

Egbert Benson: Found and Not Forgotten

By Nancy Bendiner, Volunteer, HRH Collections Committee, July 23, 2024

When I ask Red Hook residents if they ever heard of Egbert Benson, most respond with “Who was HE?” Members of Historic Red Hook are often aware he was the namesake of the Egbert Benson Historical Society, a precursor of Historic Red Hook, though often don’t know why. In 1985, a local journalist wrote in *The Pennysaver* that “Most people today, outside of those in the local historical society, haven’t the foggiest idea why Egbert Benson was important locally, much less in the Country.”

The Portrait

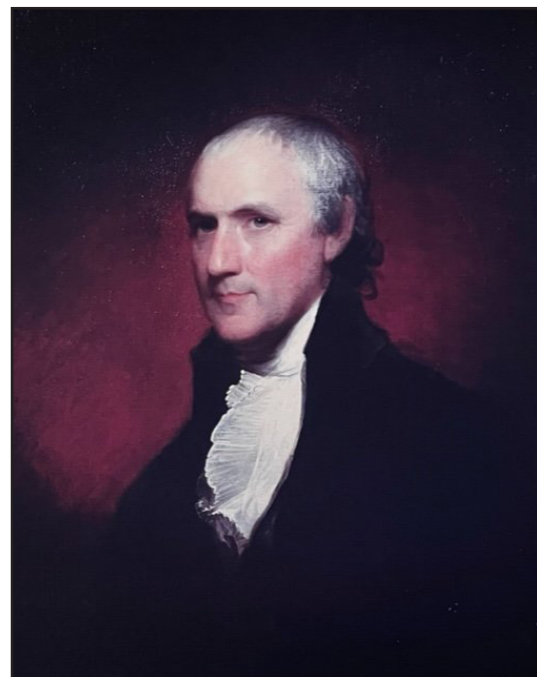
On the wall of the South Room of the Elmdorph Inn, Red Hook, New York, Benson’s image greets visitors as he gazes out from a copy of a Gilbert Stuart painting (circa 1800-1810). This is at least a reminder to visitors that perhaps the man pictured has some relevance to Historic Red Hook. A small plaque below the painting says: “Donated in Memory Of Rosemary Coons, Red Hook Village Historian 1974-1993.”

John Jay, an illustrious Founding Father as well as Benson’s friend, received the original painting as a present from Stuart, and it has remained at the John Jay Homestead in Katonah, New York. For many years, it hung in Jay’s library. Recently, I spoke with Wint Aldrich, who was Red Hook town historian for 42 years. He said that when the original portrait was put on sale by Jay’s descendants, most sale buyers readily purchased paintings of Hamilton and Washington but had little interest in that of Benson. According to a 1996 newsletter of the Friends of John Jay Homestead, the Friends were able to buy the portrait for \$77,000.

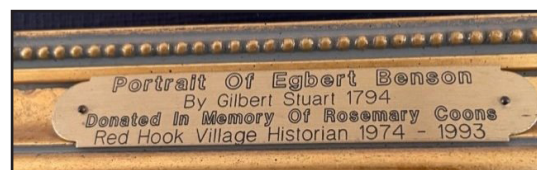
Mr. Aldrich added that Barbara Bielenberg, Egbert Benson Historical Society (EBHS) President and board member, took charge to acquire a reproduction of the portrait, which was reproduced by melding a photo onto canvas.

Where Can We Find Egbert Benson Today?

Locally, or even nationally, there isn’t much viewable evidence of Benson’s legacy. History remembers other figures of his day, such as Hamilton and Livingston, with monuments, libraries of material, and even



A portrait of Egbert Benson by Gilbert Stuart, c. 1800-1810.



Detail of descriptive plate



A reproduction of a portrait of Egbert Benson hangs in the center of the Elmendorph Inn's south room above the mantel. Photo by Pieter Estersohn.

original musical scores. Why not Egbert Benson, fellow Revolutionary patriot?

The Stuart painting was not the only original Benson portrait. Egbert Benson sat for a small, miniature portrait by the artist John Trumbull in 1792, which ended up at the Yale University Art Gallery. The Historical Society of the New York Courts and the National Portrait Gallery also hold Benson portraits. In the Metropolitan Museum's collections is a circa 1794 painting of Benson by John Vanderlyn, a Kingston, NY, artist. For the 1975 Bicentennial in Red Hook, Edith Kennedy, an artist, completed a portrait of Benson that was displayed for the event in the Masonic Hall on Kent Street (now Graves Street) and which was pictured in news reports at the time. This portrait is now located in the Historic Red Hook Archives but is not displayed.

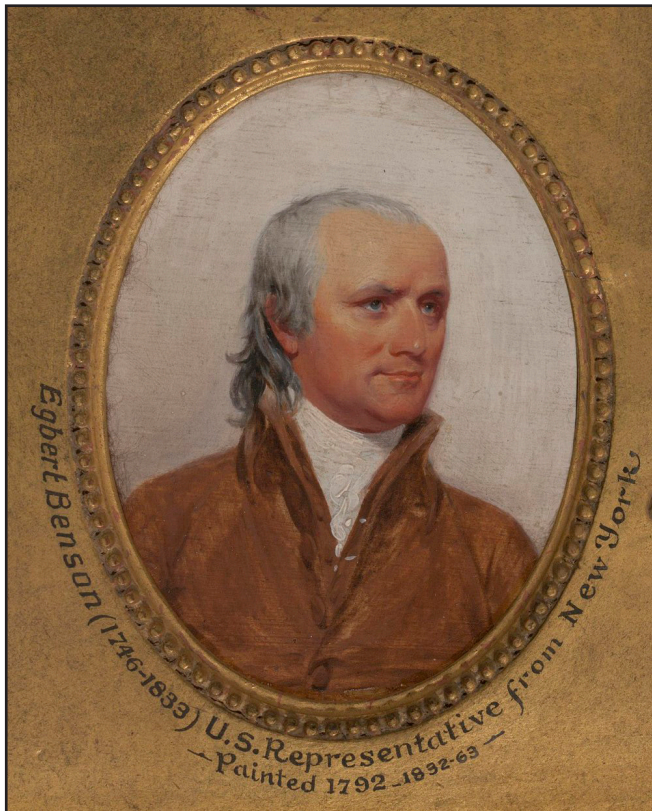
There is scattered information about Benson in early papers and collections by or about other notables of his time such as Robert Livingston and Governor George Clinton. Benson is mentioned in some studies in the New York State Archives and various books which mainly focus on broader subjects or even other people. John Gordan III, a trustee of the Supreme Court Historical Society, wrote extensively on Benson and in 2001 gave a lecture in Red Hook at the Egbert Benson Historical Society (EBHS). He made the point that Benson is not forgotten. Local Dutchess County and Red Hook newspapers, especially during the 1975 and 2012 Bicentennials, revived Benson's name and legacy.

It turns out that there are reminders of Benson scattered around New York State. In 1923, for example, the Greenwich Village Historical Society placed a bronze tablet on New York City's Butterick Building, then at the corner of MacDougal and Spring Streets. The tablet, as noted in New York legislative records,

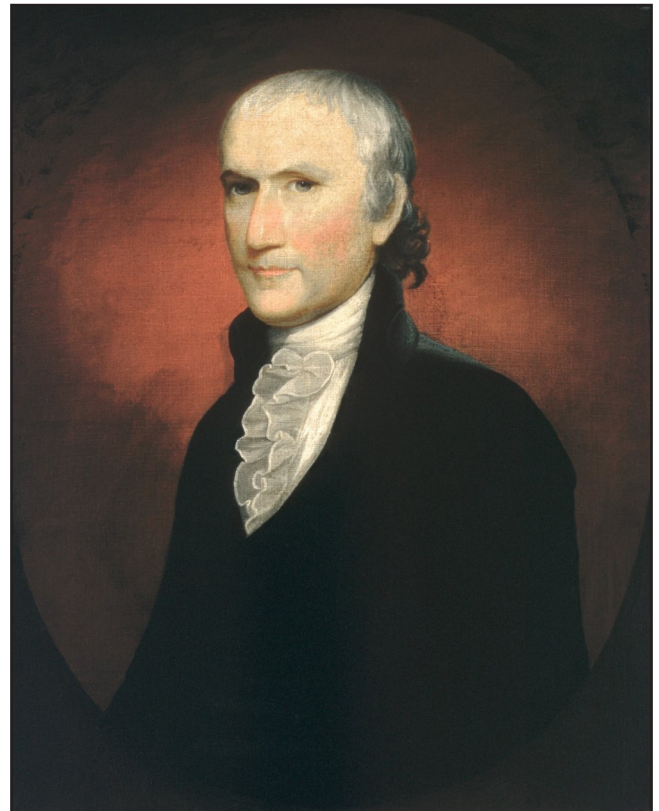
listed Benson as the “Last important Tenant” of the Richmond Hill Mansion once located near the site. Other tenants of this mansion included John Adams and Aaron Burr. In fact, Burr left that house to “meet Alexander Hamilton in the fatal duel,” according to a NY Times 1923 article. Visitors included the likes of Gilbert Stuart, Chancellor Livingston, and Talleyrand. George Washington used the mansion as his headquarters before the British captured the City.

Many early commentaries on Benson stated that his burial site was not known. However, over time, it was recognized that he was buried in Prospect Cemetery, Jamaica, Queens County, New York. He retired to that town in the later years of his life. The lettering on his tombstone is mostly worn down. A New York State historic site marker replaced a dilapidated 1936 sign and reads “Prospect Cemetery: Original Jamaica Town Burying Ground, Established 1660. Egbert Benson Born 1746, Died 1833, Buried Here. First Attorney General N.Y. State.” Visitors to the grave over the years said the immediate area when they visited appeared poorly maintained.

Benson is reported to have assisted in planting a row of trees in front of Columbia College.



Miniature of Egbert Benson by artist John Trumbull, 1792. In the collections of [Yale University Art Gallery](#)



Egbert Benson by John Venderlyn, in the collections of the [Metropolitan Museum of Art](#)

Benson- A Red Hook Man?

As we will see here, Egbert Benson eventually ended up as the namesake of the Egbert Benson Historical Society (EBHS), the precursor of Historic Red Hook (HRH). What were his connections to Red Hook, anyway?

Benson was born in New York City in 1746, the third of four sons. According to historian Robert Ernst, Benson's father Robert was a politically active brewer who died when Egbert was 16. Benson attended Kings' College (later to be Columbia University) where he studied law, graduated in 1765, and passed the bar in 1769.

Gordan said that Benson moved to Red Hook to establish his legal practice in 1772. Historians state that one reason he moved was that New York City had too many lawyers and too much competition for work. At least one account suggests that he started his practice in New York City. A New York State Bicentennial publication noted that he relocated due to concerns, in his own words- about "insecure income," and "sought such business as would afford something more than a comfortable subsistence." Throughout many years, one of Benson's specialties was real estate law, though he also worked in general litigation. My impression is that Benson's career decisions were often dictated by his financial condition.

In the early years of his legal career, Benson sometimes regarded his friend, neighbor, and former schoolmate Robert Livingston as a competitor. Ernst relayed Benson's comments on Livingston: "I dread both his Abilities and Connections." Over time, they occasionally worked together on the same side of legal cases.

Where was Egbert?

It seems worthwhile to determine more about where Benson may have lived while in the Red Hook area, about which there is still guesswork. Benson had family in the area whom it is believed he visited as a child and later as an adult. He was also related by marriage to a few prominent families. There are also at least two theories of where Benson lived in the area.

The first theory is that when he relocated from New York City, Benson probably lived with his aunt Tryntje Benson Hoffman, her husband, Martinus Hoffman, and their son Hermanus (Herman) Hoffman. However, Tryntje passed away in 1765 so it is possible Benson could have stayed with Martinus and his second wife Alida, Philip Livingston's daughter. It is believed the house was on the shore at Hoffman's landing. Clare O'Neill Carr, local journalist, wrote that Benson first lived with his uncle and aunt in Tivoli, or "Red Hook Landing as it was called in the 18th Century," but the house is long gone.

A few reports suggested that Robert Livingston was Benson's neighbor, but it is not mentioned how far apart they lived, though some say Benson's location was near the river. History reflects that there were occasional boundary disputes between the Livingstons and the Hoffmans.

Offering a second possibility, O'Neill Carr said that Benson also probably lived with his cousin Herman in Upper Red Hook. Rosemary Coons, former EBHS board member as well as Red Hook Village historian, wrote it is likely Benson lived along Old Post Road "near where Spring Lake Road is located today, north of the present village of Red Hook."

In 1988, Egbert's first cousin Herman Hoffman was mentioned in "The Kerk," a newsletter of St. John's Reformed Church in Upper Red Hook. He was described as the son of Martinus Hoffman and Tryntje Benson, who it was noted was the aunt of Egbert Benson. The article was about the stained glass windows in the church, one of which in 1872 was donated by Herman's son, Samuel Verplanck Hoffman.



The Upper Red Hook community where Benson may have lived is circled on this 1797 map of Rhinebeck. Surveyed by Alexander Thompson, Collection of Bard College, Montgomery Place Campus View high resolution version of map [here](#).



Detail of possible location of Benson residence.

In the Kerk article, a house is mentioned as that of “the Hoffmans” and appears to refer to Herman and his family. According to this article, the house was later known as the Kerley house on the “west side and three houses north of the triangle in Upper Red Hook.” The article adds that the owner of the house next door was Edith Michael. Hop and Cathy Michael, long time Red Hook residents, recently confirmed that his mother Edith lived on the West side of the triangle on Old Post Road North, and discussed some of the houses on the street. They were aware of sales on that street- such as a house sold

by the Kerley’s in the 1940’s which may have included another house as well.

Roger Leonard- who served as pastor of St. John’s Reformed Church- noted in his book on Upper Red Hook that the wife of Herman Hoffman was Catherine Verplanck. Herman and Catherine “lived in Upper Red Hook in a small house on a property owned by the Verplanck family on the west side of Old Post Road just north of the Village Green.” He added, “Our historian Clara Losee thought perhaps Egbert may have often stayed with them on his visits to Red Hook after he sold his own land to Robert S. Livingston.” So far, I have been unable to determine if indeed Benson owned land he sold to Livingston or where that might have been.

In the HRH Archives, there are records about a failed effort in the 1980's to make Upper Red Hook into an historic district. The records cover the houses on Old Post Road North. One of the houses on that road was sold in 1834 by Phillip Verplanck to someone named Teats, and was used by Catherine Hoffman, tenant, wife of Herman Hoffman, for a small private school, year unclear. David Hoffman, a descendant, reportedly renovated some of the houses well after they were initially built.

Elliott Bristol, long time member of Historic Red Hook, recently brought to my attention the 1797 Thompson map of Upper Red Hook in the HRH collections. There are houses on the map on the West side of the triangle, and one of the houses was reportedly built in 1790, while the other one is unidentified. In

1987, a Daily Freeman article noted that for a while, Benson received his mail "in care of Herman Hoffman, in Upper Red Hook."

The aforementioned observations perhaps can't confirm the location of Benson's home, homes, or whereabouts, but may throw light on the possibilities. Could he have lived in earlier times with his Uncle Martinus near the river, and later with his cousin Herman in Upper Red Hook? One also sees that he had connections with prominent local families, and not all are mentioned here.

Benson also lived with his brother in Poughkeepsie and reportedly established law offices there. The 1800 United States Federal Census also finds Benson, head of household, in Albany.

According to Coons, Benson remained in Red Hook through the 1780s. This was partly confirmed in a 2001 EBHS publication which said he stayed in Red Hook during the Revolutionary War years. Once he became more involved in politics though, it is likely he changed locations depending on what he was doing at the time. O'Neill Carr stated that he traveled a lot between Red Hook, Albany, Philadelphia, and New York.



Stained glass at St. John's Reformed Church in Upper Red Hook, donated by a relative of Benson.

A Man of Faith

According to Roger Leonard, Benson's faith was "vital to him" and he "became a member of the Dutch Reformed Church in 1773, when he was 27 years old." On the Red Church "Register" of that time (written in Dutch) which can be accessed on Ancestry.com, the following names appear: 1769, Zacharias Hofman; 1773, Herman Hofman, Nicholas Hofman, Cornelius Beekman, Alida Beekman, Egbert Benson. In order to accommodate a growing congregation, the Red Church was followed in 1799 by a larger church, St. John's

Muskets and Spies

After he moved to Red Hook, Benson continued for a time to attend a lawyer's club, The Moot, in New York City, along with his former law school classmates who included John Jay and Robert Livingston. The club, which spanned the years 1770-1775, encouraged lively debate and political discussion and was sought as a source of legal advice by local leaders.

Some historians said Benson's mother left New York City in the early 1770s due to fears for her safety and moved to Red Hook. The British occupied the City at the time, and soon took over the abandoned Benson home.

Benson's career indicates he was intensely concerned about local Dutchess County issues and state issues as well. As his influence grew, he became influential among those in power, including New York Governor Clinton.

As war approached, Benson was central to efforts in Dutchess County to build up a fledgling army. O'Neill Carr wrote that he "collected muskets and recruited men in a county which wavered between Loy- alism and Independence." Loyalist pro-British sentiments remained strong at that time. He was appointed as chairman of a General Committee that administered the county and was a member of the Committee of Safety. In 1773, he told the latter that "four companies were then enlisting," and later more were added.

Both Egbert Benson and Herman Hoffman (as well as a few other Hoffmans and many other local citi- zens) are listed in the precinct of Rhinebeck as among those who "repudiated the British Government and placed themselves under the power of new men and new measures," signing a pledge of support for the Union. Before it became a separate township in 1812, Red Hook was part of Rhinebeck precinct.

Loyalties in Dutchess County were volatile, and Benson worked throughout this period to maintain order but prepared to defend. There were reportedly spies everywhere. Aldrich said that there were a number of groups that harbored spies, including the Quakers and the Anglicans. Benson was appointed to the mostly secret "Committee for Detecting and Defeating Conspiracies," whose goal was to find and arrest those who aided the British. Gordan wrote that the group "would force Loyalist sympathizers out of their homes to 'exile' behind British lines in the southern portion of the state." In his book, *Vindication of the Captors of Major André*, Benson defended three infantrymen who captured a British spy, André, in 1780. A "major" in charge of the "spy route" had verbally attacked these men and tried to stop an increase in their pensions.

Benson in New York State

Benson held many political positions which, for the convenience of the reader, are listed in the appen- dix to this article. He often held more than one position at once. Following are highlights illustrating how Benson approached decisions and worked as a statesman.

In 1777, Benson representing Dutchess County became a member of the New York State Assembly, where he served until 1781 and then was reelected in 1788. He drafted many statutes and his member-

ship on many committees suggests his level of influence. According to historian Edward Countryman, "Benson was the single most powerful man in the early legislature."

Ernst wrote that Benson felt that honesty and devotion to the public interest were "essential qualities" in public servants. In a letter to John Jay for help in drafting some resolutions, Benson wrote: "Misfortunes, resulting from want of ability, I can bear with Patience, but such as arise from Want of Integrity excite my Resentment in spite of all my Philosophy and I feel indignation inexpressible at those Traytors who under the Mask of Friendship (sic) would sacrifice the public Happiness at the Shrine of their private interest....Exert yourself, My Dear Friend. Cry aloud and spare not."

Benson assisted in the passage and enactment of The Confiscation Act of 1779 that allowed Tory property to be confiscated. Ernst said that Benson drafted this bill and that it was fairly severe. Other legislators however may have been credited. The law was passed in the third session of the legislature held at Kingston, New York.

There was a long history of contention between landlords and tenants that started well before the Revolution. Tenants eventually were able to change perceptions of what constituted land ownership. According to Ernst, many residents of Benson's "own Dutchess County had expressed fears of plotting by Tory landlords." However, Benson compromised and refused to confiscate lands without a proper reason such as to "supply the troops." Ernst added that "his real concern was for legality and justice in the sale of confiscated lands." It appears as though he tried to find a balance between the needs of landlords- many of whom were his friends- and the pressure to confiscate land. Newspapers in the county attacked him over this Act. In 1781, Benson lost his bid for re-election as a Federalist.

Benson was able to hold more than one political position at a time. In 1777, at the age of 31, Benson was elected the first Attorney General of New York, a position he held until 1788. He was a delegate to the Continental Congress, with inconsistent attendance possibly due to his involvement in local politics and his need to earn a living.

Benson continued his legal practice during the times he held political positions. As New York Attorney General, he represented a woman, reportedly one of his aunts, in a 1783 case in Manhattan. British troops trespassed on her property, a brewery and a malt house, and she sued for damages. The opposing attorney was Alexander Hamilton. In a later suit, Benson and Hamilton together represented Zacharias Hoffman to prevent his land from seizure by Robert R. Livingston in Upper Red Hook.

There is census evidence that Benson owned one and then two enslaved people in Poughkeepsie, but that ended. The Gazette Advertiser wrote that in 1788, he drafted "the first statute ordering the freeing of slaves," and was "the first person in Poughkeepsie to free his own slaves under the law." He also supported legislation that would allow the freeing of slaves after an owner died, which was opposed by many. Gordan suggested that Benson and the Federalists however saw slavery as the price of compromise. On a national level, the goal was a stronger national government under the Constitution but "it was felt that there could have been no Union without recognition that citizens of slaveholding states completely own their slaves and property even if they escape to another state."

Benson Behind the Scenes and the Whodunit

Records suggest that as Benson's career subtly skyrocketed onto the national scene, he made significant contributions to the law and the Constitution that have repercussions today.

In 1786, Benson served as secretary at the Annapolis Convention that called for a Constitutional Convention. In 1787, he was not elected to the Constitutional Convention in Philadelphia, which adapted the Constitution, due to complicated county politics. In 1788, he attended the New York State convention held to ratify the Constitution.

Benson was a strong proponent of the Constitution. A Federalist, for the most part he believed in a strong national government and one unified court system that had jurisdiction over the states. He didn't want state courts to decide constitutional questions. He also drafted legislation that helped create the separation of powers and define the role of the Executive branch. Both Benson and Madison, according to Gordan, wanted a strong and streamlined executive.

Benson resigned his seat as New York Attorney General and in 1789 was elected to the House of Representatives for the First Congress, and then the second Congress, under the Constitution. His Congressional district, New York's third district, was 20 to 1 anti-Federalist. However, he left Congress in 1793 (only to return again later) and in 1794 was appointed Associate Justice of the New York Supreme Court where he remained until 1801. He then had some bad luck though because the Second Circuit, where he became chief judge, was eliminated by the opposition Jeffersonians.

Benson became an insider in whatever he was doing. He was shrewd while he sought to meet his goals, and sometimes compromised to keep the Union intact. As noted by O'Neill Carr in her article, "Egbert Who?": "He took a leadership role but the point is, he never put himself in the spotlight."

According to Columbia University's college newsletter, Benson "changed the course of our nation's legal history" and profoundly affected society. Their example is Benson's contribution to the creation of the Fourth Amendment and Bill of Rights. The present article does not cover the legislation Benson prolifically introduced, but this story seems to suggest at least the mood and processes in Congress of the day.

The story of Benson's involvement in the following incident, where he may have used a "sleight of hand," was questioned by Gordan. Others described the story as likely true and it appeared in numerous accounts about Benson. While in Congress, Benson was in charge of a committee that organized when amendments were presented to the floor. One of his own amendments, which dealt with searches and seizures, was rejected in a vote. Then, James Madison's amendment on "warrants" passed the House- an amendment that sought to end warrants that allowed British military searches and seizures of taxable items such as tea and paper. British soldiers otherwise could go to any boat or house and start a search with little to no evidence. Benson wanted two clauses- one about warrants and one about the right to privacy. He reportedly intercepted Madison's amendment before it got to the Senate and substituted his own, which was broader and included the right to privacy and probable cause for the issuance of search warrants. No one knows if Madison knew about the switch in advance. The actual record of Congress says nothing about a switch. The amendment passed. According to John Gordan, the general right to privacy is "the underpinning of the Fourth Amendment."

This legislation impacted years of American law and influenced, for example, *Roe v. Wade* on abortion rights, and other decisions on privacy, seizures of persons' personal property, and the rights and security of persons in their own houses. Ultimately, even if there was no search, the right to privacy could be violated.

Aldrich mentioned that Benson in the N.Y. Supreme Court also assisted to resolve disputes of boundaries between states. For a time, New York boundaries were ill defined. As a result of one of his decisions, the people of Vermont named one of their townships after him.

Part II: Benson the Historian and Writer

Coming Soon!

THANK YOU to the following individuals for spending time to share their stories and/or providing information for this article: Wint Aldrich, Beth Jones, Claudine Klose, Chris Klose, Ellen Phelan, Linda Keeling, Patsy Vogel, Cathy Michael, Hop Michael, Elliott Bristol, Jim Haskin, Andrew Checchia, Linda Glowienka, and Jim Glowienka

Sources:

- Historic Red Hook Collections, including online resources available on HRH website [here](http://www.historicredhook.org/cemeterycrawl).
- Speech transcript, "Egbert Benson: Man of the Law," by John D. Gordan III, to EBHS, October 23, 2001
- "The Kerk," newsletter of St. John's Reformed Church, Upper Red Hook, N.Y., Aug. 1988
- "Egbert Benson- a Nationalist in Congress, 1789-1793," by John D. Gordan III, The U.S. Capitol Historical Society, with multiple source footnotes
- Comments "For the N.Y. State History Conference," by John D. Gordan III, June 8, 1996
- Paper, "Egbert Benson, Forgotten Statesman of Revolutionary New York," by Robert Ernst, 1996, with multiple source footnotes
- "Egbert Benson," New York Notes, by Wythe Holt, pub by the New York State Commission on the Bicentennial of the United States Constitution, 1987
- "Egbert Benson and the Fourth Amendment," by John W. Wasowicz, Dec. 1991, The New York State Bar Journal, donated by Wint Aldrich
- "Columbia's Unknown Founding Father," by John A. Wasowicz, Columbia College Today, Spring 1993
- Selected correspondence in the HRH Archives of the Egbert Benson Historical Society, Friends of Elmendorph, the 1975 Bicentennial Committee and Village of Red Hook
- Selected minutes in the HRH Archives of the Egbert Benson Historical Society and the 1975 Bicentennial Committee
- "Echoes" and "Elmendorph Echoes," Newsletter, Friends of Elmendorph, 1989-1998
- Order of Consolidation of the Egbert Benson Historical Society of Red Hook and Friends of Elmendorph Inn, from the University of the State of New York Education Department, Oct. 22, 2013
- Letter from Linda Keeling for grant submission, 2000, about the EBHS archives

- Egbert Benson Historical Society Newsletter
- Letters and documents from the application for Red Hook's historic status, HRH Archives
- Original pamphlets, flyers and programs of the EBHS, HRH Archives
- Friends of John Jay Homestead Newsletter, Summer 1996
- "New York Historical Society Quarterly Bulletin, July 1923
- Wills and Probate Records, Dutchess County

Books:

- *Chancellor Robert R. Livingston of New York, 1746-1813* by George Dangerfield
- *Historical Old Rhinebeck, Echoes of Two Centuries: A Hudson River and Post Road Colonial Town* by Howard Holdridge Morse
- *Old Dutchess Forever* by Henry Noble MacCracken
- *Tivoli, The Making of a Community* by Bernard B. Tieger
- *Upper Red Hook, An American Crossroad* by Roger M. Leonard

Newspapers:

The following papers can be accessed for free through our website here.

- *Barrytown Explorer*
- *The Gazette Advertiser*
- *Red Hook Journal*

Additional papers referenced:

- *The Daily Catch*
- *Daily Freemam*
- *The Pennysaver*
- *Poughkeepsie Journal*
- *The Register-Star-Hudson*
- *The New York Times*

Websites and Online Databases:

- Ancestry.com
- Find a Grave
- Historical Society of the New York Courts
- New York Heritage
- The New York Landmarks Conservancy
- Wikipedia

Appendix:

A Review of Egbert Benson's Career

Deputy to the provincial convention in 1775; member of the council of safety in 1777 and 1778; 1777 first attorney general New York, until 1789; member of New York State Assembly 1777-1781 and again in 1788; associate judge of the supreme court of New York 1784-1801; member, Continental Congress 1784,

1787, 1788; member, State constitutional convention 1788, which ratified the Federal Constitution; elected to First and Second Congresses, 1789-1793; regent of the New York University 1789-1802; judge of the US Circuit Court, second circuit, 1801; first president of the New-York Historical Society, 1804-1816; elected as Federalist to Thirteenth Congress, 1813, served five months.

Career list taken from David A. Nourse, essays, New York: Second Circuit Committee on the Bicentennial of the US Constitution, 1987 and ancestry.com Biographical Directory of the United States Congress

Selected Papers and Publications by Egbert Benson:

- "Vindication of the Captors of Major André," 1817 (there are a few later reprints)
- "A Biographical Sketch of Gouverneur Morris," 1816
- "Brief Remarks on the 'Wife' of Washington Irving," 1819
- "Memoir Read Before the Historical Society of the State of New York, December 31, 1816"
- "The Cartographical History of the North-Eastern Boundary Controversy Between the United States and Great Britain" circa 1796
- "Memoir on Dutch names of places," 1816