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**District Attorney's Office**

**1913, Oct.**



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MEMORANDUM IN SUPPORT .....

OF

AN APPLICATION TO THE STANDARDIZA-  
TION COMMITTEE OF THE BOARD OF  
ESTIMATE AND APPORTIONMENT OF THE  
CITY OF NEW YORK IN RELATION TO  
AN INCREASE IN THE SALARIES OF  
THE ASSISTANTS AND STENOGRAPHER &  
INDICTMENT CLERK IN THE DISTRICT  
ATTORNEYS OFFICE OF THE  
COUNTY OF QUEENS.

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TO

HON. ADOLPH KLEIN,  
MAYOR, CITY OF NEW YORK &  
CHAIRMAN OF THE BOARD OF  
ESTIMATE AND APPORTIONMENT.



# *District Attorney's Office*

*Queens County, N.Y.*

*Matthew J. Smith,*  
*District Attorney.*

*Long Island City,* October 4, 1913.

Hon. Ardolph Klein,

Mayor, City of New York, and

Chairman of the Board of Estimate & Apportionment.

Dear Sir:-

In compliance with the request of the Budget Committee of the Board of Estimate and Apportionment, I hereby submit memorandum in support of the application to increase the salaries of the Assistants and Stenographer and Indictment Clerk in my office.

Respectfully yours,

*Matthew J. Smith*

District Attorney

of the County of Queens.



### F A C T S.

IN SUPPORT OF AN APPLICATION TO THE STANDARDIZATION COMMITTEE OF THE BOARD OF ESTIMATE AND APPORTIONMENT OF THE CITY OF NEW YORK IN RELATION TO AN INCREASE IN THE SALARIES OF THE ASSISTANTS IN THE DISTRICT ATTORNEY'S OFFICE OF THE COUNTY OF QUEENS.

Queens County in area consists of One hundred twenty-eight square miles or something over eighty-three thousand acres. Its population is now about Four hundred thousand and is increasing more rapidly than any other county or borough in the City of New York.

The following tribunals are those in which the criminal business is prosecuted:- Three parts of the Supreme Court, a County Court, both in session during the entire Court year; one Coroner's Court, with two acting Coroners; one Children's Court; a Court of Special Sessions, sitting every week during the entire year; four Magistrates' Courts, sitting daily during the entire year, and a Grand Jury monthly during the Court year; also the Surrogate's Court on collateral inheritance tax matters.

The Magistrates' Courts are widely separated, two being twenty-eight miles apart.

To prosecute the criminal business of the County in these various tribunals and to do the many other things attendant upon criminal prosecution, the District Attorney of Queens County has the following legal staff:- One Assistant District Attorney at a salary of \$3,000. per annum, Three Deputy Assistants at a salary of \$2,400. each per annum, and One Chief Clerk who must be an attorney at law and who is now obliged to try cases in addition to his clerical work, salary \$2,400. per annum.

In New York County there are at least Fifteen Assistant District Attorneys, each with a salary of \$7,500. per annum and Thirty-seven Deputy Assistants, fifteen of whom receive not less than \$4,000. per annum, and some of them \$5,000., and this office, of course, has a chief clerk and a long list of deputy clerks and



other assistants. Kings County has thirteen (13) Assistant District Attorneys, ten of whom receive salaries ranging from \$7,500. down to \$4,500. respectively per annum; and three assistants receiving salaries ranging from \$4,000. to \$2,000.; one deputy assistant and also a chief clerk and numerous other clerks.

There has been no change in the legal staff of the District Attorney's Office of Queens County with the exception of an increase of one deputy, and absolutely no increase in salary of the assistants, for nearly fifteen years, although the increase in population and in the criminal business of the County has been very great, that of the former surpassing that of any County of New York City by a very large percentage.

Less than two years ago, it was deemed wise and just that the Magistrates of the City of New York, irrespective of what County or borough they were sitting in, should receive equal salary and the Magistrates sitting in boroughs where less compensation was paid than the Borough of Manhattan, had their salaries increased to the same amount as these received by the District Manhattan Magistrates. This rule has also been applied to the Judges of the Court of Special Sessions and to the various City Departments, such as Police, Fire, Education etc., all salaries therein being equalized.

It seems unjust that this rule of equalization of salaries should not, in measure, be the rule respecting the legal machinery regarding criminal business within the City of New York, and that if the District Attorney's Office of Queens County should not receive as much as their brothers in similar capacity in the Counties of New York, Kings and Bronx, they should at least be raised in fair proportion so that they may receive salaries larger than at present, and which it is universally con-



ceded are unreasonable and unfair, especially when the fact that the work they have to do is taken into consideration.

The application now made to the above committee seeks for the establishing of the salaries in the above office as follows: for the First Assistant the sum of Five thousand dollars per annum, for the three Deputy Assistants Four thousand dollars per annum, and for the Chief Clerk Three thousand dollars per annum. These salaries are about two thirds of the amounts received by the Assistants and Deputies in the aforesaid other counties, who do no more than meet the same class of skillful adversaries as the legal staff of Queens, and which is self evident, prosecute the same kind and degree of offenses, for murder is always murder no matter where it shall be committed, robbery is robbery no matter in what geographical boundaries it may take place and burglary is surely burglary whether the house entered be located in the County of the Bronx or the County of Queens.

A striking illustration of how unfairly the Queens County Office is treated in this respect lies before us in the birth of the new County of The Bronx; reference being made to the recent law creating the same, wherein it is provided that the District Attorney of that County may have five assistants, being one more than Queens now has, all the salaries of whom are Five thousand Dollars per annum. In addition this County is also given three Deputy Assistants with a salary of Three thousand dollars each per annum.

While the present salaries of the legal staff of Queens County have remained the same for many years, the assessed valuation of her real estate alone has increased from about One hundred and three millions Dollars in the year 1899 to nearly Five hundred millions dollars in the year 1913 and it will readily be seen that no department or office has made so little call upon the



tax payers as that of the Office of the District Attorney of Queens and that the increases now asked for in the salaries for such office are reasonable and just.

Adjoining as it does the two densely populated Counties of New York and Kings, during the summer season Queens County is a gate-way through which **pours** thousands of people from the same, some to become residents for the entire season, others merely seeking pleasure attracted by the fact that in no other localities may be found the various beaches and picnic parks that abound therein. The result naturally follows that nearly every known crime is yearly committed by some of these people, and upon this County is imposed the burden of not only carrying on its own criminal business, but in addition thereto it is forced to prosecute crimes committed by this influx of residents of other counties.

I am also asking a salary of \$2,000. per annum for the stenographer and indictment clerk, which conforms with the salary recommended by Mr. James McDonald of the Standardization Committee, to whose report attention is respectfully called. The incumbent of this position qualified for the same in an open competitive<sup>i</sup> civil service examination after preparation therefor and has completed a course in a university law school. He has filled this position for the past three years to the utmost satisfaction of myself as well as my predecessor in this office. The work of drawing indictments is very important as I pointed out to the Budget Committee at the hearing and calls for a thorough knowledge of the criminal law and a careful application of the same to the evidence. This incumbent is a most capable, efficient and valuable man, and his duties have frequently compelled him to work until late in the night as well as on many



Sundays and holidays. The salary of \$1,500. per annum now paid to the stenographer and indictment clerk is altogether insufficient and that now asked for is only fair and just. The indictment clerks in the Office of the District Attorney of New York County, who are in the Exempt class and have not qualified for their positions in any open competitive civil service examination, are paid a salary of \$2,000. each per annum, and the minimum salary paid any clerk in the same office is \$2,000. per annum. The work required of this incumbent is of high character and his training enables him to perform it most satisfactorily. I therefore urge that the Board grant him the fair and just increase in salary requested by me and recommended by the Investigator of the Standardization Committee.

In conclusion I desire to call the Board's attention to the fact that my assistants are men of rare ability and able to argue cases in the Court of Appeals and take charge of cases in all the courts down to the Magistrate's Courts. I have had great difficulty in retaining these men at their present salaries and it is only with the hope of an expected increase that I have been successful. You are all aware of the fact that an Assistant District Attorney must compete with the best criminal lawyers in New York State and must be acquainted with the whole field of the criminal law. While it might be said that many lawyers would be willing to accept the salary paid assistants in this office, but the ability of men must be considered. Nearly all of my assistants have been offered partnerships with <sup>law</sup> firms having a large practice and I have had great difficulty in getting them to refuse, and as I stated before the Budget Committee that while there is a greater amount of work to be done in the Offices of the District Attorneys of New York and Kings Counties they have a much larger working staff in those offices. My assistants are



are kept busy all of the time, and crime being the same all over, whether committed in New York, Kings or Queens, the same ability is required in Queens County as in the adjoining counties to prosecute cases properly.

All of which is respectfully submitted.

*Matthew J. Smith*  
District Attorney of the  
County of Queens,  
New York.



*District Attorney's Office*  
*County of Kings*  
*Brooklyn, New York*

JAMES C. CROPSEY  
DISTRICT ATTORNEY  
HERSEY EGGINTON  
FIRST ASSISTANT

*File*  
*WBC*

October 7th, 1913.

Hon. Ardolph L. Kline,  
Mayor, City of New York.

City Hall, N.Y. City.

Dear Sir:-

Mr. Crowell advised me a day or two ago that you had suggested my designation as Chairman of the so-called Municipal Court Commission and asked me if I could accept.

I considered the matter and was obliged to advise Mr. Crowell today that I thought it inexpedient for me to accept either the chairmanship or membership on the commission, and I advise you of this fact so that you may appoint someone in my place.

I appreciate the honor of having been considered by you,

Truly yours,

*James C. Cropsey*



*File*

MEMORANDUM FOR THE MAYOR  
ON MUNICIPAL COURT CODE REVISION COMMISSION.

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Chapter 471 of the Laws of 1913 provides:-

FIRST, the Mayor shall appoint a commission of eleven persons to revise the Municipal Court practice;

SECOND, the Commission is to report to the Legislature their recommendations on or before February 1st, 1914;

THIRD, the Commission is to consist of

Two justices of the Supreme Court  
Three justices of the Municipal Court  
Three attorneys of at least ten years standing  
One member of the Senate, and  
Two members of the Assembly.

FOURTH, the Act then provides, "One of the Commissioners shall be designated by the Mayor as Chairman";

FIFTH, the Board of Estimate and Apportionment is authorized to appropriate the sum of \$5,000 for the use of this Commission;

SIXTH, the disbursement of the said \$5,000 is to be made by the Comptroller "upon the audit and order of the Chairman of said Commission;



SEVENTH, the Commission heretofore appointed by Mayor Gaynor is as follows:

Frederick E. Crane, Chairman, Justice of the Supreme Court.

Samuel Seabury, Justice of the Supreme Court.

John M. Tierney, Justice of the Municipal Court.

Frederick Spiegelberg, Justice of the Municipal Court.

Edgar J. Lauer, Justice of the Municipal Court.

~~James C. Cropsey, Attorney of ten years standing.~~

Frederick C. Leubuscher, Attorney of ten years standing

McIntosh Kellogg, Attorney of ten years standing.

Patrick J. McGrath, Member of the Assembly.

Karl S. Dietz, " " " "

Anthony J. Griffen, Member of the Senate.

You will notice in the above statement that Mr. Justice Crane was designated by Mayor Gaynor to act as Chairman, Judge Jenks who was first selected by Mayor Gaynor to be Chairman and act on the Commission having resigned.

Judge Crane informs me that several weeks ago he personally saw Mayor Gaynor at St. James and pointed out to him that it was impossible for him to serve either as Chairman or on the Commission.

This leaves a vacancy in the representatives from the Supreme Court and also a vacancy in the office of Chairman.

I am informed by Judge Crane over the telephone that after talking the matter over with his associates he was afraid that no judge of the Supreme Court could act on this Commission



because of Section 10 of Article 6 of the Constitution, which provides in part as follows:

"The judges of the Court of Appeals and the Justices of the Supreme Court shall not hold any other office or public trust".

Judge Crame thinks it very doubtful if you can secure any justices of the Supreme Court to act on this Commission because of this objection. I am further informed that Judge Seabury, the other Supreme Court Justice, has not appeared at any of the meetings of the Commission nor has he taken the oath of office. Before Mayor Gaynor's death, I am informed by Mr. Adamson, he spoke to Mr. Cropsey, the District Attorney in Kings County, and said that he intended to designate him as Chairman of the Commission. This, however, was never done.

The Commission has no official head as yet and can not spend any money, because it is on the audit of the Chairman of the Commission that the Comptroller is to pay any part of the \$5,000 authorized by the Board of Estimate and Apportionment.

You will also have noticed that this Commission is to report to the Legislature by February 1st, 1914.

W.B.C.



# *District Attorney's Office County of New York*

CHARLES S. WHITMAN  
DISTRICT ATTORNEY

October 8, 1913.

To the Honorable

The Board of Estimate and Apportionment,  
City of New York.

Gentlemen:

I hereby request that the balances remaining to the credit of the following appropriations be transferred to our appropriation Contingencies, 1913, Code No. 3666:

3658	Experts
3659	Official Stenographers
3660	Private Detectives
3662	General Plant Supplies
3665	Carfares

The following extract from our departmental estimate of 1914 explains the necessity of making said transfers:


"Formerly the sum of \$50,000. was annually granted this Department for Contingencies and Supplies, which appropriation covered the varied and miscellaneous expenditures made by said Department. It will be noted from the foregoing statement that our original



appropriation has been so subdivided this year that there are nine separate accounts. The natural and only result of this segregation is that there will be a large deficit in our contingent appropriation, and in order to partly meet this deficit it will be necessary to transfer to our contingent appropriation all the unexpended balances remaining to the credit of the numerous accounts recently created.

"I am firmly convinced that the appropriations allotted to this Department should not be segregated to such an extent and should consist of not more than the following four accounts, to wit: Contingencies, Telephone Service, Office Supplies and Office Equipment. It is very evident that the expenditures made by this Office are and must be of a distinctly contingent character, as it is impossible ever to approximately estimate the expenses which may be incurred by the District Attorney in the criminal cases arising within the County and which are under the statute chargeable to this County. Therefore, the estimate is only relative, as no human being can anticipate what crimes may be committed, the prosecution of which may entail greater or less expense. The amount that may be expended this year in the extradition of fugitives from other States and foreign countries, and for experts, private detectives, etc., etc., cannot be applied as a criterion for the expenditures that may be incurred for such purposes next year or any ensuing year."

Very truly yours,

  
District Attorney.

Hon. Ardolph L. Kline, Mayor,  
Chairman, Board of Estimate and Apportionment.



*District Attorney's Office  
County of New York*

CHARLES S. WHITMAN  
DISTRICT ATTORNEY

October 16, 1913.

Hon. Adolph L. Kline,  
Mayor of The City of New York,  
City Hall, New York City.

S i r:

Subdivision d of Section 3 of General Order No. 22 of  
the Police Department provides as follows:

"d. That Patrolmen shall be assigned to the  
vicinity of the polling places instead of to the  
polling places."

I am of opinion that the order quoted should be rescinded,  
and that patrolmen should be assigned to duty in polling places as  
they were before that order was promulgated.

My specific reasons for this opinion are: first, that the  
presence of the patrolmen would be a restraint upon disorder in the  
polling places; and, second, that the patrolmen would be disinterested  
witnesses to any occurrences in the polling places which might there-  
after be the subject of judicial inquiry.

I assume to make this suggestion in the belief that such  
action by the Police Commissioner would aid in the prevention and  
punishment of crimes against elective franchise, and would promote  
the orderly conduct of elections.

Respectfully yours,

*Charles S. Whitman*

DISTRICT ATTORNEY.

WADeF/be

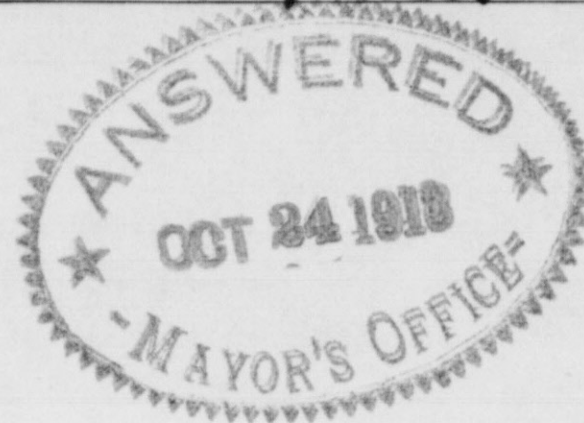


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# District Attorney's Office County of New York

CHARLES S. WHITMAN  
DISTRICT ATTORNEY

October 23d, 1913.



Hon. Ardolph L. Kline,  
Mayor, City of New York,  
City Hall, New York City.

Sir:

On Friday, October 17th, in conformity with the provisions of an order addressed from your office to the Police Commissioner of this City, I called upon Mr. Douglas McKay, First Deputy Police Commissioner, and conferred with him relative to the prevention of frauds against the election franchise and the co-operation of himself, and the men detailed under his direction, with the Election Bureau in this office of which I am in charge. The order to which I refer directed the Commissioner of Police, Mr. Rhinelanders Waldo, to relieve Mr. McKay as First Deputy from other duties and put him in a position to give his undivided attention to co-operating with the District Attorney in the prevention of the frauds in question. You had previously assured me at your office in the morning that this order was to be issued in order that I might be in direct communication with the Police Department and that the red tape and formalities sometimes surrounding official intercourse between the two Departments might be reduced to a minimum. In other words that if I wished a case investigated speedily all I must do would be to call up First Deputy McKay on the telephone and he would attend to it, and that any request that I might have to make in the furtherance of the business of the Election Bureau should be made to him and attended to by him.

With this understanding I prepared what I might call a police investigation blank, which was a form to be used by Mr. McKay's men in investigating the various



cases which I expected to place in his hands. This form was prepared with great care by the gentlemen associated with me in my work. I took it personally to Mr. McKay, placed it in his hands and asked him if he would have the same printed and distributed to the men under his orders to assist them in their investigations and in order that I might have specific answers to specific questions for use in later prosecutions. I have heard no more of this blank. <sup>2</sup>I informed Mr. McKay at the time that, if he did not see his way to have it printed, ~~that~~ my office desired to have it printed immediately in order that it might be in use by the Police and our own investigating force on the following Monday, to wit, October 20th. I understand that the blank has been in the hands of Commissioner Waldo since Saturday and that he has taken no action upon it. He has not returned it to me although the District Attorney has written a letter requesting its immediate return. At all events it seems to me that I should have been informed not later than Monday what action, if any, was to be taken by the Police Department in regard thereto.

Beginning with Saturday, October 18th, I have referred to First Deputy Commissioner McKay for his investigation and report 100 names, more or less, of suspected false registration, and several special cases which it was understood he would immediately take up. I have received no report from him in regard thereto. When I called him up on the telephone this morning he said that he was not in a position to make a report and that the proper procedure was for me to write to the Police Commissioner and request a report thereon. I thereupon told him over the telephone that such was not my understanding; that my dealings were to be with the First Deputy who was given charge of this matter, and whose direct co-operation I had been promised. He said that he was very sorry but he was unable to report directly to me as I requested. I then informed him that if it was necessary to write to the Commissioner and request a report, or after applying to him, Mr. McKay, for assistance <sup>to</sup> ~~must~~ supplement that request by another communication to the Police Commissioner, ~~that~~ the entire value of his designation with



a force of men to co-operate with this office would be lost. I thereupon told him that I should appeal directly to the Mayor in order that my work might be facilitated by a proper understanding among the police officials of the City and the Mayor's Office.

I beg to say that I have received nothing but courteous treatment at the hands of Mr. McKay who I believe desires in every way to render me the assistance intended by your Honor's orders of last week. But you will, of course, appreciate that the attitude of the Police Commissioner is not in conformity with our understanding, and is a serious handicap to the prosecution of the work in my charge. I therefore request that you will take such action as is necessary to lead the Police Commissioner to comply with the spirit of your order of last week, with the result that the First Deputy, who is supposed to be collaborating with me, will exercise some initiative in matters which often require instant action.

Respectfully yours,

*Arthur C. Tramm*

DEPUTY ASSISTANT DISTRICT ATTORNEY.

ACT.fg