

BOX

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FOLDER

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Bingham Lawsuit

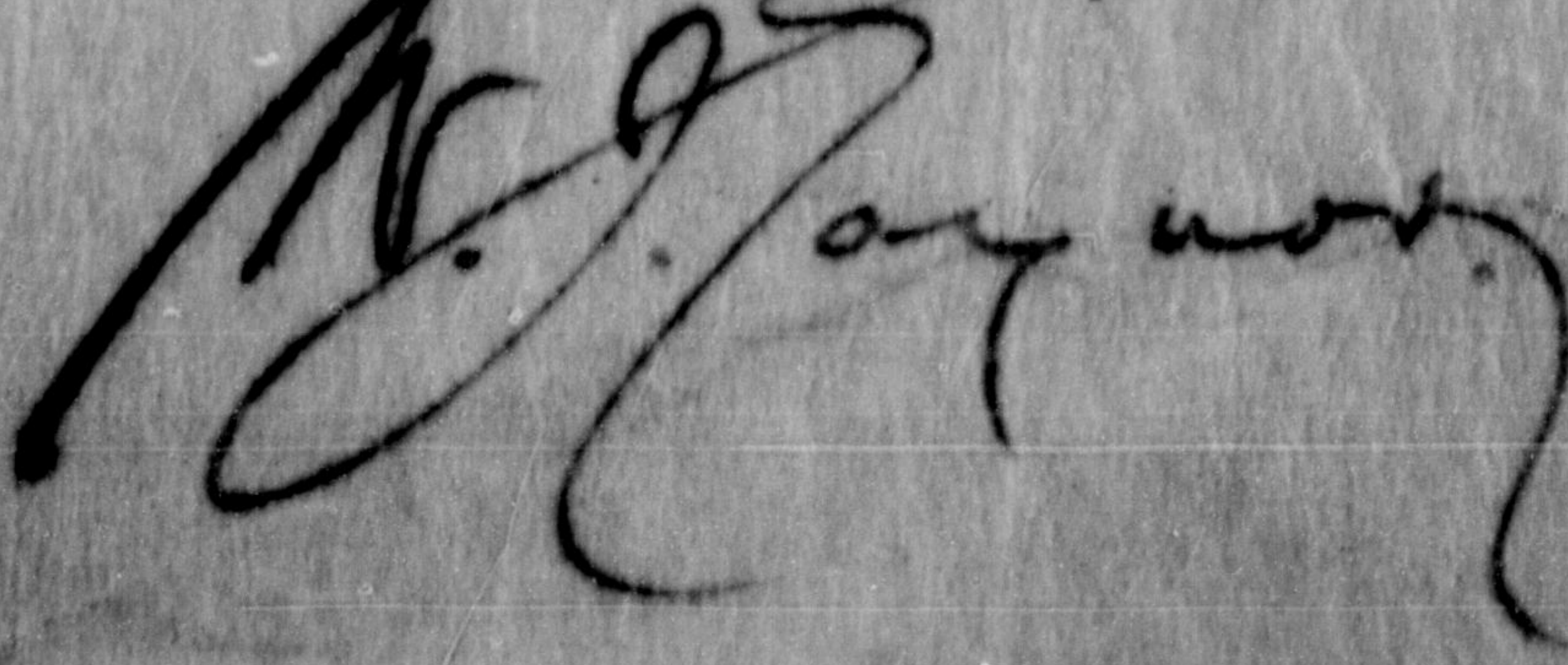
1910-1912

March 28, 1910.

My dear Dr. Abbott:

I received your letter of March 25th this morning on my return from the country, and hasten to send you the information which you ask for. The case I referred to is that of "People ex rel. Gow v. Bingham", reported in 57 Miscellaneous Reports at page 66; but for the literature of the whole subject I am sending you "The Bench and Bar" for June, 1909, which, beginning on the first page, has a learned editorial on the subject.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "W. G. Jay". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

Rev. Lyman Abbott,
287, Fourth Avenue,
New York City.

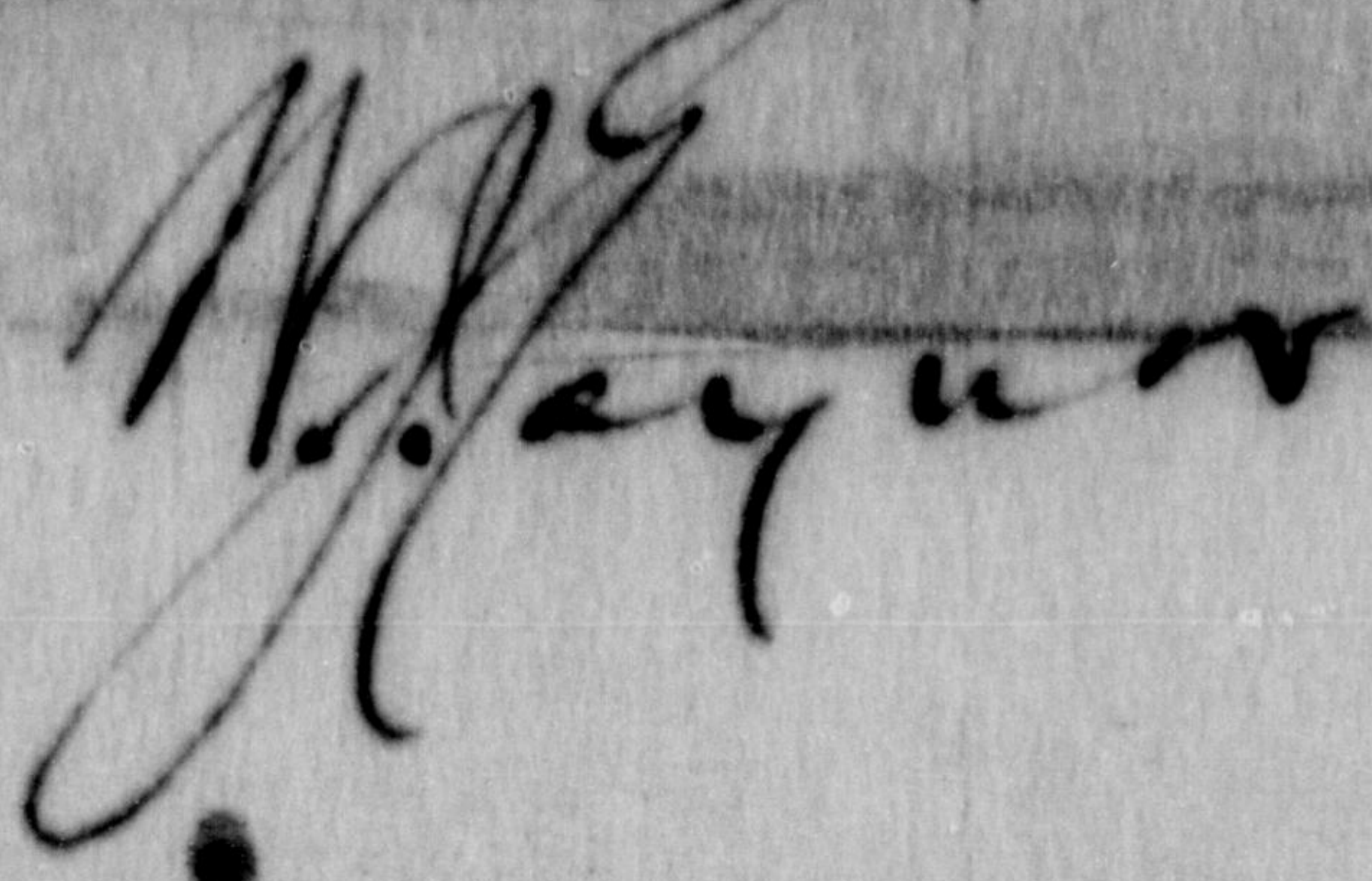
Mar. 22, 1911. m

Dear Mr. Hyde:

I have gone through the printed appeal book, which I enclose, and hastily dictated the substance of an answer, but you should go through the whole thing line by line and see whether I have covered every phase of the alleged libels and if I have not you should add here and there. I have divided the answer into the denial, next (2) comes a defence which should state every fact necessary to cover anything in the publications which may be libelous, and you ought to read the opinion of the court also to see whether I have covered it; next (3) comes a defence of privilege to the writing of the letter and sending it to the Mayor, which I admit in the first paragraph of the answer; next (4) comes a partial defence, namely, in mitigation of damages and this states in the first place the things which were told me and which I had reason to believe, and you should go through it carefully and see whether I have omitted anything or not; and then to this is added on page 12, beginning with the words "And the defendant further alleges", down in the middle of the page, all of the facts which have been previously set up as a defence.

I hope you will see Mr. Baldwin and have the thing perfected. The other answer left out entirely a plea of what had been told to me, and you could have put me in an awkward position. I do not want this turned over to Reilly or any clerk.

Very truly yours,



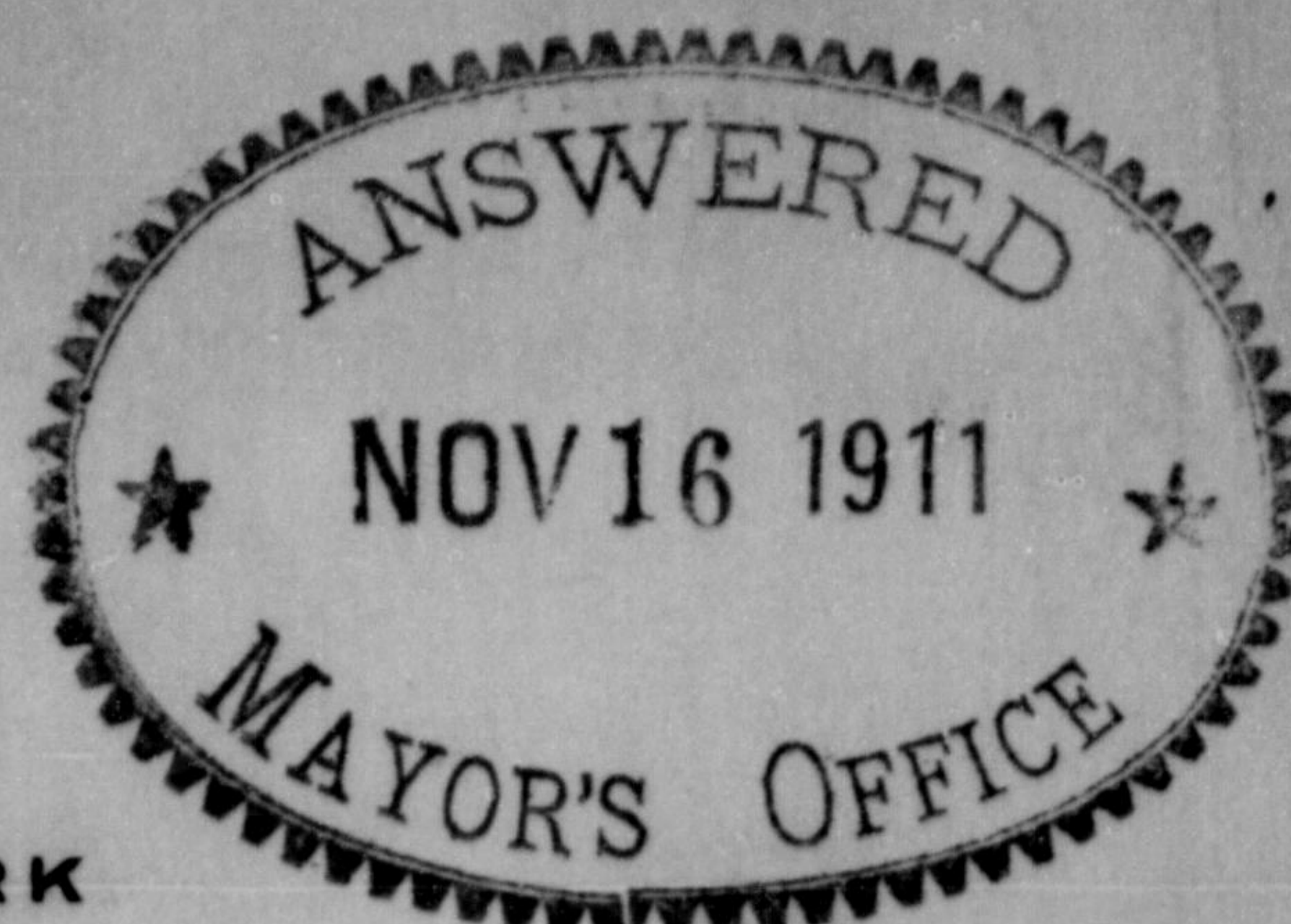
Charles H. Hyde, Esq.,
N. Y. City.

CHARLES H. HYDE
ATTORNEY

51 CHAMBERS STREET

CLARENCE B. CAMPBELL

NEW YORK



November 14, 1911.

Honorable William J. Gaynor,
City Hall,

New York, N. Y.

My dear Mr. Mayor:-

Bingham v. Gaynor.

V Immediately after the decision of the Court of Appeals the attorney for the plaintiff served a notice of trial with a motion to prefer it over all other issues. This notice I returned and within the time permitted by the decision of the Appellate Division served the amended answer. This was returned by the attorney for the plaintiff and I thereupon moved to compel him to accept it, and obtained a stay of all proceedings ^{pending} ~~on~~ the motion.

I enclose to you herewith a copy of the decision, on my motion, rendered by Mr. Justice Seabury.

Yours very truly,

Law Offices of
Baldwin & Byrne
188-190 Montague St.

Telephone 1138 Main.

Brooklyn, N.Y. Oct 28 1911

Dear Judge Gaynor:

Thanks for yours of the 25th; just at hand. The case you speak of as a dismissal "so long ago", was the case of James Quigley. Campbell who was tried at the same time and dismissed for the same offense, had his case reopened and was restored to the service ^{by Council, W. G. L.}. Quigley is entitled to reinstatement if Campbell was. The truth is that both were unjustly dismissed.

I Enclose a copy of Quigley's petition to Mayor McClellan, which tells the story.

Instead of reinstatement weakening the administration it would strengthen it, as it would be obviously unfair to reinstate one man & not the other. After all it all goes back

to the proposition "What is just and
right to do?" — The record shows that
the right thing to do is to reinstate.

Yours faithfully
Stephen C. Baldwin

Hon. William J. Gaynor
Mayor —

P.S. Re Brighams v. Gaynor: —

I have not had a thing to do with
this since I argued the appeal
before the appellate Division —

I have telephoned Charley's office
& they say that the amended answer
will be served Monday —

During the Summer I was assured
that the case was dropped and I
supposed that the appeal was
withdrawn — I was amazed on

reading that the Court of Appeals
had decided to affirm & with
opinion. I cannot understand
why the case is not now dropped.
— S.C.B.

Jan. 25, 1912.

Dear Mr. Hyde:

I have your letter about the pleadings in the Bingham case. Bamberger advised me to take Judge Leventritt. What do you think of that? My disposition is to answer ready when it is reached. Has your appeal been argued in the Appellate Division yet? When I have decided on a trial lawyer I would like you to send the papers up here and I will go over them with some care myself with him.

Sincerely yours,

W. J. L. L.

Charles H. Hyde, Esq.,
The Evanston,
90th St. & West End Ave.,
Manhattan.