



The President's Page

EDWIN F. RUSSELL

OUR 100th BIRTHDAY (1876 - 1976)

In this, our Country's Bicentennial Year of 1976, all folks are bound to have a birthday but only a few will celebrate their 100th birthday in this same historical year. Our New York State Bar Association will! Its 100th Birthday will be celebrated on November 21st.

Fall is here. The glorious New York State foliage of a few weeks ago is now reduced to those piles of leaves that, as children, we used first to play in and then burn to provide the fragrant smoke of autumn. This is the time of year when we can in our imagination, draw down from the shelves the old family album of our State Bar Association, set it firmly on our lap before a crackling hard wood fire in the fireplace of memories and, on this gray November day, turn back the pages to review the first century of our Association's history. What is disclosed may bring forth smiles for some of us, some surprises for others, and perhaps a bit of moisture in the eyes of a few of the oldest of us. So let us leaf through the pages of our album and comment briefly on only a few of the scenes these pages disclose. The historical details of our Association's accomplishments will be set forth by others who are writing centennial histories.

In the fall of 1875, in the second administration of President Grant, there were rumblings, soon confirmed, that a major event in the history of bar associations would soon take place in New York State. At a regular October meeting of the Bar Association of the City of New York, itself only created in 1871, a resolution was introduced and adopted providing for the appointment of a committee to inquire into the propriety of the City Bar Association taking action for the formation of a State Bar Association.

This committee of the City Bar Association in November 1875 sent a circular to lawyers throughout the State to inquire as to their feeling with respect to the creation of a New York State bar association. The response received was almost unanimous in favor of the formation of such an association. Thus was born our New York State Bar Association.

At a subsequent meeting in early January 1877 rules and regulations of the Executive Committee were drafted and chairmen of the following committees of the new State Bar Association were appointed: Admissions, Grievances, Law Reform, Prizes, and Legal Biography.

In any year the speed in which our New York State Bar Association was thus born would have been remarkable. When one realizes what else was going on to engage the attention of lawyers in November and December of 1876 and on into the first part of 1877, it is hard to believe that the birth took place so rapidly or even took place at all during this exciting period. It was on Election Day, November 7, 1876, that the Tilden-Hayes presidential election took place. The election returns of four States that would decide whether Tilden or Hayes would receive the majority vote of electoral vote and thus become President of the United States, were contested. Congress finally appointed an Electoral Commission which by a strictly party vote of 8 to 7 voted to receive the Republican returns in the four States and thus paved the way for the election of Rutherford B. Hayes instead of Governor Samuel B. Tilden of New York by the electoral vote of 185 to 184. The final vote was tallied at a joint session of Congress which ended just a few days before the scheduled inauguration of a new President of the United

States. All this excitement was in the air, particularly in New York State, during the time when our State Bar Association was born.

The Committee to incorporate our Association did its work well too. On May 2, 1877, the Legislature passed an Act to Incorporate the New York State Bar Association (Chapter 210 of the Laws of 1877). By this Act of Incorporation, the voluntary association formed on November 21, 1876, in Albany under the name of the New York State Bar Association was made a body corporate under the same name. The Act of Incorporation stated that the Association was formed "to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish a spirit of brotherhood among the members thereof."

The Act of Incorporation provided that the constitution, by-laws, rules and regulations originally adopted by the voluntary association were to be those of the new corporation. The officers and committees of the voluntary association became the officers and committees of the new corporation and the members of the Executive Committee of the association became the first trustees of the new corporation. Thus was our New York State Bar Association born and wrapped in its swaddling clothes.

We should quite properly turn now to that page of our Association's album on which is pasted the usual small card giving the statistics of the newly arrived infant. In these modern days of equality, no comment can be made as to whether the color of the bit of ribbon drawn through the holes of the usual little announcement card and tied in a bow, is blue or pink. The description of the baby we see on the card is this. At the end of its first year, our Association had 356 members on its roll, dues were \$5.00 per year, (Association dues stayed at this figure until 1928 when they were increased to \$6.00) receipts totalled \$3,355.70, and disbursements were \$1,500.00, leaving a happy balance of \$1,855.70. There were then five Association committees. For those of you who always like comparative statistics, our State Bar Association of 1976 has over 26,000 members, an annual and balanced budget of \$1,760,000, 65 Association Standing and Special Commit-

tees, and 14 specialized Sections with a total Section membership of over 23,000. The records disclose that our Sections were born as follows:

Judicial Section, 1924
Young Lawyers Section, 1939
Antitrust Law Section, 1945
Food, Drug & Cosmetic Law, 1945
Municipal Law, 1945
Insurance, Negligence and Compensation Law, 1945
Banking, Corporation and Business Law, 1947
Tax, 1949
Trial Lawyers, 1956
Family Law, 1964
Trust and Estates Law, 1968
Real Property Law, 1968
Criminal Justice, 1969
Labor Law, 1976

Shall we turn the pages of our album together and see what happened to our baby Bar Association?

The new baby grew rapidly. In its first year our Association added 31 new members. At the end of its sixth year in January 1892, a report was submitted at the Annual Meeting stating that our State Bar Association then had "some 700-800 members out of approximately 11,000 lawyers in the State."

We had been born in Albany. Where and when would we celebrate our Association's birthday? At first our birthdays were celebrated in Albany by holding the Annual Meeting in November. As early as 1881, however, a proposal was advanced to change our Annual Meeting date from November to January for the very practical reason "that greater influence might be exerted on Legislation." At the annual meeting in November 1882 the time of the annual meetings of the Association was changed to the second Tuesday in January, commencing with the 1884 meeting. In 1884 the date was changed again to the third Tuesday in January. Finally, the date of the Annual Meeting of the Association was set, as it is now, on the last Friday in January.

The process of selecting the place of the Annual Meeting of the Association is most interesting. At first, it was recognized that our Asso-

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ciation's annual meeting and birthday should be celebrated in our birthplace, Albany, New York. Our Association's original constitution so provided. However, at our 25th Annual Meeting in Albany in 1902 there was considerable debate on a proposal to amend our constitution to provide for holding the annual meeting at places other than Albany. Five years later there was unanimous approval for holding the 1908 Annual meeting-birthday in New York City.

At the same 1908 annual meeting President Joseph H. Choate made his amazingly accurate prophecy, that thereafter, the place of the annual birthday meeting of our State Bar Association would rotate among the cities of the State and then, like a comet keep circling in narrower and narrower circles, until it finally settled down permanently in the City of New York. In 1909 the Annual Meeting was in Buffalo, in 1910 Rochester, in 1911 Syracuse, in 1913 Utica, in 1915 Buffalo, and in 1917, the place of the 40th Annual Meeting — now mark this — was not recorded as being held in New York City, but in *Brooklyn, New York*. Thereafter, except for 1925 when Buffalo was again the host city, the Annual meeting of our Association has been held in New York City. Old Association records indicate that the decision to hold annual meetings in New York City resulted from sort of a compromise. The first summer meeting was held at Saranac Lake on July 1st and 2nd, 1938. Thus our Association has attempted over its lifetime to be representative of the lawyers from every part of the State of New York.

Now let us see where our infant State Bar Association was housed in its early years. Like many children of the late 1800's and early 1900's our infant State Bar Association lived its early years in furnished rooms. We started out in the old Capitol in 1876. In December 1879 the Commissioners of the New Capitol began planning a convenient room in the new Capitol in Albany for use by the New York State Bar Association. Subsequently, such a furnished room was established for our Association. At the Annual Meeting in January 1893 it was reported that "new, elegant and commodious rooms were assigned to the Association. They

are on the northern side of the Capitol, first floor, near the entrance leading to Washington Avenue." Albany was our Association's birthplace. The City was the center of our State government. In spite of the rotation of our annual meetings among the cities throughout the State until finally settling in New York City, our Association really continued to live in rented rooms in Albany.

But our baby was growing. This necessitated that arrangements be made for permanent, central headquarters in Albany. At the Annual Meeting in 1920 a motion was adopted that a special committee be appointed "to investigate and consider the subject of establishing headquarters for the Association at Albany, with facilities for the convenience of the members." Some 31 years later, in October 1951, this dream became a reality with the purchase of the building for headquarters at 99 Washington Avenue. Meanwhile, in 1928, the Executive Committee recommended that appropriate headquarter facilities be leased in Albany to provide service to our growing membership. The Association secretaries were all from Albany and their offices were, in effect, Association headquarters. This practice was changed when Chester Wood became secretary in the middle 1940's and our headquarters occupied two offices at 90 State Street in Albany, where it remained until 1953.

With the purchase and renovation of the lovely building at 99 Washington Avenue, all felt that a permanent home had been provided for our Association. On May 2, 1953, when the 99 Washington Avenue headquarters was dedicated, the Association had grown to approximately 8,000 members. It had then eight sections and fifty-odd committees devoted to public and professional service. All the Association's business would be concentrated in the new permanent headquarters building. After living for 76 years in temporary rooms, our Association at last moved proudly into its own "permanent" headquarters. Our space problems were solved.

Our 99 Washington Avenue home was indeed lovely. It was designed originally as a private residence and was used as such for a number of years by prominent lawyers and doctors. The three-story brick building, built in 1799, served as the executive mansion of Governor

Daniel B. Tompkins (1807-1817), who later was Vice President of the United States under President James Monroe. There are stories that Governor DeWitt Clinton either lived in the building or used it as an office at one time while plans for the Erie Canal were being prepared. Rumor has it that when the building was being remodeled for our headquarters, a set of the original plans for the Canal were discovered under the floor boards of the main living room. No such plans were ever seen again after the contractor discovered them, but strangely enough when our Association moved into the new headquarters in 1953, there was a canal motif in the wallpaper used in the hallways and downstairs rooms. All of the remodeling done to the old building for our headquarters was done to preserve its original colonial atmosphere. All principal furnishings were authentic reproductions. The architectural firm in charge of the remodeling toured the country to get suitable clocks, chandeliers and reproductions of furniture and drapes. Ninety-nine Washington Avenue was purchased by our Association in 1951 for a reported \$50,000. The acquisition was made possible by the terms of a bequest in the Will of William Nelson Cromwell, who died in 1948.

But our Association continued to grow, perhaps at a rate that those who dedicated the 99 Washington Avenue headquarters in 1953 did not foresee. The staff and equipment necessary to serve such a growing membership could not be accommodated in the Washington Avenue building. Adjoining property for expansion of this headquarters was not available for purchase. It became necessary to search again for an appropriate site for a new permanent headquarters building.

In the late 1960's once more a new site selection and negotiating committee was formed and charged with locating a site for a Bar Center Headquarters. Property suitable for such a headquarters was finally found in four adjoining premises, numbers 1, 2, 3 and 4 Elk Street. The properties were very close to the Court of Appeals and were brownstone residences. In 1968 the 99 Washington Avenue headquarters building was sold, the properties on Elk Street were acquired and we moved again temporarily to 74 State Street. Our head-

quarters existed here until we finally moved into our new "permanent" home in the new Bar Center on Elk Street. Final payment of the cost of the property acquisition and construction of our Bar Center Headquarters was made in July 1975. There are some old stories too about our Elk Street properties. The one most often told is of the overhead conversation of two Capitol cleaning women walking through Academy Park on their way to begin their evening duties. One of the women, turning to her companion, pointed to the row of houses on Elk Street: "You see them houses over there, That's where the big bugs live. The call it 'Quality Row'." And so it seems to have been. These former Governors are reported to have lived in these Elk Street brownstone houses during part of their term of office:

No. 1 Elk Street: Governor Enos T. Throop (1829-1832).

No. 2 Elk Street: Governor William S. Marcy (1833-1839); Governor Washington Hunt (1851-1853); Governor Horatio Seymour (1853-1854).

No. 4 Elk Street: This building was originally built by Martin Van Buren, later President of the United States. Franklin D. Roosevelt is reported to have lived here while he served in the Legislature in 1912.

It is interesting to note that help was soon required for our growing infant. In February 1880 the Secretary of the Executive Committee was authorized to employ clerical assistance, at a sum not exceeding \$250 per year. The Treasurer too was authorized to obtain such assistance as required by him for a sum not exceeding \$100 for the year. In June 1886, the Executive Committee adopted a resolution appointing L. B. Proctor of Albany "Clerk of the New York State Bar Association at a salary of \$800 per year." Apparently, this was the first time our Association had a salaried officer. However, it was not until 1946 that a full-time executive was first employed by the Association to act as assistant to the president and attend to membership, publicity and work with the president and other officers of the Association. Three years later the Executive Committee felt it would be desirable to have a lawyer devote his full time to the activities of the Association. This action led to the employment of John E.

Berry in 1949 as "Executive Assistant" of our State Bar Association. The minutes of the Executive Committee on January 27, 1949, set forth the duties of the new Executive Assistant in detail. He was to assist local bar associations throughout the State and the Membership Committee of our Association in the solicitation of qualified lawyers for membership in the New York State Bar Association and organizing statewide activities directed to that end; visit local bar associations and acquaint them with the activities of the Association and the work of its committees; organize and promote a better system of public relations; improve the publications of the Association and promote more advertising therein; assist the Treasurer in his membership records and the collection of dues; keep committees informed of the work done in the same areas by other bar associations; prepare and release of all press releases; maintain and develop contacts with the Legislature; keep informed concerning legislative programs of government departments, other bar associations and statewide civic organizations; develop other ways and means of making State Bar Association Headquarters a service institution for members; and assist the President, Secretary and Executive Committee in the performance of other duties as required. In John's own words, when he wasn't busy performing these duties, he swept out the Headquarters office.** Now some 27 years later John is assisted by a Staff of 31 employees skilled in various phases of our Association's operations.

The pages of our album disclose the early interest of our Association in the ladies. President Hill in his address to the Annual Meeting in January 1887 noted that "females otherwise properly qualified cannot be rejected from being admitted to practice as attorneys solely on account of their sex." At the 40th meeting of the Association in January 1917, the only meeting ever held in Brooklyn, the question of admitting women to membership in our Association was first discussed. After discussion in the fresh, clear air of Brooklyn, two women were

admitted as members of our Association, Miss Georgia Hare of Groton and Mrs. Clarice Margoles Baright of Manhattan. Today there are 822 women members of our Association, some of whom are members of the House of Delegates and Executive Committee and serve in responsible positions in our Sections and in our Committees.

The pages of our album show that from its very beginning our State Bar Association had a continuing interest and concern in the development of local bar associations. In May of 1878 the Executive Committee of our State Association passed a resolution requesting that "the several District Committees of the Executive Committee be requested to use their influence to promote the formation of local Bar Associations in their respective districts." With such support and interest of the State Association, local bar associations were formed and grew, particularly in the Upstate areas of the State. The combination of local bar associations of adjoining counties, led to the creation of federations of such local associations. For a time such federations flourished because it was felt in the Upstate areas that the State Bar Association had become too remote and inaccessible in its government and programs, and was primarily interested in the affairs of the metropolitan area of the State. At the 1930 meeting of our State Association steps were taken to correct this situation. There was a long and productive discussion as to the relationship between the federations and our State Association. At the 1932 meeting the By-Laws of our Association were amended to provide that Federations of Local Bar Associations were invited to send accredited representatives to the Annual Meetings of the State Association. The Federations were also asked to submit the name of a member of the State Association to be considered by the Nominating Committee as one of the three elected members of the Executive Committee from the Judicial District covered by the Federation. The relationship between our State Bar Association and the federations of local bar associations improved. In 1950 and 1951 conferences of local bar association representatives were held in conjunction with the annual meeting of our State Bar Association. As the relationship between the State Association and

** From old records of the Association, John, in 1951 in his spare time, put together a volume that is the source of material for this and all other histories of our Association.

local bar associations improved, the importance of the federations declined.

The most recent and most important step for improving the relationship between county bar associations and our State Bar Association was taken in 1972 when the Constitution of our Association was amended to create a House of Delegates which replaced the former Executive Committee as the governing body of our Association. Under the provisions of the changed constitution county bar associations were represented by members of the House elected by such associations. The policies and management of our State Association were thus placed in a House of Delegates representative of the profession and county bar associations in all

areas of the State. On the whole this change has worked well, principally because the members of the House have recognized their responsibility to attend its meetings and to participate in its discussions.

These then are some of the views the pages of our Association's album have disclosed. The baby of 1876 has become the robust adult of 1976. In its first 100 years it has grown in numbers and let us hope in wisdom to meet and solve the problems confronting the public and the legal profession today. As we each enjoy a piece of our 100th Birthday Cake, let us raise our glasses high and give a toast that the wonderful past of our State Bar Association is but prologue for its glorious future.



Clear Title

A New Orleans attorney called at the RFC Office regarding a loan for his Louisiana client. After exhaustive work, the attorney ran the title down to 1803 and sent the report to the RFC as instructed. Presently he received a letter from the RFC complimenting him on the able manner in which the title abstract was prepared, but stating that approval could not be given for the loan until title was cleared for the period prior to 1803. The attorney's reply was a classic, and is reproduced herewith.

"Your letter regarding titles in Case No. 189156 received. I note you wish titles to extend further than I have presented them. I was unaware that any educated men in the world failed to know that Louisiana was purchased by the United States from France in 1803. The title to the land was acquired by France by right of conquest from Spain. The

land came into possession of Spain by right of discovery made in 1492 by a Spanish Portuguese sailor named Christopher Columbus, who had been granted the privilege of seeking a new route to India by the then reigning monarch, Queen Isabella. The good Queen, being a pious woman and careful about titles (almost as careful, I might say, as the RFC) took the precaution of securing the blessing of the Pope of Rome upon the voyage before she sold her jewels to help Columbus. Now, the Pope, as you know, is the emissary of Jesus Christ, who is the son of God, and God, it is commonly accepted, made the world. Therefore, I believe it is safe to presume that he also made that part of the United States called 'Louisiana' -- and I hope to hell you're satisfied."