates, both of infants and also of the dead. The derivation of the powers and practice of these courts is from the Ecclesiastical Court of England, also through a part of the Colonial Council which existed during the rule of the Dutch, and exercised its authority in accordance with the Dutch Roman law, the custom of Amsterdam and the law of Aasdom, the Court of Burgomasters and Schep-

ens, the Court of Orphan Masters, the Mayor's Court, the Prerogative Court and the Court of Probates.

The settlement of estates and the guardianship of orphans, which was at first vested in the director general and Council of New Netherland, was transferred to the burgomasters in 1653, and soon after to the orphans' masters. Under the colony the Prerogative Court controlled all matters in relation to the probate of wills and settlement of estates. This power continued until 1692, when, by act of legislation, all probates and granting of letters of administration were to be under the hand of the governor or his delegates, and two freeholders were appointed in each town to take charge of the estates of persons dying intestate. Under the duke's laws this duty had been performed by the constables, overseers, and justices of each town. In 1778 the governor was divested of all this power, except the appointment of surrogate, and it was conferred upon the judges of the Court of Probates.

Under the first constitution surrogates were appointed by the Council of Appointment, but under the second constitution by the governor with the approval of the senate. The constitution of 1846 abolished the office of surrogate in all counties having less than forty thousand population, and conferred its powers and duties upon the county judge. By the Code of Civil Procedure surrogates were invested with all the necessary powers to carry out the equitable and incidental requirements of their office. In its present form, with weekly sessions, this court affords a cheap and expeditious medium for the care and settlement of estates and the guardianship of infants.

The only remaining courts which are common to the whole state are the Special Sessions, held by a justice of the peace for the trial of minor criminal offenses, and also Justice's Courts with a limited civil jurisdiction. Previous to the constitution of 1821 (modified in 1826), justices of the peace were appointed, but since that time they have been elected. The office and its duties are descended from the English office of the same name, but are much less important, and under the laws of this state it is purely the creature of the statute.

This brief survey of the courts of New York, which omits only those that are local in character, gives the reader some idea of the machinery provided for the use of the members of the Bench and Bar at the time

of the creation of Tryon county in 1772, and Montgomery county in 1784.

The organization of the courts in old Tryon county was an event of great importance in local history. The creation of the county itself was, as has been mentioned, due to the influence of Sir William Johnson, and he likewise named the officers first appointed to administer its affairs. The first members of the court were as follows: Guy Johnson, judge; John Butler and Peter Conyne, judges; Sir John Johnson, Daniel Claus, John Wells and Jelles Fonda, assistant judges; John Collins, Joseph Chew, Adam Loucks, John Frey Young and Peter Ten Broeck, justices.

On the formation of Tryon county Johnstown was naturally designated its seat of justice, and during the same year (1772) the court-house and jail were erected. The removal of the county seat from Johnstown, in 1836, became a public necessity, and a general demand led to the selection of Fonda as the new capital of Montgomery.

Fonda Court-House.—This building, which will soon be abandoned because of the noise occasioned by the cars, has some very interesting associations. It was erected in 1836, and a tablet in the wall mentions Howland Fish, Aaron C. Whitlock and Henry Adams as commissioners who superintended the work. The entire expense of the court-house and jail was $15,000, which then was a large sum. This court-house has witnessed some very important trials, among which was the Putman ejectment case in which both Nicholas Hill and John Van Buren displayed their forensic abilities. One of the most interesting scenes however, was a trial in which a man, who, though not a professional lawyer, plead his own case in the most masterly manner, and to heighten the importance of the occasion it may be added that the person referred to was the novelist, J. Fenimore Cooper. He had prosecuted a Cooperstown editor for libel, and the venue had been changed to Montgomery county because of the bitter prejudice against the author at home. Cooper presented a grand appearance as he stood before the court, six feet high and finely proportioned, with a massive head and a cultivated face, and his address to the jury showed that he had fine power of oratory. The defence was conducted by Joshua Spencer of Utica, who was very eloquent, but the unfortunate editor had no chance of escape under

the unjust interpretation of the law which then prevailed. Cooper was triumphant, but his victory cost him more in loss of popularity than the amount of his petty verdict.

The court house, as has been said, will be abandoned, but may be turned to other uses and is too fine a building to be destroyed. It is really the best specimen of Ionic architecture in the state, next to the custom-house in New York.

Previous to the removal from Johnstown to Fonda the greater part of the lawyers of Montgomery county were residents of the first mentioned place. Hence we shall now briefly refer to some of those whose professional and public life rendered them prominent.

Recollections of the Old Bar.—The bar of Montgomery county has ever been noted for its strength. On the bench, as well as pleading in the courts have been men of the highest professional character and of great moral worth. Among the leading legal minds of this state Montgomery county has furnished a liberal proportion, many of whom have attained distinction and some eminence. They were indeed characterized by strict integrity as well as rare ability—qualities which have given them a high standard, not only in our courts, but also in the legislative halls both of the state and the nation.

Foremost among the leading lawyers of the county, and one of the most noted in the state during the early years of the present century was Daniel Cady, a native of Columbia county, born in April, 1773. He read law with John Wentworth, at Albany and was admitted to the state courts in 1795, after which he found Johnstown a suitable field for his profession, and became at once the acknowledged leader of the bar, a position he justly maintained throughout the long period of his practice. In 1808 he was elected to the assembly and re-elected in 1809–11–12–13. In 1814 he was elected to congress, and in 1847 and 1849 to the Supreme Court. The rival candidate for judicial honors was Judge Fine, a lawyer of ability and popularity, but Judge Cady's great strength gave but little chance to any opposition. Judge Cady had two sons who died early in life, and six daughters, all of whom were characterized by more than usual intellectual endowment, and one of whom—Elizabeth Cady Stanton—has reached prominence in discussing some of the leading questions of the day. When first elected to the bench

Judge Cady had passed his seventieth year, but at his second election he was seventy-seven. He resigned his office in 1855 and died five years later, on October 30, 1859.

Henry Cunningham was one of the most brilliant young advocates at the bar of the county, but his life was too short for the full developments of his mental resources. His greatest prominence was attained during his term in the assembly (session of 1824), in his bold and masterly defence of De Witt Clinton, who was removed by a political cabal from the board of canal commissioners.

Benjamin Chamberlain was prominent among the Johnstown lawyers for many years. He erected in 1816 the finest brick house in the county, which is still standing, and though no longer used as a dwelling still retains its ancient dignity. Donald McIntyre who became the first judge of Fulton county, was a student in Mr. Chamberlain's office. Later on Mr. McIntyre moved to Ann Arbor, but afterward returned to Johnstown and engaged in banking. His last days, however, were passed in Ann Arbor.

William I. Dodge, who was for many years noted both in the legal and political world, was a native of Johnstown. He was member of the state convention in 1821, and was also elected to the state senate. Later on he removed to Syracuse, where he died.

Charles McVean, who was born and bred in Johnstown, studied law with William I. Dodge, and succeeded him in the district attorneyship. He was elected to congress in 1832, serving during the session of 1833–35. He removed to New York, where he became surrogate, but he died before the expiration of his office.

Edward Bayard, a member of the historic family of that name, married a daughter of Daniel Cady, and became a member of the Montgomery county bar. Later on, however, he exchanged law for medicine and having removed to New York attained high rank in his profession. He died September 28, 1869.

Daniel Paris and Mathias B. Hildreth were prominent Montgomery county lawyers during the early part of the present century. The former was son of Isaac Paris who was slain at Oriskany. He served a term in the state senate and wielded great influence while member of the council of appointments. Later on he removed to Troy but he died

in New York. Mathias B. Hildreth became attorney-general, and his business led him to the state capital, but he died in Johnstown, and his grave may be seen in the old cemetery.

Aaron Haring came from New Jersey and was for many years a prominent member of the bar, being at one time chief judge of the Common Pleas. His office stood for half a century on the court-house lot and as he reached an advanced age, he is remembered by many of the older citizens.

Abraham Morrell was also a noted lawyer and he held the office of judge of the Common Pleas for many years. He was a *zealous politi*cian, and was the first to raise a hickory pole in Johnstown, which took place on Jackson's second presidential canvass in 1832.

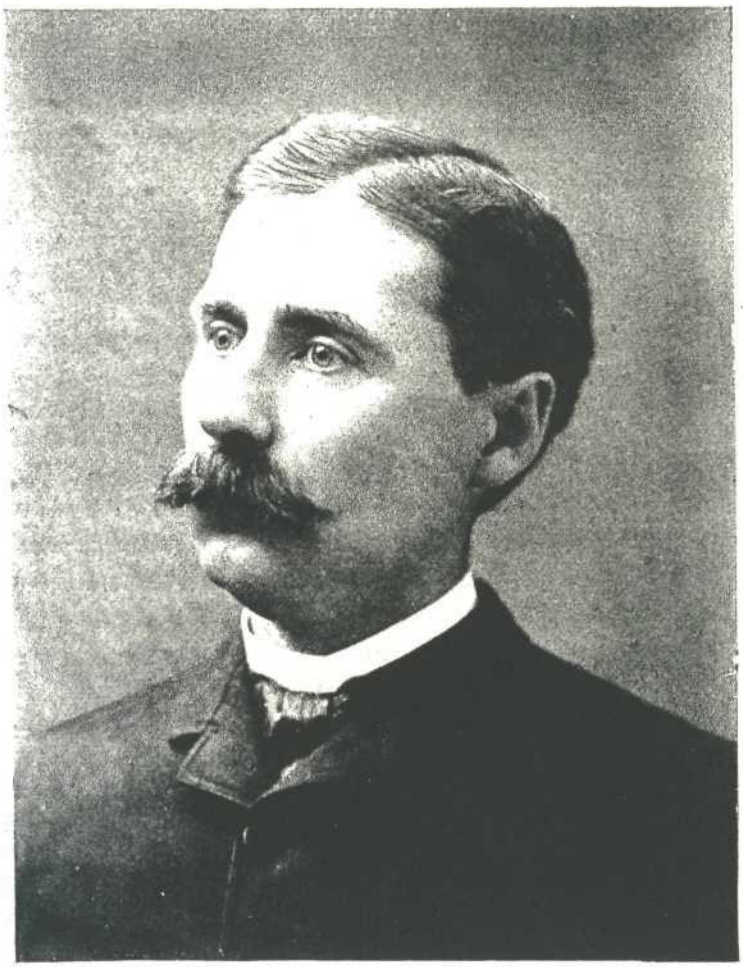
Peter Brooks came from Herkimer and was brother-in-law of Captain George I. Eacker who killed Philip Hamilton in a duel. Mr. Brooks passed a large part of his life in Johnstown, where he built an elegant house.

James L. Veeder was born at Fonda, where his parents lived for many years and reared a large and respectable family. He was educated at Union college, and after graduating pursued legal study with Austin Yates. He was admitted and began the practice of his profession at Fonda, but removed to Johnstown where his prospects were highly favorable. His career, however, was brought to an untimely close by typhoid fever.

Hezkiah Baker was an old attorney at St. Johnsville and in 1853–54 and again in 1857 was in the assembly, being then a leader of the Whig party. He was a self made man, a good lawyer and fearlessly honest in the performance of duty. In 1868 he was elected district attorney. He died in St. Johnsville quite recently.

John Darrow, of Fort Plain, was one of the leading lawyers of the county during his time and was appointed judge of the Common Pleas February 15, 1846. He died many years ago.

Peter J. Wagner was born in Palatine in 1795, and was the son of Joseph Wagner who settled in Minden in 1805. He became one of the leading lawyers of the county and represented this district in congress in the sessions of 1839–41. He died at Fort Plain at an advanced age.



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Henry Adams was originally a merchant, but preferred the law in which he won an enviable position. He practiced for many years at Fort Plain and then moved to New Jersey, where he died.

Peter J. Webster, of Fort Plain, more commonly known as Colonel Webster, a militia title, was the son of Dr. Joshua Webster, and a native of Minden. He was a bright lawyer and was elected district attorney in 1853. He is remembered as a kind-hearted man as well as a popular advocate.

James Genter, also of Fort Plain, is remembered as a careful, plodding attorney of early days, when the profession was more laborious than profitable.

George Yost was a native of Johnstown. He studied law with Daniel Cady who made him a business partner. Eventually Mr. Yost removed to Fort Plain where he attained wealth and professional distinction and was elected county judge. He died in 1888.

Lorenzo Crounse was the law parner of Peter J. Wagner. He was in practice in 1850, but afterwards left the county and became prominent in politics in the west, being in 1892 the Republican candidate for governor of Nebraska.

David Eacker was a prominent lawyer and public man in Canajoharie many years ago, being a strong Whig and of much influence in his party. He was commonly called "Judge" Eacker, probably as associate judge in the Common Pleas. He had two sons, Josiah and Charles, both lawyers, the former removing to Wisconsin and the latter to New York.

Thomas B. Mitchell, of Canajoharie, was a lawyer of ability. He gained much popularity in the county, and was four times elected senator, 1843–44–45–46. Later on he removed to Schenectady, continuing practice there, and it is said that whenever he was engaged in the trial of a cause the college students always came to the court-house to observe his peculiar manner.

John Cummings was practicing law at Canajoharie when the county seat was removed to Fonda, and was among the older lawyers of the county at that time.

In recalling the names of former legal practitioners of Canajoharie we should also mention James H. Cook and George Smith, the former of

whom was elected county judge in 1867. Mr. Smith removed to Amsterdam, where he died several years ago.

Phineas Randall, who lived and practiced law at Ames, six miles south of Canajoharie, was one of the old lawyers of the county, and judge of the Common Pleas in 1841, his predecessor being Abraham Morrell, and his successor John Darrow. He was the father of Alexander W. Randall, at one time governor of Wisconsin, also postmaster-general under President Lincoln. Also he was the father of Edwin M. Randall, who was justice of the Supreme Court of Florida during the reconstruction period.

Among the old legal practioners at Palatine Bridge we can recall the names Henry Loucks and John Frey, both able lawyers, who did good service in their day.

Isaac Tiffany was one of the old bar, and a resident of Fultonville. He studied law with Aaron Burr, and had many reminiscences of that famous character.

Cornelius Putnam was a lawyer of Glen village, and had a large local influence.

Giles F. Van Vechten also practiced in the same town, and was the last of the appointed surrogates of the county, his appointment dating April 1, 1843. In 1845 he was elected county clerk; later on he removed to New York, where he died in 1889.

Howland Fish was a native of Dutchess county, and descended from a family prominent in the revolution. He was educated at Yale and then studied law at Hudson. Later on he became law partner with Aaron Haring at Johnstown, where he was also appointed postmaster. He was a member of the constitutional convention in 1821, and represented the county several times in the legislature. He was also one of the commissioners appointed to erect the court-house and jail after their removal from Johnstown. The largest part of his life was spent in Fultonville, where he was for many years the leading counsellor.

Frothingham Fish, son of the above, pursued the same profession in which he attained great eminence. He has always been a Montgomery county man, and occupies the house and office erected by his father. The best proof of his abilities is found in the fact that he was elected justice of the Supreme Court and was an honor to the bench. Judge

Fish also twice represented the county in the legislature. He has passed his entire professional life in Fultonville, where he has acquired wealth and public respect.

Robert Bronk Fish, son of the above, was educated at Union college and studied law with his father. He has held the office of district attorney and is still engaged in the practice of his profession.

Leonard F. Fish, who is the youngest of the judge's sons, is also engaged in law practice and occupies the same office, which has thus served three generations of the same profession.

Daniel G. Lobdell, a native of Johnstown, studied law with William I. Dodge and later on became a partner with Alonzo Adams, of Fort Plain, where he died in 1875.

Nicholas Hill was born at the old Hill farm (as it is still called) near Minaville. He read law with Phineas Randall and was noted for application. His ambition, indeed, rendered legal service his pastime as well as study. Later on he studied with the once famous Judge Cowen, whose office he left to begin practice, first at Amsterdam, and afterwards at Albany. His progress at the bar was rapid and yet not more so than had been predicted by those who had marked his early promise. He reached the highest position in his profession, being at last the most powerful practitioner before the Court of Appeals. In the language of Charles O'Connor he "held the first place in the bar of the state." He died May 5, 1859, in his fifty-fourth year, and was buried in the Albany cemetery.

Marcus T. Reynolds was also a noted member of the Montgomery county bar. He reached distinction while practicing in Amsterdam and afterward removed to Albany, where he held pre-eminence until removed by death.

Deodatus Wright was also a distinguished member of the Montgomery county bar. He lived in Amsterdam, but afterward followed the above mentioned example and removed to Albany where he was made judge of the Supreme Court. Platt Potter, who also began his profession in this county, removed to Schenectady where he, too, reached a position on the Supreme Court bench. Alfred Conkling, who lived at Canajoharie, was also a noted member of the Montgomery county bar. He was elected to congress, and later on was appointed judge of the United States Court. He was the father of Roscoe Conkling.

Garrett L. Roof was also a prominent member of the Montgomery county bar, being at one time district attorney. He eventually exchanged the legal for the clerical profession, in which he labored for many years with much success. He died at West Troy where he passed his last years in retirement.

David Sacia was also numbered among the old members of the Montgomery county bar, and was a man of highly respectable ability.

Samuel Belding, jr., was one of the earliest lawyers of Amsterdam, and was the first county judge under the constitution of 1846. He was partner with Clark B. Cochrane, and brother-in-law to Nicholas Hill.

Solomon P. Heath was another prominent lawyer of the same place, and was elected member of the assembly in 1850, and also county judge in 1871.

Richard H. Cushney was born in the town of Johnstown (now Mohawk) in 1809, and was educated in the common schools, and the Cambridge and Johnstown Academies, after which he studied law with William I. Dodge, and was admitted to the bar in 1831. During his legal studies Mr. Cushney was deputy in the office of county clerk (George D. Ferguson) and remained in this service until 1837, when he removed to Fonda, holding the same office in the new county seat.

Judge Cushney began law practice in 1831, and continues in professional service, being the oldest lawyer in Montgomery county, and one of the oldest in the Mohawk valley. He has been a Democrat since attaining his majority, and held a number of public offices. He was appointed surrogate July 17, 1838, holding until April 1, 1843, and in November, 1859, he was elected county judge, and served with acknowledged ability. He also assisted in founding the Mohawk River Bank, and has always been its legal adviser, and for a long time has held the office of vice-president.

The Present Bar.—In both personal character and professional ability the bench and bar of Montgomery county always held distinction, and did our space permit the subject would be entitled to more extended notice. Under such a limitation, however, our record will only include personal mention of the members of the present bar of the county; in which determination we are supported by the profession in general, and its younger representatives in particular, who have yet to make their

life records, and who feel that extended mention belongs more appropriately to the close of labor than to its beginning.

In Montgomery county there is a great variety of business interests, and hence there is a fair prospect of success on the part of any energetic lawyer; and while the legal business of a county ordinarily centers at its county seat, in this county the seat of justice happens to be located in a comparatively small village, which offers but little inducement to a lawyer. Amsterdam, Canajoharie and Fort Plain are the leading places in the county, and as a result the greatest number of practicing attorneys are there, and yet Fonda, Fultonville and St. Johnsville have their fair proportion of lawyers.

Lawyers of Amsterdam—Howard Putman, John F. Collins, W. B. Dunlap, George S. Dievendorff, A. B. Flansburg, W. Davidson Jones, John G. Maxwell, E. J. Maxwell, Charles S. Nesbitt, Richard Peck, L. H. Reynolds, Robert J. Sanson, Martin L. Stover, Lawrence A. Serviss, Walter L. Van Denbergh, L. S. Westbrook, Henry V. Borst, E. J. Perkins, John K. Warnick, George B. White, E. P. White, C. P. Winegar, Hicks B. Waldron, Harry Sherburn, Henry V. Burke, Archie R. Conover, J. Howard Hanson, Homer J. Sullivan, John W. Eighmy, Thomas F. C. Clary.

Canajoharie—J. F. Hazleton, Harvey Dunkel, Brownell C. Fox, Hiram L. Huston, Newton J. Herrick, D. S. Morrell, B. F. Spraker, David Spraker, Frazer Spraker, W. H. Van Steenbergh, John C. Wheeler, Charles W. Wheeler, William A. Williams.

Fort Plain—James E. Dewey, H. M. Eldredge, Irving Moyer, Aionzo Lewis, George E. Phillips, Dewitt C. Shults, E. S. Van Deusen, L. M. Weller, J. L. Moore, John D. Wendell, John S. Yost.

Fonda—Richard H. Cushney, Henry B. Cushney, J. S. Sitterly, Daniel Yost, S. W Putman.

Fultonville—G. M. Albot, Frothingham Fish, R. Bronk Fish, Leonard F. Fish, Thomas R. Horton.

St. Johnsville.—Frank B. Towman.