



New York State Archives

**New York State Governor Investigation Case Files of Charges
and Complaints Against Public Officials and Agencies A0531**

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Overview of the Records

Repository:	New York State Archives
Summary:	This series documents successive governors' authority to investigate the management, operations, and affairs of state and local government officials, agencies, and institutions. Records include correspondence, documents specifying charges, answers to charges, transcripts of testimony before the governor or investigating commissioner, supporting documentation (e.g. court records, financial records), reports to the governor of findings, and notices of removal from office of public officials found guilty of charges.
Creator:	New York (State). Governor
Title:	Investigation case files of charges and complaints against public officials and agencies
Quantity:	52.5 cubic feet
Inclusive Date:	1857-1919
Bulk Date:	1872-1919
Series:	A0531

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Arrangement

Chronological by year of complaint or investigation.

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Administrative History

The governor's authority to investigate the conduct of public officers and to remove them from office is outlined in the state constitution and in numerous statutes.

In 1813, the governor was authorized to remove the state treasurer from office for violating the duties of the office (Revised Laws, Chapter VI, Paragraph III). In 1823 (Chapter 70), the governor was authorized to recommend to the senate removal of judicial officers.

The 1821 and 1846 state constitutions provided for the removal of specified public officers by the governor, the legislature, or the senate upon the governor's recommendation. Article 10, Section 7 of the 1846 state constitution stated that "provision shall be made for the removal for misconduct" of government officers (except for legislative or judicial officers). Revised Statutes of 1846 and 1852 (Part I, Chapter 5, Title 6, various sections) provided for the removal by the governor of officers appointed by the governor as well as specified local officers.

Statutes of 1866 (Chapter 629), 1875 (Chapter 397), and 1876 (Chapter 133) detailed the governor's responsibilities to serve various public officers with a copy of the charges against them; to investigate the charges or appoint the attorney general or another person or persons to investigate the charges; to examine witnesses; to give the officers an opportunity to defend themselves; and to remove the officers when deemed appropriate. These and other related provisions were incorporated into the Public Officers Law (Article II, Sections 22-25) in 1892 (Chapter 681). In 1909 (Chapter 51), these provisions and later statutory amendments were reworked as Article III, Sections 32-36 of the Public Officers Law (Consolidated Laws, Chapter 47).

The Executive Law (Laws of 1892, Chapter 683) was amended in 1907 (Chapter 539) by the addition of Section 7 authorizing the governor or persons appointed by him "to examine and investigate the management and affairs of any department, board, bureau, or commission of the state." Known as the Moreland Act, this provision was reworked in 1909 (Chapter 23) as Section 8 of the Executive Law (Consolidated Laws, Chapter 18). It became Section 6 of the Executive Law in 1951 (Chapter 800).

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Scope and Content Note

This series consists primarily of correspondence, reports, transcripts of testimony, and other materials relating to investigations by the governor or by commissioners appointed by the governor, of charges of misconduct in office or neglect of duty by state and local government agencies and officials. The records document successive governors' execution of their authority to investigate the management, operations, and affairs of government officials, agencies, and institutions.

Frequently documented in these files are investigations of county sheriffs, district attorneys, notaries public, and New York City mayors, excise commissioners, and borough presidents. Starting in the early 1900s some files relate to issues other than charges against public officials. These issues were investigated or studied by the governor's office and were often the subject of correspondence between citizens, organizations, and the governor's office. For instance, one

file contains incoming correspondence expressing strong opposition both to woman suffrage and to women in the workplace (1913).

A frequent subject of investigations starting about 1907 was violation of laws prohibiting theatrical performances, baseball games, and other forms of public entertainment on Sundays. Also documented are complaints of "public nuisances", generally threats to the public health and comfort such as improper garbage or sewage disposal, areas of stagnant water, or air pollution from factories. There are also a few files regarding investigations of complaints against private firms or businesses, such as an investigation of a law firm charged with knowingly presenting falsified evidence in court (1898).

Some or all of the following types of materials can be found in each case file: correspondence from citizens and organizations complaining of misconduct, neglect of duty, or mismanagement by particular public officials, agencies, or institutions, or pleading for an official to be removed from or retained in office; governor's certificate of appointment of a commissioner (or commissioners) to investigate the charges; document specifying the charges; answer by the accused to the charges; transcripts of testimony before the governor or the investigating commissioner relating to the charges; supporting documentation (e.g. court records, financial records, magazine articles, newspaper clippings, etc.) used in carrying out the investigation or as exhibits presented during testimony; commissioner's report to the governor of findings (i.e., whether or not charges were substantiated by the evidence); and notice of removal from office of public official found guilty of the charges.

Included in this series are files documenting investigations into: charges of neglect and incompetence against James W. Eaton, Superintendent of the New Capitol, allegedly resulting in improper construction and overspending on the project to build a new state capitol building in Albany (1875-1876); charges of mismanagement at the New York State Institution for the Blind at Batavia (1877), and charges of cruelty to inmates at the institution (1894); charges against Mayor Edmund Fitzgerald of Troy, accused of conspiracy to illegally and forcibly remove a city official (1885); charges that the Superintendent of the Onondaga Salt Springs favored large manufacturing interests in operating the salt springs, allegedly resulting in the deterioration of the salt springs (1886); charges of abuse of inmates at the State Custodial Asylum for Feeble Minded Women (1893); charges of neglect of duty against the Board of Managers of the New York State Reformatory at Elmira for failing to deal with alleged abuse of inmates by reformatory superintendent Zebulon R. Brockway (1893-1894); operations of state prisons, particularly regarding prison finances and treatment of inmates (1895); charges of political influence in the awarding of a new contract for magazine rifles for the New York National Guard (1896); Charges against the commandant of the New York Soldiers and Sailors' Home at Bath, including improper financial and hiring practices, using political influence, excessive drinking, and abuse of inmates (1899); pollution by industries along the Ausable River (1907); eviction of Oneida Indians from part of their reservation (1909-1910); affairs of the Health Officer of the Port of New York relating to conditions at the Hoffman Island quarantine station and the treatment of immigrants (1911-1912); efficiency of management, accuracy of books, and overall administration and operations of several state prisons and hospitals, and specific allegations such as one that prison officials accepted gifts from contractors (1911-1912); inadequate bank examinations and tolerance of banking law infractions by the Banking Department (1911); impact of "alien insane" on state hospitals and state finances, and how to deport them, obtain federal reimbursement for state expenses in regard to them, and prevent future immigration of

individuals with a history of insanity or a likelihood to become insane (1912, 1914); complaints from inmates of mental hospitals regarding their treatment (1913); charges against the Banking Department by a group of depositors who believed that a bank president (Joseph G. Robin, known as the "bank wrecker") imprisoned for stealing bank funds, resulting in the bank's failure and loss of depositors' money, was actually a victim of a conspiracy among the Banking Department and powerful monied interests to close banks and acquire their assets (1913); charges of illegal gambling at racetracks (1913); charges against a superintendent of the Board of Elections for not adequately enforcing election laws (1914); organizing a "colored regiment" of the New York National Guard (1914); proposed legislation to expand custodial facilities for the "feeble-minded", and efforts to develop legislation to have such persons sterilized (1914); charges by the Civil Service Reform Association that the Civil Service Commission approved an excessive amount of non-competitive appointments (1914); advisability and potential usefulness of holding a constitutional convention in 1915 (1914); charges of intoxication against the medical superintendent of Gowanda State Hospital, and charges of neglect of duty against its Board of Managers for failing to fire him (1914); finances and records of state agricultural schools (1918); management and affairs of the State Industrial Commission (1919); and charges against several New York County District Attorneys (1894-1917), with earlier materials possibly used as reference materials for the 1917 investigation.

The series also consists of reports, correspondence, testimony and related materials used and produced by the Joint Legislative Investigating Committee in its examination of state prisons and reformatories, including the office of superintendent of prisons. These materials were apparently returned to the governor's office by James J. Frawley, who was chairman of the committee, upon completion of its work in 1913.

Included is an order from the Executive Chamber appointing William Church Osborn and George E. Van Kennan to examine and investigate the management and affairs of the State Commission in Lunacy, of state prisons and reformatories, and of the Departments of Excise and Highways (1911). Subsequent material pertains to George W. Blake's work as special commissioner to investigate the state prisons (1913). It includes several of his reports to the governor on findings at Auburn, Sing Sing, and Clinton prisons, as well as the governor's copies of testimony about the administration of Danenemora and Sing Sing prisons.

Apparently connected to the initial work of the committee are two reports on the audit and examination of Sing Sing Prison (1911) by the comptroller's office, pertaining to efficiency of management at the institution, especially confined to the shoe industry.

The series also consists of investigation case files generated during the gubernatorial administrations of Charles Evans Hughes, Horace White, Martin Henry Glynn, and William Sulzer. Included in the files are charges and complaints involving the New York State Insurance Department, Soules Hospital, the Brocks Levy Law (on licensing small loan brokers), highway construction, and interstate concerns over the boundary line between Connecticut and New York.

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Related Information

Related Material

A3218Series A3218, Alphabetical Card Index to Governors' Correspondence Files, includes several sets of cards listing charges and complaints from 1907-1920, box 46

A0197Series A0197, Unfiled Governors' correspondence and other records relating to appointments, charges and complaints against public officials, extraditions, and proclamations, contains related records

B1841Series B1841, Card file to case files of charges and complaints against public officials, provides an index to this series

Ernest H. Breuer, "Moreland Act Investigations in New York: 1907-65" (New York State Library Bibliography Bulletin 85) (Albany: 1965).

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Other Finding Aids

Available at Repository

A searchable database providing names of officials or agencies charged is available at the repository.

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Use of Records

Access Restrictions

Restricted: Some later case files after 1907 document Moreland Act investigations. All investigative materials in Moreland Act commission records are indefinitely restricted pursuant to Executive Law sect. 6 and 63.8 and Civil Rights Law sect. 73.8, as applicable. Requests for access to such materials are referred to the Governor's Office.

Access Terms

- Women--Legal status, laws, etc.
- Governmental investigations
- Investigating public officers
- New York (State)