



"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



"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.*

***Judges of the Court of Appeals****UNDER CONSTITUTION OF 1846**Name and Residence**Elected*Freeborn G. Jewett, *Skaneateles*

June 7, 1847

Greene C. Bronson, *NState Legislature* WALTER J. MAHONEY, *Senate Majority Leader* JOSEPH ZARETZKI, *Senate*Charles H. Ruggles, *Poughkeepsie*

June 7, 1847

AdState Legislature WALTER J. MAHONEY, *Senate Majority Leader* JOSEPH ZARETZKI, *Senate Minority Leader*Samuel A. Foote, *Geneva*

April 11, 1851

Alexander S. Johnson, *Utica*

November 4, 1851

Hiram Denio, *Utica*

June 23, 1853

George F. Comstock, *Syracuse*

November 6, 1855

Samuel L. Selden, *Rochester*

November 6, 1855

Henry R Davies, *New York City*

November 8, 1859

William B. Wright, *Monticello*

November 5, 1861

Henry R. Selden, *Rochester*

July 1, 1862

John K. Porter, *Albany*

January 2, 1865

Ward Hunt, *Utica*

November 7, 1863

Martin Grover, *Angelica*

November 5, 1867

Lewis B. Woodruff, *New York City*

January 4, 1868

Charles Mason, *Hamilton*

January 20, 1868

Robert Earl, *Herkimer*

November 2, 1869

John A. Lott, *Brooklyn*

November 2, 1869

Sanford E. Church, <i>Albion</i>	May 17, 1870
Charles J. Folger, <i>Geneva</i>	May 20, 1880
Charles Andrews, <i>Syracuse</i>	November 19, 1881
William C. Ruger, <i>Syracuse</i>	November 7, 1882
Robert Earl, <i>Herkimer</i>	January 19, 1892
Alton B Parker, <i>Kingston</i>	November 2, 1897
Edgar M. Cullen, <i>Brooklyn</i>	September 2, 1904
Willard Bartlett, <i>Brooklyn</i>	November 4, 1913
Frank H. Hiscock, <i>Syracuse</i>	November 7, 1916
Benjamin N. Cardozo, <i>New York City</i>	January 17, 1926
Cuthbert W. Pound, <i>Lockport</i>	March 8, 1932
Frederick R Crane, <i>Brooklyn</i>	November 6, 1934
Irving Lehman, <i>New York City</i>	November 7, 1939
John T. Loughran, <i>Kingston</i>	September 28, 1945
Edmund H. Lewis, <i>Syracuse</i>	April 22, 1933
Albert Conway, <i>Brooklyn</i>	November 2, 1954

***Judges of the Court of Appeals***

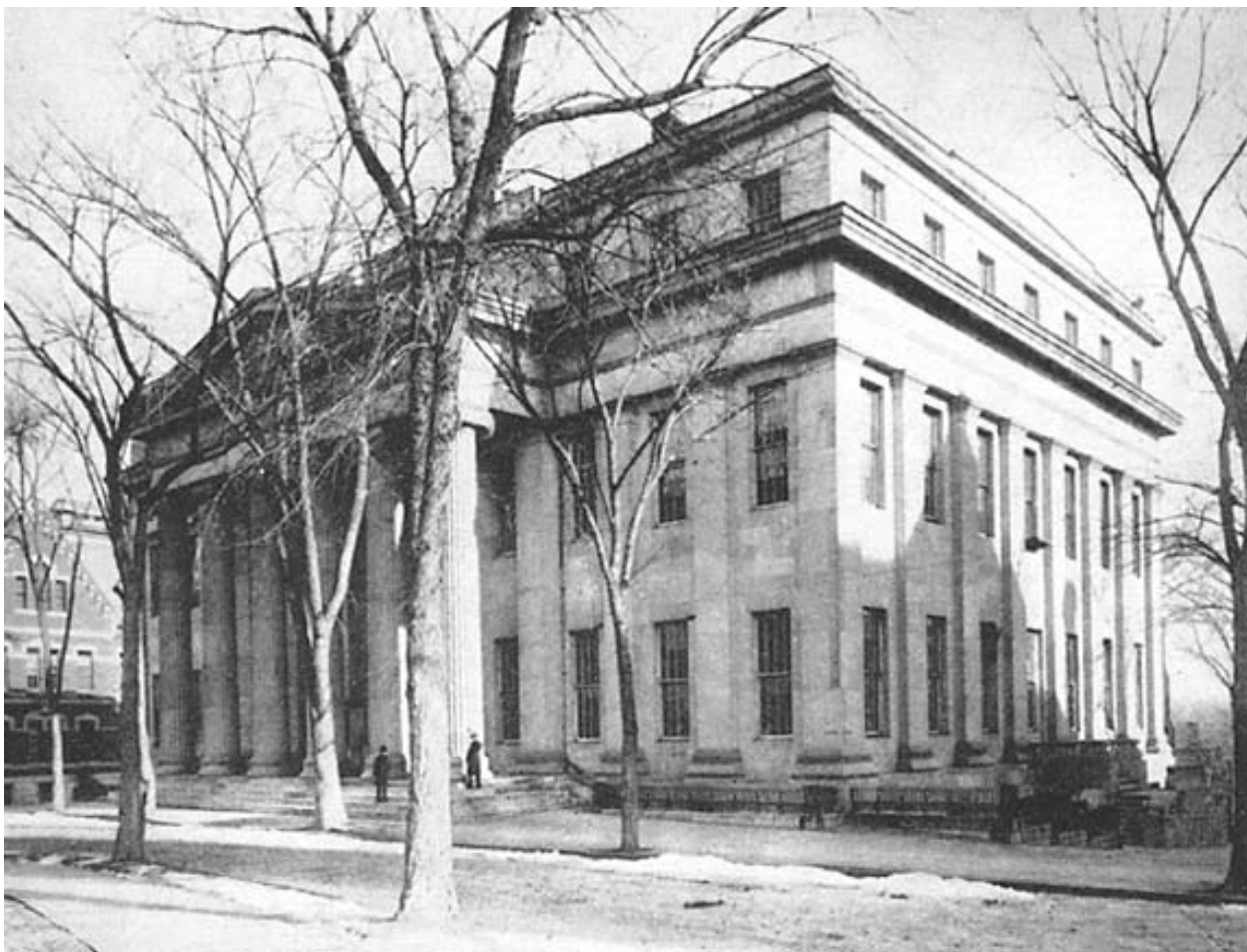
UNDER CONSTITUTIONAL AMENDMENT OF 1869 AND 1894 CONSTITUTION

<i>Name and Residence</i>	<i>Chosen</i>
William F. Allen, <i>Oswego</i>	May 17, 1870
Martin Grover, <i>Angelica</i>	May 17, 1870
Rufus W. Peckham, <i>Albany</i>	May 17, 1870
Charles J. Folger, <i>Geneva</i>	May 17, 1870
Charles A. Rapallo, <i>New York City</i>	May 17, 1870
Charles Andrews, <i>Syracuse</i>	May 17, 1870
Alexander S. Johnson, <i>Utica</i>	December 29, 1873
Theodore Miller, <i>Hudson</i>	November 3, 1874
Robert Earl, <i>Herkimer</i>	November 5, 1875
Samuel Hand, <i>Albany</i>	June 10, 1878
George F. Danforth, <i>Rochester</i>	November 5, 1878
Francis M. Finch, <i>Ithaca</i>	May 25, 1880
Benjamin F. Tracey, <i>Brooklyn</i>	December 8, 1881
Rufus W. Peckham, <i>Albany</i>	November 2, 1886
John Clinton Gray, <i>New York City</i>	January 25, 1888
Denis O'Brien, <i>Watertown</i>	November 5, 1889
Isaac H. Maynard, <i>Stamford</i>	January 19, 1892
Edward T. Bartlett, <i>New York City</i>	November 7, 1893
Albert Haight, <i>Buffalo</i>	November 6, 1894
Celora E. Martin, <i>Binghamton</i>	November 6, 1895
Irving G. Vann, <i>Syracuse</i>	December 31, 1895
Judson S. Landon, <i>Schenectady</i>	January 1, 1900
William E. Werner, <i>Rochester</i>	January 1, 1900
Willard Bartlett, <i>Brooklyn</i>	January 8, 1906
Frank H. Hiscock, <i>Syracuse</i>	January 8, 1906
Emory A. Chase, <i>Catskill</i>	January 8, 1906
Frederick Collin, <i>Elmira</i>	October 5, 1910
William H. Cuddeback, <i>Buffalo</i>	November 5, 1912
John W. Hogan, <i>Syracuse</i>	November 5, 1912
Nathan L. Miller, <i>Cortland</i>	January 13, 1913
William B. Hornblower, <i>New York City</i>	February 2, 1914

Benjamin N. Cardozo, <i>New York City</i>	February 2, 1914
Samuel Seabury, <i>New York City</i>	December 8, 1914
Cuthbert W. Pound, <i>Lockport</i>	August 20, 1915
Chester B. McLaughlin, <i>Port Henry</i>	January 16, 1917
Frederick E. Crane, <i>Brooklyn</i>	January 16, 1917
William S. Andrews, <i>Syracuse</i>	January 24, 1917
Abram I. Elkus, <i>New York City</i>	November 12, 1919
Irving Lehman, <i>New York City</i>	November 6, 1923
Henry T. Kellogg, <i>Valcour</i>	November 2, 1926
John F. O'Brien, <i>New York City</i>	January 24, 1927
Irving G. Hubbs, <i>Pulaski</i>	November 6, 1928
Leonard C. Crouch, <i>Syracuse</i>	March 17, 1932
John T. Loughran, <i>Kingston</i>	May 21, 1934
Edward R. Finch, <i>New York City</i>	November 5, 1934
Harlan W. Rippey, <i>Rochester</i>	November 3, 1936
Charles B. Sears, <i>Buffalo</i>	January 3, 1940
Edmund H. Lewis, <i>Syracuse</i>	January 3, 1940
Albert Conway, <i>Brooklyn</i>	January 3, 1940
Charles S. Desmond, <i>Buffalo</i>	November 5, 1940
Thomas D. Thacher, <i>New York City</i>	May 5, 1943
Marvin R. Dye, <i>Rochester</i>	November 7, 1944
George Z. Medalie, <i>New York City</i>	September 28, 1945
Stanley H. Fuld, <i>New York City</i>	April 25, 1946
Bruce Bromley, <i>Brooklyn</i>	January 13, 1949
Charles W. Froessel, <i>Jamaica</i>	November 7, 1949
John Van Voorhis, <i>Rochester</i>	April 24, 1953
Adrian P. Burke	November 2, 1954



"The Rededication of the Court of Appeals"



THE OLD STATE HALL



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."



"The Rededication of the Court of Appeals"

State of New York

NELSON A. ROCKEFELLER, *Governor*

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 VOOERHIS

STANLEY H. FULD

ADRIAN P. BURKE

RAYMOND J. CANNON, *Clerk*

GEARON KIMBALL, *Deputy Clerk*

JAMES M. FLAVIN, *State Reporter*

State Legislature

WALTER J. MAHONEY, *Senate Majority Leader*

JOSEPH ZARETZKI, *Senate Minority Leader*

AUSTIN W. ERWIN, *Chairman, Senate Finance Committee*

JOSEPH F. CARLINO, *Speaker of the Assembly*



"The Rededication of the Court of Appeals"

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
