

LXIX.

HON. JOHN KETTELAS HACKETT,
RECORDER OF NEW YORK.

THE RECORDER'S COURT.—RECORDER HACKETT.—THE RECORDER ON THE
BENCH.—SENTENCING CRIMINALS.—COURT OF GENERAL SESSIONS.

RECORDER'S COURT.

THIS court is coeval with the city. It was borrowed from the English. The recorder of London was a dignitary of great consequence, and the lord mayor's special adviser. The most honored and the wisest magistrates were assigned to this position. In New York the court has cognizance of criminal offences, from felony to capital crimes. The city judge is the assistant of the recorder, and presides alternately with him. The room in which the court is held is small, but pleasant. It is crowded during the sessions of the court with jurymen, lawyers, witnesses, friends of the accused, eminent men, and with rogues and thieves of all degrees. On the left of the recorder, below the jurymen, huddled together in a row, are from fifty to a hundred of the most desperate criminals, thieves, and pickpockets that can be found in the city. They are well known to the judge and to the police. They like

the excitement of a criminal trial. They take an interest in their friends who are before the court. They study criminal law. They learn how the prosecution can be broken down. They learn the sharp practice of the law, and when to plead guilty to a small offence to escape conviction of a heavier penalty. They are very sharp in committing crime, and adroit in escaping punishment. They express their gratification when one of their friends escapes in a very audible manner, not always heeding the gavel of the judge who raps to order.

RECORDER HACKETT.

He is the son of the world-renowned Shakespearian actor, James H. Hackett. His grandfather was a native of Holland. He is a Knickerbocker, as have been almost all of the recorders. He held a front rank among the advocates at the New York bar. For several years he was associated with the corporation counsel in the trial of municipal cases. He is a splendid specimen of a man, over six feet high, and of graceful and robust proportions, with a full, powerful frame, a clear blue eye, and a voice sonorous and very musical. He commands the respect of all who have business at his court. He is bland in manner, but very decided and firm. He has the reputation of being severe in his sentences, but he is so tender and humane in pronouncing them, and so eminently just, that he secures the respect of all. He is a perfect gentleman on the bench, courteous and affable, as much so to the poorest prisoner as to the counsel that defends him. The best criminal lawyers practise before the recorder. Wealthy

clients demand the leading talent; pettifoggers and Tombs lawyers also address his honor. But they are put on their best behavior. If they deceive, resort to any tricks, are guilty of misrepresentation, they are turned out of court. Policy keeps them respectable and honest before the recorder.

THE RECORDER ON THE BENCH.

Promptly on the hour the recorder takes his seat, raps with his gavel, and calls to order. He dresses elegantly and in fine taste. In personal appearance he well becomes his station. One of the institutions of this court is the clerk, Mr. Henry Vandervoort. He is tall, slim, very courteous in his manner, and kind towards the prisoners at the bar. He is sixty years of age, but would not be taken for more than forty. He has been thirty-five years the clerk of this court. His long connection with desperate men has not hardened his spirit nor chilled his courtesy. He is an encyclopædia of criminal law. To the recorder he is invaluable. He knows all the trials, statutes, penalties, precedents, and authorities needed for every occasion.

SENTENCING CRIMINALS.

The day for pronouncing sentence is one of great interest. Testimony that cannot be legally produced on the trial is heard in mitigation of the penalty. The patience, kind-heartedness, and courtesy of the recorder here come into full play. The position of the judge is one of great delicacy. While he gives the criminal the benefit of a doubt in every case, he must take care that clemency does not interfere with justice. He

deals with the most desperate men and women. Before his eyes roguery is daily committed. Liars combine to clear the guilty. Every artifice is resorted to to excite sympathy. Sick women, who have no connection with the case, are brought into court to work on the feelings of the judge. Pretended mothers and sisters cry and snifle at the bar. Babies are hired for a day in court. All this the recorder knows.

Atrocious criminals plead guilty to a minor offence, or throw themselves on the mercy of the court: such get the full penalty of the law notwithstanding. A prisoner to whom clemency can be shown is sure of a merciful sentence if he pleads guilty. When a heavy penalty is pronounced, it is uttered in the tone of sincere regret, prefixed by the remark, "My duty compels me to sentence you to the full term allowed by the law." The great mass of prisoners in this court are young: from sixteen to thirty. Whether sentenced or discharged they get good advice from the recorder. Frequently citizens of respectability and high standing are brought up for assault and battery, or for breaches of the peace: in such cases respectability and standing avail nothing. "You are old enough to know better than to commit the offence with which you are charged." Some claim a lenient sentence on the ground that they agree politically with his honor. "Prisoner, if you are a Democrat, you ought to know better than to do as you have done. I shall sentence you to the full term allowed by law." In trials or in sentences the recorder is prompt, clear, and brief. His charges embrace only the points in the case that the jury have to consider. No impertinent counsel

rides over him. When a noisy brawler objects to a question, the recorder says, "I shall admit the question. You must appeal." The tone and manner indicate that nothing more need be said.

COURT OF GENERAL SESSIONS.

The Court of General Sessions is nearly coeval with the settlement of New York. It was recognized in the Dongan Charter of 1684, in the time of George the Second. It was founded in the time of Charles the Second, when the city was called "The Ancient City of New York." The curious old black letter manuscript in the archives of the New York Historical Society contains the original formation of this court, its oaths, jurisdiction, and privileges. It has coördinate jurisdiction in criminal cases with the Court of Oyer and Terminer, over which presides any justice of the Supreme Court of the state. It has jurisdiction of all crimes committed in the county of New York. Two police magistrates have power to try and sentence all criminals guilty of misdemeanors. The Recorder's Court can try only cases where indictments have been found by the grand jury. The grand jury is a body composed of twenty-three members. They are required by law to appear in open court, and present their indictments through their foreman. All criminals have a right to a trial by jury. If, when arraigned before police magistrates, criminals demand a jury trial, they must be sent up to the Court of Sessions, to be tried before the recorder. No one can spend a day in the Recorder's Court without interest

and profit. By no other officer who represents the city and county is the law better upheld, justice more honorably or humanely administered, and crime more surely punished, than by the recorder of the city New York.