

# **BASCOM'S SPEECHES**

**on various occasions**



TO HELENE

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## FOREWORD

In the course of a long life I have often had the privilege of speaking on various occasions, festive occasions, occasions patriotic, occasions historic, at dinners in honor of young men about to wed, in honor of old men about to retire, at Bar dinners and dinners for judges, at Rotary luncheons and other affairs of like nature. For no better reason than to gratify my fancy I have gathered some of these ebullitions within these covers. Should a copy survive to distant times, it might serve to enlighten some one curious to learn of the folkways of those who dwelt in this part of the country during the latter part of the twentieth century.

But whate'er befall this booklet, as Doctor Johnson said in the preface to his Dictionary of the English Language, "I dismiss it with frigid tranquility, having little to fear or hope from censure or from praise."

Glens Falls, N.Y.

December 23, 1977

FREDERICK G. BASCOM

## FAREWELL TO CO. K

At Glens Falls  
Railroad Station  
SEPTEMBER 23, 1940

Soldiers of Company K: On this occasion when you stand here at the point of departure from your homes, in obedience to the call of your country, this great assemblage of your families, your friends and your neighbors stands with you, asking the privilege of bidding you farewell.

Here you are surrounded by the citizens of this city and by their compatriots from towns nearby. Their presence is a tribute to you. A tribute is it also to the strength and unity of the American people.

For the first time in the history of our country, the militia has been ordered away for a long period of training in time of peace. You have been mustered into the armed forces of the United States. Soon you will be followed by those who only last week placed their names upon the rolls. They will be members of the first army of conscripts ever required in time of peace to become part of our military establishment.

These are strange, unwonted occurrences on this side of the Atlantic. But our people have accepted them with courage and resolution and with no sign of rebellion. This is the genius of a courageous, a free and an intelligent people. We can, if needs must be, raise an army of millions of men without dragooning a single man into line by the suppression of opinion, by censorship or secret police. Such are the results to be obtained under a government truly democratic.

Reflection upon this spirit of the American people will sustain you in your journey hence. You leave behind no divided councils where the national safety is concerned. Never need you be disturbed by fear of treachery behind your back. If there is any man so lost to honor, so unmindful of his duty to the land of his birth or his adoption, as to plot the destruction of the state or even the slightest embarrassment to its men in arms, that man will be found out and dealt with according to his deserts.

Be assured that those who take leave of you today have also a task to perform, one that they readily understand, a task for which your example will be a constant inspiration.

Twenty-three years ago, amidst these same surroundings, on an occasion corresponding to this, the men who then belonged to Company K stood on this spot. The music played, the banners were flying, all hearts were full. There ends the parallel between the former scene and that of today.

War had then already been declared. The men of Company K were bound for the battlefield. They knew they would soon be under fire, as soon they were.

But at length Company K came home, and here the parallel resumes. Company K will come home again. If you must face the foe, as they did, you will come home, like them, in victory. Like them, you will come home in honor. Like them, you will be received by a joyous and a grateful people. Like theirs, your deeds will be remembered.

Members of Company K, wherever a soldier's fortunes lead you, you will be followed in anxious thought by everyone here today. You will have our support and our prayers; and our most fervent prayer will be for your speedy and safe return.

We have one last pledge to make to you. Nothing is more conducive to the comfort of a soldier than the knowledge that his loved ones at home are well cared for while he is away.

From this day forth the people of Glens Falls, South Glens Falls, Hudson Falls and Fort Edward must take a vow that your wives and children, your fathers and mothers, shall not be in want.

Be assured of this in the weary hours of the field and camp, when you are far away from family and friends, enduring the privations of the soldier's life.

Fondly do we hope that this terrible fear of war may speedily pass away, and that everyone of you will soon be back in his accustomed place. But whenever you come, be it soon or be it late, we will be even more proud of you then than we are today, for you will bear yourselves worthily. Your names will as brightly shine upon the scroll of time as the names of those who in other days marched under the Stars and Stripes and in the ranks of Company K.

## MAC ARTHUR DAY

In Crandall Park  
Glens Falls

SUNDAY, JULY 19, 1942

Fellow-citizens. Here on this Sunday afternoon we pay honor to General Douglas MacArthur, the military leader whose resolution and courage in the face of overwhelming odds have become our pattern in this war.

When Japan attacked us last December, General MacArthur was in the Philippines. He was in command of a garrison of a few thousand men, an insignificant number when compared to the force that the enemy was ready and able to throw against him. He was cut off from his home base. After the destruction at Pearl Harbor it was impossible to send a relief expedition from the United States.

Under these circumstances the fate of MacArthur and his men was decided on the first day of the war. Yet from that very hour General MacArthur made himself a beloved and famous figure to us all, virtually our pillar of cloud by day and our pillar of fire by night. The Japanese were swarming into the islands. They had destroyed our airplanes. They were bombing us. Their transports were coming up in great fleets. And there stood MacArthur and his men, thousands of miles away from home, with no hope of being reinforced.

Faced with inexorable doom, which could be postponed but not averted, MacArthur gave us his rallying cry—"Let's keep the flag flying!"

Determined to keep the stars and stripes afloat no matter how badly he was outnumbered or outmatched, he withdrew to the Bataan peninsula, and proceeded to add that rood of ground to the classic spots of American history.

There for week after week, he defied the raging foe. He beat off their attacks. He counterattacked. He fell upon them with his little fleet of motor boats and with one or two aircraft that had survived from the first onslaught. He literally mortified the

Japanese general who had been charged with the conquest of the Philippines, for that gentleman presently committed suicide in sheer desperation.

Then the Japanese transferred to the Philippines the warrior who had forced the surrender of Singapore. They decided that in order to overcome a handful of Americans, holding out on a little neck of land and on two or three little islands in Manila Bay, they would have to employ the genius who had been required to reduce the strongest naval base of the whole world. That was the compliment the Japanese paid to General MacArthur.

But by then the commander-in-chief had other work for him. Again we saw the resourcefulness, the courage and audacity of this great general, whose talents and abilities had by that time become fully known and appreciated by us all. He was surrounded by the Japanese navy. Their ships and planes controlled the ports and harbors of the Philippines. They had drawn a circle around him. But one fine morning they awoke to discover that the American commander with his wife and child and several of his aides had made a mock of their vigilance and was now at the head of the forces opposed to them in Australia. From that day to this not one Japanese soldier has set-foot in Australia.

But the time finally came when those whom MacArthur had left behind in the Philippines laid down their arms. Let us remember that more than ten thousand Americans are today prisoners of the Japanese. Our flag flies over them no longer. Who is there among us who can endure that thought? I know there is not one. Those ten thousand American men and women who are prisoners of the Japanese must be set free. They will be set free. That one resolve at least is called for on MacArthur Day.

When General MacArthur landed in Australia he said, "I have come; but I will return." We can join him in that resolve also. MacArthur shall return.

We face heavy odds, as MacArthur did. Our nation is strong; it is the most powerful on earth; it is the richest; its people are the most enlightened. But today we are not as strong on land or sea as are they who want to vanquish us.

Three ships a day are sunk in our waters. We have not yet dislodged the Japanese from one of the many islands of the sea where they have taken possession. We talk and read and write of an invasion of Europe, but when will it come? Today the odds are



against us. The enemy advances. Our allies struggle to the death to hold out, while we strive to succor them. Victory is yet far off.

MacArthur is in Australia on his way back to Bataan, and many perils lie between, perils of waters, perils of wilderness, perils of war. We have our ships on every sea, our soldiers in the frozen north and under the tropical sun, and every point where they are is far, far from Berlin.

The war will not end until Germany is made to feel the same ruin and the woe that her mad leader has visited upon millions of the innocent. We can draw an example from our Civil War. That conflict did not end until Sherman marched from Atlanta to the sea and then north to join Grant at Richmond. Sherman was determined that the South should feel the weight and fury of the war upon her own cities and her own fair fields. He felt that it was right that she should. Sherman fully believed in the justice of the Northern cause, that slavery was wrong and the attempt to break up the Union was a crime. We cannot doubt that General MacArthur has the same faith in our cause today.

When he is as well equipped with instruments of war and as fully supplied with men, on the modern scale, as Sherman was on the scale of those days, we shall begin to see results. Our cause is the same—freedom against slavery. It is also the cause of Union, the union of all men who hold fast to the principle that there must be liberty under law; that there can be no liberty without equality under law; that equality under law must extend to all colors and all creeds; that the cornerstones of democracy, all of which Hitler has riven wherever he has passed, are free press, free church, and a free ballot.

## TOWERS HOTEL FIRE

Summation at  
Lake George Courthouse  
FEBRUARY 1951

(In the early morning hours of Washington's Birthday<sup>\*</sup> 1950 the Towers Hotel at Bank Square, Glens Falls, formerly the Rockwell House, was destroyed by fire. Damage suits resulted, brought by guests of the hotel injured when escaping from the flames. The cases were tried together at Lake George in February 1951 before Judge Daniel F. Imrie and a jury. In the interest of saving time Judge Imrie suggested to the attorneys for the plaintiffs that they agree on one of their number to sum up on the issue of negligence on the part of all plaintiffs, the other plaintiffs' attorneys to confine themselves in their summations to the injuries of their respective clients. F. G. Bascom was chosen for that purpose. His summation is included here in part for the historical interest it may have in the annals of Glens Falls.)

### Members of the Jury:

You have already been told by the attorneys for the other plaintiffs that it falls to my lot to sum up not only as to the injuries of Mr. Shepard, my client, and of his experiences in the conflagration that has been re-enacted before you, so far as it was possible to re-enact it from the recitals of witnesses, but I shall also speak generally as to the claims of negligence that all of these plaintiffs make against these defendants, especially the defendant 150 Glen street corporation, the operator of the hotel.

It usually is considered an advantage to have the last word in any kind of an argument, but I feel that although I have the last word here today, under our rules of procedure, it is a questionable advantage because so much has already been said that you jurymen may not be in a mood to listen to much more from a lawyer today. There is some danger that I may be repeating what has already been said. I shall try to avoid doing that, and to give you as plain and connected an account of these transactions, as you have heard them described on the witness stand, as it is possible to do, without going into any matters that Mr. Beswick, Mr. Chambers or Mr. McPhillips have gone into.

If in the course of my remarks I appear to put a little fire into what I have to say, I trust you will understand that is to be expected from the nature of the subject.

On the opening day of this trial when it was my privilege to tell you what I would expect to prove on behalf of my client, you will recall that I then said our right to recover against the defendants for the damages these plaintiffs sustained was not dependent on our proving what was the origin of the fire. I said then that we did not know how the fire started and that it might not be disclosed during the trial how it started. We are as much in the dark on that subject today as we ever were. The defendants offered no explanation of it. But our right to recover does not rest on any negligence being proved in that regard. I am sure his Honor will charge you as to that. Irrespective of the origin of the fire, these plaintiffs are entitled to recover, if we have proved negligence on the part of the operator of this hotel in failing to make good the warranty that the law implies and imposes upon a hotelkeeper, that the hotelkeeper provide such measures for the safety of his guests as are reasonably necessary.

We charge here a violation of that warranty on the part of the 150 Glen street corporation. We charge that the hotelkeeper was negligent in failing to discover that the hotel was on fire until it had progressed to such a stage that the second and third floors were afire, until the second and third floor corridors were filled with smoke and heat to such an extent that no man's life was safe in them, until there was such a conflagration raging in that hotel that the firemen when they arrived could not get above the top of the stairs leading to the second floor.

We charge that this hotel company was negligent in failing to discover the fire, when others on the outside had discovered it, at a time when it should have been discovered from the inside.

We charge that the hotel company was negligent in failing to discover this fire and to sound the alarm and summon the firemen, until most of their guests were cut off by the fire from the exits that had been provided and furnished with exit lights in the manner claimed by the defendants.

We charge that the hotel company was negligent in operating its hotel in such a manner that fire could get started in it and spread to such an extent as we know this fire had spread at least as early as 4 a.m. and the hotel employees who were on duty at that hour were wholly unaware of what was going on in the house,

while their guests were sleeping, until 4:13 a.m. when a policeman rushed in from the street and told them the place was on fire.

We charge that the hotel company through its employes had ample warning as early as three o'clock that morning of abnormal conditions that called for careful investigation; we charge that such investigation would have revealed that fire was then smouldering in the hotel; we charge that had proper precautions been taken at that hour, or even at 3:30 a.m. when the conditions were disclosed to the resident manager, that the alarm could have been sounded and every one of the guests could have escaped unscathed.

We charge that in the light of what happened—the building completely destroyed, the guests, every one rescued by firemen or policemen, or escaping, as the fire chief put it, under their own power, completely negatives the fine picture that counsel has attempted to draw, in answer to these charges, of a beautiful modern hotel. What are a fine front and fine furnishings, compared with the ravages of the flames and the fight for life that Mr. Shepard endured, for instance, and the shock, the anxiety, the apprehension and the injuries that the others also suffered?

This gruesome drama begins to unfold at 3:30 o'clock on the morning of February 22, 1950 and at that hour, as we look back by means of the testimony we have heard here, we see two important figures in this case, one of whom has appeared here in person to testify before you, the other we have been privileged to know only by name and as his words and actions have been described by others.

At 3:30 that morning John Delaney, the resident manager of the Towers Hotel, is entering the hotel lobby, after spending a convivial evening at the Commodore Bar and Grill. Now remember Mr. McGowan's testimony, that when Mr. Delaney was up and dressed and about the hotel, he was the man in charge, provided Mr. McGowan himself was not there, as we know he was not at this time. At 3:30 o'clock on the morning of February 22, Mr. Delaney walks into the lobby of the hotel, the man in charge, and then and there learns from the night clerk that there have been complaints of terrific heat from guests on the third floor.

Half an hour before this, the witness Murphy had been sent to investigate at least one of these complaints. He had found the hallway stifling hot, the room which he entered exceedingly hot. Those were the words he used—stifling hot and exceedingly hot. He entered another one of the rooms and found the same condition. He felt of a radiator and it was ice cold, he said. He went out in the hall where the thermostat was and found it set at 72. Obviously the

heat was not emanating from the heating system. He went down in the basement and looked around. He came back to the lobby and the night clerk told him that three other guests had telephoned down about the excessive heat. This was all before Delaney came in.

Then Delaney comes in and the facts are reported to him. What did he do, this resident manager, who was in supreme command at that hour in the absence of Mr. McGowan? What did Delaney do? I think it is a fair inference that he did nothing, judging by the events that began happening shortly after, and to which I shall soon advert. Delaney did nothing, yet there on the second floor, just across the hall from Delaney's own room, was sleeping the engineer, that honest and faithful member of this hotel staff whom you saw on the stand last Friday, as truthful a witness as we ever saw, and who was on call at night according to the testimony of Mr. McGowan.

But Mr. Patton, the engineer was allowed to sleep peacefully, until the time when Delaney was calling to him to come quick, that the house was afire, and the smoke was then so thick in the hall outside Patton's door that he could not even see the figure of the man calling to him, and he had to shut the door at once and take refuge on the window sill to wait for the firemen to take him down a ladder. Had John Delaney been sufficiently attentive to his duty and sufficiently awake to the danger that those complaints of excessive heat implied, to have called Engineer Patton at 3:30, we would not be troubling you to sit in judgment here today.

But Delaney waited to call the engineer until the hotel was afire, and Patton along with the guests of the hotel was cut off from the exits.

Now let us go back to the hour of 3:30 and follow for a moment another important figure in this case whom I spoke of a moment ago and who first makes his entrance into this exciting and gruesome drama at that hour. That figure is Harvey Bentley, the night watchman at Kelleher's restaurant on Elm street, just across the street from the Towers hotel property. Bentley has just finished his duties of cleaning the restaurant and bar and has lifted the chairs back onto the floor from the tables at the booths in the front of the place, facing Elm street. He starts back towards the rear of the building, intent upon getting something to eat. Facing him is a clock, and he notes the time—3:30. He hears a noise in the street. Instructed to investigate all noises, he reverses his steps, goes to the front window and looks out into Elm street. He sees a car with two men in it and thinks the noise was the slam-

ming of the car door. But Bentley is a careful man. He is not satisfied, and fears some one may be trying to enter one of the trap doors in the sidewalk in front of the Kelleher place of business. So he walks back down the bar room side of the restaurant and back to the front on the restaurant side. Again he looks out the front window and sees nothing out of the way. Still not satisfied, he walks down the restaurant side and back the opposite side, once more to the front and looks into Elm street and there he notices that the Towers is on fire. He sees the fire and smoke. He goes across the street, walks the distance from Elm street to the part of the hotel where the one-story kitchen stood, sees a man already coming down by means of a rope of sheets from the third story, another man at the window from which the sheets are suspended, and he sees fire where he wrote the word fire on this photograph. Now see what Bentley does from that point. Remember he has now arrived at the scene of the fire after performing the various acts that started at 3:30 and which I have enumerated in detail. What time it was that he first saw the smoke and flame we do not precisely know. But you are entitled to draw an inference as to what time it was from the fact that he observed the clock at 3:30 and then did the various things mentioned. Your own good judgment will tell you how long he would have been walking up one side of the restaurant and down the other looking for the source of that noise he heard, before he saw the fire and smoke and went over to the Towers. I submit that when Harvey Bentley was there on the scene, that at least one guest was coming down a sheet, and that the house was on fire to such an extent that a vigilant and reasonably prudent hotel keeper would have known it, before four o'clock that morning.

Bentley has a conversation with the man who came down the sheet. The man throws a duffle bag and some clothes down to Bentley who tells the man to jump. The man does jump and knocks Bentley down when he lands. Bentley picks himself up and goes back to the restaurant across Elm street and telephones the police department. At 4:13 the police bell is ringing in Bank square. At 4:15 the firemen have received a telephone call that the Towers is on fire and they are on their way, arriving within sixty seconds to perform the heroic acts of rescue and efficient fire fighting that you have heard described. Thanks to them and to the members of the Glens Falls police force, no life was lost among the 36 persons asleep in the hotel that night. Thanks to the firemen and the police, and thanks to the resourcefulness and determination of those like Mr. Shepard who somehow managed to get out by themselves. Little thanks to the hotel management,

We know that by 4:13 a.m. Bentley had got his call through to Sgt. Evans in the police station. Let us retrace Bentley's steps immediately prior to that instant, that we may form some judgment of when it was that he was there on the ground under the windows of the hotel and the fire was burning. Bentley telephoned the police before 4:13. Before he telephoned he had to come back from the point where he was at the kitchen to the Kelleher restaurant. Before he did that he had to pick himself up off the ground after the man struck him when he jumped from the kitchen roof. Before he did that the man had to come down the rope of sheets, walk across the kitchen roof, throw his belongings to Bentley, Bentley had to make a pile of them for the man to jump on, and the man had to jump.

I submit to you that all that did not occur in the twinkling of an eye. And that confirms my statement of a moment ago that it is a fair deduction from the evidence in this case that this hotel was on fire and burning to an extent which should have been discovered by the management prior to four o'clock in the morning, and shortly after the resident manager had entered the hotel, received complaints of excessive heat—and gone to bed.

Before the fire was reported to the police by Bentley and by the police to the firemen, the guests in the hotel already knew the house was on fire. But the two men and the only two men who were on duty all night did not know it. Shepard knew it at 4 o'clock. Wilson waked up at four o'clock and found it out and he looked at his watch and he confirms that it was 4 a.m. Knox was awakened, the Rosses were awakened, they smelt the smoke, they saw the fire, they felt the heat even as all of them have testified. Mr. Patton likewise, was awakened by Delaney's calling to him, and he looked into the second floor corridor, saw no fire, just as Shepard says, but clouds of smoke, and heard no bell ringing, also just as Shepard says.

Of what avail were the exit lights and the old re-painted fire escapes at that moment? Of the 36 persons in the house there is no evidence that more than one of them—Mr. Beck, managed to reach a fire escape, and he found it only after crawling around the corridors trying to find it, with a pillow that he had soaked with water pressed against him.

By 4:16 the fire fighters are there, in front of the hotel; sixty seconds more and there are two trucks more on the Elm street side; the firemen find the guests screaming and pleading from the windows, in the front, on the north side, on the south

side. The firemen with the aid of police and civilians are at once at their first task of rescue, and when satisfied that everyone is out, the firemen begin their brave and effective job of fighting the flames, and Chief Preston entering the lobby, hears the alarm bell ringing. That is the first evidence in this case of that bell ringing—after all the guests are out.

Patton says it was ringing when he went around from the north side through the alley and Exchange street and entered the hotel lobby. That was after he was out. He says it was not ringing when he was first awakened.

McGowan says he heard the alarm when he was on the scene. That was as late as 4:30.

There is no evidence in this case of that alarm bell having been heard at any time when it would have done any good.

That, members of the jury, I believe is fair summary of the evidence in this case bearing upon the negligence of the defendant 150 Glen street corporation so far as it relates to what is called the common law liability of a hotel keeper—that is the liability that the law enforces against a hotelkeeper for failure to do those things which should be done for the safety of the guests.

There is a further liability that the law imposes in this case. It is the law of this state and has been for many years that the owner or lessee of a hotel—and we have here as defendants the owner and lessee—must provide in each sleeping room above the ground floor, a rope or some better appliance securely fastened beneath the window to serve as a means of escape in case of fire. That law applies only to a hotel that is not fire proof and is more than two stories in height. So it applied to the Towers. There is no contention, I take it, after the testimony of the engineer Werblow that it was a fireproof building—a wooden building in a brick shell was what he called it—with wooden partitions, wooden doors, door frames, wooden window frames, wooden floors, and so on. There was no sprinkler system—even though my friend does fancy the idea of calling it a hotel that had been “modernized.”

Let me read you the section of the law that applies here regarding the requirement for a rope in every sleeping room above the ground floor: \* \* \*

That has been the law of the state of New York for many years. It was enacted by the legislature of this state for the protection of human life. The safety of human life is more than a



beautiful interior, more than a fine front and fine furniture. But the corporation which remodelled the old Rockwell House into the Towers hotel and made such a lovely place of it, according to counsel, omitted to fulfill the obligation of the statute imposed expressly for the protection of the public. There is a picture of what has been testified to as a typical room in this hotel. All the rooms looked like that, the only difference being variations in size. There is no claim there was a rope under those windows, as you can see there is not. It is undisputed that no rope or better appliance was provided. Possibly they thought it would mar the beauty of the rooms. But if they had been more concerned with the safety of their guests than with outward appearances, they would have had the rope, and these guests could have escaped the horrible experiences they had and the injuries they suffered.

That statute was passed to apply precisely to such a situation as we have here, and which the legislature knew might arise any time there was a fire in a non-fire proof hotel—the guests might be cut off from the corridors leading to the fire escapes and have no avenue of escape but by window.

Failure to observe the provisions of this law, failure to have the rope or other appliance, is negligence under the law, and if it is the cause of the injuries received, there is no answer to the charge of negligence. For the duty of having the rope is imposed by statute, and the hotelkeeper cannot excuse himself by saying that the guest slept there knowing there was no rope. Neither can he excuse himself by saying that few hotels pay any attention to the law. It is no excuse for violating the law to say that some one else violates it. The law is on the books. It was put there for a good purpose. It is up to our courts and juries to see to it that it is not winked at when we have a case that is exactly like those the law was intended to fit.

Upon all these grounds we say you may and you should find the defendant hotelkeeper guilty of negligence in this case and answerable in damages to these injured plaintiffs.

What is their answer to these charges of negligence? They say first that they had a beautiful and attractive hotel. They say they modernized it. They did not modernize it. You can't call it modern merely by supplying new furniture and a cocktail room. It wasn't modernizing it to leave it a non-fire proof building. It wasn't modernizing it to rebuild it without a sprinkler system. All this talk of modernization shrinks into absurdity when we view the ashes to which the hotel Towers was reduced on February 22 last;

and the plight in which the guests found themselves at 4 o'clock that morning.

They say, secondly, that they provided exit lights in the corridors and that they had a fire escape in this corner and a fire ladder that came down from the roof to the roof of the mezzanine and crossed the roof of the mezzanine and there was a ladder to the ground on either side, and that they had a fire alarm system. But if the fire bell isn't rung, until after the guests are out, what good is it? If the fire gets into the corridors so that no man is safe in the corridors leading to the fire escapes, what good are the fire escapes? A million exit lights would have made no difference here. That defense falls flat.

Lastly, they say the firemen inspected the place. I noticed Mr. McGowan said the fire inspector was there very frequently. I wonder if those visits would have been as frequent if it had been a different type of hotel building and conditions had been less calculated to invite frequent inspection. Now what does this third defense that they offer amount to? Nothing. Because no inspections however frequent could supply that degree of care and vigilance required in discovering a fire if one broke out in the middle of the night. No amount of inspections by the fire department could supply the exertions on the part of the hotelkeeper that the law imposes to protect the guests in the middle watches of the night.

Mr. Patton says he went through the halls two or three times a day to see if the exit lights were burning and all was well. Why not some one to go through at night? Night is the time of danger, when the guests are asleep, when only two employes are on duty downstairs, when the resident manager may be out for the evening enjoying himself. They have a night watchman at Kelleher's restaurant. He was so vigilant he discovered the fire in the Towers. Why couldn't there have been a night watchman at the Towers to have discovered this fire before Bentley discovered it?

A modern hotel was it? Then why not a system of watchman's clocks throughout the upper corridors, to be punched at certain intervals during the night?

\* \* \* \* \*

## DEDICATION OF HOSPITAL EAST WING

Glens Falls Hospital

JANUARY 28, 1962

Sixty-two years have passed since Solomon Parks gave his house for the first hospital. Ten years later it became necessary to build a new building which now forms part of the present edifice called the North Wing.

In 1937 further expansion was required and we constructed an addition which we call the South Wing.

Within the space of the next ten years the Hospital filled so rapidly that once more we found it necessary to construct another addition and this we call the West Wing.

Ten years more and history repeated itself. The more hospital beds we provided, the more patients we had. Now we have completed the construction of the third addition to the building of 1910, and this we shall call the East Wing.

Thus the Hospital has grown and spread in every direction, its outward form symbolic of the fact that it is a center from which its indispensable services extend to the four points of the compass.

Among the revolutionary changes in our mode of life which it has been the lot of this generation to witness, none is more striking than the demand for hospital care.

The amazing advances of medical and surgical science, and the requirements of the people for the diffusion of its benefits among all men, has made a hospital sojourn the common experience of us all, where once it was only that of the very few.

In all this the people of this vicinity have taken part. Three times within less than a quarter of a century they have willingly given of their means in response to the ancient precept, "Heal the sick, cleanse the lepers, raise the dead, cast out devils; freely ye have received, freely give."

So once again we participate in dedicatory ceremonies on this spot.

We dedicate this building to the doctors and nurses who staff it, in whose professional skill and devotion we take pride, exemplifying the highest traditions of their calling.

We dedicate it to the administrative staff upon whose capable efforts we rely for the efficient operation of the institution.

We dedicate it to the officers and directors to whom its management is committed and whose zeal for the growth and progress of the hospital has been constant.

Most of all we dedicate it to the people, whose public spirit has made it possible, and who will live longer and more happily because of it.

Let us trust—and we shall not trust in vain—that all together, each in their own sphere, will dedicate themselves to the greater usefulness, the greater good and the greater future of the Glens Falls Hospital.

## **ADDISON B. COLVIN**

**Glens Falls  
Historical Association**

**NOVEMBER 23, 1970**

Several months ago, I found in conversing with a group of young lawyers that one of them had been reading a book recently published, being a history of the Hudson Valley Railway. This young man said, "Who is this fellow Colvin mentioned in this book?" I was quite astonished because I didn't stop to think that Mr. Colvin has been dead for thirty years, and a generation has grown up which never heard of him. But at first it struck me as amazing that anyone who lived in Glens Falls would have to ask who Colvin was. For many years during his long life he was a very conspicuous figure in this town. He had the means to make himself conspicuous because he had a daily newspaper which he founded and for which he wrote during most of his life. Not infrequently about himself.

I first became acquainted with Mr. Colvin when I went to work for that newspaper, "The Glens Falls Times," founded in Glens Falls many years ago. For about six years, I was in quite close contact with Mr. Colvin. And I had several very amusing experiences with him. In a few moments I will tell you one or two of them.

Mr. Colvin was a very enterprising man. He was associated with numerous enterprises in this City most of which today, unfortunately, are all but forgotten. Or have lost the identity they had when he was connected with them. He was one of the promoters of the Hudson Valley Railway, which succeeded the horse-cars which used to ply between Glens Falls and Fort Edward. He extended the Hudson Valley Line to Warrensburg, to Saratoga, to Troy and to Greenwich. The automobile doomed the Hudson Valley. Mr. Colvin had ceased his connection with the line long before it went out of existence. He founded "The Glens Falls Times". He was long its editor. And even longer a frequent contributor to it.

He started the Empire Theatre which was over here on South

Street. And when there was any important play on the boards, you could see Mr. Colvin in his box, a very conspicuous figure in the theatre, beaming upon the audience. Mr. Colvin was also the builder of one monument to him which still remains, the Colvin Building down here on Glen Street which he built on the site of his birth-place. The old Colvin homestead used to stand there. One other monument that remains here in our midst is that clock which stands on the curb in front of what used to be The Glens Falls Trust Company Building, now the office of a credit company. The fact is, the clock was often called in former times, "Colvin's Clock."

Mr. Colvin founded the Glens Falls Trust Company. He was long its president, until the calamity of 1929, which ruined many banks, caused the Trust Company to be taken over by the Glens Falls National Bank which is now the Glens Falls National Bank and Trust Company. He also started the Argyle National Bank which also has been taken over by another bank, and I believe is the Midland Bank of Troy.

That brick manufacturing building which stands down on Warren Street where the Binch Company now operates was built by a company in which Mr. Colvin took a leading role, the Montauk Shirt Company, which long since ceased to exist.

I believe that Mr. Colvin's greatest achievement and in which he took the greatest pride and pleasure, was that in 1893 he was elected State Treasurer of the State of New York. Now, alas, even the office of State Treasurer has been abolished. Mr. Colvin was said to be, when he was elected State Treasurer, the youngest man ever elected to State office except Chauncey M. Depew. I think Mr. Colvin was said to be thirty-two years of age, when in 1893 he was elected State Treasurer. Some people were unkind enough to say that the reason Mr. Colvin became State Treasurer was that in 1893 nobody else wanted the job. The Republican Party in that year expect to be defeated. And so without too much difficulty, apparently, Mr. Colvin got on the ticket, and he amazed everybody in the State of New York by being elected. In fact, the whole Republican ticket was elected except Governor. The Democrats elected Roswell P. Flower, Governor, and J. Sloat Fasset, the Republican candidate for Governor, was the only man on the Republican ticket who didn't win.

Mr. Colvin took office on January 1st, 1894 as State Treasurer. The office was an unimportant one comparatively. The principal duties of State Treasurer were to sign his name to the warrants issued by the comptroller. But Mr. Colvin didn't intend that the

unimportance of the office should detract from the importance of the officer. The "New York Times" devoted almost a whole page to describing Mr. Colvin's accession to the office of State Treasurer on January 1st, 1894. The headline, across the top of the page was "An amusing man is Colvin. The whole capital laughing at the State Treasurer."

Up to that time it had always been the custom of office holders below the rank of Governor to drop into the capitol and sign the oath of office, but according to the "New York Times", Mr. Colvin arrived at the Capitol with his whole family in barouches, and he made his entrance into the room with a big company of admirers. He took out a special pen which he had prepared for the occasion and signed his name to the oath of office, then presented the pen to his wife to preserve for posterity. The pen was inscribed "With this pen, the Honorable Addison B. Colvin first signed his name as State Treasurer of the State of New York in the new Capitol, January 1st, 1894."

The words on that pen, "The Honorable Addison B. Colvin" are notable. I don't know whether that is the first time that he was ever called "The Honorable Addison B. Colvin," but forever after, in the pages of the "Glens Falls Times", he was always referred to as Hon. Addison B. Colvin. I have heard that the longest word in the English language is **honorificabilitudinit**. I am not sure what it means, but whatever it means, Colvin had it.

Mr. Colvin never forgot that he had been State Treasurer, and never allowed anybody else to forget it. I used to admire the facility with which into any conversation, he would insinuate some reference to the time, "when I was State Treasurer." Anybody mentioned reminded him of someone he knew when he was State Treasurer. Anything that happened reminded him of something that happened at that time.

As I say, I had many amusing experiences with Mr. Colvin, and the things he used to write in the "Glens Falls Times" afforded amusement to a good many of the readers of the "Times". He loved to play golf. He was one of the first golf players we ever had in Glens Falls. He was one of the most active members of the Glens Falls Country Club. And whenever he played golf with anyone of any note, the readers of the "Times" the following day knew about it, what Mr. Colvin's score was, whom he played with and who bogied and who birdied.

But what Mr. Colvin most liked to write were obituaries. He loved the funereal. There wasn't a single person of prominence in

this town who died, as long as Mr. Colvin was writing for the newspaper who failed to receive an appropriate notice in characteristic style from Mr. Colvin's pen. Some of them were fearful and wonderful. Judge Alexander Robertson has told me that he once asked his father if he had any fear of death. His father said, "Only one, and that is that I'll die before Colvin and he'll write my obituary." I wish I'd made a collection of the articles of that character that came from Mr. Colvin's pen while I was connected with the newspaper, but unfortunately, I only saved one, and to give you a sample of the flavor of these articles, I will read a small portion from this one which he wrote about a lady of some prominence who died here a good many years ago. He said, in this article,

"Eulogies, neighborly associates, business, political and upstanding companions will cover the genealogical data of this intrepid character so that those not familiar with the achievement of a not too rugged character will lose none of the purport."

I have read that over many a time trying to fathom the sense of it, but I was never able to find out what he meant or what he thought he was saying.

Mr. Colvin was not a man of much education, and he knew it. He told me once that he didn't have much schooling and that he wasn't very strong on spelling and grammar, but that didn't deter him from writing. In fact, he wrote books, besides writing for the newspaper, and his idea about the English language was strictly original. He had a wonderful knack of imagining that there was such a word as he might use but he never took the trouble to look it up, but went ahead and used it. I'll give you an example of that in a moment. But first, let me speak of his books.

He wrote two works of fiction, supposed to be founded on fact. One of them, the first one, was entitled "Lumberman Lou by Harvester Hiram." Harvester Hiram was Mr. Colvin's nom de plume when he wrote fiction. It was supposed to be a book about Lou Emerson of Warrensburg, for years the Republican boss of this County, and he was engaged in the lumber business, of course. Then Mr. Colvin wrote another book entitled "Stray Steps", also by Harvester Hiram. When he wrote "Stray Steps", I was working for the "Times", and Mr. Colvin wanted me to read the proofs. He had the galley sheets. I took them home and tried to read the proofs of "Stray Steps". But I couldn't. I could not wade through it. So, I made a few marks here and there to give it the



appearance that I had been over it and took it back to him. Shortly it came out in book form. Mr. Colvin gave me an autographed copy, but I've never read it, and I can't recommend it to anybody.

I think the best criticism of it I ever heard came about in this manner. One day I met on the street Charlie Hitchcock who used to be mayor of this town, and he said "Fred, have you read that book by Colvin, 'Stray Steps'?" I thought I made a very diplomatic answer. I said, "I've seen it." He said, "I was in to see Colvin the other day, and he showed me a letter that he had had from a friend of his down in New York, some big banker, and it said, 'Dear Colvin, When you very kindly sent me a copy of your book, 'Stray Steps', I was occupied with other matters, and I didn't get a chance to look at it until the other evening. When I was about to go out to my club to spend the evening, I picked it up and started to read it, and I sat down and I read it through. And as I read it, I wondered why you wrote it and how you wrote it'. Mr. Hitchcock said, 'Colvin thought that was a compliment.'"

One of the great episodes in Colvin's life was his friendship with Governor Alfred E. Smith, which came about in this manner. Governor Smith, was first elected in 1918, and he took office on the 1st day of January 1919 just after the first World War. After the first World War there was a great spirit of altruism in the country and everybody thought that every department of human life was going to be exalted and improved. In keeping with that spirit, Governor Smith got the idea of appointing a "reconstruction commission." It was composed of some of the leading citizens of this state. Their mission was to examine all departments of the state, social, political, and everything else and find out how everything could be improved. Among the members of the reconstruction commission appointed by the Governor was the Honorable Addison B. Colvin. I think, undoubtedly, the late Joseph A. Kellogg of this city suggested to Governor Smith the appointment of Mr. Colvin because I don't suppose that Al Smith ever heard of Mr. Colvin until that time. Mr. Kellogg was campaign manager for Smith in his first campaign, and Smith appointed him as counsel after he became Governor. I think undoubtedly Kellogg suggested to Governor Smith that Colvin would be a good man on the reconstruction commission.

From that time on, although Colvin had always been a pillar of the Republican party, the editor of the leading Republican newspaper in this part of the state, elected to a State office on the Republican ticket, he became the most ardent admirer Al Smith

had in the State of New York. Apparently Smith reciprocated the feeling. Smith used to come here to Glens Falls oftener than any other Governor in history. He had another great friend here, Dave Fitzgerald, who ran a restaurant on the top of Glen Street hill. Smith used to drive up there and have dinner and usually he'd drive on up the street to where Mr. Colvin lived on the corner of Chester Street and Glen, and call on Mr. Colvin. You may be sure that the next day the readers of the "Times" knew that the Governor of the State of New York had called upon the Honorable Addison B. Colvin.

Colvin got Smith to come up here and speak in the City Park. And this is where I am going to give you an example of Mr. Colvin's marvelous inventive genius as regards the English language. Of course, Mr. Colvin introduced the Governor, and it was a lengthy introduction. He described how the Governor had been laboring in the interest of the people down in Albany. He said "Governor Smith has labored insiduously with conglamorous matters." You'll have to admit, "conglamorous" is a wonderful word. It's euphonious, it's polysyllabic. It suggests a whole lot—of something. Anybody I suppose, might take "insidious" and "assiduous" and mix them up and come out with "insiduously", but it took Colvin to come out with "conglamorous". The funny part of it is, is that he doubtless believed that there was such a word.

It was not long after the first World War that there appeared in the "Post Star" one morning an article to the effect that the Naval recruiting officer in charge of the Naval Recruiting Station which they'd opened during the war down over the Post Office on Warren Street, announced that Franklin D. Roosevelt, Assistant Secretary of the Navy, was coming to Glens Falls to inspect the Recruiting Station over the Post Office.

It was during one of those terrifically hot spells which we sometimes get here in the summer that this article appeared. When I got to the "Times" office that morning I was told that Mr. Colvin wanted to see me immediately. I rushed over to his office, which was in the rear of the Trust Company Building. He had a great, big mahogany rolltop desk, and there he sat in his undershirt, perspiration beading his brow, and in his hand he held a great big sheet of paper and beside him sat Julius Jacobson, who was then the Acting Mayor of Glens Falls. The Mayor, Ed Reed, had been stricken with a mortal illness, and Mr. Jacobson, by virtue of being Councilman-at-Large had become Acting Mayor. Mr. Jacobson sat there with his collar off. It was in the days of detachable collars,

and he was in his shirtsleeves, and he was perspiring, and there was a feeling of nervous tension in the air. You could see that something of great moment was afoot.

It developed that Julius Jacobson, the Acting Mayor, had waked up that morning to read the article in the "Post Star" about Franklin D. Roosevelt being about to descend upon us and immediately Acting Mayor Jacobson realized the responsibility that was upon him. An officer of cabinet rank was to visit our fair city. And to whom to turn at such a juncture but Mr. Colvin? Mr. Colvin knew how to meet the high and mighty, and he had often arranged great public celebrations here in Glens Falls. So Julius Jacobson came right down to see Mr. Colvin, and when I got there they had been appointing a reception committee. This paper that Colvin had in his hands contained the names of every man and woman in the City of whom anybody ever heard and who had the slightest claim to fame. The idea was that the paper would be turned over to me, and the moment that it was announced in Washington, D.C. when Franklin D. Roosevelt would come to Glens Falls, the names of the reception committee would be published in the "Glens Falls Times". And all the world would know that Glens Falls was on its toes. When a man of cabinet rank was coming here, we didn't have to stand around and wonder what to do. We'd be ready to give him an appropriate reception. Before it was handed over to me, Mr. Colvin looked over the list for the last time, and he said, "Well, I think we've got about everybody. Now, Jakie, are all your people represented?" "Yes," Mr. Jacobson said, "I think the Jewish people are properly represented." "Well, Colvin says, "There's only one more that I can think of, and that's old Pat." Now, by "old Pat", he meant Patrick Moynihan. And certainly he should have been the first man put on the committee because there was no more prominent Democrat in Glens Falls. He was the first candidate for Mayor on the Democratic ticket in this city the first time we elected a mayor here. He was one of the richest men in Glens Falls. He was the biggest stockholder in the First National Bank. He lived over here in a fine house where the Grand Union store stands. But he was then on his death bed. So, Mr. Colvin said, "There's only one more that I can think of and that's old Pat. He never did anything for me, but he's dying. So let's put him down."

So down went the name of Patrick Moynihan on the reception committee. The paper was handed over to me. I took it back to the "Times" Office and put it in a pigeon hole and what became of it, I don't know. I only know it never saw the light of day—because Franklin D. Roosevelt never came to Glens Falls. And poor Pat

Moynihan died without ever knowing of that magnificent, magnanimous gesture in his behalf made by the man for whom "he never did anything."

I had one other experience of which I will tell you which you may enjoy hearing about. It happened not long after this incident I just related. The warden of Great Meadow Prison in those days was Warden Homer. Warden Homer made a great name for himself by introducing the Honor System at Great Meadow Prison. The prisoners were on their honor not to escape. They could go and come as they pleased during the daytime. But they were honor-bound when night fell to return to the prison. There was no wall around the prison in those days. No turrets with guards in them with machine guns. Not long after the First World War Warden Homer died. And Mr. Colvin had a great inspiration. He got up a memorial meeting for Warden Homer to be held in the prison. He called up the principal keeper, who was acting as warden, and the principal keeper fell in with the idea. It was arranged that Mr. Colvin would get up a program for a memorial meeting. So, he got hold of Marie Lochney and Irwin Mutch. Some of you may remember them. They were great singers, very beautiful singers. They lived here, and they were always available for any such occasion. The principal keeper, got some talented convicts to be on the program, and Mr. Colvin invited me to go along. I was very glad to go because I could see that it might be interesting. There was quite a caravan of us. Three or four cars went over there one cold fall night. We arrived about seven-thirty. The principal keeper met us at the gate with some guards, and Mr. Colvin vouched for us. The principal keeper said that the prisoners were already assembled in the mess hall. So we marched in and marched down the center aisle. Mr. Colvin and the performers went up on the platform, and I sat down in the front row with the convicts. They had the musical portion of the program, and finally Mr. Colvin was introduced. He advanced to the edge of the platform and started in by describing Warden Homer's entrance into heaven. He said that "the granite gates swung wide and Warden Homer entered in." Up to that time, everyone thought that they were pearly gates. But I suppose that in case of a prison warden Colvin thought that granite would be better. But once he got Warden Homer inside the granite gates, he left him there. He never referred to him again during the ensuing hour and a half of his oration. Following his usual custom he didn't keep the convicts long in the dark as to the fact that he used to be State Treasurer. He said that when he was State Treasurer he made a tour of the prisons of the State in the company of

Governor Rosewell P. Flower. And that when they got up to Dannemora, the Warden of Dannemora came to Mr. Colvin and said, "I've got a prisoner here in my custody who is very anxious to see you. Says he wants to talk to you." "Oh," Colvin says, "I have no time for him. I'm very busy. I'm here with the Governor. We're inspecting the prison. No, no, I can't see him." "Well," the warden says, "He's very insistent. He says he used to know you. He says he comes from the same town that you do." So, Mr. Colvin relented and granted an audience to this poor wretch. When he was brought in, lo and behold, who was it, but old Joe somebody-or-other, I forget the last name, with whom Mr. Colvin had grown up. They were boys together, lived near each other, went to school together, played hookey together, made mud pies together. And now here was Joe in durance vile. Joe says, "Beecher, you've got to get me out of here." Colvin said, "Now, Joe, you know that's impossible." "Well, Beecher," Joe says, "You know we were boys together, we started together, we both had the same chance, and I've had hard luck. Here I am, an outcast, and here you are, a great officer of the State of New York, touring the State, with the Governor of the State. You have the ear of the Governor. The Governor has the power to pardon. I want you to ask the Governor to pardon me." "Oh, no, no, no, Joe," Colvin says. "I can't do that. That's impossible." Joe persisted and finally Colvin went to Governor Flower, and said, "Governor, I find that here within the walls of Dannemora prison is a man whom I used to know years ago. He has appealed to me for clemency. I want you to give him a pardon." "Why", Flower says, "Colvin, you know that's impossible. I can't go around the State liberating felons." But Mr. Colvin persisted, and somehow or other it happened, that not long after that, whether the Governor pardoned him, or he was paroled, or what happened, I don't remember, but at any rate, Joe was liberated. And he came back here to Glens Falls, and of course the first thing he did, was to go to see Mr. Colvin and thank him for interceding for him. He said he was going to reform. He promised Colvin that he would never touch another drop of liquor. He said liquor had been his downfall. "And that very night," Mr. Colvin said, "he went out and got drunk and burglarized a grocery store and landed right back in jail."

Well, he went on like that for about an hour and a half, and finally he came to his peroration. I have never forgotten it. He drew himself up to his full height, and he was a tall man, a portly man, an impressive looking man with a shining countenance and a big shock of white hair, and he said to this captive audience, "Look

me over, from my Sunday school face to my number nine shoes. I have had honor, I have had position, I have met with success, but intoxicating liquor never passed my lips."

Thus ended his address to the inmates of Great Meadow Prison. The convicts were marched back to their cells to meditate on Mr. Colvin's life of abstinence and possibly to marvel at how a memorial to Warden Homer had been turned into a celebration of the life and works of Addison B. Colvin.

We can smile at Mr. Colvin's foibles, but I don't want to give a false impression of him. As I say, he was a very enterprising man. A man of a good deal of determination, and a man who, without education, without anything except his own resources made himself a very prominent citizen of this part of the country and of this State.

When I first went to work for the "Times" I'd often seen Mr. Colvin. I didn't know him personally before that. I'd imagined he was the domineering type, but I found him quite the contrary. He was a very kindly man. He was the kind of man who was always glad to do a favor for someone or do a kindness for anyone who might appeal to him for help. His last years were rather sad. He had lived up here in that big house which still stands there on the corner of Chester and Glen. When the Hudson Valley Railway was in its finest flower Mr. Colvin had a button in his house and, when he wanted to take the trolley car to bring him downstreet, he would press the button which would turn on a light, which would be a signal to the oncoming trolley car to stop, and Mr. Colvin would saunter out and get on.

In the days before automobiles, he had a fine team of horses which one of his daughters, he had three daughters, used to drive tandem style with a good deal of flourish. He also had a cow. Mr. Colvin told me that he had ice cream every day and that he had to have fresh milk. And he kept a cow there until, well, it was into the 1920's, long after most cows had been banished from the city. I know the neighbors up there used to complain about this cow's bellowing. But nevertheless, Mr. Colvin had his cow and he had an icehouse which was filled every year by the Hovey Ice Company.

But alas, the day came after 1929, when Mr. Colvin had to resign his magnificence. He always went south to play golf at Ormond Beach in the winter. When the Trust Company had to be taken over by the National Bank of course Mr. Colvin was out from behind his big mahogany desk and his winters in Florida were

ended. He had to move onto the top floor of the Colvin building into a little windowless office where he conducted such small business matters as were left to him. But he never complained, never repined, and bore his fallen state manfully and with good nature. Nor did he do as some would have done, blame his ill fortune upon others. He still dwelt in the golden light of others day and would entertain you with anecdotes of Tom Platt and Teddy Roosevelt and others he knew "when I was State Treasurer."

## DINNER TO JUDGE GIBSON

Queensbury Hotel

OCTOBER 5, 1972

It is a great honor and privilege for me to speak on this auspicious occasion in the name of the Warren County Bar Association. If I remember correctly, and I think I do, this is the third or fourth dinner that I have had the pleasure of attending in honor of Judge James Gibson, for Judge Gibson has come up through all grades of honor, as District Attorney, Justice of the Supreme Court, Presiding Justice of the Appellate Division and Judge of the Court of Appeals, so at every step of the way it was fitting and proper for his brethren of the Bar to give him a dinner, and the more dinners he has had the more dinners has he deserved.

Judge Gibson is a native son of the grand old County of Washington, not a small county geographically but small in population, small in the number of its lawyers. I too am a native son of the grand old county of Washington. As such I claim the privilege here tonight of informing this learned body of men that when Judge Gibson went down to Albany to become Presiding Justice of the Appellate Division he was the second lawyer from the little old county of Washington to attain that great distinction, and when he went on to the Court of Appeals he was the second lawyer from that little old county to reach the Court of Appeals. It took a hundred years, or nearly, for Washington County to land a second man on the Court of Appeals, but Judge Gibson did it.

Now he must retire. For it is written in Holy Writ, whether as we find it in the Scriptures or the State Constitution, that the days of our years are three score years and ten. The framers of our Constitution when they came to that provision, instead of following the prescription of Psalm Ninety, might better have borrowed from the poet who wrote

"We live in deeds, not years; in thoughts, not breaths;  
in feelings, not in figures on a dial.

"We should count time by heart throbs."

It is not the ticking of a clock that measures Judge Gibson's usefulness to the people of the state and to our judicial system. He reaches this moment with his great faculties in their finest flower.

But "the stars move still, time runs, the clock will strike," and judges retire at three score years and ten.

As for Judge Gibson, if retire he must, he retires while his friends are gathered round him, testifying to their affection and their admiration for his years of service to the State.



## **SULZER IMPEACHMENT**

**At Meeting of  
Glens Falls Historical Association  
FEBRUARY 4, 1974**

William Sulzer was elected Governor of the State of New York in November, 1912. He was inaugurated January 1, 1913 and by October 17 of that year had been impeached, tried, convicted and removed from office.

When our indefatigable and very efficient program chairman, Dr. Dever, asked me to speak before our Historical Association on this subject, I told him I did not think it was a subject closely enough related to the primary interests of our organization, namely, the study of local history. But on further consideration, I saw that there were some things relating to the strange career of Gov. Sulzer that could be connected with the history of Glens Falls. For one thing, Sulzer succeeded as Governor of the State John A. Dix, one of our two native sons to become Governor of the State of New York, the other being Charles E. Hughes. Secondly, it was shortly before he was impeached that Governor Sulzer visited our city and spoke from a platform in Monument Square on the occasion of the one hundredth anniversary of Warren County. Some who met the Governor on that occasion noticed that he had a rather abstracted and preoccupied air, and it was afterwards thought that he knew then that the axe was about to fall.

One of the charges against Governor Sulzer was that he had attempted to use the powers of his office to coerce members of the legislature into favoring legislation that he desired to have passed. The then Assemblyman from Essex County, Spencer G. Prime, 2d, was called as a witness in the Sulzer impeachment trial to relate a conversation he had with Sulzer in the Executive office in company with Senator James A. Emerson of Warrensburg and the late William Cameron, an attorney of this city. Mr. Cameron was one of the two Democrats ever elected a member of Assembly from Warren County. Mr. Prime and Senator Emerson, together with Mr. Cameron, were seeking support from Governor Sulzer for a highway bill that would benefit Warren and Essex counties. Mr. Prime testified that during the conversation Sulzer turned and spoke to Mr. Cameron and said "Arrange a meeting for me in Glens Falls . . . saying he wished to speak in Glens Falls and wanted Mr. Cameron to get the hall and arrange the meeting for him."

John A. Dix was elected Governor of the State in 1909 and took office January 1, 1910. He defeated the Republican candidate, Henry L. Stimson, who was Secretary of War in the cabinet of Franklin D. Roosevelt during the second world war, with another of our distinguished native sons, Judge Robert Patterson, as Assistant Secretary, to become Secretary when Stimson resigned.

So there, by straining a little, we can interweave threads of Sulzer's history with the history of Glens Falls.

For some reason, the Democrats did not see fit to nominate Governor Dix to succeed himself. They chose Sulzer for the reason that the Progressive party had nominated Oscar S. Straus, who was expected to have great support from Jewish voters. Sulzer resided in a district on the East Side of New York heavily populated by Jewish people, who had always been strong supporters of William Sulzer, although he was a Presbyterian. His Jewish constituents sent him many times to Albany as a member of Assembly. He became Speaker of the Assembly in "The Gay Nineties." Then they sent him to Congress where he became chairman of the House committee on foreign affairs. The story was told that on an occasion when Sulzer was campaigning on the East Side of New York before a large audience of his Jewish constituents, he told how he had introduced a resolution in Congress protesting against the persecution of the Jews by the Czar of Russia. "From that day to this," Sulzer said, "Jews get down on their knees and pray, 'thank God for William Sulzer.'" A newspaper reporter who sat nearby whispered to Sulzer and said, "Hey, Bill, Jews don't kneel when they pray." Sulzer went right on, "My young friend of the press reminds me Jews don't kneel when they pray. They may not kneel for others, but they kneel for William Sulzer." If Sulzer's popularity with the Jewish voters was responsible for his nomination as Governor, it paid off well, for he was elected in 1912 by the largest plurality ever given a candidate for Governor in the state of New York.

But, alas, after so great a victory came a swift and crushing downfall. Nine months and seventeen days after he took the oath of office as Governor of the State of New York, he had been turned out of office, stripped of the honors and emoluments and authority of his high position, laid low like mighty Caesar, all his "conquests, glories, triumphs, spoils, shrunk to this little measure."

But if, when Caesar fell, there was, as Marc Antony said, "none so poor to do him reverence," that was not exactly true of William Sulzer. There was a numerous and vehement body of his

supporters and sympathizers. They denounced his impeachment from the first as a nefarious plot on the part of Charles F. Murphy and his Tammany henchmen in the legislature to get rid of a troublesome Governor, a Governor who was not inclined to listen to the counsel he received from the Wigwam on the subject of appointments to office and the passage of legislation.

The outcry was shrill when Sulzer was impeached and did not cease after his conviction. He had defenders throughout the state, but all their protests and denunciations were vain. They could not prevail against the constitutional process of impeachment that had been invoked for Sulzer's removal.

Sulzer's partisans published a book after his trial and removal entitled "Tammany Treason". I noticed in this volume an account of a public meeting held in the Village of Ticonderoga protesting against the impeachment. I was very much interested to notice that the chairman of the meeting and the man whose name led all the rest to sign the resolution of protest was one D. C. Bascom who was an uncle of mine. The book also contains excerpts from letters received from Sulzer's sympathizers and I observed that one of them was from Elmer J. West of Glens Falls who was a very prominent citizen of this city during his lifetime.

Without intending any invidious comparisons, the parallel is none the less inescapable, between Sulzer's sudden reversal of fortune, and the fate of another, elected President of the United States by the vote of all but one of the states of the Union, yet within less than a year facing demands for his impeachment.

A member of our Historical Society very kindly brought me a little book entitled "Sulzer's Short Speeches." It was as a speech-maker that Sulzer was well known. He cultivated an oratorical air, wore his hair long, in the days when most men had short hair, and was said to emulate Henry Clay in his appearance. It requires only a glance through "Sulzer's Short Speeches" to discern that there runs through them the theme that William Sulzer was the representative of the "plain people." That was his pose, and when he arrived in Albany as Governor he played the part with diligence. He announced that the Executive Mansion would henceforth be known as "The People's House" and that the general public was welcome to call at any time. The Executive Chamber in the Capitol he declared also open to all comers and that the Governor would not be found closeted behind closed doors but would be accessible to all and sundry. Sulzer chewed tobacco, which in those days was one of the marks of the common man, and so that all callers might feel at

home, he arranged a phalanx of brass spittoons about the Executive chamber, and was reported to be a good marksman when he took aim at one of them. Possibly this was another example of his imitation of Henry Clay.

When he was inaugurated, he walked to the Capitol from "The People's House" rather than riding in a coach and four. Had not Thomas Jefferson walked down Pennsylvania Avenue to his inauguration?

While the Governor was taking pains to portray himself as the tribune of the people, especially the "plain people", rumors began to circulate about the Capitol that the Governor was not wholeheartedly and solely devoted to the man in the street. Some one took a look at the statement of campaign receipts and disbursements that Mr. Sulzer had sworn to and filed according to law. It was noted that the contributions he admitted receiving totalled little more than \$5,000, and that they were all from persons never heard of before and were small in amount. Yet it became known that Thomas Fortune Ryan, one of the great Wall Street millionaires, gave him \$10,000, and Jacob Schiff, a gentleman of the same general description as Ryan—a Wall Street millionaire, gave him \$2,500. It was also noted that the names of no one connected with the liquor interests appeared on the list, though brewers had been among his contributors. Obviously an effort had been made to make it appear that only the "plain people" supported William Sulzer.

Further inquiry developed that after he was nominated, although at that time he was supposed to be a poor man, he had paid into a brokerage account he opened in Wall Street more than \$30,000, some of it the very checks sent to him for his campaign.

The suspicion was strong that Governor Sulzer had used his candidacy for personal gains.

After the legislature adjourned in the spring of 1913 Governor Sulzer called it back into special session to consider his direct primary bill which had been defeated in the regular session. He made the mistake of also recommending consideration of an amendment to the corrupt practise act. That gave the legislature the opportunity to appoint a committee to investigate campaign contributions. It was a joint legislative committee called the Frawley Committee. Before the special session ended, the Frawley Committee reported and at 5:15 A.M. on a July morning the Assembly adopted Articles of Impeachment against Governor Sulzer. There were eight Articles and on three of them Sulzer was convicted. On the other five he was unanimously voted not guilty.

Now let me bring the matter of the Sulzer impeachment, if not directly to our own doorstep, at least to our boundary line. There is reason to believe that the Sulzer impeachment was in fact fruit of the soil of our neighboring county of Saratoga. In the book called "Tammany Treason" to which I referred, I read, "Following adjournment of the Frawley Committee in New York, Chairman Frawley, Assemblyman Aaron J. Levy, Senator Wagner, Speaker Alfred E. Smith and Eugene Lamb Richards went to Saratoga Springs where they remained over Sunday and prepared the committee's report and resolutions to be passed by the Assembly Monday night. It was stated that even at that time communication was had with Edgar T. Brackett, whose home is in Saratoga Springs, by the Tammany men on the question of his employment to assist in the prosecution of the charges against Governor Sulzer before the court of impeachment."

That statement is undoubtedly correct. A life-long friend of mine, Attorney Sheridan Wait of Saratoga, tells me that the Frawley Committee members wanted to present their evidence to a grand jury and seek Sulzer's indictment and conviction on a charge punishable under the penal code, but Senator Brackett advised that impeachment was the proper course, and his advice was followed. My friend, Mr. Wait was in the Brackett office at that time and during the trial was attached to the counsel for the managers of the impeachment.

The impeachment trial began September 18, 1913. For the board of managers, appeared, besides Senator Brackett, Alton B. Parker, former chief judge of the Court of Appeals and Democratic candidate for President of the United States in 1904, John B. Stanchfield, a famous trial lawyer of those days, and Democratic candidate for Governor in 1900, Isadore Kresel, a very able lawyer from New York City, and Eugene Lamb Richards, who had been counsel to the Frawley Committee.

For Governor Sulzer appeared an equally impressive legal array—Senator Harvey D. Hinman of Elmira, Judge Irving Vann, former member of the Court of Appeals, D. Cady Herrick, an eminent lawyer of Albany and Democratic candidate for governor in 1904, Louis Marshal, a great constitutional lawyer, and a very learned lawyer from New York, Austen G. Fox by name, an adept at larding his arguments with Latin quotations.

At the outset Sulzer's attorneys objected to the jurisdiction of the court on the ground that the articles of impeachment had been adopted at a special session of the legislature. The constitution

provides that a special session the legislature may consider only such matters as the Governor recommends. Of course, Governor Sulzer had not recommended his own impeachment. This preliminary objection was promptly overruled on the ground that the constitutional restriction applies only to legislative matters, and when the assembly impeaches, it is not acting in its legislative capacity.

Then began the parade of witnesses who had contributed to Sulzer's campaign but whose contributions had not been reported. Some produced the checks they had sent, others described how Sulzer had requested cash, or checks payable to "Cash", or checks payable to Louis A. Sarecky, the candidate's right hand man and confidant. It was desired that the name of Sulzer should not appear. This Mr. Sarecky deserves more than a passing glance. He was a young man, born in Russia, master of several languages, and rather ingenious, and enough of an artist to be able to write Sulzer's name so that no one could tell the difference between it and the genuine signature of William Sulzer. When Sulzer's bank requested a letter from Sulzer authorizing Sarecky to sign his name, Sarecky wrote the letter, signed Sulzer's name and sent it to the bank which accepted it without question as the product of its depositor, Mr. Sulzer. The resourceful Sarecky even wrote beneath the letterhead the words "En route". Sulzer was aboard his campaign train travelling upstate at the time, which fact Sarecky knew the bank might know, and therefore gave the letter this little touch of verisimilitude with the words "En route" to make the bank think Sulzer had written the letter while aboard his train.

Sarecky wrote the letters that were sent to the contributors to the Sulzer campaign. He devised a clever formula for that purpose. Everyone received a letter reading something like this, "Many thanks for all you have said and all you have done." Never a word about the donation of money. Sarecky's form letter covered a multitude of sins.

Sulzer had reported campaign contributions of \$5,640. The proof was that he had received \$12,405. These seem trivial amounts today since we have become accustomed to campaign contributions of \$100,000. and more, but in those days these sums were substantial.

Sulzer was buried under the load of evidence on this score. The false statement of his receipts to which he had sworn, and which was the basis of the first two articles of impeachment, was prepared by the faithful Sarecky. He testified that when he presented it to Sulzer for his signature, Sulzer said, "Is it all right?" and Sarecky

replied, "It's the best I can do." By the time of the trial Sarecky had destroyed all the records of receipts and disbursements as well as the check book of Sulzer's bank account. This evidence, of course, was damning.

The best and only defense that the Governor's very able counsel could bring forth to meet this proof of how Mr. Sulzer had pocketed the funds in question was that the donors had made these gifts not to Sulzer for his campaign but for his personal use. Some of them swore that they were so devoted to Mr. Sulzer that they cared not whether he used the money they gave him to buy a new hat or a new suit or whether he used it to get elected. Yet on cross-examination, they had to admit that they never gave him a cent until he was nominated for Governor.

The Governor himself had attempted to establish this defense. Henry J. Morgenthau, who was U.S. Ambassador to Turkey under Woodrow Wilson, testified that Sulzer asked him to treat his \$10,000 gift between them as "personal". Morgenthau said he could not. Sulzer telephoned Morgenthau and said, "If you are going to testify, I hope you will be easy with me."

There was probably no evidence more damaging to Governor Sulzer than that concerning the things he himself had said in his attempt to "cover up". Probably most harmful of all was the testimony of this character that came from a gentleman by the name of Peck, a state officeholder. He said that after Sulzer was nominated he saw him at a Democratic mass meeting in Troy and presented him with a \$500 bill. Peck received a letter from the Frawley Committee asking him if he had contributed to the Sulzer campaign. Peck took the letter to Sulzer in the Capitol and asked what he should do about it. "Do as I shall do," said Sulzer, "Deny it." Peck said, "I suppose I will be under oath." "That's nothing," Sulzer said, "Forget it."

This brief narration from Mr. Peck probably did more than anything to move the High Court of Impeachment to convict Sulzer under the article charging him with attempting to suppress evidence and suborn perjury.

One other bit of evidence gave Senator Brackett a great opportunity when he summed up for the board of managers. The son of Thomas Fortune Ryan had testified that Sulzer called him by telephone to solicit a contribution. Sulzer said, "Tell your father I'm the same old Bill." A strange message to be sent to the personification of a Wall Street capitalist from the archangel of the "plain people."

When he opened the case for Sulzer at the impeachment trial, Senator Hinman had likened Sulzer to Saul of Tarsus who, on the way to Damascus, saw a great light and became a new man. "Can you imagine Saul," said Senator Brackett, "telephoning to Gamaliel that he was the same old Saul?"

On the first two articles of impeachment—those based on the false statement of campaign receipts—the Court voted guilty 39 to 18—just one more than the necessary two-thirds. On the fourth article—the one charging attempted suppression of testimony by deceit, fraud and threats, the vote was guilty 43, not guilty 14. On all other counts Sulzer was exonerated by unanimous vote.

Then came a vote on whether the Governor should be removed from office. The vote was 43 yes, 12 no, 2 not voting. Senator Emerson of Warren County voted "No."

The last vote was on the question whether Sulzer should be disqualified from again holding public office. No one voted in the affirmative on that proposition.

With all the discussion about impeachment that we have had in this country for several months last past, I have been surprised that never has anyone referred to the Sulzer impeachment. There have been instances and examples cited from the impeachment of President Andrew Johnson more than a hundred years ago, but no one has troubled to notice that a Governor of New York was impeached and removed sixty years ago. Yet the record of the Sulzer trial is a rich mine of authorities on the subject of impeachment, touching some of the very questions that are now receiving public attention.

One subject that has been uppermost of late is the question of what is an impeachable offense? Does an impeachable offense need to be an offense punishable by fine and imprisonment? Our now Vice-President, Mr. Ford, has often been quoted to the effect that an impeachable offense is whatever a majority of the House of Representatives say it is. Mr. Ford was half right. The President may be impeached for anything a majority of the House says is an impeachable offense but the judgment of the House is subject to the examination of the Court of Impeachment, and if one-third of the United States Senators plus one vote to acquit on the charges preferred by the House, then those charges are not impeachable offenses, or have not been proved.

There is no tribunal in the land with power to review the decision of the High Court of Impeachment. The High Court of



Impeachment is the highest court in the land. It is the judge of both the law and the facts. It decides whether the acts charged by the house as impeachable offenses were in fact committed, and it decides the question of law that follows, whether the acts charged, if committed, are impeachable.

It follows that all this debate we have witnessed as to whether President Nixon can be impeached for the so-called "cover-up," for the Watergate break in, or the Fielding office break in, or for trying to bribe a federal judge with the offer of directorship of the F.B.I., or for erasing the tapes, or the lavish use of money to solace the Watergate burglars—all such discussion is beside the point so far as these acts being impeachable is concerned. They are impeachable if a majority of the House say so and sixty-seven Senators agree, and that depends on whether the evidence connects the President with the commission of any of these acts. If such evidence is not found, I doubt whether there will be impeachment.

There is one other legal question which arose in the Sulzer case and which might arise in the Nixon case, if President Nixon is impeached. The filing of Sulzer's false campaign contributions statement was something that happened before he became Governor. There is impressive authority to the effect that there should be no impeachment for acts committed out of office, that impeachment should lie only for misconduct in office. Yet Sulzer was convicted for acts committed before he took office. This merely illustrates what I have said, that the Court of Impeachment is the sole judge of what is impeachable, and from its judgment there is no appeal. This point might arise, were Mr. Nixon to be impeached, because the Watergate break in and numerous sins that followed occurred in the President's first term. Could he be impeached in his second term for acts committed in his first term? The authorities seem to say that he could be, that where there is no interruption in tenure, it is right and proper to impeach in the officeholder's second term for an offense committed in the first term. The rule seems illogical. The reason for holding that impeachment should be only for wrongs done in office is that the people have the right to elect whomever they please to office, no matter if he is corrupt, which would seem to apply as well to a man's second term as to his first.

However, the authorities are to the effect that Mr. Nixon could properly be impeached in his second term for something he did in his first. And the Sulzer case stands as a precedent for impeaching for acts done out of office.

Another point that arose in the Sulzer trial that might well be raised if President Nixon were to be impeached was this. At the very outset of the trial, Sulzer attorneys objected to certain Senators who had been members of the Frawley Committee sitting as members of the Court of Impeachment. They were promptly overruled on the ground that the Constitution makes all Senators members of the Court of Impeachment and no one has the power to deprive them of the right to sit. Only recently we read in the newspaper that certain members of Congress had questioned the right of other members to vote in the House on the question of impeachment since they had already expressed themselves in favor of impeachment. Were President Nixon to be impeached, his defendants might in like manner object to Senator Ervin and members of his committee sitting as members of the Court of Impeachment but any such objection would be groundless as the Constitution of the United States makes the members of the Senate the members of the Court of Impeachment and no one can deprive any Senator of his right to sit as a member of that Court.

As I said, the High Court of Impeachment at Albany voted unanimously not to deny Mr. Sulzer the right to hold public office. Accordingly, after he was removed he returned to New York and his loyal constituents on the East Side promptly sent him back to Albany as member of Assembly. But his reappearance on the scene at the Capitol caused no great stir and he soon dropped out of sight. He went to Alaska to reside and practice law. I am indebted to a former resident of this city who called me last week from Florida to tell me that Sulzer took refuge in Alaska. This I had not known before. On looking over the volume of Sulzer's Short Speeches I saw why Sulzer chose Alaska. The longest of the "Short Speeches" is a speech in praise of the beauties of Alaska. It begins, "Alaska is a wonderland," and concludes, "I repeat now what I said in the beginning, Alaska is the wonderland of the world." But the charms of Alaska only detained Sulzer for four years. He returned again to New York City where he died, unknelt and almost unknown.

After the removal of Governor Sulzer from the office of Governor, Lieutenant Governor Martin H. Glynn, the owner of the Albany Times Union, became Governor and served out Sulzer's term, when Charles S. Whitman was rewarded with the Governorship for sending Lieutenant Becker of the New York police department to the electric chair for the murder of the gambler Rosenthal, who was shot down in the city street by Lefty Louis, Gyp the Blood, Whitey Lewis and Dago Frank. Governor Whitman served

until Alfred E. Smith, who was Speaker of the Assembly when Sulzer was impeached, was elected Governor, to be succeeded two years later by Judge Nathan L. Miller, who was a member of the High Court of Impeachment at the Sulzer trial and voted for Sulzer's conviction and removal. Then Alfred E. Smith two years later defeated Miller for re-election and at length we had as Governor one of the witnesses at the Sulzer trial, Herbert H. Lehman, who testified that he gave Sulzer \$5,000. in cash and also paid for the publication and distribution of 50,000 copies of "Sulzer's Short Speeches."

Such are the ways by which Governors are made and unmade.

"Time and chance happeneth to them all."

## GLENS FALLS NEWSPAPERS IN DAYS OF YORE

Glens Falls  
Rotary Club

AUGUST 14, 1975

I first entered the Glens Falls newspapers world in 1908 when I became Fort Edward correspondent of the Glens Falls Morning Star. At that time there were three daily newspapers in Glens Falls—The Morning Star, The Morning Post and The Evening Times. The Star and Times were founded back in the final decades of the Nineteenth Century. The Post was started not long after the turn of the present century. The Morning Star was unique in this respect—it had no politics. It had no editorial page. It ventured no opinion on any public question and did not oppose or support any candidate for public office. The Times was a partisan Republican newspaper and could be depended on, in season and out, to show the party colors and support, protect and defend the Republican party and its candidates. Thus its political principles enjoyed the approval of the great majority of its readers for they were dyed-in-the-wool Republicans. The political complexion of this City and County and its solid Republican character were really the cause of the birth of the Morning Post. The Morning Post was the child of ardent Democrats who were resolved to make inroads into the Republican ranks in this part of the State. Besides being Democrats, the founders of the Morning Post were men of great energy and determination and enthusiasm, and they had money. The one with the biggest bankroll was George R. Finch, son of Jeremiah Finch who, with his partner Samuel Pruyn, founded Finch-Pruyn and Company. George R. Finch had money enough not only to found a newspaper, he had enough to run for State Treasurer on the Democratic ticket but not enough to be elected, for those were the days when the Republicans almost always carried the State of New York. Among the angels of the Morning Post was Patrick Moynihan, a strong Democrat and a rich man. After he made his fortune in the Adirondack forests, he moved to Glens Falls and became active in the Democratic Party. He was the Democrats' first candidate for Mayor of Glens Falls after the Glens Falls City Charter was signed by the famous native son of Glens Falls, Charles Evans Hughes. A third convinced Demo-

crat associated with the founding of the Morning Post was J. Edward Singleton. He was a young lawyer and consequently had no money but what he lacked in money, he made up in brains. He was especially equipped to make the Morning Post an influence to be felt for he was an incisive and gifted writer whose pen often embellished the editorial page of the Morning Post. The founders of the Morning Post set out to make their newspaper the leading newspaper in this part of the country. They started their campaign by firing off an occasional salvo at the poor old Morning Star with some satirical comments, usually centering on the theme "Twinkle, Twinkle, Little Star".

Not long after I went to work for the Morning Star as its Fort Edward correspondent, my elder brother said to me, "You ought to have a press badge". I asked what that was. "A press badge will get you in anywhere", he told me. "If there is a fire, you can pass through the fire lines. You can go to a show without buying a ticket". That idea appealed to me strongly. Accordingly, I went up to the Star office, which was located at what is now number 26 Ridge Street in the building which still stands and if you will look up at the top of that building, you will see it still says "The Star Building". I went into the Editor's office and told him I wanted a press badge. He was a newspaperman of the old school, an old Scotchman with tobacco juice on his chin and whiskey in his stomach. Without a word he took out a sheet of Morning Star stationery and wrote the following: "This is to certify that the bearer, Mr. Frederick G. Bascom, is the duly accredited representative of the Glens Falls Morning Star. Any courtesies extended to Mr. Bascom will be cordially reciprocated". I took it home and asked my father what "reciprocated" meant. I found that my press badge was all that my brother had foretold. When I climbed the stairs that led from the box office of the Bradley Opera House in Fort Edward to the orchestra pit on the second floor, when a "Ten, Twenty and Thirty" occupied the boards, I found old Mrs. Bradley wreathed in smiles when I flashed my press badge on her as she stood taking tickets, and Mrs. Bradley was not one to greet everyone with a smile. When I went to the County Fair I found I could pass in absolutely free of charge to see Bosco The Snake-Eater, Pearl the Big Girl, the Wild Man from Borneo and the Two-headed Calf. But, alas, the luxury of my press badge was short lived. The morning Post so far succeeded in its effort to dominate the newspaper world of Glens Falls that in 1909 it bought out the Morning Star and put it to death, preserving only the name by calling itself "The Post-Star" which is the name it bears to this day.

After my glorious career as a member of the Morning Star staff had thus been ingloriously terminated, I reentered the Glens Falls newspaper world nine years later when I joined the staff of the Glens Falls Times. The Post Star was then claiming victory in its campaign to dominate the newspaper field in Glens Falls. On the ear of its front page it proclaimed, day after day, "The Latest News First". The pot shots it used to fire off at the Morning Star were now directed at the Times. J. Edward Singleton used to call the Times "The Evening Reprint". By this time the Post Star had obtained the AP franchise but the Times had no telegraph wire. We used to get our telegraph news by trolley car. The INS—the Hearst wire service—was received in the office of the Saratogian in Saratoga Springs and every hour the Saratogian put a sheaf of telegraph news aboard the trolley car headed for Glens Falls, which pulled up in front of the Rockwell House every hour. It was met by a man from the Times who took off the envelope and rushed it up to the Times office. But as the Times went to press at 4 o'clock in the afternoon, the last envelope of telegraph news came at 3 o'clock and contained news received in Saratoga no later than 2 o'clock so that if anything startling happened in the world after 2 P.M. our local population did not know of it until they read the Post Star the next morning.

Not long after I joined the Times in the Fall of 1918, we put in the INS wire and thus challenged the motto of the Post Star "The Latest News First". If there was a "flash" over the wire as late as 4 P.M. all we had to do was make over our first page and in fifteen minutes the presses were rolling again and we had spoiled the latest sensation for the Post Star the next morning.

In 1918 the editor of the Post Star was Roy Fairman, a very fine gentleman, whose main interest was athletics, although he used to write very interesting little editorials about life on the farm on which apparently he had been brought up. It was Roy Fairman who was very instrumental in bringing the interscholastic basketball tournaments to Glens Falls years ago. When Roy Fairman left the Post Star he was succeeded by Allen Eddy, to my mind the ablest newspaperman ever produced in this vicinity. He originated in Hudson Falls and had been editor of the Post-Star in its early days. In the early 1920's the Post-Star brought him back here from Syracuse and when I opened up the Post-Star the first morning after Allen Eddy had taken charge, I knew I had a competitor. Every page of the newspaper bore the mark of an experienced and able newspaperman.

Of course, not long after I went to work on the Times in the fall of 1918, I heard of Arthur P. Irving. Even then the name was spoken with awe but it so happened I never met Arthur Irving until the White Star Steamship Company brought to New York the Steamship Majestic which was the latest of the line's luxury liners. To assure its maiden voyage to New York a full measure of publicity, the White Star Company sent an invitation to all newspapers within striking distance of New York to send a representative to come down and have lunch aboard the Majestic. The publisher of the Times asked me if I would care to go and, of course, I was delighted. The White Star people even paid the fare to New York. When I found the Majestic tied up at the pier and started up the gangplank, I saw a smiling young man with cherubic face and flaxen hair advancing toward me with outstretched hand and there on the deck of the newest Queen of the Seas came the immortal moment when for the first time I received the Irving handshake.

It was not long after that when Arthur and I represented the newspaper world of Glens Falls on another junket. Those were the days when coal was the only fuel, except in the case of those who still burned wood. Coal was very scarce in the First World War. There was a coal strike and after the war, coal was so scarce that coal administrators were appointed in every county to dole out coal. No one could have so much as a bag of coal without a permit. As a car of coal stopped on a siding of the Delaware and Hudson in any Town or Village along the line, the car was immediately commandeered by the public authorities—a wholly illegal procedure—and the coal was dealt out to the local inhabitants and never allowed to continue to the destination originally intended. These conditions led to a great deal of ill feeling against the coal producers. The Hudson Coal Company, a subsidiary of the Delaware and Hudson, had a virtual monopoly of the anthracite coal business in this part of the country. The phrase "to improve one's image" was not heard of in those days but the idea behind the phrase was prevalent and for that purpose the Hudson Coal Company organized an expedition to the coal fields of Pennsylvania of coal dealers and newspapermen in order to prove to the public that the coal barons were fine fellows and should be admired and esteemed instead of reviled. A special train was made up at Saratoga and Arthur and I boarded the train along with the coal dealers and set off for Scranton where the Hudson Coal Company put us up at the best hotel and the next morning had a fleet of Marmon cars—in those days the Marmon was the pink of perfection in automobiles—waiting to take us to the coal mines where we were introduced to

the art, trade and mystery of mining coal. How much the Hudson Coal Company's image was improved I cannot say but it didn't make much difference anyway, coal was on the way out although we knew it not at that time and oil was to dethrone King Coal within less than ten years.

The Post Star in those days gratified the public's interest in the World Series by stationing a bull-throated fellow with powerful lungs at the second story window of the Post Star building at the top of Glen Street hill who would bellow out the report of the game, play by play, as it was received over the AP wire inside. The crowd that was privileged to follow the World Series game in that manner was immense and all Glen Street traffic was halted while Irving's man with the megaphone was on the job. While that was going on we were very sad and lonely up around the Times' office. This was a situation that had to be corrected. Fortunately we discovered that the means to do so were at hand. There was a firm that made a magnetic baseball board, a large piece of metal with a baseball diamond pictured on it. A big ball went with it and a magnet in the hands of an operator on the back of the board could move the ball in every direction it might be batted and then every play was reproduced at the very instant it occurred in the ball park. We acquired one of the magnetic ball boards, hoisted it to the top of the Glens Falls Trust Company building—that beautiful little brick building just across from the First National Bank now occupied by a credit company—extended our INS wire to the roof and gave the local public the thrill of its life so far as the World Series was concerned. It was well named a magnetic ball board for it was the magnet which drew the mob from the Post Star building to block Glen Street where our ball board was in operation. It was a great demonstration of the superiority of the visual against the auricular. But little did we dream how our magnetic ball board would be just as outmoded by television as the magnetic ball board had outmoded Arthur Irving's man with a megaphone. Of course, Arthur was not one to stand idly by with this state of affairs. The Post Star announced that it would publish a sporting extra to come out late in the afternoon and carry the racing results. Those were the palmy days of prize fighting when Jack Dempsey had just come upon the scene and Tex Rickard was in his greatest glory. The championship prize fights of those days took place in the afternoon just in time for a sporting edition to be on the street with the result of the fight as people were going home from work. The Times was nothing loath to enter into the sporting edition competition. We were much better situated to get out a late afternoon



sporting edition than was the Post Star. All we had to do was make over our first page. That was all the Post Star did but the inside of the Post Star sporting extra had the stale morning news while the Times inside pages were fresh off the press.

Thus, these rival newspapers constantly sought to checkmate one another. Both sides carried on the contest with zest and the joy of battle was relished on both sides. One day after one of the big prize fights, the Post Star carried a front page box congratulating itself on the success of its sporting edition and saying that a bundle of the papers had been sent to Comstock Prison to be distributed among the inmates who were very glad to receive this attention from the Post Star. You may be sure that that evening the Times carried a box on the front page to the effect that the honest and law-abiding citizens of Glens Falls were greatly pleased with the Times extra and while "our esteemed contemporary"—that was what rival newspapers called one another in those days—"our esteemed contemporary" may have been first at Comstock Prison but the Times was first with a sporting edition on the streets of Glens Falls whose sober and industrious inhabitants appreciated being supplied with so prompt and efficient an account of the prize fight.

The greatest opportunity came to the Times one day when the Post Star appeared with an editorial informing its readers of the plans of Speaker Champ Clark for the coming session of Congress. The editorial went on at some length to describe the legislation Champ Clark had in mind for Congress to enact. The joke of it was on the day the editorial appeared in the Post Star, Champ Clark had been dead about three years. You need have no fear that the Times missed this opportunity. We came out that evening with an editorial suggesting that the editors of the Post Star read an up-to-date newspaper like the Times and keep abreast of public events and if they were moved to enlighten the public as to future plans of our statesmen, they first consult the Times to ascertain if the subject was still in the land of the living.

That was one time the Post Star had nothing to say. Later on I learned how that horrible blooper occurred. The editor of the Post Star was away and a substitute Editor had been called in. The composing room foreman came screaming for editorial copy, the substitute editor dived into a drawer in the desk and without looking at it pulled out a release from the Democratic National Committee. The composing room foreman rushed with it to the linotype operator who purely mechanically set it in type. A galley proof was pulled and taken to the proof reader, who was asleep, as proof

readers usually are, and so that catastrophe reached the printing press and the editorial page of the Post Star.

But others made mistakes too. The night before I started work on the Times I picked up a copy of the previous day's paper and I found an article giving an account of a new automobile hearse which one of the leading undertakers had acquired. The article went on to describe the beauties of this vehicle and concluded with this remarkable statement—"This hearse is specially adapted for funeral purposes." On another occasion when a band of gypsies came to town, the Times said that the gypsy women in their brightly colored costumes made a brilliant scene in Glen Street "with the wind blowing through the business section". An account of a burglary once began with these words "While sleeping soundly last night" burglars entered the home of Mr. and Mrs. So-and-So.

The day came when Arthur Irving decided he could not be happy down there at the Post Star without me at his side and I resigned from the Times. When I announced to my fellow workers on the Times that I was leaving to join the Post Star, I know that in their eyes I was Benedict Arnold and Judas Iscariot rolled into one. For six years I had carried on the war with loyalty and devotion and now I had deserted to the enemy. "Just for a handful of silver, he left us". However, it was not long before the entire Glens Falls Times followed my example. The Times sold out to the Post Star. Not long after that I deserted the Post Star and went over to the law. Now, of course, the whole scene has changed. A few years ago young Lochinvar came out of the West in the person of Carl Davidson. The Post Star and Times were sold and moved from the top of Glen Street hill to the shadow of the old railroad station in Lawrence Street and the Times was extinguished. The new publisher puts his paper to bed at 10 o'clock, and goes home to sweet dreams and thinks what fools Irving and Bascom were to tear themselves apart with cut-throat competition in the days of yore.

## **SAN FRANCISCO EARTHQUAKE AND FIRE**

**Glens Falls  
Rotary Club**

**APRIL 15, 1976**

(Certain references herein were prompted by notes furnished in the Rotary publication edited by Col. Robert Avon, designed to be prefatory to this speech.)

The speech you are about to hear is unique in one respect: It probably constitutes your last chance to hear such a speech. That is to say, an eye-witness account of the great earthquake and fire which destroyed the City of San Francisco on the 18th day of April, 1906, seventy years ago next Sunday.

In February, 1906, I left Albany in the company of my mother bound on the transcontinental train trip to California. After spending several weeks in southern California, we started up the coast and arrived in San Francisco on April 13th. We stopped at the Occidental Hotel which was an old hotel. I recently read that Mark Twain, when he lived in San Francisco in the 1860's, lived at the Occidental.

On the day before the earthquake, the 17th, my mother and I called upon a Mrs. Dodge, who, with her husband, had migrated to San Francisco many years before. Her husband had been dead for many years. They came from the same little town in Vermont from which my people came, and somehow or other, there had been friendly relations maintained between the two families. Mr. Dodge, had accumulated a fortune, and his widow lived up there on Nob Hill in the fashionable section of San Francisco. When we rang the bell the door was opened by a Chinese butler. In those days the Chinese still wore pigtails. And this fellow had a pigtail, and he wore Chinese dress. Of course he impressed me greatly. I had never seen a Chinese butler before. In fact, I had never seen a butler. In Fort Edward where I was born and raised, butlers were rare birds. I mention this, not to let you know that we had wealthy acquaintances, but because all of this forms an important part of my story, as you will presently learn.

When we were seated in the dining room of the hotel that evening, the 17th, having dinner, my mother all of a sudden became strangely ill. I don't know how to describe her illness. But at any rate, the waiter helped her out of the dining room and into a little anteroom near the entrance of the dining room. There was an old retired Army surgeon who had been seated at the same table with us. The Occidental was on the American Plan. You had the same table and the same seat for all of your meals. As soon as the old gentlemen noticed something was wrong with my mother he got up and came out and went to a drug store adjacent to the hotel lobby and came back with some medicine which he gave to her so that she was shortly able to go to our room. To the day of her death, my mother always believed that strange illness which came over her all of a sudden a few hours before the earthquake, was a precursor of the earthquake and that it was due to some strange condition in the atmosphere caused by the oncoming earthquake. I have read that the night before the earthquake, horses in San Francisco were unusually restive and that some horses were heard to scream. I suppose if an oncoming earthquake could signalize its approach to horses, it could to humans. At any rate, my mother was perfectly convinced that the approaching earthquake had affected her in this strange manner.

Colonel Avon tells you that the earthquake came at 5:11 A.M. and of course, I wouldn't dispute the military, and I'll accept it, that it was 5:11. But it came. There's no doubt about that. And there's no doubt that several hours before, my mother was sick. What the connection may be, I don't attempt to say, but the earthquake certainly arrived shortly after five, and when it came it was accompanied by a kind of a low roar and our hotel room was rocking like a ship in a rough sea, back and forth, and to and fro and plaster from the ceiling was raining down on the bed. Opposite the bed there was a piece of furniture about eight or ten feet high which was used to hang clothes in, and it kept dipping towards the bed and just as it was about to crash, the motion was reversed, and it tipped back the other way, and it did that several times.

Colonel Avon says the shock lasted forty-eight seconds, and again I wouldn't dispute the military. If it only lasted forty-eight seconds it certainly was moving fast. Presently it began to abate. The violence of the convulsion let up so that the room was merely trembling a little. I jumped out of bed and started to dress. As soon as my mother was dressed we went out into the hall. Other guests were going down the hall, some screaming, some groaning. The floor was littered with plaster. The sidewalls had great pieces of plaster,

ten or fifteen feet wide, cut off as neatly as though it were done with a gigantic knife. The elevator of course wasn't running. We walked down the stairs. I think we were probably on the third or fourth floor. The hotel was not more than four stories high. This is long before the day of skyscrapers. Down in the lobby, the lobby was filled with other guests of the hotel in various stages of dress and undress; some of them stunned, some dazed, some sitting down transfixed, some walking around absentmindedly. We had our tickets, our Pullman reservations, all ready, to leave on a train at the Oakland Station that very morning at eleven o'clock. So my mother walked up to the hotel desk and told the clerk she'd like to have a carriage brought around to take her to the eleven o'clock train. He look at her and said, "Madam, there are no carriages available in San Francisco this morning." There were no taxi cabs, no automobiles and the famous cable cars were out of business so we knew we weren't going to catch the eleven o'clock train. The question arose, what to do? Much against my mother's will, I walked out onto the sidewalk and down to the corner, and I looked down the street three or four blocks. Everything was on fire that I could see. Of course with all the other hotel guests we wondered what to do. But shortly the question was answered for us. We didn't have to make the decision because word was passed around that everybody must evacuate the hotel, I think, by ten o'clock, because the hotel would be dynamited.

My mother and myself went back up to our room. In those days, people traveled with a big trunk. We had a big trunk and we had a couple of suitcases. We knew that we couldn't take the trunk, but we packed the suitcases, and we took the sheet off the bed and dumped a lot of our belongings into the sheet and picked up the four corners and tied them together. I put on two suits of clothes. In those days boys wore knickerbockers, and knickerbocker pants, you know, were rather roomy, so you could put one pair on over the other. How I got one coat on over the other, I don't know, but I did. I thought that was a very clever way to salvage an extra suit.

We picked up our sheet and our suitcases and we started out, left the hotel and went out into the street. The only place in all of the City of San Francisco that we knew of where we might go was up to Mrs. Dodge's on Van Ness Avenue. They were the only people in the city with whom we could claim acquaintance. So we started out, but we had no idea how to get to Van Ness Avenue so we just aimlessly went down the street, and before we knew it we were right in the middle of Chinatown. The street was swarming with

chattering Chinese, and my mother was frightened to death. All of a sudden—out of the crowd—stepped a very kindly looking white man, a youngish man, and he said to my mother, "Madam, you look as though you need help."

She told him where we wanted to go. He said, "I'll take you part-way there, to get you on the right track." So, under his guidance we proceeded, and after he had gone with us for ten or fifteen minutes maybe, he said, "Now, I can't go any further, I've got to get back to attend to my own affairs." But he gave us general directions as to how to proceed. So we went forward, lugging our sheet and our suitcases. Presently we came to an automobile, standing on a height of ground, its occupants looking down over the burning city. My mother made bold to ask them to take us to Van Ness avenue. Their only answer was an icy stare. So, crest fallen and abashed, we turned away and resumed our toilsome journey on foot until we came across an old fellow who had a horse hitched up to a two wheeled vehicle, the like of which I had seen before only in a circus. The old fashioned circus always ended with a Roman chariot race. This man's cart was built on that order, the floor rising only a few inches above the pavement. My mother hired this man to transport us to Mrs. Dodge's. He said he used his chariot to deliver newspapers. We hoisted in our luggage and off we went at last with wheels under us, and thus we were deposited at the door of Mrs. Dodge.

Chang, the butler, upon opening the door recognized us as visitors of the day before and let us in. From the entrance lobby of Mrs. Dodge's house rose a staircase leading to a mezzanine. The bed rooms opened off the mezzanine. Mrs. Dodge was sitting up there on the mezzanine floor and when she caught sight of my mother she cried, "O, Mrs. Bascom, all my Venetian glass is broken." The good old lady, with her city lying in ruins at her feet, thought only of her precious glassware.

Col. Avon tells us that there was another earthquake at 8:15 that morning. I won't deny it, for there were slight shocks all day. But I do deny, if there was one at 8:15, that it was the equal of the one at 5 a.m. in severity and violence.

We stayed at Mrs. Dodge's all day. Chang, the Chinese butler, prepared lunch in a chafing dish. All ordinary means of heat were unavailable. But he scrambled some eggs in a chafing dish, and we had lunch.

As night came on, my mother absolutely refused to spend the night under a roof because, as I say, there had been these slight

shocks all day long. Every time one came you didn't know but what it was the precursor of one like the one at 5:00 A.M. So my mother refused to stay under a roof. Accordingly Mrs. Dodge had her team of horses and her carriage brought around and her coachman drove us to a park which wasn't far away called Alta Plaza, way up on the heights overlooking the city of San Francisco. As soon as we got to Alta Plaza, it was very apparent that a great many more people had the same idea as my mother and were not going to spend the night under anything but the open arch of heaven. Colonel Avon says that San Francisco had four hundred thousand inhabitants. I think half of them were in Alta Plaza that night. We staked out a claim on the grass and there we sat all night. It was a pyromaniac's dream.

We could see that tide of fire advancing relentlessly, inevitably, implacable, inexorable. You'd see buildings as yet untouched and you'd see the fire reach them and they would be enveloped in flames and then the next building would be enveloped. We could see a church standing there untouched by fire until presently it was on fire. And you could see the flames mounting the steeple until they reached the top and then the steeple would crash. As I say, it was a pyromaniac's dream.

When morning came, then of course, we were confronted with the same question. What to do? Where to go? What's the next step? Where do we go from here? My mother considered going to the presidio, as thousands of refugees did. But if you went to the presidio then you were still confronted with the same question, what to do next? My mother decided that we would make one supreme effort to get to the ferry to get over to Oakland to get a train. So we started out, lugging our sheet and our suitcases. This time somebody must have given us some direction because we got on the right road. I never was in San Francisco again until ten years ago. And then I thought, as I drove around, that I could see the route we took. Today it's all built up, but in those days it was just a beautiful suburban section with fine houses standing on spacious grounds. As we trudged along the street with our impedimenta the residents would catch sight of us and come out. I suppose we did make rather a forlorn figure, and they would want to know if they could help us, some of them would bring us crackers or cookies and do what they could for us, but when my mother told them we were trying to get to the ferry, of course they were baffled because they weren't anymore able to get to the ferry then we were. Until, at length, we came along to a fine old gentleman who

came out to see if he could help us, and when my mother told him we wanted to go to the ferry he said, "I have horses and I'll have them harnessed and brought around and maybe I can drive you to to the ferry." So presently came around his two-seater. He got in beside his coachman. My mother and I got in the rear seat with all our duffle and off we went at last, headed for the ferry, horse drawn.

Presently we were driving through what, twenty-four hours before had been an inferno. On either side of the street were smouldering ruins still so hot that it was like driving through an oven.

It was pitiful to see those horses. I don't suppose they had any water for twenty-four hours or maybe more. I don't need to tell some of you old fellows, but you young fellows may not know that in the horse age there were watering troughs throughout cities and villages, and as soon as these horses got their eye on a watering trough they made a bee line for it. The driver couldn't deflect them or keep them in the road. They went right up to that watering trough, and it was pitiful to see them when they lowered their heads and found not a drop to drink and to see them sorrowfully turn away. So on to the next watering trough we came to, the same performance was repeated.

At last, we reached the ferry. There was a clock tower on the ferry house, and we noted that the clock was stopped at 5:11 A.M. The earthquake stopped the clock. And that leads me to an interesting little memento that I happened to find only the other day when going through some old papers. It is a letter that I mailed to my father the day before the earthquake, and I note that it is plainly stamped "San Francisco, April 18th, 5:00 A.M. 1906." So just eleven minutes before the earthquake arrived my letter was on its way to Fort Edward. Whether it got to the ferry before I did or not, I don't know. But it got to Fort Edward. It is plainly stamped on the back "Fort Edward, N.Y. April 26th, 9:00 A.M. Received."

Not only had we reached the ferry, but marvelous to tell, the ferry was there. And we got aboard. And equally marvelous, it wasn't long before it cast off, and we were chugging across the bay to the railroad station at Oakland, away from the fire and the fear.

When we got to the railroad station, another strange sight was presented. The station was swarming with Chinese, most of them lying on the floor sound asleep, piled on top of one another as you have seen a litter of puppies piled together sound asleep.



The first thing we did was seek out the Western Union, and my mother filed a telegram to my father telling him that we were safe. I don't know when it reached Fort Edward, but the telegrapher told her that there were hundreds of messages ahead of it. But at any rate, it got there within a couple of days. And it got there just in time, for my father had his arrangements all made to go to San Francisco and search for his wife and son.

We were able to get a train, and a Pullman reservation, which left Oakland within a short time bound for Salt Lake City. All night long from the window of that Pullman car, we could see that vast crimson glow in the western sky from the still-burning city of San Francisco.

Some bright fellow wrote these lines, which sum up the whole disaster very well, and with these lines I close—

“From the Ferry to Van Ness

“It's a god-forsaken mess,

“But the damndest, finest ruins,

“Nothing more and nothing less.”

## GOV. DIX AND THE PATRICK PARDON

Glens Falls  
Rotary Club

AUGUST 11, 1977

Everyone knows that Charles Evans Hughes was born in Glens Falls. We have set a boulder in city park to tell the passer-by that Charles Evans Hughes, twice Governor of the State of New York, Justice of the Supreme Court, Secretary of State and Chief Justice of the United States was a native of our town. We have affixed a plaque to the house in which he was born to inform posterity that Charles Evans Hughes was born within. We have hung a portrait of Hughes in Crandall Library. You will find mementoes of him in our historical museum. But nowhere is there a memorial or monument to Governor John A. Dix, who was no less Governor of New York State and no less a native of Glens Falls than was Charles Evans Hughes. No monument has been raised in memory of Dix. No plaque, no tablet, no shrine, no stone celebrates his name and fame.

Yet John A. Dix was associated with Glens Falls far more closely than Charles Evans Hughes ever was. Hughes was taken away from here when a babe in arms. His father, a Baptist minister, left Glens Falls for the tranquility of our neighbor, Sandy Hill. There were never more than a half-dozen residents of Glens Falls who could claim personal acquaintance with Hughes yet Dix had many friends here as long as he lived. He had relatives here until a comparatively few years ago. He grew up here until he was a young man and resided most of his life only a few miles away at Thomson—in our neighboring County of Washington where he owned a paper mill, by means of which he became a rich man, which probably accounted for the Democratic Party nominating him for Governor in 1910. He was connected throughout most of his life with the lumber business, the foundation of the fortunes of the wealthy families who made Glens Falls a pleasant, prosperous and progressive town.

Governor Dix never achieved the applause of state and nation that was the lot of Charles Evans Hughes. After he served his first

term as Governor in 1911 and 1912, the Democrats failed to nominate him for a second term. Instead, they nominated William Sulzer who was inaugurated January 1, 1913, impeached a few months later, tried, convicted and removed from office.

Some of you may recall that a few years ago I spoke before you on the trial and conviction of William Sulzer. When I was preparing for that speech I happened to meet an old friend of mine, a Saratoga lawyer, who used to be conversant with political affairs. I asked him why it was the Democrats did not re-nominate Dix for a second term. He said, "I think it was on account of the Patrick case." He was referring to the fact that towards the end of his term as Governor, Dix granted an unconditional pardon to Albert T. Partick, who had been convicted in New York City in 1901 of the murder of William M. Rice, the founder of Rice Institute, now a celebrated educational institution at Houston, Texas.

Governor Dix's pardon of Patrick was not of as great moment as a certain celebrated pardon of our times, but on the statewide scale it took on something of the same notorious and scandalous nature. But my friend must have been mistaken as to the Patrick pardon being the reason for Governor Dix failing to be re-nominated, for when he signed the pardon of Albert T. Patrick he had already been denied re-nomination, and Sulzer had already been elected to succeed him.

But probably granting the pardon to Patrick was the most sensational thing that Dix did while he was Governor, and for that reason I thought that you gentlemen might be interested to learn of the Patrick murder case, since it turned out to be the highlight of the administration of Governor John A. Dix, our native son.

William M. Rice was a New Englander by birth who early in life went to Texas, where like many men before and after, he became very rich. He was twice married. Both wives died. There were no children of either marriage. When his second wife died she left a will by which she undertook to dispose of one-half of her husband's fortune, on the theory that by reason of the Texas community property law, one-half of all her husband had was hers.

Mr. Rice did not take kindly to that idea and litigation ensued. He maintained that he was a resident of the State of New York and that the community property law of Texas did not apply.

While the litigation over his wife's will was pending in Texas, Rice came to live in the city of New York. He had previously had a home in New Jersey. He brought with him from Texas a young

man named Jones to whom he had apparently taken a fancy. He and Jones set up housekeeping in an apartment on Madison Avenue. Jones acted as a kind of combined private secretary and valet. A woman came in once or twice a week to clean up, otherwise, Rice and Jones constituted the entire household. Rice, at this time, was about 85 years of age and in fairly good health for a man of his years although he did suffer from indigestion. A woman friend from New Jersey who called to see him said that she had cured her indigestion by eating bananas, so Rice bought eighteen bananas and ate half of them and was sicker than before. But he soon recovered.

At about this time a sinister figure appeared on the scene in the person of one Albert T. Patrick. He, too, came from Texas. He was a lawyer and had taken some part in the litigation over the will of Mrs. Rice. Mr. Rice took an intense dislike to him because of Patrick's methods of cross-examining some of the witnesses in the will case. For that reason, although Patrick called at the Rice apartment several times ostensibly in an effort to discuss a settlement of the will case with Mr. Rice, Jones would never let him meet Mr. Rice, knowing of Rice's hostility to Patrick. Yet Patrick persisted in making calls at the apartment and improved the opportunity to cultivate the acquaintance of Jones. It was not long before Jones became putty in the hands of Albert T. Patrick. He wanted to know how much Rice paid Jones and informed Jones that he could do much better financially if he joined forces with Patrick. There came a time when Patrick asked Jones if he didn't think Rice was living too long for their good and Jones agreed. Patrick so far wound Jones around his finger that between them they forged a will by which Rice left most of his fortune to Patrick. Patrick also took pains to provide that he wouldn't have to wait for Rice's death to become master of the Rice millions. He and Jones contrived another document by which Rice assigned his entire fortune to Patrick. Checks were drawn to which Rice's signature was forged, payable to Patrick in sums sufficient to clean out Rice's bank accounts in New York. Patrick was thorough. But Rice still lived.

So Patrick obtained some mercury tablets and told Jones to have Rice take them. "They will weaken his system," Patrick said. But all that they did was give Rice diarrhea, from which he soon recovered. Now Patrick was getting desperate. It was known that Rice had agreed to honor drafts from Texas to pay for rebuilding an oil refinery which had been burned and the drafts were due any day. Time was of the essence. To bring matters to a head Patrick obtained some oxalic acid and told the ever-obedient Jones to admin-

ister it to Rice. Jones poured the oxalic acid into a glass of water and proffered the lethal cup to Rice, who promptly spat out the first taste of it and refused to drink more. He said it tasted terrible. Patrick determined that there must be no more halfway measures. He told Jones to procure some chloroform. Jones suggested that Patrick obtain the chloroform. "Oh, no," Patrick said, "that would arouse suspicion." So, true to form, Jones carried out his orders. He wrote to his brother in Texas to send him some chloroform. The brother was as obliging as Jones himself for he promptly sent up a bottle of chloroform. Patrick gave detailed instructions for its use. He told Jones to wrap a towel around his fist to make a cone, to saturate a wad of cotton with the chloroform, insert it in the cone and drop it over Rice's nose as he slept. Jones carried out the instructions to the letter. After he had done so he left Rice's room, closed the door and absented himself for exactly thirty minutes. Then he went bank and found Rice dead.

He opened the window to dissipate the scent of chloroform, which has a distinctive and pervasive odor, took the cone into the kitchen and put it in the stove. Then he called Patrick on the telephone using a code that they had agreed upon. He said, "Mr. Rice is very sick." That meant "Mr. Rice is dead." Patrick shortly appeared in the apartment in the company of a doctor. Then he sent for an undertaker and gave instructions that the body was to be cremated at once. He had even prepared a letter purporting to be a letter from Rice giving him instructions for the cremation of his remains. Patrick left the apartment taking with him whatever cash he could find and anything else of value including two gold watches and some jewelry.

Next morning he headed for the bank with his forged checks and tried to have them certified. Before certifying the checks the bank tried to reach Mr. Rice by telephone. A telephone call to his apartment resulted in the information that Mr. Rice was unable to come to the phone. A later call resulted in the information that the reason he was unable to come to the phone was that he was dead. Then the bank's suspicions were aroused. The public authorities were notified. An autopsy was ordered. The autopsy revealed that while the vital organs were in good conditions for a man of Rice's age the lungs were congested and that the congestion might have been caused by an irritant gas or vapor. Jones and Patrick were arrested, charged with forgery. The charge against Patrick was soon changed to murder. While they were in the Tombs Patrick advised Jones to commit suicide and gave him a pen knife for that purpose. As was his custom, Jones obeyed, but bungled the job.

Then he confessed the whole story of how Rice's death had been accomplished, as I have related it, and as Jones narrated it at Patrick's trial.

Patrick went to trial in 1901. The trial consumed ten weeks. The prosecution was confronted with the difficulty of proving Patrick's guilt by establishing corroboration of Jones's testimony, for of course Jones was an accomplice, and there can be no conviction of crime on the testimony of an accomplice without corroboration of the testimony of the accomplice.

The most important point that had to be substantiated was Jones's story that Rice died as the result of the administration of chloroform. Eminent medical experts were produced on both sides to contest this vital point. Learned opinions were rendered by eminent specialists as to whether the conditions of the lungs found at the autopsy indicated death by chloroform, as to whether the odor of chloroform would have lingered long enough in Rice's room to be detected by the first person to arrive at the scene after his death and whether the cone that Jones said he used would have blazed up as he had described it when he put it in the stove, for chloroform is not flammable.

But the jury believed Jones and were satisfied that the People had produced the necessary corroboration. They found Patrick guilty. He was sentenced to die in the electric chair at Sing Sing. Then began Patrick's long struggle to cheat the electric chair. The case reached the Court of Appeals in 1905. By a vote of four to three, the Court of Appeals affirmed the conviction and again Patrick was sentenced to death.

Patrick had wealthy relatives who were willing to provide the funds for his long battle for life. Every device that the human brain could devise was exerted to save him. The Governor was petitioned to pardon him. Governor Higgins commuted his sentence to life imprisonment. Patrick refused to accept life imprisonment. The legislature of the State of New York was actually induced to enact a statute which provided that Patrick have a new trial—an unheard of proceeding. The Governor had the sense to veto the bill. Then, in the last days of his administration, came the unconditional pardon from Governor Dix.

The Governor gave several reasons for his action. One was that the case "has always been surrounded with mystery." Another was that it was impossible for Patrick to obtain a fair trial in the City of New York. Another was that the State Superintendent of

Prisons had recommended the pardon. However profound or however superficial were Governor Dix's reasons for pardoning Patrick, it made no difference. Patrick was free. Whatever became of him, history does not record.

As for Governor Dix, his subsequent history was sad. He lost his fortune. He lost his fine home at Thomson. He lost his paper mill. He was reduced to spending the last years of his life serving an obscure clerkship in one of the governmental departments at Albany, a forgotten man, ignored and inconspicuous in the State Capitol where once he sat as Chief Magistrate. He died, perhaps not unwept or unhonored, but unsung.

However lacklustre his administration, the fact stands out that the people of the Empire State, having in 1906 and again in 1908 chosen as their Governor a native son of Glens Falls, in 1910 turned to another native son of Glens Falls to fill the same high office—a unique distinction for any town.

## ANOTHER GIBSON DINNER

At Saratoga Springs

SEPTEMBER 6, 1977

It is a great honor and pleasure for me to be called upon to speak on this occasion, celebrating the distinguished services of our friend Judge James Gibson.

Almost 50 years have passed since first I noticed inside the rail at the Courthouse in Hudson Falls a figure then unfamiliar to me, of a quiet, unassuming young man whom I had not seen in Court before. I inquired who he was and learned that he was James Gibson who had come over to Hudson Falls from the historic village of Salem, the cradle of judges, to begin practice with the well-known firm of Rogers and Sawyer. Soon Erskine Rogers ascended to the Supreme Court, and the firm became Sawyer and Gibson. John Sawyer, one of the stern, unbending type of the old school who believed that there is no substitute for learning and no alternative to integrity, was removed by death. Then Jim Gibson was on his own. He proved the value of his training. Quickly he satisfied all observers that he could take care of himself. In the midst of a busy practice he participated in public affairs and was secretary of the Republican County Committee. He stepped into the arena and unseated an old war horse who had been District Attorney, and wanted to be District Attorney again, and who was accustomed to bowl over any adversary standing in his path. Jim Gibson took him on and bowled him over.

From then on Jim Gibson's rise was uninterrupted—to the Supreme Court, Appellate Division and Court of Appeals. All as set forth on the program which our dinner committee has very thoughtfully provided us.

In ancient days, going back to Bible times, when someone distinguished himself and gained the favor of the King, the King commanded that he be mounted on a white horse and clothed in scarlet and that a chain of gold be hung about his neck and that he be led through the streets preceded by a clear-voiced herald proclaiming "Thus shall be done to the man whom the King delighteth to honor."



Times have changed. Sovereignty has passed from the monarch to the people. Different forms and ceremonies prevail. Nowadays, when some member of society is deemed worthy of signal recognition, we give him a dinner.

Five years ago we conferred such an honor on Judge Gibson when he retired from the Court of Appeals by reason of the constitutional age limit. But Judge Gibson could not retire. The public interest forbade his retirement. Our judicial system could not get along without him.

Willingly and with alacrity, when the Court of Appeals, with its unerring wisdom, certified him as **Sana Mens In Corpore Sano**, Judge Gibson began to ease the burden of Special Term, to clear the non-jury calendars, and, in the words of Cardozo, to mould the plastic remedies of the chancery to the needs of justice.

For all his contributions, as the Romans said, "To the safety of the State", we pay tribute to Judge Gibson tonight. We have no white horse for him to ride on, no scarlet cloak to cover him, no chain of gold to hang about his neck, but we do have clear-voiced heralds, of whom I am happy to be one, to proclaim his greatness throughout the land.