

**BOX  
014  
FOLDER  
139**

**Courts: Supreme Court**

**1911-1912**



Supreme Court Appellate Division Chambers

Borough Hall

Almet F. Jenks

Brooklyn, N. Y.

Aug 30. 1911

His Honor the Mayor:

Sir:

I am informed by Mr. James N. Mills  
an applicant for the appointment of Bond  
and Warrant Clerk in your office that

he has referred to me as acquainted with  
his qualifications, and I am requested  
to favor his selection by letter to your

Honor. I have known the gentleman

for a number of years and I think

7 I think he is qualified to fill the place



as I understand to date.

By yours truly  
Wm. F. Jenkins.



Supreme Court of the State of New York  
BROOKLYN, N. Y.

August 16, 1911.

Hon. William J. Gaynor,  
Mayor.

Dear Mr. Mayor:

I beg to recommend for appointment as Municipal Court Justice in Flatbush, vice Justice Fielder, deceased, Mr. Alexander McKinney, who is doubtless well known to you. His legal standing and his experience in public affairs seem to me to well fit him for this office, and his strength with the people would indicate that such a nomination would be approved at the polls.

Yours faithfully,

*Samuel J. Pitman*



Supreme Court, Appellate Division.  
Second Judicial Department.  
BROOKLYN, N.Y.

JOHN B. BYRNE, CLERK.

November 23<sup>rd</sup> 1911

Dear Mayor Gaynor:

Your letter of November  
22<sup>nd</sup> received.

It will give me great  
pleasure to carry out your  
wishes in the matter of  
Mr. Macaulay: I also cheerfully  
endorse your views of him.

yours sincerely,

John B. Byrne.

Hon. William J. Gaynor

Mayor, New York City.





CHAMBERS OF  
MR. JUSTICE DELEHANTY.

Jan. 24th, 1912.

Hon. Jos. F. Prendergast,  
City Clerk's Office,  
City Hall, City.

My dear Joe:-

A friend of my wives, Mrs. Dr. Thomas Fitzgerald of Brooklyn, is endeavoring to have placed in the Health Department squad an invalid policeman who saved her husband life in a horse run away accident. She wants to appeal directly to President Lederle and as I am unacquainted with the gentleman I personally am unable to help her in that respect. I thought perhaps that you might be able to get her a strong letter from Adamson the Mayor's secretary which would pave the way to a satisfactory interview. Let me know if you can do anything along this line.

Sincerely yours,





CHAMBERS OF  
CHIEF JUSTICE ODWYER.

April 10th, 1912.

Hon. William J. Gaynor,  
Mayor of The City of New York,  
City Hall, City.

My dear Mr. Mayor:-

There is a bill now pending before you, namely, Senate Bill No. 498, introduced by Senator Stilwell, amending Section 2471 of the Code of Civil Procedure. The bill was introduced at the request of the City Court Judges, who ask your affirmative action thereon to the end that the same may meet with the approval of the Governor. It appears that a receiver appointed in proceedings supplementary to execution must account to the court out of which the execution issued. Although such proceedings based upon judgments obtained in the Municipal Court of the City of New York are instituted in our court and we have authority to appoint the receiver, we have no control over him. We believe that this anomalous condition should be changed. Enclosed herewith is the opinion of Mr. Justice Leonard A. Giegerich, who, in referring to such receiverships, among other things, said, "I think it is to be regretted that these matters should be drawn into the Supreme Court, but in view of the plain language of the statute the court has nothing to do but to apply it."

I advise the approval of the proposed amendment and, if you deem it necessary, will attend before you to further





CHAMBERS OF  
CHIEF JUSTICE O'DWYER.

(2)

(Hon. William J. Gaynor.)

explain the merits of the bill.

Yours very truly,

*Edward F. O'Dwyer*

Chief Justice, City Court of the  
City of New York.

Enclosure.



SUPREME COURT, NEW YORK COUNTY.

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PEOPLE EX REL. ADELINA COLLUBIER

::

Versus

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Opinion by

Giegerich, J.

RICHARD T. LYNCH, as JUSTICE OF THE CITY

::

COURT OF THE CITY OF NEW YORK.

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This is an application for a writ of mandamus directed to one of the justices of the City Court of the City of New York, requiring him to act upon an application heretofore made to him to discharge a receiver in supplementary proceedings. The proceedings supplementary to execution were instituted before one of the justices of the City Court, and were based upon a judgment recovered in the Municipal Court of the City of New York, a transcript of which had been filed and the judgment docketed in the office of the Clerk of the County of New York. An execution was thereafter issued out of this court and was returned unsatisfied, whereupon the proceedings supplementary to execution were instituted and a receiver was appointed by one of the justices of the City Court. The justice of the City Court refused to entertain the application for the discharge of the receiver upon the ground of lack of jurisdiction; hence the present application to require him to take jurisdiction and act upon it. I think the learned justice of the City Court was right in declining to act, for the reason given by him. Section 2434 of the Code of Civil Procedure provides for the institution of proceedings supplementary to execution, and, as a reading of that section will show, such proceedings may be instituted before a number of different judges, either in the county from which the execution issues or in the county to which it is issued. By section 2441 of the Code it is provided that the judge (meaning the judge before whom the proceeding is instituted) may make an order for the examination of the judgment debtor at a time and place to be specified in the order. By section 2464 of the Code it is provided that the judge before whom the order



is made returnable may appoint a receiver. By the express provisions of section 2471 of the Code a receiver so appointed is subject to the direction and control of the court out of which the execution issued. It is thus clearly provided that although the proceedings may be instituted before a variety of judicial officers, and either in the county from which the execution issues or in the county to which it is issued, according to circumstances, and though the receiver may be appointed by any of these judicial officers before whom the proceeding happens to be instituted, the receiver is nevertheless subject to the control and direction of a single tribunal, namely, the court out of which the execution issues. By the provisions of section 2434, when the judgment is recovered in the Municipal Court of the City of New York, the proceedings must be instituted before a justice of the City Court of the City of New York. In this class of cases, therefore, the general provisions of the statute as to the choice of the judge before whom the proceedings shall be commenced are limited. But there is no other special provision with regard to such judgment, and there can be no ground for saying that the provisions of the act which direct the proceedings to be so instituted are in any way in conflict with or in any way modify the express provisions of section 2471 with regard to the later stages of the proceeding after the appointment of the receiver. The two provisions are not only entirely consistent with each other, but are entirely consistent with the general provisions of the statute in that regard, as already shown. I think it is to be regretted that these matters should be drawn into the Supreme Court, but in view of the plain language of the statute the court has nothing to do but to apply it. Application denied.



Supreme Court of the State of New York  
JUSTICES CHAMBERS

LUKE D. STAPLETON  
JUSTICE

BROOKLYN April 9, 1912.

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

My dear Mayor Gaynor:

Mr. John T. McCaffrey, who is in the office of the Commissioner of Accounts, and has been there for fourteen years, is seeking to participate in an increase in pay which is now being arranged for employees of that office. He has been an old Brooklynite and is an efficient public servant. He has passed the fifth grade accountants' examination for promotion, which has not yet come to him. I am very deeply interested personally in the welfare of Mr. McCaffrey and I know of his valuable services. I would therefore respectfully ask you to give his application personal consideration, and if you find that his record warrants favorable action, that you request Commissioner Fosdick to act favorably upon it.

I am, with high regard and best wishes,

Very faithfully yours,

*Luke D. Stapleton*

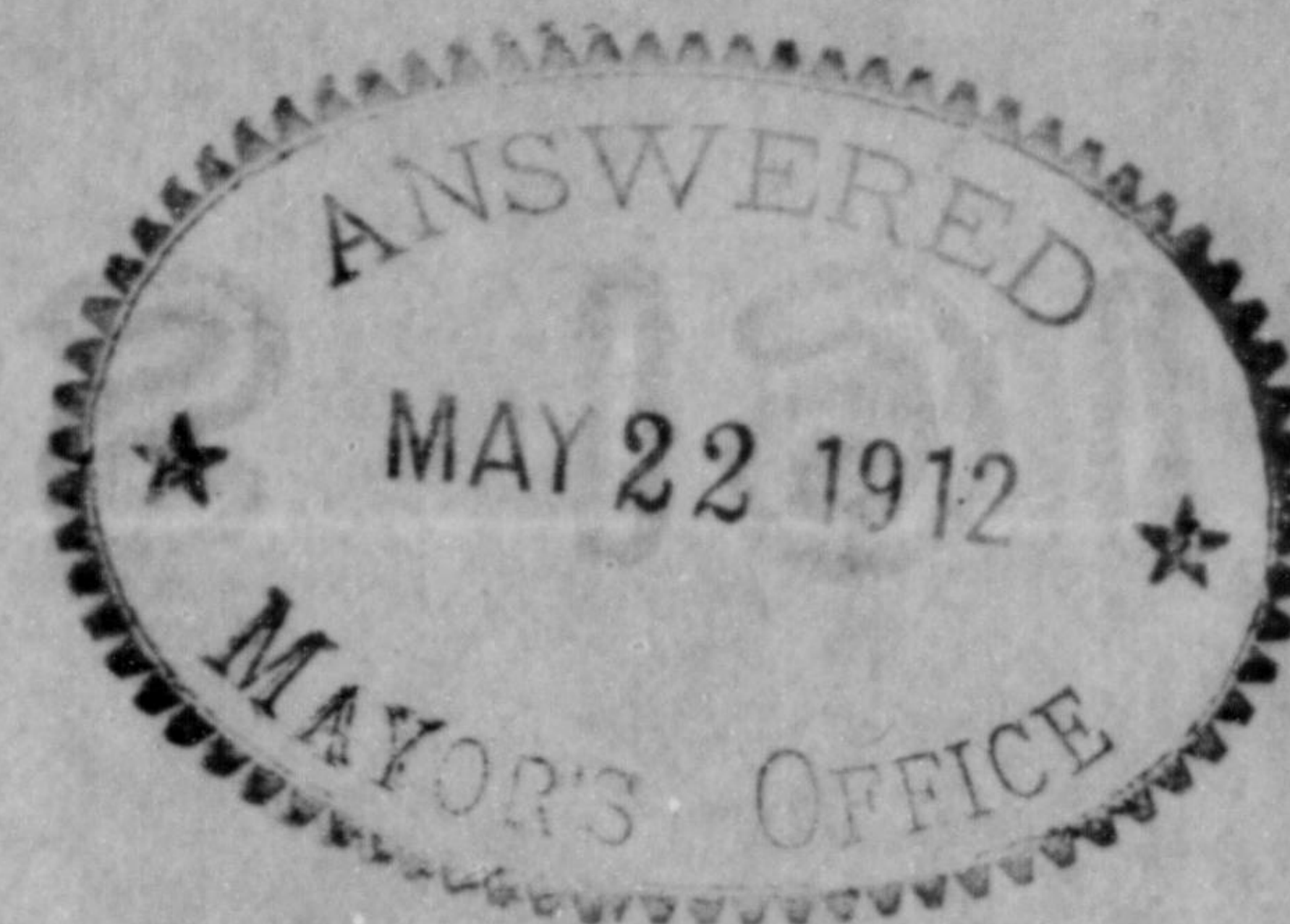


Supreme Court, Appellate Term  
Second Judicial Department  
BROOKLYN N. Y.  
503 Fulton St.

May 21, '12,

Hon. William J. Gaynor,

Mayor of the City of New York.



Dear Mr. Mayor:-

Will you kindly select and set aside for me a large photograph of yourself and let me know when and where I can get it. If agreeable to you I shall frame and hang it in my office.

Sincerely. ,

*J. Macaulay*



Supreme Court of the State of New York  
JUSTICES CHAMBERS

LUKE D. STAPLETON  
JUSTICE

BROOKLYN June 19th, 1912

Honorable William J. Gaynor,  
Mayor of the City of New York,  
City Hall,  
New York.

My dear Mr. Mayor:

Your letter in relation to your farm  
foreman, Mr. Junge, was received by me at Riverhead.  
Mr. Junge manifested upon the witness stand, in his  
application for naturalization, all you claimed for him,  
and more. He is now a citizen of the United States  
of America.

Trusting you are well, I am, with best wishes,

Very faithfully yours,

Luke D. Stapleton

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Supreme Court of the State of New York  
JUSTICES CHAMBERS

LUKE D. STAPLETON  
JUSTICE

BROOKLYN July 1st, 1912.

Hon. William J. Gaynor,

City Hall, New York.

My dear Mr. Mayor:-

Being about to depart on my vacation, I called on you to-day but failed to catch you. My main purpose was to present my compliments and bid you good-bye. Incidentally I intended to ask you to give consideration to the suggestion I made in the interest of Mr. Grover C. Flaherty, the son of the late Michael J. Flaherty, who is seeking employment in the city service. I am advised that his mother is in very destitute circumstances and that the boy is able to render efficient service and relieve her destitution, and that she is possessed of the belief that you could do something for him. I earnestly trust you will not think this an imposition, but I felt it my duty, at her request, to call it to your attention.

I hope you will have a pleasant and restful summer. I have the honor to be,

Very faithfully yours

*Luke D. Stapleton*



# Supreme Court, Trial Term, Part One

County of New York

Court House, 32 Franklin Street, New York

December 21st, 1912

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

S i r :

In compliance with the order of the Hon. John W. Goff, Justice of the Supreme Court, presiding at the Extraordinary Trial Term of said Supreme Court, upon the recommendation of the Grand Jury of the County of New York, I send you herewith a certified copy of a presentment by said Grand Jury relating to the City Prison of the city of New York, in the Borough of Manhattan.

Very respectfully yours,



Special Deputy to the Clerk of  
the County of New York.

(Enclosure)

WNP/JJS.



S U P R E M E C O U R T  
New York County.

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IN THE MATTER  
of the  
C I T Y P R I S O N  
of  
THE CITY OF NEW YORK.

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P R E S E N T M E N T

FILED  
COPIES  
Filed Dec. 18, 1912



SUPREME COURT, NEW YORK COUNTY.

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IN THE MATTER  
of the  
CITY PRISON OF THE CITY OF NEW YORK

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TO HIS HONOR MR. JUSTICE JOHN W. GOFF,  
Presiding at the Extraordinary Trial Term  
of the Supreme Court, in and for the County  
of New York, held for the month of Oct. 1912.

The Grand Jury of the County of New York impaneled  
for the term of Court above mentioned herewith respect-  
fully presents to the Court as follows:

Pursuant to the powers and duties imposed upon it by  
par. 2 of sec. 260 of the Code of Criminal Procedure, and  
the charge of Your Honor to the said Grand Jury on December  
4, 1912, the Grand Jury has made an inquiry into the con-  
dition and management of the City Prison of The City of  
New York, located in the Borough of Manhattan, and commonly  
known as the "Tombs" prison.

Your Honor invited the attention of the Grand Jury  
to four specific points, and on these points the Grand  
Jury respectfully reports as follows:



(1) WHETHER THROUGH LAXITY OF ORDER AND DISCIPLINE PRISONERS HAVE BEEN THREATENED WITH VIOLENCE AND ASSAULTED BY OTHER PRISONERS.

We find that during the past two or three years there have occurred in the City Prison occasional assaults by one or more prisoners upon one or more other prisoners. On one of these occasions two prisoners were attacked by two other prisoners who had been convicted of murder in the first degree, and we find that this attack occurred through a failure on the part of the keepers strictly to follow the rules and regulations laid down for their guidance. Several prisoners were assembled together in a room used for the purpose of shaving prisoners. Contrary to rule the prisoners were locked into the room without any keeper being present. The keepers were, however, immediately outside the door and as soon as the assault occurred entered the room and separated the participants before serious damage was done. Certain other threats and assaults have been made by one prisoner against others. Where 50 or 60 prisoners are kept on one tier and there are only two guards present at any time, and frequently not more than one, such instances may be expected. They are, however, properly chargeable to laxity of order and discipline.



(2) WHETHER CERTAIN PRISONERS HAVE RECEIVED DIFFERENT TREATMENT FROM OTHER PRISONERS IN THE WAY OF PRIVILEGES AND PERSONAL COMFORT, AND IF SO BY WHOSE DIRECTION AND FOR WHAT REASON OR CONSIDERATION.

We find that three prisoners have received different treatment from other prisoners in the way of privileges and personal comfort. During the past two years there have been three instances in which a prisoner who had been found guilty of crime by the verdict of a jury has been placed in the rooms known as the "Warden's Quarters".

At all times during the past two years there have been confined in the City Prison between 500 and 800 prisoners. Seventy-five per cent. of these prisoners on the average have been awaiting trial, and, therefore, entitled to the legal presumption of innocence. As a result of the inadequacy of the quarters provided, it has been necessary for a majority of these prisoners awaiting trial to be placed two in a cell.

Each cell is of metal and has a barred door. Its dimensions are 8' 1" by 6' 4" by 8' 4". None of the cells have windows opening into the outer air. The beds provided are hung from the side wall by means of chains. The only other furnishings are a small table or shelf attached to the wall, a chair or stool, a wash-basin or set bowl, and a toilet. The set bowl is frequently the only means of bathing available, for, while there are shower baths on each tier, the testimony shows that these baths are frequently, if not constantly, out of order.



The "Warden's Quarters" consist of three rooms and a bath on the second floor of the brick building to the east of the women's prison on the south side of the prison yard. The room in which the three prisoners referred to have been kept is the southern room and is 15 ft. by 13 ft. 4 in., and is 9 ft. 6 in. high. It has two large windows, neither of which is barred, one overlooking Leonard Street, the other on the east. The walls are plastered. The floors have parquet flooring of quartered oak. This room, when inspected by the Grand Jury, contained a white enameled iron bedstead 6 ft. 4 in. in length, fitted with a woven wire spring and a tufted mattress, a center table much larger than the shelves provided in the cells, and two chairs.

To the west of this room and opening only upon it, is a bath-room with the usual equipment.

To the north of the bedroom is a smaller bedroom 13 ft. 4 in. by 9 ft. 4 in., with parquet flooring and plastered walls, containing a bureau, and the northern-most room of the suite is 17 ft. 6 in. by 11 ft., and has two closets.

We find that the only three prisoners who were permitted to occupy these quarters during the past two years were all involved in cases connected with the failure of the Carnegie Trust Company, and were all present at the meeting at which occurred the bribery of which Charles H. Hyde was convicted.

The first prisoner so confined was Joseph B. Reichmann, formerly president of the Carnegie Trust Company, who was



placed therein by orders of the prison physician, as he was a paralytic, and confinement in an ordinary cell might have seriously impaired his health. His imprisonment occurred during the hot weather from the 28th of June until the 3rd day of July, 1911. The assignment of this prisoner to these quarters may be justified on the grounds of the prisoner's illness, there being no hospital ward.

No such justification existed for the placing in the Warden's quarters of the other two prisoners. The first of these prisoners was William J. Cummins, who, on or about the 20th day of November, 1911, was found guilty of grand larceny in the first degree by the verdict of a jury. Although the Warden, after Cummins had been examined by the prison physician and had been found to be sound in body and in good health, had directed that he should be confined in a cell, he was transferred to these quarters and kept there for a number of weeks.

The third person who was assigned to these quarters was Charles H. Hyde, who, on the night of November 29th, 1912, was found guilty by a jury of a felony - the crime of bribery. He remained there until the 11th day of December, 1912, when he was released from the prison.

We find that the Commissioner of Correction, pursuant to the provisions of sec. 694 of the City Charter (Laws of 1901, Chap. 466), has established rules and regulations for the administration of the department and the government of the institutions under his control, among which institu-



tions is the City Prison, and that one of these is the very proper rule that all persons, whether rich or poor, shall receive the same treatment from the officers and employees of the department. These rules seem to be in accord with the spirit of the law as set forth in Your Honor's charge on this point.

We find that the treatment accorded to said Charles H. Hyde and to said William J. Cummins was in direct violation of the letter and spirit of this rule; that it was detrimental to the welfare of the service and the welfare of the community; that it was calculated to create a justified resentment both among the prisoners and in the community at large.

We find that both Cummins and Hyde received this treatment by the direct orders of Deputy Commissioner of Correction William J. Wright, and that the reason given by said Wright for extending such privileges and personal comfort in the latter case was his friendship for the said Charles H. Hyde.

(3) WHETHER ANY OFFICIAL OR EMPLOYEE BY HIMSELF OR THROUGH ANOTHER HAS ~~USED~~ HIS POSITION TO PRODUCE OR FABRICATE TESTIMONY IN FAVOR OF OR AGAINST ANY PRISONER EITHER BEFORE OR AFTER TRIAL.

We find no evidence to indicate that any such incident has occurred.

(4) WHETHER ANY OFFICIAL OR EMPLOYEE HAS OR HAD KNOWLEDGE OF TESTIMONY THAT WOULD REVERSE THE VERDICT OF A JURY OR PROCURE A NEW TRIAL FOR A PRISONER.

In this connection we have examined all of the of-



officials of the Tombs and many of the keepers and some prisoners. We find no evidence that any such officer or employee has or had any knowledge of testimony that would tend to cause the setting aside of a jury's verdict or the procuring of a new trial for any prisoner.

In addition to the specific points mentioned in Your Honor's charge, the Grand Jury has found during its inquiry into the condition and management of the City Prison numerous other matters which, in its opinion, call for a presentment by it, recommending action on the part of the necessary authorities. These matters will be mentioned below, each under a separate head.

(5) The City Prison, commonly called the "Tombs", is at present entirely inadequate for the demands made upon it, and is a disgrace to the City of New York. The inadequacy of the prison is shown by the fact that it is necessary to have two prisoners in a cell in the majority of instances. This ought not to be. Each prisoner should have a cell to himself. Apparently the only way in which this condition can be remedied is by the construction of a new building. We are informed that the Commissioner of Correction has petitioned for funds for this purpose. We find that the erection of such a building is necessary, and recommend that funds should be made immediately available for its construction.



(6) We find that the present force of keepers is deplorably inadequate, and that they are unable to give proper supervision to the work intrusted to them, because they are too few in number and the majority of them are working on twelve-hour shifts. We find that the requirement that keepers should work twelve hours daily is excessive and interferes with the efficient discharge of their duties. We recommend that there should be at once an increase in the number of keepers assigned to duty in the City Prison to an extent which will make an eight-hour shift practicable and which will provide two keepers for each tier of cells during the day and one keeper for each tier at night.

(7) We find that many of the keepers are hard working, and as efficient and kindly as could be expected under the circumstances. A number, however, and the Warden himself, have grown old in the service and have reached an age at which efficient service cannot be expected, but they are compelled to make a living, and as no provision for pensioning them exists, they remain on duty.

We recommend that a pension system be put in force which will make it possible to retire men when their condition requires it and yet not throw them entirely upon their own resources.

(8) We find that, while there is a system of ventilation for the main prison by means of a ventilator in each



cell, the system is not working and apparently never has worked, and the ventilation is bad. We recommend that immediate attention be given to this matter and that proper fans or other devices be put in operation so that the prison may be properly ventilated.

We find that although many of the prisoners are suffering from diseases communicable through the sputum and other matters which may form a part of the sweepings of the cell, the cells and the corridors are brushed out dry with a broom. Such a method of cleaning is antiquated and unscientific. We recommend that modern methods, such as vacuum cleaning, or at least sweeping after sprinkling, should be adopted.

(9) We find that the medical attendance provided in the prison is grossly inadequate. The visiting physician makes only one round daily of from one to three hours, and calls only on such prisoners as request it or are seen by the keepers to need it. For the balance of the twenty-four hours, the hundreds of prisoners are without any medical assistance.

A considerable number of the prisoners confined in the prison are suffering from loathsome and infectious or contagious disease. No adequate examination of prisoners is made when they are received, or afterwards, unless the prisoner himself complains of illness. No requirement is made that a prisoner shall be bathed. There is practic-



ally no supervision over the cleanliness or physical condition of the prisoners. The bedding is not cleaned when one prisoner leaves a cell and another takes his place.

There is no hospital ward in which a prisoner suffering from a contagious disease can be confined. There have been numerous instances where prisoners who were epileptics or suffering from other acute diseases have suffered attacks and have had to get along without any medical attention until the following day.

There is no provision made for prisoners suffering from mental disorder. The Grand Jury saw during its inspection of the Tombs a prisoner of Indian descent confined in a cell who had stripped himself stark naked and showed evident indications of mental disorder, and although the Grand Jury called the attention of the prison officers and the prison physician to the man's condition, he continued to be confined in this cell for a period of more than a week thereafter, and, so far as the Grand Jury has been able to learn, is still so confined. The conditions in this regard the Grand Jury finds to be disgraceful and shocking.

It recommends that as a temporary provision until a new building is constructed, the rooms above referred to as the Warden's Quarters" should be made available as a hospital ward.

It recommends that every prisoner when received shall be compelled to bathe, and shall be subjected to a complete



physical examination. It recommends that all bedding be changed and cleaned, when the occupant of a cell leaves, and that all bedding be cleaned and fumigated at frequent regular intervals.

It recommends that provision be made to have a physician constantly in attendance at the Tombs. Such provision might be made by assignment of internes from one of the hospitals of the city, two at a time, one to be on duty by day and one by night, to attend to cases requiring medical treatment in the absence of the prison physician. We find that the visiting physician in the prison is now paid only \$1500. per annum, but that by reason of his fees for expert testimony the aggregate amount which he receives is between \$2500. and \$3000. We recommend that the amount paid to the physician should be fixed and not in any way dependent upon fees received by him as an expert witness.

(9) We find that the rules relating to visitors and the treatment of visitors in the Tombs are unscientific and unreasonable. The visiting hours are from 10:30 to 11:45 in the morning, and from 12:30 to 2:00 in the afternoon. All visitors are required to procure a pass entitling them to enter the Tombs, and the only place where such a pass can be obtained is the main office of the Department of Correction, on East 26th Street. There is no reason why anyone desiring to see a prisoner in the Tombs should be required to make this long journey, often a matter of great



hardship and unnecessary expense. The passes are issued as a matter of course. We recommend that passes should be issued by the Warden at the City Prison.

Owing to the inadequacy of the number of keepers on hand the operation of searching the visitors is not begun until the visiting hour itself arrives. As there are frequently from 75 to 125 visitors and as the operation of searching and issuing a permit in exchange for the pass takes on an average nearly one minute per visitor, it frequently happens that a visitor who is at the end of the long line which is formed prior to the commencement of the visiting <sup>hour</sup> ~~house~~, is not admitted to the prison until visiting hours are almost over. There is no good reason for such an unscientific practice. Provision should be made so that all prospective visitors might be searched prior to the time when the visiting hour commences, so that all visitors may be immediately admitted at the commencement of the visiting hour.

Owing to the inadequacy of the number of keepers visitors are forbidden at the Tombs on holidays and Sundays, the two very days on which relatives and friends of those confined in the prison would best be able to come and see them. We recommend that provision be made so that visitors may be admitted to the Tombs during visiting hours on Sundays and holidays.

(10) We find that the food provided for prisoners is



not of good quality, and its preparation is not adequately supervised. So poor is the prison fare that no person confined in the prison who has any money thinks of eating it. The result is that a more or less valuable concession is granted to an outside restaurateur to furnish food and to sell cigars, cigarettes, <sup>matches</sup> ~~notes~~ and other similar supplies to the prisoners. So far as the Grand Jury has been able to learn the City receives no compensation for this valuable privilege. The contents of the packages sold by the concessionaire is not subject to any supervision. As a result it would be a comparatively simple matter for contraband goods to be distributed. We recommend that the Board of Health be directed to make inspections from time to time of the food served, and that adequate supervision be made over the goods sold by the concessionaire.

We further recommend that at frequent intervals, the Board of Health, without notice to the Prison Authorities, make a thorough investigation and inspection of the various city prisons and make a public report thereon.

Your Honor further charges, as a matter for our inquiry whether a city official in the Department of Correction had given to a morning paper an interview which was printed therein. We find that Deputy Commissioner of Correction William J. Wright was interviewed on the night of Sunday, December 1st, and that in that interview, knowing that what



he said was for publication, he declared it to be his opinion that Charles H. Hyde, who had just been found guilty of a felony by a jury and delivered into the custody of the Department of Correction, was an innocent man. Such conduct of a public official in Wright's position we find to be grossly improper.

As a result of our investigation of the City Prison, we find conditions in it subject to severe criticism, especially for inefficiency of administration. The man in immediate charge is Warden John J. Fallon, who, after many years in the city's service, is approaching seventy years of age and is too old to be intrusted with so heavy a responsibility. That this is the fact is indicated by the designation by the Commissioner a few weeks ago of Warden John J. Hanley to assist in the management of the prison. We recommend that Warden Fallon should be retired from active duty in the City Prison and that provision be made for his employment elsewhere, or his retirement on a pension.

Almost two years ago, the Deputy Commissioner of Correction, William J. Wright, was assigned by the Commissioner to visit the prison daily, if possible, and to exercise close supervision over it. We find no evidence that the assignment of Mr. Wright has resulted in any perceptible amelioration in the conditions in the Tombs



prison either on the side of administrative efficiency or on the side of improving the physical condition of its occupants, except in the instances of special favors above set forth. His own attitude before this body and the testimony of those who are familiar with his duties and what work he does, make it clear to us that he is an inefficient public servant, and we recommend his dismissal.

We recommend that this presentment be laid before the Mayor of The City of New York, and the Governor of the State.

Respectfully submitted,

Thomas C. Wood

Foreman.

Alfred H. Bond

Secretary.

Dated, New York, December 18th, 1912.

*A. C. Wood*  
*Wm. D. Schneider*  
*Clerk*

*This copy correct:*  
*William K. Penney*

Assistant Special Deputy to the Clerk of the County of New York



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S U P R E M E C O U R T  
N E W Y O R K C O U N T Y .

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I N T H E M A T T E R  
  
o f t h e  
  
C I T Y P R I S O N  
  
o f  
  
T H E C I T Y O F N E W Y O R K .

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S U P P L E M E N T O F J A N . 2 4 , 1 9 1 3 ,  
T O P R E S E N T M E N T O F G R A N D  
J U R Y D A T E D D E C . 1 8 , 1 9 1 2 .

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F i l e d J a n . 2 4 , 1 9 1 3 .



# *City Prisons*

SUPREME COURT, NEW YORK COUNTY.

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IN THE MATTER

of the

CITY PRISON OF THE CITY OF NEW YORK.

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TO HIS HONOR MR. JUSTICE JOHN W. GOFF,  
Presiding at the Extraordinary Trial Term  
of the Supreme Court, in and for the County  
of New York, held for the month of Oct. 1912.

On the 4th of December, 1912, your Honor invited the attention of the Grand Jury to certain matters relating to the condition and management of the City Prison of The City of New York, located in the Borough of Manhattan, and commonly known as the Tombs Prison, and charged this Grand Jury to make an inquiry into those matters.

Pursuant to such charge this Grand Jury thereupon began a careful investigation of the matter into which it was so charged to inquire.

The sessions of the Grand Jury for a period of two weeks were devoted to a study of this matter. Twenty-six witnesses were examined, including the Commissioner of Correction, the Deputy Commissioner of Correction, the Warden of the City Prison, the Warden who has been specially assigned to assist the Warden of the City Prison, and a large number of the keepers. The Grand Jury in a body made a careful inspection of the entire City Prison.



a committee of three members of this Grand Jury attended at the City Prison at an unusual hour in order to obtain a personal insight into certain abuses which it was charged existed.

As a result of this thorough and careful investigation this Grand Jury, on the 18th of December, 1912, submitted to your Honor a presentment dealing with four specific matters, the inquiry into which had been particularly charged by your Honor, and reporting also upon six other specific matters relating to which the condition and management of the City Prison seemed to be seriously at fault.

In concluding the said presentment this Grand Jury reported, as a result of the specific findings of fact relating to inefficiency and abuses in the management of the prison, that the Deputy Commissioner of Correction, William J. Wright, was an inefficient public servant, and his dismissal was recommended. Mr. Wright had appeared before the Grand Jury and had given testimony at some length, and much evidence had been received relating to the work which he was supposed to do, and what he actually did.

The recommendation was made to your Honor that this presentment so filed should be laid before the Mayor of the City of New York, and the Governor of the State at that time Hon. John A. Dix. We are informed that a certified copy of said presentment was delivered to the Mayor of New York City and to the then Governor. In view of the fact that, so far as the Grand Jury has been able to learn,



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no action has been taken by either of the officials who so received a copy of said presentment relative to the dismissal of William J. Wright, or as to an independent investigation of his conduct, or of the condition of the City Prison, we respectfully recommend to Your Honor that this presentment be also laid before the Commissioner of Correction of the City of New York, and the present Governor of this State.

Respectfully submitted,

Thomas C. Wood,

Foreman.

Secretary,

Alfred H. Bond.

Dated New York, January 24th, 1913.

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(Seal)

A copy,

Wm. F. Schneider,

Clerk.

This copy correct

William N. Penney

Assistant Special Deputy to the Clerk  
of the County of New York.





Joseph A. Burr  
Associate Justice

# Supreme Court

Appellate Division

Second Department

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My dear Judge Gaynor:-

A little over a month ago, I called upon you to request your assistance in having Miss Susan B. Mesny, a nurse in the employ of the Department of Health, transferred from duty in connection with the public schools, to duty at one of the milk stations, for the reason that the work that she had been doing faithfully and conscientiously, was breaking down her health. At that time you very kindly promised to write Dr. Lederle, requesting that the change be made, if possible.

I am wondering whether this matter may have slipped your mind in the multiplicity of cares devolving upon you and the vexatious and unnecessary annoyances to which you have been subjected. It would not be at all surprising if this were so, and yet, I remember well your remarkable faculty for never forgetting anything that you had promised to do.

At your suggestion, I wrote at that time to Dr. Willis, the physician in charge in the Borough of Brooklyn.

I have just learned that there will be a vacancy in the milk station at Williams Avenue, in Brownsville, in a few days, as the nurse now performing duty there is about to resign.

I very much wish that Miss Mesny could be assigned to that place. Would I be asking too great a favor if I requested you again to communicate with Dr. Lederle on the subject, and to say to him, if you will (holding me responsible for the statement), that Miss Mesny is one of the most faithful and conscientious workers in the public service, and that he surely will make no mistake if he assigns her to this duty. She was obliged to lay by for three or four weeks under the positive instructions of her physician, because she





*Joseph A. Burr*  
*Associate Justice*

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was over-worked, and although she has resumed her duties and is now faithfully discharging them, I am apprehensive that it is only a question of time when she may have to suspend work again. For her sake, and for the sake of the public service, I am very anxious to avoid this.

Thanking you in advance for your kindness, and wishing you the compliments of the season, I am,

Faithfully yours,

Honorable William J. Gaynor,

Mayor,

New York City, New York.