

BOX

8

FOLDER

77

Courts

1910-1913

June 13, 1910.

Dear Sir:

Your favor of June 7th enclosing to me a presentment of the Kings County Grand Jury is at hand. Please let the Grand Jury know that I am unaware of any official authority which they have in the premises. It has become common for Grand Juries to make reports about various things, when their duty is to inquire into the commission of crime and indict people who seem to be guilty.

Very truly yours,

W. J. Meyer

M a y e r .

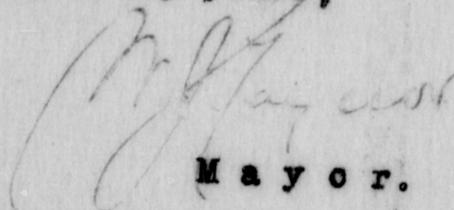
Charles S. Devoy, Esq.,
Chief Clerk, County Court,
Brooklyn, N. Y.

May 1, 1911, k

Dear Mr. Leslie:

Your letter of April 28th is at hand. The publication of the Grand Jury minutes from day to day is scandalous. I never knew the like before. For the District Attorney to play to the galleries in such a way is very unfortunate to say the least, and I am glad to know that the Governor has taken the matter in hand.

Very truly yours,


M a y o r.

A. Mitchell Leslie, Esq.,
80, Broadway,
New York City.

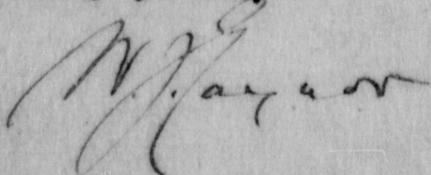
May 1, 1911.m

Dear Mr. Battle:

I thank you for your kind letter. I am not able to say positively whether I mentioned Flynn's "resignation" or not before the grand jury. I had it in my pocket. But that occurrences in the grand jury room were given out by one or the other of your associates is beyond question. I intend to have charges made before the Governor on this question of publishing the secrets of the grand jury room from day to day, unless I find that Mr. Whitman is wholly guiltless of the matter. It is an outrage. The first question put to me was by Mr. Moss, involving a long statement of facts, winding up "as Mr. Driscoll testified here yesterday". I at once said that the question contained misstatements of fact. I find that newspapers immediately carried the heading that I contradicted Mr. Driscoll, one saying that I said Mr. Driscoll was a "liar". You

must permit me to say that such evidence as that is too much for me to shut my eyes to.

Sincerely yours,



George Gordon Battle, Esq.,
37, Wall Street,
N. Y. City.

must permit me to say that such evidence as that is too much for me to shut my eyes to.

Sincerely yours,

W. J. May

George Gordon Battle, Esq.,
37, Wall Street,
N. Y. City.

*P.S. And look at
the evidence of false-
hood from the
Grand jury, and then
published, and for the
purpose of being published,
in the case of another*

10.

*Grand jury were sitting. I shall
about me and my son being
intimates of Cummings. I never heard
of him I visited him. And the day
from for my son being in the Corcoran
road car was changed 10th, when he
was leaving over me in the hospital
shot on 9th. If the papers will not
give me redress it will be strange. And
perhaps at the publication, that Cummings and Reschman
opened with the night in my house, indicating me
to in purpose to let the papers to interfere and call*

off as the papers (over) to call him

m

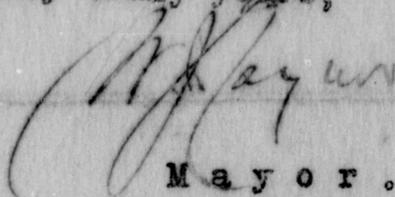
Personal

December 12th, 1911.

Dear Mr. Porges:

I am very glad to receive your letter. To be a Grand Jurymen is a great honor. I have noted for years here in New York County that Grand Juries are very prone to do almost anything the District Attorney "advises" them, or that the Judge advises or directs. The Grand Juries are supposed to be men of the highest discretion who, after listening attentively to the Judge and District Attorney, then do what they deem meet. There seems to be a growing notion among Grand Juries that they are "bound" to follow the advice of the District Attorney or the Judge.

Very truly yours,



Mayor.

Gustave Porges, Esq.,
139, Franklin Street,
New York City.

February 8, 1912.k

S i r :

I am returning to you the presentment of the Grand Jury as you request. I am not surprised to learn that Judge Malone did not direct that it should be sent to me as the Grand Jury requested, for I do not recall that I have ever seen a more officious or nonsensical document. It were well if Grand Juries would attend to their own duties and do them well. A good many think that on the whole the duties of the Grand Juries are done worse than those of any department or official of the Government, and yet they take upon themselves to obtrusively advise other officials. I have no notion of advising the Grand Juries and I respectfully request them not to advise me, as they have no authority of law whatever in the premises.

Very truly yours,

W. H. Taylor
Mayor.

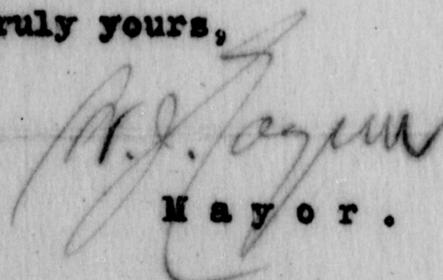
Edward R. Carroll, Esq.,
Clerk of Court of General
Sessions of the Peace,
New York City.

May 8, 1912. b

Dear Sir:

Such presentments of the Grand Jury go to such extremes that I always receive them with much incredulity. I regard this presentment in so far as it deals with the Disciplinary Training School with much incredulity. But I will look into the matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. J. Wagner".

Mayor.

John T. Rafferty, Esq.,
Chief Clerk County Court,
Brooklyn, N. Y.

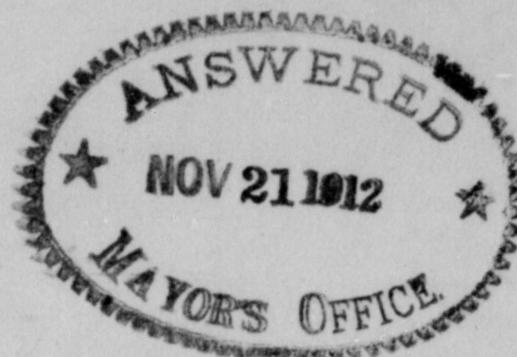


Joseph A. Burr
Associate Justice

Supreme Court
Appellate Division
Second Department

Brooklyn, N. Y. November 21, 1912. 91

Honorable W. J. Gaynor,
City Hall,
New York City, New York.



My dear Judge:-

May I be pardoned for addressing you by this title instead of your present one? It seems the more natural to me.

I know that you are a very busy man, and I am very reluctant to trespass upon your time. If, consistently with your other engagements, you could spare me five minutes, either this afternoon, or at any time tomorrow, I should very much like to see you. If you could designate a time which will cause you the least inconvenience, I will call upon you, and I promise to be brief. .

Sincerely yours,

J. A. Burr

CTs
Gend

April 11, 1910.m

Dear Judge Tierney:

I am heartily in favor of the bill which will give the Justices of the Municipal Court power to remove their clerks. They are now removable only by the Appellate Division, as I understand, and that ought to be done away with as soon as possible. Both ways of removal ought to exist, it may be, so that if the Justices should neglect it application could be made to the Appellate Division.

Very truly yours,

M. Jay

Hon. John W. Tierney,
264, Madison Street,
New York City.

June 30, 1910.

S i r :

In appointing you head Justice of the court of special sessions I desire to call your attention to the arrears of business and other conditions in that court. I appoint you to see that they are done away with. The ample powers of direction and control given to you by the new act should be exercised ^{by you} to the full to that end, and the other justices will loyally support you, no doubt. I receive constant complaint of the said delays and conditions. It is coming to pass that business men prefer to let criminal offenses against them go than prosecute them. They have to go before a magistrate, often several times, and then several months later that is repeated in the special sessions. The annoyance is more than should be borne. The administration of justice in these courts should be prompt. Nor should gross offenders be induced to plead guilty with a promise of being dealt too lightly with. Trials are troublesome, but should not be avoided in that way.

Prof. Isaac Franklin Russell.

Very truly yours,
W. J. Russell.

June 22, 1911.k

Dear Senator Black:

Judge Dickey has called my attention to the enclosed bill. He is an ex-Justice of the Supreme Court and he is as much entitled to such favors as any other. He objects to the words "at the age of 65 years or over". The bill is made to fit just one man. Why should it not be changed? Judge Dickey lacked just 11 days of being 65 years old when he went off the bench. I am an ex-Justice, but I will leave myself out of the case as I trust I shall always be able to get along without the aid of any such bill. But that is no reason why I should not object to a discriminating bill like this.

Sincerely yours,

W. J. Gaynes
M a y o r.

Hon. Loring M. Black, Jr.,
Senate Chamber,
Albany, N. Y.

July 10, 1911.e

Dear Governor Dix:

Some of the judges and others have spoken to me about the bill increasing the number of Supreme Court judges in the second judicial district. I can only say that there is no necessity whatever for any more judges in that department. There are too many already. And if others were added there would be no court rooms for them to sit in.

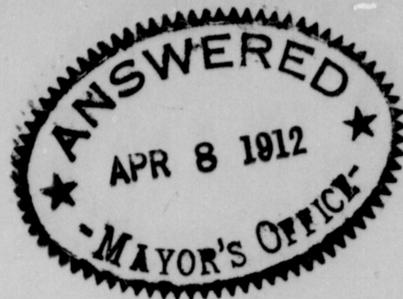
Sincerely yours,


Mayor.

Hon. John A. Dix,
Governor of the State of New York,
Albany, New York.

✓

COURT OF SPECIAL SESSIONS
OF THE CITY OF NEW YORK
ISAAC FRANKLIN RUSSELL
CHIEF JUSTICE



47

32 Franklin Street, New York City,

April 4, 1912.

To
His Honor, the Mayor,
City Hall,
New York City.

My dear Mr. Mayor:-

I observe in the morning papers that Police Commissioner Waldo reports to you that on the 24th of March there were 728 cases in the Court of Special Sessions in New York County, yet to be tried; and that in Brooklyn there were at that same date 382 cases in the Court of Special Sessions awaiting trial. It would seem from this report that, disregarding the Counties of Queens and Richmond, no less than 1,110 cases remain untried in this Court.

I cannot tell from what source Commissioner Waldo gets his information. I beg to report, however, the exact figures regarding this matter as shown by records of this Court for the date April 1st instant:-

Cases pending in New York County	476
" " " Kings County	271
" " " Queens County	16
" " " Richmond County	35

Total for all four Counties in the Greater City of New York	<u>798</u>
--	------------

Regarding New York County let me say that of the 476 cases fully 100 are what might be called "dead cases", 71 represent bench warrants issued to secure the presence of defendants and 14 represent cases where the trial is awaiting the decision in test cases now pending at Appellate Division. In another group of cases the defendants are held in higher Courts charged with felonies, and trial in Special Sessions awaits the issue of such cases in the higher Courts, which may obviate any necessity for trial at all in Special Sessions.

These data do not represent distinct cases; but rather represent individual defendants, of whom there are often from two to five in a single prosecution. The number of actual cases is thus considerably lessened, as, being misdemeanor cases, they may in the discretion of the Court be tried together.

So, in truth, we have in Manhattan hardly more than 376 cases, which represent a fair working calendar when distributed so as to meet the convenience of the Corporation Counsel and the representatives of the various Societies conducting

COURT OF SPECIAL SESSIONS
OF THE CITY OF NEW YORK
ISAAC FRANKLIN RUSSELL
CHIEF JUSTICE

-2-

prosecutions in this Court, for whose convenience special days of the week are set apart. And it may fairly be said that a similar percentage of these so-called "dead cases" may be found in Kings, Queens and Richmond.

I take pleasure in stating that in Kings County this Court is now sitting five days in the week, instead of three days as heretofore; and that we estimate that at the present rate of progress there, there will be practically no cases untried by May 1st, proximo.

(or, at most, not more than 20)

With great respect, I am,

Very truly yours,

Isaac Franklin Russell,
Chief Justice

April 30, 1912.m

Dear Mr. Collins:

I have determined to appoint you a Justice of the Court of Special Sessions. The high recommendation of your character and ability by the Corporation Counsel, and the other inquiries I have made concerning you, make me satisfied that your conduct as a judge will tend to promote that harmony in the court which is seemly and necessary, and also tend to that promptness and despatch in the disposal of business which is necessary to a satisfactory administration of justice. Nothing so much detracts from the effects which should follow the administration of criminal justice as uncertainty and delay. The office is one which cannot be well administered by anyone who will not consecrate himself to it, and I hope you will do that now, and never falter in your resolution. Of all things, never allow any outside influence to swerve you from a correct decision on the facts. Judicial favoritism destroys all confidence in courts.

Sincerely yours,

M. J. Quinn
Mayor.

Cornelius F. Collins, Esq.,
Assistant Corporation Counsel,
Hall of Records.



Tenement House Department of the City of New York.

JOHN J. MURPHY
COMMISSIONER

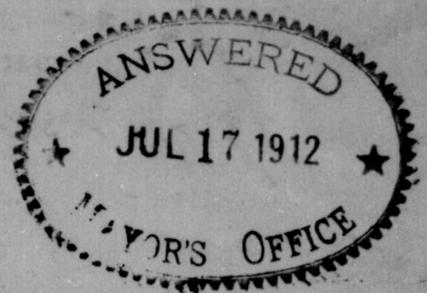
WM. H. ABBOTT, JR.
1ST DEPUTY COMMISSIONER
MANHATTAN
44 EAST 23RD STREET

FRANK MANN
2ND DEPUTY COMMISSIONER
BROOKLYN
503 FULTON STREET

WILLIAM B. CALVERT
SUPERINTENDENT
BRONX
391 EAST 149TH STREET

BOROUGH OF Manhattan, July 10th, 1912 191

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



Sir :-

I beg to call your attention to the serious handicap imposed upon the efforts of this Department to enforce the Tenement House Law during the summer months. From July 1st to some time in September the Municipal courts have made it a rule to try only landlord and tenant cases, so that suits to compel the payment of civil penalties for violations of the law will not be heard.

It has seemed to me that it would be extremely desirable if not only during the summer months, but through the year, a Municipal justice should be assigned to hold a special court for the hearing of Municipal cases. Under the present system a great deal of the time of public officials, inspectors and others, is wasted in waiting for the disposition of the regular run of cases. The practice also results in lack of uniformity in decisions.

I request therefore that your Honor will advise me whether you can take any action to improve the condition of affairs.

Yours respectfully,

John J. Murphy
Commissioner.

February 6th, 1913. s

Dear Judge Herrman:

I need not assure you of the satisfaction it gives me to promote you from the Magistrates' bench to that of the Court of Special Sessions. You have been by general consent one of our model Magistrates, and now I am certain you will be a model Justice of the Special Sessions. I will look to you to have always in mind in that court, that it is the duty of a Judge to draw inferences freely from facts. The law does not call for precise proof of every fact. On the contrary it expects Judges to have their eyes wide open and to draw fair inferences from proven facts. That is the way men regulate their conduct in all departments of life, and the judicial office presents no exception.

Sincerely yours,

W. J. Gaynor
M a y o r.

Hon. Moses Herrman,
293, Broadway,
New York City.

Recall

April 16, 1912.k

To the Editor of the Nyack Evening Star,

S i r :

I notice that you say that at the National Democratic Club dinner last Saturday evening I, in my speech, "supported the fight for recall of judges and declared Jefferson would support this reform also." Permit me to say that you are entirely mistaken in this. I said no such thing, nor did I say anything even resembling it. I have never advocated the recall of judges. I am not in favor of the recall at all for any officers. Our terms of office are so short that we do not need the recall.

Very truly yours,

W. J. ...
M a y o r.

April 17, 1912. b

Dear Mr. Marcus:

I regret that another engagement prevents me from accepting your kind invitation. I do not understand anyone is advocating the recall of judges in this state. If so, I have not heard it. That is a mere newspaper mis-statement. With the short terms of offices generally prevailing throughout this country I do not see why we need to have the recall at all.

Very truly yours,


M a y o r .

Aaron Marcus, Esq.,
Public School No. 12, E.R.C.,
Borough of Manhattan.

May 2, 1912. b

Dear Mr. Hart:

I have directed my Secretary to send you a copy of my article in Bench and Bar. I am not in favor of the recall of public officials. The terms of office are so short, as a rule, that we can recall them soon enough at the end of their terms by leaving them home, but if we are to have the recall I know of no reason why the judges should be exempted from it. They would be no more coerced by the clamor of recall than other important officials would be; and I by no means rate the judicial branch as the most important branch of government. The judges sit in the main to hear petty private disputes between individuals. I do not rate that as a very high function.

Very truly yours,

W. J. Gaynor
Mayor.

Merwin K. Hart, Esq.,
Utica, New York.

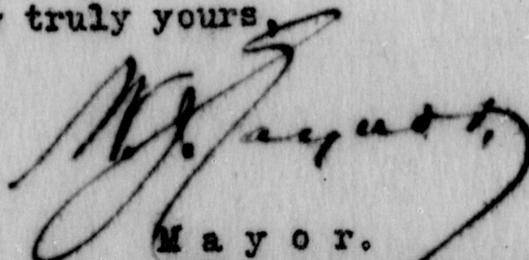
Feb.18,1913.k

Dear Sir:

You ask for my help in your forthcoming debate on the question of the recall. I do not believe in the recall either for judges or any other officials. We already have ways of removing corrupt or wrong-doing public officials without calling a vote on the question. And also terms of office are generally so short that we can recall officials quickly enough at the end of their terms. If the recall existed more officials would give way to clamor than now. We have officials enough now giving way to the abuse and clamor of demagogue scamps and their ignorant followers. And past history illustrates to us that popular clamor is almost always in the wrong. It is no better now than when it sent Jesus to the Cross. And we often mistake clamor for the voice of the community. It is so loud that we think it includes everybody, whereas in fact it may include very few. But these few make more noise than all the rest of us. As you well know out in Kansas, a strident grass-hopper in the angle of a fence makes more noise than the noble herd of cattle nearby. The official whom we should all honor is the one who stands up like a man against clamor. We hear much nowadays from certain public officials that they are elected to please

the people by doing as they wish. There is no more dangerous notion among us than this. Officials are elected to rule according to the laws, whether the people like it or not. The people make their own laws by their representatives sent to the legislature. Then they elect executive and judicial officials to stand by these laws and carry them out, clamor or no clamor.

Very truly yours,


M a y o r.

George A. Swift, Esq.,
115, W. Minn. Ave.,
Salina, Kansas.

April 1, 1913. d

Dear Mr. Mickey:

You say that you are in the state debate and have the negative side of the question - "Resolved that the recall should be applied to the state judiciary" - and you ask me for my opinion on the question. Our terms of office throughout the country are so short that we can recall bad officials soon enough at the end of their terms by leaving them at home. We do not need to go to the turmoil and trouble of a recall by popular vote during the term. If officials commit any wrong in office we have ways of removing them already. And then, again, the recall could be used to intimidate officials and make them do what they would not do if left to exercise their sound judgment. Public officials are too much influenced by clamor now. If the recall existed, many more of them would be giving away to clamor than now. And past history illustrates to us that popular clamor has seldom if ever been right. It is no better now than it was when it sent Jesus to the cross. And we often mistake clamor for the voice of the community. It is so loud that we think it includes everybody, whereas in fact it may include very few. But these few make more noise than all the rest of us. As you well know out in Kansas, a strident grass-hopper in the angle of a fence makes more noise than the noble herd of cattle nearby. It is the duty of all public officials to stand up against clamor. We hear much nowadays from certain public officials that they are elected to please the people by doing as they wish. There is no more dangerous notion among us than this. Officials are elected to rule according to the laws, whether the people like it or not. The people make their own laws by their representatives sent to the legislature. Then they elect executive and judicial officials to stand by these laws and carry them out, clamor or no clamor.

Very truly yours,

A. J. Quinn
M a y o r.

J. L. Mickey, Esq.,
Superintendent, Schools,
Solomon, Kansas.