



*"The Rededication of the Court of Appeals"*

*The Rededication of*

**COURT OF APPEALS HALL**



*Albany, New York*

October Fifth, 1959

*"The Rededication of the Court of Appeals"*



IN THE RESTORATION and modernization of Court of Appeals Hall, formerly the old State Hall, erected in 1842, and occupied by the Court since January 8, 1917, we have had the utmost co-operation and the devoted services of many persons in public and private life. We are especially grateful to Governor Nelson A. Rockefeller, former Governor Averell Harriman, the members of our State Legislature, the Attorney General, the State Comptroller, the Directors of the Budget, the Superintendents of Public Works and their staffs, the State Architect, the Appellate Division of the Third Department, the Mayor of Albany and his Commissioners, the consulting architects, the general contractor, the subcontractors, and the many skilled craftsmen and co-workers.

The restoration of this 117 year old building to its original architectural beauty, and its modernization to cope with the business of the Court, will aid in serving the cause of justice for many years, and Court of Appeals Hall will be a monument to which not only the People of Albany but those of our Empire State may point with pride.

*Albert Conway*

CHIEF JUDGE



*"The Rededication of the Court of Appeals"*



**COURT OF APPEALS HALL TODAY**

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*"The Rededication of the Court of Appeals"*

*Rededication  
Program*

Presiding

**HON. ALBERT CONWAY**

*Chief Judge*

*Invocation*

**MOST REVEREND WILLIAM A. SCULLY**

*Bishop, Roman Catholic Diocese of Albany*

*Addresses*

**HONORABLE NELSON A. ROCKEFELLER**

*Governor*

*Prayer by*

**RIGHT REVEREND JONATHAN GOODHUE SHERMAN**

*Suffragan Bishop of the Episcopal Diocese of Long Island*

**HONORABLE AVERELL HARRIMAN**

*Governor 1955-58*

**HONORABLE WALTER J. MAHONEY**

*Majority Leader of the State Senate*

**HONORABLE JOSEPH F. CARLINO**

*Speaker of the State Assembly*

**HONORABLE SYDNEY F. FOSTER**

*Presiding Justice, Appellate Division, Third Department*

**HONORABLE ERASTUS CORNING, 2ND**

*Mayor of Albany*

**HONORABLE C. ADDISON KEELER**

*President, New York State Bar Association*

**HONORABLE ALBERT CONWAY**

*Chief Judge, Court of Appeals*

*Benediction*

**DR. ALVIN S. ROTH**

*Rabbi, Temple Beth Emeth*





*"The Rededication of the Court of Appeals"*



PRESENT BENCH

Van Voorhis, *J.*   Fuld, *J.*   Desmond, *J.*   Conway, *Ch. J.*   Dye, *J.*   Froessel, *J.*   Burke, *J.*

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phone: (914) 682-3222

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**THE OLD STATE HALL**

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The Historical Society of the Courts of the State of New York  
New York State Judicial Institute  
84 North Broadway, White Plains, NY 10603  
phone: (914) 682-3222

## *The Restoration of* **HISTORIC COURT OF APPEALS HALL**

CHARLES W. FROESSEL, *Associate Judge*  
*Chairman of the Court's Building Committee*

One hundred and seventeen years ago, this landmark of the City of Albany, the building which we re-dedicate today, was originally erected. The site was acquired following the enactment of chapters 283 and 323 of the Laws of 1833 and chapter 66 of the Laws of 1834. It was then known as the New State Hall. The handwritten "Index to the Minutes of the Trustees," now in our State Library, shows that the "Rules and Regulations for the Government of the New State Hall & the Superintendent thereof" are to be found on page 8 of the 1842 minutes.

The Albany City Guide of 1845 informs us: "This splendid edifice exceeds any building in the United States, if we except the Merchants' Exchange and Astor House in New York, and the Capitol of the United States. \* \* \* the walls which enclose the basement are five feet thick. \* \* \* The building is constructed with marble from Mount Pleasant" [Sing Sing Prison]. The stones were transported to Albany by scows.

The building is Greek-Ionic in its external architecture, and has been described as an example of Greek revival architecture that is delightful and impressive. The rotunda, which is covered by a dome, exemplifies the three forms of Greek architecture: the plain Doric capitals and columns of the first floor are surmounted by Ionic carved capitals on the second floor and ornate Corinthian capitals on the third floor. The exterior front capitals and bases are copied from those of the Temple of Niké Apteros on the Acropolis.

By chapter 284 of the Laws of 1848, the trustees were directed to

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"assign apartments in the new state Hall, for the use of the secretary of state, comptroller, treasurer, auditor of the canal department, attorney-general, state engineer and surveyor, canal commissioners, canal appraisers and clerk of the court of appeals." It continued to be occupied by State offices until 1916, when it was assigned to the Court of Appeals.

During the Colonial period, the Court of Final Appeal originally comprised the Director General and his Council serving under the Dutch Governors. Following the occupation of New York by the English, the Court of Assizes was established in 1665; it consisted largely of the Governor and his Council. In 1691 the Court for the Correction of Errors and Appeal was created and continued through the Colonial period.

Our first Constitution of 1777 [Section XXXII] provided for the creation of a court "for the trial of impeachments and the correction of errors." This court was continued until the adoption of our Constitution of 1846 [Art. vi, §2], when "a court of appeals" was established, composed of eight judges, four elected by the electors of the State for eight years, and four selected from the class of justices of the Supreme Court having the shortest time to serve. The Judiciary Article of 1869 provided for a court of appeals composed of a chief judge and six associate judges chosen by the electors of the State, with 14 year terms, as it is today.

Prior to the Constitutional Convention of 1846, the Court for the trial of impeachment and the correction of errors was held at least a portion of the time on the second floor of the old Capitol Building situated on the north side of State Street in Capitol Park, east of the present Capitol Building. When the Court of Appeals was organized

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in July 1847, it met in the old Capitol Building and continued there until May 11, 1883. It sat in the new Capitol for the first time on October 1, 1883, in a room then temporarily assigned to the use of the State Senate until the new courtroom in the southeast corner of the third floor of the Capitol was completed on January 14, 1884. After some 32 years, the rooms assigned to the judges and the attorneys became inadequate and unsatisfactory, and, as the business of the court increased, it was apparent that other accommodations would be required. Plans were then made to re-locate the court in the State Hall.

Following the enactment of chapter 445 of the Laws of 1909 and chapter 528 of the Laws of 1910, the interior of the New (now old) State Hall was remodeled to accommodate the Judges' Chambers, the clerks' offices and the State Reporter, and a wing was added in the rear to provide for a courtroom and library. The old courtroom in the Capitol, which Lord Coleridge once said was the finest "of any court in the world" [The Green Bag, Vol. II, p. 304], was to be duplicated in the new wing of the State Hall. All the oak trim, the portraits, the fireplace of "the choicest Mexican onyx," the rail, and other striking features of the old quarters, installed in 1884, were transferred to the new courtroom, and remain there to this day. In the present remodeling of the building, the courtroom has virtually remained intact, except for new furnishings such as carpets, draperies, etc.

Plans for the restoration and modernization of Court of Appeals Hall were first made under the supervision of the State Department of Public Works about ten years ago. It was then reported that the portico was in hazardous condition; the column bases, as well as the column shafts and caps, were badly cracked and disintegrated. Life

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and property were endangered by pieces of column caps, window lintels and other stones spilling off and falling to the ground. Temporary supports were installed, but we were informed that the building must be completely rehabilitated. The electrical wiring and the heating system needed replacement, and steel beams were required to strengthen the structure. Additional room had to be provided by a mezzanine floor because of the cramped quarters of the clerks, and more library space had to be acquired by the court.

For these reasons, and many more, the Department of Public Works undertook the task of restoring this building of rich heritage to its original architectural beauty, and modernizing it so that the work of the Court might proceed with dignity, efficiency and dispatch. Mindful of the need, the executive and legislative branches of our government have co-operated to the fullest extent, and the general contractor, the sub-contractors and all those who labored with them have completed the task in 16 months.

Together, they have rebuilt for the People of the State of New York not merely a structure, but a monument to Justice - "the greatest interest," as Daniel Webster put it, "of man on earth."

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MALCOLM WILSON, *Lieutenant Governor*

ARTHUR LEVITT, *Comptroller*

LOUIS J. LEFKOWITZ, *Attorney General*

CAROLINE K. SIMON, *Secretary of State*

## *Court of Appeals*

ALBERT CONWAY, *Chief Judge*

CHARLES S. DESMOND

CHARLES W. FROESSEL

MARVIN R. DYE

JOHN VAN VOORHIS

STANLEY H. FULD

ADRIAN P. BURKE

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RAYMOND J. CANNON, *Clerk*

GEARON KIMBALL, *Deputy Clerk*

JAMES M. FLAVIN, *State Reporter*

## *State Legislature*

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The Restoration and Modernization of Court of Appeals Hall was designed and constructed under the supervision of the State Department of Public Works:

*Superintendents*

JOHN W. JOHNSON, 1955-58

J. BURCH McMORRAN, 1959

*State Architect*

CARL W. LARSON

*Consulting Architects*

GEHRON & SELTZER

*New York City*

*General Contractors*

JAMES KING & SON, INC.

*New York City*

*Interior Decorator*

H. CLIFFORD BURROUGHES

*Mural Painter*

EUGENE FRANCIS SAVAGE

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