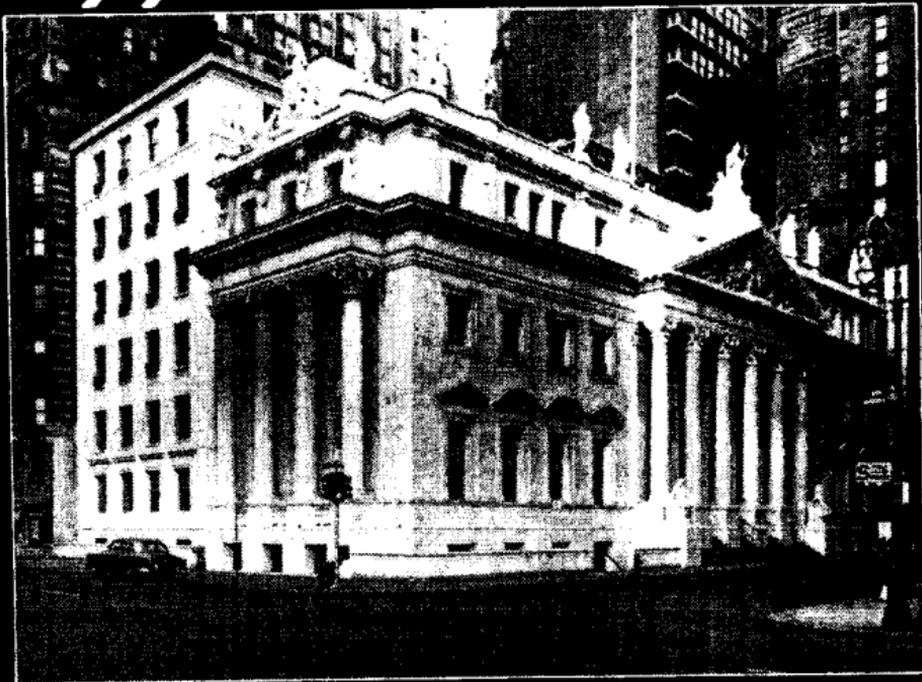


*Supreme Court  
Appellate Division*



*First Department*

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27 MADISON AVENUE, NEW YORK, N.Y. 10010



## *The Court*

The Appellate Division of the New York Supreme Court, First Judicial Department, established in 1894, is the busiest appellate court in the world. The court hears most of the appeals in civil and criminal cases arising in New York and Bronx Counties. Except for a limited right of appeal to the Court of Appeals, the highest court in the State of New York, the decisions of the Appellate Division are final. In addition to its appellate jurisdiction, the court has original jurisdiction as to certain proceedings, as well as the responsibility of admitting attorneys to the Bar and of disciplining attorneys for unprofessional conduct.

There are presently nine justices on this court, seven designated by the Governor of the State for five-year terms, except in the case of the Presiding Justice, whose designation runs to the end of his elected term as a justice of the Supreme Court. The designation of two of the justices is on a temporary basis. Four justices constitute a quorum in any case. The members of the court are usually selected from the 49 eligible justices of the Supreme Court in the First Judicial Department who are elected to serve for terms of 14 years, although it is not uncommon for an upstate justice of the Supreme Court to be designated.

Shortly after its establishment, the Appellate Division of the First Department determined that it would hold its terms of court on Madison Square, and accordingly steps were taken for the erection of an appropriate building at the corner of Madison Avenue and 25th Street. The present structure is the result.

The present Presiding Justice is Hon. Bernard Botwin. The other members of the court in order of official seniority are Hon. Harold A. Stevens, Hon. Samuel W. Eager, Hon. Aron Steuer, Hon. Louis J. Capozzoli, Hon. George Tilzer, Hon. Owen McGivern, Hon. Benjamin J. Rabin and Hon. James B. M. McNally.

## *The Building*

When the justices of the Appellate Division approved the plans of James Brown Lord on June 22, 1896, they could hardly have foreseen the splendid consequences of their decision. To a nonprofessional eye the architect's drawings would have conveyed no more than a hint of what was to come. A building where painting and sculpture were in honor had seldom been attempted in the United States before this time. There was the National Capitol, it is true, but the Capitol was the product of more than one generation. The Boston Public Library had just been

completed. John La Farge's work in Trinity Church in Boston and in the Church of the Ascension in New York offered some evidence of what could be done. The World's Columbian Exposition of 1893 had captured the imagination of the country with its hundreds of statues and its many mural paintings.

The models were rare and, in the instance of the Chicago Fair, temporary, but there were organizations determined to encourage the arts and make them a part of the city's life. The Municipal Art Society was one. It had commissioned the decoration of several rooms in the Criminal Courts Building on Centre Street, now destroyed. There was the National Society of Mural Painters which was determined to assure the artist his proper place as a decorator of public buildings. Edwin Howland Blashfield who was to be one of the muralists in the new court building told The Municipal Art Society in 1893 that it was incidental which artists did the work of decorating a building. "The fact that the city would annually obtain a dignified and adequate work of art," he maintained, "is of weightier significance, but even this is unimportant by the side of the far greater fact that such a growth of art, art on a large scale, enhanced by architectural setting, will infallibly establish a standard and create a national faith in the national art."

That James Brown Lord should have been chosen architect was most fitting. His family and career were tied to New York. Born here in 1859 he was, on his mother's side, the grandson of James Brown, founder of Brown Brothers, today Brown Bros. Harriman, and by his father he claimed descent from Daniel Lord, senior partner and founder of the law firm of Lord, Day & Lord. A graduate of the class of 1879 from Princeton he entered the firm of William A. Potter, a leading church architect of the day. Eventually he had a practice of his own. He did many houses in Tuxedo Park and several restaurants for the Delmonico family, one of which is still standing on the corner of Beaver and William Streets.

In designing the Court Building he turned to the high classical tradition with its columned porches and statues. The 25th Street facade with its Corinthian Order may owe something to the work of the English architect, George Dance the Elder, the architect of Mansion House, the residence of the Lord Mayors of London. The building as a whole leans rather to the style of Andrea Palladio, the great architect of Vicenza. The many statues are one of the building's chief distinctions. As Bruce Price observed: "If built of marble, as you propose, with the sculpture all complete upon it, it will surely be one of the monuments of the city. I cannot impress upon you too strongly, to beg your committee that they allow you all the sculpture that you propose; it is its life and soul."

Unusual for any architect at any time, Lord enjoyed complete control of the artists and their work in decorating the building. He had no difficulty with the sculptors, but with the painters he followed an elaborate procedure. The National Society of Mural Painters wrote out a program which was adopted by him and his building committee. The artists chosen had to follow a general scheme of decoration from the first sketch to the finished mural in attempting to achieve a harmonious scheme. To settle differences and to distinguish the rights of each one John La Farge, then dean of American mural painters, was made arbiter.

One instance of his role has been revealed by H. Siddons Mowbray, the painter responsible for the mural paintings in the entrance hall called "Transmission of the Law." He had the largest portion of the frieze, some sixty-two feet in length, while the remainder devolved on Robert Reid, Charles Y. Turner and Willard L. Metcalf. With the frieze only forty-four inches high and the hall somewhat low in proportion there arose a problem of scale. While his colleagues wanted life size, Mowbray stood out for the small-scale figures we see today; La Farge sided with Mowbray.

The Commissioners of the Sinking Fund, who at that time borrowed and appropriated money in the name of the city, set aside \$638,000 to cover the cost of the building, an unusually large sum for those days. The following was spent:

Construction .....	\$422,468
Statuary .....	157,000
Mural Painting .....	54,300
	<hr/>
	\$633,768

If it is surprising that the final cost came to less than the estimate, it is even more remarkable that a third of the total was spent on decoration. Few buildings in the country can boast of such a welcome to the arts.

The Court took formal possession on January 2, 1900, at one o'clock. The justices present were Judges Barrett, Rumsey, Patterson and O'Brien with Justice Charles H. Van Brunt presiding. Mr. John E. Parsons proffered the compliments of the Bar, Judge George C. Barrett answered for the Court.

It was the last important work of James Brown Lord. After a lingering illness, he died on June 1, 1902.

Charles T. Wills was the contractor. The Empire City Marble Co. supplied the exterior marble from North Adams, Mass., and the marble for the columns came from Proctor, Vt. J. H. Shipway & Brother furnished the interior marble. Lewinson & Just did the structural and decorative iron work.

In 1954 and 1955 the exterior was resurfaced with Ala-

bama Madre marble. The statue of Mohammed by Charles A. Lopez was removed at the request of the representatives of several Mohammedan nations as offensive to their religion, which forbids representation of human beings in sculpture or painting. It formerly stood at the western end of the balustrade on the 25th Street side. The remaining statues were moved down one bay, leaving the empty place at the eastern end. The architectural firm of Rogers and Butler was in charge of the work, financed by the Department of Public Works under Commissioner Frederick H. Zurmuhlen. For undertaking this preservation Commissioner Zurmuhlen was honored in 1955 by a citation from The Municipal Art Society.

### *The 1956 Addition*

In 1956 a six-story addition was built on the Madison Avenue side to meet the demand for more space as the business of the court increased. This structure, while carrying no exterior decoration or sculpture, was designed to harmonize with the original building. At the same time an extensive modernization project was performed on the interior of the old building. In the working areas the old-fashioned lofty ceilings were dropped; the wood wainscoting and door frames were replaced with marble; ornate plaster work was covered or removed, and the interior generally refurbished and modernized. The courtroom, lobby, library and main stairway, being the areas available to the public and for ceremonial purposes, were, however, left in their original form.

Construction of another, larger addition is contemplated on the 25th Street side of the building on land now occupied by a parking lot. This building is now in the planning stage.

### *The Interior*

On entering the building one will see the frieze by H. Sidons Mowbray called "Transmission of the Law" on the opposite side of the hall. It unveils the progress of the law in the following sequence, the Mosaic, Egyptian, Greek, Roman, Byzantine, Norman, Common and Modern. Winged figures and a scroll join in the symbolic figures such as the Roman emperor clad in a red mantle holding a sword and globe with a soldier at his side, or the Greek lawgiver and Greek orator with a statue of Athena behind them. On the left is to be found Willard L. Metcalf's "Justice," flanked by, among others, the figures of "Mercy" on her left and "Law" on her right. On the right we see Robert

Reid's "Justice" giving "Peace" and "Prosperity" to the "Arts" and "Sciences." The panels on the south wall, from left to right, represent a seated figure of "Fame" surrounded by the "Arts," also by Robert Reid. The spandrels of the main door arches contain figures of "Equity" and "Law" by Charles Y. Turner. On the right is "The Banishment of Discord" by Willard L. Metcalf.

In the courtroom, open to the public, there are three large panels on the east wall facing the dais. They are, from left to right, "The Justice of Law" by Edward E. Simmons, "Wisdom" by Henry O. Walker and "The Power of the Law" by Edwin H. Blashfield. George W. Maynard did the Seals of the City and of the State to the left and right of the panels. Above and behind the dais on the west wall is a frieze of Kenyon Cox entitled "The Reign of Law." Joining these on the north and south walls are sixteen panels by Joseph Lauber called "The Judicial and Other Virtues." On the north wall, left to right, are "Moderation," "Veneration," "Perspicuity," "Eloquence," "Reticence," "Research," "Unity," and "Fortitude." On the south beginning at the left are "Justice," "Truth," "Philosophy," "Courage," "Patriotism," "Logic," "Knowledge" and "Prudence." "Philosophy," for example, is an old man with a scroll on his knee, contemplating a skull held in one hand while he holds in the other a sprig of apple-blossom, the flower of which precedes the fruit. Philosophy is thus presented as concerned with the entire problem of existence.

The stained-glass dome and windows are by Maitland Armstrong & Co. George C. Flint Co. did the cabinet work and Herter Bros. supplied the furniture.

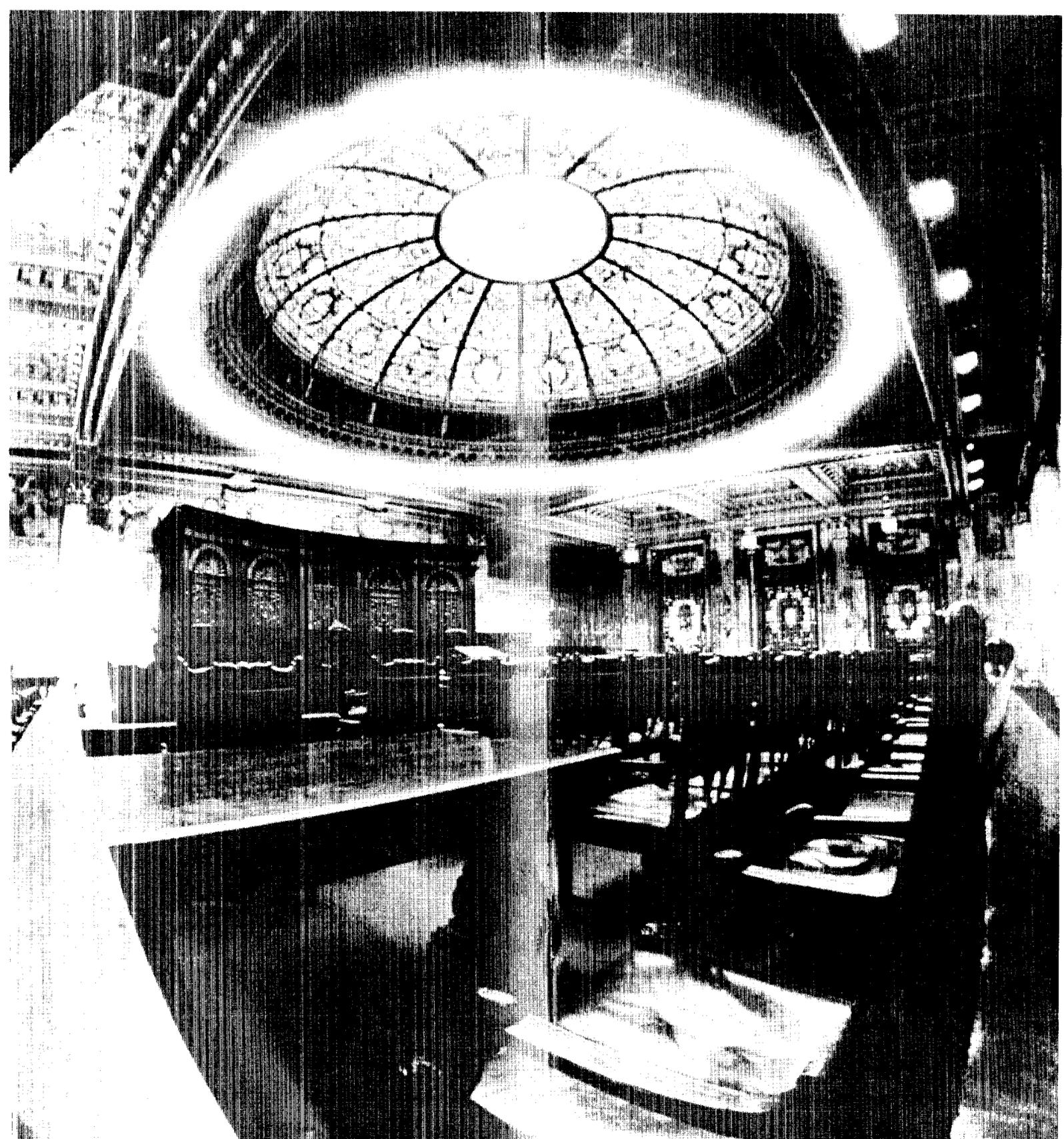
In the Conference Room are hanging fine portraits of the courts first Presiding Justice Charles H. Van Brunt, and of later Presiding Justices George L. Ingraham, Victor L. Dowling, Edward R. Finch, Francis Martin and David W. Peck, and the portrait of Presiding Justice Daniel P. Ingraham of the General Term of the Supreme Court, the predecessor of the Appellate Division.

A collection of photographs, prints, etc. of the Madison Square area in earlier days and of the justices who have sat in this court and other notable figures of the Bar is displayed in the corridors of the Courthouse.

### *The Exterior*

*Madison Square Facade:* The statue on the left is Confucious representing Chinese Law. It is by Philip Martiny. To the right is Moese representing Herbraic Law, by William Couper. In the middle is Peace by Karl Bitter.

The four caryatids beneath the cornice are, from left to right Winter, Autumn, Summer, Spring. All are by Thomas Shields Clarke.



## *Artist Biographical Supplement*

*25th Street Facade:* On the balustrade, from left to right, are Zoroaster representing Persian Law, by Edward C. Potter; Alfred the Great representing Anglo-Saxon Law, by J. S. Hartley; Lyeurgus representing Spartan Law, by George E. Bissell; Solon representing Athenian Law, by Herbert Adams.

On top of the pediment is Justice with figures representing Power and Study, all by Daniel Chester French.

Continuing to the right, one will see Saint Louis (Louis IX of France) representing French Law, by John Donoghue; Manu, the mythical author of *The Laws of Manu*, representing Indian Law, by Augustus Lukeman; and Justinian representing Roman Law, by Henry K. Bush-Brown.

In the pediment is a group representing the Triumph of Law, in which one will see depicted such attributes of law as the crescent moon, the ram, Father Time with his scythe, the owl, the tables of law. This group is by Charles Niehaus.

Above the windows within the portico are represented Morning and Night, with a crescent moon and stars, and Noon and Evening with a bat with spread wings. These are by Maximilian N. Schwartzott.

The seated statues to the right and left of the portico are Force and Wisdom. The quotation for Force reads, "We must not use force till just laws are defied." The head of Force is a composite of the heads of Generals Grant and Miles, and Admiral Bunce. The quotation for Wisdom reads, "Every law not based on wisdom is a menace to the state." Both statues are by Frederick Wellington Ruckstuhl.

## *Landmark Designation*

At its meeting of June 7, 1966, the Landmarks Preservation Commission of the City of New York, of which the architect Geoffrey Platt is chairman, voted to designate the main building of the Appellate Division as a New York City Landmark. In approving the landmark designation, the Commission adopted the following statement:

"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."

*Preceding page: interior view of courtroom. Photo: Jack Manning.*

**HERBERT ADAMS, 1858-1945.** Born in Concord, Vt. Studied sculpture in Boston, then under Antonin Mercié in Paris. He did several of the bronze doors of Saint Bartholomew's Church, the William Cullen Bryant statue in Bryant Park, statues on Brooklyn Museum. In Washington the McMillan Fountain and in Cleveland the statue of Chief Justice Marshall.

**D. MAITLAND ARMSTRONG, 1836-1918.** Born in Newburgh, N. Y. Trinity College, 1858. Read law and was admitted to the bar. Abandoned the law for painting. Studied in Paris under Luke Olivier Merson. In Rome where he became U. S. consul to the Papal States in 1869 and later first U. S. Consul General to the Kingdom of Italy in 1870. Returned to New York in 1874. Director of the American Art Section, Paris Expositions of 1878 and 1900. In 1878-1879 he founded the Maitland Armstrong Co. to make stained glass.

**GEORGE EDWIN BISSELL, 1839-1920.** Born in New Preston, Conn. Began career in 1870, studying under Tabar and A. Millet. After 1896 lived for the most part in Paris. Did the Abraham de Peyster statue on Bowling Green.

**KARL T. F. BITTER, 1867-1915.** Born in Vienna. Studied art at the Kunstgewerbeschule and Kunstakademie from 1882 to 1887. Came to New York in 1889 and found work with firm of architectural modelers. Discovered there by Richard Morris Hunt who launched him in career as sculptor. Won competition in 1891 for most important of the J. J. Astor doors of Trinity Church. Did sculptural ornament for "Biltmore," Asheville, N. C. Did bas-relief for reredos of Holy Trinity, Brooklyn, three crouching atlantides on St. Paul Building, now destroyed, on Broadway and Park Row, equestrian statue of General Sigel on Riverside Drive, heroic groups for Wisconsin State Capitol at Madison, Chinese figures on Brooklyn Museum, Karl Schurz monument in Karl Schurz Park, figure of Abundance for the Pulitzer Fountain at Fifth Avenue and 59th Street.

**EDWIN HOWLAND BLASHFIELD, 1848-1936.** Born in New York. Attended M. I. T. for several years then advised by William Morris Hunt to go to Paris. Studied under Léon Bonnat. In Paris, off and on, from 1866 to 1881. Exhibited in Paris Salon. One of a group made prominent by work at Chicago Fair of 1893. Murals in Library of Congress, Court House, Baltimore, Federal Building in Cleveland, Iowa State Capitol in Des Moines, Hudson County Court House in Jersey City, Essex County Court House in Jersey City, Essex County Court House in Newark, the Wisconsin State Capitol in Madison, the South Dakota State Capitol in Pierre, the Minnesota State Capitol in St. Paul, and the College of the City of New York, main campus. Most successful American muralist between 1895 and 1925.

**HENRY KIRKE BUSH-BROWN, 1857-1935.** Born in Ogdensburg, N. Y. Went to National Academy and was pupil of uncle,

Henry Kirke Brown, who did equestrian statue of Washington in Union Square. Studied under Antonin Mercié of Paris, later in Rome. Did equestrian statues of Generals Meade and Reynolds at Gettysburg, and of General Anthony Wayne at Valley Forge. Also did several figures at Hall of Records.

THOMAS SHIELDS CLARKE, 1860-1920. Born in Pittsburgh. Studied at Art Students League and Ecole des Beaux Arts. Later in Rome and Florence. Did, among other works, a bronze group in Golden Gate Park, San Francisco.

WILLIAM COUPER, 1854-1942. Born in Norfolk, Va. Studied under Thomas Ball in Florence. Had studio in New York in 1897. Did statue of John D. Rockefeller at Rockefeller Institute and thirteen busts of scientists in the American Museum of Natural History.

KENYON COX, 1856-1919. Born in Warren, Ohio, son of Major-Gen. Jacob D. Cox, Governor of Ohio and Secretary of the Interior. Studied under Carolas-Duran and Gerome in Paris. A very successful mural painter at the turn of the century being represented in the Library of Congress, Minnesota State Capitol, Iowa State Capitol, Luzerne County Court House in Wilkes-Barre, Pa., Essex County Court House in Newark, Wisconsin State Capitol and Federal Building in Cleveland.

JOHN DONOGHUE, 1853-1903. Born in Chicago. Went to Chicago Academy of Design in 1875 where he studied painting, later in Atelier Jouffroy, Ecole des Beaux Arts. Work warmly praised by Oscar Wilde. Turned sculptor. In 1883 in studio of Falguière in Paris, later in Rome. Did work at Chicago Fair.

DANIEL CHESTER FRENCH, 1850-1931. Born in Exeter, N. H. Studied for a year at M.I.T. Later was in studios of William Morris Hunt and J. Q. A. Ward. First important work was the famous "Minute Man" at the Concord Bridge, Concord, Mass., done in 1875. Two years in Florence. Then statue of the seated John Harvard in Harvard Yard, Cambridge, Mass. In New York in 1888. Did doors of Boston Public Library, sculpture groups in front of the Custom House on Bowling Green, Alma Mater at Columbia University, door of Saint Bartholomew's Church, Lafayette plaque in Prospect Park, the Richard Morris Hunt memorial in Central Park, statues of Manhattan and Brooklyn now in the Brooklyn Museum, and seated Lincoln in Lincoln Memorial, Washington.

HERTER BROTHERS, GUSTAVE HERTER, 1830-1898. Born in Stuttgart, Germany, son of a cabinetmaker. Came to New York in 1848. Associated with Auguste Pottier in firm of Herter, Pottier & Co., later known as Gustave Herter and then Herter Brothers. Leading decorating firm in the last half of 19th century. Firm after 1870 in hands of *Christian Herter* 1839-1883. Came to the U. S. in 1860. In 1864 in Paris working for Galland, leading decorator. Returned to New York in 1868. Strongly influenced by Charles L. Eastlake, author of *Hints on Household Taste*. Did interiors of mansions of Commodore Vanderbilt, William H. Vanderbilt, J. Pierpont Morgan and many others. Firm continued after death up to World War I. Albert Herter, painter

and founder of Herter Tapestries, and his son, Christian Herter, former Secretary of State, are of the family.

JONATHAN SCOTT HARTLEY, 1845-1912. Born in Albany. Studied with Erastus Dow Palmer. In late 1860's at Royal Academy of London. In 1870 in Germany, later in Paris and Italy. Did Daguerre monument in Washington and following work in New York: Ericsson statue on Battery Park, Horace Greeley statue in City Hall Park and Sullivan Memorial Fountain in Van Cortlandt Park.

JOSEPH LAUBER, 1855-1948. Born in Meschede, Germany. Came to the U. S. in 1864. Apprenticed to a jeweler and studied drawing at Cooper Union. Did windows for church of the Ascension and for First Congregational Church, Montclair, N. J. Has painting in St. Matthew's Roman Catholic Church in Brooklyn.

CHARLES A. LOPEZ, 1869-1906. Born in Matamoras, Mexico. Came to New York as a boy. In studio of J. Q. A. Ward, later with Falguière and Ecole des Beaux Arts in Paris. Did the courthouse statue of Mohammed which was removed in 1954.

HENRY AUGUSTUS LUKEMAN, 1871-1935. Born in Richmond. Pupil of Daniel Chester French, later of Falguière in Paris. Did Kit Carson statue in Trinidad, Colorado. Statues on Brooklyn Museum and war memorial in Red Hook Park.

PHILIP MARTINY, 1858-1927. Born in Alsace. Came to New York when young. Pupil of Eugene Dock and Augustus Saint Gaudens. Did sculpture in spandrels of art of Soldiers and Sailors Monument at Grand Army Plaza. Sanctuary lamps in Church of Saint Paul the Apostle, several doors of Saint Bartholomew's Church, McKinley Monument in Springfield, Mass., figure on Custom House on Bowling Green, figures on Hall of Records and the "Doughboy" in Abingdon Square.

GEORGE WILLOUGHBY MAYNARD, 1843-1923. Born in Washington. Studied at National Academy of Design and under E. White in Florence, later in Rome and Antwerp. Worked in Trinity Church in Boston. Saint John's Church in Jamaica Plain, Mass., the Library of Congress, Essex County Court House in Newark and did brass inlay in entrance hall of Low Library, Columbia University.

JAMES WILSON A. McDONALD, 1824-1908. Began in publishing business and in late 1850's turned to sculpture. Did first portrait bust, cut in marble, west of the Mississippi, that of Senator James T. Benton of Missouri. Came to New York in 1865. Did statues of Firtz-Greene Halleck in Central Park and Washington Irving in Prospect Park.

WILLARD LEROY METCALF, 1858-1928. Born in Lowell, Mass. Attended Boston Museum of Fine Arts School and studied under George L. Brown of Boston and Boulanger and Lefebvre in Paris. Represented in many museums.

HENRY SIDDONS MOWBRAY, 1858-1928. Born in Alexandria, Egypt, son of an English banker. Came to this country a boy and brought up by uncle who built the first oil refinery at

Titusville, Pa. Went to West Point, did not stay but turned to painting. In Paris in 1878 in Atelier Léon Bonnat. Returned to U. S. in 1885. Did murals and decorative work in the Vanderbilt mansion at Hyde Park, N. Y., library of the University Club, the Morgan Library and Morgan Library Addition.

EDWARD COOK POTTER, 1857-1923. Born in New London. Studied under Antonin Mercié and Fremiet in Paris. From 1883 to 1885 in studio of Daniel Chester French. Did lions in front of Morgan Library and the New York Public Library. Also did equestrian statue of General Slocum at Gettysburg.

CHARLES HENRY NIEHAUS, 1855-1935. Born in Cincinnati. Studied in Royal Academy of Munich and in Rome. Did several of J. J. Astor doors for Trinity Church, the John Paul Jones Monument in Washington, the Soldiers and Sailors Monument of Hoboken and Hackensack and the Francis Scott Key Memorial in Baltimore.

ROBERT REID, 1862-1929. Born in Stockbridge, Mass. Studied at Boston Museum of Fine Arts School and Art Students League. In 1889 studied with Boulanger and Lefebvre in Paris. Exhibited in Paris Salon. Represented in Library of Congress, Massachusetts State House in Boston and by a window in Church of Saint Paul the Apostle.

FREDERICK WELLINGTON RUCKSTUHL, 1853-1942. Born in Breitenbach, Alsace. Studied in St. Louis and under Boulanger and Lefebvre in Paris, later under Antonin Mercié. Did heads of Franklin, Goethe and Macauley in Library of Congress, statues of John C. Calhoun in Statuary Hall of National Capitol and of Minerva on Battle Hill in Green-Wood Cemetery, Brooklyn.

MAXIMILIAN N. SCHWARTZOTT, 1855-c. 1926. Little known about him, other than he won several medals at expositions around the turn of the century and that he lived in Sullivan County.

EDWARD EMERSON SIMMONS, 1852-1931. Born in Concord, Mass. Harvard, 1874. Pupil of Boulanger and Lefebvre in Paris. Did work for Frederick Vanderbilt mansion at Hyde Park, N. Y., Library of Congress, Massachusetts State House in Boston and Minnesota State Capitol in St. Paul.

CHARLES YARDLEY TURNER, 1850-1919. Born in Baltimore. Went to Art School of Maryland Institute in Baltimore, Art Students League and National Academy of Design. Studied with Laurens, Munkacy and Bonnat in Paris. Has work in Court House in Baltimore, Hudson County (N. J.) Court House, Essex County (N. J.) Court House, Mahoning County (Ohio) Court House, De Witt Clinton High School and Hotel Martinique.

HENRY OLIVER WALKER, 1843-1929. Born in Boston. Was in business before turning to painting. In Paris in early 1880's where he was in studio of Léon Bonnat. Returned to Boston and then settled in New York. Did "Poetry" murals in Library of Congress and is represented in Massachusetts State House in Boston, Essex County Court House in Newark and Minnesota State Capitol in St. Paul.

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