American Legal History – Russell

[Thomas Shearman?], The Judiciary of New York, 105 *North American Review*, July 1867, pp. 148-176.

Art. V.--The Judiciary of New York City.

The disgraceful character of the municipal government of New York is notorious. The absolute exclusion of all honest men from any practical control of affairs in that city, and the supremacy in the Common Council of pickpockets, prize-fighters, emigrant runners, pimps, and the lowest class of liquor-dealers, are facts which admit of no question. But many respectable citizens of New York have been accustomed to console themselves with the belief that at least one department of the local government remained incorrupt; that the judiciary could still be depended upon; and that, whatever might be the fate of the public at the hands of aldermen, justice was yet impartially administered "between man and man." How far this belief is justified by the facts, we shall leave to the judgment of our readers, after they have considered the very small portion of those facts which we are able to disclose.

The large amount of legal business concentrated in the city of New York has made it necessary to establish in it a considerable number of courts, a brief account of which will materially aid those of our readers who do not reside in that city to comprehend the subject. For the sake of brevity, we shall give a merely general statement of the jurisdiction of these courts, not strictly accurate from a lawyer's point of view, but sufficiently so for our present purpose.

The Supreme Court of the State, which is the highest court of original jurisdiction, consists practically of eight distinct tribunals; the State being divided into eight districts, of which the city forms one, and each district electing four judges, except the city, which, since 1852, has elected five. All litigation beginning in one of these districts is confined to it, as long as the cause remains in the Supreme Court; and none of the twenty-seven judges

living outside the district can interfere with the controversy. An appeal lies from the final judgment in a cause to the Court of Appeals, a tribunal of eight judges, representing the whole State; but not an eighth of the actions brought ever reach the court; and almost all questions of practice are decided by the courts below, without the possibility of appeal.

In addition to the Supreme Court, there are in the city two tribunals of substantially co-ordinate jurisdiction; having cognizance of all civil suits in which the defendants reside or are served with process in the city, or in which the subject of the action is properly situated therein. These courts are the Superior Court and the Court of Common Pleas,--in both of which a great amount of litigation is carried on. The former court now consists of six judges, though from its first organization in 1826, down to 1849, it had only three members. The latter court is in substance, though not in name or form, the oldest in the State, having been established by the Dutch, in 1658, under a different name. It acquired its present name in 1821, and has consisted of three judges since 1839.

There is also a Marine Court (fifty named, its law being well adapted to marines), with three justices, whose jurisdiction is limited to claims of five hundred dollars or less; and eight civil justices, having jurisdiction over actions of less importance, within their respective districts, each of which includes two or three wards. The business of proving wills and settling the estates of deceased persons is under the charge of a Surrogate for the county.

The criminal courts of the city are the Oyer and Terminer, which is held by a justice of the Supreme Court; the Court of General Sessions, which is held by the Recorder and the City Judge alternately; the Court of Special Sessions, held by two police justices together; and the Police Justices' Courts, held in different districts of the city. The first two courts have jurisdiction over offences of all kinds, but only try the graver charges of crime, upon which a jury trial is necessary. The other courts have jurisdiction over petty offences, except for the mere purpose of holding prisoners to bail, or committing them to await further action.

Since 1846, all these officers have been elected by the people. The civil and police justices are chosen by small districts, each containing from two to four wards. The other judges are elected by the city at large.

For some years after the introduction of the elective system, the candidates for the more important judicial offices were, with one or two exceptions, men of high character and respectable abilities. The first judges elected to the Supreme Court by the city of New York were lawyers of more than ordinary ability, and one of them had already served upon the bench for twenty years. The Superior Court, for ten or twelve years after its reorganization, steadily grew in public esteem, and far outshone the reputation which it had attained under the old system. The Court of Common Pleas certainly did not retrograde; the Surrogate's Court acquired a national fame; and the police and justices' courts were but little worse than they had been before, though it must be admitted that they were bad enough.

The change for the worse which has since taken place may be attributed chiefly to three causes; namely, the immense increase of the foreign population, the amount of patronage at the disposal of the judges, and singular as it may seem, the attempt of good men to use the judiciary as a means of protection against municipal robbery.

The first of these causes, which is indeed the almost insuperable obstacle to reform in the city government, is a familiar fact which needs no demonstration. The last census showed that there were in the city 77,175 foreign-born voters, and only 51,500 native ones. Since then, the naturalizations have been so many, that, if the census were taken again at this time, it would show about 100,000 foreign born voters to 60,000 native ones, or in that proportion. It is not, however, the mere fact that foreigners are thus largely in the majority which makes good government so difficult; nor is it even the unanimity with which they support the Democratic party. Good government is maintained in many districts of the United States in which foreigners are largely predominant; and there are thousands of Democrats in New York who would much prefer honest officials of their own party to dishonest ones. But an immense majority of the foreign population of New York are of an ignorant and demoralized class; and their mode of living by no means tends to their improvement. John Wesley wisely said that cleanliness was next to godliness; and judged by this standard, thousands of tenement-houses in New York are the last degree ungodly. It is impossible that such places should be the homes of intelligent and truly patriotic electors. These people are not degraded by poverty, for in fact they are not so poor as are thousands of excellent men in the agricultural districts; but they are hopelessly degraded by dirt, foul air, and drink.

Accordingly, this immense class, comprising more than two thirds of the foreign voters, not only support Democratic candidates, but, as between two Democrats, almost always prefer the worst. It was such men who thrice elected Fernando Wood to the Mayoralty, and have twice sent him to Congress. It was by the votes of this class that Judge Bosworth, a life-long Democrat, was ejected from the Superior Court in 1863, although his opponent did not, in all probability, receive the votes of a thousand respectable men. The most signal illustration of the solidity of this foreign vote, and of its utter indifference to moral considerations, was given in 1857, when two Democrats ran for Mayor. One of them, Daniel F. Tiemann, was supported by honest men as an honest man, known and respected by all the community. The other was Fernando Wood, concerning whom it is only necessary to say that no one need fear that he has formed too bad an opinion of the man, and that during the year 1857 he had shown all his worst traits. Mr. Tiemann was elected by 2,328 majority, which, after correcting a manifest error in the tables, was within a hundred votes of the majority of native-born over naturalized voters, according to the census of 1855. That this coincidence was not accidental is demonstrated by the following comparison of the foreign electors, as returned in the census, with the actual vote for Wood, ward by ward:--

Wards	1855 Naturalized Voters	1857 Vote for Wood	Wards	1855 Naturalized Voters	1857 Vote for Wood
1	1,425	1,276	12	787	887
2	290	231	13	1,852	1,800
3	694	405	14	1,954	2,357
4	2,459	2,112	15	1,292	883
5	1,471	1,349	16	2,173	2,120
6	2,263	2,401	17	3,686	3,765
7	2,649	2,322	18	2,345	2,456
8	1,910	1,871	19	1,460	1,323
9	1,976	1,704	20	3,045	2,834
10	1,476	1,627	21	1,993	1,768
11	3,612	3,269	22	1,889	2,029
		Total, 42,701			40,888

The foreign population has largely increased in the past ten years, so that, as we have said, the foreign-born electors comprise three fifths of the whole number in the city. They are as strongly wedded to their party, and to the worst factions of their party, as ever; while their power is greater than ever. Of this they have given very recent proof, by electing to Congress, over another man of the same party, with whom no fault was found, and who had already served one term acceptably to his party, a man notorious in the past as a pugilist and a criminal, and whose entire claim to a reformation of character consisted in his having given up prize-fighting, and become the chief of professional gamblers.

It is not surprising that the bench, when subject to the votes of this class, should have become debased as the number of such voters increased. It is perhaps more wonderful that so many respectable judges are still in office. But the weight of the legal profession has been generally thrown upon the right side, and might have overcome the difficulties arising from the character of the electors, had not other causes been at work.

The second cause which we have mentioned as injuriously affecting the bench was the amount of patronage at its disposal. This has not only had an evil influence upon the judge already in office, but it has made politicians of the lower grade anxious to get in men who would make a positively corrupt use of it. The framers of the Constitution of 1846 took great pains to deprive the judges of all patronage, and for this purpose abolished all offices to which the courts had formerly made appointments, and forbade the judges of the Supreme Court and Court of Appeals from appointing so much as a crier. But of late years, with the increase of population and wealth, there has been a great increase in the number of referable causes; and thus in effect the courts have had full power to appoint their friends to very lucrative positions. Nominally, the legal fees of a referee in an action are three dollars a day; but by the custom of the bar he is allowed five dollars, which sum he charges for every day in which he does anything in a cause, even if he merely adjourns it

to another day; while he rarely gives more than two hours at a time to the case. As half the days charged are mere adjournments, arranged by the referee's clerk, and the other half consists of very brief sessions, many of which are, by consent, conducted by the clerk, it will be seen that a steady flow of such business would not be unprofitable, even at the usual rates. But in cases of importance, where both parties are anxious to secure the personal attention, care, and good-will of the referee, he can make his own terms; and twenty dollars a session is a common fee. Where it is understood that the relations of the referee with the court are such that there is a moral certainty of the confirmation of his report, his fees may run even higher. There are, moreover, many references in special proceedings, the fees in which are not limited by any statute; and in such cases a referee on good terms with the court can charge what he pleases, say fifty to one hundred dollars a day. Besides this, the Supreme Court has the appointment of three commissioners whenever a street is to be opened, or any private property to be taken for public use. The work is all done by a clerk, and the commissioners draw pay for a hundred days or so, when in fact all their labors have consisted in taking an oath and signing their names once or twice. Of course the same set of men can take charge of a dozen such matters at once, and at the same time carry on any real business that they may have. Receiverships also constitute a valuable subject of judicial patronage; for though an honest and faithful receive has until lately been poorly paid, there is abundant profit to be made by one of a different stamp. A public journal of respectable character recently asserted that, upon the settlement of a certain receiver's accounts, the judge demanded half his fees, which amounted to some ten thousand dollars. We do not know what foundation there is for this statement, nor what judge is referred to; but we have known of some transactions equivalent to this, though carried on in a more indirect way.

The third cause of judicial deterioration has arisen from the interference of the bench, at a former period, with the frauds of the Common Council. This interference opened the eyes of the plunderers of the public to the necessity of controlling the civil courts, which they had previously overlooked. In 1863,

two worthy and capable judges, both Democrats, were denied a renomination by their party, simply because a notorious corruptionist declared that he must and would have one friend on whom he could rely in each of the city courts of record. In 1861, the same men, after making a theatrical display of patriotism and virtue in the nominating convention of his faction, himself proposing the renomination of Messrs. Hoffman and Woodraff for the Superior Court (two of the ablest and most upright judges in the State), and collecting from them a large contribution for what he represented to be legitimate election expenses, sold them out at the eleventh hour for ten thousand dollars cash, paid by friends of the regular Democratic candidates, and substituted tickets with the names of the latter in place of those which he pretended to support. One of the judges thus elected has procured a seat in the New York Constitutional Convention, and can doubtless give valuable suggestions to his associates upon the advantages of an elective judiciary.

The utter incompetency of some of the judges brought upon the bench by the system now prevailing in the city of New York, and the mediocre character, to say the least, of the majority of them, are too well known to be disputed for a moment. The inferiority of the judges to some of the lawyers who practise before them is often painfully evident, not only to the spectators, but to the judges themselves; and the more candid of the latter will sometimes openly admit it. But an inferior judge drags down the bar more than he is raised by it; for the arguments of lawyers must be accommodated to the capacity of the court, and learning is too often found to be utterly wasted when bestowed upon the ear of a New York judge. Success at the bar is generally believed--and by none more than by lawyers themselves--to depend largely upon social influence; and that not, as in England or France, an influence acting upon clients, to induce them to bring business, but acting upon the mind of the judge, and swaying his decision. It is certain that some lawyers can always get an injunction or an attachment, and keep it in force for weeks, without a respectable ground for it; that they can obtain or prevent adjournments of their causes to any extent; and that, in short, they can secure every possible favor, even where favors work palpable injustice. Indeed, if a case is at all

doubtful, it is hopeless to contest it against certain lawyers before certain judges; and we have known favor go so far, that a shrewd lawyer, having the ear of the court, has been in constant terror lest the latter, by its flagrant partiality for him, should make it impossible to sustain its rulings upon appeal.

One practice has become so common in New York as to excite no remark, although it is fatal to real justice. We refer to the custom of judges allowing counsel to make statements concerning their causes out of court, and in the absence of their opponents. One or two judges are in the almost daily habit of listening to these closet arguments; and it is to be feared that most of them tolerate such practices occasionally. It very naturally follows that the judge who will do this is often utterly indifferent to the argument in open court; and it also follows, in not a few cases, that he pledges his decision beforehand. We have known extensive stock speculations to be conducted on the faith of decisions thus promised; and it is not to be wondered at if the judge was strongly suspected of having an interest, as he certainly had a friend, in the speculation. This, however, is an extreme case, and we mention it only as an example of the natural fruit of so reprehensible a practice. . . .

The criminal courts are universally admitted to be inefficient; and those who know them best do not hesitate to pronounce them in the main corrupt. The city has on several occasions been fortunate in its choice of a Recorder; but for years past no confidence has been placed by well-informed men in a majority of the other criminal judges. If we were to relate half the rumors which are afloat, and which are fully credited, too, by the most intelligent and discreet members of the bar, we should draw a picture as appalling as anything to be found in the books of the Prophets Amos and Micah. But we content ourselves with a statement of a few cases of direct bribery of judges not now on the bench, as examples of what has certainly happened in the past, and with such an account of the present and recent condition of things in the criminal courts as might have been gathered by any careful observer.

Years ago, the master of a small vessel was indicted for a very brutal assault committed on board. The trial had occupied the morning, and was far from its end. The prisoner's counsel therefore proposed a recess for lunch, which was agreed to; and he invited the judge to take the meal with him. The invitation was accepted, and the two went to a place where they found a handsome dinner in waiting, and were joined by the accused party, who was of course on bail. The plates were all laid, with the faces downward, and when the judge turned up his plate, to his surprise, and of course to the amazement of his hosts, a hundred-dollar-bill lay on the cloth. "Why, what is this?" said the astonished judge; and turning to the counsel, he added, "This must belong to you, Mr. _____." That gentleman, however, emphatically disclaimed its ownership, and refused to touch it, as also did his client. So, after some more efforts on the part of the judge to rid himself of the burden, the counsel advised him to take charge of the money until the real owner should appear; which he concluded to do. Dinner being over, the trial was resumed. It is scarcely necessary to say that the evidence for the prosecution was not convincing to the judicial mind, and that an acquittal was directed.

At another period, a certain person was indicted for a crime under a statute requiring the indictment to be found within three years from the commission of the offense. This indictment was found on, say, the last day of the month, the crime having been committed on the first day of the next month, three years before. The defendant obtained judgment in his favor, on the ground that the time for prosecution had expired; and, by a singular coincidence, on the next day a check for five hundred dollars, drawn by the accused party, was cashed in Wall Street with the endorsement of the judge upon it.

Within a much more recent period, a man was indicted for a series of enormous frauds, by which he had made himself wealthy. The indictment was quashed for some informality, and he openly boasted that he knew how to

manage the drawing of future grand-juries so as to secure himself against any renewal of the indictment,--a boast which the failure of all subsequent attempts to indict him seems to justify. We are assured, on the most respectable authority, that the judge received ten thousand dollars for his decision.

To come down to the present time, it is indisputable that most of the justices in charge of criminal business in New York are coarse, profane, uneducated men, knowing nothing of law except what they have picked up in their experience on the bench. One of the best of them was a butcher until he became a police justice; another was formerly a bar-keeper. As a rule, they are excessively conceited and overbearing, and in some cases positively brutal in their demeanor. The officers in attendance naturally take their tone from their superiors, and treat every one who enters the court-room with a roughness which makes attendance upon such places ineffably disgusting.

The reporters who have for years attended the police courts seem never to have thought of presenting any other than the ludicrous side of the events which happen there; but to all who feel compassion for man as man, these scenes have much in them to excite both pity and indignation. A motley herd of human beings are driven in, morning after morning, like so many oxen, and as summarily knocked on the head if they are in the least refractory, and violently pushed forward if their movements are slow. Called up before the justice, if poor and friendless, they are sentenced before they well understand the charge made against them. If they have counsel, it may be generally assumed that he is one of the law persons, miscalled lawyers, who hang about these courts, and that he has stripped them of every cent, or will do so before they are released. Perhaps they are committed "for further examination"; and although the law requires a prompt disposal of such cases, a prisoner unable to meet the ravenous demands of the lawyers, or, as they are more appropriately called, "shysters," who have the run of these places and the favor of the magistrates, often lies in jail for weeks unheard. Sometimes a

highly respectable man will be kept in durance, at the instance of wealthy enemies, notwithstanding he is abundantly able and willing to give bail.

Where the guilty party is wealthy and unscrupulous, and the accuser poor, the position of affairs is reversed. We remember an instance in which a rich but infamous brothel-keeper had terribly beaten one of the poor wretches in her house. The "prisoner" was on bail, the accuser was detained as a witness. When the case was called, the poor creature came forward, her face all clotted with blood, and her clothes torn to rags,--a ghastly spectacle. The counsel for the accused took her aside, and, under the very eyes of the judge, bullied and coaxed her by turns, threatening her with prosecution as a vagrant, and with the revenge of her mistress, until she agreed not to prosecute the case, on condition of her doctor's bill (say five or ten dollars) being paid. The counsel then announced to the justice that the complaint was withdrawn. The justice shortly asked the complainant if that was so, to which the poor creature sadly answered that she would not withdraw her complaint if she were not so poor; but as it was, she supposed she could not help herself. The justice harshly replied that he had nothing to do with that. The complaint was dismissed; and the miserable woman was promptly handled out of court by the officers.

In each of these courts there are two well-known "rings," one of "shysters," and the other of professional bail. The latter are always ready to become responsible for prisoners in amounts of from two hundred and fifty to one thousand dollars, upon receipt of a fee ranging from ten to fifty dollars. Their risk is almost nominal, for they have a perfect understanding with the powers that be, and a shrewd method of doing business. They often get abundant security from their principal, and in other cases are generally familiar enough with his circumstances to feel sure of his appearance. But if they are at all doubtful of this, they can, and often do, surrender their victim within a few days, or even hours, after pocketing his money; and he is obviously without redress. One very flagrant instance of this kind deserves to be mentioned. A rather noted thief, not, however, without some good qualities, was held to bail

in one thousand dollars, and all the sureties offered by him were rejected. At length one of the jailers advised him to ask a well-known politician named B_____ to become his surety. B_____ consented, on condition that he should be fully secured, and be paid a fee of fifty dollars. Accordingly, five hundred dollars in cash, and a chattel mortgage for five hundred dollars more, were placed in his hands, and the fee paid. But in a few days he surrendered his unlucky principal, and not only kept the fee, but the five hundred dollars besides, returning nothing but the mortgage, and that only after repeated solicitations.

It is not surprising that some of these professional bail are known to make ten thousand dollars or more a year out of the business; nor can the world be blamed for suspecting that their profits are divided with some other parties. For it is observed that, when all precautions fail, and parties for whom these men become bail abscond, the amount of the bond is rarely or never collected.

The so-called lawyers who secure most of the practice in these courts are generally men of disreputable character, who have an understanding with the officers of the courts and prisons, by which the latter receive a commission on business introduced by them. A prisoner, especially if he is such for the first time, is generally unacquainted with any respectable lawyer, and gladly accepts the recommendation of the officer having him in charge. The person thus introduced, after making a very few inquiries about the case, asks the prisoner, "How much money have you?" Usually, of course, the amount is very small, and the next question is, "How much can you raise?" The answer is, perhaps fifty, perhaps a hundred dollars. "A hundred dollars!" cries the lawyer, contemptuously; "why, I shall have to give that much to judge, and twenty to the clerk. D--- it, you must squeeze out two hundred and fifty dollars somehow, or you're gone up." The prisoner asks advice of his keeper, and is told that "Lawyer _____ knows what he is about," and should be secured at any price. If, after severe pressure, the prisoner declares that he cannot raise the required sum, the lawyer grudgingly accepts whatever he can get. But it must

not be supposed that the fees are limited as a rule to two hundred and fifty dollars. These men, whom long experience has made keen in judging of a prisoner's means, take all he has, be the same more or less. If he has only ten dollars in the world, they take that, and really make a good fight upon it; if he has five thousand dollars, they will extract it all out of him, if not interfered with, though of course such opportunities are rare. . . .

There is a person doing a large business in the criminal courts who has been repeatedly detected in thus stripping prisoners of their all, and who has been compelled in some cases to disgorge, but who still pursues the same line of business with great profit. Thus on one occasion he took from a servant-girl two gold watches (stolen, of course), two trunks full of valuable clothing, and twelve dollars in money, which was all she had; and on another occasion squeezed fifty dollars out of the friends of a poor negro, upon promises which he well knew could not be fulfilled. This man, who was the special friend of the bounty-jumpers, and largely engaged in filling up the ranks of the army, by means which we shall presently describe, was not long ago a candidate for a high judicial office, and received over twenty-five thousand votes in the city, though he failed to be elected.

The last two years of the war afforded a magnificent opportunity for making money in a strictly patriotic manner, which the criminal judges and lawyers did not fail to improve. The national armies were thinned, the jails were full, and the bounties for enlistment large. How could a judge evince his love of country better than by filling up the ranks of its defenders? How could he more judiciously exercise the prerogative of mercy than by extending it to the misled pickpocket, the erring burglar, or the penitent garroter, upon condition that he should do valiant battle for his adopted land? And if a liberal nation provided, as it did, certain pecuniary inducements for enlistment, who shall say that these emoluments could be more fitly disposed of than by appropriating them to the reward of such virtue as we have imagined? To have given them to the recruit himself would have been to reward vice and to

waste good money. Accordingly, thousands of men were liberated on condition that they would enlist. Bounties varying from six hundred to fifteen hundred dollars were paid for each man, either by the public, or by private persons hiring substitutes; and the recruits themselves were fortunate indeed if they received twenty-five dollars each. The rest was divided between the lawyers who persuaded prisoners to enlist, the judges who released them on that condition, and the officials who passed the recruit and paid the money.

It is a common practice of the worst judges to make an occasional show of extreme severity, for the purpose of gaining a reputation for Roman firmness, under the cover of which they may let off more dangerous criminals with impunity. A terrific sentence imposed upon some prisoner too poor to employ the right kind of counsel looks well in print; and a few such sentences have been the entire stock in trade of some judges for years. Not long ago, a serious crime was committed by three men, one of whom was a hardened criminal, who had "got up the job," and enticed the others into it. All were convicted, but sentence was indefinitely suspended as to the chief offender, while his far less guilty accomplices were sent to the State prison for long terms. . . .

The picture we have drawn is a dark one, yet we have purposely understated the evils which exist, and reserved for the present the most damning facts. It is one of the worst signs of times, that the public have become so accustomed to seeing and hearing of corruption, that the most conclusive evidence falls upon deadened ears. If we should describe the calm indifference with which some of our most upright public men listen to such evidence, we should mortally offend them; but so it is: they have become so familiar with the sight of official dishonesty, that, while maintaining their own integrity, they cannot reuse a feeling of indignation at the depravity of others. We might simply add to this unfortunate insensitiveness by telling at once all that we know.

It may be asked, however, whether we mean to assert that justice is never to be had in New York. We answer, certainly not. In nine cases out of ten, the worst judges in the city desire to do justice between the opposing parties. Society would be dissolved, or reduced to desperation, if it were not so. But the same thing might be said in favor of Tresilian, Scroggs, and Jeffreys; and almost as much is true of the most venal tribunals of the East. We doubt if there ever was a judge who did not decide a majority of the cases before him according to his conscience. The very same judge whom we have known to extort a fee from one party has been found perfectly impregnable to bribery from another. But no person of intelligence will imagine that such merits and demerits balance each other. A judge who decides honestly in most cases is like a woman who is virtuous six days in every week.

We should insult our readers by offering any argument to prove that the maladministration of justice must have a demoralizing effect upon the whole community. That is an inference which the common sense of every man will draw without our aid. But there are some reasons peculiar to a few large cities, and especially applicable to New York, why these abuses should lead to unusually disastrous results; and these it is proper to state.

New York, as we have said, contains many more foreigners than natives in its permanent population; and, being the chief port for the debarkation of immigrants, always contains a vast number of transient residents. Nearly all these immigrants are entirely unacquainted with republican government, and utterly unfamiliar with our political ideas. More than half of them have no ideas whatever upon political subjects, further than the vague notions of personal liberty which every human being has by nature. They come to New York to be trained, and receive there the first impressions of democratic institutions. They or their friends furnish the larger part of the business in the petty courts, and they hear the character of these courts discussed at an early day. What must be the effect upon them of hearing justice commonly spoken of as a thing to be bought,--of being told by their friends and their counsel that

the judge must have a fee? Grant that, in most of the cases, in which the fee is paid, it never reaches the judge, yet the moral effect of the act upon the men who pay it is just the same; and when, upon inquiring of honest and well-informed men, they are told that, whatever may have been the fact in their cases, there is no doubt that the judges are corrupted in other instances, the poor defrauded creatures cannot but conclude that democracy means universal corruption. Impressed with this conviction, it is only natural that they should look upon politics as a mere contest for the spoils of office, and use their own votes, as soon as acquired, for the most selfish purposes.

Again, New York is a place to which thousands of young men come every year from the country. Any large city offers sufficient temptation to wickedness, in the ordinary course of things,--in the isolation of the young from home influences, in evil companions, in the absence of observation and criticism, and in the abundant opportunities for debauchery. But who can estimate the additional impetus to evil which is given by the notorious corruption of public justice? The example of wickedness thus raised to places of honor is itself fearfully damaging to the virtue of young men. But besides this, the clerk who is tempted to dishonesty hears on every side the assurance that, if he only steals enough, he can buy his discharge from the judge or the jailer; and although, as a general rule, the calculation will fail him, the fact that in many cases it does not fail is enough to tempt hundreds to ruin.

It can scarcely be necessary to point out the demoralizing effect of judicial corruption upon the criminal classes of society. They learn to rely upon the profits of their depredations for immunity; and when justice finally overtakes them, the predominant conviction of their minds is that they are only punished because their money was not enough to satisfy the judge. And although this is often an unjust suspicion, how can they be disabused of it, when they know that money has bought their escape before, and have been assured by their adviser that a certain sum, beyond their reach, would do so again? Many of them have paid the required bribe to their "lawyer," who has

never troubled himself to offer it to the judge; and such men naturally go to prison with hearts full of rage and suspicion, not knowing whom to blame, and therefore cursing the whole world. Such a state of mind makes reform almost impossible, and breeds feelings of revenge which naturally find vent in new crimes.

There are some good people who comfort themselves with the belief that the very extremity of corruption to which all the public affairs of New York are tending will work its own cure by so disgusting the people as to cause a reaction. But the process which is now going on debauches the public conscience almost as much as it robs the public purse. Every successive reaction is fainter. Efforts were made in 1853, 1857, 1863, and 1865 to stem the current, and each time with less energy, less unity, and less effect. Even the most respectable classes are growing callous. They are satisfied that corruption is inevitable, and in many instances are only anxious that their party should have its share of the public plunder. . . .