

BOX

3

FOLDER

33

City

Magistrates-Appointments

1910-1913

BOARD OF CITY MAGISTRATES
OF THE CITY OF NEW YORK
FIRST DIVISION
300 MULBERRY STREET

3357, '11, 5,000 (P)

WILLIAM McADOO
Chief City Magistrate
PHILIP BLOCH
Chief Clerk

February 1 1913.

Hon. William J. Gaynor,
M a y o r .

Dear Sir:

At a meeting of the Board of City Magistrates held on the 31st day of January, 1913, the following appointments were made to take effect February 1st 1913:

Frederick A. Hillman, 4293 Park Avenue, The Bronx, photographer at \$1200. per annum.

Finger-print Experts at \$1200. per annum for a temporary period until the promulgation of an eligible list for that position: Lawrence F. Cantwell, 240 East 49th Street; John J. Marquette, 12 Arden Street; Walter E. Turbush, 464 East 134th Street; Arthur W. Anderson, 348 St. Nicholas Avenue; Louis J. Gottlieb, 80 Avenue C and George M. Seib, 137 West 104th Street.

Very respectfully,

Philip Bloch
Chief Clerk.

February 4th, 1913.M

Dear Sir:

I appoint you a Magistrate to succeed the late Magistrate Harris. You have heretofore served as Magistrate to the satisfaction of the entire community, and you will now be one of the model Magistrates again. You will help to carry out my purpose of elevating the bench of Magistrates. You will help to carry out the policy of not looking up people for trivial offenses in advance of trial. Instead of warrants being issued against persons of fair standing in the community who are accused of minor offenses, the better course is to summon or notify them to appear. In that way they escape being taken by force and locked up or bailed in advance of trial. There are two Magistrates, one in Manhattan and the other in Brooklyn, who persistently refuse to summon such persons, or notify them to appear. They even refuse to do so in the case of mere ordinance violations. They say that they find no statute for sending a summons or message to a person accused; and that their duty is to issue a warrant for their arrest. There does not need to be any precise statute

✓

therefor. It has always been the custom of magistrates from the beginning to send word to persons of fair reputation in the neighborhood who are accused of some minor thing to appear, instead of having them brought in by a warrant. In the country districts that is the practice. If any one accuses a decent man of some trifling offense word or letter is usually sent to him to come to court. If he does not come, then a warrant is issued for him. In the city it is convenient to have printed blanks for that purpose. Call them summonses or what you like, they are a mere message from the Magistrate to the accused person to appear. It is the same as though the Magistrate wrote a note. I hope you will do all you can to enlarge the use of the notice or summons in such cases. The other course is harsh and oppressive, and is good only for the professional bondsmen. The object of warrants and bail is to take into custody and keep within the jurisdiction persons who might run away.

Sincerely yours,

W. J. Van, Jr.
Mayor.

John J. Walsh, Esq.,
119, Johnson Street,
Brooklyn, N.Y.

MAG
JUDGES

0

July 19, 1910.m

Dear Father Curry:

I thank you for your favor of July 15, and should be glad to appoint Mr. Nolan, but it happens that there is no Italian magistrate in the city, and the Italian Chamber of Commerce, and others, have urged upon me to appoint an Italian, and I have already determined to take that course, on the advice of Chief Magistrate McAdoo.

Very truly yours,

W. B. Ayer
Reverend James B. Curry,
23, Oliver Street,
N. Y. City.

April 12, 1911.k

Dear Mr. Untermyer:

As I intend to reappoint most of the old Magistrates in Brooklyn, there may not be an opening for Mr. Schiff at the present time. Moreover, I am appointing two Hebrews to the bench over there, namely, Harris and Kempner, and probably that is all I could very well appoint at this time. I appointed these two last year to fill vacancies.

Very truly yours,

W. A. H. H.
Mayor.

Samuel Untermyer, Esq.,
37, Wall Street,
New York City.

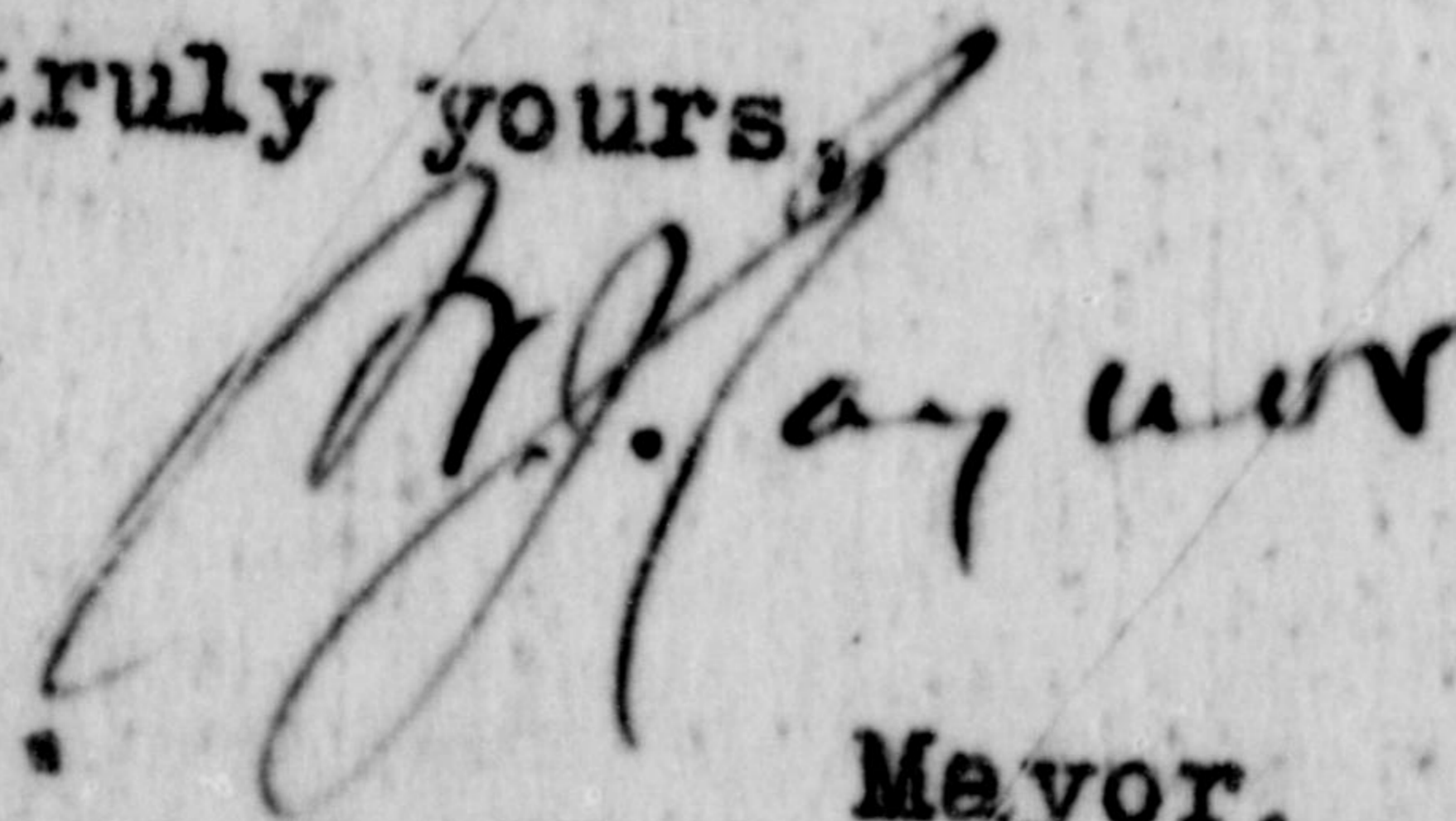
Personal
and
Confidential.

Apl. 12, 1911.m

Dear Judge Kempner:

I should like to hear
from you with regard to the ap-
pointment of magistrates to the
vacancies occurring May 1st.
What say you of Tighe, O'Reilly,
and Naumer; and have you a list
of good men for the places?

Very truly yours,



Mayor.

Otto Kempner, Esq.,
Chief City Magistrate,
Brooklyn.

MEMORANDUM FOR DR. BIGGS

April 13, 1911.

In an interview with Dr. A. E. Munson, who is taking care of Magistrate Le Roy B. Crane, I learned the following facts: Dr. Munson has been the family physician of the Cranes for many years. Magistrate Crane was under the treatment of some physician downtown (name not known) for sometime until three months ago when he consulted Dr. Munson. The latter found him very much depressed and brooding over the conditions in his head. The patient thought that his mind was giving away. Dr. Munson has seen him professionally only twice but as the Crane home is only half a block from the Doctor's office, they have met and chatted together very frequently. Dr. Munson diagnoses the condition as a form of melancholia but states that he is not an alienist and that he does not claim to be competent to definitely diagnose and prognose the patient's condition. He states that the patient has brightened up considerably within the last few months but that he still at times is very much depressed.

Dr. Munson has been unable to find any signs of organic trouble, there is no specific history and no history of any insanity in the family. I suggested to him the advisability of calling in a consulting neurologist and, also, of having a Wasserman test made. He assented to both propositions and said he would bring the matter to the attention of the family.

I would suggest the advisability of having the Board of City Magistrates appoint a neurologist to examine the patient in consultation with Dr. Munson.

Charles F. Bolduan, M.D.

[Handwritten notes and signatures in the bottom left corner, including a large signature and several smaller ones.]

May 5, 1911

Chief Judge Adoo
W. to Justice
L. B. Raine who
is ill

COPY.

--S--

DR. W. B. PRITCHARD
143 W. 72d St.
Manh.

1562

Thursday, May 4, 1911.

Hon. William McAdoo,
Chief City Magistrate,
New York City. (signed)

Dear Sir:-

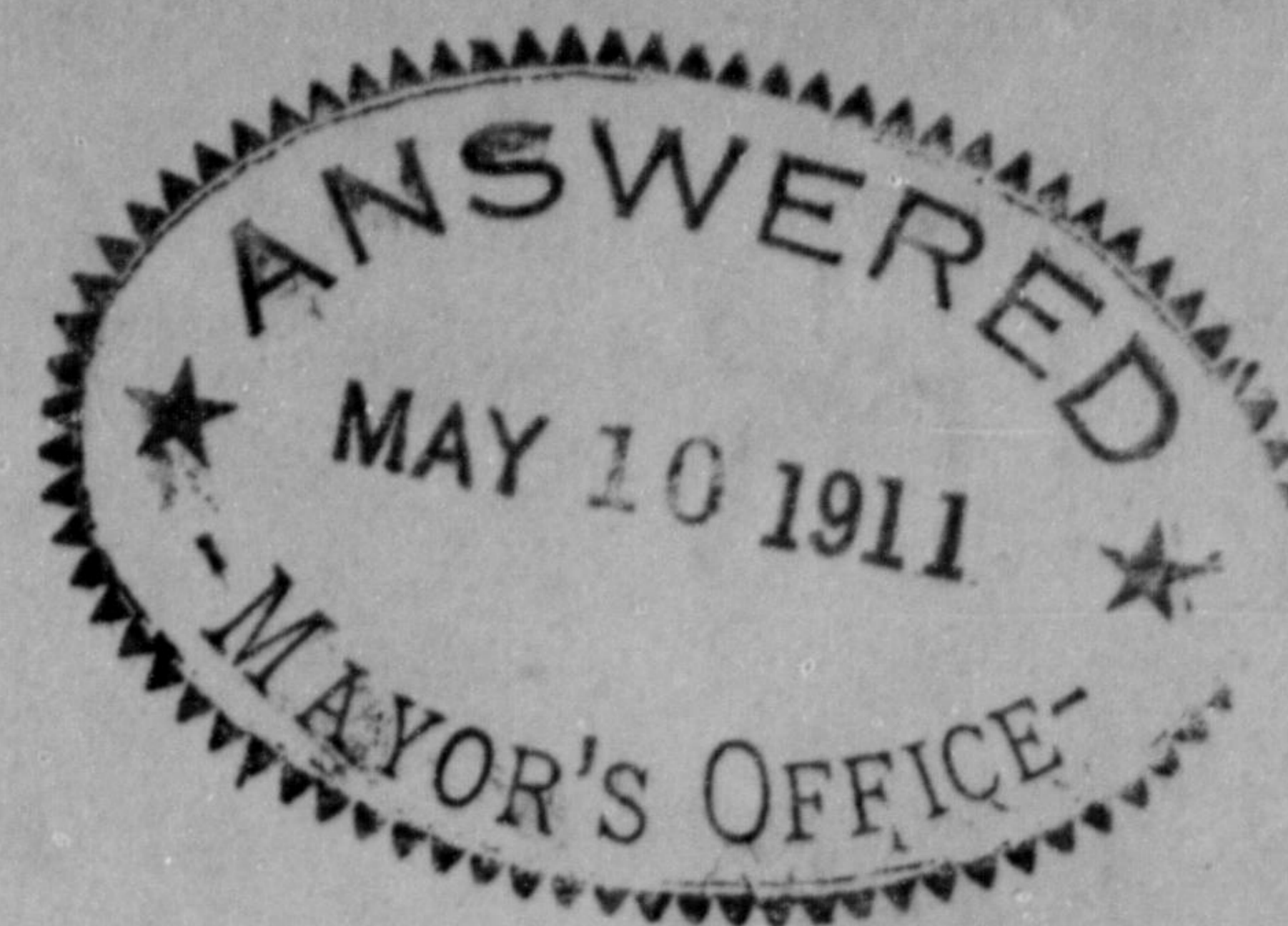
I examined this morning at my office Judge Leroy B. Crane, as requested by you, and herewith submit report as to my findings and conclusions:

Judge Crane is at the present time convalescing from an attack of of melancholia of the recurrent type, he having gone through two previous, though less severe attacks, in 1892 and 1905, respectively.

Careful physical examination reveals no evidence whatever of any organic basis for his condition. The prognosis in such cases is excellent as regards recovery from the immediate attack and I believe, from my examination, that Judge Crane will recover from this attack within two or three months. Meantime, while in my judgment he should be engaged in some occupation which would stimulate his objective interest and thus lessen his morbid introspection, I do not believe that it would be wise or humane to require him to resume the official and complicated duties of his

OFFICE OF
THE CHIEF CITY MAGISTRATE
FIRST DIVISION, CITY OF NEW YORK
300 MULBERRY STREET
MANHATTAN

WILLIAM McADOO
CHIEF CITY MAGISTRATE



NEW YORK May 5, 1911.

My Dear Mayor Gaynor:

I think it advisable that you should be informed of the status of matters with reference to Magistrate Leroy B. Crane up to date.

Some time ago, and after I wrote you, I asked Dr. Biggs of the Department of Health to make an independent examination of Judge Crane for my benefit in arriving at a conclusion as to his capacity. I did not hear from Dr. Biggs until day before yesterday, when he sent me the report of another physician attached to the Board who had conferred with the doctor attending Judge Crane. This report (of which I send you a copy) was in line with my own judgment in the matter.

About two months ago Mr. Howard Townsend, Chairman of the Committee on Grievances of The Bar Association, came to this office and told me that the Association intended to take proceedings looking to force the resignation of Judge Crane or his removal by the Appellate Division on the ground that he was incapacitated and would not recover. I showed him Judge Crane's official record as to the length of time he had served and other details. He said that he did not consider that Judge Crane's record as a magistrate entitled him to any consideration or kindly treatment, quite otherwise. I cited the cases of mag-

istrates Mott and Mead, who were incapacitated for a long time but were not removed and drew their salaries, and I told him that I was under the impression that the magistrates believed that where their sickness was through no fault of their own that they would be treated liberally by the Appellate Division in the matter of giving them time to recover. He gave me the impression that the Association, in the case of a hard working and honorable magistrate, might not feel inclined to resort to drastic measures.

About a month later I was asked if I would not come to to a meeting of the Grievance Committee and was told that they had invited Judge Crane to be present. I went to the meeting and found Judge Crane was represented by Mr. James S. Lehmaier as counsel, and his family physician. Mr. Lehmaier said he had advised Judge Crane not to attend the meeting as it might be too great a strain on his nervous system, after being so long out of work to be arraigned before a committee supposed to be antagonistic to him. Dr. Munson, his family physician, under pressure, said that Judge Crane was fit to resume work at once. The Committee called my attention to this, as, under the law, I make the certifications to you of incapacity. I was not impressed with the evidence of Dr. Munson, who, it appears, had only made two professional visits to Judge Crane, and I stated my belief that Section 54 of the act of 1910 (Chapter 659) clothes me with great discretionary powers

in the premises and for the abuse of which I, of course, was responsible to the proper authorities. In the meantime Judge Crane notified me that he would be prepared to resume his duties on the 7th of this month. This was a formal notification from his counsel. While this was going on, I got in touch with Dr. Wyeth, a celebrated physician, and he in turn recommended to me Prof. Pritchard of the Polyclinic Hospital as a neurologist of high reputation in his profession. Dr. Pritchard came to see me and I stated the case hypothetically to him. He said he was willing to examine Judge Crane any time he was willing to present himself.

As to my powers, I have received the opinion of the Corporation Counsel, Mr. Watson, which entirely agrees with my own conclusions. Mr. Watson advised me to form my judgment from my own inspection and all the other facts that came to my knowledge.

At the last meeting of this Board, on the 28th ult., the matter came up for discussion, and the Board agreed that they should share the responsibility with me and called a meeting for the next Wednesday after-noon (May 3d) asking Judge Crane to be present so that they might talk with him and form their own conclusions as to his restoration to health. Three or four of the members expressed themselves as convinced that he was incapacitated.

On Wednesday fore-noon, Judge Crane and his counsel came to this office and he handed me a written reply to my letter of invitation, declining to meet the Board. I had

The Mayor.

--4--

May 5'11.

also the after-noon previous had a talk with his wife. My talk with Judge Crane was not satisfactory, or, rather, confirmed my own conclusions as to his not being in mental condition to undertake the strenuous and exacting mental work of a magistrate. At this conference he agreed to submit himself to the examination of Prof. Pritchard, a copy of whose report I send you herewith.

What action The Bar Association will take I do not know. They have expressed themselves satisfied with the course that I have pursued in the premises up to this time and it is not improbable but what they will insist on proceeding against Judge Crane before the Appellate Division looking to his removal. The question seems to be, is Judge Crane's illness of such a nature that he will not recover in a reasonable time, if at all? There is no doubt in my mind that he is incapacitated and that it is my duty to so certify to you, and this I will continue to do until evidence is brought to me of his recovery to such an extent that he can do the work the same as the other magistrates.

There was a suggestion made to the Board that they individually change their assignments to the various Courts so as to give Judge Crane an easy court, up in Westchester, but at the last meeting the dissent to this was practically unanimous. I am glad to tell you this because this system of trading off assignments can be made to violate the spirit of the law, and while I do not want to urge its restriction

The Mayor.

--5--

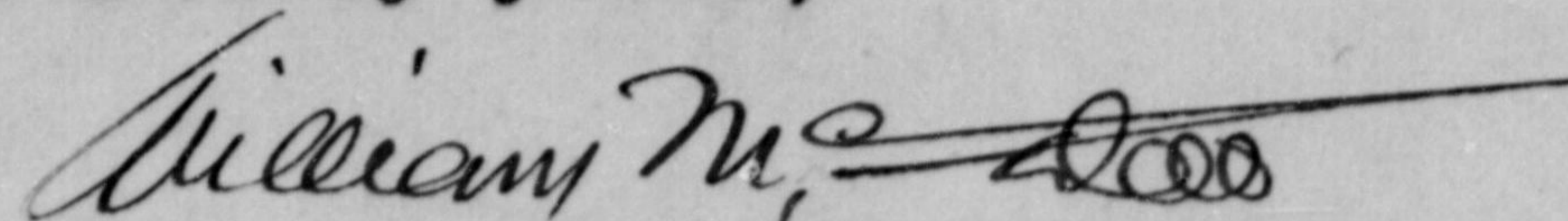
May 5, '11.

under ironclad rules, still I deem it my duty to see that it is not abused so far as I have power.

Out of all this, I am glad that we have not lost the services of so excellent a magistrate as Judge Freschi, and that appears also to be the opinion of The Bar Association and this Board.

Believe me, always, with high regard,

Very sincerely yours,

A handwritten signature in cursive script, appearing to read "William M. Dooley".

Chief City Magistrate.

Hon. William J. Gaynor,
Mayor,
City Hall, Manh.

CITY OF NEW YORK
OFFICE OF THE MAYOR

From Chief Magistrate McAdoo, regarding the case of Magistrate Leroy B. Crane. He says:

Two months ago Howard Townsend, chairman of the Committee on Grievances of the Bar Association, informed him that the Association intended to take proceedings to force the resignation of Judge Crane or his removal by the Appellate Division.

A month later Judge Crane was invited before the Grievance Committee, but failed to appear, sending his lawyer and physician. Judge Crane then notified Judge McAdoo that he would be prepared to resume his duties on May 7. The Corporation Counsel advised Mr. McAdoo that he had the power to decide whether Judge Crane was physically or mentally incapacitated. The Board of Magistrates felt that they should share the responsibility in this case with Judge McAdoo. Judge Crane was cited to appear before the Board so that they could judge as to his fitness to hold court, but on the forenoon of the day he was cited to appear he called on Magistrate McAdoo and refused to appear.

Magistrate McAdoo, under his authority, has certified that Magistrate Crane is physically incapacitated. He submits a certificate from Dr. William B. Pritchard to the effect that Judge Crane is suffering from an attack of melancholia and that the chances of his recovery within the next two or three months seem fair. Dr. Pritchard says that there is no organic disease.

m

May 10th, 1911.

Dear Judge McAdoo:

I have read with interest your report about Magistrate Crane. I suppose the matter will work itself out alright. I think it would be better for the committee of the Bar Association not to deal with the matter. I understand his term runs out in a year, or so, and it might be uncharitable to remove him for his infirmity.

Sincerely yours,

W. F. Raynor
Mayor.

William McAdoo, Esq.,
Chief City Magistrate,
First Division,
City of New York.

Confidential.

June 19, 1911.e

Dear Mr. DeForest:

It has been pointed out to me that Judge Wyatt is very much addicted to liquor, and I am reluctant to appoint any one to a judicial office, especially, who is addicted to liquor. I may say to you in confidence that some of his associates have revealed his condition to me, and I have the same thing from various sources. I assume that this is new to you. The Hebrews claim that they ought to have at least one member in that Court. While such considerations are not controlling, it may be that I shall appoint a Hebrew.

Very truly yours,


Mayor.

Robert W. DeForest, Esq.,
30, Broad Street,
New York City.

June 26, 1911.e

Dear Mr. De Forest:

Your note about Judge Wyatt is at hand. I had a long talk with Mr. Whitaker this morning about him. He says that Judge Wyatt has ceased drinking, and I am going to look into the case again. I refused to appoint a Magistrate over in Brooklyn on the ground that he was addicted to liquor, although he was one of the closest personal friends I have.

Sincerely yours,

W. H. Taylor
Mayor.

Robert W. De Forest, Esq.,
30, Broad Street,
New York City.

OFFICE OF
CHIEF CITY MAGISTRATE
BOARD OF CITY MAGISTRATES
SECOND DIVISION, CITY OF NEW YORK
44 COURT STREET
BROOKLYN
TELEPHONE 7411 MAIN

OTTO KEMPNER
CHIEF CITY MAGISTRATE

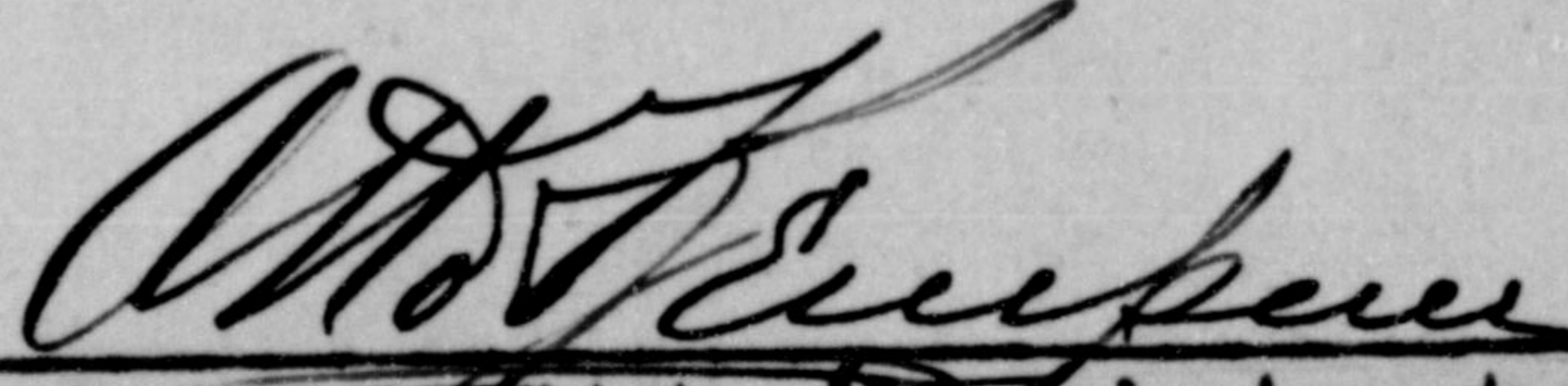
NEW YORK, April 11th 1912.

Dear Mr. Mayor:

Assemblyman Foley's bill amending the Inferior Criminal Courts Act in relation to the qualification of magistrates makes Borough President Steers eligible for re-appointment to the bench of this court.

Judge Steers was a clean, capable and conscientious magistrate, and the path to his re-appointment ought to be cleared of legal impediments, so that if at any time his appointment be deemed desirable, that it could be accomplished. The public hearing of the bill occurs to-morrow, and I would respectfully ask you to approve of the same.

Yours very truly,



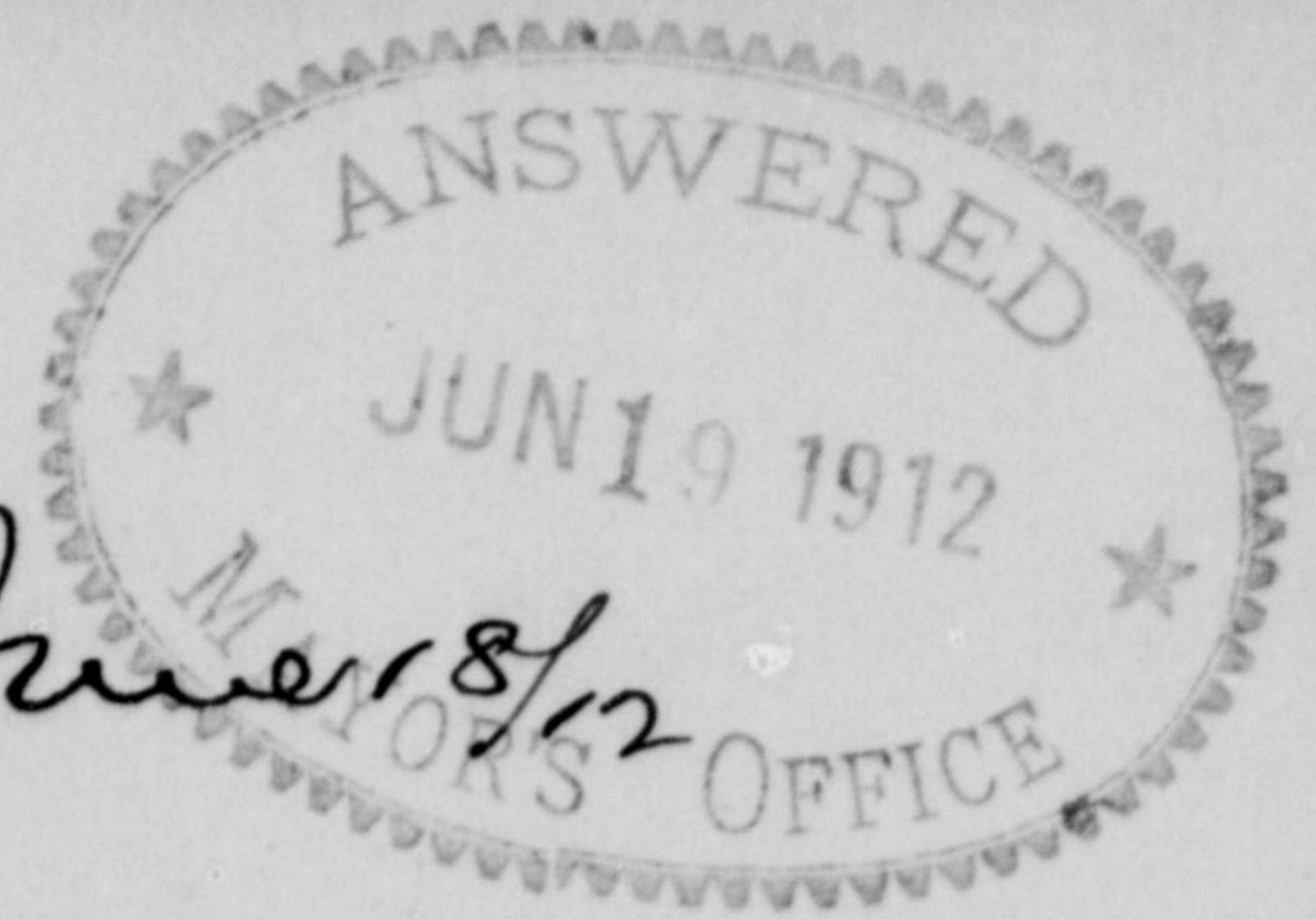
Chief City Magistrate,
2d Division, N. Y. City.

Hon. William J. Gaynor,
Mayor of the City of New York.

A.W. KEMPNER

96 PEARL ST.

NEW YORK, N.Y.



Dear Mayor Gaynor.

Please do not consider me for a cabinet office when you go to Washington. I think I could serve the City of New York better, as a member of the Board of Education, and I trust you will think likewise when that vacancy occurs.

With best wishes for continued good health, I am

Sincerely Yours

A.W. Kempner

November 27th, 1913. s

Dear Judge Kempner:

I have your letter with regard to Nash. I wish I had permission to publish it. Such a man ought to be put off the bench. I think we ought to collect material against him for that purpose. I have a notion of having a charge made against him in this instance before the Appellate Division. I trust you will issue the summons. I do not as a magistrate myself see how you will be reviewing his action in the matter.

Very truly yours,

W. J. Quinn
Mayor.

Otto Kempner, Esq.,
Chief Magistrate,
Second Division,
Brooklyn, N.Y.

June 3, 1913. d

Dear Mr. Crompton:

I am glad to receive your letter introducing our mutual friend Steers. It has been my great desire to appoint him, but of course you may understand without my saying a word that the "dead set" is to get someone else. Your recommendation may turn out to be the weight which turned the scale. I shall always remember the three magistrates, Teale, Bristow and Steers. We never had better in the City of Brooklyn and none of the three was a lawyer. I would like to appoint all of them, and also Jacob Brenner, who, according to my notion, was the finest magistrate that ever sat in this part of the world.

Sincerely yours,

W. J. Jay
Mayor.

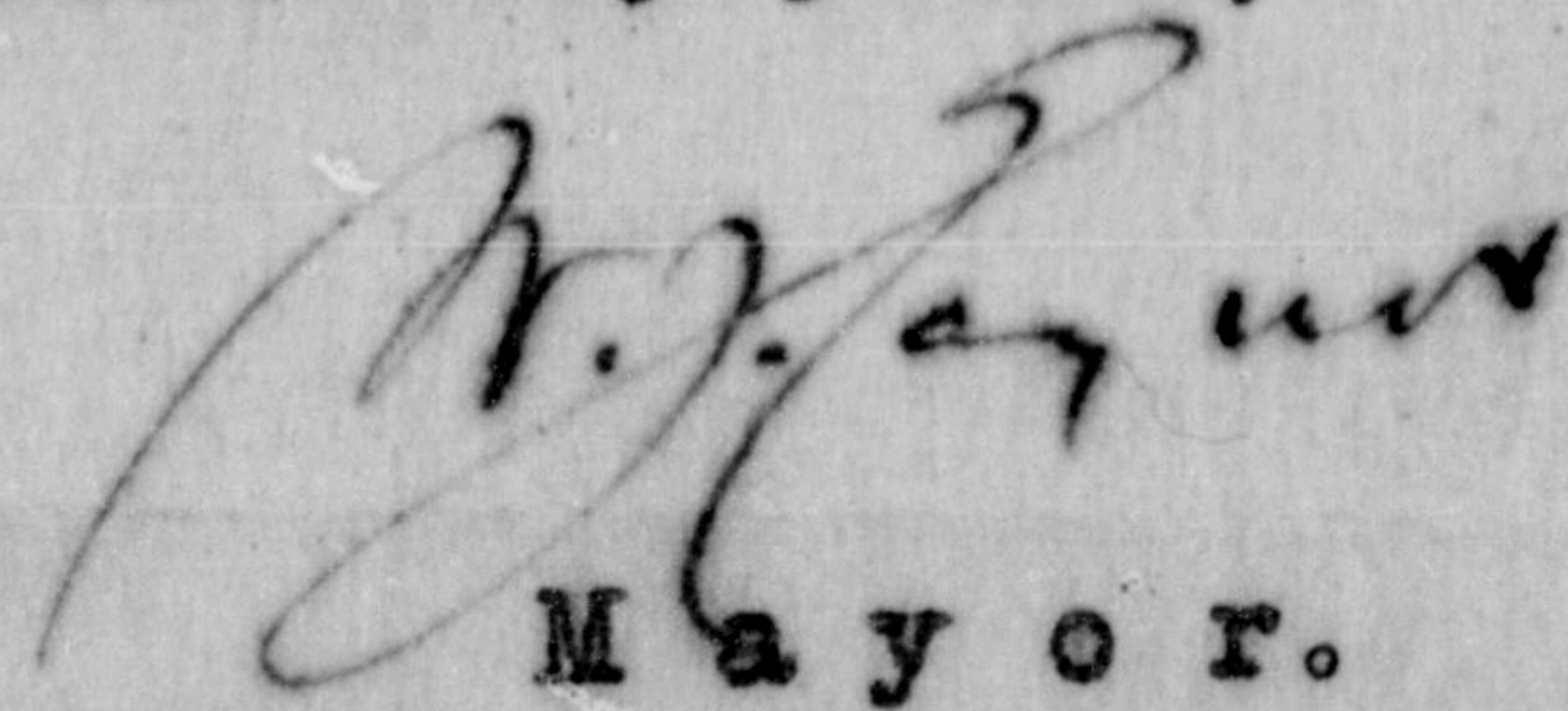
Hon. James C. Crompton,
District Attorney,
County of Kings,
Brooklyn, N.Y.

June 25, 1913. v

Dear Judge Crane:

Yes, I intend to appoint Judge Steers. He was one of the best magistrates we ever had and was removed for political reasons to make way for a man who is not fit to tie his shoes if he be fit to be a magistrate.

Sincerely yours,


M a y o r.

Hon. Frederick E. Crane,
Justice, Supreme Court,
Brooklyn.