

THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK

FIRST JUDICIAL DEPARTMENT



A History of the Courthouse





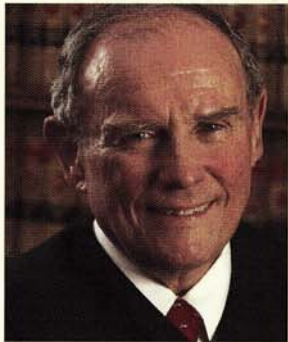
*H*ISTORY OF THE COURT

Created by the New York State Constitution of 1894, the Appellate Division of the Supreme Court, First Judicial Department, is one of four intermediate appellate courts in the State, and is composed of the Counties of New York and the Bronx. Appeals are taken to the Appellate Division, as a matter of right, in civil and criminal cases, from the Supreme Court, Surrogate's Court, Family Court, and Court of Claims.

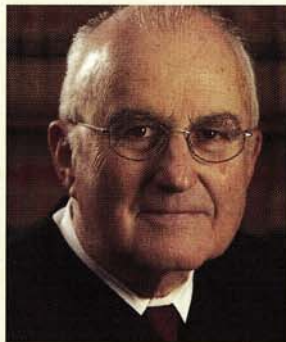
As a branch of the Supreme Court, the Appellate Division has broad powers to review questions of law and fact, and to make new findings of fact. It serves as the court of original jurisdiction in certain types of matters; other cases reach the Appellate Division after they have been reviewed by the Appellate Term, a lower appellate court. Since, with few exceptions, appeals to the Court of Appeals, the State's highest court, are by permission only, the Appellate Division is the court of last resort in the majority of cases. Over 3,000 appeals, 6,000 motions, and 1,000 interim applications are determined each year.

In addition, the Appellate Division admits roughly 3,000 new attorneys to the Bar each year, disciplines practicing lawyers, and otherwise exercises its judicial authority in Manhattan and the Bronx.

JUSTICES OF THE COURT



John T. Buckley
Presiding Justice 2003
Associate Justice 1999



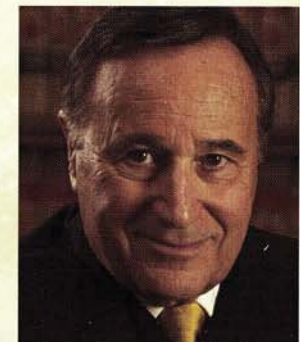
Joseph P. Sullivan
Associate Justice
1978



Betty Weinberg Ellerin
Associate Justice
1985



Milton L. Williams
Associate Justice
1994



Alfred D. Lerner
Associate Justice
1999



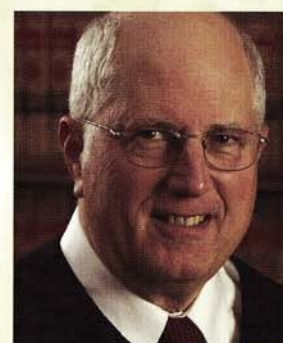
Eugene L. Nardelli
Associate Justice
1993



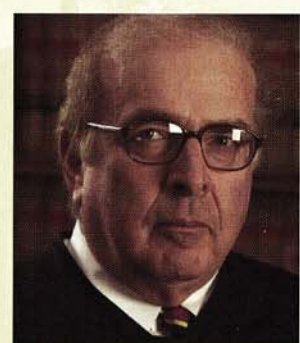
Peter Tom
Associate Justice
1994



Angela M. Mazzarelli
Associate Justice
1994



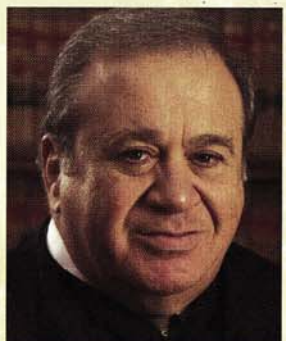
Richard T. Andrias
Associate Justice
1996



David B. Saxe
Associate Justice
1998



David Friedman
Associate Justice
1999



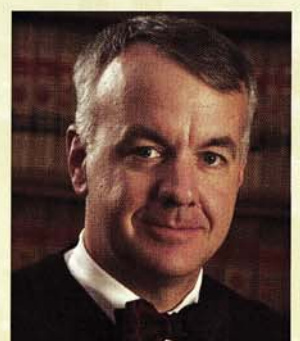
George D. Marlow
Associate Justice
2001



Luis A. Gonzalez
Associate Justice
2002



John W. Sweeny, Jr.
Associate Justice
2004



James M. Catterson
Associate Justice
2004

*T*HE JUSTICES AND PERSONNEL OF THE COURT

Justices are appointed to the Appellate Division by the Governor, and are selected from the Supreme Court Justices anywhere in the State, for renewable terms of five years or the unexpired portion of their fourteen-year elected term, if less than five years. The Governor also appoints a Presiding Justice, whose designation extends to the end of his elected term. Although there is a mandatory retirement age of 70 for Justices, they can be certified to continue sitting for a maximum of three two-year terms. The 1894 Constitution allowed for five First Department Justices, and was expanded to seven by Constitutional Amendment in 1925. To meet the increased workload, Governors have increased that number over the years to sixteen. As of the writing of this publication, there are fifteen Justices and one vacancy.

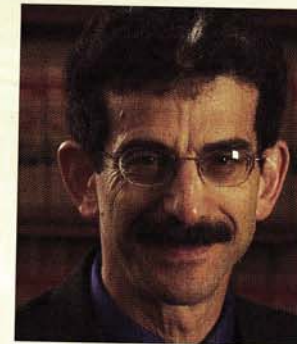
The Presiding Justice is John T. Buckley. Justices Joseph P. Sullivan, Betty Weinberg Ellerin, Milton L. Williams, and Alfred D. Lerner are former Presiding Justices, and Justice Eugene L. Nardelli is a former Acting Presiding Justice; all were named Associate Justices after they reached the age of 70. The other members of the Court, in order of their year of appointment, are Peter Tom, Angela M. Mazzarelli, Richard T. Andrias, David B. Saxe, David Friedman, George D. Marlow, Luis A. Gonzalez, John W. Sweeny, Jr., and James M. Catterson.

The Clerk of the Court is Catherine O'Hagan Wolfe. The Deputy Clerks are David Spokony and Joseph Bleshman. The Chief Law Assistant is Eric Schumacher, and the Deputy Chief Law Assistant is Mariann Sullivan.

*P*ERSONNEL OF THE COURT



Catherine O'Hagan Wolfe
Clerk of the Court



David Spokony
Deputy Clerk



Joseph Bleshman
Deputy Clerk

ARCHITECTURAL HISTORY

On January 6, 1896, the first session of the Appellate Division, First Department, took place at its temporary quarters, 111 Fifth Avenue, the old Arnold Constable Building, at 19th Street.

For a permanent home, the Justices selected a site on the northeast corner of 25th Street and Madison Avenue, overlooking Madison Square Park, after rejecting another parcel that had been the Sixth Avenue Car Barns, located between 43rd and 44th Streets. Believing it to be more proper not to come into close contact with the lower-court judges whose decisions they would review, the Appellate Division Justices had ruled out the downtown Civic Center, where the other courts were situated, although some commentators noted that the Madison Square location allowed four of the seven Justices to walk to work. The land was purchased from a congressman, Henry Clay Miner, for \$370,000.

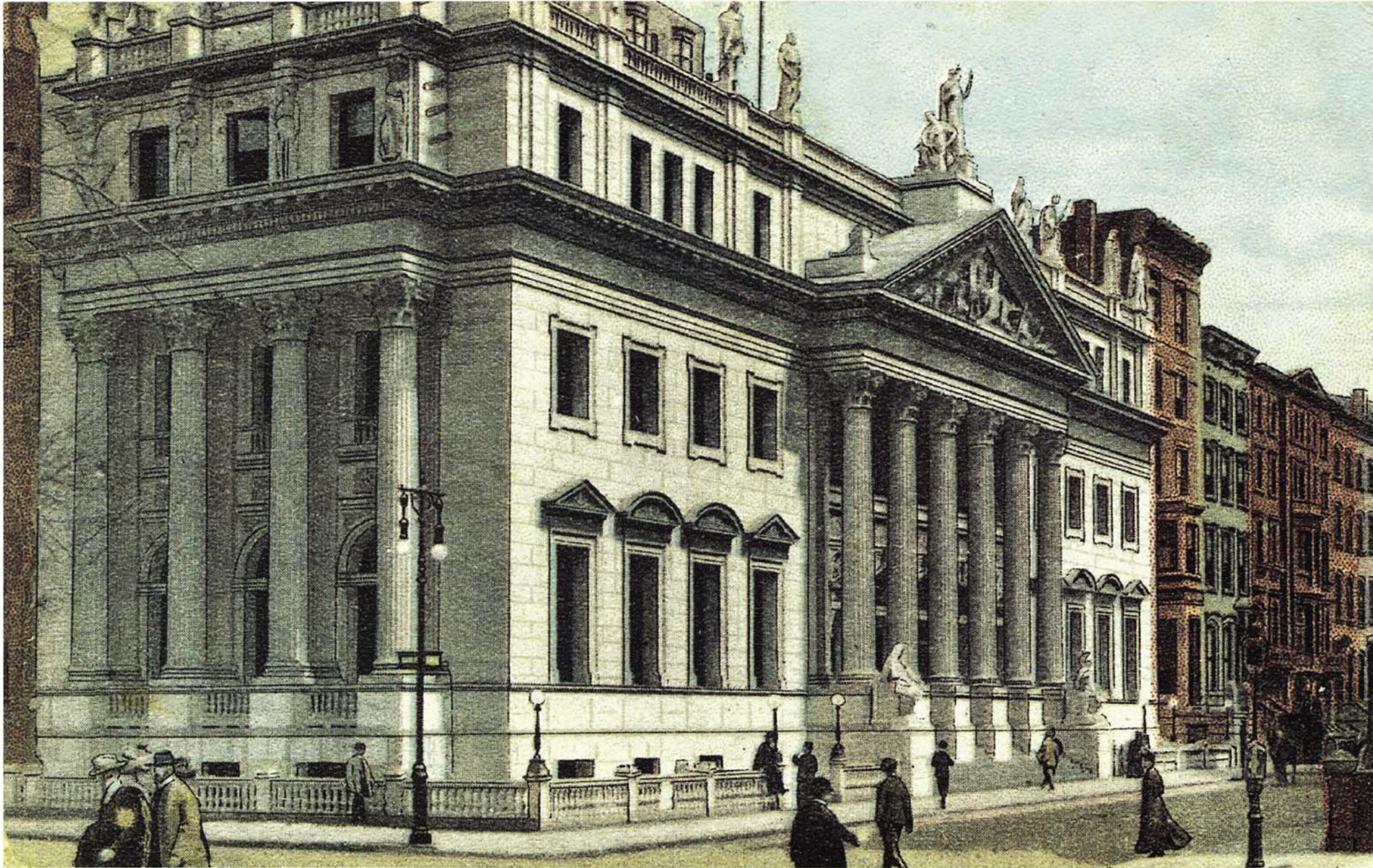
Pleased with the remodeling of the interim space performed by the architect James Brown Lord, the Justices commissioned him to design the new, permanent courthouse. Born in New York in 1859, Lord's paternal grandfather was Daniel Lord, founder of the law firm Lord,

Day & Lord, of which his father was a member, and his maternal grandfather was James Brown, founder of the investment banking firm Brown Brothers, today Brown Brothers Harriman. After graduating from Princeton, Lord entered the firm of William A. Potter, a leading church architect. Eventually, he had a practice of his own, designing many houses in Tuxedo Park and several restaurants for the Delmonico family.

In June 1896, the Justices approved Lord's architectural plans. Unusual for any architect, in any age, Lord was not only given complete control over the construction, but even over the art and decoration. Lord conceived the building itself as an expression of the ideals of the law, which he achieved by integrating the architectural, pictorial and

sculptural aspects into one monument. As the journal *Public Improvements* noted when the courthouse was opened in 1900, the building was "the first attempt in the city of New York to erect a building in which the utilitarian and artistic are so combined as to make one harmonious whole." That achievement is all the more remarkable when one considers that 16 sculptors and 10 painters, as well as other artists and artisans, participated in the project.





The NEW COURTHOUSE: James Brown Lord was commissioned to build the new Courthouse in 1896 on the newly acquired parcel at the northeast corner of 25th Street and Madison Avenue.

Lord's courthouse was residential in scale, in keeping with the domestic nature of the neighborhood at that time, before the erection of the imposing office buildings now surrounding it. The courthouse had three stories and a basement, and ran 150 feet on 25th Street by 49 feet 4 inches on Madison Avenue. Placing the entrance on 25th Street, rather than facing the park, might at first seem surprising. However, the arrangement complimented the shape of the parcel, by allowing Lord to create an impressive facade and to situate the courtroom so that it was both easily accessible by the public and located on the quietest side of the building, away from trafficked Madison Avenue.

Lord drew heavily upon the style of Andrea Palladio, the great 16th century architect of Vicenza, in designing a structure of dazzling white marble, with two-story fluted Corinthian columns and repeated pilasters, arched and pointed moldings above the second-story windows, a girdling entablature separating the second and third floors, and a low balustrade on the roof, crowned with statues. The interior was no less sumptuous, adorned with Sienna marble, onyx paneling, murals, stained glass, and gilded coffered ceilings.

Although the Appellate Division is a body of the State government, the building was to be constructed on municipal property, and therefore was to be funded by the City. The City allocated \$700,000, to be raised by a bond issue and repaid by the proceeds of sales of City real estate, rather than a direct appropriation through taxes. Thus, while the Justices retained the right of final approval, they were required to consult with the Commissioners of the Sinking Fund, a City agency that was to "sink" (pay off) City debts. Charles T. Wills, the lowest bidder, was chosen as the general contractor, and the project was completed under budget, at \$633,768, of which one-third was spent on artwork;

when other decoration is included, the percentage rises to one-half.

The Court took possession of its new home, bearing the street address 27 Madison Avenue, on January 2, 1900, although the statuary was not fully in place until the following year. Addressing the assembled dignitaries and members of the Bar, Associate Justice George C. Barrett promised that the judges would endeavor "to

supply the moral fibre which supports the edifice upon its spiritual side," so that "this shall not be merely a majestic Court House of Law, but a Temple consecrated to Justice."



A view of Madison Square East circa 1900



THE OPENING OF THE NEW COURTHOUSE: The Court took possession of its new home at 27 Madison Avenue on January 2, 1900

SCULPTURE

Before the building was opened, art critic Charles Caffin wrote in *Harper's Weekly*: "A very notable feature of the design is the provision which has been made for sculpture, treated not as mere embellishment but as an integral part of the architectural scheme." With the help of the National Sculptural Society, Lord had selected sixteen sculptors, and he consulted with Daniel Chester French, Charles Niehaus, Frederick Ruckstuhl, and Augustus Saint-Gaudens in harmonizing the different statues.

The unity of art and architecture in Lord's plan is immediately apparent as one approaches the Courthouse on 25th Street. The allegorical statuary and integrated structural elements imbue the viewer with a sense of the majesty, purpose, and righteousness of the Law. The sculptor Frederick Wellington Ruckstuhl explained:

Wisdom and Force alone produce the triumph of Law – the prevalence of Justice, the prevalence of Peace, and finally the fruits of Peace. Hence, Wisdom and Force are at the foundation of the courthouse. From these two, columns lead the mind up to a tympanum containing an allegory of the Triumph of Law. This is crowned by a group of Justice. On the east a similar group of Peace is placed!

THE ENTRANCE ON 25TH STREET:

Right: The statues of Wisdom and Force.

Far right: Wisdom and Force flank the stairs of the Courthouse entry, while The Triumph of Law resides within the triangular pediment.

Below the edge of the pediment, directly above the ground floor windows, Morning and Night (left window) and Noon and Evening (right window) reside.

At the top of the roofline, Justice with Power and Study stands atop the apex of the pediment's central point.

At street level, flanking the stairs, are pedestals bearing the heroic-sized seated figures of *Wisdom*, on the left as one faces the entrance, and *Force*, on the right. Both statues are by Ruckstuhl. *Wisdom* is depicted as an old man, with long, flowing beard, clad in a tunic, with a mantle draped over his head. His left hand clasps the edge of an open tome, his right points to a page. The inscription on the plinth reads: "Every law not based on Wisdom is a menace to the state." *Force* is an armored man, with crested helmet and billowing cape. The head is a composite of General Ulysses S. Grant, General Nelson A. Miles, and Admiral Francis M. Bunce. His left hand rests upon the chair's arm (a winged lion), and his right holds a short sword. The inscription states: "We must not use Force till just laws are defied."





Behind *Wisdom* and *Force*, six two-story columns and identical pilasters lead from the stairs up to a triangular pediment, containing the five-figure *Triumph of Law* by Charles Henry Niehaus. The central figure (*Law*) is a seated woman displaying two tablets, resting on the arm of her throne; the one in her right hand reads "Lex scripta" (written or statutory law), the other "Lex tradita" (related or common law). To her immediate right is a kneeling, armor-clad man, bearing a sword and wreath; to her left is a similar figure holding a sword and shield. Beyond those are two reclining nude men. The one to *Law's* far right is a bearded, muscular man shown with fasces and a ram (both symbols of authority). On the other side is a bearded, bald man, resting his right elbow on a vessel filled with scrolls, while he holds an unrolled scroll in his left. Behind him is an owl perched on a crescent moon (symbols of wisdom and enlightenment, respectively).

Inside the portico, behind the columns, situated above the windows and below the pediment, are two sets of sculptures by Maximilian N. Schwartzott. On the left is *Morning and Night*, represented by half-reclining nude figures of a man and a woman. The bearded man props himself up with his left elbow, as his hand rests on an

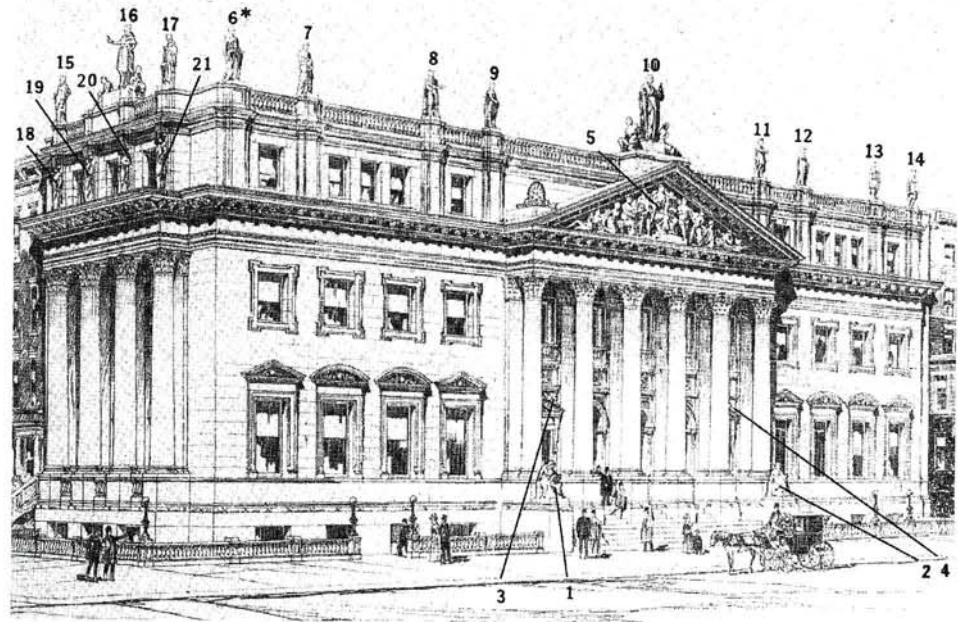
hourglass; to the left is a cartouche of the sun. The woman's head is bowed in slumber and is partially covered by a scarf; she leans on her right elbow, and to the right of her is a cartouche of a crescent moon amid stars. On the right is *Noon and Evening*, half-recumbent nude figures of a youth and maiden. Beside the male, resting on his left elbow, is a cartouche of a bat. Next to the female, leaning on her right elbow, is a cartouche of the sun.

On the roof, at the apex of the pediment's central point, is the three-figure *Justice with Power and Study*, by Daniel Chester French, sculptor of Lincoln in the Lincoln Memorial and the son of a lawyer. Robed *Justice* stands in the middle, with torches held at equal height, slightly above her head. *Power*, a muscular nude male, is seated to her right; *Study*, with an open book, sits at her left.

THE PLACEMENT OF THE ORIGINAL EXTERIOR SCULPTURE:

- | | |
|-----------------------------|--------------------------------------|
| 1: <i>Wisdom</i> | 12: <i>Louis IX</i> |
| 2: <i>Force</i> | 13: <i>Manu</i> |
| 3: <i>Morning and Night</i> | 14: <i>Flavius Anicius Justinian</i> |
| 4: <i>Noon and Evening</i> | 15: <i>Confucius</i> |
| 5: <i>Triumph of Law</i> | 16: <i>Peace</i> |
| 6*: <i>Mohammed</i> | 17: <i>Moses</i> |
| 7: <i>Zoroaster</i> | 18: <i>Winter</i> |
| 8: <i>Alfred the Great</i> | 19: <i>Autumn</i> |
| 9: <i>Lycurgus</i> | 20: <i>Summer</i> |
| 10: <i>Justice</i> | 21: <i>Spring</i> |
| 11: <i>Solon</i> | |

* Figures 6 to 14 were rearranged in 1955 and the statue of "Mohammed" was removed. The figures now read: 6: "Zoroaster" 7: "Alfred the Great" 8: "Lycurgus" 9: "Solon" 10: "Justice" 11: "Louis IX" 12: "Manu" 13 "Justinian" There is no figure 14.





THE STATUES ON THE ROOF:

The statues of ancient lawgivers on the roof of the Courthouse.

Top row, left to right: Confucius, Peace, Moses, Zoroaster and King Alfred the Great.

Middle row, left to right: Saint Louis, Manu and Justice with Power and Study.

Bottom row, left to right: Lycurgus, Solon and Justinian.



Peace

Centrally placed on the roof of the Madison Avenue side is another three-figured group, *Peace*, by Karl Francis Theodore Bitter. In the middle stands a woman, classically garbed, holding a fluttering dove in her outstretched right hand and an olive branch in the other. To her right sits a nude man, with his left arm leaning on his knee and his right arm on a fasces (a bundle of rods enclosing an axe), which was the ancient Roman symbol of the power of

the state. A bare-chested woman sits on the left, holding a cornucopia in her left hand and an orb in her right.

Also gracing the top of the Courthouse are statues of ancient lawgivers, representing the world's great legal systems. Each of the nine statues is by a different artist. Starting on the north side of Madison Avenue, we see Philip Martiny's *Confucius* (550-478 B.C.), representing Chinese Law. He wears an embroidered robe with loose sleeves and a crown-like cap; he holds a scroll in his left hand, and strokes his beard with his right. Next is the three-figured *Peace*, previously described, followed by the Hebraic lawgiver *Moses*, by William Couper. With long beard, *Moses* holds the Ten Commandments under his right arm and clutches his belted robe with his left. Turning around the corner to 25th Street, we see *Zoroaster* (660-583 B.C.), representing Persian Law, by Edward Clark Potter, creator of the lions in front of the New York Public Library. The bearded figure, wearing a robe and helmet, raises his right arm and holds a flaming goblet in his left hand. After him comes *King Alfred the Great* (849-901 A.D.), representing Anglo-Saxon Law, by Jonathan Scott Hartley. Clad in a tunic, buskins, flowing mantle and crown, he holds a sword in his right hand and a book in his left. Next is *Lycurgus*, the ninth-century B.C. Spartan lawgiver, by George Edwin

Bissell. With his left hand he pulls aside his cloak, to reveal armor underneath; he holds scrolls in his right hand. After him comes *Solon* (638-559 B.C.), the Athenian lawgiver, by Herbert Adams. He, too, has a cloak draped over his left shoulder and a scroll in his right hand; his left hand gesticulates in the manner of a Greek orator. On the other side of the pediment and the three-figured *Justice*, described supra, is *Saint Louis*, also known as King Louis IX of France (1215-1270 A.D.), by John Donoghue. Wearing a crown and a cloak fastened over his right shoulder, he has a finely trimmed beard and mustache; he holds a scepter in his left hand and a document in his right. Next, we see *Manu*, the mythical author of the Hindu Laws of Manu, by Henry Augustus Lukeman. A heavy mantle shrouds his entire body except the face; his left arm rests at his side, while the image of Brahma is perched on his bent right forearm. Finally, there is *Justinian* (483-565 A.D.), the Byzantine Emperor and compiler of Roman Law. This figure, by Henry Kirke Bush-Brown, has a toga draped over his left shoulder and hanging over his right forearm; by his left side he holds a scroll.

When the Courthouse was opened, a statue of *Mohammed* (570-632 A.D.), representing Islamic Law, by Charles Albert Lopez, stood on the westernmost point of the roof facing 25th Street, where *Zoroaster* is now positioned. In 1955, at the request of the governments of Egypt, Pakistan, and Indonesia, the statue of *Mohammed* was removed and destroyed, since images of him are prohibited under Muslim Law. The statues that previously had stood to his left were each moved over one place, leaving an empty pedestal on the easternmost point.

Returning to the Madison Avenue side, four two-story columns, behind which are set identical flat pilasters, lead up to the entablature, above which, and supporting the top cornice, are four caryatids, by Thomas Shields Clarke; they are the four seasons, symbolizing the timelessness of the Law. On the left, as one faces the building, is *Winter*, with her head and arms enveloped by a heavy cloak, standing next to a censer with flames. Next is *Autumn*, holding a cluster of grapes. After her is *Summer*, bearing a sickle and sheaves of wheat. Last is bare-chested *Spring*, holding a long garland.



ON THE ROOF:

Upper left: Statues of ancient lawgivers on the roof of the Courthouse facing 25th Street include (from left) Justinian, Manu (hidden in photo), St. Louis, the three-figured Justice with Power and Study, Solon, and Lycugus.

Upper right: The five-figured Triumph of Law resides inside the triangular pediment.

At the apex of the pediment's central point is the three-figured Justice with Power and Study.

Above: The statues face both 25th Street and Madison Avenue.

LOBBY & LAWYERS' CLOAKROOM

With the aid of the National Society of Mural Painters, Lord selected ten artists to decorate the interior of the Courthouse, and he appointed John La Farge to arbitrate any differences. The artists agreed upon a scale for their figures, as well as a color scheme, and they exchanged sketches of their planned murals.



Upon entering the Courthouse lobby, one is struck by its mosaic floor, Sienna marble walls, pilasters with bronzed Corinthian capitals, gilded coffered ceiling, bronze and glass chandelier, and carved oak Herter Brothers furniture. Across the

hall is the large frieze the *Transmission of the Law*, by H. Siddons Mowbray, above the elevator, wrapping around the encasement, and stretching to the staircase walls on either side. The 62-foot mural begins on the left with *Mosaic Law* (Moses and a soldier holding the Ark look on as God, from the sun, hands down tablets), followed by *Egyptian* (a seated pharaoh with an attendant), *Greek* (a seated lawgiver, a standing orator, and a statue of Athena between them), *Roman* (a throned emperor holds a sword and orb, a soldier stands at his side), *Byzantine* (a robed emperor holds an orb, while an official standing at his side reads petitions), *Norman* (a king grasps a long sword in his left hand, as a knight hands him papers), *Common* (a king in red robe and ermine holds a sword in his right hand and gives his left to a peasant, a Charter hangs behind them), and



IN THE LOBBY:

To the left: A detail of moulding in the Library

Above: The *Transmission of the Law* frieze, by H. Siddons Mowbray

Modern (two black-robed American judges hold a book and papers, a Capitol and Courthouse loom in the background). Linking each period are winged female figures, wearing golden laurels and holding long scrolls; they hover over a background of dark blue, with the word "Lex" (Law) repeatedly shown in monogram form in gold. The center of the mural, above the elevator, between *Roman* and *Byzantine*, is a frame of enthroned *Lex* personified, holding a sword in her right hand and the scales of justice in the other, and flanked by angels.



THE ORNATE LOBBY: Ten separate painters were contracted to decorate the interior of the Courthouse. The lobby is adorned with a mosaic floor, Sienna marble walls, pilasters with bronzed Corinthian capitals, a gilded coffered ceiling, bronze and glass chandelier, carved oak Herter Brothers furniture and ornate murals and friezes. At the right of the photo, above the doors, is Robert Reid's mural "Justice."



To the left of the entrance is Willard Leroy Metcalf's mural *Justice*, represented by a winged woman, standing upright and holding a sword in both hands. To her right is an attendant boy holding a tablet inscribed "Justitia" (Justice), and a seated woman, *Law*, shown with a book and a peacock (a symbol of incorruptibility, as well as beauty). Bowing before *Law* is *Transgression*, a woman in a wispy red garment. Further over is *Protection*, an armored soldier standing behind *The Oppressed*, a kneeling woman holding the limp body of a child. Two cloaked figures, collectively *Flight From Justice*, leave the scene, in obedience to *Protection's* pointing finger. To *Justice's* left is an attendant boy balancing scales, and *Equity*, a seated woman with a glass sphere (a symbol of heaven). Next, *Sorrow* mourns over a corpse, after which we see *Mercy* kneeling to plead on behalf of a bound accused man, who is guarded by a soldier armed with a spear.

METCALF'S JUSTICE:

To the left of the entrance is Willard Leroy Metcalf's mural, *Justice*. The mural to it's left is Metcalf's *The Banishment of Discord*.

On the opposite wall is a different version of *Justice*, by Robert Reid. The central figure is *Justice*, a woman with an open book in her lap. She wears a golden laurel, and holds scales in her left hand and a sword in her right. To her right is *Peace* (a winged woman cradling an infant) and to her left *Prosperity* (a winged woman with a cornucopia). *Justice* bequeaths these two gifts to "the Arts" (*Drama*, a tragic actress holding a comic mask, and *Music*, a woman with a harp) on her left, and to "the Sciences" (*Education*, a woman instructing a youth from an open book illuminated by a lamp held by *Religion*) on her right. A man with fasces and banner, and another with a sword and a banner, stand to either side of *Peace* and *Prosperity* as *Guardians of the Law*. Winged figures at both ends of the panel blend into the architectural flora of the Corinthian capitals.



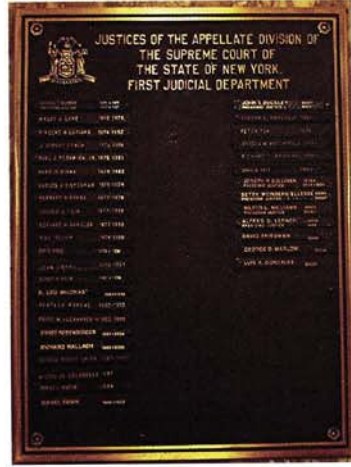
REID'S JUSTICE:

To the right of the entrance is Robert Reid's mural, *Justice*. The mural to it's right is Reid's *Fame*.



THE LOBBY: A view of the Lobby from the main entrance.

The 62-foot mural, *Transmission of the Law*, resides above the staircases and the elevator.



Plaques displaying the Justices' names in the Lobby.

To the far left of the doorway, is Reid's *Fame*, a continuation of the abutting panel. *Fame*, shown as a seated woman with wings, offers a laurel with her right hand to "the Arts," which, from left to right, are *Poetry* (a man with his chin in one hand and a scroll in the other), *Painting* (a woman with a palette and brush painting a landscape), *Sculpture* (a man with a sculpting tool in his left hand who watches *Painting*), and *Architecture* (a woman with a compass and a large chart). A youth kneels by *Fame*'s side, and a man holding a banner completes the scene.

To the far right of the doorway is *The Banishment of Discord*, by Metcalf, which continues his scene of *Justice*, discussed above. *Discord*, a woman with wild red hair clutching a torch and knife (symbolizing destruction), is pursued by *Punishment* (thrashing a flail), *Retribution* (firing a bow and arrow), and *Vengeance* (with a vicious dog straining at its leash).

A woman with a helmet and shield, *Honesty*, shelters *Peace*, represented by a woman crouching before her and a child standing behind her.

Above the door are two spandrels by Charles Yardley Turner. To the left is *Equity*, a woman with wings and a laurel, who holds aloft an orb in her right hand and a sword in her left; at her feet is a child balancing scales. On the right, we see *Law*, also winged and crowned with laurels, with a sword girded to her waist, her left arm raised in command, and her right pointing down to a scroll reading "Lex" (Law); seated beside her is a child with a mirror (a symbol of truth).

From the lobby we proceed to the lawyers' cloakroom, to the right along the wall fronting 25th Street. Hooks for top hats and slots for walking sticks are still in place. Atop each cubby barrier sits a wooden



winged mermaid (a symbol of eloquence), intended to give the attorneys encouragement before they enter the courtroom.

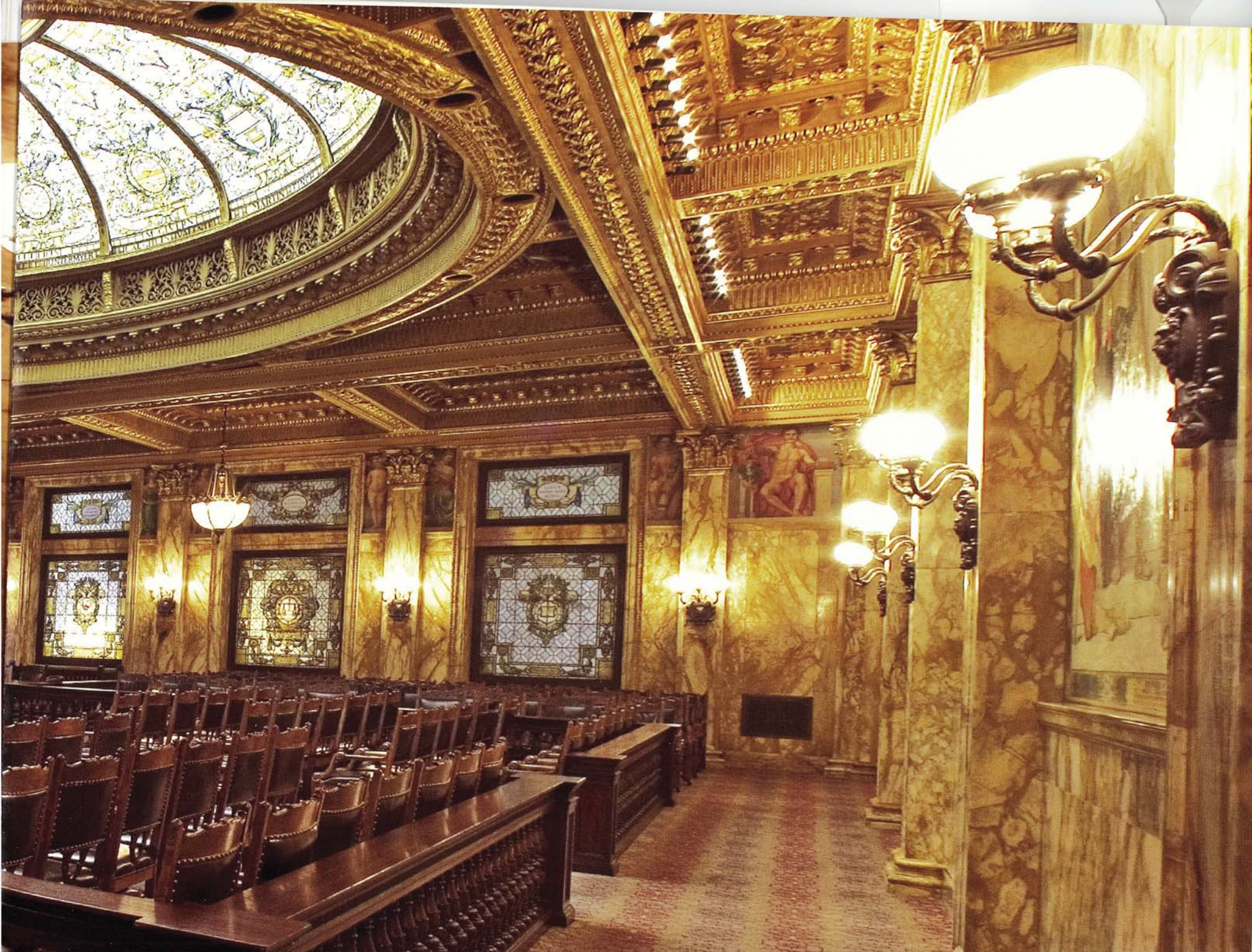
*M*ERMAID DETAIL:
A winged mermaid greets attorneys in the Lawyers' Cloakroom.



THE LAWYERS' CLOAKROOM: Positioned to the right of the Lobby facing 25th Street is the Lawyers' Cloakroom.







THE COURTROOM



Foldout and above: Amid its richly decorative Sienna marble walls, pilasters with bronzed Corinthian capitals and gilded coffered ceiling, the Courtroom is adorned with ornate friezes, decorative panels and a spectacular stained glass ceiling dome. A wooden railing marks the lawyers' area in the center, and the press and public areas on the sides.

On the wall facing the Justices' bench are three large panels. Starting on the left, we see *The Justice of the Law* by Edward Emerson Simmons. The inscription explains the allegorical scene: "Justice stands flanked by Peace at her left, Plenty at her right. Peace recoils from Brute Force withheld by Fear. Plenty assists the Needy. Labor behind her hails Justice. Mercy (a child) in the foreground."

In the center is *Wisdom* by Henry Oliver Walker. As the bottom description notes, Wisdom is "Attended by Learning, Experience, Humility and Love, and by Faith, Patience, Doubt and Inspiration." The top declares: "Doth not wisdom cry and understanding put forth her voice? By me princes rule and nobles, even all the judges of the earth."

To the right is *The Power of the Law* by Edwin Howland Blashfield. The bottom reads: "The law draws her sword in behalf of appeal; on either side she is supported by magistrates and figures typifying Roman Law, Cannon Law, and Common (Anglo-Saxon) Law." In the foreground, two youths hold red escutcheons emblazoned with the seal of the Appellate Division, described on page 30; a scroll unraveled across the left shield, and accentuating the scales of justice, states "uphold the right," a scroll over the other urges, "prevent the wrong," as it covers the seal's scales and emphasizes the sword.



THE TRIPTYCH: *Directly across from the Justices' bench, the wall is adorned with an ornate triptych which was created by three separate artists. The individual panels - The Justice of the Law, Wisdom, and The*

Flanking the triptych are two friezes by George Willoughby Maynard, who replaced Alfred Collins at the last moment. On the right is an adaptation of the seal of the State of New York. *Freedom*, a woman holding a pole with a Phrygian cap (a hat originally worn by freedmen in ancient Rome, and thus a symbol of liberty), and *Justice*, a blindfolded woman with a sword in her right hand and scales in her left, recline on either side of a circle, in which is set a sun rising over mountains and a sailing ship. Below the circle is the State motto, "Excelsior" ("Ever Upward"). In the upper left appears the date 1777 (the first Constitution of the State as independent from the British crown), and in the upper right 1900 (the opening of the Courthouse). The bottom corners depict a cornucopia. On the other side of the triptych is a modified seal of Manhattan (the Bronx did not become a separate County until 1914). Within the circle are the saltirewise sails of a windmill



Ornate murals adorn the walls of the Courtroom, such as George Willoughby Maynard's modified Seals of New York State (above) and Manhattan (above right).

(reminding us of our Dutch heritage); between the blades at the top and bottom is a beaver (symbolizing industry), and between the sails on each side is a barrel of flour (representing commerce). To the left, as we face the circle, is a sailor (a new settler), holding a plummet (a device for sounding the depth of water) and a cross-staff (a device for taking the altitudes of stars), on the right is a Native American (an original inhabitant), holding a bow and arrows and a string of beads. We see the dates 1686 (the year New York City received a municipal charter recognizing it as a self-governing body corporate and politic) and 1900. The bottom corners contain a cornucopia.

Opposite those murals is the Justices' bench, an elaborately carved dark oak dais with five chairs. Behind the bench, extending to both corners of the wall, is a large frieze by Kenyon Cox entitled *The Reign of Law*, consisting of four rectangular panels. On the far left, above the doorway, is *Common Law*. In the center of the frame is a woman, *The Court*, delivering a judgment recorded on a scroll. Two child attendants with fasces flank her. To the right is *Equity*, a woman with evenly balanced scales. On the left is *Tradition*, a woman with an endless chain; the links of the chain reflect how the common law is built upon prior decisions. Wreathes contain an hourglass with wings (indicating the flight of time) and a triangular level with plum bob (a carpenter's tool and Medieval symbol of equality).



The next panel is *Plenty Rewarding Industry*. *Plenty*, a woman with a laurel of wheat shafts, rests her left arm on a basket of bread loaves, as she hands a loaf to *Industry*, a laborer whose hammer lies at his feet. Wreathes contain crossed saws and two cornucopiae.



Common Law, from Kenyon Cox's *The Reign of Law*. The three figures displayed are (from left) *Tradition*, *The Court* and *Equity*.



THE JUSTICES'S BENCH: An elaborately carved oak dais with five chairs, the Justices' bench is at the center of the Courtroom.

The following panel is *Peace and Commerce*. *Peace* is personified as a woman with an olive branch. Beside her is *Commerce*, depicted as Hermes/Mercury, the Greek/Roman god of commerce, with his trademark winged hat and sandals; he also holds an oar and a sack of flour, more modern symbols of commerce. The blend of ancient and newer symbols reinforces the sense of the common law's continuity and progression. On the lower left is a wreath with two kissing birds perched on a flowering vessel, signifying hope and joy; on the lower right is a wreath with the caduceus, the staff with wings and entwined serpents carried by Hermes/Mercury and a symbol of balance, though better known today as a medical icon. Higher up are wreaths with the words "Jus" and "Lex," Right and Law, respectively. An unfurled scroll proclaims, "Law Reigns."

The panel on the far right is *Statute Law*. In the middle sits *The State*, a woman with a red cloak holding a book of "Statutes." She is attended by a child with a sword, and another with a ballot box. On the right is *Force* and on the left is *Liberty*, who together form the foundation and power of the State. *Force* is a helmeted woman holding a bough of oak. *Liberty* is a woman who holds a pole with a Phrygian cap in her right hand, as she rests her left on an open cage from which two birds have flown. Next to *Liberty* is a wreath bearing the Seal of the

United States (the American eagle with shield, arrows and olive branches); beside *Force* is a wreath with the English lion, denoting both our common law roots and our need to use force to establish our freedom.

The north and south walls each bear eight panels, collectively titled *The Judicial and Other Virtues*, by Joseph Lauber. The sixteen figures are



Left: Statute Law. Right: Moderation and Veneration.



Left: Prudence. Right: Common Law.

reminiscent of Michelangelo's sibyls and prophets in the Sistine Chapel. Starting from the left of the south wall (adjacent to the State seal) is *Justice*, symbolized by a seated woman with breastplate, scepter, and a book inscribed "Diligite justitiam qui judicatis terram," a line from Dante Alighieri's *Paradiso*, Canto XVIII, meaning, "love justice you who judge the world." Next, we see *Truth* (a kneeling woman with a mirror), *Philosophy* (an old man with a scroll on his knee holding a sprig of apple blossom in one hand and a skull in the other, thus pondering the mysteries of life and death), *Courage* (a boy holding a sling and stone, evocative of David and Goliath), *Patriotism* (a youth with a shield and sword), *Logic* (an old man, with a bucket of scrolls at his side, listing points on his fingers), *Knowledge* (a mature woman with a torch and book, bearing the inscription "Fax mentis incendium gloriae," or "the light of the mind is a torch of glory," a Latin expression adopted as the motto of many schools), and *Prudence* (a throned woman holding a compass, a symbol of measure, while cautioning with the other hand).



***S**TAINED GLASS DOME: A spectacular stained glass dome is set in the ceiling of the Courtroom. The dome is composed of 16 radiating stained glass panels, with ornate floral and fruit designs.*

The opposite wall, starting on the left (closest to the Justices' bench), portrays *Moderation* (a seated woman with a shawl over her head holding a bridle and reins), *Veneration* (a kneeling Roman soldier holding a placard with the word "Lex"), *Perspicuity* (a pretty woman contemplating a glass bubble, indicating lucidity), *Eloquence* (a youth, about to speak, holding a scroll with an opened seal), *Reticence* (a youth with downcast eyes and shy look, covering his mouth and nakedness with a cloth), *Research* (a woman, turning the page of a book she is reading, while resting her foot on a stack of books), *Unity* (a man with a fasces and sword), and *Fortitude* (a throned man wearing a cape, with an oak entwined sword in his right hand and in his left two books, "Lex suprema" or Supreme Law (law of the nation), and "Lex civitatis" or Law of the State.

The four corner panels, *Moderation*, *Fortitude*, *Justice*, and *Prudence*, the largest of the group, make up "The Four Cardinal Virtues" (upon which the other virtues hinge), first formulated in Plato's *Republic* and later expounded upon by St. Thomas Aquinas.

Set in the courtroom ceiling is a dome composed of 16 radiating stained glass panels with ornate floral and fruit designs. Toward the oculus are alternating images of an eagle and a torch. Near the base of the dome are alternating doublets of the seals of the State of New York and County of New York, and surnames; ringing the base are more surnames. The names are all the Justices of the Appellate Division from its founding up

to 1955, and thereafter only the Presiding Justices. After each Presiding Justice retires, his or her name is added to the dome. The Associate Justices are now listed on plaques in the Lobby.

The dome and the other stained glass works throughout the courthouse are by D. Maitland Armstrong (1836-1918). He had studied law at



Stained glass windows in the Courtroom.

Trinity College in Hartford, Connecticut, and later in the offices of Judge Kent (the son of the illustrious Chancellor Kent) in New York City. Armstrong was admitted to the New York Bar in 1861, and he was appointed American Consul General to Italy from 1869 to 1872. From the end of that year until his death, he made his living as an artist, first as a painter, and later as a designer of opalescent stained glass windows.

He is considered the artistic equal of his better-known friends, John La Farge and Louis Tiffany.

Each of the walls below the Lauber panels contains three large stained glass windows. One window on each side contains the word "Lux" (Light) and shows a lantern; the middle window the word "Lex" (Law) and scales of justice; the final one the word "Jus" (Right) and a sword of judgment over an open book. The central windows are the most intricate, with blue-grey eagles to the left and right of "Lex," below which is a winged lion's head (indicating both strength and peace), and grape clusters with leaves (a symbol of joy).

JUSTICES' BENCH AND DOME:

At right:

A frontal view of the bench
and stained glass dome
help to put the grandeur of
the Courtroom into perspective.



Above the large windows are stained glass transoms with a quotation, broken into three segments. The south wall windows read: "Jus civile neque inflecti gratia – Neque perfringi potentia – Neque adulterari pecunia debet," which means, "the civil law should not be bent with influence, nor broken with force, nor corrupted with money." The phrase is an adaptation of a statement made by the Roman lawyer Cicero, in his oration *Pro Caecina*. The north wall quotation is: "Legum ministri magistratus – Legum interpretes iudices – Legum omnes servi sumus," meaning "the magistrates who are administrators of the law, the judges who are interpreters of the law, we are all servants of the law." This is excerpted from Cicero's oration *Pro A. Cluentio*, which concludes the sentiment, "ut liberi esse possimus," meaning "in order that we be free."

Each of the six large windows also contains two surnames. The twelve are New York lawyers, or in some cases families of lawyers, with a distinguished record of government service. The names are: Van Buren, Martin (1782-1862), a State Senator, Attorney General, Governor, U.S. Senator, Secretary of State, Vice President, and President; Fish, Hamilton (1808-1893), Lieutenant Governor, Governor, Congressman, U.S. Senator, Secretary of State, another Hamilton Fish (1849-1936) was an Assemblyman, Congressman, and U.S. Secretary of State; Jay, John (1745-1829), Governor, Delegate to the First Continental Congress,

President of the Second Continental Congress, an author of the New York Constitution of 1777, one of the negotiators of the peace treaty that ended the American Revolution, first Chief Justice of the U.S. Supreme Court; O'Connor, Charles (1804-1884), U.S. Attorney for the Southern District of New York, Special Deputy Attorney General and Prosecutor of the "Tweed Ring," Presidential Candidate; Clinton, George (1739-1812), first New York Governor, Delegate to the Second Continental Congress, an author of New York's 1777 Constitution, U.S. Vice President, also DeWitt Clinton (1769-1828), Governor, State Assembly and Senate, U.S. Senator, Mayor of New York; Spencer, John Canfield (1788-1855), Secretary of War and Treasury, Congressman, Speaker of the Assembly, State Senator; Livingston, Edward (1764-1836), Secretary of State, Minister to France, Congressman, Mayor of New York, U.S. Senator, also Henry Walter Livingston (1768-1810), Congressman, Assemblyman; Butler, Benjamin



Franklin (1795-1858), Secretary of War, Attorney General, U.S. Attorney for the Southern District of New York; Hamilton, Alexander (1757-1804), first Secretary of Treasury; Kent, James (1763-1847), Assemblyman, Chancellor, known as the "American Blackstone" for his law commentaries; Marcy, William Learned (1786-1857), Governor, Secretary of War, Secretary of State, U.S. Senator; and Ogden, David (1770-1829), Assemblyman, Congressman, Judge of the Court of Common Pleas.



*I*NTRICATE STAINED GLASS
IS PROMINENT THROUGHOUT
THE COURTHOUSE:

*Opposite page: A detail of the stained glass
in the Library.*

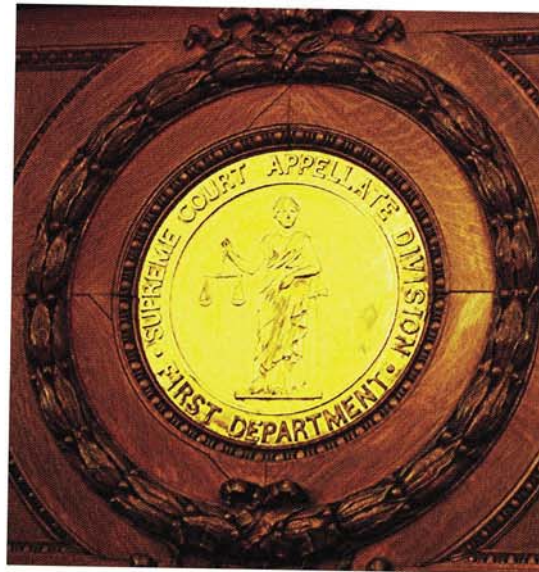
*At left: A detail of the spectacular dome in
the Courtroom ceiling.*

*Below: Stained glass panels are a prominent
feature in the Library.*



Set in the rotunda of the second floor, overlooking the courtroom, are ten leaded glass windows. Six are of simple geometric design. Each of the other four, which face the library, displays the colophon (or printer's mark) of a Sixteenth Century scholar/printer. Starting from the left, as one faces the fireplace, is a window showing the name Galliot du Pré, and his colophon, a ship. Next is Aldus (for Aldus Pius Manutius), and his colophon, a dolphin wrapped around an anchor (symbolizing a phrase of the Roman Emperor Augustus, "festina lente" or "make haste slowly"). On the other side of the mantle comes Robert Estienne, and his colophon, an olive tree with the phrase "Noli Altum Sapere" ("Be not high-minded," a quote from Romans 11:20). Finally, there is Plantin (for Christophe Plantin), and his colophon, a hand reaching down from a cloud and holding a compass (a symbol of constancy and labor). The dates in the windows, 1531 for du Pré, 1536 for Estienne, and 1557 for Plantin, refer to the year the printer adopted his colophon or printed a notable work.

Above the fireplace is a large bronze seal of the Appellate Division, First Department, set inside a carved wooden



wreath. The seal, designed in 1896, is an image of the female figure "Justice," arranged in a manner to convey the idea of "Appeal." Instead of holding a sword in her right hand, which would denote punishment, she leans her left arm on the sword, thereby indicating that her justice rests upon the opinion of the court below. In her right hand is an evenly balanced scale.

The floor of the library is composed of wooden planks from a single tree, which was 300 years old at the time it was cut down. The planks were fitted and tapped into place, without the use of nails or glue.

On the stairwell at the third floor are two leaded glass windows. One is a small square window of simple design. The other is a circular stained glass window showing an open book and torch surrounded by palm leaves, indicating higher achievement. The rotunda on the third floor contains six rectangular leaded windows with geometric design.

APPELLATE DIVISION SEAL:

Designed in 1896, the seal of the Appellate Division, First Department, resides above the fireplace in the Library.

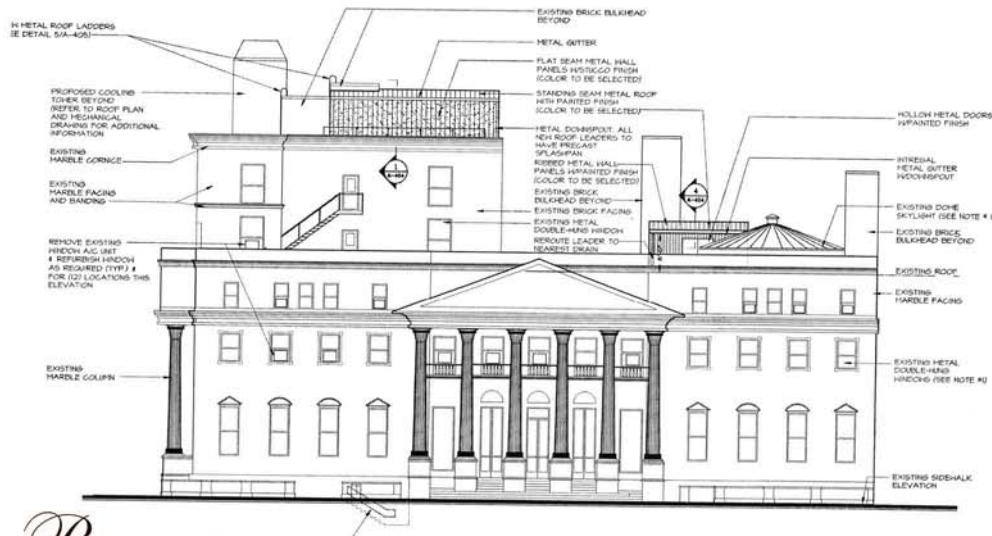


THE CONFERENCE ROOM: Featured on the walls in the Conference Room are paintings of the former Presiding Justices.

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ESTORATIONS & EXPANSIONS

By 1953, the statues on top of the Courthouse had become so corroded by pollution, and the cost of repairing them seemingly so prohibitive, that they were offered to various museums, and it was even contemplated that they be scrapped. An avalanche of letters and phone calls to the Public Works Commission saved them, and they were restored.



BLUEPRINTS: Above and at right: Elevations of the Courthouse, outlining the restorations, detail the significant amount of work that was done.

From 1954 through 1955, the exterior translucent marble was replaced with Alabama Madre opaque marble. An extensive modernization project was also performed on the interior. During that same period, a six-story addition was built on the Madison Avenue side, on the site of the Madison Square Hotel, where the actress Jayne Mansfield lived. The new structure, completed in 1956, was designed to harmonize with the original building. The architectural firm Rogers & Butler oversaw the work.

In 1975, the entire second floor of 41 Madison Avenue, The New York Merchandise Mart, built in the early 1970's by Samuel Rudin and his sons, was leased and a wall was broken through to connect it to the 1954-1956 building. The site was previously the location of the Jerome Mansion, the abode of Jenny Jerome, Winston Churchill's mother, and later the Manhattan Club, where the Manhattan Cocktail was invented.

A renovation of the courtroom and lawyers' cloakroom was supervised by the architectural firm Platt Byard Dovell from 1999 through 2000. The project included the fabrication and installation of two chandeliers, wall sconces with lions' heads, and a new oculus in the dome, all of which replicated the original fixtures of 1900. In addition, the Justices' bench, the stained glass windows, and the dome were disassembled, restored, and reinstalled. The marble, ceiling panels, and metalwork in the courtroom and lobby were also refurbished.

That work was the first phase of a building-wide capital upgrade and landmark conservation, completed between 2002 and 2004. Under the direct supervision of Martha K. Hirst, Commissioner of the Department of

Citywide Administrative Services, architects Platt Byard Dovell White and SBLM Architects, P.C., construction manager Bovis Lend Lease LMB, Inc., general contractor ZHN Contracting Corp., and engineers IP Group Consulting Engineers undertook the most extensive improvements since the 1950's, including installation of the first integrated HVAC system, replacement of the elevators and windows, and complete restoration of the exterior. Archa Technology, Ltd. oversaw the stone and marble conservation work, and sculptor Shi-Jia Chen cleaned and repaired the statuary.

*H*OLOCAUST MEMORIAL

In 1990, a Memorial to the Victims of the Injustice of the Holocaust was installed on the exterior of the 1950's building. The monument, carved by Harriet Feigenbaum, consists of a six-sided half column that rises 27 feet from a 9-foot concave base. A relief of an aerial view of the main camp at Auschwitz is carved into the base at eye level. Specific sites identified on the map are the Torture Chamber, Execution Wall, Commandant's House, Gas Chamber, and Crematorium 1. Starting above the relief, and ending below, is the inscription, "Indifference to Injustice Is the Gate to Hell." Images of flames, which symbolize the fires of the crematoria, have been carved into the column and base.

*H*OLOCAUST MEMORIAL:

*Created by Harriet Feigenbaum,
the Holocaust memorial was installed in 1990.*

*L*ANDMARK STATUS

The Landmark Preservation Commission of the City of New York designated the exterior of the courthouse as a landmark in 1966, and the courtroom and lobby in 1981. In 1982, the courthouse was listed in both the New York State and National Registers of Historic Places.

The Landmarks Preservation Commission issued the following statement in 1966.

"Distinguished for its classic beauty, this small marble courthouse represents in a civic building, the epitome of collaboration between architect, sculptor, and mural painter. Classic Eclectic in design, but influenced by the Italian Renaissance architect Andrea Palladio, the three-story building, with low basement expresses the best of Classical tradition, in its columned porch (portico) and much fine sculpture, one of the building's chief distinctions."





*L*ANDMARK STATUS: Landmark status was conferred upon the Courthouse in 1966.



LAW REIGNS

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IN GOD WE TRUST

CKNOWLEDGMENTS

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2004 JUSTICES

ft: The 2004 Justices of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, include:

ont row, left to right: Angela M. Mazzarelli, Eugene L. Nardelli, John T. Buckley, Peter Tom, Richard T Andrias.

*ck row, left to right: John W. Sweeney, Jr., George D. Marlow, Afred D. Lerner, Betty Weinberg Ellerin, David B. Saxe, Joseph P. Sullivan,
lton L. Williams, David Friedman, Luis A. Gonzalez, James M. Catterson.*



APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST JUDICIAL DEPARTMENT