

# THE POLICE COURTS OF NEW YORK

A RECORD OF PROGRESS IN THE MINOR CRIMINAL COURTS

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WITH PICTURES BY JAY HAMBIDGE

A FEW years ago no one but a humorist would have ventured to assert that the most important tribunals of justice in America were the police courts of its great cities. From Maine to California those courts have, almost without exception, been classed by the law as inferior, and the general public has accepted them at that official estimate. This neglect has afforded an opportunity for the professional politicians, of which they have fully availed themselves, and the result has been the same in virtually every large city in the land. Thus in Chicago, in San Francisco, in Denver, in Cincinnati, in New York, and in other great centers of population, while there have been vigorous efforts at times to better the administration of the criminal law in its higher branches, the police courts have remained in the control of those who have been shrewd enough to realize that these so-called inferior courts are superior in point of influence to any other legal tribunals in the land. In the last decade, however, this fact has come to be widely recognized, with the result that many metropolitan communities have already bestirred themselves to direct the immense power exerted by these courts, and other municipalities are slowly but surely being aroused to like efforts.

Certainly the facts amply warrant attention, for they provide a startling demonstration that police courts are important factors not only in the administration of justice, but also in the social and civic life of the whole country. That this is not an overstatement will be readily admitted by any one familiar with the existing con-

ditions. In New York, for example, upward of two hundred thousand persons were arraigned before the police magistrates during the year 1910, and another hundred thousand were probably brought into their courts by summons. Over this huge army of people, many of whom are entirely innocent of any offense, the magistrates exert an almost undisputed sway; for their decisions are, in nine cases out of ten, absolutely final. In other words, they pass judgment upon the personal liberty and rights of more than twenty-five thousand citizens every month of the year, and save in a few instances their decisions are accepted without appeal or review of any kind. No other tribunal in the land administers justice on so vast a scale, or exerts anything even approaching so unbridled a power. It is at once a court of first and last resort, presided over by a Cadi, supreme arbiter of the facts and largely a law unto himself.

From these allegedly inferior courts thousands upon thousands of foreigners gain their first and perhaps their only impression of American government. To many of them the court-room is a civic center; for it must be remembered that the presiding magistrate is not concerned solely with crimes and criminals, but with a great mass of business involving all sorts of subjects, from the regulation of street traffic to the care of dependent children. Not once, but many times, a day each judge upon the bench has it within his power to impress the newly arrived immigrant with respect for American institutions or to make him the enemy of law and

order. A Russian peddler, for instance, is arrested for obstructing the traffic. He has paid for his license and is privileged to do business, but he speaks no English, and his arrest is, perhaps, the result of a complete misunderstanding between him and a police officer. Now, there is a man, aware of possessing certain rights purchased from the government and innocent of any real offense. A little impatience on the part of the magistrate will result in a fine or a jail-sentence, and make the prisoner a bitter foe of society, while tact, patience, and a knowledge of human nature will probably inspire him with a confidence in American justice which will affect not only him, but all his kith and kin. No other department of the government exerts even a tithe of this direct, personal influence upon our citizenship, and that influence extends to both sexes and to young and old alike; for in New York the Women's Night Court, the Court of Domestic Relations, and the Children's Courts are all branches of the tribunals termed inferior by the law.

These and similar facts, long known to the district leaders and other more or less personally interested observers, have little by little become familiar to the community at large through the medium of settlement workers, sociologists, and philanthropic agencies of various kinds, and public opinion has been gradually educated to a proper appreciation of their importance. Accordingly, in the year 1908, the New York legislature appointed a commission to investigate the whole subject of inferior criminal courts, and on the report of this commission a law was passed in 1910 completely reorganizing that department of the civic government. This law was drawn upon highly novel and somewhat revolutionary lines, and its practical working is being followed with intense interest by every large city in the land, for it undoubtedly marks a distinct era in the development of municipal government in America.

To appreciate the changes effected by this new law, it is necessary to understand something of the conditions which have surrounded the administration of justice by the New York police courts in the past, and of the evolution that has rendered possible the present effort at reform. Less than twenty-five years ago the scene in one of those courts was anything but impres-

sive, and to the uninitiated the procedure was utterly incomprehensible. On entering the court-room, the stranger would find himself in a small, ill-ventilated, and often dirty chamber, crowded to suffocation with a huddled mass of humanity, herded by policemen, who roughly endeavored to maintain some semblance of order. Ranged along one or perhaps two walls of the room stood a long line of prisoners,—men, women and children,—subjected to the morbidly curious gaze of the spectators and the more or less brutal surveillance of the police. Absolutely no discrimination was made between the victims of this sorry spectacle, which was popularly known as "the line up." The old and the young, the clean and the filthy, the sober and the intoxicated, were intermingled without regard to age, sex, or condition, and all were treated as criminals, although of course their cases had not then been heard. There was plenty of time for these unfortunates to familiarize themselves with their surroundings. On a busy morning some of them had to stand in the line for hours before their cases were reached; but what they saw was not likely to increase their respect for the law or their confidence in the administration of justice.

Behind a broad desk at the far end of the room sat a number of clerks noisily transacting the routine business of the court, amid a litter of books and papers and almost at the elbows of the judge, who could not readily be distinguished from the clerical staff, for he, like them, was attired in citizen's garb. Indeed, foreigners, in the hubbub and confusion about them, frequently mistook a clerk for the judge, and some of those officials did not scruple to take advantage of such errors in a manner that thoroughly convinced their dupes that American justice was for sale. The judge himself was usually far too busy to observe little irregularities of this sort; but even if he had had the leisure to look about him, he could not have seen anything, for his view of the court was completely obstructed. Directly in front of his desk stood a small platform known as "the bridge," and upon this each policeman arraigning a prisoner at the bar, took his stand, closely surrounded by reporters, lawyers, professional bondsmen, and privileged spectators of all sorts, who occupied every inch of space, clung to the steps of

the platform, and sprawled over the desk in their anxiety to see and hear. What took place behind this human screen no outsider could possibly ascertain. Frequently the complaining witness or sometimes even the prisoner himself was elbowed and jostled out of hearing distance, to remain in ignorance of the whole transaction except as it was reported by the policemen or others occupying posts of vantage. Again and again prisoners were "tried" in this fashion without even catching a glimpse of the magistrate, and sometimes the first intimation they received of his decision was finding themselves being roughly hustled toward the lock-up or the street.

Amid such surroundings and under such conditions it is not at all surprising that the judges were not always men of the highest character or the loftiest ideals. Indeed, it is somewhat astonishing that they were as good as they were, for there was nothing in the service to attract a man of dignity or standing. Nevertheless, some of them performed their duties conscientiously and effectively, administering rough-and-ready justice with impartiality, their shrewd knowledge of human nature going far to compensate their meager acquaintance with the law. Others, however, were politicians of the lowest type, placed upon the bench by the local powers-behind-the-throne to serve as the alter egos of the district leaders in controlling present and prospective voters, and the spectacle of one of those jurists at work on a busy morning was as sinister a sight as has ever menaced civic government in America. Around him gathered a horde of ruffianly police, rascally lawyers, "straw" bondsmen, vicious saloon-keepers, proprietors of disreputable resorts, and all who prey upon human weaknesses; and the tenement district confided to their tender mercies experienced a despotic rule that virtually nullified the existence of any higher civic authority.

As long as the bench was disgraced by characters of this description there was, of course, no possibility of reformation; but better types of men gradually took their places, and they in turn were succeeded by lawyers of ability and reputation, who realized the possibilities of their office and sought to raise it to a dignity commensurate with its power. Thanks to their

efforts, the disgraceful "line up" was abolished, the business of the "straw" bondsmen was diminished, the activity of the ward politicians was discouraged, and many other changes were effected that immeasurably increased the popular respect for their tribunals. One of their wisest moves in this direction was the adoption of the judicial robe, and the effect of this was instantly observable not only upon the prisoners and spectators, but upon the magistrates themselves. Meanwhile, the Children's Court and the Night Court were established, eliminating some of the worst evils; and the way was thus gradually paved for the recommendations of the investigating commission which have now been enacted into law.

Any one acquainted with the conditions prevailing under the old régime will experience a strange sensation on visiting the reorganized courts to-day, for he will find himself on familiar ground without being able to recognize his surroundings. Policemen no longer loiter about the rooms or noisily dominate the occupants of the public benches. Indeed, under the new law, police officers are not allowed to enter the court-rooms except when their presence is required as witnesses, complainants, or custodians of prisoners; and the duty of maintaining order has passed to neatly uniformed attendants under the direct control of the magistrates themselves. This change has not only restored a large number of police officers to their proper work, but has freed the courts from an apparent alliance with the police. But the policemen are not the only familiar figures that have disappeared from the scene, for the clerks have been removed to quarters outside the court-room, leaving the judge free to perform his duties undisturbed. The "bridge," too, has gone, and with it all the crowd that clustered around the judicial desk, whispering advice to its occupant and plucking at his sleeves. In its place stands a table sufficiently broad to protect the magistrate from intrusion, and at the right of the bench a chair has been provided for the use of witnesses, who must now give their testimony facing the court-room and in full view of all the spectators.

These few, simple changes have immeasurably increased the respect and confidence of the public. The chief factors in the transformation, however, are the

magistrates themselves. Their self-respect and official dignity have undoubtedly been served by the improvement in their surroundings, but without their intelligent coöperation this would have produced only a superficial result. "The wrong man on the bench can make a brothel out of any court-room, and the right man can turn a pig-pen into a temple of justice," is the observation of an experienced jurist; and the views expressed by one of the present magistrates on the maintenance of order fairly reflect the attitude of all but a small minority of his associates. "I have never owned a gavel since I went upon the bench," he remarked to the writer. "If I cannot keep order in my court without one, I cannot do it with one."

With the increased efficiency of the bench has come increased responsibility, for each judge is now required to visit, at least once a year, every institution to which he has the power to make a commitment. The effect of this provision upon the quality of justice may be readily imagined from the fact that, in the past, magistrates have been known to sit on the bench year after year, sentencing prisoners to jails and workhouses that they themselves had never seen and where conditions existed that should and probably would have been remedied by even one judicial inspection.

Additional care and responsibility are likewise demanded of the magistrate by the sections of the new law which require complete records not only of all cases which are brought into the courts by arrest, but of all that originate from summonses issued by the judges. Under the former practice, very imperfect records were kept, and no note whatever was made of the summonses, which, as one of the judges put it, were "forked out to the public like hay to a hungry elephant," supplying the unscrupulous creditor with "a new way to pay old debts." Now, however, summonses can no longer be had for the asking, and those who seek them must apply to the judge in person, who scrutinizes each application closely before appending his signature.

Altogether too great a burden would have been placed upon the magistrates by these and similar reforms had they not been reinforced by a Chief City Magistrate, upon whom most of the executive work devolves. Their labors have been further

diminished by the creation of two additional courts; and the provisions of the law which apply to these courts are perhaps the most important features of the new legislation, for they bring into being tribunals entirely new to the experience of the metropolis.

One of the saddest sights which formerly greeted the visitor at the magistrates' court was the number of despondent and generally careworn women invariably present at every session, waiting patiently for an opportunity to interview the judge. These women were neither prisoners nor persons summoned to appear in the court, so until the regular business of the day was disposed of they could obtain no hearing, and sometimes hours would elapse before the magistrate had leisure to listen to their stories. They were usually rather long stories, hard to tell and difficult to understand, but the general theme of them all was abuse, neglect, and abandonment by a husband. Sometimes the story was told by a half-starved woman, whose long vigil in the court-room and whose small store of strength caused her to falter and even to faint in the telling; sometimes it was listened to by a woebegone group of children who had been staring open-eyed for hours at the very scenes from which the Children's Court was supposed to protect them; sometimes it was timidly told by women whose faces and manner proclaimed the horror they felt at finding themselves in a criminal court, and whose frightened whispers betrayed the fact that, come what might, they would never be found there again. All this was distressing enough, but after the judge had heard the facts and given the applicant a summons directing her husband to appear on a future day, the wife might find another magistrate upon the bench when she returned with the delinquent, and her story would, of course, have to be retold. This time the judge would very likely order the offending husband to provide for his family under penalty of some kind; but if he failed to do so, the woman, revisiting the court to report that fact, would probably find herself confronting another magistrate wholly unfamiliar with the history of the case, and the proceedings would virtually have to be begun again.

Under the present law this needless hardship is largely eliminated by the estab-

lishment of the Domestic Relations Court, which has exclusive jurisdiction, among other matters, of all causes arising out of abandonment and failure to support. Strictly speaking, this court is not a criminal tribunal at all. It is rather the guardian of the home, and the judges assigned to it are men specially selected for their fitness to handle the important problems which daily come before them. Almost every phase of domestic difficulty comes before these experienced officials, and, by coöperating with probation officers, relief associations, and other philanthropic agencies, they are enabled to effect results quite as beneficial to the general community as they are to the parties directly concerned.

Similar relief, to an even greater degree, has been afforded by the Women's Night Court, which is in session from about eight in the evening till one in the morning. This court, which is likewise a complete innovation in New York's administration of justice, is a logical outgrowth of the general Night Court established in 1907 to afford prompt hearings for all who fell into the hands of the police after the day courts closed. This tribunal effectually destroyed the activities of the "straw" bondsmen and blackmailing policemen who thrived on arrests involving all-night detentions, but in many respects it failed to meet the requirements of the situation. For instance, no discrimination was made between men and women prisoners, and as all persons arrested anywhere within the Borough of Manhattan were brought to one court instead of being distributed throughout the various districts, the crowding of the prison-pens and the promiscuous herding of the overflow was nothing less than scandalous. The investigating commission accordingly recommended the creation of another night court exclusively for women.

The legislation which brought this new tribunal into existence was unquestionably framed with a view not only to the improvement of public morals and health, but to the protection of young and possibly innocent women whose treatment under the prevailing law was neither decent nor human. For example, there was formerly no opportunity for making any distinction between the various classes of women brought before the courts, with the result

that girls held merely as witnesses, or for very trivial causes, were frequently herded with hardened offenders. Indeed, in one instance, a girl detained as a witness in an abduction case was found in the same cell with her abductors.

This evil has been recognized by the provision of law which authorizes a House of Detention, with proper accommodations for the care and segregation of all women prisoners while their cases are pending, and when this institution is actually established a long step will have been taken toward a much needed reform. Again, the records which are now kept in this court insure a fairer and more scientific treatment of the unfortunate women of the streets than was formerly possible. Under the old régime, a woman might be arraigned in a different court every day in the week without much danger of recognition, and the unreconcilable decisions of the various magistrates upon virtually the same state of facts reflected anything but an impartial administration of justice. Now the complete record of all convicted prisoners is at the disposal of every judge, together with a finger-print which resolves all doubts as to identification, protecting the innocent as well as curbing the guilty.

These reforms all tend to an even-handed administration of law; but the discretion reposed in the magistrates as to the nature and extent of the penalties which they may impose upon the unfortunate women who come before them renders entire impartiality extremely difficult. For instance, the law authorizes either fine or imprisonment, but the amount of the fine or the length of the imprisonment is, within certain limits, entirely in the magistrate's hands. The result of this has been that no two offenders have been treated alike, some being fined heavily, others lightly, and still others being sent to the workhouse, and all for precisely the same offense. The unfairness of this has long been recognized, but it has been regarded as unavoidable, in view of the discretionary authority vested in the magistrates. Nevertheless the majority of those who have been assigned by the Chief City Magistrate, under the new law, to preside in the Women's Court have, to a large extent, now obviated this difficulty. Their policy is to impose *no* fines upon women of the streets, confining their discretion to



discharging the accused or imposing a workhouse sentence, and thus effectually condemning the enormity of enriching the public treasury by virtually licensing violations of law. It is safe to say that no greater public service than this has been performed by the officials of any municipality, for it bids fair to open the way for a more enlightened policy in regard to this whole subject than has heretofore seemed possible.

No less promising are the changes effected by the new law in regard to the Children's Courts, which were first established in New York in 1902, and have now come to be one of the most important features, if not the most important feature, of the city's judicial system.

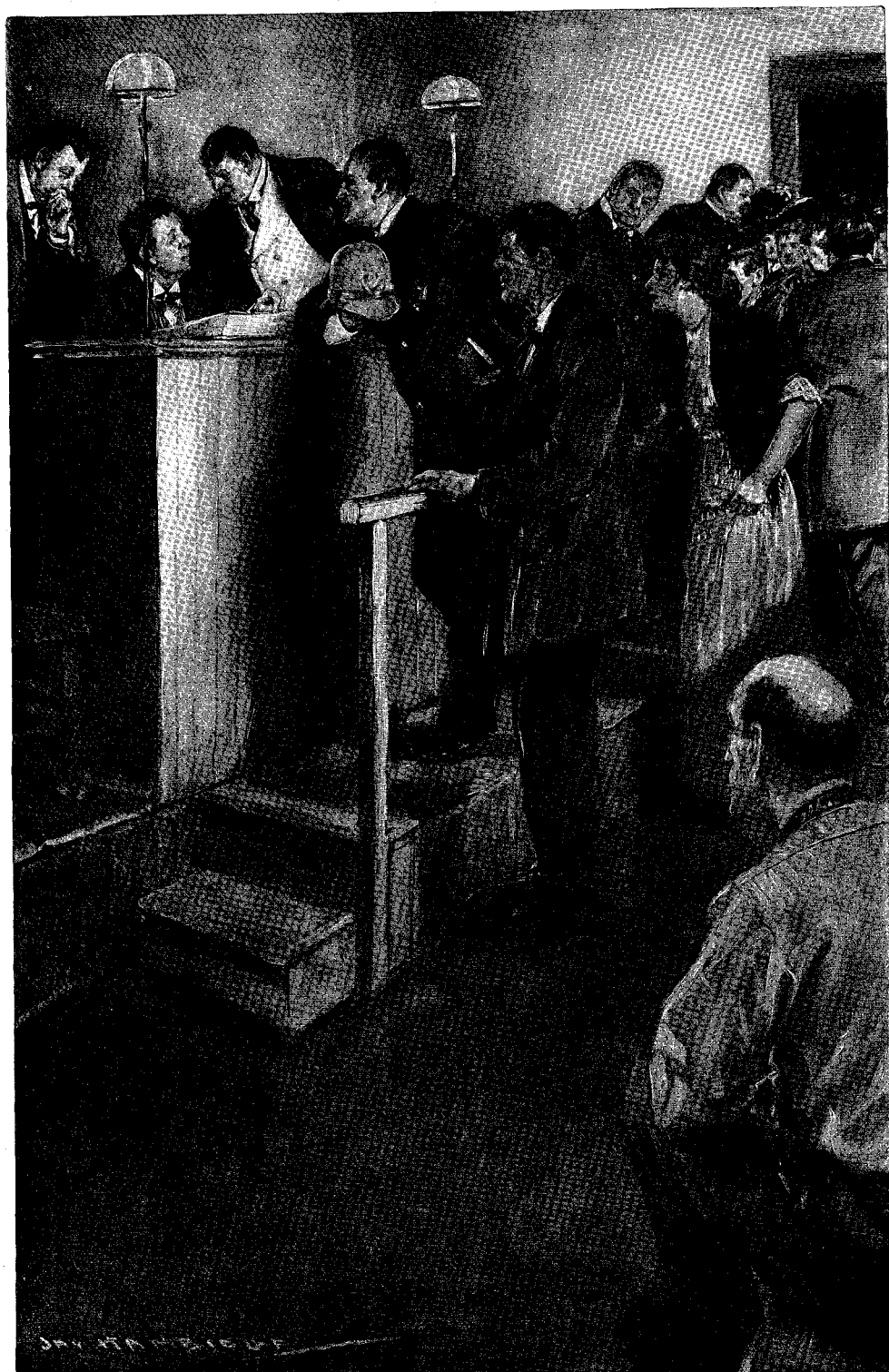
Under the existing law no child below the age of sixteen years may, if arrested, be taken to any police station, but must be brought directly to the Children's Court or to the rooms of the Society for the Prevention of Cruelty to Children, if the court be not in session. This is a far cry from the days when almost every "line up" of criminals and disorderlies in the old police courts had its quota of children. The present law further provides that upon being arraigned the youthful prisoners are "to be considered not as upon trial for the commission of a crime, but rather as children in need of the care and protection of the State." The wisdom of this admonition is reflected in the statistics of the court, which show that almost one half of the small offenders brought before it are charged with no more serious breach of the law than playing games in the streets.

Prior to the passage of the new law, all the judges of the Court of Special Sessions occupied the bench of this important tribunal in turn without regard to their qualifications for the delicate duties involved, and this produced unfortunate results. Indeed, some of the judges who were compelled to serve utterly lacked the patience and the experience to deal wisely with children, and were almost driven to distraction by their efforts to perform the tasks imposed upon them. This has now been partially remedied by providing that the Chief-Justice of the Court of Special Sessions shall designate which of his associates shall sit in the Children's Courts. That official can, therefore, by assigning those eminently fitted for the work to long

terms insure efficient and fairly continuous service. As long as the Children's Courts remain under the control of a criminal tribunal this is, perhaps, all that can be hoped for. It is, however, far from being an ideal condition of affairs and when the public fully realizes the possibilities of the Children's Courts there will doubtless be an irresistible demand for their complete emancipation from criminal jurisdiction.

The sight of one of these courts, as at present organized, under an experienced jurist, certainly provides an object-lesson for parents and all others interested in the welfare of the coming generations. The entire proceedings are conducted with as little formality as possible, but there is no lack of dignity or any weak sentimentality about them, and the majesty of the law is fully represented. Many of the children who are brought before the justices are accused of being "ungovernable," and these cases, in a great city like New York, require the utmost scrutiny. Indeed, complaints against "ungovernable" children are frequently made by foreigners who seek by this ruse to relieve themselves from the duty of supporting their children during their unproductive years. But the day has passed when it was possible for such people to have their children committed to institutions, and then call upon their relatives abroad to admire the photographs of "the grand, free, American colleges" at which the youngsters were established! Those who attempt this manoeuvre to-day, with an efficient justice on the bench, speedily find that they, and not their children, are on trial.

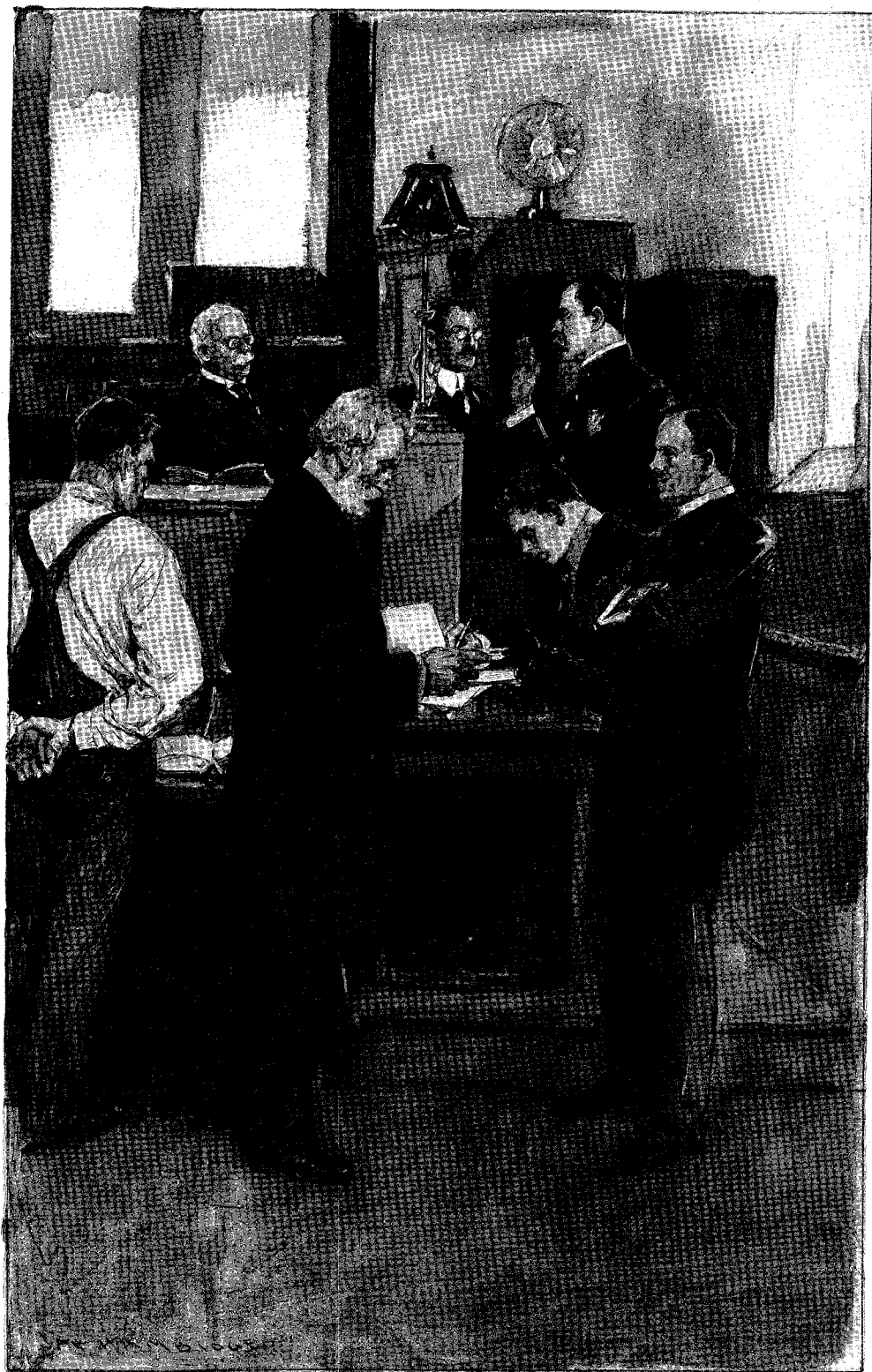
No other judicial officers in the city require such a wide knowledge of human nature or such quick perception as those who preside in these courts. Every morning they face a room crowded with new problems, and even the oldest and most commonplace stories often develop highly novel situations. A small boy is brought up to the bench, sullen and defiant and aware that silence is a weapon that he can employ with considerable effect. The charge, let us say, is theft, and the parents admit, perhaps, that it is not a first offense. To the casual observer the case seems plain and the facts not at all out of the ordinary. But something in the culprit's face has attracted the judge's at-



Drawn by Jay Hambidge. Half-tone plate engraved by H. C. Merrill

THE OLD METHOD OF CONDUCTING A POLICE COURT IN NEW YORK CITY





Drawn by Jay Hambidge. Halftone plate engraved by R. Varley

THE NEW METHOD OF CONDUCTING A POLICE COURT IN NEW YORK CITY



tion, and he talks to him quietly until he coaxes him into speech, listening intently to all he has to say and watching him closely without appearing to do so. Then he suddenly adjourns the case and beckons to a probation officer. "Mr. X," he whispers, "this boy stammers badly and has other evidences of a nervous disorder. Have a physician examine him, and report what he says to-morrow."

That whisper may mean the making of a life, and there are hundreds of such opportunities for public service in this courtroom every year.

Sometimes the friendly colloquies between the Bench and the small group before it result in astonishing revelations from the inner circles of Boyville. Not long ago four youngsters were arraigned in one of the courts charged with the rather serious offense of stealing electric bulbs from a railroad sign. They were bright, manly little chaps who frankly admitted the charge, and the judge was evidently disinclined to be severe; but the facts seemed to admit of no leniency. Nevertheless, His Honor patiently questioned the lads until he won their confidence, and then suddenly one of them clarified the whole situation. "We did not intend to steal the bulbs at all, Judge," he confided. "All we wanted to do was

to take them up to the roof of the station, tie strings to them, and lower them on to the third rail to see if they 'd light."

Who but a boy, and an intelligently curious boy, too, could have conceived the idea of this highly interesting scientific experiment? A less patient man upon the bench would certainly have disposed of the case without even suspecting that it might be divested of any criminal aspect. But that judge understood boys, and as he adjourned the case for further consideration, more than one grown-up in the small audience remarked to his neighbor: "I wonder whether the third rail *would* have lighted those bulbs? I'd rather like to know."

There are many important improvements in the administration of justice effected by the new law which cannot be detailed within the proper limits of this article, but the whole spirit of the legislation reflects high credit upon its framers, and thus far its results have exceeded expectations. It has not only promoted justice, curbed oppression, and safeguarded the needy and friendless, but it has supplied invaluable material for increasing the usefulness of minor criminal courts throughout the country, which, though termed inferior by the law, are centers of popular education and civic influence without a peer in the judicial system of America.



## THE SONG THAT IS FORGOT

BY FLORENCE EARLE COATES

**T**IME, like to sand from out the glass, unceasing flows away;  
Then wherefore deem to-morrow more worth than yesterday?  
The fairest rose the future knows time darkling will entomb  
With the rose that breathed in Persia, long since, its rare perfume.

If sands of time, effacing, flow, then what—ah, what of fame?  
*Nothing is lost that blesses the hour to which it came:*  
Nay, questioning heart, which gave it most the world itself knows not—  
The song that is remembered, the song that is forgot.