THE SOCIAL EVIL

IN

NEW YORK CITY

A STUDY OF LAW ENFORCEMENT

BY

THE RESEARCH COMMITTEE

OF

THE COMMITTEE OF FOURTEEN

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ANDREW H. KELLOGG CO.
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THE COMMITTEE OF FOURTEEN

For the Suppression of the "Raines Law Hotels" in New York City

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PREFACE.

In the winter of 1905, partly in pursuance of a recommendation made by the Committee of Fifteen in its report published in 1902, and partly because of the increase of those aspects of the social evil directly traceable to the "Raines Law" hotels, the Committee of Fourteen was organized for the express purpose of suppressing such hotels.

Two years later a sub-committee (now the Research Committee) was formed by the Committee of Fourteen for the closer study of certain phases of the social evil not directly within the scope of the general committee's work, yet concerning which more definite knowledge seemed desirable.

In 1907 this Committee planned and supervised a brief investigation by Mr. William C. Engel, of the relation of the magistrates courts to the women of the street, Mr. Frederick H. Whitin, the Executive Secretary of the Committee of Fourteen, at the same time making a study of the disposition of disorderly house cases of all kinds in the Court of Special Sessions. The resulting report was submitted to Governor Hughes with data furnished by other social bodies, and bore considerable part in the creation of the Commission to investigate the courts of minor criminal jurisdiction in cities of the first class. The report of this Commission has just been published.

In 1908 the Research Committee began the study, the results of which are embodied in the following report.

The work of investigation has been throughout in the hands of Mr. George J. Kneeland, assisted by a number of investigators, both men and women, whose data have been carefully verified. The material for the section on the Excise Law has been furnished by Mr. Whitin, whose comprehensive knowledge of facts made unnecessary further investigation by the Research Committee.

Acknowledgment is also made to Mrs. Charles H. Israels and Miss Maud E. Miner for data and advice.

The Committee desires, finally, to express its obligation to the citizens whose generosity has made this study possible.

When the Research Committee began the following investigation, it was with the expectation of finding the laws fairly well enforced. The truth has been a painful surprise; yet, somber as is the picture, it is not without hopeful features. Intelligent steps

towards improvement cannot be taken until existing conditions are fully realized. Moreover, here and there have been found officials who were conscientiously performing their duty in the face of great difficulties and with but lukewarm support from the public. Here, in the last analysis, is the crux of the problem,—the apathy of the community itself. Yet it needs no Puritan's conscience to feel the shock of existing conditions. Rigidly as the Research Committee has eliminated from its report all sensational matter, bare and unexaggerated as are the facts there presented, the average man in the street, no better and no worse than his fellows, cannot fail to realize their serious import.

Here is no question of the individual's right to choose the good or evil course for himself. Here, rather, is a situation in which the community itself, by its indifference not only allows, but fairly forces thousands of its children to be born into and to grow up in an atmosphere so morally vitiated as practically to destroy all possibility of choice. How choose the good when little but evil presents itself? That more young men and women do not go down to utter moral and physical destruction is signal proof of the fundamental wholesomeness of the human spirit—for the normal mind tends to reject the poison of moral contamination, as the normal body tends to nullify the poisonous effects of bad air and sanitation. But who shall estimate the value of the spiritual and physical power so needlessly expended?

Surely, when once the community realizes conditions, it cannot fail to rise to the measure of its responsibility. Simple, definite improvements on which all reasonable people can agree can be and should be made without delay, and these without involving anything which savors of impossible Puritanism.

The forty-two laws, charter provisions and ordinances which relate to the social evil contain obvious defects and inequalities. These can be remedied. Certain phases of the matter are not touched by the law at all. These can be regulated, and the whole body of law can be simplified, rendered intelligible and more readily enforceable. But more important even than reasonable and adequate laws is the matter of their enforcement. It is entirely possible for public opinion to demand and secure the appointment of officials who shall be free from political or financial influence, and who shall administer the laws with intelligence and even-handed justice. It is entirely possible practically to rid our streets and tenements of the social evil; possible to force its withdrawal from the conspicuous place which it occupies in the community to-day; possible to surround with

wholesome influences the places to which young people go for innocent amusement and to separate them from association with the liquor traffic and the social evil; possible to protect our children, by enforcement of the child labor, education and similar laws from daily exposure to the moral contamination to which many of them are now subjected; possible to hound to their undoing the unscrupulous or indifferent business interests which profit from the exploitation of vice, unwitting that their cupidity is a baser sin than the lust on which it preys.

It cannot be too often repeated that the laws which the community really desires it can secure, that the exact degree of their enforcement which it really desires it can also secure, but the desire, to be effective, must be intelligent and persistent. The will of the community, rendered intelligent by full knowledge of conditions and dispassionate consideration of the elements in the problem, must make itself felt day in and day out, week in and week out, year in and year out, if it would secure that degree of moral integrity here for which men are striving in business and political life.

INTRODUCTION.

In approaching the subject of the social evil the distinction must be kept in mind between, first, the constant element which bears little relation to social and economic changes, to fluctuations of population or to localities or classes, and which is found in a clandestine relation in which some degree of regard is intermingled, quite as much as in professional prostitution; and, second, the business of prostitution, which is conducted for the profit of many shareholders, and which is stimulated as a trade in other lines of commerce and expansion. This is an age of great inventions, of business activity involving intense competitive struggle, of strenuous effort to obtain wealth quickly by not too scrupulous means, with the concomitant obscuring of cause and effect. It is an age of spending, of the prevalence of a high cost of living and a reckless sacrifice of human life to industry. Youth is gravitating toward the city, away from home, religious and personal ideals, breaking the moorings of the past before the newer social ideal is grasped. Freedom of thought, liberty of action, self expression, were never more dominant.

It is inconceivable that these characteristics of the age should not influence the total moral life. The economic and political and industrial changes are resulting in a new body of law which expresses a growing social conscience with reference to wealth, power and official responsibility. It has been the purpose of the Research Committee to study social growth as expressed in the laws passed to regulate prostitution in its various phases, and to ascertain whether social legislation in this respect is keeping pace with industrial and political legislation and similarly expresses a developed consciousness on the part of the people toward moral integrity.

Hitherto most studies of the social evil have been made as a result of public protest against some aggravated conditions, or have dealt with some especial manifestation of it. Such treatment usually gives a disproportionate view of a subject having many and varied elements closely related to other human activities. The "white slave traffic" has been the subject of investigations, treatises and reform movement; the "Raines Law" hotels have been attacked by themselves; midwives have been studied and regulations passed. These and a dozen other illustrations which might be given of separate

non-co-ordinated studies and movements, have not resulted in a comprehension of the subject nor in an intelligent discussion or treatment of it as a whole.

New York City, the field studied, presents an unusually complex situation, and has an extraordinary responsibility because of this, and by reason of its relation to the rest of the country. No city in the world receives each year so many persons of foreign nationality, bringing continental standards. Four-fifths of the stream of immigration pass through this port, and more than one-fourth are said to remain here. The majority are not familiar with city life and temptations, and many bring with them an experience and point of view not well adapted to the city strain. Probably no other city has 800 private employment agencies, all competing for fees. Many hundreds of young women, detached from parental ties and children, come to the city alone from Europe or from country districts looking for work, and undertake single handed to make their way. In the small village or town there are neighbors, if not parents, whose opinion and good will are valued; in the city this restraint is easily lost. It is stated that there are 122 blocks in New York where the density of population is 750 people to the acre. This concentration of people, together with the strenuous industrial pace, absence of adequate facilities for recreation, creates a situation calling for every safeguard, moral, educational and legal, which can be erected.

SCOPE AND METHODS.

Believing that the time has come when courageous, fair minded citizens are willing to preserve moral integrity and conserve human resources in the same spirit that they are striving for political and business integrity and the conservation of material resources, if the conditions are fairly, dispassionately and accurately presented, the Research Committee has approached the subject of the social evil from the standpoint of law-enforcement. Laws reflect the conservative, deliberate, and, for the most part, the collective will of the community. They in a measure define the standard of conduct which the community thinks best adapted to its preservation. Here are recorded measures of protection for the child, the youth, the disfranchised woman, and for the family and the community.

In making its study of the laws and their enforcement, the Research Committee found it necessary to cover five fields:

(1) The collection and classification of the laws which regulate the various phases of the subject. It seemed best, owing to the unconstitutionality of that section of the immigration law regulating the

white slave traffic and in the absence of other regulations, to confine the study to State and Municipal laws.[1]

(2) The date of the passage of each law and a summary of the conditions preceding its passage, and of the agencies influencing its passage, and its subsequent enforcement. The dearth of records and of material suggests the necessity and advisability of keeping some such general social record of legislation.

(3) The study of available department and court records and of the reports of the district attorney and of the civic organizations interested in special subjects. These data appear fully in the text and tables.

(4) A field study, following that of the records of law enforcement, to determine something of the effectiveness of each law. This was not possible in all cases, as some subjects, such as abortion and some of the crimes against children, did not lend themselves to even an approximately accurate field investigation.

(5) A survey (a) of the work of benevolent and civic organizations interested in the various phases of the subject as it affects New York City, and (b) of the political and other agencies which tend to promote or interfere with law enforcement.

The data on all these phases were obtained by investigators, under the direction of the Research Committee, from records and other documentary evidence and by a direct study of prevailing conditions. In the field investigation, while legal evidence was not required, addresses and conditions were verified and in some instances by more than one investigator. The Research Committee has a directory of the places and persons which constitute the basis for its report. Since the whole city could not be included, care has been taken to select typical districts. Although an investigation has been made of the so-called negro sections, it seemed best not to include the results in the percentages, as a special problem unquestionably exists here with reference to enforcement. In the study of tenements, those in the Bronx and Brooklyn were included, to quite the same extent as those on the East Side. Wherever statistical data are lacking, the preference has been to understate rather than overstate, in order to remove all grounds for the charge of exaggeration, which some citizens consider a justification for inaction.

The Research Committee has not attempted to ascertain the causes or extent of the social evil, or to deal with theories of regulation, or with the arguments for or against its existence. Upon none of these subjects does it offer data which have been sought with that end in

[1] For Federal regulations, see pages 30, 32.

view. It has confined its efforts entirely to the study of each law, and a study of so much of the prevailing conditions as fairly represents the effectiveness, defectiveness and status of that law. Its suggestions and remedies are confined to the subject studied, namely the laws, believing that on the social and economic phases the public will still find the Report on the Social Evil, by the Committee of Fifteen, issued in 1902, most suggestive, and that many of its important recommendations still await public support.

FINDINGS—LAWS

The classification of the laws falls into seven groups: Social conditions, embracing the places where prostitution is carried on or facilitated; the protection of women; the modification of penalties and procedure, in the attempt to ameliorate the conditions of unfortunate human beings; social education; the protection of the family; and of children; and of those seeking work. It is impossible to comprehend the subject of the social evil without considering the interests of these various groups, and their relation to each other.

Two law making bodies have passed forty-two laws on this subject. Of these the state legislature has passed thirty-four statutes and the Board of Aldermen eight ordinances.[1] The Local Boards of Improvement, under their powers to pass resolutions, not inconsistent with the powers of the Board of Aldermen, which take effect within ten days if not declared void by the Mayor, have not used their powers in any way[2].

The following classification shows the laws in each group, there being an occasional duplication where the ordinance applies to two statutes, as the Building Code to both the Excise and Dance Hall laws.

Social Conditions	Tenement Houses	Tenement House Law Vagrancy
	Disorderly Houses	Disorderly Person Disorderly Place Public Nuisance (Penal Law) Public Nuisance, Sanitary Code (Ordinance)
	Excise Law	Liquor Tax Law Building Code (Ordinance)
	Dance Halls	Dancing Academies Building Code (Ordinance)

[1] The Dance Hall Law has since been declared to be unconstitutional.

[2] See pages 23, 35.

- **Protection of Women**
  - Seduction under Promise of Marriage
  - Compulsory Marriage
  - Compulsory Prostitution of Wife
  - Compulsory Prostitution of Women
  - Vagrancy
    - Code of Criminal Procedure
    - New York City Charter
  - Disorderly Conduct
    - General Laws
    - New York City Charter
- **Modification of Penalties and Procedure**
  - Probation Laws
    - Code of Criminal Procedure
    - New York City Charter
    - State Probation Commission
  - Night Court
- **Social Education**
  - Obscene Prints and Articles
  - Display of Immoral Pictures
  - Immoral Plays and Exhibitions
- **Family Relations**
  - Marriage
    - Marriage Licenses
    - False Personation
    - Records, New York City Charter
    - Notaries Public
    - Public Officers
  - Adultery
  - Abortion
  - Midwifery
    - General Laws
    - Board of Health Regulations (City)
    - Sanitary Code (Ordinance)
- **Children**
  - Rape
  - Abduction
  - Kidnapping
  - Endangering Life and Health of Child
  - Messenger Boys
  - Hours of Labor for Minors
  - Labor Law
  - Children's Court
- **Industrial**
  - Employment Agencies

It is of interest to note in connection with the subsequent recital of facts that both the state and the city are silent upon the question of diseases due to the social evil; that boys, except messenger boys, are practically without protection; that such places as massage parlors are not regulated, and other business evasions of the law are not provided for; that industrial conditions, as they may be related to the subject, are barely recognized. It will also be noted that no restrictions are placed upon patrons or clients, as in gambling and other laws passed for the moral welfare of the community.

A comparison of the dates of passage of the various laws shows that those penalizing crimes against the person rather than against the group were first enacted, as rape, abduction and seduction, and that those against the family are also among the first passed, although some of the most important provisions are later amendments. The penalty making adultery a crime is very recent. The disorderly house law dates back several decades, as do the laws regulating the publica-

tion and distribution of obscene literature. The laws which regulate the change of prostitution from a personal matter to a highly important social matter, are those more recently passed which relate to tenement houses, dance halls, immoral exhibitions and plays, midwifery, compulsory prostitution, employment agencies and child labor.

Next in importance to the passage of the laws are the provisions made for enforcement. The two determining factors are, first, the machinery for enforcement; and second, the penalties. The following classification shows the officials responsible for the enforcement of each law:

Tenement House Law	Violations	Tenement House Department Inspectors; Police Officers
	Complaints	Police Officers; Tenement House Department Inspectors; Residents
	Prosecutor	Corporation Counsel (for owners); Police for Tenants
Disorderly Houses	Disorderly Persons	Police Officers
	Public Nuisance	(Penal Law), Police Officers
	Public Nuisance	(Sanitary Code), Health Officers
Excise Law	Liquor Tax Law	Police Officers; Excise Department and Inspectors
	Building Code	New York City Building Department Inspectors
Prostitution	Seduction, (on complaint) District Attorney	
	Compulsory Marriage, (on complaint) District Attorney	
	Compulsory Prostitution of Wife	on complaint, Dist. Attorney
	Compulsory Prostitution of Women	on complaint, Dist. Attorney
	Vagrancy	Police Officers and Department of Corrections
	Disorderly Conduct	Police Officers and Department of Corrections
Probation	Probation Officers; Police Officers	
Obscene Prints and Articles	New York Society for the Suppression of Vice; Police Officers; Postal Authorities	
Display of Immoral Pictures	New York Society for the Suppression of Vice; Police Officers	
Immoral Plays and Exhibitions	New York Society for the Suppression of Vice investigates and makes arrests on warrants; Police Officers	
Marriage	City Clerks; Board of Health Inspectors; Police Officers	
Abortion	Coroner's Office; On complaint, District Attorney	
Adultery	On complaint, District Attorney	

Midwifery	Board of Health Inspectors
Children	Rape, Abduction, Kidnapping — (On complaint, District Attorney) Power to investigate and arrest is vested in the New York Society for the Prevention of Cruelty to Children
	Endangering Life and Health of Child — Police Officers; The New York Society for the Prevention of Cruelty to Children
	Messenger Boys — District Attorney and Police
	Hours of Labor for Minors — Labor Department (State)
Employment Agency Law	Department of Licenses Inspectors

It appears that the responsibility is distributed among eight departments, including the two state departments of Excise and Labor, and one state commission, Probation; and five city departments, including Tenement, Building and Health Departments, Department of Licenses and Department of Correction.

Prosecuting officers are the police in the Magistrates Courts, and the district attorney in other criminal courts. The Corporation Counsel and Excise Department bring the civil suits. Two other officials, the city clerk, in cases of marriage licenses, and coroners in cases of abortion, are responsible to some degree for law enforcement. In addition, two private societies, by legislative enactment, are charged with law enforcement.

Each one of these law enforcement bodies keeps its own records, for the most part goes its own way, and there is no plan of co-ordination. The Research Committee has been unable to learn that any conferences are held looking toward some uniform enforcement of laws, or that any effort is being made to co-ordinate the work, even where two or more agencies are charged with the enforcement of the same law. The police do not always notify the Tenement House Department of arrests in tenements; indicted and convicted midwives are able to obtain permits; old time vagrants are released on cumulative sentences or on probation because of defective records; the Department of Licenses scorns police or court assistance; the Excise and Police Departments enforce the Excise law each according to its own methods; the police officers raid places, destroy property without in some cases making any arrests, and are amenable to no law in this matter. Throughout this report, further illustrations constantly occur.

Through all of this decentralization, waste of authority and lack of co-ordination and system, political pull, business interests and human fellowship play, each striving to get an offender off through

one channel, and failing there, trying another, or pitting one agency against the other. The multiplicity of laws, division of authority, shifting of responsibility, waiting by one official or department for another to act, create a situation which forms one great source of law evasion. One of the best illustrations appears in the findings of the Report of the Commissioners of Accounts[1] on the Night Court, and others are given throughout this report.

With the law passed, and responsible machinery in operation, the next thing is to know what can be accomplished under the laws themselves. This depends in some measure upon the penalties imposed, and the following classification shows these:[2]

Tenement House	Tenant, 6 months as vagrant, may be released under cumulative sentence law or placed on probation Owner, $1,000 lien
Disorderly House	Keeper, misdemeanor Owner, public nuisance, misdemeanor Disorderly person, not exceeding six months, may be released under cumulative sentence, or placed on probation Police, for neglect to report, may be tried on charges If in a Raines Law Hotel, loses liquor tax certificate
Liquor Tax	Owner—liquor tax certificate forfeited Misdemeanor, fine not less than $200 nor more than $1,200 and imprisonment for not less than 30 days, nor more than one year. If convicted, no license issued for one year If convicted for keeping disorderly place, no license for three years Employees, two convictions, forfeits certificate of owner Pharmacist, if convicted, loses pharmacist license also
Dance Halls	Misdemeanor, forfeiture of license
Seduction	Imprisonment not more than 5 years or fine not more than $1,000 or both
Compulsory Marriage	Imprisonment not exceeding 10 years, or a fine of not more than $1,000 or both
Compulsory Prostitution of Wife	Imprisonment for not more than ten years
Compulsory Prostitution of Women	For placing women in prostitution or paying for procuring them, fine of not less than $1,000 nor more than $5,000 or imprisonment not less than one year nor more than three years or both Knowingly receiving money for procuring, imprisonment not exceeding five years, or fine not exceeding $1,000
Vagrancy	Imprisonment not exceeding six months, modified by cumulative sentence law, sentence may be suspended, or probation used

[1] Page 88.

[2] The Appendices contain the full text of the laws.

Disorderly Conduct	Fine $10, sentence may be suspended or probation used, or bond for good behavior given
Obscene Prints and Articles	Misdemeanor, imprisonment not less than 10 days nor more than one year, or fine of not less than $50 nor more than $1,000, or both, for each offense
Display of Immoral Pictures	Fine not less than $10 nor more than $100, or by imprisonment not exceeding 10 days
Immoral Plays and Exhibitions	Misdemeanor
Marriage Licenses	Clerk, misdemeanor, $100 fine for every offense Clergymen and others solemnizing marriages, fine not less than $50 nor more than $500 or imprisonment not exceeding one year Parties to or witnesses making false statements, perjury
Marriages	Impersonating another in marriage, imprisonment for not more than 10 years Minister or Magistrate performing illegal marriages, misdemeanor Person assuming to grant divorce, before contract annulled by proper court, misdemeanor; first offense, fine not exceeding $500; second offense, fine of $1,000 or imprisonment not exceeding one year or both Officials and Persons solemnizing, failure to keep report, misdemeanor, fine of $100 False returns, imprisonment not exceeding one year or fine of not more than $500
Adultery	Imprisonment for not more than six months or a fine not exceeding $250, or both
Midwifery	Misdemeanor Revocation of License
Abortion	Person administering drugs or using instruments, imprisonment for not more than four years, or in county jail, not exceeding one year; or manslaughter Person selling or giving drugs or instruments, felony Person wilfully killing unborn child by injuring mother, manslaughter in first degree, imprisonment not exceeding 20 years
Sale of Drugs	Person advertising selling drugs, medicines or instruments, misdemeanor, imprisonment not less than one year nor more than ten years, or a fine of not less than $50 nor more than $1,000, or both Opium: Person permitting use of building, misdemeanor Person who refills prescription, more than once, misdemeanor Cocaine: Felony, imprisonment for not more than one year, or a fine not exceeding $1,000
Rape	First degree—Imprisonment for not more than 20 years Second degree—Imprisonment for not more than 10 years
Kidnapping	Imprisonment for not less than 5 nor more than 50 years

Abduction	Imprisonment for not more than 10 years, or a fine of not more than $1,000 or both
Endangering Life or Health of Child	Misdemeanor
Messenger Boys	Corporation employing, misdemeanor, fine of $50, recoverable by the District Attorney Person who obstructs enforcement, misdemeanor
Hours of Labor for Minors	Misdemeanor, 1st offense, fine of not less than $20 nor more than $50; 2nd offense, fine of not less than $50 nor more than $200, or imprisonment for not more than 30 days, or both; 3rd offense, fine of not less than $250, or imprisonment for not more than 60 days, or both
Employment Agencies	Fine of not less than $50 nor more than $250, or imprisonment for not more than one year, or both; revocation of license

An analysis shows that the penalties imposed are of four kinds: Fines, imprisonment, loss of business permit, and of tenure of office. In fifteen instances the offenses are classed as misdemeanors. These include all of the four laws affecting social conditions, namely, tenements, disorderly houses, saloons and dance halls, the three affecting social education, four affecting the family, three affecting children, and the one industrial law. The table shows that few drafters of bills have been content with the penalty which a misdemeanor carries, namely, imprisonment not exceeding one year, or a fine not exceeding $500, or both, but have modified it by increasing or limiting the maximum.[1] Among other things this method has resulted in, is that for two offenses fines are imposed but no imprisonment.

In the class of felonies there are ten laws, relating entirely to the protection of women, of the family and of children. Of these, six are punishable by both fines and imprisonment, and the remaining four by imprisonment only. These latter are rape, kidnapping, compulsory prostitution of wife and impersonating another in marriage. The same juggling with the penalty is also apparent here. In four instances the burden is made to fall upon the business, by the revocation of the permit, namely, for the sale of liquor, to conduct dance halls, employment agencies and to practice pharmacy. In three instances officers are burdened with responsibility—the city clerk who issues marriage licenses, inspectors of the health department who report births, deaths and marriages, and police officers, all of whom may lose their positions for failure to enforce the laws.

It is apparent from this analysis, that little care is exercised to impose similar penalties for similar offenses or to make them fit the crime. In some cases they are so light as to be farcical, and in others so severe that judges hesitate to impose them. Some curious discriminations occur as in the abortion law, between those who ad-

[1] For provisions of law, see Appendix XXXV.

minister drugs or use instruments, those who sell or give drugs or instruments and those wilfully killing an unborn child, by injury to the mother. One result of the discrepancies in penalties is that the same offense may be tried under any one of several charges and the one carrying the lightest penalty selected. As an illustration, the compulsory prostitution laws, carrying heavy penalties, are ignored, while vagrancy and disorderly conduct are substituted, with very light penalties which can be shortened by the cumulative sentence law. The police officer making the arrests selects the charge.

A number of serious defects are apparent. How much this is due to the law, and how much to the magistrate's interpretation is not always clear. In a letter addressed to Magistrate Harris, Mayor Gaynor says on this point:

> See to it on the other hand that arrested persons are not discharged when they should be held. It is very discouraging to the police to have Magistrates discharge prisoners against whom ample evidence of crime is presented. And the same is true in the case of minor offenses.
>
> If an officer sees a woman in the street ogling man after man and speaking to them, and arrests her as a disorderly person, it is deplorable to see a magistrate discharge her on the ground that, as the policeman did not hear what she said to the men, there was no evidence that she solicited. Her actions are evidence of it sufficient to put her to her explanation or defense. Words are not necessary.
>
> In the same way, it seems to be a common thing to discharge a liquor dealer against whom the evidence is that a person ordered whiskey of him and that in response he furnished something as whiskey. It is said that this furnished no evidence that the drink was whiskey, which entirely overlooks that the production of it as whiskey by the defendant is an admission by him that it was whiskey. It is not necessary to have a whiskey expert testify that it was whiskey. I could multiply similar fooleries, but these suffice for illustration.

One of the most serious instances of such an interpretation of the meaning of the law is the evidence required in tenement house cases[1], where judges rule that exposure of person is necessary for conviction. This practically excludes tenants, neighbors and reputable citizens from testifying, and subjects police officers and department inspectors to temptation and humiliation, which no community should tolerate.

On the other hand, a number of laws are rendered practically inoperative because corroborative evidence is required under almost impossible conditions, as in rape and seduction. The Federal laws attempting to regulate the white slave traffic are not hampered by such limitations of evidence. Year after year new statutes are added with no change in the evidence required, and simply encumber the statute books, and mislead the public into believing that adequate protection has been provided.

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[1] See page 14.

Drastic bills regulating some phase of the social evil are usually drafted following some outburst of indignation on the part of the public, and are hurriedly thrown together and rushed through, without reference to what already exists or is lacking, and with no supervising body of any kind to take the matter under advisement. Indeed, reputable citizens are misunderstood if they oppose such bills. This is not true with other social legislation. The tenement house law, child labor laws, and others have their watch dogs, and nothing can be added or eliminated without the most careful scrutiny and discussion.

The laws chiefly relied upon to regulate the social evil are vagrancy, disorderly conduct, disorderly persons, and keeping a disorderly house. These are applied chiefly to practitioners and not to profit sharers. They are enforced largely against women. So long as this discrimination exists, its very injustice prevents law enforcement. Public indignation immediately makes itself heard against a boycott law enforced only against employers, or against a trust law applied to only one class of trusts. Only ignorance of the practice can explain the toleration of this injustice to women, and the leniency of the judges reflects this latent sense of justice.

FINDINGS—CONDITIONS AND LEGAL REMEDIES.

The following is a summary of the conditions found and the legal remedies deemed necessary to make each law more effective. The Research Committee, in making these recommendations, does not go on record as advising that these laws be continued in force, or that they are the most effective way of dealing with the problem, but simply that they record a decision of the public, designed to accomplish certain ends, and to point out in what particular the law defeats this registered opinion. Having pointed out the need, it is for the community to decide to amend the law, or to repeal it if it no longer expresses its conviction. It must also be remembered that in estimating the effectiveness of a law, its restraining power cannot be measured as can its punitive power. This is a considerable element in checking crime as may be seen where police inspectors keep their districts under control by surveillance or threats. This study can necessarily only include what has been done through the invoking of each law.

Tenement House Law.—1,355 complaints for prostitution have been filed with the Department since it was created; not one owner or agent has had a court proceeding brought against him, and no publicity has attached to his ownership. The Department has knowledge of but one-third of the existing cases, the Police report

but 25 per cent. of the arrests in tenements to the Department, the Department has been successful in but 44 per cent. of the houses it has "cleaned up." The ratio of convictions is small to the arrests, and but 28 per cent. of the women serve their full sentences. The average time taken to "clean up" a place is eleven days. The population affected by disorderly conditions in 129 tenements numbered 1,521 families. In 65.9 per cent. of the cases of women arrested for immorality, they were so disposed of that they were in a position to immediately return to the street.

Remedies.—That there be created a special inspectorship or division in the Tenement House Department which shall have charge of violations of these sections, shall facilitate co-operation with the police and obtain court records, follow up supposedly "cleaned up" places, and proceed against owners and agents as the law provides. Nothing short of determined and intelligent effort, specifically directed to this evil, will better conditions. Public opinion should make its influence felt upon the magistrates who interpret the rule of evidence so at variance with the specific wording of the law, or the law should be amended in this respect.

Disorderly Houses.—The number decreased from 1907 to 1909. In 76 per cent. of the cases of disorderly houses known to the police, disorderly conditions continued unchecked, and but 42 per cent. found by the investigators were carried on the police captains' reports. "Police surveillance" consists in many instances of warnings to patrons, allowing places to run quietly, or ignoring patrons who enter. Of 7,054 persons arraigned in 1909, but 148 were keepers of disorderly houses, and 109 were inmates. Massage parlors and "Raines Law" hotels have taken the place of a number of disorderly houses. In but few instances had the owner been served with liability notices. A majority of the persons arrested in connection with disorderly houses are women. Some of the suspicious places have policemen stationed outside to watch them long after they are deserted.

Remedies.—Greater interest and activity on the part of the Board of Aldermen and Local Improvement Boards. Abolition of the surveillance system which carries with it in many instances protection. Amendment regulating massage parlors. Abolition of raids where property is destroyed and no arrests made. Abolition of soliciting by men and women in connection with such houses. Flagrant advertising of prostitution should be rigidly prohibited. Penalizing men as well as women, for the burden should not fall wholly upon the

latter. Use of the public nuisance laws, which are now wholly ignored.

Liquor Tax Law.—"Raines Law hotels" make vice easier. They are protected by liquor interests; divide soliciting and prostitution, tempt men and women to drink as well as to immorality, combine recreation with vice, and perpetuate the rake-off or graft system between hotel, liquor and other business interests and the prostitute. Of the 625 actions brought against 152 hotels, 26 per cent. were dismissed, and 25 licenses were forfeited. As a result, 18 of the 152 have discontinued the sale of liquor, 41 are closed and improvements were made in 28 other places, showing an improvement of 50 per cent. 320 alleged disorderly hotels still exist, 67 per cent. of the hotels carried as suspicious by the police were found to be disorderly, and but 54 per cent. of the actual number found were carried by the police.

Remedies.—The law should be enforced by one responsible body, not two, preferably the Excise Department, and the appropriation should be increased and number of agents enlarged to take care of the matter. There should be a limitation of the number of saloons, based on the population, 1to500 or to 1,000. The hotel requirements should be increased to 25 rooms. The burden of proof should be on the defendant, in accordance with a recent decision which held that liquor dealing was a hazardous traffic to the state. The dealer should therefore convince the state that the minimum of risk obtains in his business as he conducts it.

Dance Halls.—A visit to 73 dance halls in 1908 showed 49 conducted in connection with the sale of liquor, 22 being "Raines Law" hotels. In 1909, 161 out of 273 dance halls were in the rear rooms of saloons, and 112 in buildings in some part of which liquor was sold. With few exceptions, women who dance are expected to drink; little supervision is maintained over the character of the persons who frequent these halls; they are frequented by procurers and prostitutes, and dances in them are run by gangs of "toughs." A hall used for a respectable dance one night may be sublet for a disreputable dance, and the patrons cannot protect themselves.

Remedies.—The present law, having been declared unconstitutional, there is no protection and a new law should be passed, regulating dancing academies and halls, separating amusement from the sale or use of liquor, and safeguarding patrons from association with prostitutes and procurers.

The "Cadet" System.—Prostitution as carried on in New York requires the services of procurers and protectors. These secure women, protect them while at work and help them to avoid punish-

ment and evade serving sentences. Immoral women are considered to be without caste in their profession, if they work alone, and are quickly arrested. Street gangs, political, social and athletic clubs bear a close relation to this system. The records of 152 seduction cases show that 75.6 per cent. were discharged. Two cases have been brought under the compulsory prostitution laws since their passage, and none under compulsory marriage. Vagrancy and disorderly conduct laws are largely used to deal with the "cadet." Of 265 men tried on these charges, 31.9 per cent. were discharged, 44.8 per cent. sent to the workhouse, 18.9 per cent. fined, and 6.4 per cent. were released on probation or good behavior bonds. One-third of those sent to the workhouse served their full time.

Remedies.—The four laws, Seduction under Promise of Marriage, Compulsory Marriage, Compulsory Prostitution of Women. and of Wife, will remain inoperative until the rule of evidence is changed, and the penalties correspond to those for offenses of equal social magnitude. The charter provisions nullifying the effect of these laws in a cumbersome way should be abolished for both men and women. Some means of identification should be established which would make it impossible to parole old offenders.

Probation.—Probation is used to secure the release of old offenders and to nullify the effect of the vagrancy law. This is easily done, because there is no means of identification, little probationary oversight, and probation reports are perfunctory. Out of 400 defendants placed on probation, for 220 there was no information on the records, 39 absconded, and 39 were permitted to leave the city. An investigation of 182 cases showed that 114 were not known at the address, 40 had moved, but the new address was unrecorded, and a number of other addresses were not residences.

Remedies.—A probation system is needed, with a chief probation officer, as an enforcing and controlling agency, co-ordinated and having complete, adequate and accurate records and means of identification; probation officers to be civilians and not police officers. Abolition of probation for old offenders is necessary if the effectiveness of other laws is not to be impaired.

Night Court.—It has seriously interfered with bail bonds, as was its purpose, but the disposition of cases does not vary from that in other courts, 37 per cent. being discharged, 44.5 per cent. fined, 6.4 per cent. placed on probation or released on good behavior bonds.

Remedies.—Extension of the Night Court to other boroughs, and separate courts for men and women, with suitable detention places,

convenient to the courts. Here can be established an adequate identification system.

Social Education.—These three laws relating to obscene prints and articles, indecent pictures and posters, and immoral plays and exhibitions serve as preventives of the distribution of vicious literature. The first is the best enforced. The other two have not been fairly tested, and might be much more widely applied than at present.

Remedies.—Severer penalties, more responsibility upon the police, and appropriations to duly constituted authorities rather than to private societies to carry out the enforcement.

Marriage Licenses.—(1) The law requiring a license seems to be working well, but an appropriation to enable the county clerk to make investigations, follow up records, and cases, would increase the efficiency of the bureau. Some evasions of the law which still exist would then be brought to the knowledge of the clerk. (2) The Charter provisions requiring marriage returns to the Board of Health would be better enforced if they were transferred to the marriage license bureau. (3) The law penalizing a person for falsely personating another in marriage is practically never invoked, partly because of the drastic punishment imposed, which is out of proportion to that for similar offenses. (4) Fraudulent acts of notaries public in the acknowledgment of marriage certificates should be punishable as a misdemeanor in addition to the loss of office.

Midwifery.—This law and the provisions adopted by the Board of Health, have resulted in a decrease in the number of midwives, and in improved sanitary conditions. Lack of co-operation between departments results in midwives with criminal records receiving licenses; advertisements of such midwives are still published, and 23 out of 27 midwives who so advertised agreed to commit abortion. Schools of midwifery flourish, and a number of their graduates are among those having criminal records. Coroners' records show that in proportion to the number of abortions recorded, but few arrests or convictions are made, and that acquittals are proportionately very large. Although one conviction has been obtained, the public nuisance law is not applied to places kept by midwives.

Remedies.—Doubtless an increased appropriation would increase the efficiency of the Board of Health, as the powers are adequate and the procedure seems well designed to control the situation. The County Medical Society stands ready to assume the burden of prosecutions, and eternal vigilance, made possible by an adequate appropriation, is needed.

Abortion.—The number is constantly increasing, and the law is practically inoperative. The combined efforts of the police, district attorney, coroners, Department of Health, County Medical Society and the Society for the Suppression of Vice, have resulted in the trial of but 25 abortion cases in two years, and of these but 5, or 20 per cent., were convicted. Advertisements for this purpose of drugs and by midwives are freely published.

Remedies.—The difficulty of obtaining evidence, especially against physicians, cannot be remedied by amendments to the law, but provisions against midwives, physicians and others who advertise and against druggists who sell drugs could be strengthened and an appropriation given to the Health Department for the enforcement of these laws.

Sale of Drugs.—The laws regulating the disposal and use of opium and cocaine are totally inadequate, and should be revised to meet the ravages of these drugs, especially cocaine. Its use should be prohibited, even by physicians, except where absolutely necessary. The sale of drugs to messenger boys who act as the agents for disorderly houses, should be prohibited. Although cocaine is commonly used by immoral women, there were but 28 persons tried for violating the law, and of these 16 were convicted. A record of the sale of cocaine for the period studied, by only a few of the prominent druggists showed that 6,045 ounces were disposed of. In the face of the increasing dangers from the use of these drugs, it is of interest to know that the Health Department relies largely on private funds to enforce this law.

Rape, Kidnapping and Abduction.—These laws show a large number of prosecutions, there having been 433 cases of rape, 14 cases of kidnapping, and 141 cases of abduction, in three years. 21.2 per cent. of the rape cases, 28.5 per cent. of the kidnapping cases and 34.3 per cent. of the abduction cases resulted in convictions. It was not possible to compare this record with existing conditions. The percentages show that something is wrong with the laws, and judges assert that they are loosely drawn, carry too severe penalties. The evidence required also tends to destroy their effectiveness. Used together as they are, they should be carefully redrawn, with the provisions of each in mind.

Employment of Children.—The law against endangering life and health of child is enforced in many respects more with regard to labor than to amusements, and is here a real protection. The law relating to the work of minors is enforced, but unfortunately applies to a limited number of trades.

Remedies.—Messenger service at night is largely in connection with disorderly places, and the boys run errands, buy drinks, and drugs, and associate unreservedly with both men and women in these houses. The law relating to messenger boys is a dead letter, and does not extend over a long enough period. No restrictions are imposed upon the boys, who in some instances, become attachés of these houses. The clause prohibiting entering such houses should be rigidly enforced, and the purchase of drugs, drinks, etc., by minors forbidden.

Unemployed.—Agencies are no longer open barter places for the sale of women, but are still used as blinds to get women to enter these houses first as workers.

Remedies.—The revocation of a license is an inadequate remedy, as many find ways of staying in business. The limitation of the law to first and second class cities hampers its effectiveness. Amendments are needed, extending the jurisdiction of the law to other localities, and bringing employers of stenographers, typewriters and advertisers under its provisions.

CIVIC ORGANIZATIONS.

It may be asked, in the face of so many needs and of prevailing conditions, what is the contribution of civic agencies in this matter? There are in the city of New York four groups of volunteer organizations which have machinery for dealing with some phase of the social evil. The first has for its object prevention and includes such societies as the Prophylaxis Society, National Purity League, Consumers League, and others. The second group is protective, and includes such organizations as the Travelers Aid, immigrant aid societies, State Probation Association, and others. The third is repressive, and includes the Committee of Fourteen, and the National Vigilance League. The fourth is remedial, including the County Medical Society and the New York Society for the Prevention of Cruelty to Children, New York Society for the Prevention of Crime, and others. From a careful survey of the activities, the Research Committee is unable to find that any one of them is dealing with any other than some special phase of the problem, or that there is any co-ordination of the work of the different organiztaions or that they come together in any way for conference. Most of the active work is being done for children and in the suppression of literature. Apparently there is no central committee interested in all phases of the subject, which deals with it in an adequate way. Furthermore, committees and agencies which are dealing with matters of public welfare, of which the social evil is a part, are deliberately shirking this respon-

sibility, or are assuming that it is unimportant or non-existent.

It is futile to attack special phases without some way of judging of the effect of such activity and without some means of preventing the simple changing of the evil from one form to another. Those interested in closing disorderly houses think that so much of the evil is destroyed, when it is thereby driven into "Raines Law" hotels and tenement houses. Those interested in enforcing the marriage license laws may be quite ignorant of what happens under the compulsory marriage law, the enforcement of which is in entirely different hands. There is even more decentralization, waste of effort and of public money by civic bodies in dealing with this matter than has been shown to exist among officials. As between official bodies and civic bodies, there is not the co-operation which is essential to efficient work.

CONCLUSIONS.

The analysis of the laws, which is fully substantiated by the prevailing conditions under these laws, shows that prostitution is no longer the simple process of a man seeking a woman in a place kept for such a purpose, or that only men who are looking for such places, or women who wish to live in them, are to be found there. The defense of prostitution is based on this belief, which is totally erroneous. This form of prostitution exists merely as the center of an elaborate system which has been fostered by business interests rather than as a consequence of emotional demand. The laws show clearly the existing complicated order of commercialized vice.

The disorderly house, the recognized institution of the social evil, occupies a very small place. The tenement house, with its cloak of respectability and protection of other tenants by the janitor and real estate agent; the "Raines Law" hotel, with its additional temptation of liquor; the dance hall, with its attraction of amusement; the massage parlor, with its allurement of the care of the body—these increase the dangers a hundred fold and vastly increase the stimulation because of the multiplied interests which must have their share of the proceeds. The supply of women for prostitution does not come as largely as is commonly thought from the ranks of those willing or seeking to enter this life. Were this true there would be little necessity for the "cadet," procurer and protector who lead women astray; for seduction, false marriages, drugs, pleasure halls, drink, and force to be used to entice them into this life; and compulsory prostitution, division of fees, cost of living, and of protection would not be used to keep them in such a state of subjection. Then the midwife and physician and druggist also stand ready to avert the consequences of the

life of shame. The procurer and the combined interests are aware that if the safeguards of childhood can be broken down, the work of procuring women and patrons is easier.

All of these, and many other ramifications of the interests brought out in the study of the laws show the network of the business of prostitution as it exists. To control the evil requires nothing less than a consistent, intelligent effort along the whole line. No one in this age seeks to improve tenements by considering only light; or to better living conditions by urging lower rents alone; or to kill graft by attacking only certain lines of business; or to purify politics simply along party lines. Prostitution is not a problem in a class by itself, independent of economic and political and social laws, any more than is any other fundamental expression of life. This may be seen from those who share the profits. It is no longer the woman who receives the lion's share of the proceeds. For whom must she earn money? There is extra rent to be paid for protection, which goes to the agent or owner; fees to the janitor and presents to his children for services or to avoid complaints; extra high prices for clothes and necessities, part of which goes to the middleman, where women are inmates in houses; commissions for the keeper, and "cadet" or protector; police protection money; and bail money if arrested. The prostitute, if she succeeds in getting her patron to buy drinks, earns a profit for the brewer; if she uses a "Raines Law" hotel, she divides rental with the proprietor; and if she frequents a dance hall, she pays her way. She also earns money for the telephone company and messenger service, for these are used extensively by her at night. The amount she earns must cover most of these items, or she cannot be a successful prostitute in New York City, and it is with the knowledge if not the direct connivance of these various business interests that she conducts her business. It is not the "demand and supply" which makes the public tolerate this abnormal, artificially stimulated vice situation, but the business interests and political expediency—things which we are learning are undermining political freedom and economic independence as well as menacing the moral integrity of men, women and children.

We have to deal, then, with vice as a business, conducted for profit, with various beneficiaries in all walks of life, rather than what is termed "demand and supply." This latter is so distorted and so abnormal in its appeal, due to some of the efforts to secure larger financial returns, that it is doubted if those most hopeless about improvements would care to use this as an excuse for doing nothing were the real situation known.

RECOMMENDATIONS.

The Research Committee therefore recommends:

(1) Since there is no one body or group dealing with this matter as a whole, that the Governor or Mayor appoint a non-salaried commission to take up this matter of further study of conditions, law amendments and enforcements, procedure, centralization of the responsibility for enforcement, and the creation of a public sentiment for such measures as seem advisable. If such a commission is impossible, a voluntary committee of citizens should serve. It is not possible, however, to obtain, without official request, desirable men who are willing to sacrifice business and social interests, to serve the community in work which involves so much pain, discomfort, revulsion and hardship.

The Research Committee believes that the creation of such a commission rests with the citizens of New York and not with the police, elected officials or legislators. It is true the citizens have in a measure laid down their platform in these laws, but they did not elect their representatives squarely on this platform and they have not made known whether they want these laws enforced or not. This subject has been largely left to sentimentalists, propagandists, or those who have an interest in some special phase which they push to the exclusion and detriment of all others. Some laws exist to-day because an unintelligent, cowardly public puts unenforceable statutes on the book, being content with thus registering their hypocrisy; others are unenforced because the public takes little interest after their passage unless it is interested in a special field or unless violations affect individual members and their families. Moreover, there exists nowhere a body of data which is accurate and reliable. What exists is scattered through various departments and offices. No informed, authoritative body is in a position to prove or refute assertions made regarding immorality—and such a commission can gather this information and perform this service.

The campaign is far easier to outline than is the selection of a committee. A situation exists to-day which ought to unite all thinking, breathing, live citizens. There are things they can all "get together" on, namely driving vice out of tenements where hundreds of families and children are in moral peril; close the "Raines Law" hotels, which combine drinking and are the embodiment of commercialized vice, as evidenced by the procurer and business interests that make their living from it; prohibit the use of places of recreation such as dance halls, as soliciting places; prevent the exploitation of

children, especially messenger boys, and of the unemployed while seeking work; make impossible buying and selling of women and holding them in bondage; insist that solicitation and advertising on the streets and elsewhere in order to attract men who might not otherwise seek these houses, be stopped; and that the use of vice for the purpose of swelling the sale of liquors and drugs be discouraged in every possible practical way. There can be little difference of opinion in such a campaign to obstruct concerted action; indeed, conditions may be improved along these lines without at all discussing whether or not the social evil *per se* is eradicable.

The campaign need not stop here. There are defects in the existing laws which need remedy. Furthermore, the rule of evidence laid down by the magistrates in their interpretation of the laws is such that other laws are practically unenforceable. The attitude of the magistrates in the treatment of cases of social evil reflects the attitude of the public. By some of them they are taken as a joke, witnesses are subjected to indignities and ridicule, and the system of fines which is used in such a great number of cases, which allows the women to return immediately to their calling is a travesty on justice. There is needed the creation of a public opinion which will result by giving publicity to the way in which the courts treat these matters, and also a change in the atmosphere of the courts by having committees of deeply interested, earnest people present at all sessions of the courts, who can see for themselves the prevailing conditions.

Some of the profit sharers must be dispensed with through the force of public opinion or by means of heavy penalties before the growth of vice can be checked. These include those who profit off the place—the landlord, agent, janitor, amusement dealer, brewer and furniture dealer; those who profit off the act, the keeper, procurer, druggist, physician, midwife, police officer and politician; those who profit off the children—employers, procurers and public service corporations; those who deal in the futures of vice—publishers, manufacturers and venders of vicious pictures and articles; those who exploit the unemployed—the employment agent and employers—a group of no less than nineteen middlemen who are profit sharers in vice. Should prostitution be used to cover the loss on the liquors sold by the "Raines Law" hotel-keeper, whose contract with the brewer enriches the latter but does not enable the former to live decently? Should small druggists sell abortion drugs at large profits, to enable them to compete with drug stores that cut prices on regular lines of goods? These, among others, are alleged as justifications of the prevailing conditions.

(2) A great part of the difficulty lies in the attitude of the magistrates. It would seem that in their appointment it might be justly insisted that moral integrity be made as important as business integrity. Leaders of political organizations interested in the protection of vice cannot be expected to be impartial judges. We are insisting upon fit men for courts where large business interests are at stake; why not where large social interests are at stake? Were citizens to take a personal interest in the courts, to the extent of being present at the trials, they would realize the necessity for improvement.

(3) The great engines of political, social and economic reform are publicity and public opinion, not punishment. The number of convictions in the insurance scandals was small; one senator disqualified has thrown legislative bribers into a turmoil. On the question of the social evil there is no publicity in the responsible quarters. Only the unfortunate women who have nothing to lose, or the practitioners, are subjected to the weight of public opinion. It should be brought to bear upon the profit sharers, the men higher up. If the public desires its laws enforced, it must provide a judicious publicity which will reach the respectable profit sharer and discourage sensational stories of crime and exaggerations of existing conditions.

(4) Too much emphasis cannot be laid upon the necessity for providing abundant, wholesome recreation and for the separation of recreation and vice.

(5) Some method should be devised by which officials charged with the enforcement of laws will co-operate and can obtain a knowledge of what is being done by each law enforcement agency. Conferences are not enough; some more or less automatic method of providing such information should be devised.

(6) The women of the community who are seeking an outlet for their energies and a use for their leisure time can well see to it that the burden of punishment does not fall so entirely upon women.

(7) Local Improvement Boards have powers conferred upon them which need exercising, and a general campaign to bring them to life and hold them responsible for their districts would at least be of interest.

(8) Abolition of the system of fine for repeated offenses, and establishment of some accurate records and means of identification should receive immediate attention.

(9) The publication in code form of the laws governing the social evil and a digest of the decisions might prove helpful to legislators, judges and others who are interested in the passage or enforcement of laws.

SOCIAL CONDITIONS

There are nine statutes which are aimed primarily at the practices of associated interests rather than at those carried on by individuals, and at commercial interests rather than at human impulses. These are of the utmost concern to society. The first four of these—tenement, disorderly house, liquor tax, and dance hall laws—seek to regulate the places where prostitution is facilitated, while the other five seek to regulate it without reference to the place. In addition, probation and the night court are expedients for dealing with this group of offenders. These statutes are considered first, as most vitally affecting the city as a whole.

THE TENEMENT HOUSE LAW.

Of all the laws devised to regulate the social evil in cities, that relating to tenement houses is perhaps the most vital, if there are considered the number affected; the influence upon children; and the crowded and undesirable conditions in many tenement buildings and neighborhoods; which tend to weaken the moral fibre. This law is also one of the highest expressions of group protection, since it seeks to specify the conditions under which a home may be made, and places the responsibility for violations upon the landlord as well as upon the tenant.

Provisions of the Law

The Tenement House Act became a law on April 1, 1901, and provides that a woman who exposes her person for the purpose of prostitution, or commits prostitution, or solicits a man or boy to enter a tenement for this purpose, shall be deemed a vagrant, and upon conviction be committed to the workhouse for a term not exceeding six months. The law also provides that a civil action may be brought by the Tenement House Department against owners of tenements where prostitution exists, to establish a lien of $1,000 upon the house and lot. It further provides for the prosecution by the Police Department of prostitutes who frequent tenements.[1]

[1] For abstract of the law, see Appendix I

CONDITIONS PRECEDING THE PASSAGE OF THE LAW.

Conditions previous to the passage of the law may be traced through the reports of the Tenement House Committee, of the Committee of Fifteen, and of the Tenement House Commission.

Tenement House Committee.—This Committee did not study the subject of immorality in tenements as extensively as it did sanitary and other conditions. It found, however, that there was an alarming increase of prostitution in these houses, especially during the eighteen months previous to the publication of its report. The chief reason given for this increase was the closing of private disorderly houses by the police, which resulted in driving their occupants into tenements. The Committee recommended that the Legislature make some provisions to check the evil, and impose severe penalties upon offenders.[1]

Committee of Fifteen.—This Committee was organized in 1900 for the purpose of studying the causes of the increase of gambling and of the social evil in New York City, and to fix the responsibility for the non-enforcement of the laws designed to control them.[2] The Committee found that prostitutes were plying their trade openly in tenement houses, and obtained evidence showing that such conditions existed in over 300 apartments. The Committee co-operated with the framers of the new Tenement House Law in securing its passage, and supplied information which constituted an important factor in the success of the reform movement in the municipal campaign of 1901, and the election of Mr. Seth Low as mayor.

Tenement House Commission.—The report of this Commission was published in 1903, as part of a two volume report on "The Tenement House Problem," edited by Messrs. De Forest and Veiller. Like the previous Tenement House Committee, the bulk of the work was in the direction of sanitary inspection and remodelling tenements. In the schedules, forms, blanks, and questions sent to citizens, no specific reference was made to disorderly conditions. The introduction calls attention to disorderly conditions in tenements found by the Committee of Fifteen, and says:[3]

> "The evil of prostitution has been practically eradicated from the tenement houses. This has been accomplished by the more drastic and severe penalties imposed by the New Tenement House Law."

The law went into effect July 1, 1901, and its enforcement during the months immediately following its passage resulted in the eviction of over 200 disorderly tenants from apartments where immoral

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[1] Report of the Tenement House Committee, 1894.

[2] The Social Evil. A report prepared under the direction of the Committee of Fifteen, 1902.

[3] The Tenement House Problem, 1903.

conditions had been found by the Committee of Fifteen. After the eviction of these tenants it was reported from authentic sources that many of them found their way into private disorderly houses.[1]

Notwithstanding the statement above quoted, the publication further contains two statements dealing in a general way with the social evil in tenements, and with its effect upon domestic life. These were written by Dr. Felix Adler and Mrs. Charles R. Lowell, who agreed that the conditions were such that landlords should be punished more severely, and that women should be sent to the workhouse instead of being fined.[2]

The combined activities of these various committees and of other agencies and the operation of the new law undoubtedly resulted in the suppression of the flagrant use of tenements by immoral women. Resting in the belief that the evil had been practically eliminated, the activities of those interested in the improvement of tenement houses have been chiefly directed of late years to housing and sanitary conditions. A survey of the activities of twelve societies interested in the improvement of social conditions, and therefore, likely to be interested in this subject, shows that there is but one which has even touched upon it. "A study of Tenement House Administration," made by the Bureau of Municipal Research in 1909, does not include the problem of morality. This is typical of the general attitude now taken.

Prevailing Conditions.

The Tenement House Law is applicable only to New York City, and created a Tenement House Department. An examination has, therefore, been made of the records of this department.

Tenement House Department Records.—The records were tabulated for the period from August 8, 1902 (the date of the creation of the Department), to October 2, 1908, the time this study was begun. During this time there were 1355 complaints of prostitution, an average of 216 annually.[3] Of these, 1062 or 78.4 per cent. were dismissed and 293 were held as violations.[4] Of the 293 violations, 10 were held for prosecution, but none ever came to trial, the Corporation Counsel recommending that they be dismissed because the owner had apparently complied with the law.

Of the 1355 complaints, 1094 or 80.7 per cent., were in Man-

[1] Report of the Committee of Fifteen, Page 187.

[2] The Tenement House Problem, 1903.

[3] For total complaints in all Boroughs, see Table I.

[4] Whenever the owner does not comply with the order to him or his agent by the Department to remove the cause of complaint, the case is entered as a violation, and if the conditions persist, is referred to the Corporation Counsel for prosecution.

hattan;[1] 259 or 18.3 per cent., in Brooklyn, Queens and Richmond; and 2 in the Bronx.[2]

Published statistics show that in 1908 there were 102,897 tenements in Greater New York, of which 42,589 were in Manhattan, 53,068 in Brooklyn, Queens and Richmond, and 7,240 in the Bronx.[3] For the ten months from January to October, 1908, there were in Manhattan alone 21,408 complaints of all kinds filed in the Department.[4] Of this number, 191, or one in every 112 complaints, were for disorderly premises. Nearly 75 per cent. of these were located in the following Assembly Districts: Third, 17; Sixth, 9; Seventh, 19; Eighth, 31; Ninth, 12; Tenth, 11; Nineteenth, 11; Twenty-fifth, 11; and Twenty-seventh, 17. In Brooklyn, Queens and Richmond there were 36 complaints against disorderly premises. There were none in the Bronx. This makes a total of 227 in Greater New York. The percentage of tenements affected, therefore, is one in every 453 for all Boroughs; one in every 223 in Manhattan, and one in every 1,474 in Brooklyn, Queens and Richmond.

So far as the Department records show, there has been no court proceeding against an owner or agent of a disorderly tenement house between the date of the passage of the law and that of the investigation —a period of 6 years and 3 months. The policy has been to secure compliance with the law by an order issued to the owner to remove the cause of complaint. The extent to which the patience of the Department is exercised may be seen from a tabulation made of 175 of the 191 cases in 1908, showing the time which elapsed between the date of the complaint and the final report of the office that the cause had been removed.[5] The minimum time was 2 days, the maximum 37, and the average 11 1/2 days. In 54 per cent. of the cases the time required was 10 days or over. The following instances illustrate the procedure and the causes of delay:

Case A. November 12, owner notified; November 14, owner promised to investigate; November 19, inspector reported room still occupied; November 19, owner reports complaint was sent in out of spite; January 3, tenants vacated, but other rooms were still occupied by the same persons, but were not used for immoral purposes any longer; January 13, violation dismissed.

Case B. Six separate apartments were used for immoral purposes, October 12, 1903, owner or agent notified; October 20, re-inspection shows parties still there; October 22, representative of the agent called at the Department and stated that he would issue dispossess warrants and would notify the Department if he had any trouble; November 4, re-inspection shows parties still there; November 11, letter from Commissioner to agent states

[1] Table II.
[2] Table III.
[3] City Record, September 11, 1909.
[4] Records were available only to October 1, 1908, the time of the investigation.
[5] Table IV.

that if the matter does not receive attention he will begin action at once; December 5, parties still there; December 14, letter from the Police Department informs the Commissioner that one of the inmates was arrested for violating the Tenement House Law; December 16, letter from the police captain states that all the residents in the tenement are now respectable except two, and the agent has been notified to dispossess them January 1. The same house, however, had another violation filed against it five months later. The description was the same, but the basement was now used for immoral purposes, and the owner's name was different. The owner was first notified in March, and on the 14th promised to put the tenants out immediately; April 7, re-inspection showed two floors still used for the same purposes; April 11, letter from Commissioner threatens to refer the matter to the Corporation Counsel; April 13, owner states that the parties were evicted; June 24, re-inspection shows some have been evicted, but others are still there; July 5, another notice sent to owner. There is no further report, except one dated October, 1905, in which the Department was informed that the tenement was occupied by colored persons. On November 1, 1905, nearly two years after the first complaint, there is a recommendation for dismissal of the violation by the Assistant Corporation Counsel.

Police Department Records.—The responsibility for obtaining evidence and aiding in the enforcement of the provisions of the law really rests with the Police Department. On June 29, 1901, Police Commissioner Murphy issued a general order to the effect that every member of the force should make a close scrutiny of tenement houses in the city, and whenever a prostitute was found in one this fact should be reported in writing to the Police Commisioner and the Health Department. The officers were also instructed to ascertain the character of the tenants, by inquiries in the neighborhood, for the protection of reputable tenement house residents, and to save their children from associating with improper persons or witnessing improper exhibitions or practices.

A search was made for a similar order of more recent date but none could be found at Police Headquarters. The officers in charge said that it had always been customary for the captains of a precinct in which an arrest has been made in a tenement house to report the fact in writing to the Tenement House Department, the reports giving the name of the person or persons arrested and the circumstances. In many cases found the captain only reports the name of the keeper, and if any inmates are arrested at the same time they are tried with the keeper in the Magistrates' Courts.

It was not possible without great expense and loss of time to ascertain the number of arrests made since the law went into effect. The record for the nine months of 1908 showed that of the 191 complaints in Manhattan, 103 were sent in by the police who had made arrests in the tenements. This leaves but 46 per cent. of the cases reported by Tenement House Department inspectors and individuals.

Three courts where complaints were most frequent were selected for study, for the period from January 1 to October 2, 1908. In the

Essex Market Court (in the neighborhood of which the Tenement House Department estimated there were 1,465 tenements), there were 148 cases against persons arrested for prostitution in tenements.[1] Of these, however, but 83 were charged with committing prostitution or soliciting men to enter a room in a tenement for the purpose of prostitution. The others were charged with keeping a disorderly house.[2]

Of the 148 police complaints, but 37 were reported to the Tenement House Department at the time of the arrest. The 37 reports were made against separate addresses except in three instances where the same address was reported twice during the period given. In two other cases one report was made against one individual while as a matter of fact, 3 were arrested: and in 15 cases one report was made when there were 2 arrests. The person reported to the Tenement House Department was usually the keeper of the house.

The police, therefore, notified the Tenement House Department of but 25 per cent. of the cases where arrests were made. If this percentage holds good for the city, in 75 per cent. of the cases of prostitution in tenements either known to the police or found by the investigator the Tenement House Department was not in a position to take any action with reference to owners.[3]

Of the 148 cases in the Essex Market Court, of which 118 were women, 65 were discharged, 30 were sent to the Workhouse, 13 were placed on probation, 28 were held for Special Sessions, 3 gave a bond for good behavior, 1 was committed to Bedford, and in 8 instances there was no record of the disposition of the case.[4]

Of the 28 cases held for Special Sessions in Essex Market Court, 10 offenders were sent to the City Prison, Workhouse, or House of Refuge, 3 were fined, 2 were acquitted, and in 5 instances sentence was suspended. Four cases were pending on October 30, 1908, and in one case the record was confused and no accurate determination of its disposition could be made.[5]

It also appears that the judges in Special Sessions were inclined to impose heavier sentences upon the men than upon the women. In 11 cases where the sex was noted, 6 men were sentenced to the City

[1] Table V.

[2] In connection with this fact it is interesting to note that in a number of instances the Court record showed that the original complaint had been for violation of the Tenement House Law, but was changed to that of keeping a disorderly house. There were no instances where the reverse was found.

[3] See Table XII, which shows the number of disorderly tenements found and not reported at all.

[4] Table V.

[5] Table VI.

Prison or Workhouse for periods varying from 30 days to 6 months; while 4 women were discharged, acquitted or had their sentence suspended, and one woman was fined $50. The men were procurers or protectors working in partnership with the women.

Of 148 complaints, 50 per cent. were dismissed, and 13 per cent. were immediately released on probation, bond or fine. Seventy-nine of the 148 cases were from separate addresses, and of the 37 reported to the Tenement House Department, 33 were from separate addresses.

A study of the records of the second court selected, the 7th District Court at 317 West 54th Street, shows similar conditions. Of 51 arrests of disorderly persons in tenements 39 were charged with violation of the Tenement House Law. Of the total number, 25, or 49 per cent. were discharged; 16, or 31 per cent. were sent to the Workhouse; 8 were held for Special Sessions, and 2 were placed on probation.[1]

Of the 8 persons held for Special Sessions, 4 were fined; 1 was sent to the Workhouse; 1 was acquitted; in 1 case sentence was suspended and 1 case was pending.[2]

Of the 51 cases tried in the 7th District Court, 30 were from separate addresses. Of the 51 instances where the police had knowledge of disorderly conditions, only 13, or one-fourth were reported to the Tenement House Department, enabling it to proceed against the owner or agent.

The third court selected was the Tenth District Court in Brownsville, Brooklyn. Of the 36 cases tried only 2 were recorded as violations of the Tenement House Law, the other charges being vagrancy, 15, and keeping of a disorderly house, 19.[3] Twenty or 55 per cent. were discharged, 1 was sent to the Workhouse, 2 were placed on probation, and 13 or 36 per cent. were held for Special Sessions.[4]

Of the 13 held for Special Sessions, 7 were acquitted; 1 was discharged; in one instance sentence was suspended, and 4 cases were pending.[5] Of the 36 cases tried in this court 14 were from separate addresses and in 4 instances the Brooklyn addresses were not given. In no instance had the police reported to the Tenement House Department any of the tenements where arrests had been made.

Court Records.—As has been stated, no court action has been brought against owners or agents, so the attitude of the courts toward

[1] Table VII.
[2] Table VIII.
[3] The charge of vagrancy was for a violation of the Tenement House Law, but it was not so stated.
[4] Table IX.
[5] Table X.

owners or agents under Section 151 has never been determined. The treatment by the courts of the tenants arrested shows the ineffectiveness of making arrests. In 1907 a sub-committee, now the Research Committee, of the Committee of Fourteen made a special study of 7,351 women arrested during the first eight months of that year in the Jefferson Market, Yorkville, Harlem, and Seventh District Courts, and for the month of August in the Night Court. Of this number 6,747 were arrested on the charge of street soliciting, 288 for keeping disorderly houses, 253 for being inmates of disorderly houses, and 63 for a violation of the Tenement House Law. The disposition of these cases in the various courts was as follows: Fined, 3,328; discharged, 2,465; sent to Workhouse, 798; placed on probation, 257; held for Special Sessions, 242; released on a bond of good behavior, 187; not stated, 38; sent to rescue homes, 18; held for examination, 8; sent to Children's Court, 2; sent to Night Court, 2; bail forfeiture, 2; sent to Third District Court, 1; sent to hospital 1; paroled 1; and sentence suspended, 1.[1]

It has not been possible in the present study to secure as complete records for a similar period during 1909, but the total number of complaints made in the same courts, for the same offenses has been obtained, together with the disposition of cases where the charge was for violation of the Tenement House Law. The total number of arrests was 7,054. Of these 6,590 were charged with street soliciting; 148 with keeping a disorderly house; 109 with being inmates, and 207 with a violation of the Tenement House Law. In addition to these arrests upon the specific charge of violation of the Tenement House Law, 139 additional addresses were secured from the records, where the charge was not for violating the Tenement House Law. Of these 57 were tenements, but there was no indication in the affidavits that there had been a violation of the Tenement House Law. This was true notwithstanding that in 22 of them the charge was for being inmates of disorderly houses, and in 2 others for keeping a disorderly house. One arrest was on the charge of harboring a girl of 15 for the purpose of prostitution. This address was a tenement, but it was not so stated in the affidavit.

68 women were sent to the Workhouse for a violation of Section 150 of the Tenement House Law, of whom 62 received sentences of 6 months; 5, 1 month; and 1, 2 months. 36 of the 68 offenders served the full term of their sentence; 19 were released after serving from one to three months and 13 on November 5, 1909 remained at the Workhouse.[2]

[1] Table XVIII.
[2] Table XV.

It is clear from the records of the Tenement House and Police Departments and of the courts that the valuable time of inspectors, of police officers, and of the courts is used to no other end than the mere interruption of the business of prostitution in tenements. It is also apparent that owners and agents may be put to the trouble of some correspondence with the Tenement House Department, but that they suffer little or no other inconvenience. It appears also that a farce is enacted daily in the courts and opportunity given for graft and for professional bondsmen to reap a harvest where women are brought in and their cases so disposed of that from 63 to 80 per cent. of them are in a position to return immediately to a life of immorality, and pay off the fine which their protector or bondsman has paid when they are not acquitted.

Field Study.—These records suggested two questions to the Research Committee: (1) Has the activity, such as it has been, proved effective? (2) If not, what is the cause of the failure? In order to answer these questions it was necessary to make a personal investigation of a number of tenements, including some of those against which complaints had been made, and others against which no complaints had been recorded.

All of the complaints made against disorderly tenement houses in Manhattan and Brooklyn from January 1, 1904, to October 2, 1908, were arranged according to police precincts.[1] It did not seem advisable to take dates previous to 1904 on account of the frequent changes in the addresses and character of the houses. It was found that there were 538 complaints against 448 separate addresses in Manhattan. The largest number of complaints against any one tenement was 8, and the largest number of complaints in any one police precinct was 77, from the Ninth in the First Inspection District. The location of the 448 addresses in Manhattan was roughly speaking, East Side streets and avenues, 256; West Side streets and avenues, 192.

One hundred and thirty-three addresses in three different sections of the city, against which complaints had been filed in the Tenement House Department were visited.[2] Prostitution still prevailed in 61 instances, or 45.9 per cent., but in 38 instances, or 28.6 per cent. legal evidence could not be obtained. In the course of visiting the 133 tenements, disorderly conditions were found in 63 other tenements which

[1] Table XI.

[2] In some cases several complaints were made against the same address with only two or three days, or a week, intervening. In a few instances the name of the same woman appeared more than once. The report of the Tenement House Department officers on each complaint would invariably be, "Cause of Complaint Removed," "No basis for complaint," or "No action necessary."

did not appear in any record as having been complained against.[1] This makes a total of 124 tenements in which disorderly conditions were found while investigating 133 cases.[2]

It must be remembered that this investigation was not made in districts where the prevalence of prostitution in tenements was believed to be greatest. For instance, it included sections of Harlem from which only 18 complaints were received by the Tenement House Department from January 1, to October 2, 1908. These sections are bounded by West 104th Street to West 153d Street, and East 79th Street to East 124th Street. At four of the 18 addresses, over one-fifth of the cases, and in 31 other tenements against which no complaint had been made, prostitution existed. No complaints were recorded from the Bronx, and but two tenements were found where disorderly persons plied their trade.

Conditions in Brooklyn do not differ from those in Manhattan.[3] From January 1 to October 2, 1908, 62 complaints were received from 34 tenement houses. An investigation of 30 of these addresses showed that disorderly conditions still existed in 15, or 44 per cent. In addition, 4 addresses were found where prostitution existed which did not appear in any of the records studied.[4]

The following cases selected at random from among many illustrate the methods now employed in following up complaints:

Case A. Allen Street. Complaints filed in 1904, 1905, and on June 2, 1908. Cause of complaint removed June 10, 1908. Prostitution existed here in February, 1909.

Case B. West 65th Street. Complaint filed April 7, 1908. Cause of complaint reported removed April 24, 1908; another complaint filed April 11, 1908; cause of complaint reported removed April 29, 1908. Very suspicious conditions found here January 8, 1909.

Case C. West 34th Street. Complaint filed in January, 1907. Complaint crossed out on record. Another complaint filed January 21, 1907; cause of complaint reported removed February 13, 1907. Another complaint filed May 10, 1907; no basis for complaint reported May 16, 1907; another complaint filed May 31, 1907; reported prostitutes removed, no date given. Another complaint filed June 11, 1907; cause of complaint reported removed July 12, 1907; another complaint filed June 16, 1907; cause of complaint reported removed July 12, 1907. The complaints filed on May 10, and 31, were against the same woman. In January, 1909, suspicious conditions existed here, but no legal evidence could be obtained. During this same month the police inspector of the district declared that prostitutes no longer lived at this address. This tenement is given as a "call house" in a list seized in 1908 by a detective while making an arrest.[5]

[1] In many instances the field investigations have been verified by a second investigator, especially when there was any doubt, and these results represent weeks of painstaking effort in order that no exaggeration of conditions might occur.

[2] Table XII.

[3] For complaints by Police Precincts, see Table XIII.

[4] For statistics giving street, date of complaint, and results of investigation, see Table XIV.

[5] By a "call house" is meant an apartment where the occupant makes dates with prospective customers over the telephone, and then sends out for girls to come in and meet the men. It is practically impossible to enter these places without an introduction.

The following cases show the futility of making arrests, and of the disposition of court cases:

Case A. On May 23, 1908, a woman was arrested on the second floor rear of a tenement on West 38th Street. A complaint was filed with the Tenement House Department. The cause of the complaint was reported removed on June 1, 1908. In September, 1908, the same conditions as previously existed were found in the same apartment. An inquiry was made for the woman who had been arrested, but the occupant said she was not in. This information was given after the fact was established that she was using the apartment for immoral purposes.

Case B. An arrest was made in August, 1908, in a tenement on East 4th Street. On August 30, the prisoner was discharged. On October 10, 1908, this woman was using the basement at the same address.

Case C. During January, 1908, arrests were made on the second and fourth floors of a tenement on Sixth Avenue. A complaint was filed with the Department. After investigation the complaint was dismissed on a report "No action necessary." An investigator was solicited to enter a room on the second floor on November 19 and December 24, 1908.

During the investigation, a number of other tenement houses occupied by prostitutes were found. The women used their rooms for immoral purposes when their patrons were known to them. These places have not been included in the percentages for their occupants more commonly used the Raines Law hotels. There is no doubt, however, that they influenced the respectable families in the same house.

Massage Parlors.—Another phase of the social evil in tenements to which little attention has been given by the Tenement House or Police Departments is found in massage parlors.[1] The February 20, 1909, issue of a New York paper sold largely at news stands and in hotels, contained 68 separate advertisements of these so-called "parlors" in New York City. Of these 55 were in Manhattan, and 13 in Brooklyn. The Tenement House Department records of these boroughs showed that in Manhattan, 46 of the 55 were located in tenement houses, 4 were doubtful, 3 were in private houses, 1 was in a business house, and 1 was not given. The 4 doubtful addresses and the 1 not given were visited, and 2 were found to be tenements, making a total of 48 in tenements. Of the 13 "parlors" advertised in Brooklyn, 8 were in tenements, making a total of 56, or 80 per cent. in tenements.[2]

An investigation by two persons of several of these "parlors" established beyond doubt that they were disorderly places.[3]

Population Affected by Prevailing Conditions.

The Research Committee has not attempted to study prevailing conditions exhaustively, but in order to give some idea of the influence

[1] For massage parlors other than tenements, see p. 31.

[2] In addition to the weekly paper which advertises these "parlors" a monthly publication also contains advertisements similar in character. This gives these places a wide publicity.

[3] For description of methods, see page 31.

of prostitution in the cases found in a brief investigation, a census has been taken of 129 of the tenements in which prostitution was reported in 1908 to the Tenement House Department in all boroughs, and where it was found by an investigation in 1909. This census covers the nationalities, the number of children brought into contact with the conditions, and the number of families subjected to association with disorderly persons.[1] There were 1,521 families living in the 129 tenements, with 1,659 children, all under the age of 15 years and 527 single men and women, who in some instances were sons and daughters in the different households and in others, boarders. Of the children 799 were boys and 860 were girls. The number of unmarried adult men was 371, and of unmarried adult women 156.

The following are illustrations of some of the conditions found in the houses included in the census.

The family consisted of a man and wife and three small children, the oldest a boy of 7. The other member of the household was an immoral woman who received men both day and night in one of the two rooms in which the family lived. Occasionally another prostitute from a neighboring tenement came to the house and assisted in receiving company. There was no door between the two rooms, and when men came in the day time the mother with her baby in her arms offered to leave the place if desired. At night when the other children were home from school, the whole family remained in one room while the other was being used by this immoral woman. This woman had been installed in the house by the father of the family, and he had been living off her earnings for a number of years. He had another woman in a tenement house four blocks away, who also contributed to his support. The wife knew of the relationship which existed between her husband and these two women, but was apparently helpless. She seldom received any money from her husband, and at the time of the investigation was earning $3.50 to $5 per week sewing on piece work in her home.

In a second instance the mother of the family, with another woman, received men in her home. The family consisted of two boys and two girls, all under the age of 15 years. The woman made the acquaintance of men through a clerk in a nearby cigar store, who distributed cards of introduction.

In a third instance, the house is a rear tenement, connected with the street by a long dark alley. At the time of the investigation one of the floors was occupied by several immoral women, who were hired by the week by a madame. The families in the rear rooms of the front tenement can look directly into the rooms used for this purpose. A saloon is located on the ground floor of the front tenement, and many of the patrons of the disorderly house are secured in this saloon by a "cadet," aged about 19 years, who distributes cards. The neighboring families are terror stricken by their immoral neighbors, and dare not complain against them, because they say "it would be dangerous to interfere." Arrests have been made in the rear house, but the conditions remain unchanged.

A census of the tenements given above as illustrations showed that 34 families lived in them, with 25 boys and 26 girls, all under the age of 15. Two of the houses are located on the lower East Side and one in the Bronx.

It is inevitable under such conditions that innocent families should be contaminated. In many of the tenements there were immigrants,

[1] Table XVI

unacquainted with American customs, and city life, and unable to seek other quarters. Some of them had arrived but recently and, therefore, spoke little or no English. In some instances they were not aware of the danger that threatened their children or were unable to avert it. Instances were found where young childern had been paid small sums or bribed by candy and fruit to carry messages and wait on the immoral women. In time these boys and girls learn to direct men in the street to the rooms of the women and thereby come into close contact with their immoral life. One day an investigator was told by a 15 year old girl where he would find women of this class. This information was given in the presence of the janitress of a tenement house who did not express any surprise at the knowledge exhibited.

Enforcement of the Law.

The answer to the first question raised, namely, has the activity against tenement house violators proved effective, is clear. The law is not enforced. That conditions necessitate a more thorough enforcement appears from the facts that the Tenement House Department was notified of but 25 per cent. of the cases in which arrests were made by the police, and that it had been successful in but 44 per cent. of the cases against which action had been taken. Furthermore, in the course of a brief investigation of places against which complaints had been made, at least one-third more violations were found which had never been reported to either Tenement or Police Departments. In other words, the Tenement House Department reached but 34 per cent. of the violations, and this did not include massage parlors and women who only occasionally used their rooms for this purpose. A conservative estimate based upon data gathered indicates that only about one in every five tenements in which prostitution was practiced was reached under the law.

It was also shown that in 65.9 per cent. of the cases where arrests were made, the cases were disposed of in such a way that women immediately returned to their immoral life in tenements. This is a more serious matter than the figures indicate. Prostitution in a tenement where there are many families is more of a menace to the social welfare than in a disorderly house where no domestic life is influenced. The moral havoc of prostitution in tenements is not to be judged by the number of houses where the evil exists, but by the number of families living in them, with childern more or less free from parental restraint, their location in congested neighborhoods, and the facility with which disease and vicious practices may be communicated.

It may be said that the complaints, arrests, and records of lack of enforcement do not tell the whole story. Doubtless much of the evil is suppressed through fear, and an honest inspector can keep his district clean if he is in earnest, and insists that plain clothes men and officers keep a vigilant eye upon suspicious conditions as they arise. It is by no means always necessary to make complaints and arrests. That conditions are not worse is doubtless due to the threats and activity of police inspectors and captains. Where these are lacking, the law must be invoked. Thereupon the second question arises: Why is the law not enforced?

CAUSES OF NON-ENFORCEMENT OF LAW.

The causes may be grouped under six heads: (1) Defects in the law and the rules of evidence as interpreted by the courts. (2) Inefficient methods of the Tenement House Department. (3) Police and court methods. (4) Evasions of the law. (5) Business interests of the owner, real estate agent, janitor, saloon keeper, and others who profit from the social evil. (6) Lack of public interest, and of organized effort on the part of citizens.

Defects in the Law.—The nature of the evidence required for conviction and the attitude of officials and judges charged with the enforcement of the law deter the police from making arrests and citizens from entering complaints. Section 150 of the Tenement House Law clearly states that a woman is a vagrant if she knowingly resides in a house of prostitution or assignation of any description in a tenement house, for the purpose of prostitution in such a house, or if she solicits any man or boy *to enter* a house of prostitution or a room in a tenement house for the purpose of prostitution.[1]

It would appear from the wording of the law that proof of the mere act of solicitation *to enter a tenement house for the purpose of prostitution* would be sufficient evidence. Many, if not all of the magistrates, however, require the witness to swear not only that he was solicited to enter, *but that he did enter the tenement house, paid a money consideration, and that the prostitute actually exposed her person for the purpose named.* According to the Legal Bureau at police headquarters the different magistrates as a rule agree that such evidence must be submitted before they will convict the offender as a vagrant.

Detectives and police officers declare that obtaining such evidence is most distasteful and disgusting work and they do not like to be assigned on these cases. When offering the required evidence they are

[1] Appendix I.

frequently subjected to a rigid cross-examination and are exposed to sarcastic remarks. In some courts efforts are often made by the magistrates to belittle their testimony and they are ridiculed and humilitated. In addition to the humiliation suffered in court these men are also subjected to degrading and demoralizing influences in securing the evidence required.

So long as this interpretation of the evidence required prevails and the attitude of many of the magistrates remains as it is, it is not possible to obtain aggressive and honest effort on the part of tenement house inspectors and police, in reporting violations of the Tenement House Law.

The testimony required also practically estops any tenant from complaining and bars complaints by women. A family may be subjected daily to contact with immoral tenants and may witness many scenes which harden their own sensibilities and corrupt their children, but it cannot comply with this rule of evidence and take any legal steps to remove the cause. The best it can do with loss of time and money, is to move to another tenement, with no guarantee that it will not find similar conditions therein.

Even when an honest effort is made by the police or inspectors and the offender is committed to the workhouse for six months, as the law directs, Sections 707-710 of the Charter are invoked, and she may escape with a short imprisonment.[1]

During the past year there has been much discussion regarding the power of the Commisioner of Corrections under these Charter provisions to release, without the consent of the committing magistrate, offenders committed to the workhouse upon a vagrancy charge under a cumulative sentence. In a recent decision it was held that this consent must be given prior to the discharge of a prisoner before the expiration of the sentence.[2] It has also been questioned whether a magistrate really has the power to release a vagrant before the sentence of 6 months has expired.[3]

It is clear, therefore, that there are obstacles to the enforcement of the laws, which prevent arrests, and which make it easy to escape punishment after conviction.[4]

Inefficient Methods of the Tenement House Department.—Admitting the difficulties of enforcement in the courts, it is unquestionably true, as the recent head of the Tenement House Department has

[1] See Appendix XIV A for provisions of the law; and Table XV.

[2] See Appendix XVI for abstract from the decision.

[3] Report on a Special Examination of the Accounts and Methods of the Night Court by the Commissoners of Accounts, page 108.

[4] For length of sentence and time served in workhouse, see Table XXVIII.

said, that the public is more interested in sanitary conditions in tenements than in the moral conditions. The Department, therefore, pays little attention to this matter, leaving it largely to the police and acting only when complaints are received, and then in a perfunctory way. A former employee of the Department says on this matter:

"It is absolutely impossible to keep a tenement house free from disorderly characters upon one inspection, and that made by a uniformed officer. You might as well send a brass band. It is not a real inspection at all. In many cases the officer takes the word of some neighbor or janitor, and there have been cases where money has passed for favorable reports. What the Department needs is frequent reports by men who are known to be O. K. The men should come to know the suspicious tenants at sight, then it would not be so easy for a woman to change her name."

This method of changing the name is an old one, some women even finding a sufficient protection in merely changing the spelling of the first name. In one instance the name given was "Molly," and when arrested again within two or three days it was "Mollie." The records did not indicate that she was recognized as the same person, and dealt with accordingly. If a report "cause of complaint removed" is made in good faith, it is not true perhaps an hour or a day after the inspection is made. It is a fact that such tenants often return to the premises almost immediately, if not to the same house, then next door or in the same block.

The responsibility for proceeding against an owner or agent rests with the Department. A taxpayer may proceed only when he has made a complaint in writing to the Department and the latter does not act within ten days. In view of the conditions found and the fact that not one action has been brought to recover the $1,000 fine since the Department was created, though a number of persons have been adjudged guilty of practicing prostitution in tenements, it is clear that that part of the law relating to owners and agents is not enforced.

Police and Court Methods.—Where the enforcement of a law depends upon two separate bodies, co-operation is most necessary. Lack of enforcement is partly due to the failure of the police to report cases to the Tenement House Department. There is little co-operation between courts and police, as has been shown by the court records.

In addition, during this investigation of disorderly places in tenements, conditions have been found which could not have existed without the connivance of the police. Prostitutes have been arrested in tenement houses as blinds to satisfy the neighbors who complained. In 1908 such arrests were made on Second Street. After each arrest the women returned to the premises and conducted their business as before. A wardman acknowledged that he received as much as $25

a month from a disorderly house located in a tenement, and that the money was paid through an employee connected with a nearby saloon. Another woman who conducted a disorderly place in a tenement on East Fourth Street admitted that she paid police protection. She was arrested by special officers sent into the district, but was discharged in the Magistrates' Court, and was running her business as usual ten days afterward. In another case an apartment in a tenement house on West 35th Street, was complained against time and again, but the conditions remained unchanged. The proprietor of this disorderly flat was told by a policeman to run her place more quietly as the neighbors were complaining, whereupon she angrily replied that she was paying $50 a month to his captain, and wanted to know how she could continue to pay this sum if she had to run quietly. A person who contemplated opening a disorderly massage parlor in a tenement on West 64th Street was advised to see a certain police official before the place began to do business.

The data, however, show that, as a rule, the police are averse to taking money from disorderly women in tenements, and there is probably less grafting here than is the case with vice under any other conditions. Policemen are sometimes charged with taking money from prostitutes in tenements, when as a matter of fact it never reaches them, but goes to the janitor, agent or owner. As an illustration, a woman paid $50 a month to an agent for two small rooms in a tenement for immoral purposes. The regular price of these rooms was $12 per month. In addition to the $50, she was persuaded by the janitor to contribute $10 extra, and was told that this sum would protect her from police interference. One night her apartment was raided and she indignantly demanded why it had been done as she had paid for protection. She was finally convinced that her money had never reached the officer.

Evasions of the Law.—The so-called cafés and lunch rooms on the first floors of tenements or in the basements are in some instances merely blinds. They contain a few tables and chairs, and the windows are covered with thick curtains. Women or girls wait on the tables, and if they are not suspicious will invite a customer into a rear room. Stationery and small cigar stores sometimes serve the same purpose. This is particularly true in Brooklyn, where men while buying a cigar over the counter are openly solicited to go upstairs in a tenement. In one stationery store a young man was let through a door cunningly concealed in the wall back of the counter into a separate room where there were several immoral women. Many of the lunch rooms, cigar and stationery stores, soda water and ice cream parlors and candy

stores serve as meeting places for women of the street and their protectors, who live in the tenements. They are particularly dangerous because unsuspecting girls from tenement houses come in for ice cream, soda water and candy, and in this way meet procurers. As an illustration, two young girls living in a congested tenement district on the West Side who were recently rescued from two young men who were members of a gang, said the meeting place of the gang was in a candy store.

Another way of evading the law is by the use of telephones. The Penal Law, Sections 488, 490, prohibits a corporation or person employing messenger boys, from placing or permitting to remain in a disorderly house any instrument or device by which communication may be had with their offices or places of business.[1] Of 214 addresses of suspected houses, known as "call houses," 132 were in tenements. A "call house" is the term used where immoral women living in apartments supply their patrons by telephoning to certain other places for girls to come in.

Advertising is another means resorted to in order to avoid soliciting or other methods which might attract attention. Advertisements are so cunningly worded that only a visit to the resort reveals the actual condition.

Business Interests.—These are probably the most powerful agencies in preventing the enforcement of the law. They include the owner, real estate agent, janitor, saloon keeper, and others who profit from the social evil.

As previously shown, not one owner was brought into court under Section 151 of the Tenement House Law during a period of six years and three months, although in one case 13 complaints were filed against one tenement and 8 against another, and many arrests have been made for violations of the law.

The law gives an owner five days in which to comply with the order from the Tenement House Department to evict the suspected persons. Unprincipled owners have taken advantage of this provision and resorted to all sorts of excuses and subterfuges to extend the time, and, if possible to retain their disorderly tenants. More respectable owners sometimes place their property in the hands of agents three and four times removed, or hide behind long time leases, so that they may never know personally the source of their income from rentals. Other owners who handle their own property and know the character of their tenants sometimes change the name in the lease or change the suspected tenant from one apartment to another in the same house; then,

[1] Law Relating to Messenger Boys, Appendix XXXI.

when another inspection is made the parties complained against cannot be found and the complaint is dismissed. Where the violation is flagrant, and no other course is left but eviction, the owner will beg for an extension of time to collect back rent before he dispossesses the disorderly tenant.

Tenement houses containing two, three or four room apartments are sometimes built with the avowed purpose of being rented to disorderly men and women, with a few other families to lend respectability. Disorderly persons are charged a higher rental. Sometimes they pay twice as much as the respectable families, and rent by the week instead of by the month. A typical case is a large tenement on East 14th Street. This house contains flats consisting of two or three rooms completely furnished. Formerly the owner sold jewelry and clothes to his disorderly tenants, and furnished bail for them when arrested. At intervals some of the women were dispossessed because of complaints from neighbors, but it is a well-known fact that they returned in a day or two to the same rooms, sometimes under different names.

Where women pay $10 or $12 per week for apartments while men with families pay only $20 and $25 per month for the same number of rooms in the same neighborhood or in the same house, owners must surely know the character of the tenants. During this investigation two owners of tenements came to a Magistrates' Court and bailed out immoral women who had been arrested in their houses. One owner came to a similar court twice in one week for that purpose. An investigation in the latter case showed that the women who had been ordered to move were in another apartment in the same house, under different names.

Real estate agents who make a business of renting apartments in tenements are an important factor in the non-enforcement of the law. They come into direct contact with the tenants and attend to all of the details of leasing and collecting rents. They advise the prospective disorderly tenant in the matter of evasions of the law, offer to change the name in leases whenever necessary to deceive the authorities, and in return increase the rent, often putting the extra money in their pockets.

One real estate agent on the West Side entered into an agreement to rent a part of a tenement house for a sum much larger than the regular price, and actually offered to make out new leases, change the names, and do everything in his power to aid in evading the law. Another real estate agent declared that this was done frequently, and instanced a case on West 15th Street. He said also that he did not

profit by such business, but had a collector at one time who secured $250 graft money from one of his tenants.

Janitors come into closer contact with disorderly women in tenements than do either the owners or real estate agents. They soon learn the character of the people in the house, and while their price for silence or protection is not large, many of them nevertheless insist upon their share of the toll. Disorderly women know the value of the connivance of the janitor and his wife. Services are rewarded with small sums of money, or presents of fruit and candy for the children, and in return they receive special considerations and privileges in the house which facilitate their night business.

One janitor gives the following typical instance illustrating the insidious efforts made by an immoral tenant to gain the good graces of himself, his wife, and three young children, a boy and two girls. When the woman came to the tenement with her "niece," she gave a reference, and appeared to be a desirable tenant. On the day of her arrival she gave the janitor's wife one dollar for directing the man with her furniture to the apartment she was to occupy. Every day she greeted the janitor and his wife pleasantly and invited the children to her rooms, giving them fruit and candy. Not long after their arrival a complaint was made against them by a family in the same house consisting of a man and wife, six children and a boarder. An investigation showed that the two women were not related, and were conducting an immoral business. After some difficulty they were dispossessed and took rooms in a tenement on Cherry Street, where they afterwards carried on their business more openly.

An immoral woman living in a tenement on East 7th Street paid $13 per month for two small rooms. In addition she gave the janitor's wife $5 every month to prevent her from making a complaint. This woman has a notorious record, and constantly moves from one tenement to another. A young man secures patrons for her by distributing cards in saloons and public places. Another immoral woman while occupying a room in a tenement on Avenue B paid the janitor $2 every week to keep quiet, and to aid her in carrying on her business without molestation.

There is a determined effort on the part of some of the janitors to break up this graft. An organization known as the Janitors' Society of New York City has its headquarters on the East Side. The object of this organization is to train janitors in their duties, and to find positions for members. One of the important obligations imposed upon members is to report to the secretary instances of immorality in their houses. This information is turned over to the police and an

effort is made by the secretary to see that conditions are improved. Some of the members of this society state that the temptation to eke out their small salaries by taking money from immoral women in tenements is very great, and that the opportunities are numerous.

Some of the saloons of the city bear relations to tenements similar to those of Raines Law hotels. In congested districts many of these saloons occupy the ground floor of tenements. The rear rooms are frequented by immoral women who live in nearby tenements. If the prospective patron arouses no suspicion he is invited to an apartment in a tenement rather than to a Raines Law hotel. In this way women gradually form acquaintances, and soon have a list of friends who call at intervals at their apartments. A supply of liquor is often kept in many of the apartments and is sold for double the regular price by the woman who conducts the business.

Women who use the rear rooms of saloons as soliciting places for apartments in tenements, are compelled to pay more or less protection money. This is frequently paid through some employee of the saloon. As illustrations, instances were found on East Second Street. The saloon occupied the ground floor of a front tenement and an employee in this place admitted he paid a wardman $25 each month on behalf of a madam who conducted a disorderly place in a rear tenement. On West 58th Street there is a large apartment house, which contained three disorderly places where liquor was sold. The woman who conducted these places gave money to the bell boy, the janitor, and the policeman on the beat. The agent of this and other apartment houses in the vicinity received $25 to $50 a month over the regular rental price.

Summary.

First.—Although there are many civic organizations and committees interested in tenement house reform, none is paying any attention to conditions of immorality and there is no organized public sentiment regarding the subject, such as the Department admits influences its acivity in the matter of sanitary and bnilding conditions. This is the responsibility of the citizen.

Second.—The enforcement of the law is clearly divided between the Tenement House and Police Departments and its success depends upon co-operation between the two, The Tenement House Department has no system for ascertaining each day the police captains' records and court cases against immoral women in tenements, and lacks the initiative which it shows in enforcing other provisions of the law where the Building and Health Departments are also concerned. This is the responsibility of the Departments.

Third.—The provisions of the Law whereby an owner or agent is made responsible for the character of his tenants is a dead letter. It is clear that he can take his time, evade the law, and resort to such devices as evicting disorderly tenants for a day or two, but that he is never in danger of an action to recover the $1,000 penalty or of the attending publicity. This is the responsibility of business interests.

Fourth.—The futility of making arrests under the prevailing interpretation of the evidence required is apparent from the disposition of cases in the Courts.

Fifth.—The ease with which complaints may be changed from Tenement House violations to violations of other laws, with no checking up or interest on the part of any Department or other interested body nullifies the effectiveness of the law.

Sixth.—The burden of punishment, such as it is, falls almost entirely upon the women. The men who facilitate prostitution and protect prostitutes escape on minor charges, although they also live in tenements and on the proceeds of prostitution.

DISORDERLY HOUSE LAWS.

Private houses or apartments, used exclusively for disorderly purposes, constitute the most generally known phase of the social evil. The power to deal with disorderly houses is vested in two bodies, the State Legislature and the City Board of Aldermen.

PROVISIONS OF THE LAWS.

State Laws.—The Legislature has passed three laws which apply directly to disorderly places. Two of these were passed in 1881. Section 1146 of the Penal Law, as amended in 1905, defines a disorderly place and provides that any person who keeps such a place or advises or procures any woman to become an inmate of such a place is guilty of a misdemeanor.[1].

Sections 899-911 of the Code of Criminal Procedure strengthen the preceding law by providing that any person is disorderly who keeps a house or place used as a resort by prostitutes, drunkards, gamesters, habitual criminals or by other disorderly persons.[2]

Section 1530 of the Penal Law, as amended in 1901, defines a public nuisance to include places which offend public decency, or injure the comfort, repose, health or safety of any considerable number of persons. A person who maintains a public nuisance or who willfully

[1] For text of law see Appendix II.
[2] For text of law see Appendix IV.

omits or refuses to perform any legal duty relating to its removal, is guilty of a misdemeanor.[1]

Board of Aldermen.—The Charter gives to the Board of Aldermen of New York City the power to pass ordinances, rules, regulations and by-laws "to the more effectual suppression of vice and immorality, and the preserving of peace and good order in said city." The Board is also charged with the faithful execution of laws and ordinances and may appoint special committees to see that heads of city departments and officials are faithful in the discharge of their duties in regard to these rules and regulations.[2]

The attention of the Board of Aldermen as a whole is called to disorderly conditions in the city through local improvement boards. These boards number twenty-five, and are made up of the Borough President as chairman, and the Alderman residing in each local improvement district. Among other things, the local boards are authorized to hear complaints and pass resolutions pertaining to disorderly conditions in the several districts of the city. These resolutions are submitted to the Mayor for approval.

Police Department.—The Charter defines the duties and responsibilities of the Police Commissioner and members of the force for the proper execution of the laws. It states explicitly that the Police Department shall carefully observe and inspect all houses of ill-fame and houses where common prostitutes resort or reside and prevent the violation of all laws and ordinances in force in the city. In pursuance thereof the Police Board of the city formulates police rules and regulations. Any violation of these or any neglect of duty by police officers may be made the basis of written charges for removal, which may be laid before the Police Commissioner.[3]

Among other things the police rules provide that each police captain must report to the Commissioner all places in his precinct where disorderly, degraded or lawless people congregate, and must also give notice in writing to the owner, lessee or occupant, that such room or building is so used, and that such use constitutes a misdemeanor. If the owner, lessee or occupant does not abate the nuisance the captain is empowered to obtain a warrant for his arrest and prosecute him as required by law.

In addition to this, each captain is required to make charges of neglect of duty against any patrolman who fails to discover a serious breach of peace on his post, or fails to arrest any person guilty of such offense. If a house is under suspicion of being disorderly or is so in

[1] For text of law see Appendix III.
[2] For text see Appendix V.
[3] For text see Appendix VI.

fact, the officer on the beat is required to restrain acts of disorder, prevent soliciting from windows, doors, or on the streets, and to arrest all persons so doing. He must also carefully observe all other places of a suspicious nature, obtain evidence as to the character and ownership of such houses and report the same to his commanding officer.[1]

It therefore appears that the disorderly house may be proceeded against first, by arresting the keeper of, or procurer for a disorderly place; second, by arresting the keeper of a resort for disorderly persons; third, by arresting persons for soliciting. If these prove insufficient, the Board of Aldermen may pass ordinances, or appoint special committees to see that heads of departments faithfully discharge their duties, and as a last resort the citizen may ask for hearings before local improvement boards. If police officers do not close these places or arrest owners of premises where disorderly conditions prevail, they may be removed for neglect of duty. If the disorderly house is in a tenement, the Tenement House Law may be invoked.[2] If the inmates and procurers have no visible means of support, the vagrancy law may be resorted to,[3] or they may be arrested for disorderly conduct.[4]

CONDITIONS LEADING TO PASSAGE OF THE LAW.

State Laws.—Curiously enough the conditions which these laws and regulations sought to eradicate are best shown by a review of conditions during the period from January, 1905, to October, 1907, a quarter of a century after the laws were passed. These are regarded as the "banner years" in the disorderly house business. During this time 112 disorderly private houses were investigated.[5] Of these 75 per cent. were constantly open, the remainder running spasmodically. The majority were "dollar houses," and were located in the lower part of the "Tenderloin" from West 24th to West 40th streets. There were a few "five-dollar houses" on the side streets from West 41st street to West 60th street.

Methods in Disorderly Places.—The number of women in each of these "parlor houses" ranged from 10 to 30, and were in charge of madames. The proprietors were usually men who seldom visited their houses, but sent collectors each day for the proceeds of the night before. The inmates of many of the lower priced houses were poorly fed and exploited in various ways by the madames and proprietors. When a woman received a patron the money was immediately collected

[1] Appendix VI.

[2] For Tenement House Cases see Tables V, X.

[3] Vagrancy Cases, see Tables XV, XVIII, XXVII, XXVIII.

[4] Disorderly Conduct Cases, see Table XXVI.

[5] The number of houses given here represents only those investigated, and not the total number of houses in existence.

and turned over to the madame, and a metal check was given in return. At the end of the week, the women were given half of the money which they had earned, after the week's board amounting from $10 to $15, the doctors' fees, payments for drinks, and sums due for clothes purchased from the proprietors of the houses, had been deducted. Some of the proprietors compelled the women to pay from 300 to 400 per cent. above the regular market price for clothes purchased from them.

"Sitting in company" was one of the features in some of these houses. This system did not apply to inmates, but to women who had the privilege of the house during certain nights of the week, usually Saturday and Sunday, for the purpose of earning extra money. In some instances they were poorly paid shop and factory employees, unemployed women and friends of the inmates. In other cases they were victims of men who had led them astray in order that they might live off their earnings without selling them directly to the madames.

During this period over 200 men were connected in various capacities with the disorderly houses which were known to be in operation. They were procurers for the houses, protectors of women on the street, assistants in robberies, errand boys, and solicitors for patrons. They distributed cards, accosted men on the street, and in other ways advertised the house. One evening an investigator was given eighteen different cards by men in the "Tenderloin" containing street addresses of disorderly houses.

Suppression of Disorderly Houses.—An attempt was made in 1906 to suppress these disorderly houses in the 20th Police Precinct, now known as the 22d. The boundaries of this precinct are 27th Street, 7th Avenue, 42d Street, North River. As a result of the activity of the captain of this precinct practically all of the houses in West 40th Street, were suppressed. When the keepers and owners found they could not conduct their business openly, they moved into the 19th police precinct, now the 23d, the boundaries of which are 27th Street, 7th Avenue, 42d Street Park Avenue to westerly side of tunnel, 4th Avenue. In January, 1907, a new inspector was placed in command of the Third Inspection District, which included the 19th police precinct, and from this date until October of the same year the disorderly house business flourished again in this section.

In August, 1907, the Federal Immigration authorities began a study of conditions in the "Tenderlion" to ascertain the extent of the "White Slave" trade. Commissioner of Immigration Watchorn also appointed a special inspector for the same purpose. In order to facilitate their work both of these agencies asked Police Commissioner Bingham's co-operation and he had a number of suspicious houses

raided. Police officers were then placed in front of many of the disorderly houses, and visitors were warned not to enter the premises.

An investigation made during this time by a social organization shows that the efforts made to suppress disorderly houses by placing officers in front of them were practically useless. In one instance two investigators attempted to visit a house on West 32d Street. The "madam" at the door told the men that her house had been closed but would reopen in a few days. She then directed the visitors to a house a few doors away and said that although a policeman stood in front, he was a good fellow and would not trouble them, a statement which they found to be true.

This method of suppressing disorderly houses was followed generally until the city press began to attack conditions in the "Tenderloin." District Attorney Jerome then sent Detective Reardon and five other men into the disorderly section in October, 1907, to suppress these places. According to newspaper statements, they turned over 800 women out of these houses in one night into the streets. The women went into rear rooms of saloons, Raines Law Hotels, tenement houses and massage parlors.

Protection.—Such conditions could not have existed in defiance of the laws except through the payment of protection money, through favors shown politicians interested in houses of this character, and through political preferment of lawyers, magistrates and judges, and other rewards. These practices were not unlike those found by the Lexow Committee in 1895. In a recent interview a collector for the police in the "Tenderloin" during the period described, stated that the amounts paid by the large houses varied from $400 to $600 per month. As an illustration, the amounts paid each month by a proprietor of a house on 27th Street, which contained thirty women were as follows: Plain clothes men $205; patrolmen $184; inspectors $100; sergeants in plain clothes $40; sergeants in uniform $50; total $529. In general, money paid for protection was distributed about as follows: Policemen on post from 8 A.M. to 2 P.M. $1.00, from 2 P. M. to 8 P. M., $2.00, from 8 P. M. to 2 A. M., $2.00, and on Saturday and Sunday an additional $1.00; sergeants on patrol, $5.00 every two weeks, lieutenants getting 50 per cent. of this amount. The captain of the precinct at this time did not receive anything, but was given to understand by the inspector that he was "to keep his hands off." The inspector received $250 as a first payment, called an initiation fee, and $100 every month. Sergeants and detectives were given $10.00 every two weeks, and the ordinary plain clothes men $5.00 every two weeks in addition to presents of hats, ties, etc.

After the raids by men from the District Attorney's office in October, 1907, a few efforts were made to open the resorts again. These efforts, however, were not altogether successful, for about this time the Federal authorities began to do effective work in tracing French women who had been imported into this country. As a result of their efforts, 55 applications were made for warrants for alien prostitutes. Of the 41 actually arrested, 30 were ordered and 26 actually deported, seven cases are still pending, and four were discharged. The others left the country or disappeared.[1]

Actions Against Disorderly Places.—The Court of Special Sessions records on 76 different disorderly houses located between West 24th and West 48th Streets, show that 362 actions were brought against them during 1906-1907. 270 keepers were fined a total of $13,110, an average fine of about $48 each; four were sent to prison, sentence was suspended in 30 cases, 19 were acquitted, and 39 were discharged. While obtaining the evidence, the police reported 972 inmates in the 76 different houses.[2] This does not represent the actual number of women who were inmates of these places, for it is well known that the madames were often informed in advance of raids, and when the police arrived they would find only 5 or 6 or perhaps 10 women in the house. The records did not show that any action was brought against these inmates, only keepers being dealt with.

The records in four different Magistrates' Courts for a period of eight months ending August 31, 1907, and for the month of August, 1907, in the Night Court, show that 7,351 persons were arraigned as follows: disorderly conduct (street soliciting), 6,747; vagrants (Tenement House Law), 63; keeping disorderly house, 288; disorderly persons (inmates of disorderly houses), 253.

Prevailing Conditions.

To ascertain what changes have taken place during the past year as a result of the various activities of the Police, District Attorney, and Federal authorities, an examination was made of the monthly reports of the police captains to the Commissioner of Police, and of the records of five Magistrates' Courts.

Police Records.—The reports of the police captains for a period of six months ending February 28, 1909, show that during this period 73 disorderly houses were reported in the 31 police precincts in Manhattan.[3] Of these, 31 were reported as under surveillance or as sus-

[1] Annual Report of the Police Commissioner, City of New York, 1908, p. 20.

[2] Table XVII.

[3] These records were examined in March, 1909, for the last available six months. See Table XIX.

picious, 27 had been raided, 11 suppressed, and 13 arrests had been made. In some cases the same house was proceeded against several times, so the 73 houses were under police observation or action 82 times.

A similar condition was found in Brooklyn for the same period of time. Forty-six disorderly places were reported in the 34 precincts. Of these, 13 were under police surveillance, 3 were raided, 20 suppressed, and 19 arrests have been made, a total of 55 actions against 46 places.[1]

An investigation made of 56 of the 119 disorderly houses reported by the police in Manhattan and Brooklyn showed disorderly conditions prevailing in 41 of them, and 88 new addresses were found of disorderly or suspicious houses which were not in the police captains' reports at all. Therefore, in 74.5 per cent. of the cases known to the police captains, the conditions continued unchecked, and but 42.5 per cent. of the number found by the investigator had been reported to them.[2] In view of the fact that the police are required by the rules and regulations of the Department to report *all cases* in the different precincts where disorderly and immoral persons congregate, it is interesting to note that so large a number of disorderly places were actually found by personal investigation which were not reported by the captains of the various precincts. For instance, while the police reported 24 disorderly houses, both tenement and private, in the 23d police precinct, an investigator found 10 in the same precinct, but none of them was the same as reported by the police. In the 9th precinct, where the police reported 4 disorderly houses, an investigator found 11, but all were different addresses from those given by the police. According to the police reports, there were no disorderly houses in the 32d precinct, but the investigator found 22 there. The data for the police captains' reports regarding conditions in the precincts are usually furnished by plain clothes men detailed for this purpose. One of them in reporting on a notorious disorderly house of the "expensive and exclusive type," said "it is doing a big business, and seems to have a pull. Inspector ——— when he was in the Police Department was supposed to be behind the madam." Another report on a similar house was to the effect that it "is running quietly and does not seem to be doing much business." The most frequent reports found were that disorderly places were under suspicion or strict police surveillance.

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[1] See Table XX.

[2] These figures represent both tenements and private houses. They have been given together because the monthly reports of the police captains did not specify which were tenements and which were private houses but were all under the general title of disorderly houses.

[3] Table XIX.

Court Records.—In order to determine to what extent the different disorderly house laws were being applied, the records in four Magistrates' Courts, and the Night Court in Manhattan, for a period of 8 months ending August 31, 1909, were examined.[1] During this period 7,054 persons were arraigned as follows: Disorderly conduct (street soliciting), 6,590[2]; vagrants (Tenement House Law), 207; keepers of disorderly houses, 148; disorderly persons (inmates of disorderly houses), 109.

The law relating to "public nuisance" was not used in any of the cases. In fact there has been only one attempt made in several years to apply this law to disorderly houses, although a decision has been handed down declaring that a disorderly house is a public nuisance.[3] An official connected with the Legal Bureau at Police Headquarters, says that this law is not used in such cases because evidence is hard to secure, and also because magistrates seem to be content with the promise of the defendant that the nuisance will be abated. If a promise is made by the person arraigned that the nuisance will be abated, or he states that it is abated, the contention of the District Attorney that a crime has been committed is not considered seriously, and he is often asked if he is not satisfied with the defendant's contrition and promise to comply with the law in the future.

Field Study.—There were apparently fewer private disorderly houses of the "parlor type" in New York City in 1909 than in 1907. Practically all of the 124 disorderly houses reported by the police in Manhattan and Brooklyn were located in tenements, and not in private houses. A personal investigation of 76 private disorderly houses which were running in 1906 and 1907, shows that only 10 of them were operating in 1909. A comparison of the cases in the Magistrates' Courts during 8 months in 1909 with the cases in the same courts for a similar period in 1907 shows the following results: In 1909, 207 persons were arrested as vagrants for violation of the Tenement House Law, and in 1907, 63; in 1909, 148 persons were arrested as keepers of private disorderly houses, and in 1907, 288. In 1909, 109 inmates of disorderly houses were arrested, and in 1907, 253; in 1909, 6,590 women were arrested for street soliciting, and in 1907, 6,747.[4]

Explanations of the decrease in the number of disorderly houses may be due to the effective crusade of the Federal authorities against importers of women. This crusade, however, has ceased since the

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[1] 9th District Court (night), 2d District Court (Jefferson Market), 4th District Court (Yorkville), 5th District Court (Harlem), 7th District Court (West 54th Street).

[2] For text of law, see Appendix XV.

[3] Jacobowsky vs. People, 6 Hun. 524.

[4] Table XVIII.

decision of the United States Supreme Court in April, 1909, in the case of Ullman and Keller where that part of the new immigration law relating to the harboring of women for immoral purposes, was held to be unconstitutional. This decision annulled a prison sentence of eighteen months against two importers of women. The court held that jurisdiction over such cases was within the adopted definition of "police power," reserved by the state.

There is, however, very little encouragement in the decrease in the number of "parlor houses" so far as improvement of conditions is concerned. Former inmates of these houses are now scattered and carry on their business in "Raines Law" hotels, rear rooms of saloons, tenement houses, private furnished room houses and in so-called massage parlors. Others, with some keepers and proprietors have gone to such places as Pittsburg, Chicago, San Francisco, Panama, and Argentina, there to await a favorable opportunity to return to this city.

Instead, then, of having the evil confined to one class of houses against which a number of laws may be invoked by the police, it is scattered, and there is a divided responsibility of control. One phase, the massage parlor, is not regulated specifically at all. Opportunities for evading the various laws are greatly increased and the charge selected by the police is frequently the one with the lightest penalty. The social effect of closing these houses is best seen in the prevailing conditions in tenements,[1] in the development of the "Raines Law" hotels,"[2] and in the arrests made.

Changes in Methods.—The suppression of a number of the low-priced houses has resulted in a change in the method of conducting those now in existence. There is not the wholesale exploitation of women which prevailed in 1905-07. The check system is rarely used, and in few instances are many women boarded by madames. Many of the ignorant, helpless, foreign women who were inmates in 1905-07, who were not fitted to solicit on the street with any success, have been sent to other cities where this type of house is running more openly. Of those that remain a number have been supplied with cheap finery and put on the street to solicit for furnished room places, Raines Law hotels and apartments. They are watched and protected by the former owners and proprietors. As a consequence, the men who kept women in slavery in houses now give them the freedom of the street, and live off their earnings. There is no "check method" of finding

[1] See p. 9, and Table XII.
[2] See pp. 38, 42, and Table XXI.

out how much money the women earn, and therefore former slaves have more freedom and more money.[1]

Disorderly houses in Brooklyn are quite different from those in Manhattan. This difference is apparent from the women, character of the houses and their location. The investigation did not reveal any expensive "parlor" houses in Brooklyn, and very few prosperous professional prostitutes. Those seen were for the most part white or colored women who solicited openly from windows, doorways, stoops, at the gates, and on the streets, at all hours of the day and night. The prices charged by them were fifty cents to one dollar. Several of the houses investigated are running in connection with small cigar stores. The place of business is on the ground floor, and customers are taken either into the rear rooms or up stairs where the inmates live.

Fake Massage Parlors.—As was stated in the tenement house study, so-called massage parlors constitute an unregulated phase of the social evil.[2] These places are quite numerous in various sections of the city, the most notorious being located along Sixth and Columbus Avenues, from 23d to 104th Streets. One familiar with conditions in the city says that practically every massage parlor sign in glaring letters is a "Red Light." The attention of the Research Committee was first called to these "parlors" by advertisements which appeared each week in a paper on sale at many of the prominent hotels and news stands, and an investigation showed that the majority of these places were disorderly houses.

It is estimated from the study made that 250 women are engaged in the practice of immorality in the various massage parlors in the city. Some of them admitted that they were formerly inmates or keepers of the regular "parlor" houses which were in operation in 1907. As a rule they do not make any attempt to perform massage in a professional way, and many of them are unprofessional in appearance and action. The methods used in these parlors are degrading and revolting. The usual price charged in the "parlors" is $1.00 for manicuring, $3.00 for massage treatment, and $5.00 for bath and massage.

The editor and owner of the paper in which these advertisements most frequently appear knows the character of these places. When a new advertisement of this character is presented to him, he pays a personal visit to the address and instructs the advertiser how to word the announcement so as to bring the best results. He also tells the

[1] For the relation of the "cadet" to the social evil, see p. 61.
[2] Page 11.

advertiser the best method of "fixing" the plain clothes man who may be stationed in the vicinity.

No interest in these places seems to be taken by the medical or police authorities. The Post Office Department has taken no action against papers publishing these "massage" advertisements, although they circulate through the mails as second class matter, notwithstanding that evidence and affidavits have been filed with the United States District Attorney showing that such "parlors" are immoral. There are no requirements for the practice of massage, and no inspection of these places by the Board of Health. A few inmates have been arrested as disorderly persons, or for keeping disorderly houses, but the difficulty of obtaining the required evidence renders them practically immune from prosecution.[1]

ENFORCEMENT OF LAWS.

From the investigations it appears that the number of disorderly houses decreased from 1907 to 1909 inclusive. A comparison of the prosecutions in the five courts in Manhattan shows a decrease of 297. In prosecutions for street soliciting there was a decrease of 157; in prosecutions of keepers of disorderly houses, a decrease of 140; and in prosecutions of inmates, a decrease of 144. The only increase was of 144 in vagrancy in tenement houses.[2]

A comparison of the dispositions of the cases shows that in 1909 there was a decrease in persons discharged of 223; of persons fined, a decrease of 72; of persons sent to prison, an increase of 325; of those held for Special Sessions, a decrease of 180. The other dispositions include probation, good behavior bond, etc., and in these the decrease was 280. The affidavits in 24 cases had been transferred to other courts and could not be traced.

It will be seen, therefore, that while there is a decrease in the number of houses and in the prosecution of keepers, the number of persons arrested in connection with the social evil is not greatly diminished and the treatment remains about the same, as is shown by the percentage of those let off with fines or discharged. The increase in imprisonments is offset by the decrease in the arrests of keepers and the fewer number of cases disposed of in ways other than fines or discharges. The increase in vagrancy charges in violation of the Tenement House Law, the small decrease in total arrests and the unchanged method of dealing with the cases, indicate that the social

[1] For statement of evidence required see pages 13, 45.
[2] Table XVIII.

evil is being transferred to places other than disorderly houses, rather than materially decreased.

Causes of Non-enforcement of Laws.

Conditions affecting disorderly houses alone are unquestionably better than at any time within the period concerning which the Research Committee has information. The existing conditions, however, call for a word of explanation: As previously shown, for a period of the first six months in 1909 the reports of the police captains for 31 precincts in Manhattan, 9 in the Bronx, and 34 in Brooklyn, state that there were 119 disorderly houses (tenement and private). Of these, 44 were under police surveillance (which means they were running), 30 had been raided, 32 arrests had been made, and 31 places were reported as being suppressed. There were thus 137 reports against 119 houses. The investigators visited 56 of the 119 houses and found 74.5 per cent. still in operation. In addition, 88 disorderly or suspicious places were found which were not given in the records, making 42.5 per cent. of the existing houses not reported at all. This gives a total for the period of 207 places. Each police report was accompanied by the name of the owner or agent. In 10 instances where raids were made the report stated that the owner or agent had been served with liability notices. Nevertheless a careful search of the court records failed to reveal one action brought against the owner or agent of these premises.

Supply and Demand.—Unquestionably the chief reason for non-enforcement is that the police have an understanding of the extent to which disorderly houses may operate under any given city administration. Citizens themselves, as well as the party in power determine this, for many believe that the social evil must exist to some degree, and that the disorderly house represents the most normal and least injurious social expression of it, as compared to tenements, the "cadet" system, etc. There is a wide discrepancy between the laws as they exist on the statute books and the way in which it is desired that these laws be enforced. This deters city authorities from reducing the number of disorderly houses below what is termed the level of demand.

Business Interests.—Various efforts are made, however, to stimulate the so-called normal demand and decrease the risks. Among these are business interests which offer protection as a part of the rental agreement. Two illustrations from many will suffice:

An agent was asked the rental of a house on West 27th Street for legitimate purposes. The reply was $100 per month. A permit was secured to examine the house. A plumber occupied the basement and

held the lease for the house for a year and a half. When he was told that the premises were wanted for a disorderly house, he said he would have to fix the matter up with the real estate agent. The agent was then told plainly for what purpose the house was wanted, and he made no objection to renting it, but said that the rental would be $150 per month, instead of $100, as he had specified in the beginning. He also agreed to make out the lease for one year or more, with a cancellation clause after the first year. He also gave the applicants to understand that in case the police dispossessed them *he would change the name in the lease.* The $150 per month rental was for back rooms on the first floor and the entire two upper floors, 15 rooms in all. The matter of fitting up the place as a disorderly house was openly discussed by three investigators and the real estate agent.

A prominent real estate agent in his testimony before the State Immigration Commission admitted that owners rent houses through dummies, for immoral purposes, so that they will not know the character of the tenants. Another method used by owners is to hide their identity behind long time leases, or rent through three or four different agents, so that the trail may be obscured. Again, some owners will not take money for rent directly, but have it deposited with other incomes. So clever are owners or agents in hiding the fact that they rent houses of this character, or so indifferent, that it happens that occasionally a prominent citizen, or a financial institution, honored and respected in the community, is collecting rents from brothels and disorderly places.

Protection.—Ex-Police Commissioner Bingham estimated that "fifteen per cent. or from 1,500 to 2,000 members of the police force are unscrupulous grafters whose hands are always out for easy money."[1] In addition to this the main body of the force are continually subject to the temptation of doing "favors" for friends among politicians and others who are interested in the business of prostitution. That protection was given by the police in the "banner years," when disorderly houses flourished has already been shown, and similar conditions still exist today in a slightly different form. The following illustrations are given: A policeman had been stationed for several months in front of a notorious disorderly house, for the purpose of securing evidence and warning prospective patrons from entering the premises. One night a man walked up to the door of this house and the warning he received was that his visit would probably cost him $20.

It is alleged that in May, 1908, an officer was detailed to watch three disorderly houses in one block. The proprietors of these houses

[1] See "Policing Our Lawless Cities," Hampton's Magazine, September, 1909.

made up a purse of $300, which was turned over to a business man on 8th Avenue. This money was for the purpose of having an order issued to remove the officer from duty in front of these houses. Within forty-eight hours the order was issued, and the officer was transferred to Broadway.

Although the records show that a number of places were not reported, no police officers have been tried on charges of neglect of duty for failure to report these places. According to the reports published in the "Chief," 5,444 police officers were tried on charges from September 1, 1908, to February 28, 1909, the period covered by the reports of the police precinct captains. Not one was for failure to report a disorderly place. A study of 500 consecutive cases showed that 40 per cent. were for absence from post and 10 per cent. for absence from roll call. Such offenses as failure to report a dead cat appeared, but none relating to the protection from vice.

Evidence.—As in tenement house cases, one of the chief stumbling blocks is the nature of the evidence required by the Court. The following illustrates this.

A number of street walkers were arraigned in the Night Court. The magistrate asked the officer if he had actually heard the girls soliciting. The detective replied that he had not, but he had seen the women loitering and talking with men on the street. In discharging the prisoners the magistrate said that while he knew the character of the girls before him, the evidence was not strong enough to convict. In trying cases against inmates of disorderly houses, some magistrates insist that the plaintiff must have actually seen the exposure of the person for the purpose named, which practically debars any tenant or reputable citizen and deters officers from making complaints.

Inactivity of Officials Other than Police.—The Board of Aldermen has not seen fit to take action under the powers conferred upon it. One of its members, who came into office in 1907, and who represents a district in which there have been and are now several disorderly houses, and many women on the street, asserted that the Board had not appointed any special committee to inquire into the faithful performance of duty of heads of city departments in regard to the "effectual suppression of vice and immorality in the city." Not only had such committees not been appointed, but the various local improvement boards had not received any complaints, held any hearings, or passed resolutions pertaining to street nuisances (soliciting for immoral purposes), disorderly houses (tenement or private), or drinking saloons conducted without licenses.[1]

[1] Appendix V.

Sanitary Code.—Some time ago the Board of Aldermen adopted Sections 13 and 14 of the Sanitary Code, which provide that an owner, lessee, tenant, or occupant of any building where there is a nuisance, may be required to abate the nuisance or comply with the order of the Board of Health in respect to the premises. An inquiry at the Board of Health showed that this law is applied only to sanitary conditions, and not to houses of prostitution.[1]

SUMMARY.

1. The number of disorderly houses decreased in 1909 notwithstanding a small increase in the total number of arrests of persons engaged in the social evil.

2. The business of running a disorderly house is comparatively safe for men, especially keepers and their allies. It is not the custom to open a disorderly place without "fixing the matter" with some one beforehand. Interference with this arrangement may come from "higher up," but if so it is the women who pay the penalty of publicity and shame. Of the 7,054 persons arrested in 1909, 98.4 per cent. were women. This is also apparent from the study of 1907 which showed that to 112 houses were attached at least 200 men in various capacities; and that of 1909, which showed 207 places recorded in the various precincts; and 148 keepers arrested of which 120 were women. The number of men arrested during the same period of 1909 for living off the proceeds of prostitution was 72.

3. Too much hope should not be aroused by the decrease in the number of disorderly houses. The spread of the evil in tenements, "Raines Law hotels," massage parlors, and elsewhere, is partly explained by this decrease. The effect of this evil is not to be judged solely by the addresses on the police records and those visited by the investigators, but by the neighborhoods in which these houses are located; by the number of people, including children, who are influenced;[2] by the corruption of officials and business through the evasion of the law, and by ill-gotten profits; by the neglect of duty and in some instances the corruption of officials elected by the people or appointed by their elected officials, and by the attitude of the courts and the punishment inflicted.

THE LIQUOR TAX LAW.

The Research Committee has considered the Excise Law only in its relation to the social evil. The extent of the liquor traffic, its general regulation by local option or otherwise has not been touched

[1] Appendix III A.

[2] See Messenger Boys, p. 126.

upon. The study shows the existence of a most serious form of the social evil.[1]

Provisions of the Law.

The law, commonly known as the "Raines Law" was enacted in 1896, the principal changes being a higher license, state supervision and control, and the abolition of all discretionary power in the issuance of licenses.[2]

Two sections of the law directly affect the social evil. Subdivision 7 of Section 36 provides that if any certificate holder or his agent, servant or employe is convicted of keeping a disorderly house in violation of Section 322 of the Penal Code (now Section 1146 of the Penal Law) or of any municipal ordinance prescribing the same or any similar offense, the certificate shall be forfeited and he shall be deprived of all rights and privileges thereunder. Subdivision 8 of Section 15 provides that no new certificate shall be issued for the premises for one year after a revocation upon the ground of disorderly conditions or the conviction of the licensee thereof.

Of interest to this study is the amount of the annual fee required. In Manhattan and the Bronx the rate is $1,200, in Brooklyn it is $975. Each application must be accompanied by a surety bond for one and one-half times the amount of the annual fee ($1,800 and $1,462.50, respectively). The holder who is the keeper of an hotel may sell liquor to his guests with their meals or in their rooms except between the hours of one and five o'clock in the morning, but not in the barroom or other similar room in such hotel. An hotel is defined to be a building regularly used and kept open as such for the feeding and lodging of guests, where all who conduct themselves properly and are ready and able to pay for their entertainment are received if there be accommodations. The only other dwellers shall be the family and servants of the hotel keeper. An hotel shall also comply with the rules and regulations of the Building, Fire and Health Departments of the cities in which it is located. An hotel must contain at least 10 bedrooms, each of which shall be properly furnished and shall conform to certain other specifications laid down in the law. A guest is also carefully defined by the law.

Conditions Preceding the Passage of the Law.

No data are available which show the social evil as a cause of

[1] Except where specifically noted that an investigation has been made by the Research Committee, all records, reports and tables have been furnished by Mr. Frederick H. Whitin, executive secretary of the Committee of Fourteen which has been at work on this subject constantly since 1905. It seemed unnecessary to cover the field again.

[2] Appendix VII.

the passage of the general Liquor Tax Law, intended to regulate the sale of liquor in all of its phases throughout the State. It is asserted by those who favored the legislation that the object was to take the excise question out of politics, which expressed itself in a misuse of the discretionary powers of the local commissioners. The old law did not fix a license fee, but between a low minimum and a moderate maximum, it left each locality to make any rate desired. The law also failed to make adequate provisions for its enforcement. As a result, the police were negligent and were constantly tempted to give protection to dealers. When cases were brought to trial there were long delays in the courts and many cases were not tried at all. As a result of these defects it was alleged that there were from two to four times as many saloons as were necessary to meet the demand, and that dives and disorderly places were encouraged.

One of the most serious arguments advanced in favor of the new liquor tax law was that it was practically impossible under the provisions of the old law to abolish the sale of liquor on Sunday. The new law contained specific provisions regarding hotels which attempted to overcome these objections. Few there were who saw the danger lurking in the provision for such sale in hotels when combined with a strict enforcement.

PREVAILING CONDITIONS.

The Rise of the "Raines Law" Hotel.—Seldom has a law intended to regulate one evil resulted in so aggravated a phase of another evil directly traceable to its provisions. From the passage of this law dates the immediate growth of one of the most insidious forms of the social evil—the "Raines Law" hotel. This growth was due to a heavy increase in the penalties for a violation and the expected increased enforcement of the law by state authorities beyond the reach of local influences. To illustrate, the license tax was raised from $200 to $800, and the penalty of the forfeiture of a bond was also added.[1] To escape these drastic penalties for the selling of liquor on Sunday in saloons, saloon keepers created hotels with the required 10 bed rooms, kitchen and dining room. The immediate increase was over 10,000 bedrooms. There being no actual demand for such an increase in hotel accommodations, the proprietors in many instances used them for purposes of assignation or prostitution, to meet the additional expense incurred. In 1905 there were 1407 certificated hotels in Manhattan and the Bronx, and of these about 1150

[1] This $800 fee was imposed in Manhattan and the Bronx and was the rate established by the Raines Law at the time of its passage. The rate of $200 was the tax for saloons prior to the passage of the Raines Law.

were probably liquor law hotels. In 1906 an important administrative provision was added to the law. This amendment, known as the Prentice bill, provided that hotels must be inspected and passed by the Building Department as complying with the provisions of the law, before a certificate could be issued to them. As a result of this new legislation, 540 alleged hotels were discontinued in Manhattan and the Bronx. A large number of these places, however, continued under saloon licenses.

Methods of Conducting Business in Disorderly Hotels.—Practically every hotel which is conducted specifically for the purposes of prostitution in connection with the sale of liquor has its staff of women solicitors on the streets in the vicinity. These women are required to bring their patrons to the hotel and to urge them to buy drinks. The charge for the rooms in these disorderly hotels varies from 50 cents to $2, according to the location and character of the hotel. Where the amount received is over $1, the women are reported to receive half of the excess if a room is used for a limited time only. The sale of liquor is the most profitable part of the transaction for the proprietors, double price being charged for drinks served up stairs. The women get 10 cents on every dollar spent in this manner.[1] The women receive sums of from $1 to $5 from the men whom they take into these hotels. When business is flourishing, the women are connected directly with some of the hotels. In some instances they are boarded by the saloon keepers, much after the plan of the regular "parlor" houses. There frequently exists a connection between a disorderly saloon in which women solicit and the disorderly hotel. Men met in a particular saloon must be taken to a specified hotel. The purpose of this arrangement is to make more difficult the securing of evidence proving the disorderly character of a place. There are a few cases, however, in which the same man is proprietor of both the saloon and hotel. Many of these hotel proprietors act as bail bondsmen for the women when arrested. When they are placed on probation they often return to their old life and the keeper of the hotel pays the police for not reporting the fact that they have broken their parole. During an investigation of 33 women placed on probation a number admitted that they were bailed out by the proprietors of the "Raines Law" hotels for which they were working. In such cases the sum of $5 for the bail bond was deducted from their earnings.

The Excise Department.—The State Excise Department and the police are responsible for the enforcement of the law. A study has

[1] "Saloons in New York," by Arthur H. Gleason, Collier's Weekly, May 2, 1908.

therefore been made first, of the records of these departments and second, of actual conditions in the field. The Department consists of a Commissioner of Excise and his deputies and counsel in Albany and sixty special agents whose activities extend throughout the State. There is a legal bureau in New York City and a deputy commissioner for certain counties, who are, however, merely administrative officers.

Police Records.—In order to learn the degree of police activity against disorderly hotels and saloons a study was made of the monthly reports of police captains of all the precincts in Manhattan, the Bronx and Brooklyn for a period of six months, ending February 28, 1909. During this time the police reported 45 actions taken against disorderly "Raines Law" hotels in Manhattan and none in the Bronx. Of this number 22 were reported as being under strict police surveillance; 6 arrests were made; 17 were suppressed. Three of these places were under both surveillance and arrest. It is interesting to note that the police did not report any saloons as disorderly in the Manhattan and Bronx precincts. The only reference to them is made in connection with music halls, of which 5 are recorded—one in the 15th precinct and 4 in the 23d precinct in Manhattan. Of these three were under police surveillance and two had been raided.[1]

As an illustration, the reports for September, 1908, state that there were no disorderly concert saloons in the 43rd Precinct and that the police have been unable to obtain any evidence against disorderly houses since the last report. Accompanying these reports, however, is a list of 19 *bona-fide* hotels which comply with the law. In contradiction to this statement the report for the same month states that three of these places are alleged to be disorderly and investigation showed that they were disorderly and had been notorious for some time for violating the law. The reports of other precincts containing lists of *bona-fide* hotels were equally misleading and erroneous.

The police reports for Brooklyn and Coney Island and nearby resorts showed 30 addresses of disorderly hotels. 38 actions were taken, 20 being police surveillance, 9 arrests and 9 suppressions.[2] The same reports showed 7 disorderly saloons in Brooklyn, Coney Island and nearby resorts. Of this number three were under police surveillance; three arrests were made; and one place was suppressed[2]

Court Records.—Records are of two classes—those of the civil or Supreme Court; and those of the criminal courts, namely, General

[1] Table XXII.
[2] Table XXIII.

and Special Sessions. Revocation actions are brought in Special term of the Supreme Court of which there are three Parts for this purpose. Bond actions being alleged violations of contract are brought in the trial terms of the Supreme Court under "Calendar No. 3." These cases may be tried in any one of four Parts.

During the period from 1906 to August 1909 the civil and criminal courts disposed of 625 different actions against 152 alleged disorderly certificated premises in Manhattan and the Bronx.[1] Of these, 103 were hotels and 49 were saloons. Of the 370 criminal actions begun, 123 were discharged by the magistrate after the preliminary examination, sufficient evidence not having been presented to justify their being held for the Court of Special Sessions. Of the 244 cases disposed of by that Court, 114 were acquitted, 4 actions were abated by death, 3 bail bonds were forfeited and 123 defendants were convicted. Prison sentences were imposed upon 16 defendants, the total of the sentences being 690 days; 84 fines were imposed, the total being $4,975; and sentence was suspended in 23 cases. As a result of these convictions 25 licenses were forfeited, which had an unexpired tax value of $7,150.

In the Civil Courts, 255 actions were brought. Of these all but three were brought by the Excise Department, these three being actions by landlords to dispossess disorderly tenants. One was successful and two were defeated. Of the 79 revocation actions brought by the Excise Department, all but three were successful. These three were against saloons. The unexpired tax value of the licenses revoked was $24,450. The Excise Commissioner brought 176 successful actions to recover upon the bond which accompanies licenses, which recoveries with costs amounted to approximately $323,850. The total of cash penalties and losses to the proprietors of the disorderly resorts and to the bond companies writing their bonds was, as a result of these actions, $360,850, to which must be added defendants' costs and counsel fees. These latter are especially heavy. In one instance it was commonly reported that $3,500 was paid to a certain well-known lawyer for defending a not especially difficult case.

The "penalty upon the place" provision has been incurred in 27 cases as the result of successful actions. Of these but one was the result of criminal conviction, while in the case of two others, the penalty does not become operative until October, 1910. Four penalties have been incurred because of proximity of the premises to a school. These are especially serious since they act as a permanent bar to the

[1] Table XXI.

sale of liquor. Thirteen places have suffered the full twelve months' penalty of the law, while seven have been able to escape with less because of defects in the law itself.

A study of the reports of present conditions (1909) indicates that as a result of these actions, traffic in liquors has been discontinued at 18 out of the 152 places; that 41 are closed though as yet unoccupied by any other business, and that conditions are satisfactory in 28 other places, making a total improvement of 50 per cent. It should be noted that though the traffic in liquors has been discontinued, disorderly conditions continue in 9 places.[1]

Field Study.—The Committee of Fourteen has a secretary and assistants constantly in the field investigating and reporting on prevailing conditions. The following standard is observed as a basis for making complaints. First, the admission of couples without baggage to hotels at late hours where such business is a considerable part of the number of guests and where there is legal evidence that the same woman has been admitted twice in one day as the wife of different men, or that the same room has been rented twice in twenty-four hours. Second, permitting women without male escorts to loiter in the rear rooms after 10.30 P. M.

As a result of its investigations and work, the Committee of Fourteen gives the following data for 1908:

Places closed, or operating as hotels without a liquor license, 59; places where it is reasonable to hope the present improvement is permanent, 20; places where the improvement has been considerable, 22; places where the improvement has been slight or is not thought to be permanent, 17; making a total of 118. There were in addition 71 known places which were running in violation of the requirements given above.[2]

Each year the Committee of Fourteen makes up a list of suspicious places and classifies them according to their condition at the time. For the license period from May, 1908, to September, 1908, this list contained 146 addresses; from October, 1908, to September, 1909, 162 addresses; and for the present license year (October, 1909, to September, 1910), 320 addresses. These figures show the development of the work of the Committee of Fourteen in an increased knowledge of existing conditions. The purpose of this list is its use in the co-operation which has been established by the Committee of Fourteen with the brewers and surety companies. Some places on the list were rated as those to which on account of disorderly condi-

[1] Table XXI.

[2] Annual Report of the Committee of Fourteen, 1909.

tions the co-operating surety companies were to refuse corporate bonds and the brewers any financial assistance. Others were rated as suspicious and were to be assisted by the brewers only to a limited extent and granted bonds under special conditions, but the outcome of this attempt to deal with these places has not been satisfactory. Some places were also put upon the list although they were closed at the time because there was grave suspicion that they would not be conducted properly if opened.

A field investigation was undertaken by the Research Committee, based upon the reports of the police captains for a period of six months ending February 28, 1909, of disorderly "Raines Law" hotels and saloons. The police reported 40 disorderly hotels and 5 disorderly saloons in Manhattan and none in the Bronx. An investigation was made of 40 of those reported by the police. Disorderly conditions still existed in 18, or 45 per cent. of them. While this investigation was in progress 45 additional disorderly hotels were found, 33 in Manhattan, and 12 in the Bronx as against the police report of none.[1] A brief investigation was made of 13 saloons suspected of being disorderly in Manhattan, including 5 reported by the police. In 9 of these women were soliciting openly. In the Bronx, where no disorderly saloons were reported by the police, 11 were found which were disorderly. In every instance where disorderly conditions were reported to have exsited, it was found that soliciting was carried on. One hotel in which an investigator lived for a few weeks had been reported "suppressed" in January, 1909. There were 7 such hotels in the neighborhood. Notwithstanding the "suppression," the investigator counted from 10 to 20 couples who were received nightly, the women being recognized as disorderly persons.

At the close of the investigation (November, 1909), the disorderly women were more aggressive in their soliciting than during the months of February and March, 1909, when the above investigation was made. This was especially true on East 14th Street between Third and Fourth Avenues; Sixth Avenue between West 23d and West 33d Streets; Seventh Avenue between West 34th and West 42d Streets; Lexington Avenue between East 23d and 27th Streets; and along Broadway from West 23d to West 42d Streets. Practically all of the disorderly women in these sections use "Raines Law" hotels.

The chief outward manifestations of the social evil in New York City are seen in the solicitation by women on the streets, in the rear rooms of hotels and saloons and in music and dance halls. This

[1] Table XXII.

increases the evil of the "Raines Law hotels." With regard to music halls, a distinction must be made between the rear room of a saloon which contains a piano with perhaps one or two or even three singers, who are also waiters, and the larger places where a more pretentious musical program is given, with a number of performers, and where the only drinks are served by waiters. The typical disorderly music hall is one where women are allowed to come and go, mingling freely with different men at the tables. One of these is located in the Tenderloin a short distance from Broadway, on a side street. The proprietor is interested in a neighboring "Raines Law hotel" and the women who frequent the place take men to this hotel.

Another music hall is located in Harlem but is run more quietly than the one just described. While unaccompanied women are allowed to come in at all hours and sit with the men at tables, they must not openly approach or solicit them. It is easy, however, by means of the pretext of a former acquaintance to secure the companionship of an unaccompanied woman. At the present time there are not many such music halls.

Brooklyn.—A brief study of conditions in Brooklyn by the Research Committee showed a marked contrast to those in Manhattan. Many of the places were practically deserted after 10 o'clock P. M., and few immoral women frequented the rear rooms of hotels and saloons. The men and women found there appeared to be neighbors or at least on friendly terms with each other and the majority of women soliciting seemed to be satisfied if they were able to find one man during an evening to take them to an hotel. In some of the hotels everything was apparently quiet, though bells were ringing constantly and waiters hurried upstairs with drinks. An unaccompanied man was not allowed to go to sitting rooms upstairs, and a stranger immediately aroused suspicion in a way not true in Manhattan. These conditions made the task difficult of finding violations of the law in hotels and saloons.

The reports of the police for various precincts in Brooklyn for a period of six months ending February 28, 1909, showed 30 hotels and saloons either violating the law or under suspicion. Of this number 13 were in Coney Island or nearby pleasure resorts, leaving only 17 in the heart of the city in such police precincts as numbers 143, 145, 147, 153, 159 and 160. Of the 17 hotels and saloons in Brooklyn proper 10 were under police surveillance, 5 keepers were arrested and 6 places were suppressed, a total of 21 actions against 17 addresses. A personal investigation was made of 16 of the hotels and saloons in

Brooklyn proper and disorderly conditions prevailed in 5 of them. While this investigation was in progress 10 new addresses in the same precincts were found which were not reported by the police. In all of the places disorderly and suspicious conditions existed.[1]

Cases on the Record of the Committee of Fourteen.—The following illustrate the difficulties of law enforcement:

Case (A). This hotel located in the Tenderloin is conducted by a woman who formerly ran a chain of disorderly houses. The principal business of the hotel is secured from a nearby concert hall saloon. The police have been unable to get the necessary evidence for a case against this place because of the peculiar construction of the hotel office which has been arranged by the advice of counsel, for the express purpose of evading the law.

Case (B). This is a disorderly hotel of the worst description, for women are not only on the premises, but also are to be found on the street in the vicinity 18 hours out of the 24. The Excise Department brought an action to revoke the license, and was successful. Another license was immediately secured, although an affidavit had been presented to the Commissioner by the trustees of a technical training school, stating that the entrance of the hotel was within 200 feet of the entrance of their school. The action to revoke the second license was also successful and since March, 1908, the hotel has been without a license. The Police Department was especially active against this place and secured many cases. Five of these cases were tried on the same day. The defendants pleaded guilty, and the Court imposed a total fine on the five offenders of only $125. The hotel cannot now lawfully sell liquor, but the police believe that the owner does not intend to change his methed of conducting the business, and while the saloon has been replaced by a cigar store, the indications are that it is waiting for an opportunity to open up a "dive."

Enforcement of the Law.

Although one statute regulates the entire matter, there are many difficulties in the way of enforcement. The State Excise Department and local Police Department divide the responsibility. The former can bring both civil and criminal actions, though in practice, its activities are almost wholly on the civil side. The Police Department is limited to actions under the criminal law. Any taxpayer has a right to bring suit for revocation of a license but very seldom is a *bona-fide* case so brought. The right is open to abuse and is alleged by some to be a source of blackmail. Since November, 1907, the

[1] Table XXIII.

responsibility of the State authorities has been increased by (A) Court decision, and (B) amendments to the law.

(A) The court decision was given in a case brought by the Commissioner of Excise upon complaint of the Committee of Fourteen to revoke the liquor license of a hotel proprietor. It was alleged that he did not comply with the requirements of the Excise Law as to the number of rooms necessary for a hotel. The Excise Department, acting under an opinion of Attorney General Mayer, had accepted ten rooms as sufficient in New York City, though the Building Code required sixteen rooms. In March, 1909, the Court of Appeals affirmed the decision of the Appellate Division which held that the State could recognize as an hotel "a building having ten or less than sixteen bedrooms, if otherwise complying with the Liquor Tax Law, although it could not be classed as an hotel under the Building Code."[1]

(B) An amendment to the law, passed in 1908, provided for a "penalty upon the place," by denying a new certificate for one year to any premises where there had been a conviction for keeping a disorderly place. This "penalty upon the place" was held by Mr. Justice Dowling, to be "a constitutional and a lawful exercise of the police power of the State."[2] However, in Doherty v. McKee, an accompanying decision, the same justice limited the amendment to "the conviction of the certificate holder" based upon the strict wording of the amendment, though it was contended that the intent was to include the acts of a "clerk, agent, employee or servant."

By this limitation the penalty on the place is imposed only as the result of a civil revocation action whereby it is shown that the licensee permitted the premises to be disorderly or a criminal case wherein the licensee is shown to have conducted the premises as a disorderly house in violation of Section 1146 of the Penal Law.

Civil actions being limited to the State Commissioner of Excise or to a taxpayer are not a regular means of law enforcement by local officials who deal only with criminal actions. The latter are ineffectual for two reasons: (1). In the case of disorderly resorts, the license is "taken out in the name of a dummy," despite the careful provisions of the law. (2). The proprietor, especially if he is also the licensee, is very careful not to incriminate himself. Should the licensee happen to be a defendant, it is customary to make a "motion to transfer" upon the ground of the severe penalty that would result from a conviction. Such motions have been generally granted.

[1] 195 N.Y., 530; 129 A. D., page 229.

[2] See People ex rel. Bernard v. McKee, 59 Misc. p. 369. Affirmed 126 A. D., 954.

[3] For text of the law, see Appendix II.

These necessitate indictment and Petit Jury convictions, which are very seldom obtainable in disorderly house cases.

Because of this situation, local authorities are without effective penalties and remedies are vested in the State Commissioner. Early in 1909, the local authorities furnished the State Excise Commissioner with the necessary evidence asking that action through his department be brought against the places. As a result, 15 of the worst dives in the city were closed by July 1. Of this co-operation former Police Commissioner Bingham says:[1]

"About the lower Bowery and Chatham Square there were a group of dives which had become historical institutions of the City. They had run so long without molestation that they were practically considered as vested interests of the section. They were of course "hang-outs" for prostitutes and cadets as well, the Italian cadet being very strong in this section. Last winter we discovered that we could—under a State Law passed in the spring of 1908 prosecute these places as disorderly resorts, not in the criminal courts where they could use their familiar tactics, but in civil courts and take away the privilege of selling liquors in the same building for an entire year."

Causes of Non-enforcement of the Law.

These may be grouped under six heads: (1) Defects in the law and its administration by the Excise Department. (2) Inactivity of the police. (3) Court methods and rules of evidence. (4) Division of authority between the Excise and Police Departments. (5) Business-interests: brewers, bonding companies and proprietors. (6) Political influences.

Defects in the law, and its administration by the Excise Department.—The causes of non-enforcement of the law are clearly shown in an article on the "Suppression of the Raines Law Hotels" by Dr. John P. Peters, Chairman of the Committee of Fourteen, in which he says:[2]

"The investigations of the Committee of Fourteen had shown that the Excise Department was run for revenue as its chief object. The courts in a case brought to test the constitutionality of the Raines law had adjudged that law constitutional only as a police measure. The Excise Department, however, had administered it as a revenue measure, with the object of securing as much profit as possible out of the sale of licenses. The Excise Commissioner had been in the habit of practically granting extra-legal licenses to brothel-hotels and the like, in consideration of the payment at certain intervals of an extra fee, disguised as a penalty. Had he not done so it would have been impossible for the 'Raines Law Hotel' evil to attain the proportions which it did. The way in which this extra fee was levied was as follows:

"The Excise Department each year secured through its agents evidence of violation of the law in a certain number of places. This evidence was sufficient to revoke the license and forfeit the bond. The former action must

[1] McClure's Magazine, November, 1909, page 62.

[2] Annals of the American Academy of Political and Social Science, November, 1908.

be brought before the expiration of the certificate and so is limited, but the bond forfeiture action was, until this year, only limited by the statute of limitations (twenty years). These latter actions were therefore brought when and as the Department considered best for its policy of revenue collection. While these actions constituted in themselves a very considerable penalty, in comparatively few cases did they put the saloons out of business, nor was it apparently the intention of the Commissioner of Excise that they should do so. As a rule in the case of revocation actions a new license was obtained for the balance of the year, under which business was continued as before, and the Excise Department was so much to the good. Had the Commissioner actually desired to prevent immoral traffic he could have done so by following up each case with repeated prosecutions until the place was put out of business or compelled to abandon its immoral traffic. A few examples in each town would have been quite sufficient to give the department control of the situation. What was done, however, was quite different. Instead of following up any given offender, until he ceased offending or was put out of business, after one license had been revoked the commissioner turned his attention to some one else, leaving the first offender alone for a period of years until he had recouped his losses. The result was a notable increase of revenue for the state, while few offenders were mulcted so heavily as to put them out of business. Thus the state, through its excise commissioner, really licensed vicious resorts in consideration of the payment of extra fees.

"This system was to some extent interfered with by the action of private individuals and societies who instituted prosecutions on their own account; and at one time the Excise Department, with the aid of the then governor of the state and of the originator of the law, actually secured an amendment to the law, preventing such action by private citizens, which interfered with this method of extra legal licensing of vice by the state.

"About this time, 1907, the Committee called the attention of the Department to an apparent wholesale violation of the law in New York City under previous administrations. The law specifies ten bedrooms as the minimum for a hotel in any locality but provides for compliance with local regulations as to the number of bedrooms, etc., wherever such exist. The Excise Department had, however, without court interpretation actually accepted in New York City ten rooms as constituting a hotel although under the provisions of the building code in that city a hotel must have over fifteen rooms. Had the Excise Department from the outset insisted on the number of rooms nominated in the building code, the ten room 'Raines Law hotels' could never have come into existence in New York City. The Courts would doubtless at that time have sustained this natural and common sense interpretation of the law; if in fact any one had questioned it. But New York Courts have notoriously the habit of legislating by judicial decision for the protection of vested interests. When therefore, after the conference referred to above, the present excise commissioner attempted this year to change the practice followed for twelve years and required instead of ten bedrooms for a hotel more than fifteen, as provided by the building code, this decision was contested and the courts, in view of the considerable vested interests which had been allowed to arise under the former practice of the Excise Department and which would be injured by the new ruling of the department, interpreted the law, contrary to the plain statement of its letter, as requiring no more than ten rooms to constitute a hotel."

With reference to the adequacy of the Department, the Bulletin of the Committee of Fourteen for November, 1909, says:

"It is impossible for the Legal Bureau of the Excise Department to handle each year the maximum number of actions that come up for disposition.—first a year is occupied with revocation proceedings and some old bonds, as 1905-6 and 1907-8, while the succeeding year is occupied with bond actions and contested cases. In part also, these variations have been due to change of procedure and penalty. The very effective 'penalty upon the place' has resulted in the cases being hotly contested. Repeated revocations and bond actions against a place are not as effective as supposed. Out

of actions brought aganst 325 different places (of all kinds), more than a single action against the same place has been brought in only 48 cases. Out of these 48 cases but 10 can be said to have 'cleaned or closed' up because of the Excise Department actions alone. Such a condition has been attained in 11 cases through such actions aided by other cases or agencies. Ten places are closed by the place penalty while 15 show no improvement at all. Among the latter are two places which have each suffered a revocation and losses on four bonds.

"In certain cases, the Excise Department has brought a revocation proceeding and two bond actions upon the licenses of the same place for a single year. The records indicate that this maximum has been brought in eight cases and that six of these places are closed. The credit, however, for closing must be shared, if not wholly attributed, to other causes. * * *

"By the general Appropriation Act of 1909, the expenditure of $160,000 was authorized for 60 special agents and detective service. For the legal expenses of four offices $80,000. The Commissioner reports that in 1908 the number of complaints investigated averaged 45 per agent. He also reports 565 revocations and bond actions completed, in the same year."

(2) **Inactivity of the Police.**—That the police fail to report all of the disorderly hotels and saloons in the different precincts was definitely shown by the records and by the results of the investigation given under prevailing conditions. The reason is not that the police do not know about these places but that they are paid to protect them or fear to molest them. As an illustration, in March, 1908, a number of plain clothes men were arresting women who were connected with certain saloon dives and hotels. The policemen in uniform went just ahead of the detectives and "tipped off" the proprietors of these places as to the time when the women could safely emerge.

Some of the small quiet lower East and West side hotels where rooms are rented for immoral purposes are reported to pay the plain clothes man $25 per month. The money for protection on the part of the police is stated to be collected in a variety of ways. Sometimes a man near to the captain will collect from the saloons; in other instances a keeper will collect from several other keepers and put the entire amount into a friendly business man's hands who in turn delivers it over to a representative of the police force.

(3) **Court Methods and Rules of Evidence.**—The methods employed by the courts in dealing with offenders against the liquor tax law, especially that section relating to disorderly houses, has always been a detriment to its proper enforcement. In the Magistrates' Courts, prosecutors are confronted with ridiculous technicalities. Even magistrates who really desire to enforce the law often hesitate to hold the prisoner because of a suspicion that the police have "framed" the case, in order to use it in compelling proprietors of disorderly places to pay graft. On this matter, Dr. John P. Peters in 1908 said:[1]

"In the Court of Special Sessions, there are long delays in favored cases,

[1] "Suppression of the Raines Law Hotel." The Annals of the American Academy of Political and Social Science, 1908, pages 91-92.

political pressure, and often a nominal forfeiture of bail bond, which is generally equivalent to a nullification of the law. The report of the District Attorney shows that out of 457 bonds theoretically forfeited in this court in 1907 only 11 were actually sent to his office for collection. When the cases actually did appear on the calendar, the attorneys for the defense, not desiring a speedy trial, were full of ingenious excuses for postponements which in its crowded condition, the court was not averse to granting. If the Court refused to grant the postponement, a 'doctor's certificate' would be presented. The right to move for a Jury trial or other technical delays were also used. But none of these delays would have been of value, had the judges, when convictions were secured, taken the facts into consideration, and imposed a sentence carrying a penalty equal to that which would have been suffered by a more prompt decision."

Closely connected with the methods of the courts is the nature of evidence required for conviction where the charge is for conducting a disorderly house in violation of Section 322 of the Penal Code, now Section 1146 of the Penal Law.[1] The Commissioner of Excise is averse to ordering his agents to secure the evidence necessary for a successful criminal case, stating that his men are of a high class and he will not run the risk of destroying their reputation by requiring them to get the necessary evidence.

(4) **Division of Authority Between Excise and Police Departments.**—This is probably one of the most serious weaknesses in the problem of law enforcement. As pointed out, the Excise Department may prosecute in both civil and criminal cases, but as a matter of fact it only uses its prerogative in civil actions, while the police are limited to criminal actions.

As a consequence, one department waits for the other to act and this often results in misunderstandings and confusion. It is true, former Police Commissioner Bingham co-operated with the Excise Department in a few civil cases, but in this connection he says:

"The police should have no contact with saloons nor with enforcing the Excise Law, but should be confined to their legitimate duty of maintaining the peace and, of course, making arrests for violations of law occurring openly in their presence. Enforcement of the Excise Law should rest entirely with the Excise Commissioner and his agents. Legalize the above two provisions and at once the status of a police force will be raised to a plane never yet attained in this country".[2]

Business-interests: Brewers, Surety Companies and Proprietors.—The brewers practically control the sale of liquor in New York City. "They own between 80 and 85 per cent. of the 11,000 or more saloons of the city by chattel mortgage; they advance the annual $525 to $1,200 of license money for nearly 85 per cent. of the saloons."[3]

The chattel mortgage system by which the brewers acquire control of the sale of liquor is in part responsible for the conditions as they

[1] For nature of evidence required, see page 35.

[2] "Policing Our Lawless Cities," Hampton's Magazine, September, 1909.

[3] "The Saloon in New York," by Arthur H. Gleason, Collier's Weekly, April 25, 1908.

exist in many of the disorderly hotels and saloons in the city and for many of the difficulties met with in securing enforcement of the law. Under the present law, any citizen can procure a license by giving a bond, no matter how many saloons may exist in the vicinity. As a result the number of saloons far exceeds the demand. Generally, the man who opens a saloon for a brewer is one who has been compelled to borrow money from him to equip the saloon with furniture and beer, and the money to pay the license fee and premium on his bond. To secure the loan a chattel mortgage is placed on the saloon and its effects and from this time on the dealer feels the unrelenting grip of the brewer. He may sell only the brewer's beer and no other, pay all charges for city water, and the mortgage stipulates that the license is non-transferable.

As a result of the over-competition, combined with the debt which increases the longer the dealer does business under such conditions, he is often actually compelled to increase his income by allowing disorderly conditions to exist in the rear room of his saloon and in the bedrooms upstairs which he has converted into an hotel for the purpose of making lawful Sunday sales. He must then seek protection for these conditions, thereby placing another difficulty in the way of law enforcement. The brewers know that many of their dealers are compelled to combine the sale of liquor with prostitution, for every week their collectors visit the saloons and hotels and render a report of what they find.

In view of this fact it is interesting to note that when the Committee of Fourteen laid before the brewers the conditions existing in hotels and saloons where their beer was sold, they immediately took the matter up and in some instances investigated the premises complained of and corrected conditions. They even went further and passed resolutions condemning the sale of beer in connection with disorderly places, and in May, 1908, they entered into an agreement which was signed by individuals representing brewers who were supplying 95 per cent. of the beer sold in saloons and hotels in New York City. This agreement, in part, is as follows:[1]

"We, the undersigned brewers, doing business in Greater New York, recognizing the propriety and importance of doing all in our power to assist in abating the evils caused by the existence of liquor stores, saloons and so-called Raines Law hotels which are of a disorderly character hereby agree among ourselves that we will continue our co-operation with the Committee of Fourteen in their work of abolishing all disorderly liquor stores and saloons. Our agreement is based upon the understanding that when the committee appointed by the president of the board of trade for the purpose of investigating all places reported to us as disorderly by the

[1] The Annals of the American Academy of Political and Social Science, November, 1908, page 94.

Committee of Fourteen, has, after such investigation, decided that a place is disorderly, we agree that we will at once secure the discontinuance of all disorderly practices in such place, or, failing in this, that we will at once withdraw all financial support, discontinuing the supply of beer and bring about, so far as we can, the closing up of such place."

No one questions the sincerity of certain brewers who signed this agreement, but it is intimated by one who has made a careful study of the situation that some of them expected to thus appease the public and gradually allow conditions to continue or relapse to what they were formerly.

The surety company is another business interest which has a vital relation to the sale of liquor in connection with disorderly places. This interest is one more link in the chain which binds the brewer and the dealer together, for the dealer must often appeal to the brewer for the money with which to pay the premium on the required bond. The amount of this bond is $1,800 for Manhattan and the Bronx and the bond is forfeited when a dealer is convicted for violation of the law, the money going to the State. As surety companies are loath to take any chances with disorderly places, various methods are used by the brewers to get them to accept places which are actually known to be in this class. One way was for a representative of a big brewer to go to a surety company asking if it would accept a certain number of disorderly places if they were also given the business of a much larger number of orderly places. This proved a great temptation to the surety companies, for a refusal meant the loss of much legitimate business.

The Committee of Fourteen has endeavored to secure the same co-operation with the surety companies as with the brewers. All the larger companies have agreed to refuse to issue bonds in instances where the places are notorious and are known to be such by the police and others. Up to December, 1909, one surety company had failed to co-operate with the others. It gave as an excuse the necessity of securing all the business possible in order to make up for former losses. In refusing to co-operate, this company has a certain monopoly and is reported to have asked a $1,000 premium against a bond of $1,800 when written for a disorderly place.

Political influences.—The liquor dealer who is conducting a disorderly hotel or rear room, fully realizes that he must have an understanding with certain politicians, especially the leader of the district in which his place is located. This understanding implies active political service on the part of the dealer and protection is received when his place is under police surveillance or about to be raided. The dealer is often a political captain in the district and his hotel a lodging

house for floaters and repeaters. A number of such captains are proprietors of notorious "Raines Law hotels" and saloons in a certain part of the city.

Summary.

1. The number of "Raines Law" hotels, by reason of investigation, prosecutions and amendments to the law are being constantly reduced.

2. Those remaining are a great menace, because of the combination of forces for evil. They make vice easier because they are protected by powerful influences, including the liquor interests. They divide soliciting and prostitution, making the number of people who profit off vice much larger. The women tempt the men not only to immorality but to drink and there is opportunity for drugged drinks and robbery. They combine recreation and amusements and music and make them pander to vice. Young girls are more easily induced to enter them than they would be to go to a disorderly house or saloon and they cannot readily distinguish between good and bad hotels. This is especially so with out of town girls and immigrants. These conditions are the result of the division of responsibility and authority between the Excise and Police Departments, the inactivity of the police and the necessity of proceeding many times against the same place, the slow disposal of cases in the courts and the difficulty of obtaining evidence, and the combination of business interests and political influences which prevent enforcement.

DANCE HALL LAWS.

The dance hall in the city bears a dual relation to the social evil. It offers the most popular form of recreation to young people and may be the open door to an immoral life if this pastime is not safeguarded at every point. Moreover, certain dance halls are definitely used for the purpose of luring young women into lives of prostitution. The great demand for an inexpensive and popular form of amusement has led to the commercializing of this form of amusement and these halls have in many instances been used by commercialized vice.

Provisions of the Laws.

There are three laws which apply in some measure to dance halls. The first is Section 483 of the Penal Law which prohibits any person from impairing the morals of a child under the age of 16 years. The second is Section 484 which forbids any person to admit or allow to remain in any dance hall, concert saloon, or in any place where

wines and liquors are sold, or in any place of entertainment injurious to health or morals, owned, kept, leased, managed or controlled by him, or by his employees, any child actually or apparently under the age of 16 years unless accompanied by its parents or guardian.[1] The third provides for the licensing of dancing academies in New York City.[2]

CONDITIONS PRECEDING THE PASSAGE OF THE LAW.

The regulations contained in the first two laws above quoted have been on the statute books a long time, but more or less ignored and did not meet the situation developed by the rapid growth of population, the growing need for recreation and the development of the "Raines Law" hotel, saloon, dance hall, dancing academy, etc.

An investigation made by the Committee on Amusements and Vacation Resources of Working Girls has made unnecessary a detailed investigation by the Research Committee. The following summary of conditions is taken from its report of 1908.

Description and Methods Used by Dance Halls.—Seventy-three dance halls were visited in Manhattan, Brooklyn, and different summer resorts. Of this number 49 were conducted in connection with the sale of liquor, 22 of these being attached to "Raines Law" hotels.

The records show that there were 2,205 unescorted girls at the 73 dance halls during the visits of the investigator, and 218 of these were spoken to by her. They were stenographers, clerks, office, store and factory girls. In the dance halls where liquor is sold, the dance continues from three to five minutes followed by an intermission of from ten to twenty minutes during which time liquor is sold. The proprietors provide tables and chairs about the halls, and no one is supposed to sit down unless drinks are ordered.

One of the favorite dances in halls of this type is the spiel, which requires much twirling and twisting, and is an objectionable dance. In all of these places the spieler is present. He is an expert dancer and is very popular because of this fact. He usually belongs to a gang or immoral class of young men, and his influence for the most part is bad. In many halls he is the type of "bum" who has led girls astray.

The female spielers are nearly all immoral, and their influence upon the young men and girls is also bad. Most of these girls are under twenty years of age, and they go to the dance halls practically every night.

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[1] For text of law see Appendix XXX; and page 125.
[2] For text of law see Appendix IX.

Most of the dance halls where liquor is sold are well lighted, have excellent floors and good music. Outwardly they seem fairly respectable to the ordinary stranger, there being very little loud noise or intoxication. The greatest danger lies in the fact that hotel accommodations may be easily secured in the same building or nearby, and that women are expected to drink with their partners. Another source of danger to the respectable girl at these dances is the constant companionship night after night with immoral women who predominate in places of this type. They appear in gowns far beyond the reach of the average working girl and she gradually becomes dissatisfied with her own personal appearance, and is soon seeking the acquaintanceship of men who will either give her money or presents. Often such men are met through the waiters who are only too glad to bring them together at tables for the tips.

Beside the inside dance hall with its bar, there are a number of casinos with small parks adjacent which are used by special clubs, private parties and other organizations for "rackets" and "picnics." The price of admission to these amusement places varies from $1 to $5, which includes refreshments, all the beer that is desired, and the privilege to dance. The tickets are sold promiscuously and as a consequence, many immoral persons are attracted, the women to form new acquaintances and meet old friends, the men to make new conquests. In the evening the price of admission is reduced to 25 cents, and when the day crowd goes home, another crowd takes possession. At one place of this character different men told the investigator that decent women leave the park at 8 o'clock. The shrubbery and trees, the poor lighting and absence of sufficient police surveillance are conducive to immorality. In another park many boisterous girls under 16 were seen, some already showing signs of dissipation.

Outside Amusement Parks and Resorts.—These places, especially those on Staten Island and Long Island, may be divided into two classes, the first where respectable women are comparatively safe from annoyance, and the second where women without male escorts are accosted in an improper manner. At one place on Long Island there are eight dance halls, two of them for colored persons. During the visits here the investigator and her companion were accosted by different men. Very few typical New York prostitutes and men frequent these places. The women who come are working girls, some from Manhattan, others from Brooklyn and vicinity. As they step from the ferries they are often accosted by men.

"Raines Law" hotels are found in all of these summer resorts. In

many instances they are connected with dance halls. Some of the moving picture shows have dance halls connected with them, and nearly all dance halls are conducted as an adjunct to a saloon.

Dancing Academies.—These are mainly dancing schools. For convenience, the investigation of these places was confined to two sections of the city; one on the East and the other on the West side. On the East side, 15 dancing schools were visited. The majority of girls who attended places of this type were from 14 to 20 years of age, and the boys quite as young. In one school 50 girls were present and not one appeared to be over 18. "Tough" dancing was seen in all the places visited. The spieler also was present, and was one of the objectionable features.

The beginners in these dancing schools on the East side pay $5 for a term of 24 lessons, and afterwards the admission fee is 5 cents for girls and 10 cents for boys on class nights, and 10 and 15 cents on other nights. A number of girls were seen who only earned $5 to $7 per week. Out of these sums they paid 50 cents or more each week for the dances. One girl, earning $7 per week, had paid out $9 for dancing lessons and had not yet learned.

Most of the girls go to the dancing schools alone, and depend upon the boys they meet to take them home and buy refreshments. Many go to the dances without the knowledge or consent of their parents, inventing such excuses as that they are going for a walk or to visit friends or relatives.

There are various grades of dancing schools on the East side. Some have better ventilation than others and larger floors and make a pretense of keeping order. Others do not allow spielers and the managers have assistants who keep excellent order. In many of the halls the boys dance without coats or collars and often wear their hats. Smoking is allowed in all the halls.

During the investigation many girls who came to the dance halls solely for amusement said that they never talked to the men they met after they left the halls, and when they came to know girls who were immoral they kept away from them. Yet respectable girls are in constant danger for their desire for popularity, and the coarse language and easy familiarity of the places soon deaden their finer sensibilities.

Dancing masters are in business only for profit and while most of them do not permit professional prostitutes on their floors, little discrimination is made with regard to the amateur immoral girl who is found in all the dance halls. In addition to the revenue from the dance, some managers rent rooms in the rear or upstairs for immoral purposes. In one place investigated the upstairs rooms were often

occupied by young girls and men whom they had met in the dancing room below. In another the dance hall was run as a blind, the women meeting immoral men from the Bowery after they had been induced to enter.

A spieler connected with one of the dance halls said that in order to be a successful manager, a man must be a "bum," or in other words, one who can get acquainted with women, play cards and is accustomed to vice. Some of the young men who frequent certain halls often remain after the dance to gamble with the owner of the academy.

The problem of the dance halls differs in some respects on the West side. While the moral problem is similar, the spieler with his suggestive dances is absent. The bar is not connected with the dance hall proper, but is on the floor above or below. The admission fee is higher in places on the West side, 15 and 30 cents on reception and 25 cents on class nights. Very few girls under sixteen were seen in these halls, the majority being nearer 20 or over.

Prevailing Conditions.

As a result of the conditions found by the Committee on Amusements, it prepared and caused to be introduced a bill providing for the licensing and regulation of dancing academies, which became a law September 1, 1909.

This law did not aim at the evil of the saloon dance-hall or at any phase of the question other than dancing schools. In 1909 a further investigation was made of 150 dance halls by the Committee on Amusements, and the following conditions were found to prevail:

There are four types of dance halls other than academies: The casinos where the halls are let to parties who give dances but where the management reserves the right to sell liquor. The rooms in the rear of saloons which are used as dance halls. The rear rooms of saloons used only occasionally for dancing and at other times for card playing, billiards, or even for weddings. Rooms used for dancing chiefly on Saturday and Sunday nights. In some of these dance halls admission is free, the management relying upon the sale of drinks for its profits, in others the price of admission varies.

The Committee found that the conditions of danger and immorality have not changed, that the dances are in the hands of gangs who manage them, that immoral women frequent them, and that under present conditions few of them are safe. There is no reason to hope that the conditions have changed within the past few months since there is no regulation upon the subject, and the demand for recreation of this kind is increasing. A list of 273 dance halls recently compiled

shows that 161 of them are in the rear rooms of saloons, and 112 are in buildings in some part of which liquor is sold.

ENFORCEMENT OF LAWS.

The law licensing and regulating dancing academies has not been enforced owing to the opposition of the Association of New York Dancing Teachers and to the mutual agreement of the Bureau of Licenses charged with its enforcement, and the Committee on Amusements to test the constitutionality of the law which has now been declared to be unconstitutional by the Court of Appeals. This opposition was based largely upon the desire of the dancing teachers to have a personal license instead of one issued to the place. They also objected to the triple inspection, although the enforcement of the laws regarding construction and safety from fire did not require anything more than the enforcement of already existing ordinances. The president of the Association says:

"Dancing teachers belong to a profession and we should have a charter like any college—not a license. Any man who wishes to become a member of the profession should be obliged to pass an examination, proving that he is capable of teaching dancing. The law as it stands allows any one with any knowledge of dancing to teach if he pays $50. It protects the very vices it is said to be aimed against. Now in proper dancing academies the 'bear hug' and the proximity of faces during a waltz are frowned upon. In the first place they are unhygienic. Let men who are versed in dancing examine each professor carefully."[1]

When these objections of the president of the Association of New York Dancing Teachers were made public, Mr. Michael M. Davis, Jr., secretary of the People's Institute, wrote the following letter to the *New York Times* under date of June 25, 1909:

"I write concerning the statements in regard to the new dancing academy license law made by the officials of the New Association of Dancing Teachers put into print today. It is apparently supposed by these officials that the law will license teachers, and that it will require them to pay individually a fee of $50 per year.

"They should be reassured. The law proposes no such thing. A license is to be issued to the dancing academy; that is, the place in which dancing is taught. The fee for this is $50 a year, a slight charge, indeed, upon such a business. The license is designed simply as a means of enforcing proper conditions in dancing academies. Those who, like myself, were interested in drafting and securing the passage of this law by the Legislature are well aware that conditions in different academies vary widely. Many are thoroughly clean, desirable places, some are questionable, some plague spots. At present there is no adequate means of enforcing proper conditions. Those who now would not require the regulations must, like hosts of other business men, submit to regulation in the public interest. In the long run every decent academy will profit by the improved standard given to the business.

"The idea of the dancing teachers that theirs is a profession, not trade—that they should be examined and licensed individually—is a worthy one in many respects, but it has nothing to do with the law which goes into effect on September 30th."

[1] The New York Times—June 25, 1909.

Summary.

Although the laws regarding minors are not carefully observed and the law regulating dancing academies has been declared unconstitutional the situation is a most hopeful one. This is true notwithstanding that the problem of adequate and clean recreation in New York City is an enormous one. The hopefulness is due to the able work of a most intelligent and energetic committee of citizens, not afraid to discuss and remedy immoral conditions as a part of the program for safe dance halls and recreation. This is a different attitude from that taken by other groups and committees of citizens interested in other subjects of which the social evil forms a part.

Another hopeful factor in the situation is that New York City has a Park Commissioner interested in aiding in every way the use of city property, as parks, etc., by the people, including the erection of dance platforms where young people can go, free from pernicious influences. This is the most promising form of competition with the dance hall evil.

The program recently submitted by the Committee on Amusements, for which the co-operation of the public is asked, best illustrates the thoroughness and energy with which this Committee is taking hold of the matter.

It has drafted and presented to the Legislature this year a bill to regulate dance halls run in connection with the sale of liquor, and will keep informed of all proposed legislation on this subject.

It proposes to establish a central bureau of information on recreation subjects, and to keep a white list of boarding places where girls can go on their vacations for a small sum weekly.

If feasible it may establish a bank for savings to be used for vacation purposes.

It has established one successful model dance hall, and hopes to launch a second one soon.

It is endeavoring to develop a public policy with reference to the use of parks, establishment of field houses in parks, and the use of unused city property for recreation in the city.

It is co-operating with the Park Commissioners and urging that a municipal recreation commission be appointed to deal with the question of recreation, including dance halls.

With wide awake Park Commissioners, and an aroused public sentiment expressing itself in the labors of an effective group of citizens, even the immensity of the problem does not discourage the belief that these soliciting places and recruiting places for "Raines Law" hotels and disorderly houses, and rendezvous for procurers, can be regulated and greatly diminished in number.

PROTECTION OF WOMEN

Legislative attempts to deal with the procuring of women and their protection from a life of immorality have been feeble. A consideration of the laws which regulate prostitution, without special reference to the various kinds of places used for this purpose, shows five laws more or less directly aimed at the practice of "cadets" and "protectors." These are Seduction under Promise of Marriage, Compulsory Marriage, Compulsory Prostitution of Women, and of Wife, and Vagrancy.

Before taking up the consideration of the effectiveness of each law, it seems necessary to give some description of the methods used in obtaining women and protecting prostitutes.

THE CADET SYSTEM.

The conditions under which the business of the social evil is carried on in the city of New York require the services of both the "cadet" and of the "pimp," and it is necessary to keep the distinction between them carefully in mind. According to the accepted meaning of the word the "cadet" is the procurer who keeps up the supply of women for immoral houses. By various means, "giving the girls a good time," force, fake marriages, entrapments, threats of bodily harm, seduction, fraud or duplicity—he leads women to become prostitutes.

The "pimp" or protector is generally selected by a woman after she has become a prostitute. She voluntarily gives him more or less of her earnings, and in return he uses all of the methods in his power, political, physical and financial, to protect her while she is soliciting on the street or when she is arrested and needs bail or fines paid.

Where prostitution is highly commercialized and the demand artificially stimulated for the profit of those not directly involved, women alone do not conduct the business of prostitution. Not enough of them are willing to become professional prostitutes, so the "cadet" must procure them by breaking down the natural safeguards which keep them from such a life. There is not sufficient natural demand for them, so the protector must protect them in their competition, find patrons for them and for disorderly houses, and stand

between them and the business interests that prey on their earnings and frustrate, as far as possible, any efforts to lessen the evils by means of prosecutions.

In many instances, the "cadet" is also the protector, and in this study it has not been possible to make the distinction. The distinction to be kept carefully in mind is, however, that the present system demands both services, whether rendered by one man or by separate men. The line of demarkation is so obscure, the step so easy from protector to procurer, the whole atmosphere so degrading that it is difficult to affirm that a protector is not also a "cadet."

Development of the "Cadet."—The business of exploiting women for immoral purposes has been common in certain foreign countries for many years. It has now become established in the United States, and is largely responsible for the "white slave" agitation throughout the large cities of the country. Many of the "cadets" come from foreign countries, and exploit foreign born women. The American "cadet" is, however, the product of city conditions, some of which have been described previously. Usually he is the boy who first became acquainted with immoral women as he played about the steps or in the street in front of his tenement home. As the acquaintance grew, the women engaged him to run errands, in return for which they gave him presents of candy, fruit or pennies. As the boy grew older he found that these women were sought by different men who gave him dimes and quarters to carry messages to them or take them to apartments where they lived.

As time goes on, the boy becomes a member of one of the street gangs in his neighborhood. Often some of the more adventuresome girls of the same age in the district are taken into the secrets of the "gang," and enjoy the benefits of the petty thieving carried on. The boy and girl chums soom become very intimate, and the strange loyalty begins which afterward astounds judges when they seek to secure evidence against the boys appearing before them as "cadets." [1] The boys in these street gangs who develop fearlessness and physical strength later attach themselves to political leaders, and become members of district clubs, associations and athletic clubs. It is not long before they become invaluable to the politicians in certain districts through their aid as repeaters and strong arm men at the polls on election day. In the meantime, they have acquired a taste for good

[1] Two girls, one fourteen the other sixteen, were rescued from two members of a street gang and taken to a home for girls. No amount of persuasion could induce them to give any information regarding the "gang" to which the boys belonged. They acknowledged that the "gang" met in a candy store, and some of them kept girls, but declared that the boys who were planning to exploit them were not members.

clothes and idleness, and fail to choose a definite remunerative occupation.

Such training and childhood experience has by this time destroyed their social and individual ideals, they are ready for the employment which the business of prostitution under present conditions offers, and they take their places in the ranks, first as the protector of one woman, for whom they may have some kind of affection, and later of several, and as accomplices in "knock-out" cases, robberies, and other forms of vice where strength and political pull are needed.

The boy who persuaded one girl to divide with him the occasional proceeds of her prostitution then becomes the adroit, cunning, professional procurer and exploiter of other women. The height of his ambition to have a house is now often gratified, and the combined earnings of a number of women make him a rich and dangerous member of the community. Instead of obtaining protection because of his activity in the district and at the polls, he pays cash for it. Attached to his house are young men who are being trained in the now highly specialized work of "cadets."

This is the typical route by which many "cadets" have travelled.

Street Gangs.—Not enough attention is paid to the significance of the street gang and its influence upon the social evil. These organizations are a menace to the young girls of the neighborhood. At one time they became so pernicious that former District Attorney Jerome at the request of some of the settlements broke up a number of them. They have gradually returned to their old power.

It is thought that the chief menace of these gangs is to property and political freedom. This investigation has shown another important relation, namely, that to the morality and freedom of women.

The following instances illustrate the power of the gangs and of their members.

One of these clubs or gangs holds its meetings in a candy store located in the center of a congested tenement district on the West Side. Each member has a "girl," and the girls are sworn to secrecy regarding the petty thieving and other exploits of the members. Two of them, one a telephone operator, the other a packer in a downtown department store, said they were the "sweethearts" of two members of this particular club. One of these members was married, but he had planned to run away with this girl of sixteen. She was rescued while asleep in the hall in front of his door in the tenement where he lived.

An organization in Brooklyn is made up of members ranging in age from seventeen to thirty. Most of them have no permanent positions, but loaf about the street corners and depend upon their parents for a livelihood. Some of them find temporary positions unloading scows and boats. On September 3, 1909, six members of this gang attacked a woman, and a young girl who happened to be passing ran to her assistance. One of the men turned upon the little girl and threatened to kill her if she attempted to interfere, and then released her. She immediately ran and told her father who returned

to the scene of the attack and found the woman unconscious. She was taken to the hospital, and when she recovered gave information which resulted in the arrest of several of the gang. The young girl who had come to the rescue of the woman identified four of the men who were arrested. After this threats were made against her family. In spite of this, the girl testified at the hearing against two of the men, who were finally held for the Grand Jury. Other members of the gang came to the mother of the little girl and offered $50, then $75, to her if the girl would promise not to give any more testimony. The offers were refused, whereupon the men again threatened to do the girl violence. This threat was carried out, and one day the girl was attacked and kicked and beaten until she was insensible. She was found by a policeman, and taken to a hospital, where she remained unconscious for fifteen hours.

The captain of the police precinct where these indignities occurred declared that it is practically impossible to rid the community of gangs like the one described, and that this particular one has attacked other women, and its members are always on the lookout for young girls whom they can procure.

Another gang, headed by a notorious character, frequents the ice cream parlors and cheap dance halls of a tenement district. During the past year three girls have been misled by members of this gang. One girl between sixteen and seventeen years of age was taken to a disorderly house in Cleveland, Ohio. The girl was so young in appearance that she attracted the attention of the police, and an investigation was made. The result was the arrest of the man who brought her to that city.

The police captain in charge of the precinct where this gang lives said it was a bad one, and that he was doing his best to break it up. The officers on the beat had instructions to arrest members on the slightest violation of the law. The leader has finally been apprehended in a stabbing affair, and is now held under $2,500 bonds for felonious assault.

The gangs of which the above illustrations are typical are not made up solely of "cadets" and procurers, but such men are among their members, and the gang itself aids and protects them, rendering their apprehension difficult.

Boxing Clubs.—The brief study of the gangs does not indicate that any political organization systematically organizes societies and associations whose sole object is the exploitation of women. It is a fact, however, that some political orgnizations known as "associations" do have as members large numbers of young men who are thieves, "preliminary boxers," gamblers, and sports of different kinds. It is also a fact that the preliminary boxers, for instance, are also members of certain well known boxing associations, whose managers are in close touch with and enjoy the personal friendship of well known political leaders. It is also well known that certain "boxing clubs" have not been able to exist because they have not enjoyed the friendship and protection granted to their rivals.

Before Governor Hughes closed up a number of boxing clubs, the..... club was one of the largest in the city. The manager was practically the boss of pugilistic games, and to him managers of small clubs turned if they wanted engagements for pugilists or political favors when the police became active. Even when former Police Commissioner Bingham was making strenuous efforts to enforce the law, this manager was able to secure an injunction restraining the police from interfering with the various clubs. This manager was in partnership with a powerful political leader in a real estate deal, whereby the city lost several thousand dollars, and the small army of hangers-on about these clubs, which it was sought to close, were useful repeaters and strong arm men on election day.

There is no written agreement among politicians, gangs, clubs, etc., but there is a mutual understanding, and many of the young men who are members of these so-called boxing clubs are taken care of when they get into difficulties in return for past services. One of these difficulties results from the occupation of some of them as "cadets" and protectors. It is impossible to understand the influence of these young men in the whole matter of the social evil, and their immunity from punishment, without a thorough study of the gang and of the boxing clubs and their relation to the political system. The arrest here and there of an individual "cadet" or protector may temporarily lessen abuses, but the final causes remain untouched.

A few of the records and practices from among a number obtained may serve as forcible illustrations of the connections which make the "cadet" and procurer so powerful.

A "cadet" who is a political lieutenant, goes under four different names, and actually operates at the present time two disorderly houses, one on West 27th Street, and the other on Sixth Avenue.

Another "cadet" and protector may be seen at one of the largest political balls each season, and is estimated to be worth between $50,000 and $75,000. He has five women working for him and is in close relationship with a prominent district leader.

A third keeps two women in flats. He lives with one on West 29th Street, and collects once each day from the other the proceeds of the previous night's business.

A fourth first obtains all of the savings of the woman he procures, and then sends her on the street to earn money. The method he relies upon chiefly to get women is to make excursions into Pennsylvania and persuade country girls to come to New York.

A fifth is an ex-featherweight prize fighter who has two women who solicit on Sixth Avenue.

In a sixth instance, a political association bears the name of a "cadet" who has two women earning money for him. One of these came from a country place in New Jersey, where he had met her and induced her to come to New York.

In another case, the protector is alleged to be in partnership with two other notorious "cadets." He has three girls, one soliciting on East 14th

Street, one in a house on Sixth Avenue, and another in a house on West 107th Street. This man goes into the country districts, hires a horse and buggy, and stops at different farm houses for the purpose of inducing young girls to join him in New York, on promise of work, to see the city, etc.

In the last case, there are two brothers who have seven women at work for them, soliciting on Sixth and Seventh Avenues and 34th Street. One of the brothers keeps a disorderly house on 34th Street.[1]

Methods Used in Securing Women.—A careful study was made in September, 1909, of some of the methods used by "cadets" in obtaining young women for exploitation on the street or for sale to proprietors or keepers of disorderly houses.

Among those resorted to are the following: Some "cadets" obtain temporary positions on special shifts in restaurants and hotels in order to meet poorly paid working girls who are eager to make more money and to work shorter hours. A number make a practice of frequenting soda-water fountains and candy stores, employment agencies, cheap restaurants, dance and concert halls, moving picture shows, penny-in-the-slot arcades, lunch rooms, delicatessen stores, and employees' entrances to department stores and factories, for the purpose of meeting young women. Fake marriages or bona fide marriage services are performed, if that is the only method to which a woman will respond, and then by threats of violence the bride is forced upon the street or placed in a disorderly house.

When a "cadet," by various ways, has induced a woman to earn money for him, he immediately instructs her how to keep out of trouble. He points out to her the officers or plain clothes men in the vicinity where she solicits and tells her what to do and say if arrested. When she is arraigned he pays her fine or secures bail. If she is committed to the workhouse, he uses his influence to have her released as soon as possible. He protects her from assessments not previously agreed upon and from other "cadets" or protectors in the neighborhood.

The treatment accorded some of the women who support the "cadets" and procurers is another illustration of the powerful factor these men are promoting the social evil. From among a number of instances that came to the attention of the investigators, one or two illustrations tell the story of the whole miserable practice:

A cashier, nineteen years of age, was in the habit of meeting on the street near her place of business a young man with whom she became acquainted. He took her to various places of amusement and to dinners and later put her in charge of a professional prostitute to be taught how to solicit. She was not able to earn as much money as the procurer thought she should, and he frequently beat and misused her. This "cadet" had been a "preliminary boxer," and belonged to a political association maintained by a well-known

[1] This information was secured in September, 1909.

political leader. The girl was finally sent home to her mother because she was pregnant.

A Russian girl of seventeen who had been in this country only a short time lived with her married sister, working first as a waitress, and later on ladies' waists at $5 to $6 per week, but always cherishing the natural desire to marry some day and have a home of her own. Through a girl friend she visited for the purpose of treatment a woman who conducted a massage parlor. One day the woman asked the girl if she would like a lover. Ignorant of the customs of the country, she thought this an opportunity to secure a husband and eagerly assented. An introduction quickly followed to a young Italian who persuaded the girl to accompany him to his saloon in the rear room of which two other women were already working for him. Once there he put his victim in a room on the second story, whose only exit was through the saloon, thereby rendering futile her repeated attempts to escape. Again and again he tried to force her to solicit upon the street or to receive men upstairs, but she persistently refused in spite of threats of violence and even death. The place was under police surveillance, and the proprietor was often compelled to give drinks or money to the officers to keep them from arresting the women. One day a young detective went to the girl's room, and when she repulsed him like his predecessors, he promised to help her. The probation officer to whom he told the story sent another officer to rescue the girl, but the "cadet" escaped.

Somewhat less recent incidents are the following: A "cadet" abducted a fifteen-year-old girl, taking her to a "Raines Law" hotel under pretext of attending a concert. While there, the girl drank a glass of soda which had been drugged. The next day the young man told the frightened and bewildered victim that he would take her home, but instead he took her to a disorderly house, and sold her to the madam. It was afterwards shown that she was the seventh young woman whom he had sold.

One afternoon, a little girl who worked in a corset factory in Bridgeport, Conn., went for an outing to a nearby pleasure resort, where she met a notorious "cadet" from New York City. This man persuaded the ignorant girl to go aboard a boat at the dock for something to eat. Before she was aware of the fact, the boat had started for New York. On reaching the city, the "cadet" took her to a disorderly house, where she was finally starved into submission. The house was a popular one, and she and the other girls sometimes received as many as twenty men in one evening. The girls were given a brass check for each man, which represented her share of the proceeds. While she was in this house she was compelled to give all of her checks to the "cadet" who brought her there he, in turn, cashing them and keeping the money. Finally she escaped, and appealed to a policeman for aid, but he assaulted her instead. In despair, she went to a saloon, and a bartender took her under his protection, and she solicited for him on the street.

SUMMARY.

Beyond any question irrespective of extent, prostitution as a business in New York City, in order to be profitable, requires the services of the "cadet" and the protector. It is no longer the case that houses of prostitution are established in a locality because there is a demand, and that patrons seek them and go thither in an orderly way. Instead of that, a small army of unemployed vicious young men are used to solicit patrons who are not seeking disorderly places, to keep women on the street to solicit patrons, to see that houses secure inmates, and that vice in general is not allowed to decrease. It is for the profit of these men and of various business and political interests which find prostitution a valuable pawn in the game for

power that women become prostitutes. The "cadet" and "protector" express the abnormal stimulation of vice.

SEDUCTION UNDER PROMISE OF MARRIAGE.

As has been stated in the description of the "cadet system," seduction is sometimes used as a means of compelling women to earn money for procurers. It is not, however, possible to determine the extent of this practice, since most of the cases brought are by women who have refused and not by those who step by step have yielded to the various influences brought to bear upon them.

PROVISIONS OF THE LAW.

The first reference to this law appears in 1863 and, as amended from time to time, it now provides that a person guilty of seduction under promise of marriage of a person of previously chaste character is punishable by imprisonment for not more than five years, or by a fine of not more than one thousand dollars, or by both; that the subsequent intermarriage of the parties, or the lapse of two years after the commission of the offense before finding an indictment, is a bar to a prosecution; and that no conviction can be had for this offense upon the testimony of the female seduced unsupported by other evidence.[1]

No data are available showing the conditions which led to the passage of the law.

PREVAILING CONDITIONS.

Records.—The only records of seduction cases available in Magistrates' Courts for Manhattan were for the period of three years, ending December 31st, 1908. During this time there were 152 cases, of which 115 or 75.6 per cent. were discharged by the magistrates, 33 or 21.7 per cent. were held, and 4 or 2.6 per cent. were pending at the close of the year.[2]

From January, 1906, to June 30th, 1909, 48 cases were disposed of in the Court of General Sessions, and by the Grand Jury. Of this number, 7 or 14.6 per cent. were convicted, 1 was acquitted and 1 was a bail forfeiture; and 20 or 41.6 per cent. were discharged. The Grand Jury failed to find an indictment in 19 other cases presented to it for consideration.[3]

Field Study.—It was not possible to make an investigation of prevailing conditions and there were no sources from which to obtain reliable data. Under the section dealing with marriages it will be

[1] Appendix X.
[2] Table XXIV.
[3] Table XXV.

seen that before the passage of the Cobb Bill, "fake" marriages were used as a means of exploiting women, and the methods used by "cadets" included the promise of marriage. An examination of the papers in the seduction cases in the Court of General Sessions shows but few instances where the intent to exploit women exists. The question of intent, however, is not the determining factor in leading them into lives of prostitution, but the breaking down of moral standards and desertion by the seducer.

ENFORCEMENT OF THE LAW.

From a study of the records of the cases brought in the Magistrates' Courts from 1906–1908 inclusive it appears that but 33 out of 152 cases were held for General Sessions. The record of the Court of General Sessions for the same period shows that but 7 were convicted. From January 1st to June 30th, 1909, there were 5 cases of seduction, of which 4 were discharged by the Grand Jury or by the Court and one was a bail forfeiture. Of the 7 convictions, the papers in but one case show intent to place the girl in a disorderly place or on the street. This non-enforcement is primarily due to the weakening of the law by amendments. It is almost impossible to obtain a conviction, as corroborative evidence is difficult to obtain. In order to lessen the danger of blackmail, the legislature has rendered this statute practically inoperative. Furthermore a lapse of two years is a bar to a prosecution. If a "cadet" can succeed in keeping a woman in a disorderly house for this period or terrorize her sufficiently, or put her off with promises of marriage, she may not resort to this remedy.

COMPULSORY PROSTITUTION OF WIFE AND OF WOMEN.

There are two separate laws passed in 1906, known at that time as the "cadet laws." They were specifically aimed at the practices described in the beginning of this section and were intended as a remedy for the conditions which were then being brought to public notice.

ABSTRACT OF THE LAWS.

Section 1090 of the Penal Law, relating to the prostitution of a wife, provides that any man who by force, fraud, intimidation, or threats places or leaves or procures any other person or persons to place or leave his wife in a house of prostitution shall be guilty of a felony and upon conviction shall be imprisoned for not more than ten years.[1]

[1] Appendix XII.

Section 2460 of the Penal Law, relating to placing women in the custody of another for immoral purposes, provides that any person who shall place any female in the charge of another for immoral purposes, or in a house of prostitution, or who shall compel any person to reside with him or with any other person for immoral purpose or shall compel any woman to reside in any such house or to live a life of prostitution is punishable by a fine of not more than $5,000 or by imprisonment for not less than one nor more than three years or by both fine and imprisonment. Furthermore, any person who receives money or other valuables on account of placing a woman in a house of prostitution or elsewhere, is guilty of a misdemeanor. Any person who pays money for the procurement of any woman for such purposes is subject to the same penalty as the person who so places her.[1]

Both statutes also provide that no conviction may be had upon uncorroborated testimony.

Once these laws were passed, public indignation over the "cadet system" subsided in the belief that the conditions would be speedily remedied.

Prevailing Conditions.

An examination was made of the records of five magistrates' courts of the cases brought under these statutes from the time of the passage of the laws until June 30, 1909, and it was found that there were but two instances, both in 1908. In one case the accused was discharged and in the other a sentence of six months in the workhouse was imposed. The complaints showed two other cases in which the charge of compulsion was specified, but the accused were tried on vagrancy and disorderly conduct charges. During this period, 265 men were arrested and tried for living off the proceeds of women, soliciting patronage, or assisting women in this business, and in but two instances were the "cadet" laws used.[2]

The regulation of "cadets" and protectors is therefore discussed more fully under vagrancy and disorderly conduct.

COMPULSORY MARRIAGE.

Sections 532-3 of the Penal Law provide that a person who by force, menace or duress, compels a woman against her will to marry him or any other person or defiles a woman is punishable by imprisonment for a term not exceeding ten years, or by a fine of not more than one thousand dollars, or by both. No conviction can be

[1] Appendix XIII.
[2] Table XXVI; Page 70.

had under this law upon the testimony of the woman compelled, unsupported by other evidence.[1]

A study of the records of the Magistrates' Courts and of the Courts of General and Special Sessions from January 1, 1906, to June 30, 1909, fails to show any cases whatever brought under this law. The conditions shown under the "cadet system" have therefore existed during this period, without any check by this statute.

The lack of enforcement is due to the weakness of the law. Compulsory marriages are consummated by fraud, quite as much as by force, but the law does not include this in its provisions. The amendment in 1886 that no conviction can be had without corroborative evidence practically emasculated the law, as it is almost impossible to obtain corroborative evidence of a crime of this nature.

SUMMARY.

The failure to secure convictions under the Seduction, Compulsory Marriage and Compulsory Prostitution laws is largely due to the evidence required. In cases of this kind it is practically impossible to secure corroborative evidence. The taking of money by "cadets" is done in secret. The other transactions between these men and women are entered into in the privacy of their rooms where no outsider may hear or see. It is true that the fact that such arrangements are made is common knowledge, but to find any one willing to testify that he actually heard or saw such transactions is almost impossible.

It is only in rare instances that the victims of the "cadet system" will offer any aid in the prosecution of the offenders, and then it is in such a way as to prevent their being tried under the more drastic provisions of the Penal Law. One of the reasons given by the women is fear of bodily harm, for many of them are in a state of terror or subjection. Another is the loyalty which the women give to the men along with their earnings.

VAGRANCY AND DISORDERLY CONDUCT LAWS.

Vagrancy and disorderly conduct laws represent one of the most difficult phases of law enforcement, with reference to the social evil. In a great measure they have come to be used as a substitute for other laws, such as the so-called "cadet laws." They also present a complicated situation with reference to enforcement.

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[1] Appendix XI. See section on Rape and Appendix XXVI; Tables XXXIII, XXXIV.

PROVISIONS OF THE LAWS.

Sections 887, 891, 899 of the Code of Criminal Procedure, known as the Vagrancy Law, as amended in 1907, define a vagrant as a person not having any visible means of support, or who lives without employment; or one who, having acquired any infectious disease in the practice of drunkenness or debauchery, requires charitable aid to restore him to health; or a common prostitute who has no lawful employment, whereby to maintain herself; or every male person who lives wholly or in part on the earnings of prostitution or who in any place solicits for immoral purposes. The penalty upon conviction is imprisonment for a period not exceeding six months in the county jail.[1]

This law is amplified by the Tenement House Law, Section 150, which provides that any woman who knowingly resides in a house of prostitution in a tenement or who commits prostitution in a tenement, or solicits a man or boy to enter a tenement for immoral purposes, is a vagrant, and shall be dealt with as any other vagrant under the vagrancy law.[2]

An important modification of the vagrancy law is made by the New York City Charter, Sections 707-12, which provide:[3]

(1) When a prostitute between the ages of 16 and 21 is convicted as a vagrant, the Court or Magistrate may commit her to any one of a number of houses of refuge. All other persons so convicted and who have not been sent to a reformatory must be committed, if in Manhattan and the Bronx, to the Workhouse for the term of six months. (2) Section 707a. When a woman between the ages of 16 and 30 is convicted of being a common prostitute (vagrant), of soliciting on public streets or places for purposes of prostitution, or of frequenting disorderly houses or houses of prostitution, she may be committed to the State Reformatory for women at Bedford. (3) Section 708. When a commitment has been made to the Workhouse, under Section 707, it shall be the duty of the superintendent, warden, or sheriff or other person having charge of such institution, within twenty-four hours to ascertain from the records and from examination and inspection of the person committed whether such person has been previously committed within two years. It shall also be his duty within twenty-four hours to make an examination and take the measurements of any such person, according to the Bertillon system. In addition he shall within twenty-four hours transmit to the Commissioner of Correction a written certificate showing the result of his examination and the measurements. This certificate must also show whether the person has been previously committed, and if so, the number of times and the dates. (4) Section 709. It shall be the duty of the Commissioner of Correction to keep a record of all information concerning persons so convicted which he has received from the authorities at the Workhouse as transmitted under Section 708. This record is open to public inspection and must be kept so as show whether any persons so certified to him have been previously committed within two years. (5) Section 710. Within two days after the commitment it shall be the duty of the Com-

[1] Appendix XIV.
[2] Appendix I.
[3] Appendix XIV A.

missioner of Correction to ascertain from his records whether such a person has been committed within two years previous, and to make a written order specifying the date at which he shall be discharged as follows: If not previously committed, at the expiration of five days; if committed once before, at the expiration of 20 days; if committed more than once, the order shall direct that he shall be discharged at the expiration of a period equal to twice the term of his detention under the last previous commitment, but not, in any event, exceeding the period fixed by the warrant of commitment. This order for discharge, however, in the case of a vagrant, is not effective unless it has the written consent of the court or magistrate by which or whom such vagrant was committed, endorsed upon the order. (6) Section 711. Where the date of discharge named in the Commissioner of Correction's order shall be more than 20 days and less than 160 days after the date of the last commitment, the magistrate who signed the last warrant may, after the expiration of 20 days, direct the discharge of any person so committed. This order for discharge, however, cannot be granted except upon the written certificate of the Commissioner of Correction specifying the date of discharge named by him and upon affidavit setting forth facts which in the opinion of the magistrate justify the discharge. The affidavit and certificate must be filed and preserved with the complaint upon which the person was convicted. (7) Section 712. Provides for the transfer of convicted offenders from one institution to another in case of necessity.

The charge of disorderly conduct is used so frequently in arrests of prostitutes, "cadets" and protectors that these laws must be considered in connection with the vagrancy laws. Section 1453 of the laws of 1882 provides that every person shall be guilty of disorderly conduct that tends to a breach of the peace who shall in any thoroughfare, commit any of the following offenses, that is to say: Every common prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of passers by.[1] The penalty for violation of this law is similar to that for vagrancy. This is the section under which arrests for soliciting by women are largely made.

Section 720 of the Penal Law, relating to disorderly conduct, deals with offensive and disorderly acts and language on public conveyances and has practically no bearing upon prostitution.

PREVAILING CONDITIONS.

Records.—A study was made of the records of 265 men arrested on charges connected with prostitution from September 1st, 1906, when the "cadet laws" went into effect, until December 31st, 1908, and a further study was also made of 72 men tried on similar charges in these courts from January to August 31st, 1909, the latest periods available.

Of the 265 men arraigned, 160 or 60.5 per cent. were charged with vagrancy; 103 or 39 per cent. with disorderly conduct, and 2 *were charged with violating the compulsory prostitution statute.* An

[1] Appendix XV.

examination of the complaints showed that 122 or 46 per cent. were charged with soliciting men to enter houses of prostitution; 101 or 38 per cent. were charged with living off the proceeds of prostitution or earnings of such women; 32 or 12 per cent. with being lookouts or protectors of women and houses; and 10 or 3.8 per cent. with miscellaneous offenses. Of the latter, 2 were specifically charged with compelling women to enter prostitution while the others were such as payment of fines for prostitution, interference with the police in making arrests, etc.[1]

The disposition of the cases shows that 113 or 42.6 per cent. were sent to the Workhouse; 6 or 2.2 per cent. to the city prison; 45 or 16.9 per cent. fined; 13 or 4.9 per cent. placed on a bond of good behavior; 84 or 31.9 per cent. discharged; and 4 or 1.5 per cent. placed on probation.[2]

Of 72 men arraigned for similar offenses, from January 1st to August 31st, 1909, 23 or 31.9 per cent. were sentenced to the Workhouse, and 4 or 5.5 per cent. to the city prison; 7 or 9.8 per cent. were fined; 2 or 2.8 per cent. were put under bonds of good behavior; 34 or 47.2 per cent. were discharged, and in two instances the disposition was not obtainable. In the table also appear the details of the charge, the magistrate and sentence imposed.[3]

Of the 23 sentenced to the Workhouse, 8 served the full term of six months; 8 were released before the expiration of their sentence; in three instances the report from the Workhouse did not give the date of release; and 4 were still serving their sentence when these data were secured (November 5, 1909). Of the 8 vagrants released before the expiration of their sentence, 4 served five days, having been released under the cumulative sentence law (Sections 710–711 of the Charter); one served one month and eleven days; one served one month and was released under the cumulative sentence law; and two served one month and were discharged by the committing magistrate.[4]

The Court records for the same period show that 207 persons were arraigned as vagrants under the tenement house law.[5] Of these 68 women were sentenced to the workhouse and were actually received there, while in a number of the other cases they were sentenced to the workhouse, and later placed on probation. Nineteen of the 68 vagrants sentenced to the workhouse were released at different pe-

[1] Table XXVI.
[2] Table XXVI.
[3] Table XXVII.
[4] Table XXVIII.
[5] See Page 8.

riods prior to the expiration of six months. The reasons given by the warden of the Workhouse for these discharges were as follows:

Under cumulative sentence law, 1; discharged by magistrate and discharged by magistrate upon order submitted, 13; time reduced by judge of General Sessions on appeal, 1; sentence modified by judge of General Sessions, 2; put on probation, 1; and cause of release not given, 1.[1]

ENFORCEMENT OF THE LAW.

The enforcement of the vagrancy law depends largely upon Sections 710–711 of the New York City Charter. As previously shown, these constitute the cumulative sentence law under which offenders are released from the Workhouse previous to the expiration of six months. In order to effect a release the Commissioner of Correction must send a written order to the person in charge of the institution to which the vagrant is committed, showing whether the offense is the first or second. If it is the first offense within two years, the Commissioner of Correction is required to make an order directing that the vagrant be discharged within five days; if it is the second offense, at the expiration of twenty days; if previously convicted two or more times a discharge at the expiration of a period equal to twice the term of detention under the last previous commitment, but not in any case exceeding the period fixed by the warrant of commitment. It also provides that a vagrant may obtain a hearing upon the question of previous conviction, and the filing of the order is a condition precedent to review by the committing magistrate. Some question has arisen over the meaning of this law.

On August 29, 1908, Bella Horowitz was committed as a vagrant by Magistrate House from the Second District Court, for six months for violation of Section 150 of the Tenement House Act. As no certificate as required by Sections 707–710 was transmitted to the Workhouse setting forth the fact that this was the relator's first offense and first commitment, her counsel appealed her case and it was tried before Justice Seabury of the Supreme Court, under the title of "The People *ex rel.* Horowitz vs. Coggey."[2] In rendering his decision, and in explanation thereof, Justice Seabury says:

> "It is the opinion of the Court that if the certificate of the Commissioner shall disclose that the relator has not been previously convicted that she is entitled to her discharge at the expiration of five days, *without the approval of the Magistrate being endorsed upon the order of discharge.*"

From this decision it would appear that the responsibility for a successful enforcement of the vagrancy law depends upon the Com-

[1] Tables XV, XVIII.

[2] New York Law Journal, Dec. 24, 1908.

missioner of Correction. Upon appeal, however, this decision was reversed by Justice Houghton of the Appellate Division of the Supreme Court, in an opinion, dated March 5, 1909, in which he says:

"If this provision (that part of the order commanding and directing the superintendent, warden or sheriff in charge of the workhouse to forthwith comply with the terms and conditions of the said written order so transmitted by said John V. Coggey, as Commissioner of Correction of the City of New York) be interjected as a command to the superintendent or warden of the Workhouse to discharge relator upon the order of defendant without the written consent of the Magistrate who committed her being endorsed thereon, it is erroneous. The statute is entirely plain that when a person has been committed for vagrancy, he shall not be discharged upon the order of the Commissioner unless the magistrate or court before whom the conviction was had and the commitment made, shall endorse thereon his consent in writing. The defendant Commissioner *should* make his order and transmit it to the superintendent or warden of the institution and the relator can then, if she is able, procure the written consent to her discharge by the magistrate before whom she was committed. If he consents she may then be released according to the provisions of the order, but if he refuses, she must serve her full term of commitment."

In other words, even under this decision the magistrate can practically nullify his original sentence, and in the absence of records and means of identification, and the subterfuge of assumed names, many old offenders receive the benefit of the five-day clause.[1]

A report on the Night Court recently submitted to the Mayor by the Commissioner of Accounts, deals with the practices of certain magistrates in releasing vagrants from the Workhouse previous to the expiration of their six months term.[2] The following cases among others in this report illustrate the action of these magistrates in this matter:

Vagrancy (woman).—Committed August 29, 1907, order for release signed by Committing Magistrate Sept. 3, 1907, six days later. The Magistrate ignored the endorsement of the Commissioner's order in this case.

Vagrancy (man).—Committed September 14, 1907, released on order of committing Magistrate, December 18, 1907. The Magistrate did not request the submission of the Commissioner's order in this case. If he had done so he would have seen that this offender had been previously committed ten different times, four of which were for vagrancy. No probation officer was mentioned in the order for discharge. An investigation at the probation office failed to reveal anything relative to this case.

Vagrancy (woman).—Committed October 12, 1908, for six months, released on probation by order of committing magistrate ten days later. The filing of affidavits justifying the discharge was ignored. An investigation of the records at the probation office failed to show that this person had ever been subjected to probationary control.

When men are arrested on vagrancy charges and evidence given which shows that they have committed more serious offenses, frequently no notice is taken by the magistrate and the charge is changed. They are content with the small penalty under the vagrancy charge. Of the 72 men arrested during a period of eight months in 1909,

[1] See Night Court and Probation, pages 82 ff.

[2] See Report of Commissioners of Accounts, page 16.

five were charged with compelling or inducing their wives or other women to earn money for them by prostitution.[1] These men were tried in the same manner as other vagrants. Of the five, three were sent to the workhouse, one was discharged, and in the other case no disposition was given.

At a regular meeting of the Board of City Magistrates in July, 1907, it was suggested that some steps should be taken to secure, if possible, uniformity of treatment of convicted persons in the magistrates' courts. That such co-operation is needed has been pointed our under the Night Court, where it appears that in one case the magistrate, out of a total of 420 cases, discharged 72 per cent., sent no one to the Workhouse and placed no one on probation. On the other hand, another magistrate, out of a total of 171 cases, discharged 32, or 18.5 per cent.; sent 96 or 56 per cent. to the Workhouse; fined 7 and placed 36 or 21 per cent. on probation.

The report of the Commissioner of Accounts further shows the lack of co-operation between the Commissioner of Corrections and the magistrates:

"Orders of discharge executed by Magistrates are not forwarded through any regular channel, but are sent by mail, or given to private individuals or to probation officers for presentation at the prison where the offender happens to be incarcerated, more usually the Workhouse. A prisoner whose offense was one that came within the jurisdiction of a city Magistrate for final adjudication, is released as a matter of course by the prison officials upon receipt of a discharge paper signed by the committing magistrate.

"So far as we have been able to learn, no question has ever been raised by any of these officials of the propriety of this practice, nor has any objection ever been made by them in any given case to the release of a prisoner upon the ground of lack of authority of the Magistrate. On the contrary, the prison officials look to the order of discharge itself, and not to any provisions of law in the matter, and if satisfied that the paper is signed by the committing magistrate, they proceed upon the theory that this is sufficient."

In referring to this diversity of action by Magistrates, the Commissioner of Accounts in a report on the Night Court says:

"In some cases it seems clear that no breach of the law was intended by the Magistrate concerned (in the illustrations given); in others evidence is not wanting to indicate judicial impropriety, lying in apparently inexcusable indifference to plain and readily ascertainable facts; while in still other cases there is shown either ignorance of the law or an apparent desire to evade its plain provisions."

CAUSES OF NON-ENFORCEMENT OF THE LAW.

Although the vagrancy and disorderly conduct laws are the most frequently used, the six months' sentence, even when imposed, has come to have little deterrent effect because of the ease with which releases from the Workhouse are obtained. Seduction and Com-

[1] Table XXVII.

pulsory Prostitution Laws have been disregarded, and a law has come to be more generally used (vagrancy) which has been so modified by the Charter that its whole success depends upon a system of records and means of identification which are not adequately provided for. Where records are available, instances occur where the required orders and signatures have been ignored and releases obtained. No publicity attaches to the release as it does to the sentence, and citizens for the most part do not realize that six months frequently means but a few days.

MODIFICATION OF PENALTIES AND OF PROCEDURE WITH RELATION TO PERSONS

PROBATION LAWS.

The effect of the so-called "cumulative sentence" provisions in the City Charter upon the operation of State statutes was shown in the preceding sections. The effect of the statutes has been still further modified by the probation laws and the establishment of a night court.

Provisions of the Laws.

There are three probation laws which bear an important relation to statutes dealing with the social evil.

The Code of Criminal Procedure provides for the appointment of probation officers by the Board of Magistrates and defines their duties. It further provides that after a plea or verdict of guilty in a case where discretion is conferred upon the Court as to the extent of the punishment, the Court may in its discretion place the defendant upon probation upon a suspended sentence.[1]

Section 707 of the Charter provides for the appointment by the Board of City Magistrates of a number of discreet persons of good character to serve as probation officers during the pleasure of the Board and to be assigned by it to the various courts.[2] Persons convicted under the provisions of this section, namely, of public intoxication, disorderly conduct or vagrancy, may be released upon probation upon terms and conditions within the discretion of the magistrate for a period not exceeding 6 months. If at any time it shall appear that the probationer has violated the conditions of his release, he may be committed in the same manner as though not placed on probation. The duties of probation officers are also defined in this section.

Chapter 56 of the Consolidated Laws of New York of 1909 provides for the establishment of a Probation Commission with power to exercise a general supervision over the work of probation officers throughout the state; to collect and publish statistical and other in-

[1] Appendix XVII.
[2] Appendix XVII A.

formation as to the operation of the probation system; to keep informed as to the work of all probation officers and from time to time inquire into their conduct and efficiency; to conduct a formal investigation, when advisable, into the work of any probation officer; and to secure the effective application of the probation system and the enforcement of the probation law in all parts of the state.[1]

Prevailing Conditions.

The Research Committee has not considered it necessary to make an investigaion of the operation of these laws. The investigation by the temporary Probation Commission and the permanent work of the existing Probation Commission, the recent report on the Night Court by the Commissioners of Accounts, and the reports of the New York Probation Association are comprehensive and make existing conditions sufficiently clear.

In 1905 a temporary Probation Commission was appointed by the Governor to make a careful inquiry into the operation of the probation system in the State of New York, including the persons appointed, method of selection, compensation, number and classes of persons placed under probation, duties of probation officers, conduct of probationers, and any other matters pertaining to the system.[2]

As the result of its investigations, the Commission found among other things, with reference particularly to Magistrates' Courts, that there was no system of identification and therefore no opportunity for ascertaining positively in many cases whether a prisoner was a first offender or not. As a result many confirmed violators of the law were released on probation. In cases of women arrested for soliciting and similar offenses there appeared to be little discrimination on the part of some magistrates in the selection of cases for probation. In addition no adequate records were kept. Such records as existed contained practically no entries subsequent to the release of the person upon probation, except that of final commitment or discharge. Of the police probation officers, with notable exceptions, few possessed the peculiar qualifications necessary for their work.

At this time, the women probation officers in these courts received no salaries from the city. In some cases they were appointed upon the recommendation of charitable or religious organizations and originally did missionary rather than what is ordinarily considered probation work. These officers labored under many difficulties, such as failure on the part of the magistrates to appreciate the real purpose

[1] Appendix XVII B.
[2] Report of The Probation Commission of the State of New York, 1906.

of probation, and either an unwillingness to use it at all or its indiscriminate use in many cases to which it was inapplicable. As a result, some of these officers had very little to do so far as actual probation work was concerned, while others were overwhelmed with cases for which little or nothing effective could be done. In addition, there was no uniformity of method, no adequate system of visiting probationers in their homes, or securing information regarding their manner of life. The system of requiring reports from probationers was more or less perfunctorily administered, and many of them on the slightest pretexts had been permitted to report in writing instead of in person. It was evident that while some good might have been accomplished in individual instances, the work as a whole was ineffective.

A special inquiry was made by the Probation Commission of 141 women charged with offenses relating to the social evil, who were placed on probation from the Fourth (Yorkville) and Second (Jefferson Market) District Courts for a period from June 1 to December 15, 1905. Of these, in 37 instances the addresses were found to be deficient or fictitious, leaving but 104 cases about which information could be secured. Concerning the regularity of their reports to probation officers, the women stated as follows:

In the Fourth District Court, 44 or 66 per cent. never reported; 10 or 15 per cent. reported from 1 to 4 times in person or writing; 6 or 9 per cent. reported regularly; and 6 would not give any information. In the Second District Court, 21 or 55 per cent. never reported; 11 or 29 per cent. reported 1 to 4 times, in person or writing; and 6 or 16 per cent. reported regularly.

In these two courts twenty-nine offenders stated that they had previously been arrested more than twice and nine that they had been arrested from eighteen to sixty-one times. According to their own statements 4 had led an immoral life for less than one year, 32 from one to two years, and 53 for more than three years. Of the latter, twelve admitted having been professional prostitutes for over 6 years.

Many of the women investigated were seen either soliciting on the street or frequenting "Raines Law" hotels at the time they were on probation.

In commenting upon the length of the probation periods under the system which prevailed previous to 1905 the report of the Commission pointed out that a term of one, two or three months was far too short to accomplish permanent results in changing the habits, attitude, environment and character of the offender. In many cases probation was little more than a suspended sentence, with the incidental advantage of oversight and admonition on the part of the probation

officers, but without any recourse to severer measures if the discipline was not heeded. In many cases where sentence was suspended the offender was released without any probationary oversight, and with no means for bringing information as to his subsequent conduct to the notice of the court. This was the case both in courts in which there were probation officers and in those where no probation officers had been appointed. It also appeared that some probationers were lost sight of by reason of change of residence and removal from one city to another.

The underlying weakness of the probation system as established in New York State in 1901, and as conducted up to the close of 1905, was found by the Commission to be that a large number of courts possessed the power of appointment of probation officers but that there was no supervision, co-ordination or organization of the work of probation officers, except such as was exercised by the courts to which they were attached. The result was that there were practically as many systems of probation as there were courts using the Probation Law. As a result of its study and investigations the Probation Commission arrived at the conclusion that while the work must always be permitted a considerable degree of flexibility to meet local conditions and individual needs, there should be provided nevertheless, some form of central oversight, and it therefore recommended that a permanent commission be established to meet this need, which was done in 1907.

The system of records, which the Probation Commission considered defective in 1905-07 was found by the Commissioners of Accounts in 1908 to be as follows:[1]

When the magistrate places an offender on probation he is supposed to record his action by affixing his signature by a rubber stamp imprint upon the original papers, after filling in the blank spaces in this imprint with the necessary names, periods and dates. After this is done the probation officer to whom the offender is assigned interviews the probationer, taking her name, address, occupation, etc. All of this information is supposed to be recorded on a card designed for filing at the central office for probation, located in the Seventh District Court, 314 West 54th Street. The probationer is then released, but she must report on the following Friday night at the Central Bureau. In most cases the probationer is allowed to depart without any attempt on the part of probation officers to verify the name, address or other details of the information given. In most cases the magistrates consider the case then disposed of, so far as they are concerned. Inspectors reported that probationers after leaving the Central Bureau

[1] Report on the Night Court by the Commissioners of Accounts, pp. 25 ff.

were seen soliciting on the streets or in resorts of a questionable character.

The records maintained exclusively in connection with the probationary system consist of an old index book and the cards on file in the Central Bureau which cover cases emanating from all courts in the First Division. The index book contains the name of the probationer and the card number of the case; the date of entry is rarely recorded.

The probation cards are supposed to give the name, address of the probationer, the nature of the offense, previous record, marks of identification and conditions of probation; and on the reverse side the history of the probationer during the probation period, including a record of attendance at the Central Bureau. The cards are numbered, lettered and colored to distinguish the cases from the various courts, and are filed in a cabinet, where they are supposed to remain permanently. In practice this is not the case, as many of the officers remove and replace them at pleasure. No one appears to have any authority to see that the cards are not removed and as a consequence many of them are missing. The cards relating to active and closed cases are supposed to be filed separately, but they were found to be mixed together. As a result of this condition, and the lack of definite information on the cards regarding the cases, the records are inaccurate.

During the period from August 1, 1907, to February 29, 1908, covered by the study of the Night Court by the Commissioners of Accounts, 400 defendants were placed on probation at the time of arraignment.[1] In 220 of these cases there was no information on the cards concerning the behavior of the probationer during the probationary period; in 38 cases the probationers absconded and could not be found at the addresses given; in 39 cases the probationers were permitted to leave the city, apparently without the consent of the committing magistrates; and in 3 cases the prisoner was paroled in the custody of a probation officer, but was unaccounted for in any manner at the Central Bureau.

An investigation of the addresses of 287 probationers given on the records showed the following conditions found in 182 cases:[2]

114 were not known at the address given; 40 had moved, but the record did not show any change; 6 addresses given were of factory buildings, 2 of churches, 2 of vacant houses; and in 5 there were no such street numbers; 3 were known at the address given, but did not live there; 2 had left the city, apparently without recorded permission; 1 address was a theatre; 1, a vacant lot; 1, quarters of an engine

[1] For disposition of cases in the Night Court, see Tables XV, XXVII.
[2] Report of Commissioners of Accounts, p. 28.

company; 1, a public park; 1, a meeting room; 1, a police station house; 1, an express yard; 1, the site for a new building. In addition to this, it was found that in most of the other cases, the homes of the probationers were not visited by probation officers.

Representatives from the office of the Commissioners of Accounts attended two of the regular meetings of the probation officers, at which the plan of procedure was in substance as follows:[1]

The probation officers (men and women) were seated around a long table; the Chairman held the list of all probationers; an officer at the door admitted the probationers, one at a time, inquired his or her name and announced it to the Board. Advancing to the foot of the table, the probationer remained until the name was checked on the list as reporting, and a date for the next personal report assigned. At these two meetings, no inquiry was made concerning the occupation, behavior, change of address, or anything calculated to have a bearing on the conduct of the probationers or to influence their future behavior. This was also true in the cases of several women reporting for the first time. No questions were put to these people other than the perfunctory ones above mentioned, and nothing was said to them other than to give notice of the time when they would be expected to report again.

From a report of the New York Probation Association, prepared by the secretary, Miss Maud Miner, a former probation officer, the following summary is taken to show the prevailing conditions and the value of probation in connection with cases related to the social evil:[2]

Miss Miner, from her wide experience, believes that in the majority of cases the lives of such women are not changed in any vital way by probation. This experience is most successful, she believes, with girls from 16 to 20 years of age who are charged with being ungovernable and incorrigible and in danger through bad associations. It is also of value in the case of girls who have just entered upon a life of prostitution, and women convicted for the first or second time of intoxication. The girl who has been leading an immoral life for a very short time through the influence of some man, or because of temporary distress, may be helped by probation, but an attempt to help older and hardened immoral women by probation is useless and tends to bring discredit upon the whole system. The large percentage of failure in the cases of such women is due to the lack of preliminary investigation and of careful selection of persons to be released on probation.

The lack of an adequate system of identification for those released on probation and the difficulties involved in securing revocation of probation and commitment to an institution, give rise to a feeling among the women that probation may be regarded lightly and that they can violate their probation with impunity. The identification by police or probation officers of offenders cannot be relied upon, because different officers are on duty in the Night Court, nor is any card

[1] Report of The Commissioners of Accounts, page 28.

[2] Special report of the New York Probation Association, December, 1909.

record kept in the court. Even were such a record kept, it would be almost useless because the defendants give different names when arrested.

The finger print system as it was tried in one police station from June 5 to November 28, 1908, gives a key to the solution of the identification problem in the Magistrates' Courts. During the period of experiment, finger prints were taken of 1,217 different women arrested on the charge of being prostitutes. The record of dispositions in the cases of two women arrested during the time the finger prints were being taken shows the value of this system. The record in one case shows that the same person was arrested five times, as follows:

August 1, 1908, May Rill .....Fined $3
August 6, " Jennie Cohen .....Workhouse
August 14, " Blanche Russell .....Fined $5
August 16, " " " .....Probation
August 26, " " " .....Workhouse

In the other case the record shows the same person arrested as follows:

June 11, Alice Levy .....Fined $3
June 21, Olive Lewis .....Discharged
June 30, " " ..... "
July 7, " " ..... "
July 22, " " .....**Probation**
August 14, Alice Clifford.....Workhouse
September 5, " " .....Workhouse

It is possible by this method to know exactly how many times a person has been convicted and the sentence imposed. The magistrate can thus be reasonably sure whether or not a woman is a first offender or is on probation at the time of her second arrest. At the present time women are occasionally discharged, fined, or committed to the workhouse at their first appearance in the court, and after a second or third arrest are released on probation.

Under the present system of rotation and assignment of magistrates, it is frequently difficult to secure the revocation of probation and the commitment of the defendant. In addition to this some magistrates are unwilling to commit to institutions. When the probation officer applies for a warrant for the rearrest of a probationer who has violated her parole, she often finds that the magistrate who placed the woman on probation is not sitting and at times he is out of the city. Application is then made at the court where the woman was first arraigned and frequently the magistrate refuses to take action in the case of another magistrate. If the magistrate who first released the woman is sitting he is usually in a court in a remote part of the city, and as a consequence the probation officer must spend much time in going to obtain a warrant and then attending the court again when the case is heard.

Defendants who violate probation are usually committed to the Workhouse. A few are placed under bonds for good behavior and some are sent to reformatory institutions. If the defendant has not been to the Workhouse before, or if she escapes identification there, she spends five days in this institution and is then released under the cumulative sentence law. Neither is the fine nor good behavior bond effective. If she does not have the money herself some friend or keeper of a disorderly "Raines Law" hotel comes to her aid and she is released.

SUMMARY.

It appears from the investigations quoted and from the report of the executive secretary of the New York Probation Association, that probation is used to some extent in cases where the charge is for vagrancy or disorderly conduct or violations of other laws regulating the social evil. It also appears that it is used by some magistrates in such a way as to nullify the effect of these laws, as in the case of old offenders. This is partly due to the lack of records and means of identification of those arrested. It also appears that probation is of little value with old offenders and first offenders are sometimes fined or sent to the Workhouse before they are placed on probation.

The Probation Law, as at present administered, inevitably defeats instead of supplements the purpose of other statutes, for the following reasons:[1]

(1) Lack of fitness of some probation officers for the position. (2) Lack of organization and central responsibility. (3) Inadequacy of records and lack of supervision of them. (4) Unequal division of work among probation officers. (5) Absence of system of identification. (6) Lack of adequate provision for defendants while awaiting trial or held for examination. (7) Failure to consider physical condition of prisoners. (8) Lack of preliminary investigations. (9) Lack of careful selection of probationers. (10) Too short periods of probation. (11) Inadequate supervision of probationers. (12) Difficulties in securing revocation of probation and commitment to institutions.

THE NIGHT COURT.

A second law, having for its express object the breaking up of the bail bond system, was that establishing a Night Court in New York City.[2] This is an amendment to the Charter and provides that the Board of Magistrates of the First Division shall provide for the holding of night sessions. The rules of the Police Department provide, generally speaking, that there should be sent to the Night Court all cases in which the magistrate has summary jurisdiction and every female prisoner who is not charged with committing a felony.[3]

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[1] Special report of the New York Probation Association, December, 1909.
[2] Appendix XVIII A.
[3] Appendix XVIII A.

CONDITIONS PRECEDING THE PASSAGE OF THE LAW.

Most of the arrests of women in connection with the social evil are made after the regular magistrates' courts are closed and they must then be held all night or released on bail. This situation led to much graft on the part of professional bondsmen who bailed out the women and put them on the street to earn money to repay the amount of the bond. It was to break up this system, making unnecessary any bail, that the Night Court was created.

The Research Committee has deemed it unnecessary to make an investigation into the effect of this institution upon the law regulating disorderly and immoral persons, in view of the fact that the Courts' Commission has made a thorough study of its operation, the report of which is to be submitted during April, 1910, and in September, 1909. the Commissioners of Accounts, under the direction of the Mayor, published the results of an investigation into the accounts and methods of the Night Court. The examination by the Commissioners of Accounts covered the period from August 1, 1907, to February 29, 1908. With reference to the disposition of the cases, it found:

There were fourteen magistrates sitting during this period and they disposed of 1,727 cases of disorderly conduct (soliciting) and 1,554 cases of accosting men—both charges relating to the social evil. Out of this total of 3,281 cases, 1,207, or 37 per cent., were discharged; 1,474, or 44.5 per cent., were fined; 69, or 2 per cent., were released on good behavior bonds; and 145, or 4.4 per cent., were placed on probation. In one case sentence was suspended, making 88 per cent. of the cases in which the accused persons were in a position to return immediately to the occupation of soliciting. In 380 instances, or 11.6 per cent., they were sent to the Workhouse, and in three instances they were sent to homes. 44 out of the 380 cases sent to the Workhouse were reconsidered by the magistrate after the sentence was imposed, and the prisoners were released, leaving but 336 instances, or 10 per cent., who actually served a term in the Workhouse. Of 24 women arrested for soliciting, where the records show they were arrested more than once, 9 had been arrested twice, 2 had been arrested four and five times, and 1 thirteen times. These were among those released from the Workhouse before their time expired.[1]

That the frequent miscarriage of justice is due rather to faults of administration than to defects in the law is evident from the following data illustrating the way in which the different magistrates dispose of cases:

[1] Report of Commissioners of Accounts, Table III.

Out of 420 cases disposed of, one magistrate discharged 301, or 72 per cent., and fined 118. He sent no one to the workhouse, and placed no one on probation. Out of 276 cases disposed of, another magistrate discharged 63, or 22.8 per cent., fined 211, or 76 per cent., sent 1 to the workhouse and placed 1 on probation. On the other hand, out of 171 cases disposed of, another magistrate discharged 32, or 18.5 per cent., sent 96, or 56 per cent., to the Workhouse, fined 7 and placed 36, or 21 per cent., on probation; while a second magistrate, out of a total of 155 cases, discharged 25, or 16 per cent., sent 84, or 54 per cent., to the Workhouse, fined 16 and placed 28 on probation.

SUMMARY.

The Night Court has succeeded in remedying the abuse for which purpose it was created. It has also been the means of bringing about speedier trials. It has not in any appreciable degree changed the farce of dealing with cases relating to the social evil, as is shown also on p. 82. Its defects are those of other courts and may be best seen from the findings of the Commissioners of Accounts:

(1) During the period from August 1, 1907, to May 31, 1908, nine clerical errors in the remittances of the court clerk to the chamberlain resulted in a net deficit of $5.

(2) The court record book of probationers is inaccurate, incomplete and untrustworthy.

(3) Notwithstanding the requirement of section 1400 of the charter, the names of attorneys appearing in cases are omitted from the court records.

(4) The court bond book prescribed in rule 5 of the board of magistrates is not correctly written up, there being many omissions therefrom.

(5) In 1908 twenty-five per cent. of all the cases in the first division were heard in the Night Court and twelve per cent. were heard at the day session second district), making a total of thirty-seven per cent. of all cases tried in the same court room (68,149 cases); the remainder, sixty-three per cent., being distributed among the other seven court rooms in the two boroughs, Further, the second district (day) and the ninth district (night) court both occupy the same rooms at Tenth Street and Sixth Avenue, which circumstance gives rise to congestion, a confusion of records and papers, and adds to the burdens of the day force of court officials by reason of the numerous inquiries made which relate to cases tried at the night session.

(6) All prisoners arrested for misdemeanors after the day courts have closed are arraigned in the night court, thereby causing absence from duty, for a considerable period of time, of police officials who frequently must bring their prisoners from distant sections of the two boroughs.

(7) Considerable confusion exists during sessions of court due to the large number of people congregated within the railed enclosure, many of them directly in front of and around the magistrate's bench.

(8) There is, wide diversity of treatment by different magistrates of cases involving the same character of offense.

(9) Many of the magistrates, apparently without authority of law, discharge prisoners "on probation" who had already been committed to prison under sentence.

(10) The magistrates, generally, failed to comply with that part of section 711 of the charter providing that no order of discharge from prison be granted by any magistrate except upon the written certificates of the commissioner.

(11) Several magistrates, in apparent contravention of the time limitation placed upon their power to discharge prisoners under section 711 of the charter, granted orders of discharge in cases coming within the inhibiton of said statute.

(12) One hundred and forty-four cases were reopened, reconsidered and the sentences therein modified by magistrates, without any reason appearing on the records thereof.

(13) In several instances magistrates placed prisoners "on probation" without any apparent intention of probationary control. Examples: releasing prisoners on probation "for balance of term" when balance of term amounted to two days; releasing prisoners and endorsing papers "excused from reporting"; placing prisoners on probation whose previous bad records were known or readily ascertainable; assigning female probationers to the care of male probation officers; releasing prisoners "on probation" without apprising the officers to whose care such prisoners were supposed to have been assigned.

(14) Orders of release of disorderly persons were granted by magistrates in apparent contravention of section 907, code of criminal procedure.

(15) Assignments of magistrates to courts are so adjusted by the board that each magistrate serves on active court duty slightly more than 50 per cent. of his time, aggregating in the course of a year about seven months court service.

(16) Orders of discharge from the workhouse are not forwarded regularly through any official channel, but are variously sent by mail to the workhouse, given to private individuals for delivery, or served on the warden by one of the court officials.

(17) The workhouse records fail to disclose the manner of receipt of orders for discharge, or the manner of release of the prisoners to whom same relate.

(18) The commissioner of correction or his deputy has followed the apparently useless practice of endorsing the magistrates' orders of discharge after the release of the prisoners thereunder.

(19) Male probation officers, sixteen in number are in regular attendance on the magistrates personally, and rotate with them from court to court, thereby performing about seven months duty in a year. This practice appears to be contrary to the provisions of section 707 of the charter.

(20) Female probation officers, eight in number, are assigned to the various court rooms (8), and perform active duty throughout the year.

(21) The control of the magistrates, either individually or as a board, over male probation officers, is necessarily limited, inasmuch as there is a superior control in the person of the police commissioner.

(22) The records of the central bureau of probation are inadequate, incomplete and inaccurate. Not only do they fail to provide necessary information concerning probation cases, but they also fail to disclose all of the information which even the existing forms are apparently designed to contain; and where such information purports to be given, it is more or less untrustworthy, in view of the many inaccuracies found to exist in the records generally.

(23) The permanent card records of the bureau of probation are uncontrolled in any way. Each probation officer is supposed to write up his or her own cases and responsibility in the matter seems to end there. Cards are taken out of the files at will and are frequently held in the personal possession of probation officers for long periods.

(24) Probation cases are rarely, if ever, investigated by probation officers at the time when the probationer is first committed to his or her charge.

(25) No system of reports is required of probation officers either by individual magistrates or by the board. Such reports as are made, are the result of special instructions by certain magistrates in isolated cases.

(26) Commitment papers signed by magistrates, and apparently valid, were found in several instances attached to the complaint in "probation" cases, presumably for use by the probation officer in the event that the prisoner violated his or her parole.

(27) The work of the male probation officers, with few exceptions, is inefficient.

(28) While a central bureau of probation has been created with a chief probation officer. its principal use is as a meeting place for officers and probationers, and it fails as an informing or controlling agency, the chief probation officer being practically without authority and no other central control having been provided for.

(29) A comparatively large number of female probationers, after reporting in a perfunctory manner at the probation office, were within an hour known to have adopted their old habits and visited resorts of questionable character.

(30) Many of the addresses given by the probationers were found to be fictitious, and few of their homes, where the addresses were correctly given, appear to have been visited by probation officers in whose charge they had been placed.

(31) There is an unequal division of work among probation officers.

SOCIAL EDUCATION.

There are apparently but three laws that aim to preserve morality through the regulation of educational matters. These are the laws regulating obscene prints and articles, display of immoral pictures and immoral plays and exhibitions.

OBSCENE PRINTS AND ARTICLES.

This law has been on the statute books for a number of years, and was first amended in 1884. It stands primarily in the way of advertising immoral places, and acts as a deterrent to the stimulation of vice by means of education in immorality.

Provisions of the Law.

Section 1141 of the Penal Law provides that any person who sells, gives away or advertises in any manner any obscene, indecent matter of any description or employs or uses a minor to assist in distributing this matter is guilty of a misdemeanor, and upon conviction shall be sentenced to not less than ten days nor more than one year in prison or fined not less than fifty dollars nor more than one thousand dollars, or both. Section 1141-a prohibits the display of indecent prints and pictures in public places, and any person so doing is deemed to be guilty of a misdemeanor. Section 1143 prohibits the distribution of indecent matter of any description by mail or express, and any person who knowingly or wilfully receives such matter with intent to carry the same is also guilty of a misdemeanor.[1]

In addition to the State statutes, the Code of Ordinances of New York City as amended in 1906 provides that any person who exposes any indecent placard, poster, bill or picture in or on any building, bill-board, wall or fence in the City of New York, shall be guilty of a minor offense and upon conviction shall be fined not less than ten nor more than one hundred dollars or imprisoned for a term not exceeding ten days, or both. Each day of wilful violation constitutes a separate offense.[2]

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[1] Appendix XIX.
[2] Appendix XIX A.

Conditions Preceding the Passage of the Law.

In 1868 Mr. Anthony Comstock, the present Secretary of the New York Society for the Suppression of Vice, discovered that a number of obscene books and pamphlets were being printed and distributed through the mails and otherwise. He began an aggressive campaign against the evil and in 1872 a law was formulated for the suppression of this matter. In 1873 the Legislature passed an act incorporating the New York Society for the Suppression of Vice. The object of this Society was stated to be to enforce the laws for the suppression of the trade in and circulation of obscene literature and illustrations, advertisements and articles, for indecent and immoral use, as it is or may be forbidden by the laws of the State of New York or of the United States.

The act of incorporation also charges the police force of New York City as well as other cities to aid in the enforcement of all laws for the suppression of indecent and obscene publications.

Prevailing Conditions.

Records.—During 1908, The New York Society for the Suppression of Vice received 235 cases from the Post Office Department for investigation and prosecution. All of these complaints were concerned with the transmission of obscene matter by mail or by common carriers. In addition to the prosecution of offenders in New York State during 1908, the Society extended its activities to Massachusetts, Vermont, Rhode Island, Pennsylvania and New Jersey. In dealing with foreign senders of mail, the Society investigated and reported several cases to the Post Office Department.

From 1873 to December 31, 1908, the records of the Society show that 721 persons have been arrested under the Federal statute, and 2,551 under the State statute. One hundred were discharged by committing magistrates and 95 by judges; and 2,408 were convicted or pleaded guilty, 2,015 received prison sentences, 66 absconded, 74 were re-arrested, 32 were convicted on second trial, 14 bail bonds were forfeited, and in 74 cases the juries disagreed. The total amount of fines imposed was $219,961.25.[1]

During this period of 37 years' activity there were seized or destroyed 2,658,687 obscene pictures and photographs; 7,768 microscopic pictures for charms, knives, etc.; 12,945 negative plates for making obscene photos; 431 engraved steel and copper plates; 1,345 wood cuts and electro plates, together with 8 sets of type and 28,425

[1] These records include prosecutions of dealers in gambling devices, as well as in obscene prints and publications.

pounds of stereotype plates for printing books, etc.; 352 different books; 60 lithograph stones; 165,872 articles for immoral use, of rubber, etc.; 2,986,700 pounds of moulds for making obscene matter; 25 establishments for making this material were closed; 6,515 indecent playing cards; 3,520,855 circulars, catalogues, songs, poems, booklets, etc.; 88,205 newspapers containing unlawful advertisements or obscene matter; 129,720 open letters seized in possession of persons arrested; 6,077 names of dealers, as revealed by account books or publishers; 434 obscene pictures framed on walls of saloons; 4,431 figures and images; 173,572 letters, packages, etc., seized in hands of dealers ready for mailing at time of arrest; 1,344,318 names and post office addresses to whom circulars, etc., may be sent, that are sold as matters of merchandise, seized in hands of persons arrested; 102 slot machines exhibiting obscene pictures, and 474 watches with obscene pictures.[1]

Field Study.—It has not been possible for the Research Committee to undertake a field investigation of present conditions regarding the amount of obscene and indecent matter that is being distributed in New York City, and it seemed unnecessary, as this work is actively carried on by the New York Society for the Suppression of Vice. It is necessary that some organization be kept constantly at work, as the preceding report shows something of the business interests which profit by the production of this literature. The chief means used in distributing obscene matter is through the mails and common carriers. There are numerous instances where the most objectionable matter has been sent to young women who advertise for employment. Another method of distribution is the direct sale on the street. Men and boys engaged in this occupation have confederates who hang on the outskirts of the crowd and warn the seller of the approach of policemen. Pictures and books have been found in the possession of boys and girls in schools and business places.

There are publications which contain advertisements of suggestive and indecent postal cards and books, as well as of medicines for women. The June 19th issue of a prominent sporting paper published in New York City and circulating through the mail as second class matter contained a number of advertisements of this character.

ENFORCEMENT OF THE LAW.

As previously stated, the enforcement of the law is vested in the New York Society for the Suppression of Vice, with the aid of the Police Department. In speaking of the law and its enforcement, the secretary of the New York Society for the Suppression of Vice said

[1] Report of the New York Society for the Suppression of Vice, 1908.

that in his opinion the penalties provided by the law were not severe enough. In addition to this judges are inclined to be too easy upon persons arrested. Many of these offenders manage to create sympathy for themselves by saying they are poor and the sale and distribution of this matter is their only means of livelihood.

DISPLAY OF IMMORAL PICTURES.

The Code of Ordinances, as amended in 1906, prohibits the posting or display publicly of any picture tending to represent the doing of a criminal act, or which represents indirectly the human body, or scenes tending to deprave the morals of individuals. A fine of not less than $10 nor more than $100 or by imprisonment not exceeding ten days is imposed. Each day of violation constitutes a separate offense.

This law has served as a deterrent, even though the number of prosecutions have been *nil*, and is an important contribution to protection from vicious educational influences.

IMMORAL PLAYS AND EXHIBITIONS.

This law was passed in 1909 and did not go into effect until September 1, 1909. The number of plays of an uncommonly low grade presented in New York City during the past two years was undoubtedly largely responsible for the passage of this law. It provides that any person who in any capacity prepares, advertises, gives, presents or participates in any indecent play or exhibition which would tend to corrupt the morals of youth or others, and every person who lets or leases a place for such purpose knowingly, or assents to the same shall be guilty of a misdemeanor.[1]

For the four months in 1909 immediately succeeding the date upon which this law went into effect, the records of the various courts do not show that any actions have been brought under this statute. On the whole it may be said that, whether this law has been influential or not, the public reaction against immoral plays has brought about the production of a somewhat different class of plays for the season of 1909-10.

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[1] Appendix XX.

FAMILY RELATIONS.

Although all laws which regulate the social evil affect the family relation, some have for their primary object the preservation of the family. Three groups of statutes exist for this purpose—those regulating marriage, those prohibiting adultery and those pertaining to midwifery and abortion. These have been considered in their relation to the social evil.

MARRIAGE LICENSE LAWS.

There are four laws which regulate the marriage contract, which are of importance in relation to the subject under investigation. The first stipulates the conditions under which marriage licenses may be obtained and provides for records and their preservation.[1]

The second law comprises Sections 532, 928 and 1450 of the Penal Law. Section 532 provides that a person who by force, menace or duress compels a woman against her will to marry him or any other person or to be defiled is punishable by imprisonment for a term not exceeding ten years or by a fine of not more than $1,000, or both.[2]

Section 928 provides that any person who falsely personates another and in such assumed character marries or pretends to marry another or to sustain the marriage relation, with or without the connivance of the latter, is punishable by imprisonment in a state prison for not more than ten years. Section 1450 provides that any minister or magistrate who solemnizes a marriage when either of the parties is known to him to be under the age of legal consent, or if within his knowledge a legal impediment exists, is guilty of a misdemeanor.[3]

The fourth law comprises Section 1236, 1239, 1240 and 1266 of the New York Charter and provides for registers, penalities for failure to report or making false returns, and for the keeping of a record by the Department of Health.[4]

In addition to these Section 105 of the Executive law, authorizes a notary public to take acknowledgments of written instruments,

[1] Appendix XXI.
[2] Appendix XI.
[3] Appendix XXI A.
[4] Appendix XXI B.

including marriage contracts.[1] For any omission of duty or the issuance of false certificates, the notary public is punishable under the public officers act.[2]

CONDITIONS PRECEDING THE PASSAGE OF THE MARRIAGE LICENSE LAW.

All of these statutes were in force before the passage of the marriage license law in 1907, which, in addition to other regulations, required a marriage license before any marriage whatsoever could be legally performed. The passage of this law was largely due to the efforts of Senator George H. Cobb of Watertown. His attention was first called to the necessity for such a law during his six years term of office as District Attorney of Jefferson County. He found that young girls were enticed away from home and married by men of mature years, only to be deserted after a short time. An investigation of conditions showed a general complaint throughout the state with reference to marriages of this kind. One of the most serious complaints was against notaries public who acknowledged marriage agreements. This prevailed to a greater extent in New York City than elsewhere. At this time it was stated that about 1,000 marriages of this kind were entered into every year by men who married women for the purpose of subsequently placing them in disorderly houses.

Although records were required by various existing laws, it was found that there were no adequate provisions for enforcement and that many marriages were not recorded, and women who rebelled against "going on the street to earn money" for their so-called husbands, found upon inquiry that there was no record of their marriage and that they were without moral standing.

PREVAILING CONDITIONS.

The amended Domestic Relations Law went into effect January 1, 1908. Criticisms were immediately made of some of its provisions. One objection was to the requirement that the bride should also appear before the city clerk at the time of application for the license. This and other criticisms of the law were summed up in a resolution adopted by the Long Island Preachers Association in April, 1909, in which Governor Hughes and the Legislature were asked to amend the law. The resolution set forth that the prospective bride must, under the present law, appear personally at the office of the city, town or village clerk, often to her embarrassment; that women have to answer ques-

[1] Appendix XXI C.
[2] Appendix XXI D.

tions in a public place surrounded by all sorts of hangers-on and that often they are approached by runners who are seeking matrimonial business for some magistrate or other official; that since the law went into effect the number of marriages in New York State has decreased one half; that more persons are now married by civil ceremony than formerly, and that this, together with the "Cupid business" about the License Bureau tends to destroy the sanctity of marriage.

These objections appear trivial besides the accomplishments of the law. One of the most important results has been the decrease in the activity of unscrupulous notaries public in performing fake marriages. From January, 1901, to December, 1907, about 8,579 marriages were recorded by notaries public in New York City, an average of about 1,225 per year.[1]

From January 1 to November 1, 1908, there is a record of but seven attempts by notaries public to return marriage contracts to the License Bureau with certificates attached signed by them to bear witness that civil ceremonies had been performed, without having the required license.

Some notaries public, while afraid to perform fake marriages, still endeavor to evade the provisions of the law. As an illustration, during the past year a notary public was asked by an investigator to perform a fake marriage between himself and a Swedish immigrant girl. The reason given by the investigator was that he wanted to secure possession of the girl's money and then desert her. The notary public said that he was afraid of the new Domestic Relations Law, and would not take such a risk. The investigator then said the girl had $2,000 which he wanted to get. At this the notary public proposed the following plan:

"Give me $25," he said, "and I will take you to the City Hall where we will secure a marriage license. I know the alderman and he will marry you right away. Then I will draw up a contract which will secure the money to you." The investigator objected because by such a plan he would be legally married.

"That's easy enough," was the reply. "I can show you a simple and easy way out of the difficulty. I cannot tell you all about it now, but after you are married begin to treat your wife with indifference, leave her alone a great deal, then find a friend who will go to your house, let him be very sympathetic and win the confidence of your wife. When this is done your friend can easily get her to compromise herself."

[1] Report of New York State Commission of Immigration p. 51.

The investigator again objected. The notary public then proposed that a friend would take the ignorant and unsuspecting girl to a hotel under the impression that she was to meet her husband. He was to register the girl and himself as man and wife and go to a room. In a few moments the husband was to come to the room and find his wife and friend together. The hotel register could be used as evidence in procuring the divorce. For this part of the work, together with securing a confession from the friend, the notary public was to receive $50. The notary public in this transaction talked with a woman investigator whom he thought the supposed wife and advised her in accordance with the promise made.

Another notary public filed a marriage contract dated December 16, 1907, before the amended law went into effect. On examining the paper the clerk noticed the ink was fresher than it should be and turned it over to an assistant district attorney. An examination of witnesses showed that the marriage was performed by the notary public on February 17, 1908. The couple had secured a marriage license under the new law and had turned it over to the notary public, who in turn gave them one of his own making and then married them for a $5 fee. He was held in $500 bail. Later he gave the District Attorney the names of a number of other notaries public who he alleged were violating the marriage license law.

Several petty swindling schemes have grown out of the issuing of licenses. One of these was exposed by the chief clerk of the Bureau of Licenses. He found that a license blank, similar to the one printed for use in the Bureau, had been used by unscrupulous persons to deceive couples intending to secure licenses. As an illustration, one day a young German was on his way to the Bureau with his intended wife when a man stopped him and said he would help him to get a license. He was taken to a nearby building and was given a paper which was supposed to be a license, and was charged $5 for it.

Some men still use the process of getting a license to secure the confidence of ignorant women and then desert them. As an illustration, a young Jewish girl accompanied her intended husband to the License Bureau and they obtained a license. The woman then drew $100 out of the bank and gave it to the man. He left her saying he was going to buy some presents, but did not return. In another instance, a woman gave her intended husband $400 which represented her savings from a small salary for many years. He went away under some pretext and did not return to marry her

ENFORCEMENT OF LAWS.

The law requiring a marriage license has undoubtedly decreased the number of marriages entered into by procurers and others for the purpose of misleading women and of obtaining their savings. It has also prevented irresponsible persons from performing marriage ceremonies and has provided for a satisfactory recording of marriage certificates. The penalizing of persons who perform marriages in violation of the law and of officials who do not comply with the requirements, is effective. The preventive value of the statute is also considerable.

The requirement that marriages be recorded on or before the tenth day of the month next succeeding the solemnizing of the marriage is of great value but is not enforced. From three to six months have been permitted and this is unquestionably too long a period and many subterfuges may be resorted to before the "wife" can be assured by official record that the marriage is legal. Furthermore, the Bureau of Licenses has few facilities for determining whether illegal marriages are being performed. It is therefore impossible to know to what extent fake marriages are still used as a means of procuring women for disorderly houses.

SUMMARY.

The most effective of the marriage laws, in relation to the social evil, is that requiring a license. The other marriage laws are intended largely to provide adequate records. No prosecutions appear to have been brought under Section 928 for false impersonation, in cases where the object has been to mislead women. There are no records of notaries public having been removed or prosecuted for violation of their oath of office, in aiding and abetting fraudulent marriages. Therefore the burden of protecting women in marriage falls largely upon the statute which requires giving of information and a license and penalizes those who perform marriages in violation of the law. The License Bureau in New York City has been overwhelmed with work and there is but little real information available as to the full effectiveness of this law. Its importance makes it desirable that provision be made for obtaining this information.

The marriage license law is a valuable addition to the provisions for social protection and is both feared and observed within the terms of its application. In considering its effectiveness, however, comparison may profitably be made with other laws. The prosecution of "cadets," protectors and others under the other laws are so few, and

men who despoil women so easily escape punishment, that it is not necessary to use the more subtle decoy of marriage. With a strict enforcement of the so-called "cadet" laws, greater use unquestionably would be made of marriage as a means of obtaining women for immoral purposes.

ADULTERY LAW.

Previous to the amendment in 1907, adultery did not constitute a crime, but was only a ground for divorce. No study has therefore been made of conditions existing under the law previous to 1907.

ABSTRACT OF THE LAW.

Sections 100-103 of the Penal law as amended went into effect September 1, 1907. It defines adultery and provides that any person guilty of adultery, upon conviction, is punishable by imprisonment in a penitentiary or county jail for not more than six months or by a fine of not more than $250 or both. Conviction cannot be had, however, upon the uncorroborated testimony of the person with whom the offense is charged to have been committed.[1]

CONDITIONS PRECEDING THE PASSAGE OF THE LAW.

This law was framed by the National Christian League for the Promotion of Purity and its passage is largely due to agitation by the League. One of the arguments made in its favor was the statement that during a period of sixty years previous to 1907 there had not been any legal penalty attached to infidelity in wedlock except divorce. It was asserted that especialy in New York City many married men were living in adulterous intercourse with women, and in many instances the wives of such men did not care to bring action for divorce because of the publicity and disgrace attending such action. It was argued that the proposed law would act as a deterrent. It was also shown that every state in the Union except four had similar statutes, and consequently many men came to New York with their companions.

PREVAILING CONDITIONS.

It is not possible to state how much of a deterrent the law has been, as there is no body of data with which to compare it. The records show that there have been, since the law was amended up to December 31, 1909, but 48 cases tried, and of these 12 were convicted. The 12 convictions covered but 8 cases, as in 4 cases there

[1] Appendix XXII.

were 2 defendants. Of those convicted, 4 were fined from $25 to $250; 2 were sentenced to 10 days' imprisonment and one to 30 days' imprisonment, and sentence was suspended in 5 cases, or 41.5 per cent.

In commenting upon the effect of the amendment upon divorce actions, one of the newspapers called attention to the matter in the following way:

"Lawyers already see that every divorce action thus brought to trial at once provides an offense against the laws of the State which could be prosecuted by the District Attorney simply upon the testimony of the witnesses, and taken down by the stenographer, whether undefended or tried before a jury. Trials of divorce actions before a referee appointed by the Supreme Court for that purpose will also furnish ready-made cases for the District Attorney, and every divorce action tried and judgment given for the plaintiff will give the plaintiff, either husband or wife, a powerful weapon of retaliation against an erring spouse, because it will be possible for the plaintiff to go to the District Attorney or to a magistrate and make a charge that will at once start the machinery of justice going. Another interesting outcome of the new law may be, so one attorney asserted to-day, for the Grand Jury each month to call for the Supreme Court records of trials of divorces in which decrees have been granted, together with the stenographer's minutes, for the purpose of bringing indictments systematically against this class of offenders, whose crimes are exploited every other Friday during the year, and on other court days as well, but who, so far, have escaped any other punishment than the odium which goes with breaking the moral law."

ENFORCEMENT OF THE LAW.

Notwithstanding the belief that many convictions might be obtained upon evidence submitted in divorce trials, this has not been the case. After the new law had been in force less than three months lawyers and others reached the conclusion that it was a dead letter. During this period, according to a statement in the "World" under date of November 18, 1907, there had been less than twenty arrests in all the boroughs of the city. After going over the evidence in some of these cases the Judges of Special Sessions decided that the evidence submitted was insufficient and laid down the rule that in order to bring about a conviction under the adultery law, the evidence must not be circumstantial, but by confession or from actual eye-witnesses. This went even further than the Supreme Court had in divorce cases. This rule has had its effect upon magistrates and police. Some of the latter assert that it is rarely possible to obtain the required evidence, and so long as this rule prevails the law will be of practically no effect in New York City.

SUMMARY.

The preventive value of this statute cannot be determined, but judging from the prosecutions, it has not proved an ineffective weapon against immorality and has practically no effect upon commercialized vice.

MIDWIFERY LAWS.

In a city like New York, with its large foreign population and its constant influx of aliens from countries where the midwife occupies an important place in the family life, and where there is a wide circulation of publications printed in foreign languages, the relation of midwifery to the social evil is one of considerable importance.

The influence of the midwife was for a long time ignored, owing chiefly to the lack of knowledge of her activity and the opposition of physicians to any regulation by legislation which would tend to give her legal standing. The establishment of settlements, district nursing and other movements which have improved both health and moral conditions brought to the attention of the people the conditions which led to the passage of a law in 1907.

Provisions of the Law.

The Midwifery Law applies only to New York City and empowers the Board of Health to issue licenses and make rules and regulations governing the practice of midwifery.[1] It defines the practice of midwifery and provides that any person practicing midwifery in New York City in violation of any regulation adopted by the Board of Health, is guilty of a misdemeanor. In pursuance of this law, the Board of Health formulated certain rules and regulations.[2]

Previous to the passage of this law, the Sanitary Code, Sections 159 and 184, provided that only a licensed physician might practice midwifery without a permit from the Board of Health, and that midwives should keep a registry of births and report them to the Board of Health within ten days.[3]

The Research Committee found that the most important relation of midwifery to the social evil was through the practice of abortion. It is therefore necessary to consider at this point the law regulating abortion. It provides that a person who prescribes, supplies or administers to a woman, whether pregnant or not, or advises or causes a woman to take any medicine, drug, or substance, or uses or causes to be used, any instrument or other means to procure a miscarriage, is guilty of abortion, and is punishable by imprisonment in a state prison for not more than four years, or in a county jail for not more than one year. Any woman who attempts abortion upon herself by use of drugs or instruments is punishable by similar imprisonment; and a person who manufactures, gives or sells an instrument, medi-

[1] Appendix XXIII.
[2] XXIII A.
[3] XXIII B.

cine, drug or other substance with intent that the same may be unlawfully used in procuring the miscarriage of a woman, is guilty of a felony.[1]

CONDITIONS PRECEDING THE PASSAGE OF THE MIDWIFERY LAW.

The conditions leading to the passage of the Midwifery Law are best seen in a report of the investigations made by Miss Elizabeth F. Crowell for the Association of Neighborhood Workers, published January 12, 1907.[2] It covers 500 midwives in New York City, and institutions which train midwives, and points out in particular the methods of registration, sanitary conditons in the homes, conditions of equipment used, and the general practice of midwives. The report shows that there were lax methods of registering and inspecting midwives, that the sanitary conditions in the homes and personal habits of the occupants were not as they should be in the majority of cases, and that out of 426 bags examined, 34 were fully equipped and clean; 269 had an incomplete equipment which was untidy and dirty; 51 were filthy, and 72 midwives did not have any equipment whatever.

Operation of Abortion Law.—In referring to the operation of the law against abortion, Miss Crowell reported that it was ineffectual in regard to midwives. In proof of this, she cited the records of the coroner's office, which showed an average of three deaths each month, or 216 for six years, from 1901-1906 inclusive, due to criminal abortion. The records of the District Attorney's office for this period showed only 31 cases before the Court of General Sessions, and the Grand Jury.[3] Of these, 11 or 35.5 per cent. were discharged by the Grand Jury, 12 or 38.7 per cent. were discharged by the Court: 5 or 16.1 per cent. were acquitted; and 3 or 9.7 per cent. were convicted.[4]

Illegal Practice of Medicine.—The County Medical Society attempted to overcome the difficulties of prosecutions by instituting proceedings in the Court of Special Sessions, on the charge of practicing medicine illegally. During the five years previous to her report, Miss Crowell found that there had been 71 convictions upon this charge. In July, 1909, an examination was made by the Research Committee of the records of the County Medical Society of 42 cases, of which the records were obtainable. Of these found 27 were either fined or sent to prison or both. Fines to the amount of $3,610 were imposed, the largest single amount being $500 in addition to a year in prison, and the smallest $35. The longest sentence

[1] Appendix XXIV.
[2] Charities and The Commons (now the Survey), January 12, 1907 p. 667.
[3] Report of District Attorney for year 1907. p. 65.
[4] Table XXIX.

imposed was 3 years and 6 months, the shortest 30 days in prison. Of the remaining cases 7 were discharged, 3 were acquitted; one committed suicide, in one case sentence was suspended and in 3 instances the disposition was not given. The records did not show the number and source of all complaints received during this period.[1]

Of the 500 midwives visited by Miss Crowell, 176 were classified by the investigator as criminal. Against 28 there was a record of conviction, against 29 a record of investigation, that is, they had agreed to perform criminal operations upon special detectives, and 119 were under suspicion. Miss Crowell also found that certain midwives were advertising in the daily papers, in such a manner as to attract the attention of women in trouble. As a result of a crusade against this method of publicity 30 midwives were forbidden the use of the mails. Their persistence is seen from the fact that soon afterward it was found that the same women were advertising in a German paper. The notices were ordered out by the authorities, but five months later they were advertising under different names in another German paper.

Prevailing Conditions.

Board of Health Regulations.—Immediately following the passage of the law, the Board of Health formulated rules and regulations for the practice of midwifery.[2] The method employed in granting permits was as follows:

The applicant calls at the office of the Division of Child Hygiene and obtains an application blank which must be filled out with the proposed midwife's name, address, professional qualifications and previous record. The application must then be endorsed by two physicians and one layman, the former being required to certify that the applicant has attended at least twenty cases of confinement under their professional supervision. When the application blank is properly filled out by the midwife she returns it to the office in person. It is then given to an inspector who in turn visits the home of the applicant and ascertains all the facts relating to the home, equipment, personal habits and general sanitary condition of the premises. He also notes the contents of the bag or outfit used by the midwife, together with its conditions of cleanliness. A careful search is made for instruments, not only in the equipment, but also in closets, bureau drawers, cabinets, etc. He examines the premises to see if there is any room containing an examining chair, table or drugs, that may be used for illegal purposes.

[1] Table XXXII.
[2] Appendix XXIII A.

The application also contains blanks to be filled out with data from the District Attorney, County Medical Society, and coroner's office. If any evidence is found indicating that the proposed midwife has been guilty of illegal practices, she is required to appear at the office of the Board of Health and make affidavit concerning such practices. Advantage is taken of all available information upon the subject. If the application is favorably endorsed by the chief of the Division of Child Hygiene and the sanitary superintendent, it is then presented to the Board of Health for action. Full reports are kept of each application, the date of granting the permit and all data which may at any time relate to the application. The Board of Health revokes permits upon the recommendation of the chief of the Division of Child Hygiene and the sanitary superintendent, wherever facts are presented which warrant such action.

Detection of Unregistered Midwives.—Midwives practicing without permits are detected in the following ways: (1) By an examination of the birth records sent in by midwives. The list of midwives reporting such births is compared with the card index of registered midwives, and if any woman reporting a birth does not appear in this index she is notified to appear at the office at once and make application in due form. (2) By an investigation of each case of still birth reported by a midwife. (3) By an investigation of all foundling baby cases in which midwives were in attendance at birth. (4) By a comparison of all deaths of children under two years of age, with the birth records, to ascertain whether the birth has been reported, and if so, whether a midwife has been in attendance. (5) By the investigation of all advertisements inserted by midwives in Italian and Yiddish papers.

Supervision of Midwives.—The supervision of midwives is conducted as follows: (1) By re-inspection of all midwives at regular intervals. (2) The Division of Child Hygiene investigates every complaint against a midwife, every case of still birth, every case of septicemia and of ophthalmia neonatorum. (3) From April 15, 1909, to August 9, 1909, every place at which a birth was reported by a midwife in New York City was visited by a nurse connected with the Division of Child Hygiene and careful inquiry made about all conditions during confinement, with particular reference to the existence of any abnormality or disease. Up to January, 1909, 511 permits to practice midwifery were granted by the Board of Health and 1,881 applications had been made by midwives.[1]

Records.—A study of the records of the County Medical Society

[1] Annual Report of Department of Health, 1908, p. 274.

and of the Department of Health shows that from 1901 to 1909, inclusive, the County Medical Society prosecuted 59 midwives, of whom 50 were fined or imprisoned, 3 were discharged and in 6 instances no record was obtainable of the disposition of the case.[1] Of these 59 midwives, 23 were granted permits, 4 were denied, one application was pending and in 30 cases there was no record in the Department of Health.[2]

11 of the 23 midwives to whom permits were granted acknowledged in their applications that they had previously been arrested on criminal charges, the remainder declaring that they had never been arrested. The aggregate fines imposed upon 15 of these women amounted to $1,925; one was sentenced to 90 days in prison and 3 were discharged. Of the 6 whose applications were denied, 4 declared they had never been arrested, one admitted an arrest and in one case the answer to this question was not given. The one who admitted the arrest said she was discharged, while as a matter of fact she was fined $50. The 4 who denied being arrested were fined an aggregate of $275.

Field Study.—An investigation made by the Research Committee of 27 midwives who advertised as such in different foreign papers during May and June, 1909, showed that of this number 23 agreed to perform abortion and 4 refused, of whom 2 gave the addresses of other midwives who would consent. Of the 27 midwives investigated the Board of Health had granted permits to 17, 7 in 1908 and 10 in 1909; 1 permit was denied, 1 application was pending and in 8 cases there was no record in the department.[3] Two of these advertising midwives were among those prosecuted by the County Medical Society, one in 1906 when she was fined $100, and the other in 1907 when she was fined $200, and again in 1908 when she served 30 days in prison. The first midwife was granted a permit December 30, 1908. The name of the second does not appear on the records of the Health Department, though she has long been a notorious woman, and has ten beds in her house, six of which were occupied by short time abortion cases at the time of the investigation.

The following cases illustrate some of the conditions found under the present law.

Two midwives advertising in foreign papers were visited. Upon investigation one was found in a kitchen which was filled with a foul odor and was indescribably dirty. The personal appearance of the

[1] The Department of Health refers all of its cases for prosecution to the County Medical Society.

[2] Table XXX.

[3] Table XXXI.

midwife was in keeping with her surroundings. She was intoxicated and interspersed her conversation with oaths. She readily agreed to commit an abortion and declared that she had great ability in relieving young girls of their trouble in a short time. She told revolting stories of her practices and spoke of having had very young girls as patients. A further investigation brought out the fact that she had offered an honest midwife $6 out of every $25 she received from patients sent to her. In her application she declared that she had never been arrested on a criminal charge. This statement might have been true, as there was no record of prosecution against her under her present name, but she had acknowledged an arrest to a neighboring midwife. She might have given a fictitious name, which is commonly done. The Board of Health granted this midwife a permit on January 20, 1909.

In another case, a permit had been denied to a clean, well educated Swedish woman 46 years of age. She lived in a tenement amid good sanitary conditions. Her early education consisted of public school training in Sweden, and in the Mission schools in Finland, England and China. Her maternity course was taken in Lund's Maternity Hospital and the Stockholm Maternity Hospital. The following is a quotation from a letter from the Secretary of a missionary society under whose auspices she worked in China:

"Mrs. ——— labored for a few years in China in connection with the ——— Mission. Her husband lost his life at the hands of the Boxers in 1900, after which Mrs. ——— and her children returned to Sweden. Upon the Mission's deciding that Mrs. ——— should not go back to China, she undertook a course of training as a nurse in a hospital in Sweden. Though Mrs. ——— is not now included in our list of missionaries, we continue to make some ministry toward her support each month."

The inspector from the Health Department reported that he found a porcelain fountain syringe, scissors, clamps, ergot and lysol in the equipment bag of this midwife. He also stated that she advertised in Swedish papers. In her affidavit the midwife said she brought the clamps from her home in Sweden, that they had never been used in this country, and that she was perfectly willing to dispose of them. On this evidence the permit was denied. An investigation of this midwife made by two different persons at different times resulted in an indignant refusal to commit abortion.

These two illustrations indicate that only constant supervision and numerous inspections can remedy existing conditions and deal fairly with applicants for permits.

Of the 27 midwives investigated 10 gave the names of schools in New York City and 6 of foreign institutions from which they had received diplomas. In 1907 an inspection was made of one of the

schools of midwifery. The method of instruction consisted of lectures followed by questions and discussions. The course extended over a period of three months, the total charge being $66 in addition to $2.50 for a book. At the end of the term of instruction the prospective midwife was given a diploma. At the time of the inspection the "professor" stated that the Board of Health had always accepted the diplomas of this institution and that examinations were not necessary in the State of New York after the course was completed. When the diploma was received, all a graduate needed to do was to register at the Board of Health and start at once to practice. No instruments were necessary until graduation.[1]

Of 10 graduates of one institution, 9 have been convicted of criminal practices, 1 was discharged, 9 were granted permits by the Board of Health and 1 application was denied. This school was organized in 1883 and is still offering its course of instruction. The 6 graduates of the infirmary and maternity home have similar records. One was fined $50 on a criminal charge, and five recently agreed to commit abortion. All have permits from the Board of Health. The one graduate from the other school of midwifery investigated was indicted by the Grand Jury for manslaughter on March 30, 1909, but a permit was granted by the Board of Health April 21, 1909.

In a report on the "Midwives of New York," Miss F. Elizabeth Crowell says in part:[1]

> The diplomas of most of the New York schools of midwifery are worthless as evidence of training or efficiency on the part of the midwife holding them. In some cases the graduates were unable to read or write. In four of the schools the theoretical knowledge was given by the physician in charge three hours each week. The practical experience was obtained in the homes of the poor who applied for the attendance of midwives during expected confinements. Midwives holding such diplomas told the investigator that they had been sent to their first cases with no supervision of either a physician or experienced midwife.

Violations of the Sanitary Code.—Section 184 of The Sanitary Code of New York City provides that no person unless authorized by law to do so shall conduct a lying-in hospital, home or place for the care of pregnant and parturient women, or *advertise, offer* or undertake to receive and care for them at such place or at his home, without a permit from the Board of Health.[2]

The permit issued by the Board of Health does not allow midwives to take care of patients in their homes, but a special permit is required.

During the months of May and June, 1909, 60 advertisements of midwives were counted in different foreign papers. Of the 27 visited,

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[1] See Charites and The Commons (now the Survey), Jan. 12, 1907.
[2] Appendix XXIII B.

17 advertised to take a patient in their homes or private sanitariums for treatment. Of the 17, the Department of Health had issued permits to practice as midwives to 8, in one case the application was pending, and in 8 cases there was no record of them in the Department.

One of the most flagrant cases was that of a midwife who had 10 beds, six of which were occupied by short time of abortion cases at the time of the investigation. This midwife was prosecuted in 1907 and again in 1908. She had no permit, nor is there any record of her name in the Department of Health. Another instance was that of a midwife who maintained a private sanitarium on Staten Island. She advertised from a New York address near the down town department stores and was at this place during the noon hour three days each week. She did not have a permit nor is there any record of her name in the Department. Another midwife advertised under two different names. She had been granted a permit under one name, but there was no record of the other name in the Department.

Of the 27 midwives who advertised 6 were Germans, 2 Swedish, 1 French, 1 Polish, and one received her elementary training in Italy. The nationality in 16 cases was not given. Fourteen of them were found in tenement houses which contained 172 families. The largest number of families in one house was 25.

Criminal Practices.—Athough a violation of the abortion law carries a maximum penalty of four years imprisonment, some of the midwives apparently do not fear its effects. Of the 23 who agreed to perform abortion, the following were the charges stipulated:

(1) Two months, treatment, 3 days, terms, $60. (2) Two months, 2 treatments at $10 each at home, $50 for 8-day treatment at private sanitarium. (3) Three months, treatment 7 days, terms, $25. (4) Three months, treatment 4 days, terms, $40. (5) Three months, terms, $35. (6) Three months, treatment 8 days, terms, $75. (7) Three months, length of time not given, price charged not given until end of service. (8) Four months, treatment 24 hours, price not given. (9) Would commit abortion up to 6½ months, price not given. (10) Three months, treatment 2 days, terms, $25. (11) Three months, treatment 24 to 48 hours, terms, $25. (12) Three months, treatment and price not given. (13) Three months, 3 days, terms, $50. (14) Four months, length of treatment not given, terms, $15, if secrecy is observed. (15) Three months, treatment 7 days, terms, $50. (16) Three months, treatment 7 days, terms $35 in patient's home, $50 in private sanitarium. (17) Three months, treatment 3 days, terms, $25. (18) Five months, treatment 7 days, terms, $60.

(19) Three months, treatment 2 days, price not given. (20) Two months, treatment and terms not given. (21) Three months, length of treatment not given, terms, $40, including board and room. (22) Three months, length of treatment not given, terms not given. (23) Three months, length of treatment not given, terms, $15. The treatments vary. Some use drugs in liquid or pill form, others instruments of rubber or steel, and others douches of different kinds. One midwife piously declared that she cured her patients entirely by faith, for the application of which she charged $60.

Records Since the Passage of the Law.—The new law providing for the inspection and regulation of midwives went into effect June 6th, 1907. The records in the Coroner's office in Manhattan from June 1, 1907, to March 31, 1909, show that there were 72 deaths from abortions during this period. Of this number 36 were criminal, and 36 were the result of natural causes or accidents or no classification was given. The number due to the practices of midwives was not known. During this period, 227 fœtus were found in various parts of Manhattan and taken to the Morgue.

The record of prosecutions for abortion in the Court of General Sessions shows that from 1907 to June 30th, 1909, after the passage of the midwifery law, 25 cases were considered. Of this number, 5, or 20 per cent., were convicted; 3, or 12 per cent., were acquitted; 12, or 48 per cent., were discharged by the Court; and 5, or 20 per cent., were discharged by the Grand Jury. It was not possible to determine how many of these prosecutions were directed against midwives.[1]

Enforcement of the Law.

The system of inspection and regulation adopted by the Board of Health has not remedied the evils in connection with immorality, as shown by Miss Crowell in 1907. This is partly due to lack of appropriation. The granting of permits to persons already convicted or under indictment shows a lack of co-operation between the Department, District Attorney and County Medical Society. The statement of the applicant regarding her record is not sufficient.

The rule of evidence required, as in other laws, plays an important part. It must be shown by corroborative evidence that an actual abortion was attempted or committed upon a pregnant woman. It is almost impossible to secure this kind of testimony, for the act is invariably committed behind closed doors, and if there be any witnesses they are always loath to testify. The victim herself is reluctant to testify, because by so doing she incriminates herself and becomes

[1] Table XXIX.

liable to punishment. The method of securing proper evidence by detectives is also difficult, owing to the constant suspicion of midwives. When a midwife is arrested, the information seems to spread, and on the day of the trial the court room is filled with midwives who come to see the witnesses in the case. In this way they soon learn to know the detectives employed by the County Medical Society and others, so that new ones have to be constantly engaged, and competent women are hard to find.[1]

A number of midwives live among colonies of foreigners, and unless there is constant and painstaking supervision over them, they escape detection and prosecution.

A protective association among midwives furnishes legal advice and aid to members accused of criminal practices.

The question has been raised whether the law regulating public nuisances cannot be applied to midwives. The decision of Justice Lambert, of the Appellate Division of the Supreme Court, in 1907, previous to the passage of the present law, in the case of the People against Elsie Hoffman, a midwife, is the first instance in New York State where a house operated by a professional abortionist has been declared to be a public nuisance. In this case it was shown at the trial that during the time between January and May, 1907, 50 or more women were brought into the midwife's house for the purpose of abortion, and at one time a woman died there. The midwife was convicted, and sentenced to prison for one year, and fined $500 on the specific charge of maintaining a public nuisance, a place for committing abortions.[2]

In passing sentence, the judge said, in part:

"It is difficult to imagine what could more offend 'public decency' or endanger the 'health or safety of any considerable number of persons,' and be more at variance with the 'order and economy of the state' than the conduct of the defendant at the premises. The crime for which the defendant was convicted is one that is held in public detestation, and if allowed to exist, would undermine the moral sense of the entire community. The defendant argues that no case has been found in the books wherein a conviction for a public nuisance had been sustained on facts akin to those now presented. There is no reason why the decision should not now be made and so fill up and gap in the law which may previously have existed. The authorities, however, have laid down certain general principles which clearly sustain the conviction."

In commenting upon the decision, the Counsel for the County Medical Society, said that it "gives the Police Department a weapon never before used, and which will enable the Department to suppress every such place in New York City, as a public nuisance, without in

[1] See The Midwives of New York, Charities and Commons (now the Survey). —Jan. 12, 1907.

[2] Supreme court, Appellate Division, First Department—The People of The State of New York, Respondent, against Elsie Hoffman, Defendant.

any way proving actual abortion as has been considered necessary heretofore."

SUMMARY.

It is apparent from this brief study that while numerous applications have been made for licenses they have been granted in only about 27 per cent of the cases. There is, on the other hand, little fear on the part of some midwives of the new law, which aims to regulate the practice of midwifery, and institutions which give diplomas to inexperienced and incapable midwives still flourish. Criminal practices still continue, and advertisements are inserted by midwives in the daily press as formerly. There have been a number of prosecutions, and the percentage of convictions is high. The most marked improvement has been in the sanitary conditions. The proper regulation of midwives requires the constant efforts of a considerable force of inspectors in the Department of Health, extensive co-operation on the part of the police, and the active interest of citizens, because of the difficulty of securing evidence.

ABORTION LAW.

The law regulating midwives and the general law regulating abortion are supplementary. It is frequently said that the term "midwife" and "abortionist" are synonymous in New York City. The study of the abortion law as it is applied to physicians, druggists and others than midwives has therefore been necessary. The data are separated into two periods, the first dealing with conditions from January 1, 1901, to December 31, 1906, prior to the passage of the Midwifery Law; and the second with conditions from January 1, 1907, to June 30, 1909.

CONDITIONS PRECEDING THE PASSAGE OF THE MIDWIFERY LAW.

In the report on "The Midwives of New York," by Miss Crowell, previously quoted, which covered conditions existing prior to December 31, 1906,[1] the investigator declared on good authority that there were no less than 100,000 abortions committed annually in New York. Among those responsible for this practice she included midwives, physicians, druggists, clairvoyants, fortune tellers, palmists and masseuses. In defending this statement, she said that the offenders numbered approximately 1,000 professional abortionists. This statement did not appear to be an exaggeration for the reason that notorious and successful abortionists perform as many as 100 or more

[1] See page 102.

operations a month. That abortions were common during the period investigated is also shown by the apparent freedom with which midwives, physicians and medical companies advertised in papers published in English and foreign languages.

An examination of the records of the County Medical Society from January 1, 1901, to December 31, 1906, shows that during this period it prosecuted 25 cases, as follows: Physicians, 13; druggists, 7; managers of medical companies, 2; osteopath, 1; palmist, 1; and 1 not given. Eleven were fined or both fined and sent to prison; 5 received prison sentences without fines attached, 2 were acquitted, 5 were discharged and in 2 cases there was no disposition. The largest fine imposed was $500 and a prison sentence of 3 months, the smallest fine $50. The longest prison sentence was 1 year, the shortest 30 days.[1]

PREVAILING CONDITIONS.

Records.—From January 1, 1907, to June 30, 1909, the period studied after the passage of the Midwifery Law, the records of the Coroner's office showed that there were 72 deaths from abortion.

During a similar period the Court of General Sessions disposed of 25 abortion cases. Of these 5, or 20 per cent., were convicted; 3, or 12 per cent., were acquitted; 12, or 48 per cent., were discharged by the Court and 5, or 20 per cent., by the Grand Jury.[2]

The County Medical Society prosecuted 17 cases in the Courts of General and Special Sessions from January 1, 1907, to June 30, 1909. Of this number 9, or 52.9 per cent., were fined or both fined and sent to prison; 2, or 11.8 per cent., were sentenced to prison without fine; 1 was acquitted, 1 sentence was suspended, 1 committed suicide; 1 was discharged by the Court, 1 by the Grand Jury and in 1 case no disposition was given.[3]

Prior to 1908, the Society for the Suppression of Vice, destroyed 42,233 boxes of pills, powders, etc., used by abortionists, and during 1908, about 53,000 circulars, 142,000 booklets advertising abortion pills and about 5,572 boxes of pills.[4]

The records of these two societies constitute the chief activity in the enforcement of the abortion laws.

Physicians.—It is known that a number of physicians work with midwives. They are called upon to assist at critical periods and to help them when they are in trouble with the authorities. There are

[1] Table XXXII.
[2] Table XXIX.
[3] Table XXXII.
[4] Report of The Society for the Suppression of Vice, 1909, p. 13.

also a considerable number of physicians who practice abortion as a specialty, and it is the belief among those who are familiar with the subject that this number is steadily increasing and that physicians are competing with midwives for this business. The new Midwifery Law has aided in this, for it contains a definition of the practice of medicine which it formerly lacked, and the enforcement of this clause tends to turn over to physicians much of the abortion practice which the midwives had before its passage.

A man identified with the drug business stated that he knew a number of physicians who were employed in performing criminal operations. Many of them lived in the vicinity of large drug stores and had an understanding with the drug clerks who gave the physicians' addresses to women who attempted to purchase abortion drugs. One physician whose advertisement recently appeared in a weekly paper published in New York City stated that he was a man of "skill and discretion and could be absolutely relied upon in cases of emergency."

The following cases are typical of the activity of such physicians:

The first instance is that of a professional abortionist living on the East Side. Not long ago a baker took a foreign girl of 16 years to this physician for a criminal operation. The girl was then sent by the physician to the home of an Austrian woman where she was kept for eight days. When the girl returned home, suspicion was aroused which finally resulted in the arrest of the physician, the supposed nurse and the baker, the latter on the charge of rape. The physician was acquitted, and the woman and the baker discharged on their own recognizance, all for lack of evidence. The woman who received the girl under her care after the operation was not a midwife, nor even a trained nurse. A probation officer who has had long and varied experience says that there are many foreign women of no training whatsoever in the city who make a business of nursing girls who have had abortions performed by physicians.

The second instance is that of a prominent specialist. He does a flourishing business and advertises in an open and flagrant way. His advertisement assures all prospective patients that his medicines at $2 per box are guaranteed to cure all irregularities or obstructions, no matter from what cause they may originate, without operation, pain or use of instruments. He further announces that diplomas signed by leading physicians in America and Europe are in his office for inspection. The authorities have made many efforts to prosecute him. One of these efforts was successful in 1905 and he was fined $50 on the charge of selling abortion drugs. On May 29, 1909, an investigator visited his office, in answer to his advertisement, and learned that the charge for treatment was $75. The physician's wife advised against using a midwife, even if it was cheaper, because it would not be safe.

Druggists and Abortion Drugs.—The druggists of the city, especially small proprietors on side streets and avenues, make a practice of openly selling abortion drugs. In some cases they exercise caution but as a rule anybody can buy the drugs without a physician's prescription and as freely as anything else in the store. It is claimed that druggists are forced to sell drugs of this description because of the competition with large drug stores which cut prices.

Another temptation is the large profits from the sale of medicines of this kind. A drug clerk of considerable experience declared that a number of druggists sell abortion drugs in bottles without labels, to avoid exposure. If the customer asks to have the label put on the bottle the proprietors immediately become suspicious. Drug stores of this class have a large trade in abortion drugs, and the following drugs are in demand for this purpose:

Ergot is sold on prescription from a physician, or without if the druggist is not suspicious. "Emmenagogue Pills" are sold in any drug store, 24 in a bottle. Tanzy, pennyroyal and ergot in pill form are used. Tanzy and penny royal tea are sold indiscriminately to the general public. Ergo Appiol is stated to be a sure abortion drug, often prescribed by physicians. It comes in capsule form and is sold over the counter to the general public and on prescription. Elamef is a drug sold in an ingenious way by crafty druggists. It is the word "female" spelled backward, and all one has to do to obtain it is to give this name. Cottonwood bark is a fluid extract, and a powerful abortion drug. It is used extensively by negroes and is a product of the South. Some druggists sell it on prescription, others will sell to the general public without question.

Advertisements.—Many of the advertisements which pretend to correct menstruation are merely blinds for the sale of abortion drugs. Another method is for a druggist to give away or sell for 5 cents a small package of tanzy or pennyroyal tea. The booklet is enclosed in the package and describes the pills in such terms as the following:

"SAFEST, SUREST AND MOST RELIABLE EMMENAGOGUE."

"Emmenagogue is a specific drug which acts *directly* and *powerfully*, at the same time *safely* and *promptly*, *speedily* and *effectually* relieving prolonged suppression of and re-establishing or restoring the menstrual periods or monthly sickness without any injurious after effects. As a *preventive* of *irregularities* they are *indispensable*."

In the sporting papers more open advertisements appear calling attention to these drugs. The Police Gazette, published in New York City and circulating through the mails as second class matter, ran six advertisements of this nature under date of June 19, 1909, one of which was as follows:

"LADIES: $1,000 Reward! I positively guarantee my never-failing ERGO-KOLO MONTHLY REMEDY. Safely relieves longest, most abnormal cases in 3 to 5 days, without harm, pain or interference with work. Mail, $1.50. Double strength, $2.00. Booklet free. Dr. R. ——— Co."

Abortions and The Social Evil.—There can be no doubt that criminal abortions are constantly being performed by some midwives and physicians and that abortion drugs are freely sold by some druggists to the general public. The question arises whether or not

abortion tends to turn women who have resorted to it, to a life of professional prostitution. There can be little doubt that the commission of such acts undermines the moral sense. Women probation officers in New York City, speaking from their experience with hundreds of women, declare that the practice of abortion does bear a vital relation to the social evil, and definite instances have been found where women have gone from midwives' homes into houses of prostitution for the first time.

Enforcement of the Law.

There is perhaps no law bearing so vital a relation to health, morality and to commercialized vice, which is so little enforced. The ratio of prosecutions to those who commit abortions is so small as to be practically negative in its results. Fundamentally anti-social and anti-racial, this form of vice arouses less public repugnance than the disorderly house or the "Raines Law" hotel. This is partly true because such a large percentage of abortions are performed not to avoid shame, or upon prostitutes, but within the family itself. The relation of abortion to prostitution is not more vital than to the family life and morality. There is a tolerance of this form of immorality which makes enforcement of laws impossible, even of those dealing with the miscellaneous sale of drugs for the purpose.

Causes of Non-Enforcement of Laws.

There are many difficuties in the way of securing enforcement of laws. This is especially true with regard to physicians. They are more or less protected by the law and without arousing suspicion can have about them the means for the practice of abortion, such as instruments and drugs, while the mere presence of this equipment in the hands of the midwife is sufficient to establish grounds for denying a permit. Again, the physician can assert that no abortion was attempted, even if caught in the act of using instruments unless it can be proved beyond a doubt that the patient was really pregnant, a fact almost impossible to establish until the fourth month.

It is practically impossible to apprehend physicians, medical companies and others who advertise instruments and drugs. These announcements are so worded as to shield both the publisher and the advertiser. The advertisement of the specialist noted above has been appearing in one form or another for several years, and is so worded as to mean anything or nothing as to criminal abortion. The fact remains that those who desire the services of an abortionist can read between the lines and patients are secured as easily as though the

advertisement offered to perform abortion. The postal authorities have in times past succeeded in preventing the publication of suspicious advertisements of this character in certain papers, but they soon appear again under different names and in other publications.

SALE OF DRUGS LAWS.

The illegal sale of cocaine, morphine and opium, and their use by immoral women and men is a matter for serious consideration in connection with the social evil. Any comprehensive treatment of this subject must take into consideration the fact that many of the victims of this evil are lured into it in the first instance through the use of drugs.

ABSTRACT OF THE LAW.

Two laws regulate the sale of drugs. The first is Sections 1533, 1745 and 1746 of the Penal Law, which provide that it is unlawful for any person to sell, furnish or dispose of any cocaine or mixture of cocaine and other drugs except upon the written prescription of a duly registered physician.[1] When such a prescription is issued it must be retained by the person who dispenses the drug and must not be used again nor a copy given to any person. In addition to this, the law provides for certain regulations regarding the distribution of this drug by wholesale dealers. The violation of this section of the law is considered a felony and the punishment is imprisonment for not more than one year or a fine of not more than one thousand dollars, or both.

The section of the law regarding opium and morphine provides that any person who maintains a building or place where opium is sold, given away or smoked, is guilty of a misdemeanor. A person is also guilty of a misdemeanor who refills more than once prescriptions containing opium, morphine or preparations of ether, except on the written or verbal order of a physician.

In addition to these provisions of the Penal Law, Section 182 of the Sanitary Code of New York City expressly forbids the sale at retail of cocaine or salt of cocaine either alone or in combination with other substances except upon the prescription of a physician.[2]

PREVAILING CONDITIONS.

Records.—The only court records studied relate to the prosecutions for violation of the law regarding the sale and use of cocaine, covering the period from January 1, 1909, to June 30, 1909. During this

[1] Appendix XXV.
[2] Appendix XXV A.

time 28 persons were tried for these offenses in the Court of General Sessions. Of these 1 was fined, 12 were sent to prison, 3 were sent to a reformatory, 3 were acquitted, 3 were put on probation or sentence was suspended, and 1 was a bail forfeiture; in 3 instances the disposition was not given, and in 2 cases the Grand Jury failed to bring in an indictment. The longest prison sentence was for one year; the shorest, one month. The largest fine was $500. Of the 28 apprehended, three were women. The occupation of two of the women was given as housework; of the other as laundry work. The men were druggists, waiters, printers, plumbers, clerks and laborers. 25 were charged with the illegal sale of cocaine, and the remaining 3 with using the drug.

The record of sales of cocaine by a few prominent wholesale druggists from January 1, 1908, to January 29, 1909, shows that 6,045 ounces were distributed among 25 physicians and druggists. The largest amount sold to one firm was 1,592⅞ ounces. This firm is located on the Bowery. The next largest amount was 1,452 ounces to a down-town firm, and the next 1,271¾ ounces to a place in Harlem.

The court records above cited show that some of the persons to whom cocaine was sold by wholesale dealers have been prosecuted for illegal selling. One instance was that of a druggist on West 8th Street. He was indicted November 5th, 1908, and was tried in March, 1909. He pleaded guilty to the charge of selling cocaine to an old man and was fined $250 and sent to prison for five months. The fine, however, was remitted.

Another case was that of a physician in Brooklyn. He is credited on the list with a purchase of 318½ ounces of cocaine. During the summer of 1909 his home was raided by detectives and cocaine valued at nearly $100 was seized. Both the physician and his wife were held by the magistrate.

An investigation was made of another druggist whose name was on the list as purchasing 50 ounces of cocaine. It was stated that he had been arrested three or four times for illegal selling. His chief customers were immoral women who lived in the neighborhood.

Field Study.—This study was made with a view to determining to what extent cocaine, morphine and opium were used by immoral women and the men who associated with them, rather than its use in general, though it is recognized as a cause of immorality. It was found that many of the prostitutes who pass through the Magistrates Courts in Manhattan are victims of the drug habit in some form. They acquire this habit by first smoking cigarettes and gradually fall into the use of some drug through the example and per-

suasion of the "cadets" or protectors with whom they live. When these women are arrested many methods are used by protectors to furnish them with the drug to which they are accustomed. In one instance a woman received a box of food which when examined was found to contain sandwiches filled with cigarettes in which the drug was concealed.

Another case found was of a girl seventeen years of age who was arrested as an ungovernable child. The man with whom she lived came to the prison with a package which proved to be the end of a loaf of bread filled with cigarettes and a small package of cocaine. The man was arrested. It was shown in the testimony that he was a cocaine fiend and that he distributed cocaine to street women, especially on the Bowery. These women were in the habit of coming to his rooms in Harlem for small packages of the drug, for which they paid 25 cents each. This man had a young son in his home who mingled with the women and was also a victim of the habit.

Another man posed as the brother of a woman who was arrested as a prostitute. He had lived with her two months and had taught her to use cocaine. She was sent to a home and became almost crazed when deprived of the drug.

The use of opium is very common among prostitutes in this city. An investigator talked with a number of women who frequent "Chinatown," who asserted that their first step toward prostitution began with smoking opium, given to them by Chinese and white victims of the habit. Probation officers say that it is astonishing to find that many of the young girls of the street are either victims of the drug habit in some form or are just beginning to use it. This is partly explained by the fact that many young men are addicted to the habit, and they in turn teach the girls even before they put them on the street.

ENFORCEMENT OF THE LAW.

For some time the Health Department, under a provision of the Sanitary Code, had the full responsibility for the enforcement of the law. Then a statute was passed making the matter a police measure and increasing the severity of the punishment. Since that time the Health and Police Departments have co-operated with each other and with the District Attorney in the enforcement of the law. During the spring of 1909, the sanitary superintendent in an address pointed out the spread of the evil and the difficulties of checking it in the city. As a result of this publicity, a woman citizen placed several thousand dollars at the disposal of the Health Department for the purpose of conducting a campaign against the illegal sale of cocaine. Since

receiving the money, the health authorities have been very active in apprehending offenders and some effective work has been accomplished. The evil nevertheless continues to spread.

The judges of General Sessions favor efforts to bring violators of this law to justice when the evidence is sufficient. One of the judges in sentencing a woman who had been found guilty said:

"I am absolutely against people who traffic illegally in this terrible drug and I will give all offenders the full benefit of the law whether they plead guilty or are found guilty, and none need expect mercy at my hands."

CAUSES OF NON-ENFORCEMENT OF THE LAW.

These may be classified as follow:: (1) Difficulty of securing evidence. (2) Lack of funds. (3) Lack of co-operation between prosecuting authorities and wholesale dealers.

The difficulty of securing evidence is probably the chief impediment. Practically every user of the drug shows the effect of it in some way. Druggists and individuals who offer the drug for sale easily recognize these victims and are careful in selling to any others. This fact is recognized by the authorities and since the Health Department has received funds to carry on the work of prosecution it has been most successful when it has secured the services of cocaine fiends themselves in detecting guilty persons. Previous to the receipt of a fund from private sources, the work of detection and prosecution by the Health Dpartment was hampered and often rendered ineffective because of a lack of funds.

As shown by the records, several druggists and individuals are able to buy large quantities of cocaine from wholesale dealers, in spite of the fact that they had previously been convicted in the courts for illegal sales.

SUMMARY.

This study has not considered the evil effects due to the careless and frequent prescriptions made by physicians to relieve pain nor the growth of the use of the drug among respectable members of the community, although it is well known that cocaine weakens the moral sense and in this way panders to vice. There is no doubt, however, that its use by immoral women makes their lives more tolerable, and that many of the patrons of disorderly places also come to use the drug. More vicious forms of immorality, more abnormality, are therefore introduced. The efforts made to check it are not successful because only its sale is regulated and little record is kept of the amounts used. The enforcement of so important a health measure cannot be wholly effective if dependence for the funds to enforce it must come from private sources.

CHILDREN

In addition to the laws designed to protect the family, there are a number which directly protect children against vice, whether it it is brought to them through force, knowledge or temptation. These include the laws against Rape, Kidnapping and Abduction. A second class of laws protects children at work.

RAPE, KIDNAPPING AND ABDUCTION.

Although seemingly very different, these laws are grouped together for the reason that in prosecutions, they are used interchangeably. If the stronger charge cannot be proved, and convictions obtained on the weaker charges, carrying less severe penalties, they are substituted for the stronger charge.

Provisions of the Laws.

Sections 2010-2012 of the Penal Law relating to rape, provide that a person who perpetrates an act of sexual intercourse with a female not his wife, against her will or without her consent, is guilty of rape in the first degree, and is punishable by imprisonment for not more than twenty years; a person who perpetrates such an act upon a female, not his wife, under the age of eighteen, under circumstances not amounting to rape in the first degree, is guilty of rape in the second degree and is punishable with imprisonment for not more than ten years. No conviction for this crime can be had against one under the age of fourteen, unless physical ability is proved as a separate fact.[1]

The Kidnapping Law provides that a person who wilfully seizes, confines, inveigles or kidnaps another, to be secretly confined or sold as a slave, or leads, entices or detains a child under the age of sixteen, is guilty of kidnapping and is punishable by imprisonment for not less than five years nor more than fifty years.[2]

The Abduction Law provides that a person who takes, or receives a female under the age of eighteen years for the purpose of prostitution, or, not being her husband, for the purpose of sexual intercourse; or inveigles an unmarried female of previous chaste character into a

[1] Appendix XXVI.
[2] Appendix XXVII.

house of ill-fame, assignation or elsewhere for this purpose; or takes or detains a female unlawfully against her will to marry him or to marry any other person or to be defiled; or having legal charge of such female consents to her being taken or detained for this purpose, is guilty of abduction, and punishable by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or both. No conviction can be had on unsupported testimony.[1]

Conditions Preceding the Passage of the Laws.

Probably the most active agent in securing the passage of the laws in New York State affecting the welfare of girls between the ages of 16 and 18 is the New York Society for the Prevention of Cruelty to Children. In 1877 the prevalence of crimes against children attracted the attention of a group of men who were interested in social welfare, and it was found that there were no laws adequate to meet the situation. Since that time, the laws, especially those relating to rape and abduction, have been constantly amended. At first the age of consent was placed at 13 years, then it was advanced to 14 and afterwards to 16 years. These amendments and changes were obtained through the efforts of the New York Society for the Prevention of Cruelty to Children. Later on, the White Cross and Social Purity League formulated an amendment to the law, making the age of consent 18 years. While the sponsors for the previous amendments did not favor the new law, they did not oppose it, and it became a law.

Prevailing Conditions.

Records of Kidnapping.—From January 1, 1906, to June 30th, there were 434 cases disposed of by the Court of General Sessions and Grand Jury. Of this number, 92, or 21.2 per cent., were convicted; 38, or 8.7 per cent., were acquitted; 172, or 39.6 per cent., were discharged by the court; 108, or 24.9 per cent., were discharged by the Grand Jury; 12, or 2.8 per cent., were discharged on bail; 3, or .8 per cent., were bail forfeitures; in 1, or .2 per cent., the indictment was dismissed; 1, or .2 per cent., was sentenced on another indictment, and in 7, or 1.6 per cent., sentence was suspended.[2]

The cases tried from January 1, 1909, to June 30th, 1909, illustrate the nature of the sentences imposed and the circumstances. Of the 15 persons sentenced either to prison or to the Elmira Reformatory, 12 entered the plea of guilty, but only one was convicted on the charge of rape in the first degree. This was a flagrant case and the evidence

[1] Appendix XXVIII.
[2] Table XXXIII.

was conclusive, and he was sentenced to not less than 15 nor more than 20 years in prison. The other charges were for rape in the second degree, assault or both assault and abduction. The shortest prison sentence was 1 year and 2 months, nor more than 3 years and 2 months. All of the seven whose sentences were suspended pleaded guilty to the charge. The ages of the girls ranged from 7 to 17, and they were school girls or household or factory employees where the character of the occupation was stated. The nationalities of the men were predominately American, Italian and Russian.[1]

Records of Kidnapping.—From January 1, 1906, to June 30th, 1909, there have been only 14 cases on this charge disposed of by the Court of General Sessions and Grand Jury. Of these 4, or 28.5 per cent., were convicted; 1, or 7.1 per cent., was acquitted; and 6, or 42.8 per cent., were discharged by the Grand Jury. None of these cases was disposed of during the first 6 months of 1909.[2]

Records of Abduction.—From January 1, 1906, to June 30, 1909, 141 cases were disposed of by the Court of General Sessions and Grand Jury. Of this number, 48, or 34 per cent., were convicted; 5, or 3.6 per cent., were acquitted; 43, or 30.7 per cent., were discharged by the Court; 41, or 29.1 per cent., were discharged by the Grand Jury; 2, or 1.4 per cent., were discharged on bail; 1, or .7 per cent., was a bail forfeiture and in one case no disposition was given.[3]

Of the 22 cases tried from January 1, 1909, to June 30 1909, 7 were convicted. The longest prison sentence imposed was for 6 nor more than 9 years; the shortest was for 2 years and 3 months nor more than 3 years and 3 months. Of the seven cases in 1909, in which the facts were given, the ages of the abductors ranged from 18 to 31, all young men: 3 were Americans, 2 Italians, 1 Chinese and 1 Irish.[4]

PREVAILING CONDITIONS.

It was not possible for the Research Committee to ascertain the proportion of these convictions to the number of crimes committed. In the investigation of the "cadets" it was learned that force and drugs are resorted to in order to induce women to enter into prostitution and that "Raines Law" hotels are the scenes of such acts. A study was therefore made of the evidence in some of the rape and abduction cases to ascertain if the men prosecuted were "cadets" and if these laws were being used against men interested in the business of prostitution.

In the majority of cases the evidence showed that the crime was

[1] Table XXXIV.
[2] Table XXXV.
[3] Table XXXVI.
[4] Table XXXVII.

committed as a result of uncontrolled passion, and not with the deliberate intent to have the woman become a prostitute. The accused as a rule were ignorant, or abnormal in their vicious tendencies. In a few instances it was clear that the offenders had deliberately enticed young women from the neighborhood into their flats or rooms and induced them to receive the attentions of men for a money consideration. The following cases are illustrations:

The victims were two girls 15 years of age. The defendant, a woman, induced the girls to come to her apartment, where she said somebody wished to see them. When they came she sent for men to come in, telling them that these men would give them money which they must divide with her. On one occasion one of them was told by the woman that the man was the landlord and if she yielded he would give her money and would also cancel the debt she owed for rent. The man was brought in by the janitor of the tenement. He usually gave the girls from 35 to 50 cents. One of the other patrons of the place once compelled a little girl at the point of a revolver.

A young woman was spending the evening in a Harlem concert hall, when the proprietor introduced her to a "racetrack man." The girl said that her drinks had been drugged and that she did not know how she came to be in a bedroom connected with the concert hall with the man. The proprietor gave her $50 to keep quiet about the matter. She is now a professional prostitute.

While there is undoubtedly much crime committed which falls within the province of these laws, it is also true that some of the young women are willing to be "abducted" and prosecutions are fewer for this reason. One probation officer says:

"The low moral standard of young girls living in the tenements of this city is absolutely appalling. The girls under my charge and those I meet do not seem to have the slightest feeling of shame or humiliation when the secrets of their relations with the boys and men are brought to light."

This is further shown by their attitude in court. On one occasion a group of young street walkers were brought in to the Night Court. While waiting to appear before the magistrate they laughed and winked at some of the men who stood near. When discharged with a reprimand and a caution to go to work, they smilingly left the court room. The majority of the sixteen girls in the group appeared to be very young.

ENFORCEMENT OF THE LAWS.

This enforcement of the laws is vested in the New York Society for the Prevention of Cruelty to Children and in the District Attorney. Since the amendment went into effect making the age of consent 18 years, there have been few successful prosecutions. The laws are practically inoperative so far as the age clause is concerned. The reason given is that juries are unwilling to believe that rape is committed upon a girl of 18 years of age in full possession of her facilities, unless she is unconscious or under the influence of drugs, and unless it can be shown beyond any doubt that she was forced, the case will not stand. More convictions, therefore, have been obtained under the 16 year limit.

When cases are taken up immediately and there is some individual or association interested on behalf of the girl, it has been shown that the age limit of 18 years acts as no barrier. In November, such a decision was obtained, but much of the evidence was obtained through the intervention of an outside agency. Every effort possible is made to defeat the law. In a case brought to the attention of the Research Committee, the case was dismissed because the girl who was the complaining witness was locked up in a cell with the defendant. The girl was threatened and told that she would be sent to Bedford if she told the truth, and she told a different story on the witness stand.

Under these circumstances the papers in rape and abduction cases must be very carefully drawn in order to secure convictions. Usually three separate charges are prepared, one of rape in the first degree, one of rape in the second degree, including assault,[1] and one of impairing the morals of a child. After a consultation with the judge, the charge that is most likely to result in conviction upon the evidence obtainable is pressed at the trial.

The charge of rape in the first degree is seldom entered because of the severe penalty attached and the difficulty of securing the evidence required under the law. The evidence usually required is that of a physician or eye-witness and the date must be set forth. It is stated that judges are unwilling to send a man, especially a young man, to prison for a term of 20 years upon the testimony of a girl of 15 or 16 years of age. They hold that there are many street walkers of that age in New York City and unless the corroborative evidence is of the strongest character they charge the jury favoring acquittal. It is asserted that this attitude is based on the loose way in which the present law relating to rape is drawn, since the whole effect of the law is weakened by the omission of the words "of previous chaste character." One judge of General Sessions asserted emphatically that he would not give any man the full penalty under the present law, so long as he was on the bench.

Even convictions on the charge of rape in the second degree and abduction, which carry a penalty of 10 years or less in prison, are rare because of the nature of the evidence required. Therefore the cases where the evidence is not of the strongest are brought in Special Sessions on the charge of impairing the morals of a child, which act is a misdemeanor. This law is therefore the one most frequently used, and results in some convictions. Greater latitude is allowed in the evidence required. The act may have been committed within

[1] Appendix XXXIV.

a reasonable period, and the mere fact of finding a vicious man with a young girl under compromising circumstances is in some instances sufficient to secure a conviction for a year or two in prison.[1]

These laws, while unquestionably protecting children in some measure, are apparently not much used against men whose business it is to exploit women.

LABOR LAWS.

There is a second group of laws which protect the child from vice with which he may come into contact through his employment, and a law which gives him a separate court, so that he may not be thrown indiscriminately with adult criminals.[2] In this group of laws are included Endangering Life and Health of Child, Messenger Boys, Hours of Labor, and Labor in Mercantile Establishments.

Endangering of the Life and Health of the Child.—Section 483 of the Penal Law, which regulates both employment and morals, provides that any person who wilfully causes or permits the life of any child actually or apparently under the age of sixteen to be endangered, or its health to be injured or its morals depraved, or who wilfully permits such a child to engage in an occupation in which its health is likely to be injured or its morals impaired is guilty of a misdemeanor.[3] As has been shown, this provision is used in crimes against young girls when convictions are believed to be impossible under the more drastic provisions relating to rape, abduction, kidnapping, etc.

Section 484 of the Penal Law, as amended in 1909, prohibits any person from admitting or allowing any child under the age of 16 to remain in any dance house, concert saloon, moving picture performance, or in any place where wines and liquors are sold or given away, or in any place of entertainment injurious to health or morals, unless accompanied by parent or guardian. Any child found in such places or in the company of reputed thieves or prostitutes may be sent to a charitable reformatory or other institution.[3]

It was not possible to obtain from the Society for the Prevention of Cruelty to Children the records showing the extent to which this law is enforced and to what extent it acts as a preventive. It has great potentialities for the protection of children. The investigation of dance halls shows that numbers of young girls within the age limit of the law frequent them and summer resorts and might well come under the terms of the law.

[1] Appendix XXX.
[2] Appendix XXIX.
[3] Appendix XXX.

Minors.—Section 161 of the Labor Law provides that no child under the age of 16 shall be employed in connection with any mercantile establishment, business office or telegraph office, restaurant, hotel or apartment house, or in the distribution or transmission of merchandise for more than fifty-four hours in any one week or more than nine hours in any one day, or before seven o'cock in the morning or after ten o'clock in the evening of any one day. In cities of the first class no such child may work after seven o'clock in the evening. Any person violating this law is guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than fifty dollars; and for the second offense by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than thirty days, or both; and for the third offense by a fine of not more than two hundred and fifty dollars or by imprisonment for not more than sixty days, or both.[1] Without this law, late hours, being on the street at undesirable hours, and associating with undesirable persons might be attributed to the necessity and conditions for work. It unfortunately is limited to certain occupations.

Messenger Boys.—Sections 488 and 490 of the Penal Law is aimed directly at one of the greatest dangers. Section 488 provides that any corporation or person employing messenger boys who knowingly places or permits to remain in a disorderly house or unlicensed place where malt or spirituous liquors are sold, any instrument or device by which communication may be had between such disorderly place and any office or place of business of such corporation or person is guilty of a misdemeanor. Section 490 provides that any corporation or person which employs messenger boys who knowingly sends or permits any person to send messenger boys to a disorderly house or unlicensed place where liquor is sold, on any errand or business whatsoever, except to deliver telegrams at the door of such a house, is guilty of a misdemeanor and incurs a penalty of fifty dollars, to be recovered by the District Attorney.[2]

CONDITIONS PRECEDING THE PASSAGE OF THE LABOR LAW.

In referring to the conditions previous to the passage of the present labor law, the New York Child Labor Committee stated that it had found it impossible to enforce the provisions of Section 488 of the Penal Law relating to messenger boys, and that the law was practically a dead letter.

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[1] Appendices XXXII, XXXII A.
[2] Appendix XXXI

The result of an investigation conducted by the New York Child Labor Committee in 1902-1903 showed that messenger boys were at the beck and call of the women in disorderly houses. While waiting to receive messages or to have them signed, they were compelled to witness scenes of the most abandoned licentiousness. Occasionally, they were urged, even forced, to join in the drinking. These conditions prevailed especially in the "Tenderloin," where the tips were larger and the opportunity to overcharge on messages was more frequent. When sent out to buy wine, champagne or whiskey the boys learned of places where they could buy a pint of Mumm's champagne for one dollar and forty cents, for which they charged the woman who sent them $2, the market price, or where they could buy a quart bottle for $2.70, which commonly sold for $4.[1]

The report further stated that the service is surrounded with temptations which no boy of from twelve to eighteen years of age should be permitted to face, and that it was practically impossible for a young boy, be his character ever so good, to remain in the messenger service for any length of time without loss of honesty and morality.

At this time it was quite well known that the telegraph companies preferred boys of fourteen years or over. According to the rules of these companies the boys must be at least fourteen years of age, live at home and be able to read and write. The boys did not bring any proof that they were fourteen, the mere statement being sufficient. During the study made by the Child Labor Committee the investigators talked to twenty-six boys in one day who were apparently under fourteen years of age, but every one declared he was fourteen. The school records of these boys were examined and it was found that twenty out of the twenty-six were thirteen or under. In commenting upon this discovery, the report said:

"It is impossible to determine the average age, but the present investigation has made it clear that there are hundreds of little fellows of 12 and 13 and even younger, in the service of the two companies in New York City."

PREVAILING CONDITIONS.

Records.—The annual reports of the District Attorney's office for 1906, 1907 and 1908 (which were the only ones available) do not show any prosecutions under the law. An official connected with the "Bureau of Special Sessions Information" says, in the years he had been connected with that department, he remembers but one instance

[1] Child Labor: Factories and Stores, page 21, issued by The Child Labor Committee.

of the prosecution of a telegraph company for sending messenger boys to houses of ill-fame, and none on the charge of permitting a telephone or other device in such places.

Field Study.—The National Child Labor Committee is making a study of this matter in the different cities. The data regarding conditions in New York City, so far as they are available, show that older boys are now being employed as messengers, the majority being about seventeen years of age. Their earnings are very uncertain, as they are usually paid by the number of messages delivered. This system makes the boys eager to deliver as many messages as possible. A superintendent of a home for boys said that the messenger boys in his home frequently discussed among themselves the number of messages they deliver to "sporting houses" and the tips they receive at such places, amounting from 25 to 50 cents. This work is done chiefly between 9 and 11 P. M. The work is demoralizing and some of the boys gradually drift into stealing or acting as "steerers" for men who are looking for houses of prostitution. One boy in particular who had learned the addresses of a number of such houses while working as a messenger finally became a regular "steerer." One night he was arrested by two detectives who had engaged him to take them to a disorderly house. The boy confessed that he had been in the habit of earning from $1.00 to $1.50 a night in this business.

The conditions complained of before the passage of the law are worse rather than better. A large part of the work of messenger boys is not delivering telegrams, but the investigators found that the boys carried notes, bought drinks, were employed as waiters and acted as guides to men seeking disorderly houses. They are also used to buy opium and other drugs, as druggists often will not sell except to messengers in uniform or to personal friends. The messenger boy is a privileged character; his uniform acts as a passport to places where other boys would not be permitted by the police to go. He is in the midst of constant temptations unrelieved by a single restraint. The pay of these boys is $5 or $6 a week and they are willing to perform all kinds of services to supplement their wages. Their relationship to the women in these houses is frequently of an immoral nature and they are sometimes victims of diseases and vicious habits contracted in these houses. They are subjected to these temptations during the period of adolescence when they are least able to resist them. The telegram or message being considered confidential, no complaints are made by them to the office and the managers do not inquire.

The investigations of the National Child Labor Committee in

New York City above summarized, were made in 1909 and show one of the most dangerous and insidious influences in the whole range of the social evil.

ENFORCEMENT OF THE LAWS.

The law relating to the labor of minors is enforced, and so far as is applies is effective.

The law relating to messenger boys is not enforced. The provision prohibiting telephone connections is a dead letter. Practically all of the disorderly houses, "Raines Law" hotels, massage parlors, etc., visited by investigators of the Research Committee had telephones. Some of these places were carried on the police blotters. Against others there are records of prosecutions. One class of disorderly places could not exist without the telephone. This is the "call house." These are located in tenements and apartments in different parts of the city. As previously described,[1] men visit such rooms and the "madam," who usually lives alone, telephones out for women to come in and meet the men. Out of 423 separate addresses of such places which were seized in a raid early in 1909, 209 telephone numbers accompanied the names and street numbers. In some instances the addresses of massage parlors are not given in their advertisements, but merely the telephone numbers.

The section prohibiting messenger boys from entering the house is not enforced. Instead of leaving the message at the door, they not only go inside, but run errands, drink and associate with the men and women whom they are willing to serve for the tips.

CAUSES OF NON-ENFORCEMENT OF LAWS.

The provisions of the laws appear to be adequate. The chief difficulty seems to be that the companies do not comply with the law and are unaware or indifferent to what may happen to their employees at these houses. The obtaining of evidence requires that some person or society interested in children must not only ascertain that boys go to these houses, but that these places are in reality disorderly. The testimony of the boys in many instances might be sufficient if they would give it.

SUMMARY.

Messenger boys, who in their employment are compelled to go to these houses, are given no adequate protection, although the responsibility for the enforcement of the laws is invested in a children's society. The Child Labor Committee has now taken up this matter, has submitted bills to the legislature, and some measure of enforcement and further protection may be hoped for.

[1] Page 10.

INDUSTRIAL CONDITIONS.

EMPLOYMENT AGENCY LAW.

In addition to the laws protecting children in employment, there is one general industrial law which protects women who patronize employment agencies in cities of the first and second class. This is the only law found which specifically provides against the use of employment or unemployment as an inducement to a life of prostitution.

Provisions of the Law.

In 1904, an employment agency law was passed applicable to cities of the first and second class, which provided that no woman should be sent as servant or inmate to any disorderly house or place of amusement kept for immoral purposes, by a licensed employment agent, and that all employment agents should be licensed and be persons of good moral character. Agents were also prohibited from knowingly permitting any persons of bad character, prostitutes, gamblers, intoxicated persons or procurers from frequenting their agencies.

In 1906, the application of this law was limited to cities of the second class, and the same law was made applicable to cities of the first class, with a number of amendments, among which those of interest in this study are the following: The clause prohibiting the sending of a woman to disorderly places was strengthened by adding the words *to enter* in order that women need not necessarily incur the risk of actually entering such places before the agent is prosecuted. Agents and their employees are also prohibited from having sexual intercourse with applicants for employment. Violation of these provisions constitutes a misdemeanor punishable by a fine of not less than $50 nor more than $250 or imprisonment for not more than one year, or both.[1]

Conditions Preceding the Passage of the Law.

Up to 1904 a law was in operation in cities of the first class known as the Intelligence Office Law, and was enforced in New

[1] Appendix XXXIII.

York City by the Bureau of Licenses. Its provisions dealt largely with fees. It was known in 1902 that employment agencies were acting as procurers for disorderly houses, and the matter was first taken up by Mr. James B. Reynolds, then secretary to Mayor Low, and in charge of the Bureau of Licenses, and an investigation was made of practically every agency in the city through the co-operation of the Woman's Municipal League and the College Settlements Association. The investigation showed among other things in connection with the subject of the social evil, that about 75 per cent. of the agencies were not averse to sending women to disorderly places *to work*, either knowingly or carelessly, and that from 40 to 60 per cent. sent them as inmates, obtaining their consent when possible.[1] The "runner" system was generally used, owing to the many immigrants ignorant of localities in New York, and these men conducted women to places of employment both within and without the city, of which the women had no knowledge, so that if a woman placed in a disreputable place escaped, she frequently could not again locate the house, as she had never known the street or number. Agencies at that time were often conducted in the rear of and over saloons. Lodging houses, some of which were questionable, were conducted by the agents, and alluring advertisements were used to bring unemployed women to the agencies. In general, it was found that a number of agencies were used as markets for selling girls for prices varying from $3 to $50, or as procuring places where immoral women and men came and selected their victims.

At this time the abduction and kidnapping laws were applicable in cases of minors, but charges of this nature were very difficult to prove. The adult woman, unemployed, frequently homeless, with little money, had no protection whatever where the employment agent was responsible for placing her in moral jeopardy or for starting her on a career of prostitution.

The disclosure of these conditions led to the co-operation of a number of civic organizations and the Legislative Committee of the Woman's Municipal League introduced and had passed the employment agency laws of 1904 and 1906, which created in cities of the first class, a commissioner of licenses, charged with the special duty of enforcing the provisions of the law. An appropriation in New York City was made by the Board of Estimate and Apportionment, and there is now a Department of Licenses with a staff of some 20 inspectors, charged with the enforcement of this law.

[1] Out of Work, F. A. Kellor, p. 78.

PREVAILING CONDITIONS.

Upon the questions of sanitation, fees, better conditions in the waiting rooms of agencies, removal from buildings in which liquor is sold, etc., with which conditions this study is not particularly concerned, great improvements have undoubtedly resulted. The conditions with respect to morality have also improved, though as to how far this is true among agencies furnishing domestic workers, especially immigrants and negroes, who are more safely exploited because of their ignorance of the city, there is considerable difference of opinion.

From the published reports of the Commissioner of Licenses, it would appear that the evil had been eradicated and that those in search of positions are adequately protected. The report for May, 1906-1907, states that 20 licenses have been revoked for sending girls to disorderly places and that since then the agencies have been free from this evil; and that the negro agencies which made a business of sending girls to disorderly places have discontinued the practice.

The published report of the Commissioner of Licenses from May, 1907-8, says:

"Prior to the enactment of the present employment agency law it was a common practice on the East Side for employment agencies to send girls, especially immigrant girls, to disorderly houses either as immates or servants. But whatever the practice may have been it no longer exists. During this time, however, it came to the attention of the Commissioner that disorderly houses in Pittsburg were being supplied with girls through New York employment agencies. A special investigator was sent to Pittsburg and two girls were found there who were being held as captives. They admitted that they had been sent to Pittsburg by a New York epmloyment agency, but believed they were going to fill situations as servants. They could not speak English. Both girls were brought to New York and identified the agency from which they had been sent. But they could not identify the person who sent them and therefore no criminal prosecution could be brought against the proprietor of the agency. The license was revoked, however, and this particular agent put out of business. This agent then obtained employment with another office and the Commissioner notified the latter that his license would not be renewed for the license year just beginning."

"It has been found necessary in the interest of the proper regulation of employment agencies that when a person is found unfit to conduct an office of his own, he must not work for or attempt to manage the office of any other agent. Only by such stringent measures can the employment agencies, especially those on the East Side of the city, be kept clean. Only a few agents were found to have sent girls to disorderly houses in the city during the twelve months covered by the report (May 1, 1907, to May 1, 1908), and these girls were sent as servants. In spite of this, the licenses of such agencies were cancelled. Disorderly houses no longer attempt to get their servants through employment agencies."

The Research Committee found it unnecessary to make an investigation of prevailing conditions because of the data gathered by the New York State Commission of Immigration in 1908-9, which is representative of the prevaliing conditions.

An investigation of the records of licenses revoked and actions brought by the Commissioner of Licenses in New York City showed that since the passage of the law but four cases had been brought before the courts, relating to sending women to immoral places. All of these were discharged in the Magistrates courts and no cases have been tried in the Court of Special Sessions. In 1904, a case was brought in the Brooklyn Court of Special Sessions, but resulted in acquittal. Not one imprisonment has been imposed since the law was passed.

The failure of these cases is doubtless due to the difficulty of getting evidence and also to the desire of the Commissioner to concentrate power in the Department of Licenses and adjust all matters there. This has led to the substitution of the revocation of licenses for fines and imprisonments.

From May, 1904, to February, 1909, 103 licenses were revoked by the Department of Licenses. Of these 14 were revoked for sending women to disorderly places or questionable resorts and 9 for improper conduct on the part of the agent. Investigators of the State Commission of Immigration found that nine of these agents were still doing business—either as employees of other agents or they had obtained licenses in the names of other persons or relatives and were doing business as freely as when they held their licenses in their own name. The majority of the licenses revoked have been of East Side agents, though it is well known that the most active procuring centers are not located on the East Side. A field investigation made by investigators of the Commission of Immigration showed that some employment agents were quite willing to send women out to strangers to work while others preferred to send them to other cities or wanted a guarantee or reference. Investigators of the Federal Immigration Commission also found a similar state of affairs. These conditions were found not more frequently on the East Side than among 6th Avenue and uptown agencies.

Only those agencies were investigated which were suspected of doing this kind of work. No attempt was made to learn the number or extent, but simply to ascertain whether women could be obtained without difficulty for this purpose through these agencies if procurers knew where to inquire and the methods to use. In some of the instances, the agents were willing to send women to work in disorderly places, but exercised care in sending them out as inmates. Employment agencies are no longer barter places, but use work as the device for getting women into such places. Practically all of the agencies investigated would only send women to work in

such places. A number of agencies were willing to send women out of the city without making inquiries of any kind concerning the place. This was especially true where they were to be sent long distances or out of the State. In one semi-philanthropic agency, the fee for a servant of this class was raised to $5, and an examination of the books failed to reveal that the fee was accounted for in any way to the "Society" running the agency.

In one of the cases in which the Commissioner of Licenses revoked the license of the agent, the following information was given:

> The former partner of the agent on trial testified that while in that business capacity he had visited a disorderly house on the lower East Side in which were inmates who had been sent there by his partner. The Deputy Commissioner in giving his decision said that in view of the fact that at a previous trial respectable neighbors of the agent under investigation testified that he had maintained a disreputable place in the rear of his office and permitted girls of dissolute habits to carry on both inside and outside of his agency, on such evidence he revoked the license.

Additional information regarding the principals in this trial was given in a letter received from a woman living near the agency. The writer said that this agent was one of the most notorious white slave traders on the lower East Side, and that it was the business of one of the partners, a young, good-looking fellow, to ruin the young immigrant girls who applied for positions as servants. The writer also called attention to the young man who took two servant girls who had found positions through this same agency to another agency and ruined them.

Among the colored employment agencies it was found that some of them had found it more profitable to remove to Jersey City or Norfolk, Va., where the main business was conducted, only representatives being maintained in this city.

Enforcement of the Law.

The presence of this law and the activity of the Department of Licenses have driven out the open barter and sale of unemployed women; has made a number of agents who were formerly indifferent to what became of those for whom they found positions, much more careful and has changed sending of women as inmates into sending them as workers. That a number of agencies still carry on this business and find it profitable, is unfortunately true. The lack of enforcement is due to several causes. The limitation of the law to cities of the first and second class makes the obtaining of evidence difficult in the cases of women sent to disorderly places outside the city, even when the woman escapes and makes a complaint. There is no appropriation to cover the gathering of such evidence. The law, in its present form, does not reach the individuals who

advertise and entice girls into their offices, and the agent frequently makes little or no inquiry which will safeguard the applicant.

The lack of co-operation between the police, district attorney and the Department of Licenses results in the courts being practically ignored as a medium for the enforcement of the law, with correspondingly little fear of the power of the law, but considerable fear of inspectors whom the agents think it easier to placate than the court.

The inability or disinclination of the Commissioner of Licenses to refuse licenses to applicants who have had their licenses revoked, and who take them out in the names of other persons, defeats the success of this measure of regulation. The difficulty of enforcing this provision may be seen from the following cases:

In 1905, an agent's license was revoked because he sent girls to disorderly houses and failed to investigate references. After he lost his license this agent worked for three different licensed employment agents. In July, 1908, the license of an agent was revoked on the evidence that this man had been seen working in his place on two occasions. In December, 1908, it was reported that he was connected with an employment agent's society, and that another agent, whose license had been revoked for the same cause, was the secretary of this society. The last report concerning this agent is dated February 4, 1909, and states that he was working in a public agency on East Fourth Street.

Another agent was in partnership on East ——— Street. This firm lost its license in 1906, for the immoral conduct of one of the members. After the license was revoked, this agent worked nine months with one agent, fourteen months with another, two and a half weeks with a third, ten days with a fourth, and one week with a fifth agency. The last authentic report regarding the movements of this agent is dated February 4th, 1909, and says that he is a prominent member of an employment agents' grievance association and obtains women for other agencies. The license of the five agents were never revoked or charges brought.

Summary.

This law but marks the beginnings of the necessary steps to protect the unemployed from being used to fill the ranks of prostitutes. It is limited to women, so there is no ample protection for young boys who because of associations in these houses may become "cadets," and any agent losing a license in a city of the first or second class can immediately transfer his base of operations just outside the city limits or to another city. It is, however, one of the most important laws for the protection of women.

APPENDICES

APPENDIX I.

Tenement House.

Chapter 334, Laws of 1901, Amended by Chapter 99, Laws of 1909, Sections 150-156.

The Tenement House Law, including all amendments up to February, 1908, provides as follows, with reference to the social evil:[1]

Section 150.—A woman who knowingly resides in a house of prostitution or assignation of any description in a tenement house or who commits prostitution or indecently exposes her person for the purpose of prostitution in, or who solicits any man or boy to enter a house of prostitution or a room in a tenement house for the purpose of prostitution, shall be deemed a vagrant, and upon conviction thereof shall be committed to the county jail for a term not exceeding six months from the date of commitment. The procedure in such case shall be the same as that provided by law for other cases of vagrancy.

Section 151.—A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purpose of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

Section 152.—If a tenement house, or any part thereof, shall be used for the purpose of a house of prostitution or assignation of any description with the permission of the lessee of the whole of said tenement house, or his agent, the lease shall be terminable at the election of the lessor. And the owner shall be entitled to recover possession of said tenement house by summary proceedings in the manner provided by title two of chapter seventeen of the code of civil procedure.

Section 153.—A tenement house shall be deemed to have been used for the purpose specified in the last two sections with the permission of the owner and the lessee thereof, if summary proceedings for the removal of the tenants of said tenement house, or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by the department of health in the manner prescribed by law for the service of notices and orders in relation to tenement houses.[1]

Section 154.—In a prosecution against an owner or agent of a tenement house under section eleven hundred and forty-six of the

[1] The Tenement House Act, known as Chapter 334 of the Laws of 1901, together with the amendments were consolidated on March 20, 1909, by Chapter 99 of the Laws of 1909, entitled "An Act in relation to Tenement Houses, constituting Chapter 61 of the Consolidated Laws."

penal law, or in an action to establish a lien under section one hundred and fifty-one of this chapter, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner and lessee; provided, that such presumption may be rebutted by evidence.

Section 155.—Said action shall be brought against the tenement house as defendant. Said house may be described in the title of the action by its street number, or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be the department of health. In case any taxpayer of any city to which this chapter applies, shall request such department in writing to institute an action under this article against any tenement house specified in such request, and such department shall not institute such action within ten days after receiving such request, then any taxpayer of said city may institute and maintain such action against such tenement house in his own name, and in such case the court may in its discretion require security for costs.

Section 156.—Said action shall be brought in the supreme court in the county in which the property is situated. At or before the commencement of the action the complaint shall be filed in the office of the clerk of the county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action and a brief description of the property affected thereby. Said notice shall be immediately recorded by the clerk in accordance with the provisions of section sixteen hundred and seventy-two of the code of civil procedure. The owner or lessee of said building, or both, may appear in said action and answer or demur to the complaint and the subsequent proceedings in the action shall be the same as in other actions brought to establish a lien or incumbrance upon real property, and the action shall be entitled to a preference in the trial or hearing thereof.[1]

[1] Sec. 1340 of the New York Charter transfers the enforcement from the Board of Health, as follows: All the rights and powers possessed by the health department of The City of New York with respect to the sanitary inspection of tenement houses are hereby conferred upon the tenement house department: and the tenement house department is hereby charged with the duty of enforcing all the provisions of the tenement house act. The owners, lessees and agents, and persons having control of tenement houses shall be filed in, and the taxpayers' request for the institution of an action for a lien upon a tenement house shall be presented to the tenement house department instead of to the department of health. Nothing herein contained shall abrogate or impair the existing powers of the department of health of The City of New York. The tenement house department shall have the powers and shall perform the duties specified in this chapter. (As amended by L. 1903, ch. 439.)

APPENDIX II.

DISORDERLY HOUSE.

Penal Law, Section 1146.

A person who keeps a house of ill-fame or assignation of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene or indecent purpose, or disorderly house, or a house commonly known as a stale beer dive, or any place of public resort by which the peace, comfort, or decency of a neighborhood is habitually disturbed, or who requests, advises or procures any female to become an inmate of any such house or place, or who as agent or owner, lets a building or any portion of a building, knowing that it is intended to be used for any purpose specified in this section, or who permits a building or a portion of a building to be so used, is guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for any of the purposes herein specified.

APPENDIX III.

PUBLIC NUISANCE.

Penal Law, Sections 1530, 1532, 1533.

Section 1530.—A "public nuisance" is a crime against the order and economy of the State, and consists in unlawfully doing an act, or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons; or,
2. Offends public decency; or,
3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a lake, or a navigable river, bay, stream, canal or basin, or a stream, creek, or other body of water which has been dredged or cleared, at public expense, or a public park, square, street or highway; or,
4. In any way renders a considerable number of persons insecure in life, or the use of property.

Section 1532.—Maintaining Nuisance.—A person who commits or maintains a public nuisance, the punishment for which is not specially prescribed, or who wilfully omits or refuses to perform any legal duty relating to the removal of such a public nuisance, is guilty of a misdemeanor.

Section 1533.—Permitting use of building or nuisance.—A person who:

1. Lets, or permits to be used, a building, or a portion of a building, knowing that it is intended to be used for committing or maintaining a public nuisance, is guilty of a misdemeanor.

APPENDIX IIIA.

PUBLIC NUISANCE.

Sanitary Code, Sections 13, 14.

Section 13.—The owner, lessee, tenant, and occupant of any building or premises, or of any part thereof, where there shall be a nuisance, or a violation of any ordinance or section of the Sanitary Code, shall be jointly and severally liable therefor, and each of them may be required to abate the nuisance, or comply with the order of the Board of Health in respect to the premises, or the part thereof, of which such person is owner, lessee, tenant or occupant.

Section 14.—Whenever a nuisance in any place or upon any premises in the City of New York shall have been found or declared by resolution of the Board of Health to exist, and an order shall have been made directing the owner, lessee, tenant or occupant of such premises to make suitable and necessary repairs or improvements, or to abate the said nuisance, such repairs or improvements shall be made, and such nuisance shall be fully abated within the time specified in and by said order.

APPENDIX IV.

DISORDERLY PERSON.

Code of Criminal Procedure, Sections 899, 911.

Section 899.—The following are disorderly persons:

4. Keepers of bawdy houses or houses for the resort of prostitutes, drunkards, tipplers, gamesters, habitual criminals, or other disorderly persons.

Section 911.—Court may also commit him to prison; nature and duration of imprisonment. The court may also, in its discretion, order a person convicted as a disorderly person, to be kept in the county jail, or in the City of New York, in the city prison or penitentiary of that city, for a term not exceeding six months at hard labor.

APPENDIX V.

POWERS OF BOARD OF ALDERMEN.

Charter, Sections 49, 54, 292, 315, 318, 327, 426, 429.

Section 49.—Power to pass ordinances.—The Board of Aldermen may pass ordinances, rules, regulations, and by-laws "to provide for the more effectual suppression of vice or immorality, and the preserving of peace and good order in said city."

Section 54.—Special committee.—Said board is charged with the duty to see to the faithful execution of the laws and ordinances, and may appoint from time to time a special committee to inquire whether the laws and ordinances relating to any subject or to any department of the city government are faithfully observed; and the duties of the officers of such departments or of any officer are being faithfully discharged.

Section 292.—Police Commissioner.—The police commissioner is charged with and responsible for the execution of all laws.

Section 315.—Duties of police.—The police department and force shall especially preserve the public peace, prevent crime, arrest offenders, and carefully observe and inspect all houses of ill-fame, and houses where common prostitutes resort or reside, and prevent the violation of all laws and ordinanees in force in the city.

Section 318.—Householders complaints.—If two or more householders report in writing that there are good grounds for believing any house, room or premises are used for lewd or obscene purposes or amusments, the police commisioner shall authorize in writing members of the police force to enter any such place and arrest all persons there found offending against the law, and shall cause such arrested persons to be rigorously prosecuted.

Section 327.—Powers of police.—Members of the police force are empowered to arrest without warrant any person who commits, threatens, or attempts to commit in his presence or within his view any breach of the peace or offense directly prohibited by act of the legislature or any ordinance.

Section 426.—There shall be in each and every district of local improvements a board of local improvements to be known and described as "the local board," to be entrusted with the powers by this act prescribed. The jurisdiction of each local board shall be confined to the district for which it is constituted, and to those subjects, or matters the costs and expense whereof are in whole or in part a charge upon the people or property of the district or a part thereof, except so far as by this act jurisidiction may otherwise be given over matters of local administration within such district. Each local board shall consist of the president of the borough wherein the district is situated, by virtue of his office and of each member of the board of aldermen who represents an aldermanic district within such local improvement district, by virtue of his office and during his term as such member. The members of the local board shall serve as such members without compensation. If any proposed local improvement specified in section four hundred and twenty-eight of this act shall embrace the territory or

affect the property of more than one district of local improvements, the members of the local boards of all the districts so affected shall, for all proceedings in the matter of such improvement, constitute the local board for the purposes thereof, and its proceedings shall in all respects conform to the provisions of this act that regulate the proceedings of any local board.

Section 429.—A local board shall have power to hear complaints against disorderly houses, drinking saloons, gambling houses, or any other place violative of good order, and to pass such resolutions as may not be inconsistent with the powers of the Board of Aldermen. Said resolutions are to be submitted to the Mayor, and if not declared invalid by him, shall take effect upon the expiration of ten days.

APPENDIX VI.

POLICE DEPARTMENT RULES.

The rules and regulations made by the Police Board are instituted under the provisions of the Charter of the City of New York, and are made to ensure prompt and efficient exercise of all the powers conferred by law upon the Police Commissioner and to enforce effectually the laws of the State of New York and Charter of the City of New York in the prevention and detection of crime and other violations of the law.

Any violation of the "rules and regulations," and any neglect of duty imposed by them on the officers concerned, may be made the subject of written charges and laid before the Police Commissioner for his action.

The following rules relate to disorderly houses:

Captains of Police Precincts. It is the duty of a police captain to report to the police commissioners on the fifth of each month:

1. Steps taken to enforce provisions of the Penal Law with reference to disorderly houses within his precinct.

2. Steps taken to enforce the Penal Law and Greater New York Charter regarding concert saloons, dives and other places where disorderly, degraded, or lawless people congregate.

3. Steps taken to enforce the Liquor Tax Laws and ordinances relating to various crimes above mentioned.

No. 55 Under Rule 42.—When any room or building in any part or portion within the precinct is known to the captain to be kept, used, or occupied for purposes of prostitution, assignation, or other immoral purpose, he must give notice in writing to the owner, lessee or occupant, that such room or building is so used, and that it is a misdemeanor.

No. 56 Under Rule 42.—If the occupation and use of such premises shall continue the captain will obtain warrants for and cause the arrest of such owner, lessee or occupant for a misdemeanor and cause them to be prosecuted as required by law.

No. 100 Under Rule 42.—Captains will make charges of neglect of duty against any patrolmen under their command who fails to discover a serious breach of the peace occurring on his post, during his tour of duty; or who shall fail to arrest any party guilty of such offense.

No. 13 Under Rule 45.—If a policeman is on duty on a post where houses of ill-fame are suspected to exist, he should be careful to restrain acts of disorder, prevent soliciting from windows, doors or on streets, and arrest all persons found so doing, also carefully observe all other places of a suspicious nature. obtain evidence as to the character and ownership of such houses, by whom frequented and report results of his observation to his commanding officer.

APPENDIX VII.

LIQUOR TAX LAW.

Chapter 34 of the Consolidated Laws (L. 1909, ch. 39). Sections 8, 15, 16, 23, 30, 36.

Section 8.—Excise taxes upon the business of trafficking in liquor shall be of seven grades, and assessed as follows:

1. Upon the business of trafficking in liquors to be drunk upon the premises where sold, or which are so drunk, whether in a hotel, restaurant, saloon, store, shop, booth or other place, or in any outbuilding, yard or garden appertaining thereto or connected therewith, there is assessed an excise tax to be paid by every person engaged in such traffic, and for each such place where such traffic is carried on by such person if the same be in a city or borough having by the last state census a population of fifteen hundred thousand or more, the sum of twelve hundred dollars; if in a city or borough having by said census a population of less than fifteen hundred thousand, but more than five hundred thousand, the sum of nine hundred and seventy-five dollars; if in a city or borough having by said census a population of less than five hundred thousand, but more than fifty thousand, the sum of seven hundred and fifty dollars; if in a city or village having by said census a population of less than fifty thousand, but more than ten thousand, the sum of five hundred and twenty-five dollars; if in a city or village having by said census a population of less than ten thousand, but more than five thousand, the sum of four hundred and fifty dollars; if in a village having by said census a population of less than five thousand, but more than twelve hundred, the sum of three hundred dollars; if in any other place, the sum of one hundred and fifty dollars. The holder of a liquor tax certificate under this subdivision is entitled also to traffic in liquors as though he held a liquor tax certificate under subdivision two of this section, subject to the provisions of section thirteen of this chapter.

Section 15.

8.—When the nearest entrance to the premises described in said statement as those in which traffic in liquor is to be carried on is within two hundred feet, measured in a straight line, of the nearest entrance to a building or buildings occupied exclusively for a dwelling, there shall also be filed simultaneously with said statement a consent in writing that such traffic in liquors be so carried on in said premises during a term therein stated, executed by the owner or owners, or by a duly authorized agent or agents of such owner or owners of at least two-thirds of the total number of such buildings within two hundred feet so occupied as dwellings, and acknowledged as are deeds entitled to be recorded, except that such consent shall not be required in cases where such traffic in liquor was actually lawfully carried on in said premises so described in said statement on the twenty-third day of March, eighteen hundred and ninety-six, nor shall such consent be required for any place described in said statement which was occupied as a hotel on said last mentioned date, notwithstanding such traffic in liquors was not then carried on thereat.

Whenever the consent required by this section shall have been obtained and filed as herein provided, unless the same be given for a limited term, no further or other consent for trafficking in liquor on such premises shall be required so long as such premises shall be continuously occupied for such traffic. If a liquor tax certificate shall be revoked and cancelled under section twenty-seven of this chapter, or forfeited under any other section of this chapter after the first day of May, nineteen hundred and five, the traffic in liquors shall not thereafter be carried on at the premises for which such certificate was issued, nor any liquor tax certificate obtained therefor so long as said premises continue to be occupied, not exceeding one year, by the person who was the holder of the forfeited certificate at the time of the commission of the act complained of, or occupied by a member of his family, his agent or by any person in his employ, or representing him, or so long as the said former certificate holder shall be interested in the traffic in liquors to be continued at said premises under a new certificate, unless there shall be obtained and filed simultaneously with the application statement for such certificate, a consent in writing that such traffic in liquors be so carried on in said premises, as required by the general provisions of this subdivision, notwithstanding such traffic in liquor may have been actually lawfully carried on in said premises on the twenty-third day of March, eighteen hundred and ninety-six, or said premises occupied as a hotel on said last mentioned date, and notwithstanding the consents required by this subdivision, given for an unlimited term, shall have been previously obtained and filed; and if the violation of law for which the cancellation or forfeiture of said certificate was had was that the holder thereof, or his agent, had suffered or permitted said certificated premises, or any yard, booth, garden or any other place appertaining thereto or connected therewith, to become disorderly, or had suffered or permitted any gambling in the place designated by the liquor tax certificate as that in which the traffic in liquors was to be carried on, or in any yard, booth, garden or any other place appertaining thereto or connected therewith, no new certificate shall be issued for said premises to any person, for the period of one year from the date of the entry of a final order cancelling such certificate, or from the date of the conviction of the certificate holder for such crime committed on said premises; provided, that the discontinuance of traffic in liquors for one year or less, by reason of the provisions of this section, shall not operate or be construed to forfeit any right of traffic which, under the provisions of this section, attached to the place for which such forfeited or revoked certificate was held.

Section 16.—Bonds to be given.—Each person taxed under this chapter shall, at the time of making the application provided for in section fifteen of this chapter, file in the office of the county treasurer of the county in which such traffic is to be carried on, or in office of the special deputy commissioner of excise, if there be one, or if the application be under subdivision four of section eight of this chapter, with the State Commissioner of Excise, a bond to the people of the State of New York, in the penal sum of the amount plus one-half of the tax for one year upon the kind of traffic in liquor to be carried on by such

applicant, where carried on, but in no case for less than five hundred dollars, conditioned that there is no material false statement in the application statement for such liquor tax certificate, and that if the liquor tax certificate applied for is given, the applicant or applicants will not, while the business for which such liquor tax certificate is given shall be carried on, suffer or permit any gambling in the place designated by the liquor tax certificate in which the traffic in liquors is to be carried on, or in any yard, booth, garden or any other place appertaining thereto or connected therewith, or suffer, permit or have any opening or means of entrance or passageway for persons or things between the room where the traffic in liquors is carried on, and any other room or place where any person whosoever suffers or permits any gambling, or suffer or permit such premises to become disorderly, or suffer, permit or have any opening or means of entrance or passageway for persons or things between the room or place where the traffic in liquors is carried on, and any other room or place which any person whosoever suffers or permits to become disorderly, and will not violate any of the provisions of this chapter, or any act amendatory thereof or supplementary thereto; and that all fines and penalties which shall accrue during the time the certificate applied for is held, and any judgment or judgments recovered therefor, will be paid, together with all costs taxed or allowed in any action or proceeding brought or instituted under the provisions of this chapter.

Section 23.—Places in which traffic in liquor shall not be permitted. —Traffic in liquor shall not be permitted: 2. Under the provisions of subdivision one of section eight of this chapter, in any building, yard, booth or other place which shall be on the same street or avenue and within two hundred feet of a building occupied exclusively as a church or school house; the measurements to be taken in a straight line from the center of the nearest entrance of the building used for such church or school to the center of the nearest entrance of the place in which such liquor traffic is desired to be carried on; provided, however, that this prohibition shall not apply to a place which on the twenty-third of March, eighteen hundred and ninety-six, was lawfully occupied for a hotel, nor to a place in which such traffic in liquors was actually lawfully carried on at that date, nor to a place which at such time was occupied, or was in process of construction, by a corporation or association which traffics in liquors solely with the members thereof, nor to a place within such limit to which a corporation or association trafficking in liquors solely with the members thereof, at such date may remove; nor to any place within the above prescribed limit of a building occupied exclusively as a church, if, simultaneously with the filing of an application statement descriptive of such traffic, there shall be filed a consent in writing that such traffic in liquors be so carried on during a term therein stated, executed by the corporation, association or society using such building as a church, or the duly authorized agent thereof, and acknowledged as are deeds entitled to be recorded; but none of the exceptions under this subdivision shall apply to subdivision one of this section, or to any of the places enumerated in this subdivision which shall have had a

liquor tax certificate for trafficking in liquors in such place revoked after the first day of May, nineteen hundred and five, or forfeited for any violation of law committed after the first day of May, nineteen hundred and eight, providing the violation of law for which such revocation or forfeiture was had was either that the certificated premises had been suffered or permitted to be disorderly or that gambling had been suffered or permitted therein, unless consent as hereinbefore provided shall thereafter be obtained and filed.

Section 30.—The holder of a liquor tax certificate under subdivision one of section eight of this chapter who is the keeper of a hotel, may sell liquor to the guests of such hotel, except to such persons as are described in clauses one, two, three, four, five and six of section twenty-nine of this chapter, with their meals, or in their rooms therein, except between the hours of one o'clock and five o'clock in the morning, but not in the barroom or other similar room of such hotel; and the term "hotel" as used in this chapter shall mean a building regularly used and kept open as such for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for their entertainment, are received if there be accommodations for them, and who, without any stipulated engagement as to the duration of their stay or as to the rate of compensation, are, while there, supplied, at a reasonable charge, with their meals, lodgings, refreshment and such service and attention as are necessarily incident to the use of the place as a temporary home, and in which the only other dwellers shall be the family and servants of the hotel keeper; and which shall conform to the following requirements, if situate in a city, incorporated village of twelve hundred or more inhabitants, or within two miles of the corporate limits of either:

1. The laws, ordinances, rules and regulations relating to hotels and hotel keepers, including all laws, ordinances, rules and regulations of the state or locality pertaining to the building, fire and health department in relation to hotels and hotel keepers, shall be fully complied with.

2. Such buildings shall contain at least ten bedrooms above the basement, exclusive of those occupied by the family and servants, each room properly furnished to accommodate lodgers, and separated by partitions at least three inches thick, extending from floor to ceiling, with independent access to each room by a door opening into a hallway, each room having a window or windows with not less than eight square feet of surface opening upon a street or open court, light shaft or open air, and each having at least eighty square feet of floor area, and at least six hundred cubic feet of space therein; a dining room with at least three hundred square feet of floor area, which shall not be a part of the barroom, with tables, and having suitable table furniture and accommodations for at least twenty guests; therein at one and the same time, and a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for twenty guests. The same requirements shall apply to a hotel situate in any other place, except that the number of bedrooms for guests shall not be less than six, and the dining room shall have not less than one hundred and fifty

square feet of floor area, and the kitchen accommodations shall be sufficient for at least ten guests. A guest of a hotel, within the meaning of this exception to section thirty of this chapter, is:

1. A person who in good faith occupies a room in a hotel as a temporary home, and pays the regular customary charges for such occupancy, but who does not occupy such room for the purpose of having liquor served therein; or,

2. A person who, during the hours when meals are regularly served therein, resorts to the hotel for the purpose of obtaining and acutually orders and obtains at such time, in good faith, a meal therein.

Section 36.—Penalties for violation of this chapter.—1. Any person trafficking in liquors, who is prohibited from so doing or who so trafficks without having lawfully obtained a liquor tax certificate; or contrary to the provisions of section thirteen of this chapter or who shall neglect or refuse to make application for a liquor tax certificate, or give the bond, or pay the tax imposed as required by this chapter, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than two hundred dollars nor more than twelve hundred dollars, provided such fine shall equal at least the amount of one half of the tax for one year, imposed by this chapter upon the kind of traffic in liquors carried on, where carried on, or which would be so imposed if such traffic were lawful, and shall also be imprisoned in a county jail or penitentiary for the term of not less than thirty days nor more than one year.

2. Any person, who shall make any false statement in the application required to be presented to the county treasurer or other officer to obtain a liquor tax certificate, or to obtain a transfer thereof, or who shall violate any of the provisions of section eight, nineteen, twenty, twenty-one, twenty-three, twenty-nine or thirty, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than five hundred dollars or by imprisonment in a county jail or penitentiary for a term of not more than one year, or by both such fine and imprisonment, and shall forfeit the liquor tax certificate, and be deprived of all rights and privileges thereunder, and of any right to a rebate of any portion of the tax paid thereon, if the person convicted be a pharmacist holding a license issued by the board of pharmacy the said board of pharmacy shall, in addition to said penalties, immediately revoke said license, and no liquor tax certificate shall be issued to any person to traffic in liquors at said store or place, under subdivision three of section eight of this chapter for the term of one year from the date of said conviction; but this clause does not apply to violations of section thirty of this chapter by a person not holding a liquor tax certificate, the punishment for which is provided in the first clause of this section.

3. If there shall be two convictions of clerks, agents, employees, or servants of a holder of a liquor tax certificate, for a violation of any provision of this chapter, the liquor tax certificate of the principal shall be forfeited, and the said principal shall be deprived of all

rights and privileges thereunder, and of any right to any rebate of any portion of the tax paid thereon.

4. No liquor tax certificate shall be issued to any person convicted of a violation of this chapter within three years from the date of such conviction, nor shall any such person have interest therein, or become a surety on any bond, required under section sixteen of this chapter, during such period.

5. Any willful violation by any person of any provision of this chapter, for which no punishment or penalty is otherwise provided, shall be a misdemeanor.

6. Whenever any fine is imposed upon conviction for violation of any provision of this chapter, the judgment in such case must provide that the person thus fined be imprisoned until the fine is satisfied, which imprisonment cannot exceed one day for every dollar of the fine, nor be less than one day for every five dollars of the fine.

7. If the holder of any liquor tax certificate shall be convicted of keeping a disorderly house, in violation of section eleven hundred and forty-six of the Penal Law or in violation of any municipal ordinance prescribing the same or any similar offense, or be convicted of any offense prescribed in article eighty-eight or one hundred and thirty of the Penal Law, or be convicted of the same or any similar offense prescribed in any municipal ordinance, or be convicted of any felony whatsoever, said certificate holder shall forfeit any and every liquor tax certificate held by him at the time of such conviction, and be deprived of all rights and privileges thereunder. If any clerk, agent, employee, or servant of a holder of a liquor tax certificate shall commit any of such offenses at a place for which a liquor tax certificate has been issued, and be convicted thereof, the holder of such liquor tax certificate shall forfeit the same, and be deprived of all rights and privileges thereunder.

8. Upon the forfeiture of any liquor tax certificate, as provided by this section, it shall be the duty of the holder of said certificate, or of any other person having such certificate in his possession or under his control, to immediately surrender such certificate to the officer who issued the same or to his succesor in office who shall forward the same to the State Commissioner of Excise for cancellation. In case such certificate be not forthwith surrendered, it shall be the duty of the officer who issued the said ceritificate or his successor in office, immediately upon receiving notice of the forfeiture of any certificate, as provided in this section, or upon the request of the State Commissioner of Excise, to sign duplicate written demands for the surrender of said certificate, setting forth the conviction or convictions causing such forfeiture, and to deliver said demands to the sheriff of the county in which the premises designated in said certificate are located, or to any special agent of the State Commissioner of Excise, together with a certified copy of the record of each conviction referred to in such demands, and it shall be the duty of said sheriff or special agent, immediately upon the receipt of said duplicate demands and such record or records of conviction, to serve one of such demands, together with such record or records of conviction, upon the holder of said certificate,

or upon any other person having such certificate in his possession or under his control, and to take possession of such certificate and to return the duplicate of said demand, with proof of the service thereof and of such record or records of conviction, together with said certificate, to said issuing officer. The sheriff making such service shall be entitled to the same fees therefor as for serving a summons in an action in the supreme court, which fees and any other fees to which said sheriff would be by law entitled to receive from the State Commissioner of Excise, shall be legal charges against the county in which the office of the said sheriff is situated, and shall be audited and paid as are other lawful claims.

APPENDIX VIII.

HOTELS.

Definition, The Building Code, Section 10.

A hotel shall be taken to mean and include every building, or part thereof, intended, designed or used for supplying food and shelter to residents or guests, and having a general public dining-room or a café, or both, and containing also more than fifteen sleeping-rooms above the first story.

APPENDIX IX.

DANCING ACADEMIES.[1]

Amendment to New York Charter, Laws, 1909, Ch. 400. Sections 1488-1494.

Section 1488.—The words "public dancing academy," when used in this act, shall be taken to mean:

1. Any room or place in the City of New York in which dancing is taught or which is designated, advertised or held out by advertisements, signs, placards or public notices of any kind, as a dancing school, dancing academy, dancing class, school for dancers, or place where dancing is taught; and

2. In which payment is made for instruction or to which admission can be had by paying for instruction or for the right to be admitted, or to which admission can be had by the purchase, possession or presentation of a ticket or token, or in which a charge is made for the caring for clothing or other property.

Section 1489.—No public dancing academy shall be conducted nor shall dancing be taught or permitted in any public dancing academy unless it shall be licensed pursuant to this act, and the license be in force and not suspended. Any person violating this section shall be guilty of a misdemeanor.

Section 1490.—All public dancing academies shall be licensed by the mayor or other licensing authority of the City of New York; the fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued on or between the first day of April and the thirtieth day of September of any year shall expire on the thirty-first day of March of the succeeding year. All licenses issued on or between the first day of October and the thirty-first day of March of any year shall expire on the thirtieth day of September of the succeeding year. No license shall be issued unless the place for which it is issued complies with all laws, ordinances, rules, and the provisions of any building code applicable thereto, and is a safe and proper place for the purpose for which it shall be used, properly ventilated and supplied with sufficient toilet conveniences.

Section 1491.—No license shall be issued until the licensing authority shall have received a written report of an inspector and of the bureaus and departments having supervision over the building or premises to be licensed or the construction thereof, that it complies with all applicable laws, ordinances, rules and provisions of building code. No license shall be renewed except after reinspection by the licensing authority. Additional inspection of every licensed dancing academy may be made under the direction of the licensing authority. All inspectors shall be permitted to have access to all public dancing academies at all reasonable times and whenever they are open for dancing, instruction in dancing or for any other purpose. Inspectors shall be required to report all violations. All reports shall be in writing and shall be filed and made matters of public record.

Section 1492.—No liquors shall be sold, served or given away in

[1] For Penal Law regarding children attending resorts, see Appendix XXX.

any public dancing academy, or in any room connected therewith or on the same floor of the building. The word "liquors" as used in this section shall be construed as defined in the liquor tax law of this state.

Section 1493.—The license of any public dancing academy shall be forfeited on conviction of any person for violation of section fourteen hundred and ninety-two of this act, or upon the conviction of any person for violation of section four hundred and eighty-four or section eleven hundred and forty-six of the penal law in or with respect to the premises of any public dancing academy. The license of any public dancing academy may be revoked by the licensing authority whenever the licensed premises do not comply with section fourteen hundred and ninety of this act, provided that the licensee or person in charge shall be served with a copy of the report or complaint, and shall have the right to a public hearing.

Section 1494.—The mayor or licensing authority of the City of New York may appoint such inspectors and other officials necessary to carry out the provisions of this act as may be authorized by the Board of Estimate and Apportionment of said city, or other authority having the right to appropriate public moneys. The money paid for licenses under this act shall be applied toward the payment of the salaries of the inspectors appointed hereunder. Any deficiency and any other expense of carrying this act into effect until appropriation can be made therefor shall be met by the issue of revenue bonds of the city.

APPENDIX X.

SEDUCTION UNDER PROMISE OF MARRIAGE.

Penal Law, Sections 2175-2176-2177.

Section 2175.—A person who, under the promise of marriage, seduces and has sexual intercourse with an unmarried female of previous chaste character, is punishable by imprisonment for not more than five years, or by the fine of not more than one thousand dollars, or both.

Section 2176.—Bar to prosecution.—The subsequent intermarriage of the parties, or the lapse of two years after the commission of the offense before the finding of an indictment, is a bar to a prosecution for a violation of this section.

Section 2177.—No conviction on unsupported testimony.—No conviction can be had for an offense specified in the last section, upon the testimony of the female seduced, unsupported by other evidence.

APPENDIX XI.

Compulsory Marriage.

Penal Law, Sections 532-533.

Section 532.—A person who by force, menace or duress, compels a woman against her will to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment for a term not exceeding ten years, or by a fine of not more than one thousand dollars, or by both.

Section 533.—No conviction on certain testimony.—No conviction can be had for compulsory marriage upon the testimony of the female compelled, unsupported by other evidence.

APPENDIX XII.

Compulsory Prostitution of Wife.

Penal Law, Sections 1090-1091.

Section 1090.—Any man who by force, fraud, intimidation or threats, places or leaves, or procures any other person to place or leave, his wife in a house of prostitution, or to lead a life of prostitution, shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not more than ten years.

Section 1091.—Wife a competent witness.—In all prosecutions under the previous section, the wife shall be a competent witness against the husband, but no conviction under this article shall be had upon the testimony of the wife unsupported by other evidence.

APPENDIX XIII.

COMPULSORY PROSTITUTION OF WOMEN.

Penal Law, Section 2460.

1. Any person who shall place any female in the charge or custody of any other person for immoral purposes, or in a house of prostitution with intent that she shall live a life of prostitution; or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purposes of prostitution, or shall compel any such female to reside in a house of prostitution or compel her to live a life of prostitution is punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for not less than one year nor more than three years, or by both such fine and such imprisonment.

2. Any person who shall receive any money or other valuable thing for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons to whom she is not married shall be guilty of a misdemeanor.

3. Any person who shall pay any money or other valuable thing to procure any female for the purpose of placing her for immoral purposes in any house of prostitution or elsewhere against her will, shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned for a period not less than one year, nor more than three years.

4. Every person who shall knowingly receive any money or other valuable thing for or on account of procuring or placing in the custody of another person for immoral purposes any woman, with or without her consent, is punishable by imprisonment not exceeding five years, and a fine not exceeding one thousand dollars.

5. No conviction shall be had under this section upon the testimony of the female unless supported by other evidence.

APPENDIX XIV.

VAGRANTS.

Code of Criminal Procedure, Sections 887-891-892.

Section 887 (as amended).—The following persons are vagrants:

1. A person who, not having visible means to maintain himself, lives without employment;

3. A person who has contracted an infectious or other disease, in the practice of drunkenness or debauchery, requiring charitable aid to restore him to health;

4. A common prostitute, who has no lawful employment, whereby to maintain herself;

9. (Added in 1900). Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be deemed to be living on the earnings of prostitution.

Section 891 (as amended in 1898).—Vagrant; when to be convicted; form of certificate of conviction.—If the magistrate be satisfied, from the confession of the person so brought before him, or by competent testimony, that he is a vagrant, and has resided in the county for a period of six months prior to his arrest, he must convict him, and must make and sign, with his name of office, a certificate substantially in the following form:

"I certify that A B, having been brought before me, charged with being a vagrant, I have duly examined the charge, and that upon his own confession in my presence (or upon the testimony of C D, etc., naming the witnesses), by which it appears that he is a person (pursuing the description contained in the subdivision of section eight hundred and eighty-seven, which is appropriate to the case), and if convicted under subdivisions one, five or six of section eight hundred and eighty-seven, that he has resided in the county of ..... for a period of six months immediately prior to his arrest, I have adjudged that he is a vagrant. Dated at the town (or city) of ..... the ..... day of ..... 18.....

"E. F.

"Justice of the Peace of the town of ....." (or as the case may be).

Section 892. (Added 1898.)—Certificate to constitute record of conviction, and to be filed; commitment of vagrants.—The magistrate must immediately cause the certificate which constitutes the record of conviction, together with the testimony taken before him as to the residence of such vagrant, to be filed in the office of the clerk of the county, and must, by a warrant signed by him, with his name of office, commit the vagrant, if not a notorious offender and a proper object for such relief, to the county poorhouse, if there be one, or to the almshouse or poorhouse of the city, village or town, for not exceeding six months at hard labor, or, if the vagrant be an improper person to be so committed, he must be committed for a like term to the county jail. In those counties of the state where the distinction between county poor and town poor is maintained, the expense of the conviction and

maintenance during the commitment of any vagrant committed to any one of the places of confinement above specified, who shall, at the time of such commitment, have obtained a legal settlement in one of the towns of the county in which said persons shall be convicted, shall be a charge upon the town where they may reside at the time of such commitment.

APPENDIX XIV A.

VAGRANTS.

Charter Provisions, Sections 707-712.

Section 707.—Whenever any person other than a child under the age of sixteen years is convicted in the City of New York as constituted by this act, of public intoxication, disorderly conduct or vagrancy, the court or magistrate, before which or whom such conviction is had, shall, if it or he do not suspend sentence as hereinafter provided, impose upon the person so convicted one or other of the penalties herein provided.

Upon a charge of vagrancy if the person so convicted be a prostitute between the ages of 16 and 21, the court or magistrate may commit such person, for not exceeding one year, in the boroughs of Manhattan and the Bronx, to the Roman Catholic House of the Good Shepherd, the Protestant Episcopal House of Mercy or the New York Magdalen Benevolent Society; in the borough of Brooklyn, to the Wayside Home, House of the Good Shepherd, or the Bethesda Home; and in the other boroughs to one of the above named institutions or to any other similar institution for women incorporated to carry on reformatory or rescue work in the City of New York. All other persons convicted upon a charge of vagrancy, including persons convicted as prostitutes and not committed to a reformatory as herein above provided shall be committed, in the boroughs of Manhattan and the Bronx, to the workhouse on Blackwell's Island; in the borough of Brooklyn to the penitentiary of said borough, and in the other boroughs of said city to a county jail, for the term of six months.

Upon a charge of public intoxication or of disorderly conduct the court or magistrate may impose a penalty as follows:

1. Commit the person so convicted in the boroughs of Manhattan and the Bronx, to the workhouse; in the borough of Brooklyn to the penitentiary of said borough, and in the other boroughs of the said city to a county jail or to said workhouse or to said penitentiary, to be detained for the term of six months.

2. Impose a fine not exceeding ten dollars. Upon the payment of the fine imposed, the person so convicted shall be forthwith discharged from custody. If, in the judgment of the court or magistrate, the person so convicted may be relied upon to pay the fine imposed within a reasonable time, the person so convicted may be conditionally released, and shall be furnished by the clerk of the court with a written certificate that he is released upon condition that the fine imposed be paid into court within a time to be named in the certificate. If the fine be not paid within such time, the court or magistrate sitting in the magistrate's court in which such conviction was had, shall issue a warrant for the arrest of such person, and shall commit him pursuant to the provisions of this section, as to commitment in case of the non-payment of a fine imposed, in the same manner as if he had not theretofore been conditionally released. If the fine imposed be not paid forthwith, the person so fined shall, if he be not conditionally released as hereinabove provided, be committed, in the boroughs of Manhattan

and the Bronx, to a city prison or county jail, and in the other boroughs of said city to the county jail of the county in which he shall have been convicted, for not exceeding ten days, each day of imprisonment to be taken as a liquidation of one dollar of the fine.

3. Require any person convicted of disorderly conduct to give sufficient surety or sureties for his good behavior for a period of time, to be recited in the commitment, of not more than six months. In default of giving such surety forthwith, the court or magistrate shall commit such person, in the boroughs of Manhattan and the Bronx to the city prison, to be thereafter transferred to and detained in the workhouse, in the borough of Brooklyn to the penitentiary, and in the other boroughs of said city to the county jail of the county in which he shall have been convicted, or to said workhouse, or to said penitentiary, to be there detained, unless sooner discharged pursuant to section seven hundred and eleven of this act, until such surety is furnished, or until the expiration of the period of time fixed by said commitment as aforesaid.

Nothing in this section contained shall be so construed as to prevent any court or magistrate from committing any person so convicted to any state institution to which, and for any term longer than six months, for which such magistrate may now be authorized to commit by law.[1]

Section 707-a.—Whenever a woman between the ages of sixteen and thirty is convicted in the City of New York of habitual drunkenness, of being a common prostitute, of soliciting on public streets or places for purposes of prostitution, of frequenting disorderly houses or houses of prostitution, or of vagrancy under subdivisions three or four of section eight hundred and eighty-seven of the Code of Criminal Procedure, she may be committed to the State Reformatory for Women at Bedford, pursuant to the provisions of section one hundred and forty-six of the State Charities law, to be there confined subject to the provisions of such law and of any other statute relating to such reformatory. (Added by L. 1905, ch. 610.)

Section 708.—Where a commitment has been made to the workhouse, penitentiary or county jail under any of the provisions of section seven hundred and seven of this act, except subdivision two thereof, it shall be the duty of the superintendent, warden, sheriff, or other person having charge of such institution, within twenty-four hours after such commitment, to ascertain from the records of the institution within his charge and from examination and inspection of the person committed as aforesaid whether such person has within two years next preceding the date of his commitment, been previously committed to such institution upon conviction of public intoxication, disorderly conduct or vagrancy. It shall also be his duty, if such commitment has been made to the workhouse or penitentiary within such twenty-four hours, to make an examination and take the measurements of any such person, unless such person has been committed because of the fact that he is destitute or homeless, according to the system known

[1] For duties of Probation Officers in regard to persons accused of vagrancy, see Appendix XVII A.

as the Bertillon system. It shall also be his duty within twenty-four hours to transmit to the commissioner a written certificate showing the name, aliases, sex, age, residence, occupation, height, weight, and the color of the hair of any such person and describing the measurements, scars, marks, deformities, or other signs whereby such person may be subsequently identified, the date of commitment, and the name of the court or magistrate by which or whom such commitment was made. Such certificate shall also show whether such person has been previously committed to such institution within the period, and for any one of the causes above specified, and, if so, the number of times that such person had been so committed during such period, the date of the last previous commitment of such person for either of said offenses, the name of the court or magistrate by which or by whom, and the offense for which such last previous commitment was made, and the period of detention under such last previous commitment. The Board of Estimate and Apportionment shall provide the salaries for such clerks and assistants as may be necessary to carry into effect the provisions of this section. (As amended by L. 1905, ch. 638, sec. 2.)

Section 709.—It shall be the duty of the commissioner to keep a book or books, card index or other register in which shall be properly recorded the names of all persons, whose commitments have been certified to him as required by section seven hundred and eight of this act, and all other facts which shall be certified to him as herein required by the superintendent, warden or sheriff having charge of the institution to which such person shall have been committed. Such book or books, index or register, are hereby declared to be public records and shall be open to public inspection, and shall be indexed and kept so as to show whether any person whose commitments have been so certified to him have been previously committed within two years next preceding such commitment for any of the causes herein specified. (As amended by L. 1905, ch. 638, sec. 3.)

Section 710.—Time of discharge, how to be ascertained and discharge of persons committed.—Within two days after the commitment of any person upon a conviction of vagraney or under subdivision one of section seven hundred and seven of this act, it shall be the duty of the commissioner to ascertain from the aforesaid records whether such person has been committed to the workhouse, penitentiary or county jail within two years next preceding the date of such commitment for public intoxication, disorderly conduct or vagrancy, and to make a written order specifying the date at which said person shall be discharged as follows, namely: in the case of a person who has not previously been committed for any one of the offenses herein specified within two years next preceding the date of his last commitment the said order shall direct that such person shall be discharged at the expiration of five days from the date of his commitment; in the case of a person who has been committed once before within the period of two years next preceding the date of his commitment for any of the offenses herein specified, the said order shall direct that such person shall be discharged at the expiration of twenty days from the date of his commitment; and in the case of a person who has been committed

more than once before during the two years next preceding the date of his commitment for any of the offenses herein specified, the said order shall direct that such person shall be discharged at the expiration of a period equal to twice the term of his detention under the last previous commitment, but not, in any event, exceeding the period fixed by the warrant of commitment: provided, however: First, that in case of a person committed upon conviction of vagrancy no order for the discharge of such person before the period fixed by the warrant of commitment shall be made wthout the written consent, endorsed upon such order, of the court or magistrate by which or whom such vagrant was committed. Second, that whenever the period of detention of any such person under his last previous commitment shall have exceeded the period of detention provided for by this section, either by reason of his detention or failure to furnish security for his good behavior or by reason of the detention of such person upon a conviction of vagrancy, beyond the period of detention so provided for, or by the ceasing, as hereinafter provided, of the right of such person to be discharged before the expiration of the full period fixed by the original warrant of commitment, then such excess of detention under his last previous commitment shall not be considered by the commissioner in determining the date of his discharge under the existing commitment. Third, in specifying the date at which such person shall be discharged, the commissioner shall not consider the records of any other institution than that to which such person has been committed by the existing commitment. The said order shall also contain, with respect to the person thereby discharged the dates of any of his previous commitments within two years next preceding the date of the existing commitment, and also the actual periods of detention under any such previous commitments, and the said order shall forthwith be transmitted to the superintendent, warden or sheriff having charge of the institution to which such person has been committed, who shall discharge such person accordingly. It shall be the duty of the said superintendent, warden or sheriff, as the case may be, whenever the date of discharge named in such order is more than five days from the date of the warrant of commitment, to serve, within twenty-four hours thereafter, a copy of said order and of section seven hundred and ten of this act upon the person named therein, and such person may, within twenty-four hours after such service, notify the superintendent, warden or sheriff in writing, that he claims the date of discharge named in the said order to be erroneous, for the reason that he has not in fact been previously committed upon one or more of the dates specified in said order as those of his previous commitments under section seven hundred and seven of this act. Upon receipt of such notification, the superintendent, warden or sheriff shall cause such person to be again brought before the court or magistrate by which or whom he was last committed. If such court be not then in session or if such magistrate be not then sitting, then such person shall be brought before any magistrate sitting in the borough in which such person was last committed. No such person shall be so brought before the court or magistrate, except upon twenty-four hours' notice

and after an opportunity shall have been given him to retain counsel and subpoena such witnesses as he desires. It shall be the duty of the court or magistrate before which or whom such person is brought thereupon to hear and determine the question whether such person has in fact been previously committed at the dates and detained for the periods named in said order, and to make an order modifying said order so as to provide for a date of discharge under the last commitment, in accordance with the facts and according to the provisions established by this section for the guidance of the commissioner. If upon the hearing, the said court or magistrate shall determine that the facts recited in the said order are true, it or he shall make a written finding to that effect; and thereupon any right of the prisoner to be discharged before the expiration of the full period fixed by the original warrant shall cease, and the said prisoner shall be detained until the expiration of said period. The date of any order made pursuant to this section and the name of the person whose period of detention is fixed thereby, and the period of detention therein specified shall be entered in the records required to be kept by section seven hundred and nine of this act, and the said order shall forthwith be transmitted to the superintendent, warden or sheriff having charge of the institution to which such person has been committed. Upon the expiration of the term of detention of any such person and upon the discharge of the person named therein, it shall be the duty of such superintendent, warden or sheriff, as the case may be, forthwith to return such order, with a written certificate endorsed thereon, specifying the date of the discharge of the person named therein, to the commissioner, who shall preserve the same as a public record. (As amended by L. 1905, ch. 638, sec. 4.)

Section 711.—In any case where a person has been committed under subdivision three of section seven hundred and seven of this act, and in any case coming under section seven hundred and ten of this act, where the date of discharge named in the commissioner's order shall be more than 20 days and less than 160 days after the date of the last warrant of commitment, the magistrate who signed the last warrant of commitment, may, after the expiration of 20 days, direct the discharge of any person so committed, but no such order shall be granted by any magistrate in any case where the order of the commissioner has been reviewed by a court or magistrate as provided by section seven hundred and ten of this act, and the facts recited therein have been found to be true, nor shall such order be granted by any magistrate except upon the written certificate of the commissioner specifying the date of discharge named by him for the person so committed and upon an affidavit setting forth facts which, in the opinion of said magistrate, shall justify such discharge. The said affidavit and certificate shall be filed and preserved with the complaint upon which such person was last convicted. Upon any subsequent commitment upon a conviction of vagrancy or under subdivision one of section seven hundred and seven of this act of a person so discharged, the commissioner shall direct the discharge of such person after the expiration of the term for which he would have

been detained under the existing commitment if no such order had been granted. (L. 1896, ch. 886, sec. 5.)

Section 712.—Transfer of inmates by commissioner.—The commissioner may transfer and commit and cause to be transferred and committed from the workhouse to the city prison or to either of the penitentiaries or to any other of the institutions in the department, any person committed to the workhouse under section seven hundred and seven of this act, whenever such transfer shall be necessary for the proper care and management of such city prison, penitentiaries or other institutions or for the proper employment of such person. The commissioner may also transfer and commit and cause to be transferred from the workhouse to the city prison or said penitentiaries, any person committed to the workhouse under section seven hundred and seven of this act, whenever, by reason of the number of offenders actually detained in such workhouse at any time, there shall not be accommodation therein for all the persons committed thereto; and in like manner the commissioner may in his discretion transfer prisoners from one penitentiary within the department or from one district prison to another district prison within the department. The commissioner may also transfer and commit or cause to be transferred and committed from the city prison or either of said penitentiaries to the workhouse to be detained or employed therein any person who shall have been duly committed thereto. (L. 1896, ch. 886, sec. 6.)

APPENDIX XV.

Disorderly Conduct.

Chapter 410, Laws of 1882, Section 1458.

Every person in said city and county shall be deemed guilty of disorderly conduct, that tends to a breach of the peace, who shall in any thoroughfare or public place in said city and county commit any of the following offenses, that is to say: * * * *

2. Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passers-by. * * * *

APPENDIX XVI.

ABSTRACT FROM DECISION BY MR. JUSTICE INGRAHAM, OF THE APPELLATE DIVISION, REGARDING THE RELEASE OF VAGRANTS AND DISORDERLY PERSONS FROM THE WORKHOUSE; TOGETHER WITH COMMENTS BY COMMISSIONER OF ACCOUNTS.

Mr. Justice Ingraham, of the Appellate Division, First Department, in the matter of the removal from office of Otto H. Droege, a city magistrate, on the charge of releasing prisoners from the workhouse in violation of the provisions of section seven hundred and eleven of the Charter, says:

"The orders discharging the prisoners were, therefore, unauthorized, and the Commissioner of Correction or the superintendent or other person having charge of the workhouse should not have obeyed them."[1]

In commenting on this decision, the Commissioner of Accounts in a report on Accounts and Methods of the Night Court, says:

"Irrespective of the Droege decision, however, it would seem that the Commissioner of the Department of Correction and his subordinates are chargeable directly with a responsibility in these cases of illegal discharge. When releases are made from the workhouse, except in cases of disorderly persons, the discharge papers are stamped and countersigned by the commissioner or deputy commissioner and are then filed away. While we find no provision of law requiring this, the act can hardly be considered one of mere supererogation. These officials, by thus tacitly consenting to the unauthorized liberation of prisoners by magistrates, have in effect participated therein, in contravention of an unambiguous statute which their official positions require them to be conversant with.

"If there were any reason, either in expediency or law, for the countersignature and approval, by officials of the Department of Correction, of legal and authorized discharges on orders of magistrates, it would be in its preventive value in stopping improper discharges. In practice, however this beneficial result is prevented even in such cases, since most of the discharge papers received at the workhouse come direct from the courts, and the prisoners are released before approval by the Commissioner of Correction or his deputy. We are informed, however, that after the release, the discharge papers are forwarded to the central office of the department for the commissioner's indorsement. Obviously, this is too late to have any immediate effect in preventing illegal or improper discharges, if that be the object of this practice.

"The department records contain no information from which it is possible to learn, in a given case, whether the discharge paper was presented at the workhouse by a court official or by a friend or relative of the prisoner or whether it was sent through the mail, all these different means of transmission being in equally common use. It is also impossible to ascertain from the records whether a prisoner discharged "on probation" was actually discharged into the custody of a probation officer, or was released without control of any kind".[2]

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[1] 129 App. Div. 866 (876).

[2] Report on a Special Examination of the Accounts and Methods of the Night Court, Sept. 3, 1909, Appendix, p. 99; also pages 32-34.

APPENDIX XVII.

PROBATION.

Code of Criminal Procedure, Sections 11a-483-487.

This is an amendment to §182, made in 1907. No penalty is prescribed.

Section *11*a. Probation officer; appointment and duties.—1. The magistrates of the courts having original jurisdiction of criminal actions in the state, may from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction of the courts of such magistrates and under the direction of such magistrates, to hold such office during the pleasure of the magistrate or magistrates making such appointment and of their successors. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. The appointment of a probation officer must be made in writing and entered on the records of the court of the magistrate or magistrates making such appointment, and copies of the order of appointment must be delivered to the officer so appointed and filed with the state probation commission. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be appointed as probation officer upon the order of any magistrate as herein provided. Whenever in a city of the first class members of the police force have been appointed probation officers as hereinabove provided and are serving as probation officers under the direction of a majority of the members of a board of city magistrates, the Commissioner of Police upon the request of any other magistrate of such board shall detail to such other magistrate a member of the police force who may be appointed by such magistrate as a probation officer. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment. The Board of Estimate and Apportionment in the City of New York and the appropriate municipal board or body of any other city or village, or the board of supervisors of any county, may in their discretion determine whether probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment, and they may also provide for the necessary expenses of probation officers. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to be attached to a court presided over by a magistrate sitting alone, the appointment of such probation officer shall be made

by that magistrate. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to serve in a court wherein several magistrates are sitting together, or in rotation, or in a court or courts wherein there is a board of magistrates, the appointment of such probation officer shall be made by all the magistrates jointly, or by a majority thereof, except that when a probation officer is to serve in a division of a court in which there is a board of magistrates the appointment shall be made by all the magistrates of such board jointly, or by a majority thereof. Whenever provision is made for the payment of a salary to a probation officer by the board of supervisors of any county, such probation officer shall be appointed by the county judge, or if there be more than one county judge by the county judges jointly, of such county, and such probation officer shall serve in the supreme and county courts of that county, and in any other courts in the county at the request of the magistrates holding such other courts, except the courts of criminal jurisdiction of cities of the first and second class.

2. Every probation officer shall, when so directed by the magistrate or magistrates of the court in which he is serving, inquire into the antecedents, character, and offense of any person or persons accused within the jurisdiction of such court, and shall report the same to such magistrate or magistrates. It shall be his duty to make such reports of all cases investigated by him, of all cases placed in his care by the magistrate or magistrates, and of any other duties performed by him in the discharge of his office, as shall be prescribed by the magistrate or magistrates assigning the case to him, or their successors, which report shall be delivered to such magistrate or magistrates to be filed with the probation records of the court. He shall furnish to each person released on probation, committed to his care, a written statement of the terms and conditions of his probation, and shall report to the magistrate or magistrates assigning the case to him, at least monthly, any violation or breach of the terms and conditions imposed by the court, of the persons placed in his care. Such probation officer shall have, as to the persons so committed to his care, the powers of a peace officer, and shall require such persons to report to him as may be directed by the magistrate or magistrates assigning the case to him.

Section 483.—Court may summarily inquire into circumstances in aggravation or mitigation of punishment. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence, may place such person on probation during such suspension under the charge and supervision of the probation officer appointed by said court. When practicable, any minor child placed on probation shall be placed with a probation officer

of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced, or if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

Section 487.—If the judgment be imprisonment, or a fine and imprisonment until it is paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the Code of Criminal Procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph four of section four hundred and eighty-three of the Code of Criminal Procedure, and the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until judgment be complied with.

APPENDIX XVII A.

PROBATION AMONG PERSONS CONVICTED OF PUBLIC INTOXICATION, DISORDERLY CONDUCT OR VAGRANCY IN THE MAGISTRATES' COURTS, NEW YORK CITY.

Amendment to Greater New York Charter, Section 707, [Laws 1905, Chapter 638, Sec. 1].

* * * * Any court or magistrate may suspend sentence in the case of any person convicted as in this section provided and may release such person upon probation upon such terms and conditions, and for such period of time, not exceeding six months, as the court or magistrate may deem best. A person released on probation in accordance with the provisions of this section shall be placed under the charge and supervision of a probation officer, to be appointed as provided in this section, and shall be furnished by the clerk of the court with a written statement of the terms and conditions of his release. If at any time during the probationary term of a person convicted and released under the provisions of this section it shall appear to the court before which, or the magistrate sitting in the magistrates' court in which the person so convicted was convicted, by report of the probation officer under whose care such person was placed, or otherwise, that such person has violated any of the terms or conditions of his release, the said court or magistrate may issue a warrant for the arrest of such person, and if it shall appear that such violation has occurred, it or he may commit him, in accordance with the provisions of this section, in the same manner as if such person had not theretofore been released upon probation.

The board of city magistrates of each division of the City of New York shall have authority to appoint such number of discreet persons of good character, either men or women, to serve as probation officers, as said boards may deem necessary, to serve during the pleasure of the court, or board of magistrates appointing them. The board of city magistrates of each division of the City of New York shall assign the probation officers appointed by it to the various city magistrates' courts in its division, and each probation officer shall act only as an officer of the city magistrates' court to which he is assigned.

It shall be the duty of the probation officers appointed under the provisions of this section to supervise the conduct of each person placed under their charge respectively, and to report any violation by any such person of the terms and conditions of his release; to make such investigation as may be required by the court or magistrate in the case of any person accused or convicted of public intoxication, disorderly conduct or vagrancy, and to furnish such information as may be necessary to assist the court or magistrate in making a proper disposition of each case; and to render such assistance and advice to the persons placed under their charge as each case may require. If two or more probation officers are attached to any city magistrates' court, the court or magistrate shall designate the officer under whose charge each person on probation shall be placed.

APPENDIX XVII B.

State Probation Commission.

Consolidated Laws [L. 1909, ch. 56], Chapter 54, Sections 30, 31.

Section 30. Organization, powers and duties of State Probation Commission.—The State Probation Commission is continued. Such commission shall exercise general supervision over the work of probation officers throughout the state, and shall consist of seven members, who shall serve without compensation as members of such commission. The State Board of Charities, and the State Commission of Prisons, shall, respectively, once each year, designate a member of their respective bodies, to act as members of the State Probation Commission; and the Commissioner of Education shall be, ex officio, a member thereof. As the terms of the appointive members, first appointed by the governor, shall expire, their successors shall be appointed by the governor within thirty days thereafter for a term of four years each. All vacancies occurring among appointive members, from whatsoever cause, shall be filled as soon as practicable thereafter by the governor for the unexpired term. An appointive member may be removed by the governor for cause and after an opportunity to be heard before the governor. The state commission shall meet at stated times to be fixed by such commission, not less often than once every two months. It shall collect and publish statistical and other information as to the operations of the probation system. It shall keep itself informed as to the work of all probation officers, and shall from time to time inquire into their conduct and efficiency. It shall endeavor, by such means as may seem to it most suitable, to secure the effective application of the probation system and enforcement of the probation law in all parts of the state. It shall make an annual report to the legislature showing its proceedings under this article and the result of the probation system as administered in the various localities in the state, with any suggestions or recommendations it may consider wise for the most effectual accomplishment of the general purposes of this article. Said commission in the discharge of its duties shall have access to all offices and records of probation officers, but this section shall not be construed as giving said commission access to the records of any society for the prevention of cruelty to children or humane society. The state commission may direct an investigation by a committee of one or more of its members of the work of any probation officer, and for this purpose, the member, or members, designated to make such investigation are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the supreme court.

Section 31. Employees of State Probation Commission.—The State Probation Commission shall employ a chief executive officer, who shall be its secretary, and who shall receive a salary at the rate of not less than three thousand five hundred dollars a year; a stenographer and such other employees, within the limits of the sums appropriated

for its use by the legislature, as may be necessary in the conduct of the business of such commission. The duties of such executive officer and other employees shall be designated by said commission. The legislature shall provide for the necessary and reasonable traveling expenses of the members of said commission and of the employees thereof. Such salaries and expenses shall be paid by the treasurer on the warrant of the comptroller, after approval by the commission.

APPENDIX XVIII.

Night Session, Relative to City Magistrates.

Amendment to Greater New York Charter, Section 1397-a, Laws 1907, ch. 598.

After the number of magistrates in the first division shall have been increased to sixteen, by appointment of the Mayor pursuant to law, the Board of City Magistrates of the first division shall provide for the holding of a night session of the court to be held in such place and during such hours each night as the board may direct and shall make assignments of magistrates to hold the same.

APPENDIX XVIII A.

Rules and Regulations of the Police Department, 1908, Applicable Only to the Night Court in Manhattan and the Bronx.

Section 58.—Generally speaking, there should be sent to the night session of the court all cases in which a magistrate has summary jurisdiction, and every female prisoner who is not charged with committing a felony.

Section 59.—All persons charged with disorderly conduct or violations of city ordinances, who are arrested after the closing of the day sessions, will be arraigned at the night session of the court.

Section 61.—All females arrested after the closing of the day sessions of the city magistrates' courts *excepting those charged with committing felonies,* shall be taken before the magistrate sitting in the night court.

APPENDIX XIX.

OBSCENE PRINTS AND ARTICLES.

Penal Law, Sections 1141, 1141a, 1143.

Section 1141. 1. A person who sells, lends, gives away or shows, or offers to sell, lend, give away, or show, or has in his possession with intent to sell, lend or give away, or to show, or advertises in any manner, or who otherwise offers, for loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character; or any article or instrument of indecent or immoral use, or purporting to be for indecent or immoral use or purpose, or who designs, copies, draws, photographs, prints, utters, publishes, or in any manner manufactures, or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, story paper, writing, paper, figure, image, matter, article or thing, or who writes, prints, publishes, or utters, or causes to be written, printed, published, or uttered any advertisement or notice of any kind, giving information, directly or indirectly, stating, or purporting so to do, where, how, of whom, or by what means any, or what purports to be any, obscene, lewd, lascivious, filthy, disgusting or indecent book, picture, writing, paper, figure, image, matter, article or thing, named in this section can be purchased, obtained or had or who has in his possession, any slot machine or other mechanical contrivance with moving pictures of nude or partly denuded female figures which pictures are lewd, obscene, indecent or immoral, or other lewd, obscene, indecent or immoral drawing, image, article or object, or who shows, advertises or exhibits the same, or causes the same to be shown, advertised, or exhibited, or who buys, owns or holds any such machine with intent to show, advertise or in any manner exhibit the same; or who,

2. Prints, utters, publishes, sells, lends, gives away or shows, or has in his possession with intent to sell, lend, give away or show, or otherwise offers for sale, loan, gift or distribution, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, and principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime; or who,

3. In any manner, hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them,

Is guilty of a midemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year imprisonment or be fined not less than fifty dollars nor more than one thousand dollars or both fine and imprisonment for each offense.

Section 1141a. Indecent posters. Any person who shall expose, place, display, post up, exhibit or paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited, or painted, printed or marked in or on any building, structure, billboard, wall or fence, or on the street, or in or upon any public place, any placard, poster,

bill or picture, or shall knowingly permit the same to be displayed on property belonging to or controlled by him, which placard, poster, bill or picture shall tend to demoralize the morals of youth or others or which shall be lewd, indecent, or immoral, shall be guilty of a misdemeanor. (Added by L. 1909, ch. 280. In effect Sept. 1, 1909.)

Section 1143. Mailing or carrying obscene prints and articles, A person who deposits, or causes to be deposited, in any post office within the state, or places in charge of an express company, or of a common carrier, or other person, for transportation, any of the articles or things specified in the last two sections, or any circular, book, pamphlet, advertisement, or notice relating thereto, with the intent of having same conveyed by mail or express, or in any other manner, or who knowingly or wilfully receives the same, with intent to carry or convey, or knowingly or wilfully carries or conveys the same, by express, or in any other manner except in the United States mail, is guilty of a misdemeanor.

APPENDIX XIX A.

DISPLAY OF IMMORAL PICTURES.

Code of Ordinances, as amended 1906.

Section 1.—No person shall post, paste, print, nail, maintain or display upon any billboard, fence, building, frame or structure, and in any manner expose to public view, as an advertisement of any show, play or performance, any indecent print, or any picture, or cut, tending to represent the doing of a criminal act; or representing indecently the limbs or any part of the human body; or the position of persons in relation to each other, tending to deprave the morals of individuals, or shocking to the sense of decency, or tending to incite the mind to acts of immorality or crime, or to familiarize and accustom the minds of young persons with the same.

Section 2.—Any person offending against any of the foregoing provisions of this ordinance shall be punished by a fine of not less than ten dollars nor more than $100, or by imprisonment not exceeding ten days; each day such violation shall be wilfully maintained or continued shall be deemed to constitute a separate offense, and render the offender liable to additional arrest and prosecution.

As amended June 19, 1906; in effect July 2, 1906.

APPENDIX XX.

IMMORAL PLAYS AND EXHIBITIONS AND THE USE AND LEASING OF REAL PROPERTY THEREFOR.

Penal Law, Section 1140a.

Any person who as owner, manager, director or agent or in any other capacity prepares, advertises, gives, presents or participates in, any obscene, indecent, immoral or impure drama, play, exhibition, show or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act, and every owner or lessee or manager of any garden, building, room, place or structure, who leases or lets the same or permits the same to be used for the purpose of any such drama, play, exhibition, show or entertainment, knowingly, or who assents to the use of the same for any such purpose, shall be guilty of a misdemeanor.

APPENDIX XXI.

DOMESTIC RELATIONS, MARRIAGE LICENSES.

Domestic Relations Law, Consolidated Laws, Chapter 14 [Laws 1909, ch. 19].

Section 13.—Marriage licenses.—It shall be necessary for all persons intending to be married to obtain a marriage license from the town or eity clerk of the town or eity in which the woman to be married resides and to deliver said license to the clergyman or magistrate who is to officiate before the marriage can be performed. If the woman or both parties to be married are non-residents of the state such license shall be obtained from the clerk of the town or city in which the marriage is to be performed.

Section 15.—Duty of town or eity elerk.—I shall be the duty of the town or city clerk when an application for a marriage license is made to him to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his deputies, containing the following information. From the groom: Full name of husband, color, place of residence, age, occupation, place of birth, name of father, eountry of birth, maiden name of mother, country of birth, number of marriage. From the bride: Full name of bride, place of residence, color, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. The said clerk shall also embody in the statement, if either or both of the applicants have been previously married, a statement as to whether the former husband or husbands or the former wife or wives of the respective applicants are living or dead and as to whether either or both of said applieants are divorced persons, if so when and where the divoree or divorces were granted and shall also embody therein a statement that no legal impediment exists as to the right of each of the applieants to enter into the marriage state. The town or city clerk is hereby given full power and authority to administer oaths and may require the applicants to produce witnesses to identify them or either of them and may also examine under oath or otherwise other witnesses as to any material inquiry pertaining to the issuing of the license. If it appears from the affidavits and statements so taken, that the persons for whose marriage the license in question is demanded are legally competent to marry the said clerk shall issue such license, except in the following cases. If it shall appear upon an application of the applicants as provided in this section that the man is under twenty-one years of age or that the woman is under the age of eighteen years, then the town or city elerk before he shall issue a license shall require the written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead then the written consent of the guardian or guardians of such minor or minors. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written eonsent to the marriage of the person under whose care or government the minor or minors may be before a lieense shall be issued. The parents, guard-

ians or other persons whose consents it shall be necessary to obtain before the license shall issue, shall personally appear before the town or city clerk and execute the same if they are residents of the State of New York and physically able to do so. If they are non-residents of the state the required consents may be executed and duly acknowledged without the state but the consent with a certificate attached showing the authority of the officer to take acknowledgments must be duly filed with the town or city clerk before a license shall issue. Before issuing any license herein provided for, the town or city clerk shall be entitled to a fee of one dollar, which sum shall be paid by the applicants before or at the time the license is issued; and all such fees so received by the clerks of cities shall be paid monthly to the treasurer of the city wherein such license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements, or who shall not require the procuring of the consents provided for by this act, which shall show that the parties authorized by said license to be married are legally competent to marry shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. In any city the fees collected for the issuing of a marriage license, or for solemnizing a marriage, as far as collected for services rendered by any officer or employee of such city, shall be paid into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city.

Section 16.—False statements or affidavits.—Any person who shall in any affidavit or statement required or provided for in this article wilfully and falsely swear in regard to any material fact as to the competency of any person for whose marriage the license in question or concerning the procuring or issuing of which said affidavit or statement may be made shall be deemed guilty of perjury and on conviction thereof shall be punished as provided by the statutes of this state.

Section 17.—Clergymen or officer violating act; penalty.—If any clergyman or other person authorized by the laws of this state to perform marriage ceremonies shall solemnize or presume to solemnize any marriage between any parties without a license being presented to him or them as herein provided or with knowledge that either party is legally incompetent to contract matrimony as is provided for in this article shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not less than fifty dollars nor more than five hundred dollars or by imprisonment for a term not exceeding one year.

Section 18.—Clergyman or officer; when protected.—Any such clergyman or officer as aforesaid to whom any such license duly issued may come and not having personal knowledge of the incompetency of either party therein named to contract matrimony, may lawfully solemnize matrimony between them.

Section 19.—Records to be kept by town and city clerks.—Each town and city clerk hereby empowered to issue marriage licenses shall

keep a book in which he shall record and index all affidavits, statements, consents and licenses together with the certificate attached showing the performance of marriage ceremony which book shall be kept and preserved as a part of the public records of his office. On or before the fifteenth day of each month the said town and city clerk shall file in the office of the county clerk of the county in which said town or city is situated the original of each affidavit, statement, consent, license and certificate, which have been filed with or made before him during the preceding month. He shall not be required to file any of said documents until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

Section 20.—Records to be kept by the county clerk.—The county clerk or each county shall record and index in a book kept in his office for that purpose each statement, affidavit, consent and license together with the certificate thereto attached showing the performance of the marriage ceremony filed in his office. During the first twenty days of the month of January, April, July and October of each year the county clerk shall transmit to the State Department of Health at Albany, New York, a copy of all affidavits, statements, consents and licenses with certificates attached filed in his office during the three months preceding the date of said report, also the copies of all contracts of mariage made and recorded in his office during said period entered into in accordance with subdivision four section eleven of this chapter, which said record shall be kept on file and properly indexed by the State Department of Health. The services rendered by the county clerk in carrying out the provisions of this article shall be a county charge, except in counties where the county clerk is a salaried officer, in which case they shall be a part of the duties of his office.

Section 21.—Forms and books to be furnished.—Blank forms for marriage licenses and certificates and also the proper books for registration ruled for the items contained in said forms and also blank statements and affidavits and such other blanks as shall be necessary to comply with the provisions of this article shall be prepared by the State Board of Health and shall be furnished by said department at the expense of the state to the county clerk of the various counties of the state in the quantities needed from time to time, and the county clerk of each county shall distribute them to town and city clerks in his county in such quantities as their necessities shall require. The expense of distributing the same to said town and city clerks is hereby made a county charge.

Section 22.—Penalty for violation.—Any town, city or county clerk who shall violate any of the provisions of this article or shall fail to comply therewith shall be deemed guilty of a misdemeanor and shall pay a fine not exceeding the sum of one hundred dollars on conviction thereof.

APPENDIX XXI A.

MARRIAGE.[1]

Penal Law, Sections 928, 1450.

Section 928.—Falsely personating another.—A person who falsely personates another, and, in such assumed character:

1. Marries or pretends to marry, or to sustain the marriage relation towards another, with or without the connivance of the latter; or,

2. Becomes bail or surety for a party in an action or special proceeding, civil or criminal, before a court or officer authorized to take such bail or surety; or,

3. Confesses a judgment; or,

4. Subscribes, verifies, publishes, acknowledges, or proves a written instrument, which by law may be recorded, with intent that the same may be delivered or used as true; or,

5. Does any other act, in the course of any action or proceeding, whereby, if it were done by the person falsely personated, such person might in any event become liabe to an action or special proceeding, civil or criminal, or to pay a sum of money, or to incur a charge, forfeiture, or penalty, or whereby any benefit might accrue to the offended, or to another person, is punishable by imprisonment in a state prison for not more than ten years.

Section 1450.—Solemnizing unlawful marriages.—A minister or magistrate who solemnizes a marriage when either of the parties is known to him to be under the age of legal consent, or to be an idiot or insane person, or a marriage to which within his knowledge a legal impediment exists, is guilty of a misdemeanor.

Until a marriage has been dissolved or annulled by a proper tribunal or court of competent jurisdiction, any person who shall assume to grant a divorce, in writing, purporting to divorce husband and wife and permitting them or either of them to lawfully marry again, shall be guilty of a misdemeanor punishable by fine for the first offense not exceeding five hundred dollars, and for the second offense one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment.

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[1] For Penal Law regarding Compulsory Marriage, see Appendix XI.

APPENDIX XXI B.

MARRIAGES.

New York Charter, Sections 1236, 1239, 1240, 1266.

Section 1236.—Persons solemnizing marriages to keep report.—It shall be the duty of clergymen, magistrates and other persons who perform marriage ceremonies in the City of New York to keep a registry of the marriages celebrated by them, which shall contain as near as can be ascertained, the name and surname of the parties married; the residence, age and condition of each; whether single or widowed.

Section 1239.—Penalty for failure to report.—For every omission of any person to make and keep the registry required by the preceding sections, and for every omission to file a written copy of the same with said department of health, within ten days after any birth or marriage provided to be registered, and for every omission to file the report of any death, birth or marriage the person guilty of such omission shall be guilty of a misdemeanor, and in addition thereto, the offender shall also be liable to pay a fine of one hundred dollars to be recovered in the name of the Department of Health of the City of New York, before any justice or tribunal in said city having jurisdiction of civil actions. But no person shall be liable for such fine or subject to arrest and imprisonment for not filing the report herein required, if such report has been filed by any other person, or if an excuse is presented to the commissioner of health for such omission which the said commissioner shall decide to be sufficient, in which event the said commissioner of health is hereby empowered to excuse the said omission. In any action hereunder such excuse shall be proved by the party claiming the benefit of the same. [In substance as amended by L. 1905, ch. 532, sec. 3.]

Section 1240.—Record of marriages.—The Department of Health shall keep a record of the marriages filed with it; numbered and recorded in the order in which they are received by the department, and the record thereof shall state the date of marriage, name, residence, and official position, if any, of the persons, by whom married, names and surnames of the parties, age, the color, residence, birthplace, number of marriage, and condition of each, whether single or widowed, father's name and mother's maiden name, and maiden name of the bride if a widow, and the time when the record was made. (In substanee as amended by L. 1905, ch. 532, sec. 4.)

Section 1266.—If any person shall knowingly make to, or file with, said Department of Health or any officer thereof, any false return, statement or report relative to any birth, death or marriage, or other matter concerning which a report or return may be legally required of, or should be made by, such person; if any member, inspector or officer, or any agent of said Department of Health shall knowingly make to said Department of Health any false or deceptive report or statement in connection with his duties, or shall accept or receive, or authorize or encourage, or knowingly allow any other person to accept or receive any bribe or other compensation as a condition of or an inducement for not faithfully discovering or fully reporting, or otherwise acting,

according to his duty in every respect, then any and every person shall be deemed guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than five hundred dollars and, if an officer or employee of the department, by the forfeiture of his office, rank or position, and shall be liable to be for such crime indicted, tried and punished according to law, and shall, in addition forfeit all compensation due or to grow due from said department. (As amended by L. 1905, ch. 532, sec. 5.)

APPENDIX XXI C.

Powers and Duties of Notaries Public.

Executive Law, Consolidated Laws, ch. 18 (L. 1909, ch. 23), Section 105, Subdivision 2 (in part).

A notary public has authority: 2. In the county in and for which he has been appointed and elsewhere, as provided in section one hundred and two of this chapter, to administer oaths and affirmations, to take affidavits and certify the acknowledgment and proof of deeds, and other written instruments to be read in evidence or recorded in this state, in all cases in which commissioners of deeds may now take and certify the same, and under the same rules, regulations and requirements prescribed to said last mentioned officers, not inconsistent with any of the provisions of this chapter; except that a county clerk's certificate authenticating the official character and the signature of such a notary shall not be necessary to entitle any deed or other written instrument so proved and acknowledged, to be read in evidence or recorded in a county in which the autograph signature and certificate of appointment and qualification of such notary shall have been filed, pursuant to section one hundred and two of this chapter. The acts authorized by this subdivision may be performed by such notary without official seal. For any misconduct in the performance of any such powers, a notary public shall be liable to the parties injured for all damages sustained by him.

APPENDIX XXI D.

Public Officers.

Penal Law, Sections 1857, 1861, 885.

Section 1857.—Omission of duty by public officer.—Where any duty is or shall be imposed by law, upon any public officer, or upon any person holding a public trust or employment every wilful omission to perform such duty where no special provision was before made for the punishment of said delinquency is punishable as a misdemeanor.

Section 1861.—Other false certificates.—A public officer, who being authorized by law, to make or give a certificate or other writing, knowingly makes and delivers as true such a certificate or writing, containing any statement which he knows to be false, in the case where the punishment thereof is not expressly provided by law, is guilty of a misdemeanor.

Section 885.—False certificates to certain instruments.—An officer authorized to take the proof of acknowledgment of an instrument which by the law may be recorded, who willfully certifies falsely that the execution of such an instrument was acknowledged by any party thereto or that the execution of any such instrument was proved, is guilty of forgery in the first degree.

APPENDIX XXII.

ADULTERY.

Penal Law, Sections 100-103.

Section 100.—Adultery defined.—Adultery is the sexual intercourse of two persons, either of whom is married to a third person.

Section 101.—Adultery a misdemeanor.—A person who commits adultery is guilty of a misdemeanor.

Section 102.—Punishment for adultery.—A person convicted of a violation of this article is punishable by imprisonment in a penitentiary or county jail, for not more than six months or by a fine of not more than two hundred and fifty dollars, or by both.

Section 103.—Conviction cannot be had on unsupported testimony. —A conviction under this article cannot be had on the uncorroborated testimony of the person with whom the offense is charged to have been committed.

APPENDIX XXIII.

REGULATING AND RESTRAINING PRACTICE OF MIDWIFERY IN THE CITY OF NEW YORK.

Laws 1907, Chapter 432, Sections 1-3.

Section 1.—The Department of Health in the City of New York is hereby vested with the power and authority to adopt rules and regulations and adopt ordinances governing the practice of midwifery in the City of New York, including rules and regulations and ordinances for admission to said practice, the exclusion from said practice, and the regulation and inspection of midwives and the practice of midwifery generally, in the City of New York.

Section 2.—As used in this act the practice of midwifery means the offering or undertaking by any person to assist for a compensation of any kind a woman in normal child-birth, but it does not include at any child-birth the use of any instrument, nor the assisting of child-birth by any artificial, forcible or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising or employing in child-birth any drug other than a disinfectant. This act shall not be construed as applying to any practitioner of medicine duly authorized to practice medicine and registered according to law, nor shall it authorize any midwife to practice medicine.

Section 3.—Any person who shall practice midwifery in the City of New York in violation of any rules, regulations or ordinances promulgated by the Department of Health shall be guilty of a misdemeanor.

APPENDIX XXIII A.

Rules and Regulations Governing the Practice of Midwifery in the City of New York.

Board of Health, Rules 1-10, 1908.[1]

1. No person other than a duly authorized physician shall engage in the practice of midwifery without a permit from the Board of Health. No permit will be granted unless an application, made on the printed blank form issued by the Board, has been filed with the Department of Health.

2. This application must be certified to by two regularly licensed and registered physicians, and by one reputable and responsible layman (preferably a clergyman, priest or rabbi).

3. The applicant must be twenty-one years of age or over, and of moral character. She must be able to read and write. She must be clean and constantly show evidences, in general appearance, of habits of cleanliness. She must have attended, under the instruction of a licensed and registered physician, at least twenty cases of labor and have had the care of at least twenty mothers and new-born infants during the lying-in period (10 days).

4. The Board of Health may issue a permit to practice midwifery within thirty days after an application for such permit has been filed, provided the applicant is considered competent to care for women in normal labor.

5. This permit will allow the holder to act as a midwife for one year from the date of issuance, and must be renewed at the end of that time. The Board of Health may at any time revoke this permit.

6. No permit will be granted to an applicant who has been convicted of criminal practice, and any such conviction will be sufficient cause for the revocation of a permit.

7. Before a permit is given to an applicant she must appear in person at the Department of Health (Fifty-fifth Street and Sixth Avenue), and register her name and address. She will also receive and receipt for a copy of rules and regulations governing the practice of midwifery which have been adopted by the Board of Health. These rules and regulations must be explicitly followed.

8. Any midwife changing her name or address must at once report such changes to the Department of Health.

9. A midwife can attend only cases of labor in which there is an uncomplicated vertex (head) presentation. In all other cases a physician must be called.

10. The home of a midwife, her equipment, record of cases and resistry of births shall at all times be open to inspection by the authorized officers, inspectors and agents of the Department of Health.

[1] Rules numbered 11-35 are omitted since they refer mainly to matters of health.

APPENDIX XXIII B.

LICENSES AND PERMITS FOR THE PRACTICE OF MIDWIFERY.

Sanitary Code, Sections 184, 159.

Section 184.—No person other than a licensed physician shall practice midwifery in the City of New York without a permit of the Board of Health authorizing such practice, and no person unless authorized by law to do so shall conduct a lying-in hospital, home, or place for the care of pregnant and parturient women, or advertise, offer, or undertake to receive and care for them at such place or at his home, without a permit from the Board of Health.

Section 159.— * * * * It shall also be the duty of physicians and professional midwives to keep a registry of the several births in which they have assisted professionally, which shall contain as near as the same can be ascertained, the time and place of such birth, name, sex and color of the child, the name, residence, birthplace and age of the parents, the occupation of the father and the maiden name of the mother, and to report the same within ten days to the Department of Health.

APPENDIX XXIV.

ABORTION.

Penal Law, Sections 80, 82, 1050, 1051, 1142.

Section 80.—Definition and punishment of abortion.—A person who, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve the life of the woman, or the child with which she is pregnant, either:

1. Prescribes, supplies, or administers to woman, whether pregnant or not, or advises or causes a woman to take any medicine or drug or substance; or,

2. Uses, or causes to be used, any instrument or other means, is guilty of abortion, and is punishable by imprisonment in a state prison for not more than four years, or in a county jail for not more than one year.

Section 82.—Selling drugs or instruments to procure a miscarriage.—A person who manufactures, gives or sells an instrument, a medicine or drug, or any other substance, with intent that the same may be unlawfully used in procuring the miscarriage of a woman, is guilty of a felony.

Section 1050.—Killing unborn quick child by administering drugs.—The willful killing of an unborn quick child, by an injury committed upon the person of the mother of such child, is manslaughter in the first degree.

A person who provides, supplies, or administers to a woman, whether pregnant or not, or who prescribes for, or advises or procures a woman to take any medicine, drug or substance, or who uses or employs, or causes to be used or employed, any instrument or other means, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve her life, in case the death of the woman, or of any quick child of which she is pregnant, is thereby produced, is guilty of manslaughter in the first degree.

Section 1051.—Punishment for manslaughter in the first degree.—Manslaughter in the first degree is punishable by imprisonment for a term not exceeding twenty years.

Section 1142.—Indecent Articles.—A person who sells, lends, gives away, or in any manner exhibits or offers to sell, lend or give away, or has in his possession with intent to sell, lend or give away, or advertises, or offers for sale, loan or distribution, any instrument or article, or any recipe, drug or medicine for the prevention of conception, or for causing unlawful abortion, or purporting to be for the prevention of conception, or for causing unlawful abortion, or advertises, or holds out representations that it can be so used or applied, or any such description as will be calculated to lead another to so use or apply any such article, recipe, drug, medicine or instrument, or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such an instrument, article, recipe, drug or medicine can be purchased or obtained, or who manu-

factures any such instrument, article, recipe, drug or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties as provided in section eleven hundred and forty-one of this chapter. (Is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year imprisonment or be fined not less than fifty dollars nor more than one thousand dollars or both fine and imprisonment for each offense.)

APPENDIX XXV.

Sale of Cocaine or Eucaine and Regulations as to Prescriptions for Opium and Morphine.

Penal Law, Sections 1533-1745-1746.

Section 1533.—Permitting use of building for nuisance; opium smoking.—A person who:

1. Lets, or permits to be used, a building, or a portion of a building, knowing that it is intended to be used for committing or maintaining a public nuisance; or,

2. Opens or maintains a place where opium, or any of its preparations, is smoked by other persons; or,

3. At such place sells or gives away any opium, or its said preparations, to be there smoked or otherwise used; or,

4. Visits or resorts to any such place for the purpose of smoking opium or its said preparations, is guilty of a misdemeanor.

Section 1745.—A person who, except on the written or verbal order of a physician, refills more than once prescriptions containing opium, morphine or preparations of either, in which the dose of opium exceeds one-fourth grain, or morphine one-twentieth grain, is guilty of a misdemeanor.

Section 1746.—It shall be unlawful for any person to sell, furnish or dispose of alkaloid cocaine or its salts, or alpha or beta eucaine or their salts or any admixture of cocaine or eucaine, except upon the written prescription of a duly registered physician, which prescription shall be retained by the person who dispenses the same, shall be filled but once and of which no copy shall be taken by any person; except, however, that such alkaloid cocaine or its salts, and alpha or beta eucaine or their salts may lawfully be sold at wholesale upon the written order of a licensed pharmacist or licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist provided that the wholesale dealer shall affix or cause to be affixed to the bottle, box, vessel or package containing the article sold, and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity of cocaine or its salts, alpha or beta eucaine or their salts, sold, and the word "poison" with the name and place of business of the seller, all printed in red ink; and provided also that the wholesale dealer shall before delivering any of the articles make or cause to be made in a book kept for the purpose an entry of the sale thereof stating the date of sale, the quantity, name and form in which sold, the name and address of the purchaser, and the name of the person by whom the entry is made; and the said book shall be always open for inspection by the proper authorities and shall be preserved for at least five years after the date of the last entry made therein; and provided also that any manufacturer may sell to another manufacturer of the same article, or to a wholesale dealer in drugs, or, a wholesale dealer in drugs may sell to a manufacturer of the same article, or to another wholesale dealer in drugs, alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture of cocaine or eucaine in the original package. Such package shall be labeled as

herein provided and shall be securely sealed. Each manufacturer and each wholesale dealer in drugs shall, before the delivery or at the time of the receipt, as the case may be, of any such drug, enter or cause to be entered in a book to be kept by them respectively for that purpose, a record of the purchase and sale of such drug, stating the date of purchase; the date of sale and the name and address of the person to whom sold; and the name and address of the person from whom purchased; the quantity, name and form in which sold and a description of the package or container in which sold and how sealed and there shall also be entered in such book at the place of such record a statement that such drug was sold or purchased, as the case may be, in the original package; that the seals thereon were undamaged and unbroken and the labels were attached thereto as herein provided and were not in any manner defaced or damaged, which statement shall be signed by the person selling such drug and the person purchasing such drug in the books herein required to be kept by them respectively.

Any person who violates any of the provisions of this section shall be guilty of felony punishable by imprisonment of not more than one year or a fine of not more than one thousand dollars, or both.

APPENDIX XXV A.

REGULATIONS REGARDING SALE OF COCAINE.

Sanitary Code, Section 182.

No cocaine or salt of cocaine, either alone or in combination with other substance, shall be sold at retail by any person in the City of New York, except upon the prescription of a physician. [No penalty is specifically provided.]

APPENDIX XXVI.

RAPE.

Penal Law, Sections 2010-2012.

Section 2010.—Rape defined.—A person who perpetrates an act of sexual intercourse with a female not his wife, against her will or without her consent; or,

1. When through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent, or, by reason of mental or physical weakness, or immaturity, or any bodily ailment, she does not offer resistance; or,

2. When her resistance is forcibly overcome; or,

3. When her resistance is prevented by fear of immediate and great bodily harm, which she has reasonable cause to believe will be inflicted upon her; or,

4. When her resistance is prevented by stupor, or weakness of mind produced by an intoxicating, or narcotic, or anæstheic agent; or when she is known by the defendant to be in such state of stupor or weakness of mind from any cause; or,

5. When she is, at the time, unconscious of the nature of the act, and this is known to the defendant; or when she is in the custody of the law, or of any officer thereof, or in any place of lawful detention, temporary or permanent,

Is guilty of rape in the first degree and punishable by imprisonment for not more than twenty years.

A person who perpetrates an act of sexual intercourse with a female, not his wife, under the age of eighteen years, under the circumstances not amounting to rape in the first degree, is guilty of rape in the second degree, and punishable with imprisonment for not more than ten years.

Section 2011.—Penetration sufficient.—Any sexual penetration, however slight, is sufficient to complete the crime.

Section 2012.—When physical ability must be proved.—No conviction for rape can be had against one who was under the age of fourteen years, at the time of the act alleged, unless his physical ability to accomplish penetration is proved as an independent fact, beyond a reasonable doubt.

APPENDIX XXVII.

KIDNAPPING.

Penal Law, Section 1250.

Section 1250.—A person who wilfully:

1. Seizes, confines, inveigles, or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of the state, or to be sold as a slave, or in any way held to service or kept or detained, against his will; or,

2. Leads, takes, entices away, or detains a child under the age of sixteen years, with intent to keep or conceal it from its parents, guardian, or other person having the lawful care or control thereof, or to extort or obtain money or reward for the return or disposition of the child, or with intent to steal any article about or on the person of the child; or,

3. Abducts, entices, or by force or fraud unlawfully takes, or carries away another, at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking, or carrying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within the state,

Is guilty of kidnapping, and is punishable by imprisonment for not less than five years nor more than fifty years. [As amended by L. 1909, ch. 246.]

APPENDIX XXVIII.

ABDUCTION.

Penal Law, Sections 70, 71.

Section 70.—A person who:

1. Takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed or harbored or used, a female under the age of eighteen years, for the purpose of prostitution; or, not being her husband, for the purpose of sexual intercourse; or, without the consent of her father, mother, guardian or other person having legal charge of her person, for the purpose of marriage; or,

2. Inveigles or entices an unmarried female, of previous chaste character, into a house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution or sexual intercourse; or,

3. Takes or detains a female unlawfully against her will, with the intent to compel her, by force, menace or duress, to marry him, or to marry any other person, or to be defiled; or,

4. Being parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, consents to her taking or detaining by any person for the purpose of prostitution or sexual intercourse,

Is guilty of abduction and punishable by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both.

Section 71.—No conviction to be had on unsupported testimony.—No conviction can be had for abduction or compulsory marriage, upon the testimony of the female abducted or compelled, unsupported by evidence. [As amended by L. 1909, ch. 524.]

APPENDIX XXIX.

CHILDREN'S COURT.

Penal Law, Section 487.

All cases involving the commitment or trial of children, actually or apparently under the age of sixteen years, for any violation of law, in any court shall be heard and determined by such court, at suitable times to be designated therefor by it, separate and apart from trial of other criminal cases, of which session a separate docket and record shall be kept. All such cases shall, so far as practicable, be heard and determined in a separate court room to be known as the children's court and to be used exclusively for the examination and trial of children, actually or apparently under the age of sixteen years, charged with any offense. And all such cases and cases of offenses by, or against the person of, a child under the age of sixteen years shall have preference over all other cases, before all magistrates and in all courts and tribunals in this state both civil and criminal; and where a child is committed or detained as a witness in any case such case shall be brought to trial or otherwise disposed of without delay, whether the defendant be in custody or enlarged on bail.

APPENDIX XXX.

ENDANGERING LIFE OR HEALTH OF CHILD.

Penal Law, Section 483, 484, 486.

A person who:

1. Willfully causes or permits the life or limb of any child actually or apparently under the age of sixteen years to be endangered, or its health to be injured, or its morals to become depraved; or,

2. Willfully causes or permits such child to be placed in such a situation or to engage in such an occupation that its life or limb is endangered, or its health is likely to be injured, or its morals likely to be impaired, is guilty of a misdemeanor.

3. Any parent or guardian or other person having custody of a child under sixteen years of age, except in the City of New York, who omits to exercise due diligence in the control of such child, to prevent such child from violating any of the provisions of this article and any such person or any other person responsible for or who by any act or omission causes, encourages or contributes to the violation by any such child of said provisions shall be guilty of a misdemeanor and punishable accordingly.

Section 484.—Permitting children to attend certain resorts.—A person who:

1. (Amended, L. 1909, ch. 278). Admits to or allows to remain in any dance house, concert saloon, theatre, museum, skating rink, kinetoscope or moving picture performance, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept, leased, managed or controlled by him or by his employer, or where such person is employed or performs such services as doorkeeper or ticket seller or ticket collector, any child actually or apparently under the age of sixteen years, unless accompanied by its parents or guardian; or

2. Suffers or permits any such child to play any game of skill or chance in any such place, or in any place adjacent thereto, or to be or remain therein, or admits or allows to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof is smoked, any child actually or apparently under the age of sixteen years; or,

3. Sells or gives away, or causes or permits or procures to be sold or given away to any child actually or apparently under the age of sixteen years any beer, ale, wine, or any strong or spirituous liquor; is guilty of a misdemeanor.

4. Being a pawnbroker or person in the employ of a pawnbroker, makes any loan or advance or permits to be loaned or advanced to any child actually or apparently under the age of sixteen years any money, or in any manner directly or indirectly receives any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever; or,

5. Sells, pays for or furnishes any cigar, cigarette or tobacco in

any of its forms to any child actually or apparently under the age of sixteen years; or,

6. Being the owner, keeper or proprietor of a junk shop, junk cart or other vehicle or boat or other vessel used for the collection of junk, or any collector of junk receives or purchases any goods, chattels, wares or merchandise from any child under the age of sixteen,

Is guilty of a misdemeanor.

It shall be no defense to a prosecution for a violation of subdivisions three, four, five or six of this section, that in the transaction upon which the prosecution is based the child acted as the agent or representative of another, or that the defendant dealt with such child as the agent or representative of another.

Section 486.—Prohibited acts.—Any child actually or apparently under the age of sixteen years who is found: * * * *

4. Frequenting or being in the company of reputed thieves or prostitutes, or in a reputed house of prostitution or assignation, or living in such a house either with or without its parent or guardian, or being in concert saloons, dance houses, theatres, museums or other places of entertainment, or places where wines, malt, or spirituous liquors are sold, without being in charge of its parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place, * * * *

Must be arrested and brought before a proper court or magistrate, who may commit the child to any incorporated charitable reformatory, or other institution, and when practicable, to such as is governed by persons of the same religious faith as the parents of the child, or may make any disposition of the child such as now is, or hereafter may be authorized in the cases of vagrants, truants, paupers, or disorderly persons, but such commitment shall, so far as practicable, be made to such charitable or reformatory institutions. * * * *

APPENDIX XXXI.

MESSENGER BOYS.

Penal Law, Sections 488, 490.

Section 488.—Sending messenger boys to certain places.—A corporation or person employing messenger boys who:

1. Knowingly places or permits to remain in a disorderly house, or in an unlicensed saloon, inn, tavern or other unlicensed place where malt or spirituous liquors or wines are sold, any instrument or device by which communication may be had between such disorderly house, saloon, inn, tavern, or unlicensed place, and any office or place of business of such corporation or person; or,

2. Knowingly sends or permits any person to send any messenger boy to any disorderly house, unlicensed saloon, inn, tavern, or other unlicensed place, where malt or spirituous liquors or wines are sold, on any errand or business whatsoever except to deliver telegrams at the door of such house is guilty of a misdemeanor and incurs a penalty of fifty dollars to be recovered by the district attorney.

Section 490.—Duty of officers.—A constable or police officer must, and any agent or any officer of any incorporated society for the prevention of cruelty to children may arrest and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of this article and any minor coming within any of the descriptions of children mentioned in section four hundred and eighty-five, and four hundred and eighty-six, or in four hundred and eighty-seven. Such constable, police officer or agent may interfere to prevent the perpetration in his presence of any act forbidden by this article.

A person who obstructs or interferes with any officer or agent of such society in the exercise of his authority under this article is guilty of a misdemeanor.

APPENDIX XXXII.

Hours of Labor of Minors.

Labor Law, Article II, Section 161.

No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, more than fifty-four hours in any one week, or more than nine hours in any one day, or before seven o'clock in the morning or after ten o'clock in the evening of any day. But in cities of the first class no child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any such establishment after seven o'clock in the evening of any day. No female employee between sixteen and twenty-one years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment.

APPENDIX XXXII A.

Violations of Provisions of Labor Law.

Penal Law, Section 1275.

Any person who violates or does not comply with: * * * *

7. The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein: * * * *

Is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

APPENDIX XXXIII.

EMPLOYMENT AGENCY LAW.

General Business Law [Consolidated Laws, ch. 20; L. 1909, ch. 25], Art. 11, Section 177.

Section 7.—Character of employer; fraud.—No such licensed person shall send or cause to be sent any female as a servant or inmate or performer to enter any place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child or shall place or assist in placing any such child in any employment whatever in violation of the compulsory education law, known as title sixteen, of the consolidated school law of eighteen hundred and ninety-four, as amended; and in violation of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, known as the labor law. No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No such licensed person, his agents or employees, shall have sexual intercourse with any female applicant for employment. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises whether or not dues or a fee or privilege is exacted, charged, or received directly or indirectly. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not less than fifty dollars, and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letter heads, receipts, and blanks shall contain the name and address of such employment agency and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.[1]

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[1] The preceding sections of this article provide, among other things, that an employment agent must secure a license, give a bond, keep a register of all transactions and communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity.

APPENDIX XXXIV.

ASSAULT.

Penal Law, Sections 240-245.

Section 240. Assault in first degree defined. A person who, with an intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another:

1. Assaults another with a loaded fire arm, or any other deadly weapon, or by any other means or force likely to produce death; or,

2. Administers to or causes to be administered to or taken by another, poison, or any other destructive or noxious thing, so as to endanger the life of such other, is guilty of assault in the first degree.

Section 241. Punishment for assault in first degree. Assault in the first degree is punishable by imprisonment for a term not exceeding ten years.

Section 242. Assault in second degree. A person who, under circumstances not amounting to the crime specified in section two hundred and forty,

1. With intent to injure, unlawfully administers to, or causes to be administered to, or taken by another, poison, or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or,

2. With intent thereby to enable or assist himself or any other person to commit any crime, administers to or causes to be administered to or taken by another, chloroform, ether, laudanum, or any other intoxicating narcotic or anæsthetic agent; or,

3. Wilfully and wrongfully wounds or inflicts grievous bodily harm upon another, either with or without a weapon; or,

4. Wilfully and wrongfully assaults another by the use of a weapon, or other instrument or thing likely to produce grievous bodily harm; or,

5. Assaults another with intent to commit a felony, or to prevent or resist the execution of any lawful process or mandate of any court officer, or the lawful apprehension or detention of himself, or any other person, is guilty of assault in the second degree.

Section 243. Punishment for assault in second degree.

Assault in the second degree is punishable by imprisonment in a penitentiary or state prison for a term not exceeding five years, or by a fine of not more than one thousand dollars, or both.

Section 244. Assault in third degree.

A person who commits an assault, or an assault and battery, not such as is specified in sections two hundred and forty and two hundred and forty-two, is guilty of assault in the third degree.

Section 245. Punishment for assault in third degree. Assault in the third degree is punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both.

APPENDIX XXXV.

PENALTY FOR A MISDEMEANOR.

Penal Law, Section 1937.

A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this chapter, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both.

TABLES

TABLE I.

TENEMENT HOUSE DEPARTMENT RECORDS FOR ALL BOROUGHS.

	COMPLAINTS				VIOLATIONS				PROSECUTIONS	
Period	Total No.	Dismissed	Held as Violations	Percent. Dismissed	Total No.	Dismissed	Held for Prosecution	Percent Dismissed	Total No.	Dismissed
Aug. 1, 1902 to July 1, 1903	223	183	40	82.1	40	35	5	87.5	5	5
July 1, 1903 to Dec. 31, 1903	179	133	46	74.3	46	43	3	93.5		
1904	167	92	75	55.1	75	74	1	98.7	3	3
1905	210	109	101	51.9	101	100	1	99.	1	1
1906	163	141	22	86.5	22	22	0	100.	1	1
1907	186	182	4	97.8	4	4	0	100.		
1/08 to 10/08	227	222	5	97.8	5	5	0	100.		
Total	1355	1062	293	78.4	293	283	10	96.6	10	10

TABLE II.

TENEMENT HOUSE DEPARTMENT RECORDS FOR MANHATTAN.

	COMPLAINTS				VIOLATIONS				PROSECUTIONS	
Period	Total No.	Dismissed	Held as Violations	Percent. Dismissed	Total No.	Dismissed	Held for Prosecution	Percent. Dismissed	Total No.	Dismissed
Aug. 1, 1902 to July 1,1903	197	157	40	79.7	40	35	5	87.5	5	5
July 1,1903 to Dec. 31, 1903	130	84	46	64.6	46	43	3	93.5	3	3
1904	153	78	75	50.9	75	74	1	98.7	1	1
1905	124	29	95	23.4	95	95	0	100.		
1906	144	122	22	84.7	22	22	0	100.		
1907	155	154	1	99.3	1	1	0	100.		
1/08 to 10/08	191	187	4	97.9	4	4	0	100.		
Total	1094	811	283	74.1	283	274	9	96.8	9	9

TABLE III.

TENEMENT HOUSE DEPARTMENT RECORDS FOR BRONX, BROOKLYN, QUEENS, RICHMOND.

Period	BRONX					BROOKLYN, QUEENS AND RICHMOND						
	Complaints			Violations			Complaints		Violations			
	Total	Dismissed	Held as viola.	Total	Dismissed	Total	Dismissed	Held for viola.	Total	Dismissed	Held for pros.	Conviction
Aug. 1, 1902 to July 1, 1903	..	..	..	..	..	26	26	0	..	..	..	
July 23, 1903 to Dec. 31, 1903	..	..	..	..	..	49	49	0	..	..	..	..
1904	..	..	..	..	..	14	14	0	..	..	..	..
1905	..	..	..	..	..	86	80	6	6	5	1	0
1906	1	1	..	..	..	18	18	0	..	..	..	..
1907	1	..	1	1	1	30	28	2	2	2	0	
1/08 to 10/08	..	..	..	..	..	36	35	1	1	1	0	..
Total	2	1	1	1	1	259	250	9	9	8	1	..

TABLE IV.

RECORD OF ONE HUNDRED AND SEVENTY-FIVE CASES SHOWING TIME WHICH ELAPSED BETWEEN THE DATE OF COMPLAINT AND FINAL REPORT OF TENEMENT HOUSE DEPARTMENT OFFICERS.

Cases	Days	Cases	Days	Cases	Days	Cases	Days
1	3	45	7	89	13	133	18
2	4	46	15	90	13	134	8
3	5	47	7	91	13	135	8
4	9	48	7	92	10	136	12
5	37	49	18	93	10	137	29
6	15	50	11	94	10	138	14
7	10	51	6	95	12	139	14
8	12	52	7	96	12	140	11
9	9	53	7	97	12	141	17
10	8	54	15	98	8	142	9
11	8	55	6	99	8	143	19
12	4	56	8	100	8	144	13
13	5	57	8	101	7	145	7
14	5	58	12	102	7	146	28
15	6	59	8	103	7	147	13
16	15	60	14	104	13	148	8
17	5	61	11	105	10	149	11
18	5	62	18	106	12	150	21
19	14	63	5	107	12	151	8
20	14	64	9	108	13	152	12
21	14	65	12	109	12	153	12
22	13	66	12	110	10	154	9
23	14	67	14	111	7	155	11
24	13	68	20	112	3	156	11
25	15	69	9	113	10	157	13
26	15	70	12	114	10	158	23
27	15	71	7	115	10	159	6
28	15	72	7	116	12	160	25
29	15	73	15	117	10	161	9
30	15	74	13	118	8	162	10
31	15	75	9	119	8	163	7
32	15	76	7	120	7	164	7
33	22	77	7	121	28	165	6
34	22	78	8	122	28	166	20
35	6	79	2	123	7	167	6
36	7	80	8	124	11	168	15
37	9	81	21	125	10	169	8
38	11	82	8	126	8	170	7
39	10	83	8	127	10	171	7
40	11	84	8	128	26	172	9
41	8	85	8	129	12	173	9
42	12	86	8	130	7	174	6
43	17	87	15	131	9	175	2
44	7	88	28	132	14		

Total number of days: 1974; Average number of days: 11.28.

TABLE V.

ONE HUNDRED AND FORTY-EIGHT DISORDERLY HOUSE CASES IN TENEMENTS IN MANHATTAN BY SEX AND NATIONALITY OF DEFENDANT AND DISPOSITION OF SAME IN ESSEX MARKET COURT JANUARY 1ST, 1908 TO OCTOBER 2ND, 1908.

MAGISTRATE	CHARGE			DISPOSITION							SEX		NATIONALITY										
	Total.	Keeping Disorderly House.	Violation Tenement House Law.	Discharged.	Workhouse.	Probation.	Held for Special Sessions.	Bond Good Behavior.	No Disposition.	Com. to Bedford.	Female.	Male.	Russian.	Austrian.	Italian.	Roumanian.	United States.	German.	Hungarian.	Polish.	New Zealand.	Irish.	French.	Negroes.
Barlow	4	1	3	4							2	2	3		1									
Breen	4	2	2	4							4	0		1	2				1					
Butts	2	1	1		1				1		1	1	1	1										
Cornell	4	2	2	2	2						3	1	4											
Corrigan	1	1		1							1	0	1											
Crane	17	7	10	8	4		4		1		14	3	11	1	2		1	1	1					
Droege	8	4	4	4		1	1	2			6	2		2	2	1	3		1					
Finn	11	6	5	11							9	2	4	2			2		2			1		
Harris	2	2		2							2	0	1	1										
Herrman	11	6	5	5		1	4		1		8	3			4		1		3					
House	7	2	5	1	3	1	2				7	0	1		5		1							
Kernochan	9	5	4	5	3		1				5	4	6	3										
Moss	1		1		1						1	0			1									
Steinert	25	11	14	10	6	2	6		1		17	8	12	2	1	3	2		3				1	1
Wahle	21	8	13	4	5	4	3	1	3	1	19	2	8	2	4	1	4			1	1			
Walsh	21	7	14	4	5	4	7		1		19	2	11	4	3	2			1					
Total	148	65	83	65	30	13	28	3	8	1	118	30	66	19	24	7	14	1	12	1	1	1	1	1
Percentages		43.9	56.1	43.9	20.3	8.8	18.9	2.0	5.4	0.7	79.7	20.3	44.6	12.8	16.2	4.7	9.4	0.7	8.1	0.7	0.7	0.7	0.7	0.7

TABLE VI.

TWENTY-EIGHT DISORDERLY HOUSE CASES IN TENEMENTS IN ESSEX MARKET COURT HELD FOR SPECIAL SESSIONS, JANUARY 1ST, 1908, TO OCTOBER 2ND, 1908.

ESSEX MARKET COURT			COURT OF SPECIAL SESSIONS		
Magistrate	Amount of Bond	Date of Disposition	Date of Disposition	Decision Rendered	Pending
Crane	$ 500	January 28	January 30	Prison 2 months	
Crane	500	January 17	January 23	Prison 3 months	
Crane	500	January 17	January 23	Prison 3 months	
Crane	1,000	July 16		N. Y. C. Refuge	
Droege	200	April 22	April 27	Prison 30 days	
Herrman	500	June 9		Acquitted	
Herrman	500	May 16	May 19	Sentence Suspended	
Herrman	500	May 16	July 2	Fined $25	
Herrman	500	May 8		Sentence Suspended	
House	500	June 30		Sentence Suspended	
House	500		June 23	Acquitted	
Kernochan	500	September 29			October 6.
Steinert	500	March 20	May 11	Fined $25	
Steinert	500	June 13	June 22	Prison 30 days	
Steinert	200	June 9		Prison 6 months	
Steinert	300	June 5	July 7	Acquitted	
Steinert	500	June 5	June 11	Prison 6 months	
Steinert	300	June 14	June 18	Sentence Suspended	
Wahle	500	August 5	August 18	Sentence Suspended	
Wahle	500	August 15			October 30.
Walsh	500	July 21			October 30.
Walsh	100	July 17			October 30.
Walsh	1,000	July 19			October 30.
Walsh	300	August 3	October 21	Fined $50	
Walsh	500	July 20		Acquitted	
Walsh	500	July 23	July 29	Prison 30 days	
Walsh	500	July 29	August 4	Prison 30 days	

TABLE VII

FIFTY-ONE DISORDERLY HOUSE CASES IN TENEMENTS IN MANHATTAN AND DISPOSITION OF SAME IN THE SEVENTH DISTRICT COURT, JANUARY 1ST, 1908, TO OCTOBER 2ND, 1908.

	CHARGE				DISPOSITION				SEX		NATIONALITY								
Magistrate.	Total.	Vagrancy under Tenement House Law.	Vagrancy.	Disorderly House.	Discharged.	Workhouse.	On Probation.	Held for Special Sessions.	Male.	Female.	United States.	English.	Irish.	German.	French.	Canadian.	Bohemian.	Belgian.	Danes.
Barlow	3	3			2	1				3		1	2						
Breen	4	3		1	1	2		1		4	2			2					
Corrigan	5	5			1	4				5	4				1				
Cornell	11	7		4	7	1		3		11	8					2	1		
Droege	2	2				2			1	1	1							1	
Herrman	4	3		1	1	1		2		4	3		1						
Harris	4	4				3	1			4	4								
Kernochan	2	1		1	1			1		2	2								
Moss	4	1	1	2	3			1		4	3								1
Steinert	2	2			2					2	2								
Wahle	10	8	1	1	7	2	1		1	9	10								
Total	51	39	2	10	25	16	2	8	2	49	39	1	3	2	1	2	1	1	1
Percentage		76.5	3.9	19.6	49.0	31.4	3.9	15.7	3.9	96.1	76.5	1.9	5.9	3.9	1.9	3.9	1.9	1.9	1.9

TABLE VIII.

DISORDERLY HOUSE CASES IN TENEMENTS IN SEVENTH DISTRICT COURT HELD FOR SPECIAL SESSIONS, JANUARY 1ST, 1908, TO OCTOBER 2ND, 1908.

SEVENTH DISTRICT COURT			COURT OF SPECIAL SESSIONS		
Magistrate	Amount of Bond	Date of Disposition	Date of Disposition	Decision Rendered	Pending
Cornell	$500	April 18	April 23	Judgment Suspended	
Cornell	500	May 28		Fined $50	
Cornell	500	May 30		Fined 50	
Breen	500			Fined 50	
Herrman	500	January 15	January 24th	Acquitted	
Herrmau	500				October 30.
Kernochan	500	May 30		15 days	
Moss	500	March 12		$50 or 10 days	

Note—When blanks appear in above table, date was not given in record book.

TABLE IX.

THIRTY-SIX DISORDERLY HOUSE CASES IN TENEMENTS IN BROWNSVILLE, BROOKLYN, AND DISPOSITION OF SAME IN THE TENTH DISTRICT COURT, JANUARY 1ST, 1908, TO OCTOBER 2ND, 1908.

	CHARGES				DISPOSITION OF CASES				SEX		NATIONALITY							
MAGISTRATE	Total.	Vagrancy.	Keeping Disorderly House.	Violation Tenement House Law.	Discharged.	Workhouse.	Special Sessions.	Probation.	Male.	Female.	Italian.	Russian.	Austrian.	United States.	Hungarian.	Polish.	German.	Welsh.
Geismar	1	1	.....	.....	.....	.....	1	.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....
Hylan	18	7	11	.....	10	.....	8	.....	4	14	9	2	2	2	1	.....	1	1
Furlong	17	7	8	2	10	1	4	2	3	14	.....	11	1	1	2	1	1	.....
Total	36	15	19	2	20	1	13	2	7	29	10	13	3	3	3	1	2	1
Percentage	.....	41.6	52.8	5.6	55.6	2.7	36.1	5.6	19.7	80.6	27.7	36.1	8.4	8.4	8.4	2.7	5.6	2.7

TABLE X.

THIRTEEN DISORDERLY HOUSE CASES IN TENEMENTS, BROWNSVILLE, BROOKLYN, IN THE TENTH DISTRICT COURT HELD FOR SPECIAL SESSIONS JANUARY 1ST, TO OCTOBER 2ND, 1908.

TENTH DISTRICT COURT			COURT OF SPECIAL SESSIONS	
Magistrate	Amount of Bond	Date of Disposition	Date of Disposition	Decisions Rendered
Geismar	$ 500		October 1	Sentence Suspended.
Hylan	500	May 29th	June 12	Acquitted.
Hylan	500	September 23	October 2	Acquitted.
Hylan	500	May 8	August 31	Acquitted.
Hylan	500	May 29	June 12	6 months.
Hylan	500	May 18	Pending	
Hylan	2,000	January 31	April 27	Discharged.
Hylan	2,000		Pending	
Hylan	1,000	January 14	March 6	Acquitted.
Furlong	2,000	July 24	August 10	Acquitted.
Furlong	1,000			
Furlong	2,000	January 27	March 9	Acquitted.
Furlong	2,000	January 28		

TABLE XI.

DISORDERLY CONDITIONS IN MANHATTAN BY POLICE PRECINCTS FROM TENEMENT HOUSE DEPARTMENT RECORDS. JANUARY 1ST, 1904, TO OCTOBER 2ND, 1908.

Police Precinct	Location of Station House and Boundaries	Complaints Filed in T. H. D.	Filed by Police
1	Old Slip near Whitehall, State, Bowling Green, Broadway, Fulton Streets and East River	1	
5	9 Oak near East River, Fulton, Broadway, Park Row, Chatham Square and Catharine	1	
6	17–19 Elizabeth, near Broadway, Howard, Centre, Hester, Bowery, Chatham Square, and Park Row	6	2
7	247 Madison near Scammel, Water, Gouverneur Slip, Catharine Slip, Catharine, Division, Essex, Hester and East River	5	4
14	135–137 Charles near Houston, Varick, Carmine, 6th Avenue, 14th and North River	8	1
10	24–26 MacDougal near Canal, Houston, Varick, Broadway and North River	1	
12	205 Mulberry near Broadway, Howard, Centre, Hester, Bowery and Bleecker	26	12
9	105–107 Eldridge near Houston, Clinton, Rivington, Norfolk, Delancey, Hester, Essex, Division and Bowery	77	51
13	Attorney and Delancey near Rivington, East River, Gouverneur, Water, Scammel, Division, Hester, Norfolk, Delancey and Clinton	20	9
17	130 Sheriff near Rivington, Clinton, Houston, Avenue B, 14th and East River	43	18
15	1st Avenue and 5th near Houston, Bowery, 4th Avenue, 14th and Avenue B	24	5
18	230 West 20th near 14th, 7th Avenue, 27th and North River	11	2
21	327 East 22nd near 14th, 4th Avenue, 27th, 1st Avenue, 26th and East River	10	5
23	137 West 30th near 27th, 7th Avenue, 42nd, Park Avenue, to westerly side of tunnel and 4th Avenue	61	24
22	434 West 37th near 27th, 7th Avenue, 42nd and North River	53	36
25	160 East 35th Street, near 4th Avenue, Park Avenue to westorly side of tunnel, 42nd to south side of tunnel, East River, 26th, 1st Avenue, 27th	12	2
26	347 West 47th near 6th Avenue, Central Park West, North River, and 42nd Street	26	17

TABLE XI. (*Concluded*)

Police Precinct	Location of Station House and Boundaries	Complaints Filed in T. H. D.	Filed by Police
28	150 West 68th near 59th, Central Park West, 86th and North River	44	29
29	163 East 51st near East River, 59th, 5th Avenue	12	9
31	163 East 67th near 59th, East River, 79th, 5th Avenue and 60th	30	19
32	134 West 100th near 86th, 110th and North River	13	1
33	The Arsenal, Central Park, near 59th (Park Wall), 60th, 110th (wall)	1	..
36	438 West 125th near 110th, Central Park West, Lenox Avenue, 145th North River	19	13
39	177 East 104th near 96th, 110th (Park wall) Lenox Avenue, 116th	32	11
Total		538	270 or 50.2%

TABLE XII.

LIST OF ONE HUNDRED AND THIRTY-THREE ADDRESSES WHICH APPEARED IN TENEMENT HOUSE DEPARTMENT RECORDS FROM JANUARY 1ST, 1904, TO OCTOBER 2ND, 1908, AND PERSONAL INVESTIGATION OF SAME DURING JANUARY, FEBRUARY, MARCH AND APRIL, 1909

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
East 2nd	17	1	1905	.....	January, 1909.	
East 70th	31	.....	.....	.....	.....	March, 1909.
West 15th	23	.....	1908	.....	January, 1909.	
West 24th	23	1	1908			
West 24th	18	.....	1908			
West 25th	23	1	1907	.....	January, 1909.	
West 25th	23	1	1908			
West 25th	18	1	1908			
West 25th	18	.....	1908			
West 27th	23	.....	1906	January, 1909.		
West 27th	23	.....	1906	January, 1909.		
West 27th	23	.....	1905	January, 1909.		
West 27th	23	1	1907	January, 1909.		
West 28th	23	.....	1904	January, 1909.		
West 28th	23	2	1908	.....	January, 1909.	
West 28th	23	.....	1904	January, 1909.		
West 28th	23	.....	1904	January, 1909.		
West 28th	23	.....	1907	January, 1909.		
West 28th	22	3	1908	.....	January, 1909.	
West 29th	22	.....	1908			
West 34th	22	2	1907	.....	January, 1909.	
West 40th	22	1	1907	.....	January, 1909.	
West 40th	22	.....	.....	.....	.....	January, 1909.
West 51st	26	1	1908		January, 1909.	
West 58th	28	1	1907	.....	January, 1909.	
West 58th	28	.....	1907	.....	January, 1909.	
West 58th	28	1	1907	.....	January, 1909.	

TABLE XII.—*Continued.*

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
West 64th	28	1	1907	January, 1909.		
West 64th	28	1	1908	.....	January, 1909.	
West 64th	28	1	1905	.....	January, 1909.	
West 65th	28	.....	1908	.....	January, 1909.	
West 65th	28	.....	1908			
West 65th	28	1	1908	.....	January, 1909.	
West 65th	28	2	1908			
West 65th	28	1	1907	.....	January, 1909.	
West 65th	28	1	1906	.....	January, 1909.	
West 65th	28	1	1905	.....	January, 1909.	
West 66th	28	1	1908			
West 66th	28	1	1907	.....	January, 1909.	
West 66th	28	1	1907	.....	January, 1909.	
West 66th	28	1	1907	.....	January, 1909.	
West 66th	28	.....	1907	.....	January, 1909.	
West 66th	28	2	1907	.....	January, 1909.	
West 80th	28	1	1907	.....	January, 1909.	
West 89th	32	1	1908	.....	January, 1909.	
West 89th	32	1	1908	.....	January, 1909.	
West 90th	32	.....	....	.....	.....	January, 1909.
West 90th	32	.....	....	.....	.....	January, 1909.
West 100th	32	.....	1907	.....	January, 1909.	
West 100th	32	3	1908	.....	January, 1909.	
West 100th	32	1	1907	January, 1909.		
West 101st	32	1	1908	.....	January, 1909.	
6th Avenue	23	1	1907	January, 1909.		
6th Avenue	23	1	1907	January, 1909.		
6th Avenue	23	.....	....	.....	.....	January, 1909.
6th Avenue	23	1	1908	January, 1909.		
6th Avenue	29	1	1908			
6th Avenue	29	1	1908			
6th Avenue	29	1	1908	.....	January, 1909.	
6th Avenue	29	1	1908			
6th Avenue	29	1	1908			

TABLE XII.—*Continued.*

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
7th Avenue	23	.....	1908			
7th Avenue	21	.....	1908			
7th Avenue	21	3	1908			
7th Avenue	21	2	1908			
7th Avenue	21	1	1908			
7th Avenue	21	.....	1908			
7th Avenue	21	.....	1908			
7th Avenue	21	.....	1908			
7th Avenue	22	2	1908			
Amsterdam Avenue	32	.....	.....	.....	.....	January, 1909.
Allen Street	9	2	1908			
Allen Street	9	1	1908			
Allen Street	9	1	1908	.....	January, 1909.	
Allen Street	9	1	1908	.....	January, 1909.	
Allen Street	9	1	1908			
Allen Street	9	1	1908	January, 1909.		
Allen Street	9	1	1908	March, 1909.		
Allen Street	9	1	1908	.....	March, 1909.	
Attorney Street	17	1	1908	.....	March, 1909.	
Bayard Street	9	1	1908			
Broome Street	13	1	1908			
Broome Street	9	.....	.....	.....	.....	January, 1909.
Chrystie Street	9	1	1908			
Chrystie Street	9	.....	.....	.....	.....	March, 1909.
Chrystie Street	9	1	1908			
Chrystie Street	9	1	1908	January, 1909.		
Chrystie Street	9	1	1908			
Clinton Street	9	1	1908	February, 1909.		
Clinton Street	9	1	1908			
Clinton Street	9	1	1908			
Cherry Street	7	.....	.....	.....	.....	January, 1909.
Delancey Street	9	1	1908	.....	March, 1909.	
E. Houston Street	15	2	1908			
Eldridge Street	9	1	1908			

TABLE XII.—*Continued.*

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
Eldridge Street	9	1	1908			
Elizabeth Street	6	.....	1908			
Elizabeth Street	6	1	1908			
Essex Street	9	1	1908		February, 1909.	
Essex Street	9	1	1908			
Forsyth Street	9	1	1908			
Forsyth Street	9	1	1908			
Forsyth Street	9	1	1908			
Forsyth Street	9	1	1908			
Forsyth Street	9	.....	.....	.....	.....	March, 1909.
Goerck Street	13	1	1908			
Goerck Street	13	1	1908			
Goerck Street	13	1	1908	January, 1909.		
Jackson Street	.....	.....	.....	.....	.....	March, 1909.
Lewis Street	13	.....	.....	.....	.....	February, 1909.
Mott Street	6	.....	.....	.....	.....	January, 1909.
Mott Street	12	3	1908			
Mott Street	12	.....	1908			
Mott Street	12	1	1908	.....	March, 1909.	
Mott Street	12	.....	1908			
Mott Street	.....	.....	1908			
Mott Street	12	.....	1908			
Norfolk Street	9	.....	.....	.....	.....	March, 1909.
Norfolk Street	9	1	1908			
Pitt Street	17	1	1908	January, 1909.		
Ridge Street	.....	.....	.....	.....	.....	March, 1909.
Ridge Street	17	1	1908			
St. Mark's Place	15	1	1908			
St. Mark's Place	15	.....	.....	.....	.....	January, 1909.
Stanton Street	9	1	1908			
Stanton Street	17	.....	1908			
Willett Street	13	.....	1908			
East First	15	.....	.....	.....	.....	March, 1909.
East First	15	.....	.....	.....	.....	March, 1909.
East Fifth	15	1				

TABLE XII.—*Continued*

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION.		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
East Second	15	..	....	.....	.....	March, 1909.
Avenue B	17	..	1908			
Avenue B	15	..	....	.....	.....	January, 1909.
Avenue C	17	..	1908			
Avenue C	15	..	....	.....	.....	March, 1909.
Avenue C	15	..	....	.....	.....	March, 1909.
Avenue C	17	..	....	.....	.....	January, 1909.
East 8th	17	..	....	.....	.....	March, 1909.
East 14th	21	..	....	.....	.....	March, 1909.
East 14th	21	..	....	.....	.....	March, 1909.
Second Avenue	15	..	....	.....	.....	March, 1909.
Third Avenue	21	..	....	.....	.....	March, 1909.
West 104th	32	..	....	.....	.....	March, 1909.
West 107th	32	1	1908	January, 1909.		
West 107th	32	1	1908	January, 1909.		
West 107th	32	..	....	.....	.....	January, 1909.
West 107th	32	..	....	.....	.....	January, 1909.
West 107th	32	..	....	.....	.....	January, 1909.
West 108th	32	..	1908	January, 1909.		
West 108th	32	..	1908	January, 1909.		
West 108th	32	1	1908	.....	January, 1909.	
West 108th	32	..	....	.....	.....	January, 1909.
West 109th	32	..	....	.....	.....	January, 1909.
West 109th	32	..	....	.....	.....	January, 1909.
West 109th	32	..	....	.....	.....	January, 1909.
West 109th	32	..	....	.....	.....	January, 1909.
West 109th	32	..	....	.....	.....	February, 1909.
West 110th	32	..	....	.....	.....	January, 1909.
West 111th	36	1	1908			
West 111th	36	..	....	.....	.....	February, 1909.
West 111th	36	..	....	.....	.....	January, 1909.
West 113th	36	..	1908			
West 114th	36	..	....	.....	.....	January, 1909.
West 115th	36	..	....	.....	.....	January, 1909.

TABLE XII.—*Concluded*

TENEMENT HOUSE RECORDS				PERSONAL INVESTIGATION		
Address	Police Precinct	Police Complaint	Year	Prostitution Existing	Suspicious Conditions	Additional Cases of Prostitution Not in Records of Tenement House Department
West 115th	36	..	....	.....	.....	February, 1909
West 115th	36	..	....	.....	.....	March, 1909.
West 116th	36	..	....	.....	.....	February, 1909.
West 116th	36	..	....	.....	.....	March, 1909.
West 116th	36	1	1908			
West 116th	36	1	1908			
West 120th	36	..	....	.....	.....	March, 1909.
West 127th	36	..	....	.....	.....	February, 1909.
West 133rd	36	1	1908			
West 133rd	36	1	1908			
West 134th	..	..	....	.....	.....	February, 1909.
West 135th	..	..	....	.....	.....	March, 1909.
West 135th	..	..	....	.....	.....	March, 1909.
West 153rd	..	..	1908			
East 97th	39	..	....	.....	.....	April, 1909.
East 97th	39	..	....	.....	.....	April, 1909.
East 97th	39	..	....	.....	.....	April, 1909.
East 105th	39	..	1908			
East 105th	39	..	1908			
East 108th	39	..	1908			
East 108th	39	..	1908			
East 115th	39	..	1908			
East 117th	32	..	....	.....	.....	April, 1909.
East 120th	32	..	....	.....	.....	April, 1909.
East 124th	32	..	1908			
Third Avenue	39	..	....	.....	.....	April, 1909.
Third Avenue	39	..	....	.....	.....	April, 1909.
Bronx East 146th	61	..	....	.....	.....	March, 1909.
Bronx East 148th	61	..	....	.....	.....	March, 1909.
Total—133	.....	108	.....	23 or 17.7%	38 or 27.6%	61

TABLE XIII.

DISORDERLY CONDITIONS IN BROOKLYN FROM TENEMENT HOUSE DEPARTMENT RECORDS JANUARY 1ST, 1904, TO OCTOBER 2ND, 1908.

Police Precinct	Location of Station House	Complaints Filed in T. H. D.	Filed by Police	
143	4th Avenue and 43rd	1	1	
145	Richards and Rapelyea	10	9	
146	6th Avenue and Bergen	4	4	
147	17–19 Butler	5	3	
148	Emmett and Amity	6	5	
149	318–322 Adams	108	105	
150	49–51 Fulton	4	4	
151	Grand Avenue and Park Place	4	3	
152	Atlantic and Schenectady Avenues	3	3	
154	Ralph Avenue and Quincy	4	4	
155	Gates and Throop Avenues	4	4	
156	DeKalb and Classon Avenues	1	1	
157	Clermont and Flushing Avenues	4	4	
158	Tompkins and Vernon Avenues	3	2	
159	Lee Avenue and Clymer Street	4	4	
160	Bedford Avenue and North 1st	5	3	
161	Manhattan and Greenpoint Avenues	3	2	
162	Humboldt and Herbert	2	2	
163	Stagg and Bushwick Avenue	4	4	
164	DeKalb and Hamburg Avenues	4	4	
165	2–8 Liberty Avenue	1	1	
Total		184	172	93.5%

TABLE XIV.

LIST OF THIRTY-FOUR ADDRESSES WHICH APPEARED IN TENEMENT HOUSE DEPARTMENT RECORDS IN BROOKLYN, FROM JANUARY 1ST, 1908 TO OCTOBER 2ND, 1908, AND PERSONAL INVESTIGATION OF THIRTY.

TENEMENT HOUSE RECORDS			PERSONAL INVESTIGATION	
Address	Police Precinct	Police Complaint	Prostitution Existing	Additional Cases of Prostitution Not in Records of Tenement House Department
Adams Street	149	1	March, 1909.	
Boliver Street	149	1	March, 1909.	
Bridge Street	149	1		
Duffield Street	149	1	March, 1909.	
Duffield Street	149	1	March, 1909.	
Fleet Place	149	1	March, 1909.	
Fulton Street	150	1		
Grand Street	160	1		
Gold Street	149	1		
Lawrence Street	149	1	March, 1909.	
Navy Street	149	6	March, 1909.	
Navy Street	149			
Navy Street	149	.....	.....	March, 1909
Navy Street	149	.....	.....	March, 1909.
Navy Street	149	2		
Navy Street	149	1		
Navy Street	149	.....	.....	March, 1909.
Navy Street	149	.....	.....	March, 1909.
Prince Street	149	2	March, 1909.	
Schermerhorn Street	149	1		
Schermerhorn Street	149	1		
Schermerhorn Street	149	1		
DeKalb Avenue	158	1		
Hudson Avenue	149	13	March, 1909	
Hudson Avenue	149	1	March, 1909.	
Hudson Avenue	149	2	January, 1909.	
Hudson Avenue	149	3	March, 1909.	
Hudson Avenue	149	2	March, 1909.	
Hudson Avenue	149	2	March, 1909.	
Hudson Avenue	149	3		
Hudson Avenue	149	7		
Lexington Avenue	155	1	March, 1909.	
Lexington Avenue	155	2		
West 31st Street	143	1		
Total	34	62	15 or 44.1	4

TABLE XV.

WORKHOUSE RECORD OF SIXTY-EIGHT WOMEN SENTENCED ON THE CHARGE OF VIOLATING SECTION 150 OF THE TENEMENT HOUSE LAW, JANUARY 1ST, 1909, TO AUGUST 31ST, 1909.

Court	Magistrate	Length of Sentence	Date of Commitment		Date of Release		Length of Time Served		Cause of Release
			Month	Year	Month	Year	Months	Days	
Fifth District	Harris	6 months	January 15	1909	July 14	1909	Full Term.		
Fifth District	Harris	6 months	January 15	1909	July 14	1909	Full Term.		
Fifth District	Crane	6 months	January 17	1909	March 22	1909	2 months	5 days.	Discharged by Magistrate.
Seventh District	Cornell	6 months	January 22	1909	July 21	1909	Full Term.		
Night Court	House	6 months	January 26	1909	July 25	1909	Full Term.		
Night Court	Krotel	6 months	January 27	1909	April 16	1909	2 months	20 days.	Under Cumulative Sentence Law.
Night Court	House	6 months	January 30	1909	July 30	1909	Full Term.		
Night Court	Krotel	6 months	January 7	1909	July 7	1909	Full Term.		
Night Court	Krotel	6 months	January 4	1909	July 3	1909	Full Term.		
Night Court	House	6 months	January 31	1909	July 30	1909	Full Term.		
Night Court	House	6 months	January	1909	May 1	1909	4 months		Discharged by Magistrate.
Night Court	House	6 months	January 30	1909	July 28	1909	Full Term.		
Night Court	House	6 months	January 22	1909	July 28	1909	Full Term.		
Fifth District	Steinert	6 months	February 3	1909	March 4	1909	1 month		Discharged by Magistrate upon order submitted.
Seventh District	Cornell	6 months	February 26	1909	March 29	1909	1 month		
Seventh District	Cornell	6 months	February 20	1909	August 19	1909	Full Term.		Discharged by Magistrate.
Night Court	Corrigan	6 months	February 20	1909	August 19	1909	Full Term.		
Night Court	Corrigan	6 months	February 20	1909	March 19	1909	1 month		Discharged by Magistrate.
Night Court	Corrigan	6 months	February 21	1909	August 20	1909	Full Term.		
Night Court	Corrigan	6 months	February 20	1909	March 19	1909	1 month		On probation Magistrate Court Record.
Night Court	Corrigan	6 months	February 23	1909	August 22	1909	Full Term.		
Night Court	Corrigan	6 months	February 22	1909	August 21	1909	Full Term.		
Night Court	Corrigan	6 months	February 22	1909	April 22	1909	2 months		Time reduced by Judge of General Sessions on Appeal.
Night Court	Corrigan	6 months	February 27	1909	April 27	1909	Full Term.		
Night Court	Cornell	6 months	March 25	1909	Sept. 24	1909	Full Term.		
Seventh District	Cornell	2 months	April 3	1909	June 2	1909	Full Term.		
Seventh District	Corrigan	1 month	March 28	1909	April 28	1909	Full Term.		
Seventh District	Cornell	1 month	March 22	1909	April 20	1909	Full Term.		

TABLE XV.—*Continued*

Court	Magistrate	Length of Sentence	Date of Commitment		Date of Release		Length of Time Served		Cause of Release
			Month	Year	Month	Year	Months	Days	
Seventh District.....	Cornell.....	6 months...	March 22...	1909	Sept. 26....	1909	Full Term.		
Fifth District.....	Cornell.....	6 months...	March 30...	1909	Sept. 29....	1909	Full Term.		
Night Court.....	Kernochan.....	6 months...	March 4...	1909	April 4....	1909	Full Term.		
Night Court.....	Kernochan.....	6 months...	March 3...	1909	Sept. 3....	1909	Full Term.		
Night Court.....	Cornell.....	6 months...	March 27...	1909	April 22....	1909	.....	27 days.	Discharged by Magistrate
Night Court.....	Cornell.....	6 months...	March 26...	1909	Sept. 26....	1909	Full Term.		
Night Court.....	Cornell.....	6 months...	March 26...	1909	April 23....	1909	.....	28 days.	Discharged by Magistrate
Night Court.....	Cornell.....	6 months...	March 26...	1909	April 1....	1909	.....	7 days.	Discharged by Magistrate
Night Court.....	Cornell.....	6 months...	March 28...	1909	Sept. 27....	1909	Full Term.		
Fifth District.....	Crane.....	6 months...	April 20....	1909	October 19..	1909	Full Term.		
Fifth District.....	Crane.....	6 months...	April 20....	1909	October 20..	1909	Full Term.		
Night Court.....	Barlow.....	6 months...	May 1.....	1909	October 31..	1909	Full Term.		
Night Court.....	Barlow.....	6 months...	April 24....	1909	July 31.....	1909	3 months...	.....	Discharged by Magistrate upon order submitted.
Night Court.....	Barlow.....	6 months...	April 30....	1909	May 29.....	1909	1 month.....	.....	Sentence Modified by Judge of General Sessions.
Night Court.....	Herrman.....	6 months...	April 8....	1909	June 8.....	1909	2 months...	.....	Discharged by Magistrate upon order submitted.
Night Court.....	Barlow.....	6 months...	April 22....	1909	October 21..	1909	Full Term.		
Seventh District.....	Breen.....	1 month.....	April 28....	1909	May 27.....	1909	Full Term.		
Seventh District.....	Barlow.....	6 months...	April 11....	1909	October 10..	1909	Full Term.		
Night Court.....	House.....	6 months...	May 17.....	1909	Still in Workhouse Nov. 5	1909			
Fourth District.....	Breen.....	1 month.....	May 11.....	1909	June 12.....	1909	Full Term.		
Seventh District.....	Barlow.....	6 months...	May 1.....	1909	July 10.....	1909	2 months...	9 days.	Sentence Modified by Judge of General Sessions
Seventh District.....	Kernochan.....	6 months...	May 6.....	1909	November 5	1909	Full Term.		
Seventh District.....	Breen.....	6 months...	May 4.....	1909	November 4	1909	Full Term.		
Seventh District.....	Cornell.....	6 months...	May 16.....	1909	Still in Workhouse Nov. 5	1909			
Seventh District.....	Cornell.....	6 months...	May 16.....	1909	Still in Workhouse Nov. 5	1909			
Fourth District.....	Kernochan.....	6 months...	June 16.....	1909	Still in Workhouse Nov. 5	1909			

TABLE XV.—*Concluded.*

Court	Magistrate	Length of Sentence	Date of Commitment		Date of Release		Length of Time Served		Cause of Release
			Month	Year	Month	Year	Months	Days	
Seventh District	Corrigan	1 month	June 30	1909	July 30	1909	Full Term.		
Night Court	Kernochan	6 months	June 19	1909	Still in Work house Nov. 5	1909			
Night Court	Kernochan	6 months	June 15	1909	Still in Work house Nov. 5	1909			
Night Court	Kernochan	6 months	June 11	1909	September 7	1909	2 months	29 days	Discharged by Magistrate.
Night Court	Kernochan	6 months	June 17	1909	Sept. 16	1909	3 months		Discharged by Magistrate.
Night Court	Cornell	6 months	June 1	1909	Still in Work house Nov. 5	1909			
Night Court	Cornell	6 months	June 7	1909	Still in Work house Nov. 5	1909			
Night Court	Cornell	6 months	June 9	1909	July 14	1909	1 month	6 days	Information not given.
Seventh District	Barlow	6 months	July 16	1909	Sept. 1	1909	1 month	16 days	Discharged by Magistrate on order submitted.
Seventh District	Herrman	6 months	July 18	1909	Still in Work house Nov. 5	1909			
Fifth District	Finn	6 months	July 3	1909	Still in Work house Nov. 5	1909			
Second District	Kernochan	6 months	July 6	1909	Still in Work house Nov. 5	1909			
Night Court	Barlow	6 months	August 5	1909	Still in Work house Nov. 5	1909			
Fifth District	House	6 months	August 28	1909	Still in Work house Nov. 5	1909			

TABLE XVI.

CENSUS OF ONE HUNDRED AND TWENTY-NINE TENEMENTS WHERE DISORDERLY CONDITIONS PREVAILED JANUARY, FEBRUARY, MARCH, APRIL, 1909

	No. of Addresses	No. of Families	Children		Unmarried		PREDOMINATING NATIONALITIES
			Boys	Girls	Men	Women	
South of 14th Street and East of Broadway.....	50	847	525	563	242	78	Russian, Polish, Roumanian, Austrian, Jewish, Italian, Bohemian, Hungarian, German, Cuban, Irish, Galician, American.
West 104th Street to West 153rd Street.....	28	340	49	71	13	15	French, Norwegian, Danish, German, Irish, Swedish, Jewish, Portuguese, West Indian, American.
East 79th Street to East 124th Street.....	16	173	122	132	63	37	Colored and White Americans, Irish, Italian, German, Russian, Roumanian, Swedish, West Indian.
Bronx.....	2	28	9	11	6	4	Jewish, German, Irish, American, Italian.
Brooklyn.....	33	133	94	83	47	22	Irish, Italian, German, Greek, Swedish, Russian, Scotch, Polish, Norwegian, Colored and White Americans.
Total	129	1521	799	860	371	156	

TABLE XVII.

PROSECUTION OF DISORDERLY HOUSES IN MANHATTAN IN COURT OF SPECIAL SESSIONS, JANUARY 1ST, 1906 to DECEMBER 31ST, 1907 AND PERSONAL INVESTIGATION OF SAME IN MARCH AND APRIL, 1909.

COURT OF SPECIAL SESSION CASES.								PERSONAL INVESTIGATION.	
Number of Cases Against one Address	Number of Keepers Fined.	Total Fines	Sent to Prison.	Sentence Suspended	Acquitted	Discharged by Magistrate	Number of Women Reported in House	Closed	Open
1	1	$ 35					4	Closed	
4	3	150				1	6	Closed	
4	4	170					20	Closed	
8	7	335				1	23	Closed	
12	9	455		1	1	1	32	Closed	
9	6	260		1		2	5	Closed	
7	6	285				1	18	Closed	
3	3	150					12	Closed	
2	2	100					14	Closed	
12	11	560	1—ten days				36	Closed	
5	5	250					36	Closed	
2	2	125					37	Closed	
4	4	200					19	Closed	
8	7	320		1			19	Closed	
2	2	100					18	Closed	
1				1				Closed	
1				1				Closed	
3	1	50			1	1		Closed	
5	3	150			1	1	16	Closed	
3	2	85		1			5	Closed	
4	3	175		1			27	Closed	
8	5	225		1	2		31	Closed	
3	2	125		1			6	Closed	
10	7	285		1	1	1	26	Closed	
9	7	365		2			24	Closed	
6	5	220				1	5	Closed	
7	6	375		1			21	Closed	

TABLE XVII.—*Continued.*

Number of Cases Against one Address	Number of Keepers Fined.	Total Fines.	Sent to Prison.	Sentence Suspended	Acquitted.	Discharged by Magistrate	Number of Women Reported in House	Closed.	Open.
2	2	$100	.....	.....	.....	.....	4	Closed	
10	5	310	1	1	2	1	36	Closed	
5	3	150	.....	.....	1	1	8	Closed	
2	2	100	.....	.....	.....	.....	15	Closed	
11	9	395	.....	.....	.....	1	30	Closed	
2	2	100	.....	.....	.....	.....	14	Closed	
10	8	405	.....	.....	1	1	13	Closed	
6	3	160	.....	1	.....	2	.....	Closed	
4	.....	.....	.....	2	.....	2	.....	Closed	
1	1	50	.....	.....	.....	.....	4	Closed	
2	2	100	.....	.....	.....	.....	2	Closed	
3	.....	.....	.....	3	.....	.....	20	Closed	
5	1	50	.....	1	.....	3	6	Closed	
2	2	100	.....	.....	.....	.....	6	.....	Open
3	2	125	.....	.....	.....	1	8	Closed	
2	1	50	.....	.....	.....	1	.....	Closed	
4	3	150	.....	.....	.....	1	5	Closed	
12	6	310	.....	1	2	3	50	Closed	
7	5	260	.....	1	.....	1	36	Closed	
12	9	445	.....	2	.....	1	51	Closed	
2	1	50	.....	.....	1	.....	6	Closed	
3	3	150	.....	.....	.....	.....	19	Closed	
4	3	150	.....	.....	.....	1	3	Closed	
1	1	50	.....	.....	.....	.....	8	Closed	
3	3	125	.....	.....	.....	.....	11	Closed	
4	4	185	.....	.....	.....	.....	24	Closed	
2	2	125	.....	.....	.....	.....	19	Closed	
3	3	145	.....	.....	.....	.....	3	Closed	
11	9	340	.....	.....	.....	2	28	Closed	
14	12	630	.....	1	1	.....	32	Closed	
7	5	285	.....	.....	.....	2	.....	Closed	
7	7	320	.....	.....	.....	.....	.....	Closed	
14	10	485	.....	1	1	2	.....	Closed	
3	3	135	.....	.....	.....	.....	2	Closed	
2	2	70	.....	.....	.....	.....	7	.....	Open
1	.....	.....	.....	.....	1	.....	.....	.....	Open
1	.....	.....	1—3 Mo.	.....	.....	.....	.....	.....	Open
2	2	100	.....	.....	.....	.....	.....	.....	Open
5	1	50	1—90 days	1	.....	2	4	.....	Open

TABLE XVII.—*Concluded.*

Number of Cases Against one Address.	Number of Keepers Fined.	Total Fines	Sent to Prison.	Sentence Suspended.	Acquitted	Discharged by Magistrate	Number of Women Reported in House	Closed.	Open.
1	.....	.....	.....	.....	D. O. R.*	.....	.....	Closed	
4	3	$150	.....	.....	.....	1	.....	Closed	
1	1	35	.....	.....	.....	.....	1	Closed	
3	1	50	.....	2	.....	.....	3	Closed	
2	2	85	.....	.....	.....	.....	.....	.....	Open
3	2	75	.....	.....	D. O. R.*	.....	.....	Closed	
4	4	180	.....	.....	.....	.....	4	Closed	
2	2	100	.....	.....	.....	.....	1	.....	Open
1	1	20	.....	.....	.....	.....	1	.....	Open
4	3	110	.....	.....	1	.....	3	Closed	
Totals 362†	270	$13,100	4	30	19	39	947	67	10

* Dismissed on own recognizance.

† Disposition not secured in two cases.

TABLE XVIII.

ARRESTS AND DISPOSITION OF CASES FOR 1907 AND 1909, ON VARIOUS CHARGES OF PROSTITUTION.

Year	No.	CHARGES				DISPOSITION OF CASES					
		Street Soliciting	Keeping Disorderly House	In. of Disorderly houses	Violations T. H. L.	Discharged	Fined	Imprisoned	Held for S.S.	Other Disposition	Transferred other Courts
1907	7351	6747	288	253	63	2465	3328	798	242	518	
1909	7054	6590	148	109	207	2342	3256	1133	62*	237	24
Percentage 1907						33 5	45.2	10.8	3.2	7.0	
Percentage 1909						33.2	46.1	16.0	.9	3.2	.3

*Decrease partly accounted for by the decrease of 140 in the number of arrests.

TABLE XIX.

DISORDERLY HOUSES IN MANHATTAN ACCORDING TO REPORTS OF POLICE PRECINCT CAPTAINS FROM SEPTEMBER 1ST, 1908, TO MARCH 1ST, 1909, AND PERSONAL INVESTIGATION OF SAME FROM JANUARY 1ST, 1909, TO MAY, 1909.

REPORTS OF POLICE PRECINCT CAPTAINS (1)							PERSONAL INVESTIGATION		
		POLICE ACTIVITY							
		Nature of Actions							
Police Precinct	Location Station House	No. of Addresses	Police Surveillance	Times Raided	Times Arrested	Times Suppressed	Number Investigated	Prostitution Still Existing	New Addresses Found but Not Reported by Police
6	17 Elizabeth St.	2			2				
7	247 Madison St.	1				1			11
9	105 Eldridge St.	4			4				
12	205 Mulberry St.	3	3						1
13	Attorney & Delancey Sts.	3			3				6
15	First Ave. & Fifth St.	8	5		3				4
17	130 Sheriff St.								
18	230 West 30th St.	3		1		2			
19	120 West 20th St.	6	6				3	3	1
22	434 West 37th St.	2	1	1					1
23	137 West 30th St.	24		24	1	8	24	13	10
25	16 East 35th St.						1		
26	345 West 47th St.	12	12				12	12	
28	150 West 68th St.	4	4						1
31	153 East 67th St.								1
32	134 West 100th St.								22
36	438 West 125th St.	1		1					9
39	177 East 104th St.								3
40	1854 Amsterdam Ave.								2
46	148 East 126th St.								
	Total	73	31	27	13	11	40	28	72

1.—The reports did not contain any addresses of Disorderly Houses in the following precincts: 1, 2, 5, 8, 10, 14, 17, 21, 29, 31, 32, 33, 35, 39, 46.

TABLE XX.

Disorderly Houses in Brooklyn According to Reports of Police Precinct Captains, From September 1st, 1908 to March 1st, 1909 and Personal Investigation of same from March 1st, 1909 to May 31st, 1909.

REPORTS OF POLICE PRECINCT CAPTAINS							PERSONAL INVESTIGATION		
		Police Activity							
			Nature of Actions						
Police Precinct	Location Station House	No. of Addresses	Police Surveillance	Times Raided	Times Arrested	Times Suppressed	Number Investigated	Prostitution Still Existing	New Addresses Found But Not Reported by Police
104	Wash. & Nassau St.....								
143	4th Ave. & 43rd St.....	1			1				
144	5th Ave. & 16th St.....								
145	Richards & Rapelyea St...	16	7		5	6	9	8	
146	6th Ave. & Bergen St....	2				2	1		
147	17 Butler St.....								
148	Emmett & Amity St.....	1			1	1			
149	322 Adams St.....	6	1		2	3	2	2	14
150	51 Fulton St.....						1	1	1
151	Grand Ave., Park Pl.....								
152	Atlantic & Schenectady....	1				1			
153	Miller & Liberty Ave.....	2			2	1	1	1	
154	Ralph Ave. & Quincy St..	2			1	1			
155	Gates & Throop Ave.....						1	1	1
156	DeKalb & Classon Ave...								
157	Clermont & Flushing.....								
158	Tompkins & Vernon Ave..	1			1		1		
159	Lee Ave & Clymer St.....	1	1	1		1			
160	Bedford Ave. No. 1st St...	1		1					
161	Manhattan & Greenpoint..								
162	Humboldt & Herbert St..	1		1		1			
163	Stagg & Bushwick Ave...	1			1				
164	DeKalb & Hamburg Ave..	1				1			
165	8 Liberty Ave.....	3			3	2			
166	Ave. G. & E. 95th Can...								

TABLE XX.—*Concluded.*

REPORTS OF POLICE PRECINCT CAPTAINS							PERSONAL INVESTIGATION		
Police Precinct	Location Station House	Police Activity							
		No. of Actions	Nature of Actions				Number Investigated	Prostitution Still Existing	New Addresses Found But Not Reported by Police
			Police Surveillance	Times Raided	Times Arrested	Times Suppressed			
167 168 169 170 171 172 173 182 184	35 Snyder Ave..... Ave. U & E. 15th St..... W. 8th near Surf Ave.... Bath Ave. & Bay 22nd St. 86th St. & 5th Ave..... Lawrence Ave. & Ocean Parkway..... Coney Island Parkside... Borough Hall..... 191 Broadway.....	6	4		2				
Total		46	13	3	19	20	16	13	16

TABLE XXI.

Prosecutions of Disorderly Raines Law Hotels and Saloons in Civil and Criminal Courts, January 1st, 1906, to August 31st, 1909.

CLASS	CRIMINAL ACTIONS										CIVIL PROCEEDINGS			CONDITIONS IN 1909
	Convictions Times	Year	Fines, also Suspended Sentences		Prison Sentences Days	License Forfeited Value	Year	Acquittals		Discharges by Magistrate		Revocations Value	Year	Bonds Recovered 1905–9	
Case No. 1 Saloon								1	07						Satisfactory
" " 2 Hotel.	1	09		$25		$800	1–09	1	07					2	Traffic Discontinued
" " 3 Saloon	1	09	1									$300	09	1	Closed
" " 4 "								1	09			300	09	1	"
" " 5 Hotel.	1	09		25		750	1–09	1	08	1	07	200	05	2	Satisfactory
" " 6 "														1	Disorderly
" " 7 "										1	07				"
										1	09				
" " 8 "	2	09		250		200	1–09								Satisfactory
" " 9 "										1	07	500	07		Closed
										1	08	400	09	2	
" " 10 "								1	08			400	09		"
												500	07	2	
										2[1]	06				
" " 11 "	2	09	1	100						2	07	500	07		"
										1	08	400	09	3	
" " 12 "								1	09						Satisfactory
" " 13 Saloon								1	08			900	09	2	Traffic Discontinued[2]
" " 14 Hotel.														1	Assignation Hotel
" " 15 "	2	08		70				1	07	1	07	[3]	08	1	Satisfactory
								1	08						
" " 16 "	2	07			60[2]					2	07⅘	500	07	3	Traffic Discontinued
" " 17 "	1	08		50						1		200	09	1	" "
" " 18 Saloon	1	08	1									150	08	2	" "
" " 19 "												200	08	3	
" " 20 "												250	08	2	Satisfactory
												600	05	4	Assignation Hotel
" " 21 Hotel.												400	08		
" " 22 Saloon										1	08				Closed
										1	06	200	09		
" " 23 Saloon								1	06	1	07	350	08	2	Closed—Excise Law
										1	08				

TABLE XXI—*Continued.*

CLASS	CRIMINAL ACTIONS										CIVIL PROCEEDINGS			CONDITIONS IN 1909
	Convictions Times	Year	Fines, also Suspended Sentences		Prison Sentences Days	License Forfeited Value	Year	Acquittals		Discharges by Magistrate	Revocation Value	Year	Bonds Recovered 1905–09	
Case No. 24 Saloon	1	08	.....	$25	.....	.....	[4]	.....	.....	.....	$550 300	07 09	2	Closed—Excise Law
" " 25 "	2	07	.....	35	30	.....	.....	.....	.....	1 08	.....	.....	.....	Closed
" " 26 Hotel.	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 08	.....	.....	1	Assignation Hotel
" " 27 "	1	06		50	.....	.....	.....	1	09	1 08	.....	.....	2	Disorderly
" " 28 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	550	09	1	Suspicious
" " 29 Hotel.	.....	.....	.....	.....	.....	.....	.....	2	08	.....	.....	.....	1	Assignation Hotel
" " 30 "	1			50	.....	$650	07	.....	.....	.....	.....	.....	.....	Satisfactory
" " 31 "	1 8	07 08	3	240	.....	.....	08	1	08	2 08 3 08	450	07 08	2	Closed
" " 32 "	.....	.....	.....	.....	.....	.....	.....	1	08		.....	.....	.....	"
								2	09	1 08				
" " 33 "	1	08		50	.....	.....	.....	2	08	1 07	200	08	1	Disorderly without license since May, 08.
								2	09	2 08				
" " 34 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 08	.....	.....	.....	Disorderly
" " 35 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	[3]	08	1	"
" " 36 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 08	[3] [6]	08 09	1	"
" " 37 Hotel	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	Traffic Discontinued
" " 38 "	1 1	06 08		85	.....	[5]	08	.....	.....	1 08 1 09	.....	.....	.....	Disorderly Disorderly without license since Dec. 08
" " 39 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 06	.....	.....	.....	Satisfactory
" " 40 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 06	.....	.....	.....	Closed
" " 41 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 07	.....	.....	.....	"
" " 42 "	1	07		35	.....	.....	.....	1	07	1 07	.....	.....	.....	"
								1	08		[illegible]			
" " 43 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 07	.....	.....	.....	"
" " 44 "	1 1	06 09	.....	.....	20 90	350	09	.....	.....	1 [8]	400	05	4	Disorderly Tenements Traffic Discontinued
	2	06		75	20	700	07	.....	.....	1				
" " 45 Hotel.	4	07		85	80	[2]	07			2 07	250	06		
	2	08		550[7]						1 08				
" " 46 Hotel.	.....	.....	.....	.....	.....	.....	.....	.....	.....	40	.....	.....	1	Disorderly
" " 47 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 08	.....	.....	.....	Unsatisfactory
" " 48 "	1	07		50	.....	100	07	.....	.....	1 [8]	.....	.....	1	Satisfactory
" " 49 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	400	09	2	Closed—Excise Law
" " 50 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	Unsatisfactory

TABLE XXI—*Continued.*

CLASS	CRIMINAL ACTIONS											CIVIL PROCEEDINGS			CONDITIONS IN 1909
	Convictions Times	Year	Fines, also Suspended Sentences		Prison Sentence Days	License Forfeited Value	Year	Acquittals		Discharges by Magistrate		Revocation Value	Year	Bonds Recovered 1905–09	
Case No. 51 Hotel.	.....	.....	.....	.....	.....	.....	.....	2	07	.....	.....	$150	06	2	Disorderly
" " 52 "	.....	.....	.....	.....	.....	.....	.....	1		.....	.....	.....	....	1	"
" " 53 "	1	07		$50	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	Assignation Hotel
" " 54 "	1	07	1		.....	.....	.....	.....	.....	.....	.....	.....	....	2	Disorderly
" " 55 "	.....	.....	.....	.....	.....	.....	.....	1	07	.....	.....	.....	....	.....	Suspicious
" " 56 "	1	08		50	.....	[3]	08	1	09	.....	.....	100[3]	06 07	3	Traffic Discontinued
" " 57 Saloon	2	07		350[7]	30	–	–	–	–	2	07	.....	....	.....	Closed
	3	08		85		.....	.....	.....	.....	2	09				
	2	09		60											
" " 58 Hotel.	1	08		25	.....	$200	08	.....	.....	.....	.....	.....	....	1	Satisfactory
" " 59 "	1	06	2–08	75	.....	[9]	06	2	08	2	07	.....	....	2	Closed
	2	08		125		[3]	08								
								1	07						
" " 60 "	.....	.....	.....	.....	.....	.....	.....	1	08	1	07	.....	....	3	Disorderly
								1	09						
" " 61 "	1	07		25	.....	.....	.....	.....	.....	1	07	.....	....	4	Traffic Discontinued
" " 62 Saloon	1	07		25	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	Closed
" " 63 Hotel.	1	09		100	.....	.....	.....	1	07	3	07	.....	....		
	1	08						2	09					1	Disorderly
" 64 Saloon	1	08		100	.....	.....	.....	.....	.....	1	08	600	09	1	Closed—Excise Law
" " 65 Hotel.	.....	.....	.....	.....	.....	.....	.....	1	07	.....	.....	350	07		
								1	08			450	07	2	Closed
" " 66 "	.....	.....	.....	.....	.....	.....	.....	1	09	.....	.....	.....	....	.....	Satisfactory
" " 67 "	.....	.....		20	.....	.....	.....	.....	.....	.....	.....	.....	....	1	Assignation Hotel
" " 68 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	[6]	08		Assignation Hotel
" " 69 "	1	08		25	.....	.....	.....	.....	.....	1	08	[3]	09	1	Disorderly
										1	09				
" " 70 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	2	Traffic Discontinued Suspicious
								1	06						
" " 71 "	.....	.....	.....	.....	.....	.....	.....	3	07	1	07	.....	....	.....	Disorderly
								2	08						
" " 72 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	07	.....	....	1	Traffic Discontinued
" " 73 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	08	500	09	1	Closed—Excise Law
" " 74 Hotel.	.....	1	07	1	.....	.....	.....	1	07	1	07	.....	....	.....	Closed
" " 75 Saloon	.....	.....	.....	.....	.....	.....	.....	1	08	.....	.....	.....	....	.....	Closed

TABLE XXI—*Continued.*

CLASS	CRIMINAL ACTIONS										CIVIL PROCEEDINGS			CONDITIONS IN 1909
	Convictions Times	Year	Fines, also Suspended Sentences		Prison Sentence Days	License Forfeited Value	Year	Acquittals		Discharges by Magistrate		Revocation Value	Year	Bonds Recovered 1905–09	
Case No. 76 Saloon	1	07	.....	.....	90	.....	.....	.....	.....	.....	.....	.....	.....	.....	Satisfactory
" " 77 Hotel.	.....	.....	.....	.....	.....	.....	.....	1	08	.....	.....	.....	.....	.....	Suspicious
" " 78 Saloon	1	07		250	.....	.....	.....	1	07	2	08	$600	09	3	Closed—Excise Law
								2	08						
" " 79 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	08	[3]	09	2	Disorderly
" " 80 Hotel.	.....	.....	.....	.....	.....	.....	.....	1	07	.....	.....	.....	.....	.....	Closed
" " 81 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	500	07	1	Disorderly
" " 82 Hotel	1	06		35	.....	$150	06	.....	.....	.....	.....	250	08	2	"
	1	07		50											
" " 83 "	2	08	1	100	.....	.....	.....	.....	.....	4	08	400	07	2	Closed disorderly
" " 84 Saloon	2	08		25	30	.....	.....	1	08	.....	.....	200	08	1	Closed
" " 85 Hotel	.....	.....	.....	.....	.....	.....	.....	2	08	.....	.....	.....	.....	3	Satisfactory
" " 86 Saloon	1	07	.....	.....	30	700	09	.....	.....	.....	.....	.....	.....	.....	Suspicious
	1	09			60										
" " 87 Hotel	1	07			30	.....	.....	1	08	1	06	400	07	2	Closed—Proximity of School
	1	08		25						4	07	[3]	06		
" " 88 "	.....	.....	.....	.....	.....	.....	.....	1	08	.....	.....	[3]	06	2	" " "
													07		
" " 89 Saloon	.....	.....	.....	.....	.....	.....	.....	1	08	1	08	[3]		1	Satisfactory
" " 90 "	.....	.....	.....	.....	.....	.....	.....	1	08	.....	.....	700	05	.....	Closed
								2	09						
" " 91 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	Satisfactory
" " 92 "	.....	.....	.....	.....	.....	.....	.....	1	09	.....	.....	.....	.....	.....	Closed
" " 93 Hotel	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	600	07	2	Disorderly
" " 94 Saloon	.....	.....	.....	.....	.....	.....	.....	1	09	.....	.....	.....	.....	.....	Satisfactory
" " 95 Hotel.	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	07	[3]	06	2	Satisfactory
												450	07		
" " 96 "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	700	05	4	"
" " 97 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	Suspicious
" " 98 Hotel	2	07		85	.....	250	07	1	09	.....	.....	.....	.....	2	Traffic Discontinued
" " 99 "	.....	.....	.....	.....	.....	.....	.....	1	08	.....	.....	.....	.....	.....	Satisfactory
" " 100 Saloon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	600	05	2	Closed
" " 101 "	.....	.....	.....	.....	.....	.....	.....	2	08	1	07	.....	.....	.....	Satisfactory
" " 102 Hotel	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	Assignation Hotel
" " 103 "	.....	.....	.....	.....	.....	.....	.....	1	09	.....	.....	700	05	1	Disorderly
" " 104 "	.....	.....	.....	.....	.....	.....	.....	1	08	1	08	.....	.....	.....	Disorderly

TABLE XXI—*Continued.*

CLASS	CRIMINAL ACTIONS: Convictions Times	Year	Fines, also Suspended Sentences	Prison Sentences Days	License Forfeited Value	Year	Acquittals		Discharges by Magistrate		CIVIL PROCEEDINGS: Revocation Value	Year	Bonds Recovered 1995–09	CONDITIONS IN 1909
Case No. 105 Hotel							1	08			$500	05	2	Assignation Hotel
" " 106 Saloon	1	08		50	[3]	08	1	09						Disorderly
" " 107 Hotel.	1	09		25			1	08	1	07	[3]	08	1	Disorderly
							3	09	1	08				
									1	09				
" " 108 "	1	09		25			1	09	1	09				
									2	08			1	No license—disorderly
									2	07				
109 "									1	08				Disorderly
" " 110 Saloon											150	08	1	Suspicious
" " 111 Hotel.	1	09		50	$400	09	1	08	3	08			1	Satisfactory
" " 112 "											500	09	1	Closed
" " 113 Saloon											250	08	1	Suspicious
	1	07		35										
	1	08												
" " 114 Hotel.	2	08	1	25					[8]1	08				
			1		30	150	1	07	1	08	450	07	3	Satisfactory
" " 115 "	5	08	1						[5]2	07	50	09		
	2	09	3	100	90				1	09	400	07	2	Satisfactory
" " 116 "									1	08				No license disorderly
									1	09				
									4	07				
" " 117 "	2	08		125			2	08	1	06				
" " 118 "									2	08	150	08	1	Closed
" " 119 "							1	08						Suspicious
	4	08	1	110			1	07			250	08	1	Satisfactory
" " 120 "	1	09					1	08	1	08				
	2	08		250	250	09	2	07	2	07	200	08	3	Closed
							1	06						
" " 121 "							2	07						
							2	08						
							1	09					1	Disorderly
							1	06						
" " 122 "							1	07						
							2	08						
									[8]1	09	450	07	4	Disorderly

TABLE XXI—*Continued.*

CLASS	CRIMINAL ACTIONS: Convictions Times	Convictions Year	Fines, also Suspended Sentences	Prison Sentence Days	License Forfeited Value	License Forfeited Year	Acquittals	Discharges by Magistrate	CIVIL PROCEEDINGS: Revocation Value	Revocation Year	Bonds Recovered 1905–09	CONDITIONS IN 1909
Case No. 123 Hotel.	1	08		50				1 09				
" " 124 "							1 08	3 08	$100	08	2	Disorderly
" " 125 "								1 07			2	Traffic Discontinued
" " 126 "									[3]	06	1	Assignation Hotel
	4	08	1	110			2 07					
					$ 100	08	1 06	1 06			2	Closed
" " 127 "	1	09		75	800	09	1 07	[8]2 09				Disorderly
" " 128 "							1 08	1 08				
" " 129 "	1	08		25			1 07		300	08	1	Assignation Hotel
" " 130 Saloon	1	08		35	50	08	1 08	3 07			2	Satisfactory
" " 131 Hotel.							2 07				2	Traffic Discontinued
" " 132 "	[10]1	08		35			1 07	1 07	[5]	06	2	" "
" " 133 "								[11]1 09				Disorderly
" " 134 "	2	07	1	35								Suspicious
" " 135 "							2 07	1 07			2	Satisfactory
" " 136 Saloon								1 07			1	Traffic Discontinued
								1 08				Closed
" " 137 Hotel.	1	06		100	500	06	1 06					
" " 138 "	1	09	1				1 08				2	Traffic Discontinued
" " 139 Saloon	1	08										Satisfactory
" " 140 Hotel.	2	08	1	50								Closed
" " 141 Saloon								1 07			1	Closed
" " 142 "							1 08	1 08	600	07	2	Disorderly
" " 143 "									[6]	08		Disorderly
							1 09		600	09	3	Closed—Excise Law
" " 144 "									500	07		
" " 145 Hotel.	2	09	1	50				[11]1 09			1	Disorderly
" " 146 "							1 09					No license Disorderly
							1 07	2 08				" "
" " 147 "	1	09		25				1 08				
" " 148 Saloon								1 09				Disorderly
" " 149 Hotel.	1	07		25					[6]	09		Disorderly
" " 150 Saloon	1	08	1									Traffic Discontinued
												Satisfactory

TABLE XXI—*Concluded.*

CLASS	CRIMINAL ACTIONS								CIVIL PROCEEDINGS			CONDITIONS IN 1909
	Convictions Times	Year	Fines, also Suspended Sentences		Prison Sentence Days	License Forfeited Value	Year	Acquittals	Discharges by Magistrate	Revocation Value	Year	Bonds Recovered 1905–9	
Case No. 151 Hotel.	.....	.....	.....	.....	.....	.....	.....	.....	.....	$300	09	2	Traffic discontinued
" " 152 "	1	08		50	.....	$50	08	.....	.....	.....	.....	.....	Closed
Total 152	123		23	$4975	16	$7150	25	114	123	$24450	79	176	

SUMMARY OF CONDITIONS IN 1909.

Traffic discontinued	18
Conditions Satisfactory	28
Closed	29
Closed by Excise Law	12
Assignation hotels	11
Disorderly	11
Disorderly License Traffic discontinued	43
Total	152

GENERAL NOTE.

Numeral preceding the year indicates the number of cases tried in that year.

(1) Action abated by death. (2) Traffic discontinued is understood to mean that the sale of liquor is abandoned. (3) License without value at time of forfeiture or revocation because of its prior expiration. (4) Case transferred to General Sessions. (5) Bail forfeited. (6) Application for revocation denied. (7) Defendant was the Proprietor. (8) Dismissed on Own Recognizance. (9) License never removed by Excise Dept. (10) Decision reversed by Appellate Division. (11) Motion to transfer allowed. Grand Jury failed to indict. (12) Held under Good Behavior Bond. (13) Forfeiture avoided by delay incident to appeal from decision.

TABLE XXII.

DISORDERLY RAINES LAW HOTELS IN MANHATTAN AND THE BRONX ACCORDING TO REPORTS OF POLICE PRECINCT CAPTAINS, FROM SEPTEMBER 1ST, 1908, TO MARCH 1ST, 1909, AND PERSONAL INVESTIGATION OF SAME FROM MARCH 1ST, 1909, TO MAY 31ST, 1909.

REPORTS OF POLICE PRECINCT CAPTAINS (1)						PERSONAL INVESTIGATION			
		POLICE ACTIVITY							
Police Precinct	Location Station House	No. of Addresses	Nature of Actions: Police Surveillance	Nature of Actions: Times Arrested	Nature of Actions: Times Suppressed	Number Investigated	Disorderly Conditions Existing	New Addresses Found where Disorderly Conditions Existed or were Suspicious: Bronx	New Addresses Found where Disorderly Conditions Existed or were Suspicious: Manhattan
1	Old Slip	.....	.....	.....	.....	4	.....		4
5	9 Oak St	1	.....	.....	1				
9	105 Eldridge St	5	.....	.....	5				
15	First Ave. & Fifth St	5	1	.....	4	8	.....		8
19	120 West 20th St	1	1						
21	327 East 22d St	8	4	3	1	3	3		2
22	434 West 37th St	1	1	.....	.....	1	1		1
23	137 West 30th St	8	4	3	1	8	5		4
25	160 East 35th St	4	4	.....	.....	4	1		3
29	163 East 51st St	1	1	.....	.....	1	1		
36	438 West 125th St	4	2	.....	2	4	4		1
39	177 East 104th St	4	1	.....	3	4	2		8
40	1854 Amsterdam								
43	148 East 126th St	3	3	.....	.....	3	1		2
61	Alexander 138th St	.....	.....	.....	.....	.....	.....	3	
63	163rd & Washington Ave	.....	.....	.....	.....	.....	.....	3	
65	1925 Bathgate Ave	.....	.....	.....	.....	.....	.....	4	
68	Webster Ave. Mosholu P'w	.....	.....	.....	.....	.....	.....	2	
Bronx		0	0	0	0	0	0	12	33
Manhattan		45	22	6	17	40	18		
Total		45	22	6	17	40	18		45

1.—The reports did not contain any addresses of Disorderly Raines Law Hotels in the following precincts: 2, 6, 7, 8, 10, 12, 13, 14, 16, 17, 18, 26, 28, 31, 32, 33, 35, 66, 69, 74, 77, 79.

TABLE XXIII.

DISORDERLY RAINES LAW HOTELS AND SALOONS IN BROOKLYN, ACCORDING TO REPORTS OF POLICE PRECINCT CAPTAINS FROM SEPTEMBER 1ST, 1908 TO MARCH 1ST, 1909 AND PERSONAL INVESTIGATION OF SAME FROM MARCH 1ST, 1909 TO MAY 31ST, 1909.

REPORTS OF POLICE PRECINCT CAPTAINS (1)						PERSONAL INVESTIGATION		
Police Precinct	Location Station House	No. of Addresses	Police Activity — Nature of Actions: Police Surveillance	Times Arrested	Times Suppressed	Number Investigated	Number Existing	New Addresses Found But Not Reported By Police
143	4th Ave. 43rd St	1	1	.....	1			
145	Richards & Rapelyea Sts	6	3	2	1	6	1	
149	322 Adams St	1	1	.....	.....	1	1	5
150	51 Fulton St	.....	.....	.....	.....			1
153	Miller & Liberty Ave	2	1	2				
154	Ralph Ave. & Quincy St	1	.....	.....	1			
159	Lee Ave. & Clymer St	4	2	1	1	1	1	
160	Bedford Ave. No. 1st St	2	2	.....	2	8	2	4
165	8 Liberty Street	2	2	2				
167	35 Snyder Ave	1	1					
169	W. 8th St. near Surf Ave	9	7	1	3			
170	Bath Ave. Bay 22nd St	1	.....	1				
	Totals	30	20	9	9	16	5	10

(1). The reports from the following precincts did not contain any addresses of places where immoral or dissolute persons congregate: 104, 144, 146, 147, 148, 151, 152, 155, 156, 157, 158, 161, 162, 163, 164, 166, 168, 171, 172, 173, 182, 184.

TABLE XXIV.

MAGISTRATES COURT RECORDS IN MANHATTAN OF SEDUCTION CASES FROM JANUARY 1ST, 1906 TO DECEMBER 31ST, 1908.

YEAR	TOTAL	DISCHARGED	HELD	PENDING
1906	51	42	9	
1907	39	28	11	
1908	62	45	13	4
Total	152	115	33	4
Percentage		75.6	21.7	2.6

TABLE XXV

DISPOSITION OF SEDUCTION CASES IN COURT OF GENERAL SESSIONS AND BY GRAND JURY
JANUARY 1ST, 1906 TO JUNE 30TH, 1909

Year	Total	Convicted	Acquitted	Discharged	Discharged by Grand Jury	Bail forfeiture
1906	9	1	..	5	3	
1907	16	2	..	6	8	
1908	18	4	1	8	5	
To June 30th 1909	5	..	..	1	3	1
Total	48	7	1	20	19	1
Percentage		14.6	2.1	41.6	39.6	2.1

TABLE XXVI.

ARRESTS AND DISPOSITION OF TWO HUNDRED AND SIXTY-FIVE CASES OF MEN ARRESTED ON VAGRANCY AND DISORDERLY CONDUCT CHARGES, IN THE 2ND, 4TH, 5TH AND 7TH DISTRICT COURTS, SEPTEMBER 1, 1906, TO DECEMBER 31, 1908, AND IN THE NIGHT COURT FROM AUGUST 1, 1907, TO DECEMBER 31, 1908.

YEAR	No.	CHARGE			COMPLAINT				DISPOSITION OF CASES					
		Comp. Prost.	Vagrancy	Soliciting	Soliciting	Proc'ds of Prost.	Lkouts & Protctrs	Miscellaneous	Workhouse	City Prison	Fined	B. G. Behavior	Discharged	Probation
From September 1, 1906	19	.....	13	6	5	11	3	.....	9	.....	6	.....	4	.....
1907	102	.....	59	43	50	33	13	6	48	4	15	6	26	3
1908	144	2	88	54	67	57	16	4*	56	2	24	7	54	1
Total	265	2	160	103	122	101	32	10	113	6	45	13	84	4
Per cent	.....	.....	60.5	39.	46.	38.	12.	3.8	42.6	2.2	16.9	4.9	31.9	1.5

*NOTE.—Among the miscellaneous charges, two were for violation of the compulsory prostitution of women law, and one was fined $10 and the other sent to the workhouse for six months. There were two other complaints in which it was specifically alleged that the women were forced into prostitution by the defendant but the charges were for vagrancy and disorderly conduct. One was discharged and the other sent to the workhouse.

TABLE XXVII.

DISPOSITION OF CASES AGAINST MEN CHARGED WITH VAGRANCY AND DISORDERLY CONDUCT IN THE NIGHT COURT, SECOND, FOURTH, FIFTH AND SEVENTH DISTRICT COURTS, JANUARY 1ST, 1909 TO AUGUST 31ST, 1909.

Magistrate	Court	Complaint	Disposition of Cases			
			Workhouse	City Prison	Fined	Discharged
Barlow	Night	Took money earned by prostitution				Discharged
Barlow	Night	Solicited men to enter house of prostitution			$10	
Barlow	Night	Solicited men to enter house of prostitution				Discharged
Barlow	Night	Solicited men to enter house of prostitution				Discharged
Barlow	Night	Living wholly on proceeds of prostitution				Discharged
Barlow	2nd	Received 50 cents daily from prostitute		6 Mo.		
Barlow	4th	Inmate of disorderly house and living on proceeds of prostitution				Discharged
Barlow	4th	Inmate of disorderly house				Discharged
Barlow	Night	Warns prostitutes of approach of officers	Workhouse			
Barlow	Night	Compelled woman to pay him a portion of her earnings as a prostitute	Workhouse			
Breen	Night	Lives off proceeds of prostitution of wife		6 Mo.		
Breen	Night	Solicited men to enter house of prostitution				Discharged
Breen	Night	Solicited men to enter house of prostitution			5	
Breen	Night	Solicited men to enter house of prostitution				Discharged
Breen	Night	Solicited men to enter house of prostitution				Discharged
Breen	7th	Compelled woman to give him her earnings as a prostitute				Discharged
Breen	Night	Doorkeeper in house of prostitution				Discharged
Cornell	Night	Solicited men to enter house of prostitution				Discharged
Cornell	Night	Lives wholly or partly on proceeds of prostitution				Discharged
Cornell	Night	Lives with prostitute and on her earnings				Discharged
Cornell	Night	Lives wholly or partly on proceeds of prostitution				Discharged
Cornell	2nd	Warning prostitutes of approach of police	Workhouse			
Corrigan	Night	Lives on proceeds of prostitution of wife	Workhouse			
Corrigan	Night	Lives on proceeds of prostitution	Workhouse			
Corrigan	Night	Lives on proceeds of prostitution	Workhouse			
Corrigan	4th	Warning prostitutes of approach of police and living on proceeds of their earnings	Workhouse			
Corrigan	7th	Lives wholly or in part on proceeds of prostitution of one woman	Workhouse			
Corrigan	7th	Lives wholly on the proceeds	Workhouse			
Crane	5th	Harboring a young girl and liviug on proceeds of her prostitution				Discharged
Finn	Night	Solicited men to enter house of prostitution				Discharged
Harris	Night	Inmate of disorderly houses			5	
Herrman	Night	Solicited meu to enter house of prostitution and lives wholly on proceeds				Discharged
Herrman	Night	Lives wholly ou proceeds of prostitution				Discharged
House	Night	Warning prostitutes of approach of officers			3	

TABLE XXVII—*Continued.*

Magistrate	Court	Complaint	Disposition of Cases.			
			Workhouse	City Prison	Fined	Discharged
House	Night	Interfered with officers when arresting two inmates of house of prostitution			$2	
House	Night	Solicited men to enter house of prostitution				Discharged
House	Night	Solicited man to enter house of prostitution		6 Mo.		
House	Night	Solicited men to enter house of prostitution			5	
House	Night	Solicited men to enter house of prostitution	Workhouse			
House	Night	Solicited men to enter house of prostitution	Workhouse			
House	Night	Living wholly or in part on earnings of well-known prostitute	Workhouse			
House	Night	Lives on proceeds of prostitution	Workhouse			
Kernochan	Night	Solicited men to enter house of prostitution				Discharged
Kernochan	Night	Solicited men to enter house of prostitution				Discharged
Kernochan	Night	Solicited men to enter house of prostitution		6 Mo.		
Kernochan	Night	Solicited men to enter house of prostitution				
Kernochan	Night	Solicited men to enter house of prostitution				Discharged
Kernochan	Night	Solicited men to enter house of prostitution				Discharged
Kernochan	Night	Lives on proceeds of prostitution				Discharged
Kernochan	4th	Lives on proceeds of prostitution				Discharged
Kernochan	Night	Lives on proceeds of prostitution	Workhouse			
Kernochan	Night	Lives on proceeds of prostitution	Workhouse			
Krotel	Night	Directing deponent to house of prostitution				On Bond Good Behavior
Krotel	2nd	Induced girl to solicit on street and asked her for proceeds of her earnings, deponent said she gave him $80	Workhouse			
Krotel	Night	Husband knew that wife solicited on street	Workhouse			
Krotel	Night	Solicited men to enter house of prostitution	Workhouse			
Moss	4th	Two men in one case. Enticed 16 year old girl and held her for prostitution purposes				Discharged
Moss	4th	Inmate of disorderly house and living wholly on proceeds of prostitution				Discharged
O'Connor	4th	Violation Tenement House Law				Discharged
Steinert	Night	Solicited men to enter house of prostitution			10	
Steinert	2nd	Living wholly or in part off the earnings of prostitution				Discharged
Steinert	4th	Inmate of disorderly house				Discharged
Steinert	4th	Two men in one case. Inmates of disorderly house and living wholly or in part on proceeds of prostitution of women				Discharged
Steinert	Night	Living on proceeds of prostitution				Discharged
Walsh	Fifth	Assists prostitutes in their business and refused to leave street when ordered				On bond good behavior
House	Night	Solicited men to enter house of prostitution				Still pending
House	2nd	Husband living on proceeds of prostitution of wife	Workhouse			

TABLE XXVII—*Concluded.*

Magistrate	Court	Complaint	Disposition of Cases			
			Workhouse	City Prison	Fined	Discharged
House.....	2nd.....	Solicited men for immoral purpose Violation Sec. 887 of the Code of Criminal Procedure.....	Workhouse			
House.....	Night.....	Warned prostitutes of approach of police.....	Workhouse			
House.....	Night.....	Husband induced wife to lead life of prostitution and give him portion of earnings.....	.....	.....	.....	Still pending
House.....	Night.....	Solicited man to enter house of prostitution.....	Workhouse			
House.....	Night.....	Husband induced wife to prostitute herself.....	Workhouse			
Total—72			23	4	7	38
Percentage			31.9	5.5	9.8	52.8

TABLE XXVIII.

WORKHOUSE RECORDS OF MEN SENTENCED ON CHARGES OF VIOLATING THE VAGRANCY AND DISORDERLY CONDUCT LAWS.*

Court	Magistrate	Length of Sentence	Date of Commitment		Date of Release		Time Served		Cause of Release, before Expiration of Sentence.
			Month	Year	Month	Year	Month	Days	
Second District.....	House.....	6 months...	January 28..	1909	February 1.	1909		5 days.	Under cumulative sentence law.
Night Court.....	House.....	6 months...	January 28.	1909	July 27.....	1909	Full Term.		
Night Court.....	Corrigan.....	6 months...	February 22	1909	August 21...	1909	Full Term.		
Night Court.....	Corrigan.....	6 months...	February 26	1909	April 5.....	1909	1 mouth.....	11 days.	Decisiou reversed by a Judge of General Sessions
Night Court.....	Corrigan.....	6 months...	February 24	1909	August 23...	1909	Full Term.		
Night Court.....	Barlow.....	6 months...	February 13	1909	March 17...	1909	1 month.....	.....	Under cumulative sentence law—Expiration.
Night Court.....	Kernochan.....	6 mouths...	March 6....	1909	Sept. 5.....	1909	Full Term.		
Night Court.....	Kernochan.....	6 months...	March	1909	Sept. 16....	1909	Full Term.		
Second District.....	.....	6 months...	March 20...	1909	Sept. 20....	1909	Full Term.		
Fourth District.....	Corrigan.....	6 months...	April 17....	1909	October 16..	1909	Full Term.		
Night Court.....	Barlow.....	6 months...	April 25....	1909	October 24..	1909	Full Term.		

* The specific charge was that they lived wholly or partly on the proceeds of prostitution or were lookouts and solicitors for prostitutes.

TABLE XXVIII—*Concluded.*

Court	Magistrate	Length of Sentence	Date of Commitment		Date of Release		Time Served		Cause of Release before Expiration of Sentence.
			Month	Year	Month	Year	Months	Days	
Night Court.....	House.....	6 months...	May 17.....	1909	May 21.....	1909	.....	5 days.	Under cumulative sentence law—expiration.
Second District...	Krotel.....	6 months...	June 14.....	1909	July 14.....	1909	1 month.....	.....	Discharged by committing magistrate.
Seventh District...	Corrigan.....	6 months...	June 23.....	1909	Still at workhouse Nov. 5	1909			
Seventh District...	Corrigan.....	6 months...	June 23.....	1909	Still at workhouse Nov. 5	1909			
Second District...	Cornell.....	6 months...	July 14.....	1909	July 18.....	1909	.....	5 days.	Under cumulative law.
Night Court.....	Krotel.....	6 months...	August	1909	Still at workhouse Nov. 5	1909			
Night Court.....	Krotel.....	6 months...	August 21...	1909	Still at workhouse Nov. 5	1909			
Night Court.....	.....	6 months...	August 8...	1909	August 12...	1909	1 month....	5 days.	Under cumulative sentence law—expiration.
Night Court.....	.....	6 months....	August 5...	1909	September 4.				Discharged by committing magistrate.
Second District...	House.....	6 months...	July	1909	No record of release				
Night Court.....	House.....	6 months...	January 19..	1909	No record of release.				
Night Court.....	Kernochan.....	6 months...	March 4....	1909	No record of release.				

TABLE XXIX.

DISPOSITION OF FIFTY-SIX ABORTION CASES IN COURT OF GENERAL SESSIONS AND BY GRAND JURY.

JANUARY 1ST, 1901, TO JUNE 30TH, 1909.

DATE	CONVICTED	ACQUITTED	DISCHARGED	DISCHARGED BY GRAND JURY
1901		1		2
1902				
1903			1	
1904	1	1	2	5
1905		3	1	2
1906	2		8	2
Total	3	5	12	11
Percentage	9.7	16.1	38.7	35.5

JANUARY 1ST, 1907, TO JUNE 30TH, 1909.*

1907	3		4	3
1908	2	1	7	2
1909 to June 30th		2	1	
Total	5	3	12	5
Percentage	20.0	12.0	48.0	20.0

* The data were separated to correspond with the periods before and after the passage of the Midwifery Law.

TABLE XXX.

Prosecution of Midwives and Department of Health Records From November 4th, 1908, to December 31st, 1909.

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS.						HEALTH DEPARTMENT RECORDS						
		Disposition of cases				Permits						
Date	Complaint	Fined	Prison	Discharged	No disposition	Date upon which granted	Date upon which denied	Application pending	No record	Diploma	Residence	Nationality
1901	Committing abortion....	$50	.....	.....	.....	.....	.....	.....	"	Unknown..	Unknown.	Unknown.
"	Illegal practice of medicine.....	100	.....	.....	.....	.....	.....	.....	"	"	"	"
1902	Selling abortion drugs..	.....	.....	.....	"	.....	.....	.....	"	"	"	"
"	Selling abortion drugs...	35	.....	.....	.....	.....	.....	.....	"	"	"	"
"	Selling abortion drugs...	75	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	100	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	100	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	125	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	50	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	100	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	.....	30 days	.....	.....	.....	.....	.....	"	"	"	"
"	"	150	.....	.....	.....	.....	.....	.....	"	"	"	"
1903	"	50	.....	.....	.....	.....	.....	.....	"	"	"	"
"	"	50	.....	.....	.....	12/30/08	.....	.....	.....	Heidelberg School of Midwifery	Tenement	German
"	"	.....	.....	.....	"	.....	.....	.....	"	Unknown.	Unknown.	Unknown.
"	"	50	.....	.....	.....	2/16/09	.....	.....	.....	Woman's Infirmary and Maternity Home	Tenement	Hungarian
"	"	50	.....	.....	.....	11/18/08	.....	.....	.....	Royal Hospital in Germany	"	German

TABLE XXX—*Continued.*

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS.						HEALTH DEPARTMENT RECORDS						
		Disposition of cases				Permits						
Date	Complaint	Fined	Prison	Discharged	No disposition	Date upon which granted	Date upon which denied	Application pending	No record	Diploma	Residence	Nationality
1903	Selling abortion drugs....	$50	.....	.....	.....	.....	11/3/08	.....	.....	Milwaukee School of Midwifery	Tenement	German
"	"	.....	.....	.....	"	1/27/09	.....	.....	.....	Woman's Infirmary & Maternity Home	"	Italian
"	"	25	.....	.....	.....	11/4/08	.....	.....	.....	Dr. Hills Maternity Clinic	Private house	Unknown.
"	"	200	.....	.....	.....	.....	.....	.....	"	Unknown	Unknown.	Unknown.
"	"	50 or	30days	.....	.....	.....	.....	.....	"	"	"	"
"	"	50	.....	.....	.....	.....	11/13/08	.....	.....	Krakow Clinic or Univ.	Tenement	Austrian
"	"	50	.....	.....	.....	.....	11/13/08	.....	.....	O'Reillys New York School of Midwifery	"	German
"	"	50	.....	.....	.....	.....	11/13/08	.....	"	Unknown.	Unknown.	Unknown.
1904	"	50	.....	.....	.....	.....	.....	.....	.....	Birth clinic, Budapest, Hun.	Private house	Unknown.
"	"	50	.....	.....	.....	.....	.....	.....	"	Unknown.	Unknown.	Unknown.
"	"	50	.....	.....	.....	2/3/09	.....	.....	.....	Columbia School of Midwifery	Private house	"
"	"	.....	.....	"	.....	.....	.....	.....	"	Unknown.	Unknown.	Unknown.
"	"	50	.....	.....	.....	.....	.....	.....	"	"	"	"

TABLE XXX—*Continued.*

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS.						HEALTH DEPARTMENT RECORDS						
		Disposition of cases.				Permits						
Date	Complaint	Fined	Prison	Discharged	No disposition	Date upon which Granted	Date upon which Denied	Application Pending	No record	Diploma	Residence	Nationality
1906	Selling abortion drugs....	$100	.....	.....	.....	1/6/09	.....	.....	.....	25 cases under Dr. Mulberry	Tenement	Russian
"		100	.....	.....	.....	.....	.....	.....	"	Unknown.	Tenement	Unknown.
"	"	150	.....	.....	.....	11/4/08	.....	.....	.....	College of Midwifery and Hospital in Switzerland	.....	"
"	"	250	.....	.....	.....	.....	.....	.....	"	Unknown.	"	"
"	"		90 days	.....	.....	12/30/08	.....	.....	.....	Columbia School of Midwifery	"	"
1907	Sent a woman to Dr. who had been fined $50	.....	.....	.....	"	.....	.....	8/2/09	.....	Unknown.	Unknown.	"
"	Offered to commit abortion for $25	200	.....	.....	.....	.....	.....	.....	"	"	"	"
"	Selling abortion and preventive drugs	50	.....	.....	.....	1/27/09	.....	.....	.....	Columbia School of Midwifery	Tenement	Irish
	For maintaining a public nuisance, a place for committing abortions	500	and 1 year	.....	.....	.....	.....	.....	"	Unknown.	Private house	Unknown.

TABLE XXX—*Continued.*

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS						HEALTH DEPARTMENT RECORDS						
		Disposition of cases				Permits						
Date	Complaint	Fined	Prison	Discharged	No disposition	Date upon which granted	Date upon which denied	Application Pending	No Record	Diploma	Residence	Nationality
1907	Attempted to commit abortion....	$150	.....	.....	.....	2/30/09	.....	.....	.....	Unknown.	Unknown.	German
"	Attempting to commit abortion	100	.....	.....	.....	.....	.....	.....	"	"	"	Unknown.
No date	Not given....	100 or	30 days	.....	.....	.....	.....	.....	"	"	"	"
"	Committing abortion.....		3 years and 6 months	.....	.....	.....	.....	.....	"	"	"	"
"	Not given....	100	.....	.....	.....	.....	11/13/08	.....	.....	Columbia School of Midwifery	Private house	Unknown.
"	Not given....	.....	.....	"	.....	3/11/09	.....	.....	.....	Columbia School of Midwifery	Tenement	"
1907	Offering to commit abortion....	200	.....	.....	.....	.....	.....	.....	"	Unknown.	Unknown.	"
"	Abortion with pills...	150	.....	.....	.....	2/24/09	.....	.....	.....	Columbia School of Midwifery	Tenement	Bohemian
"	Abortion with instruments.	250	.....	.....	.....	2/24/09	.....	.....	.....	"	"	"

TABLE XXX—*Continued.*

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS.						HEALTH DEPARTMENT RECORDS						
		Disposition of cases				Permits						
Date	Complaint	Fined	Prison	Discharged	No Disposition	Date upon which Granted	Date upon which Denied	Application Pending	No record	Diploma	Residence	Nationality
1908	Committing abortion....	$100	.....	.....	.....	3/24/09	.....	.....	.....	Royal Imperial Midwifery, Austria	Unknown.	Austrian
"	Committing abortion....	100	.....	.....	.....	3/17/09	.....	.....	.....	Columbia School of Midwifery	Tenement	German
"	Not given—duplicate—1907 record.	.....	30 days	.....	.....	.....	.....	.....	"	.....	.....	.....
"	Committing abortion—Appeal taken 6/23/09 and certificate of reasonable doubt issued	500 and	1 year	.....	.....	12/30/08	.....	.....	.....	Columbia School of Midwifery	"	German
"	Attempting to commit abortion....	75	.....	.....	.....	.....	3/24/09	.....	.....	College at Mains, Germany.	Tenement	German
"	"	.....	.....	"	.....	3/11/09	.....	.....	.....	Columbia School of Midwifery	Tenement	Hungarian

TABLE XXX—*Concluded.*

COUNTY MEDICAL SOCIETY RECORDS OF PROSECUTIONS.						HEALTH DEPARTMENT RECORDS						
Date	Complaint	Disposition of cases				Permits				Diploma	Residence	Nationality
		Fined	Prison	Discharged	No Disposition	Date upon which Granted	Date upon which Denied	Application Pending	No record			
1909	Committing abortion.....	.....	Indicted for manslaughter in first degree March 30/09		"	4/21/09	.....	.....	.....	New York School of Midwifery	Tenement	German
"	Having abortion drugs...	.....	.....	.....	"	.....	.....	8/2/09	.....	Unknown.	Unknown	Unknown.
"	Selling abortion drugs...	.....	8 months	.....	.....	.....	.....	.....	"	"	"	"
"	Offering abortion drugs...	$100 and	30 days	.....	.....	5/12/09	.....	.....	.....	Maternity Clinic Royal University of Palermo	Tenement	Italian
"	Attempting to commit abortion.....	100	.....	.....	.....	1/20/09	.....	.....	.....	Columbia School of Midwifery	Tenement	German
Totals.	59	45	5	3	6	21	6	2	30	.....	.....	.....
Percentages	.....	76.2	8.4	5	10	35.6	10	3.4	50	.....	.....	.....

TABLE XXXI.

COUNTY MEDICAL SOCIETY AND HEALTH DEPARTMENT RECORDS OF TWENTY-SEVEN MIDWIVES WHO ADVERTISED IN FOREIGN PAPERS AND INVESTIGATION OF SAME IN MAY, 1909.

COUNTY MEDICAL SOCIETY RECORDS			HEALTH DEPARTMENT RECORDS							INVESTIGATION	
			Permits								
Disposition of cases	Record	No record	Date on which granted	Date on which denied	Application pending	No record	Diploma	Residence	Nationality	Agreed to commit abortion	Refused to commit abortion
		"	.....	.....	.....	"	Unknown	Unknown...	Unknown..	5/26/09	
		"	.....	.....	.....	"	"	"	"	5/20/09	
		"	12/16/08	.....	.....	.....	Woman's infirmary and Maternity Home.....	Private house.....	German.....	5/21/09	
		"	12/16/08	.....	.....	.....	School of Midwives Warsaw.....	Tenement...	Polish.....	5/24/09	
		"	11/4/08	.....	.....	.....	Woman's Infirmary and Maternity Home.....	Tenement...	German....	5/22/09	
		"	2/3/09	.....	.....	.....	Given but could not decipher writing.....	Tenement...	German.....	5/09	
		"	11/4/08	.....	.....	.....	Reale Univ., Turin, Italy	Tenement...	Italian.....	.....	5/27/09 Gave name of midwife who would
		"	1/27/09	.....	.....	.....	Columbia School of Midwives.....	Tenement...	French.....	5/27/09	
		"	.....	.....	.....	"	Unknown.....	Unknown...	Unknown...	5/20/09	
		"	2/3/09	.....	.....	.....	School in Stockholm, Sweden.....	Tenement...	Swedish....	.....	5/09
		"	.....	.....	.....	"	Unknown.....	Unknown...	Unknown...	5/21/09	
		"	5/12/09	.....	.....	.....	Name of institution not given. Name of physician given and eites 14 cases.....	Tenement...	German.....	5/20/09	
		"	1/20/09	.....	.....	.....	Columbia College of Midwifery	Tenement...	Unknown...	5/09	
		"	12/30/08	.....	.....	.....	Vienna Clinic of Obstetrics.....	Tenement...	Unknown...	.....	5/09 Gave name of midwife who would

TABLE XXXI—*Concluded.*

COUNTY MEDICAL SOCIETY RECORDS			HEALTH DEPARTMENT RECORDS							INVESTIGATION	
			Permits								
Disposition of cases	Record	No record	Date on which granted	Date on which denied	Application pending	No record	Diploma	Residence	Nationality	Agreed to commit abortion	Refused to commit abortion
		"	1/13/09*	.....	.....	.....	Maternity Hospital Heidelberg	Tenement...	German.....	5/20/09	
		"	1/13/09	.....	.....	.....	Columbia School of Midwifery.....	Private house.....	German.....	5/21/09	
		"	12/23/08	.....	.....	.....	O'Reilly's College of Midwifery or Woman's Infirmary and Maternity Hospital.....	.....	Unknown...	5/30/09	
		"	.....	11/4/08	.....	.....	Lund's Maternity Hospital and Stockholm's Maternity Hospital, Sweden.....	Tenement...	Swedish....		5/09
$100 for selling abortion drugs.	"	.....	.....	.....	.....	"	Unknown.....	Private house.....	Unknown...	5/21/09	
$100 1906.....	"		12/30/08	.....	.....	.....	Unknown.....	Unknown...	Unknown...	5/09	
		"	2/3/09	.....	.....	.....	Columbia School of Midwifery.....	Tenement...	Unknown...	5/09	
$200 1907 and 30 days 1908 ..	"		.....	.....	.....	"	Woman's Infirmary and Maternity Home.....	Tenement...	" "	5/20/09	
	"		4/7/09	.....	.....	.....	Unknown	Unknown...	"	5/21/09	
		"	.....	.....	.....	"	Columbia School of Midwifery.....	Tenement...	"	5/27/09	
		"	.....	.....	8/20/09	.....	Unknown.....	Unknown...	Unknown...	5/20/09	
		"	3/17/09	.....	.....	.....	Unknown.....	Unknown...	Unknown...	5/20/09	
							Columbia School of Midwifery.....	"	"	5/20/09	
Total 27.....	4	23	17	1	1	8				23	4
Percentage.....	.....	.....	62.9	3.7	3.7	29.7				85.2	14.8

* This midwife advertises under two names, has permit under one only.

TABLE XXXII.

Miscellaneous Prosecutions by the County Medical Society on Charges of Abortion or Illegal Practice of Medicine, January 1, 1901 to June 30, 1909.

Date	OCCUPATION OF DEFENDANT	COMPLAINT	DISPOSITION OF CASES			
			Fined	Prison	Acquitted	Discharged
1901	Druggist	Selling abortion drugs			"	
1902	Girl in office of physician	" " "		30 days		
"	Physician	Illegal practice of medicine				"
"	Palmist, Psychic, Seer	Selling abortion drugs	$100 or 30 days			
"	Physician	Illegal practice of medicine and offering to operate for abortion		60 days		
1903	"	Performing abortion		1 yr. & 6 Mo.		
"	"	Illegal practice of medicine				*
"	"	" " "	75			
"	"	" " "	150 or 60 dys.			
"	Druggist	" " "	50			
"	"	Selling abortion drugs and illegal practice of medicine	50			
"	Physician	Offering abortion drugs		30 days		
"	Druggist	Selling abortion drugs	50			
"	"	" " "				"
"	Manager Medical Co	" " "	50			
"	Physician	Illegal practice of medicine and selling abortion drugs	500 & 3 Mo.			
1904	Druggist	Illegal practice of medicine	100 or 30 dys.			
"	Manag'r of Medical Co	Advertising and selling abortion drugs				*
1905	Physician	Offering abortion drugs for sale			"	
"	"	Selling abortion drugs	50			
1906	Not given	Supplying abortion drugs to own victim				"
"	Physician	Committing abortion				"
"	Osteopath	Illegal practice of medicine and offering to perform abortion		3 Mo.		
"	Druggist	Selling abortion drugs	100			
"	Physician	Illegal practice of medicine				"
1907	"	Attempting criminal operation	Committed suicide			
"	Not given	Attempting abortion				"
"	Druggist	Selling abortion drugs	25			
"	"	" " "	50			
"	"	" " "	25			

TABLE XXXII—*Concluded.*

Date	OCCUPATION OF DEFENDANT	COMPLAINT	DISPOSITION OF CASES			
			Fined	Prison	Acquitted	Discharged
1907	Druggist	Selling abortion drugs	$ 25			
"	"	" " "	250			
"	"	" " "	100			
"	"	" " "	100			
"	"	" " "			"	
1908	Not given	Performing abortion upon self				by jury
"	Physician	Illegal practice of medicine and performing abortion		1 yr.		
"	"	Attempting abortion				*
1909 to June 30th.	Not given	" "			Sentence suspended	
"	Druggist	Selling abortion drugs	100			
"	"	" " "	100			
"	Fortune Teller	Illegal practice of medicine, selling abortion drugs		1 yr.		
Total 42 (1)			20	7	3	7
Percentage			47.6	16.6	7.1	16.6

*Disposition in 3 cases not given. 1—Sentence suspended. 1—Defendant committed suicide before trial.

TABLE XXXIII.

DISPOSITION OF CASES OF RAPE IN COURT OF GENERAL SESSIONS AND BY GRAND JURY JANUARY 1ST, 1906, TO JUNE 30TH, 1909.

Year	Total	Convicted	Acquitted	Discharged	Discharged by Grand Jury	Discharged on Bail	Indictment Dismissed	Bail Forfeiture	Sentenced on another Indictment	Sentence Suspended
1906.....	84	19	6	42	17					
1907.....	109	18	12	43	36					
1908.....	157	37	13	71	36					
1909 to June 30th.....	84	18	7	16	19	12	1	3	1	7
Total.....	434	92	38	172	108	12	1	3	1	7
Percentage...	.....	21.2	8.7	39.6	24.9	2.8	0.2	0.8	0.2	1.6

TABLE XXXIV.

AGE, NATIONALITY AND OCCUPATION OF MEN CONVICTED ON CHARGE OF RAPE IN COURT OF GENERAL SESSIONS JANUARY 1ST, 1909 TO JUNE 30TH, 1909.

Offense	Age	Nationality	Occupation	Age of Victim	Occupation of Victim	Disposition of Case.
Rape	23	U. S.	Driver	17		Sentence suspended
"	36	U. S.	Type Finisher	15		Not stated
" 2nd Degree	18	Italian	Chauffeur	16	Corset Covers	2 years nor more than 3 years 6 months
" 2nd Degree	21	"	Millinery	17		5 years nor more than 6 years 6 months
"	25	U. S.	Shipping Clerk	16		
" 1st Degree	54	French	Porter	7	School girl	Not less than 15 years nor more than 20 years
" 2nd "	31	Italian	Agent	15	School girl	6 years nor more than 9 years 6 months
"	21	"	Plasterer	16		Elmira Reformatory
" 2nd Degree	30	"	Driver	15		1 year 2 months nor more than 3 years 2 months
" 2nd "	19	"	Clerk	17		6 years 2 months nor more than 9 years 2 months
"	21	English	Driver	17		Sentence suspended
"	22	German	Painter	17		Elmira Reformatory
"	21	Italian	Plasterer	16		Sentence suspended
"	24	Russian		16		"
"	18	Irish	Bottle Business	15	Clerk	"
"	20	Italian	Porter	15		"
"	19	Roumanian	Brass Polisher	16		Elmira Reformatory
"	28	U. S.	Motorman	16	Waitress	"
"	49	Russian	Real Est. Broker	12		Not stated
" 2nd Degree	19	Italian	Laborer	16	Servant	2 years 5 months nor more than 5 years
" "	23	Russian	Butcher	14		2 years
" "	24	U. S.	Doorman	14		Not less than 2 years nor more than 3 years 4 months
" "	25	Italian	Cigar Maker	12	School girl	Not less than 7 years nor more than 9 years 2 months
" "	26	U. S.	Stevedore	15	Housework	4 years 5 months nor more than 4 years 6 months
"	54	"	Janitor	11	School girl	Not stated
Total 25						

TABLE XXXV.

DISPOSITION OF CASES OF KIDNAPPING IN COURT OF GENERAL SESSIONS AND BY GRAND JURY JANUARY 1ST, 1906, TO JUNE 30TH, 1909.

Year	Total	Convicted	Acquitted	Discharged	Discharged by Grand Jury
1906	2			2	
1907	8	3		3	2
1908	4	1	1	1	1
1909 (six months)					
Total	14	4	1	6	3
Percentage		28.5	7.1	42.8	21.4

TABLE XXXVI.

DISPOSITION OF CASES OF ABDUCTION IN COURT OF SPECIAL SESSIONS AND BY GRAND JURY JANUARY 1ST, 1906, TO JUNE 30TH, 1909.

Year	Total	Convicted	Acquitted	Discharged	Discharged by Grand Jury	Discharged on Bail	Bail Forfeiture	No Disposition Given
1906	41	19	2	7	13			
1907	37	9	2	12	14			
1908	41	13	1	13	14			
1909 (six months)	22	7	.....	11	.....	2	1	1
	141	48	5	43	41	2	1	1
Percentage		34.0	3.6	30.5	29.1	1.4	0.7	0.7

TABLE XXXVII.

AGE, NATIONALITY AND OCCUPATION OF MEN CONVICTED OF ABDUCTION IN COURT OF GENERAL SESSIONS. JANUARY 1ST, 1909 to JUNE 30TH, 1909.

Offense	Age	Nationality	Occupation	Age of Victim	Occupation of Victim	Disposition of Case
Abduction	18	Italian.....	Street Sweeper..	14	.....	Elmira Reformatory
"	22	U. S.....	.....	16	Coffee Packer....	Not stated
"	28	Chinese	Waiter.....	16	" "	2 years 6 months nor more than 5 years
"	28	U. S.....	Chemist.....	16	.....	6 years 6 months nor more than 9 years 6 months
"	25	Italian.....	Driver's Helper..	13	.....	2 years 3 months nor more than 3 years 3 months
"	31	U. S.....	Laborer.....	15	Tel. Operator....	6 years nor more than 8 years
"	25	Irish.....	.....	15	.....	5 years nor more than 7 years 6 months

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