

**GARDENER
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FACTS AND FICTIONS OF
LIFE

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Helen H. Gardener

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PREFACE

There are at least two sides to every question. Usually there are several times two sides; or at least there are several phases in which the question has a different aspect.

I am led to state these seemingly unnecessary truisms because I have been confronted by hearers or readers who assumed, since I had presented a certain phase or manifestation of heredity in a given article or lecture, that I was intending to argue that a fixed rule of transmission would necessarily follow the line I had then and there drawn.

Nothing could be farther from my idea of the workings of the law of heredity.

Nothing could be more absurdly inadequate to the solution and comprehension of a great basic principle.

Again; an auditor or critic remarks that "We must not forget that we, also, get our heredity from God;" which is much as if one were to say, in teaching the multiplication table, "Remember that three times three is nine except, only, the times when God makes it fifteen." So absolute a misconception of the very meaning of the word heredity could hardly be illustrated in any other way as

in the idea of "getting it from God."

Scientific terms and facts of this nature cannot be confounded with metaphysical and religious speculation without hopeless confusion as to ideas, and absolute worthlessness as to the results of the investigation.

The very foundation principle of Evolution, itself, depends upon the persistence of the laws of hereditary traits, habits and conditions, modified and diversified by environment and by the introduction of other hereditary strains from other lines of ancestry.

Of course, there are people who do not believe that Evolution evolves with any greater degree of regularity and persistence than is consistent with the idea of a Deity who is liable to change his plans to meet the prayers or plaints of aspiration or repentance of those who chance to beg or demand of him certain immunities from the workings of the laws of nature. But with this type of mentality – with this grade of intellectual grasp – it were fruitless to pause to argue. They must be left to an education and an evolution of a less emotional and imaginative cast before they will be able to take part intelligently in a scientific discussion even where the merest alphabet of the science is touched, as is the case in these essays. They must learn a method of thought which keeps inside of what is, or can be, known and demonstrated, and cease to vitiate the very basic premises by injecting into them what is merely hoped or prayed for. The two phases of thought are quite distinct and totally dissimilar in method.

The essays here collected, which do not deal directly with heredity and its possibilities, have been included in the book because of the repeated calls for them upon the different magazines in which they appeared and because they are rightly classed among the facts and fictions of life with which we wish here to deal.

That most of them touch chiefly the dark side of the topics discussed is due to the fact that they were one and all written for a purpose in which that method of handling seemed most effective. That there is a brighter side goes without saying; but when a physician is writing a lecture upon cholera or consumption he does not devote his time and space to pointing out the indubitable fact that many of us have not, and are not likely to contract, either one.

In pointing out and commenting upon certain social and hereditary conditions and evils, which it is desirable to correct or to guard against, and which it is all-important we shall first recognize as existing and as in need of improvement, I have, it is true, dwelt chiefly upon the evil possibilities contained in these conditions. I am not, therefore, a pessimist. I do not fail to recognize the fact that both men and conditions are undoubtedly evolving into better and higher states than of old. If one may so express it, these essays are the expressions of a pessimistic optimist, – one who is pessimistic upon certain phases of the present for the present, and optimistic as to and for the future. Let me illustrate: The housewife who does not have the house

cleaned because it stirs up a dust to do it, is in the position of those critics who insist that it is all wrong to call attention to abuses because abuses are not pleasant things to have held up to public gaze. Or like a physician who would say: "For heaven's sake don't remove that bandage from the broken skull to dress the wound or you will see something even uglier than this soiled and ill-arranged cloth. Trust to luck. Some people have recovered from even worse conditions than this without intelligent care and treatment. Let him do it."

I have often been asked how and why I ever chanced to think or to write upon these topics. "How can a woman in your station and of your type know about them?" It is always difficult to say just how or why one mind *does* and another does *not* grasp any given thing.

When I was a very young girl I heard a famous Judge read and discuss a series of papers which were then appearing in the Popular Science Monthly, and which were called "The Relations Of Women To Crime." I was the only person admitted to the Club, where the consideration of the papers took place, who was not mature in years and connected with one of the learned professions. I was admitted because I begged the privilege as the guest of the family of the Judge at whose house the Club met. More than any other one thing, perhaps, the thoughts and suggestions that came to me – a silent and unnoticed child – while listening to the discussions of those papers which hinted at the various possibilities of inherited criminal tendencies –

hearing the lawyers comment upon it from the point of view furnished by their court-room experiences, and the medical men from their side of the topic, as practitioners upon those who had inherited mental or physical diseases, and the educators from their outlook and experience with children and youths who had not yet begun an open criminal course but who showed in their tendencies the need of intelligent training to modify or correct their faulty inheritance, – more than any other one thing, perhaps, this experience of my childhood led me into the study of anthropology and heredity. That other people have been interested in what I have written from time to time upon this subject, and that I was, for this reason, asked to present certain phases of it at the recent World's Congress of Representative Women, accounts for the publication of this book at this time. I presume it will be said that it is not "pleasant reading for the summer season." It is not intended for that purpose. It has been asked for by many teachers, college professors, students and medical practitioners, the latter of whom have shown extraordinary interest in its early issue and wide circulation, and for whose kind encouragement and aid I am glad to offer here renewed thanks.

I had intended to elaborate and enlarge and republish in book form "Sex IN Brain," but since there have been hundreds of calls made for it and since I have not yet found the time to combine, verify and arrange the large amount of additional material which I have been steadily collecting through correspondence

with leading Anthropologists and brain Anatomists in England, Scotland, Germany, France and the United States and other countries, ever since they received, with such cordial and kindly recognition, the within printed essay, which they have had translated into several languages, I have concluded to include it with these, leaving it as it was abridged and delivered before the International Council in Washington in 1888.

Later on I hope to find time to arrange and verify and issue the new material on the subject. It has grown in confirmatory evidence as it has grown in bulk, with steady and assuring regularity.

Helen Hamilton Gardener.

THE FICTIONS OF FICTION

I read – on a recent railway journey – a popular magazine. Its leading story was labeled as a "story for girls." In it the traditional gentleman of reduced fortunes continued to still further deplete the family-resources by speculation, and the three daughters who figure in most such stories went through the regular paces, so to speak.

One taught music; one painted well and sold her bits of canvas for ten dollars each; but the third girl had no talent except that of a cheerful temperament and the ability to drape curtains and arrange furniture attractively. These girls talked over the fact, that they were now reduced to their last ten dollars and the pantry was empty, father ill, and mother – not counted. They joked a little, wept a few tears, and prayed devoutly. Then the talentless one received an invitation in the very nick of time to visit the richest lady in town (a cripple with a grand house). She went, she saw, and, of course, she conquered – earned money by giving artistic touches to the houses of all the rich people in town, and eight months later married the nephew of the opulent cripple. No more mention is made of the empty pantry, the sick father, and the two talented girls whose labor did not previously keep the wolf from the door. But it is only fair to suppose that the new husband was to be henceforth the head of the entire establishment – surely a warning to most young

men contemplating matrimony under such trying circumstances. All is supposed to move on well, however, and every hapless girl who reads such a story, is led to believe that *she* is the household fairy who will meet the prince and somehow (not stated) redeem her father's family from want and despair. For it is the object of such stories to convey the impression that everything is quite comfortable and settled after the wedding. The young girl who reads these stories looks out upon life through the absurd spectacle thus furnished her. She sees nothing as it is. Such little plans as she can make, are based upon wholly incorrect data. Her whole existence is unconsciously made to bend to the idea of matrimony as a means of salvation for herself and such persons as may be in any way objects of care to her.

Indeed, what are commonly known as "safe stories for girls," are made up of just such rubbish, which if it were only rubbish, might be tolerated; but the harm all this sort of thing does can hardly be estimated. I do not now refer to the harm of a more vicious sort that is sometimes spoken of as the result of story reading. I am not considering the deliberately scheming nor the consciously self-sacrificing girl who struts her day on the stage and in fiction marries to save the farm or her father or any one else. I am thinking of the every-day girl, who is simply led to see life exactly as it is likely *not* to be, and is therefore disarmed at the outset. She is filled with all sorts of dreamy ideas of rescue by prayer or by means of some suddenly developed – previously undreamed-of – rich relation or lover or, I had almost said – fairy.

And why not? Literature used to bristle with these intangible aids to the helpless or stranded author. The name is changed now, it is true, but the fairy business goes bravely on at the old stand, and the young are fed with views of life, and of what they will be called upon to meet, which are none the less harmful and visionary because of the changed nomenclature.

A gentleman of middle age said to me not long ago: "I grew up with the idea that people were like those I met in books. I went out into life with that belief. I measured myself by those standards, and I have spent much time in my later years re-adjusting myself to fit the facts. It placed me at a great disadvantage. I saw people and deeds as they were not – as they are never likely to be in this world – and I could not believe that my own case was not wholly exceptional. I began to look at myself as quite out of the ordinary. My experiences were such as belied my reading, and it was a very long time and after serious struggle, that I discovered that it was my false standards, derived from reading popular fiction, that had deceived me and that, after all, life had to be met upon very different lines from the ones laid down by the ordinary writers of fiction. I really believe I was unfitted for life as I found it, more by the fictions of fiction than by any other one influence."

Another gentleman – a writer of renown – said to me: "We may not 'hold the mirror up to nature' as nature is. The critics will not have it. We must hold it up to what we are led to think nature *ought* to be."

Now that would be all very well, no doubt, if the picture were labeled to fit the facts. If it were distinctly understood by the reader that in ninety-nine cases out of a hundred the outcome of real life would be wholly different, that the right man would not turn up, in the nick of time, to point out to the defenseless widow that there was a flaw in the deed; if the reader was warned that honest effort often precedes failure; that virtue and vice not only may, but do, walk hand in hand down many a life-long path and sometimes get the boundary lines quite obliterated between them; if he understood that in life the biggest scoundrel often wears the most benign countenance and does not go about with a leer and a scowl that labels him, all might be well.

A prominent woman, an authority on social topics, who is also a writer, a short time ago announced to her audience of ladies who gave the smiling response of a thoughtless yes, that "no one ever committed a despicable act with the head erect and the chest well out." "A dishonest man, a criminal, a mean woman," she said, always carry themselves so and so!

If that were true – if it bore only the relationship of probability to truth – courts of law to determine upon questions of guilt or innocence, would be quite unnecessary. A photograph and an anatomical expert would do the business. The doing of a wrong act would become impossible to a gymnast, and the graceful "bareback lady" in the circus would be farther removed from all meanness of soul than any other woman living.

Yet some such idea – stated a little less absurdly – runs through

fiction, the drama, and poetry.

Ferdinand Ward or Carlyle Harris would figure in orthodox fiction with "furtive eyes," "a hunted look," and with very hard and repellant features, indeed; yet those who knew them well never discovered any such expressions. Jesse James would look like a ruffian and treat his old mother like a brute. But in life he was a mild, quiet, fair-appearing man who adored his mother, and was shot in the back (while tenderly wiping the dust from her picture) by a despicable wretch who was living upon his bounty at the time and accepted a bribe to murder him. Young girls do not need to be warned against "mother Frouchards." No girl of fair sense would require such warning; but the plausible, good-looking, and often nobly-acting man or woman who lapses from rectitude in one path while carefully treading the straight and narrow way in all earnestness and with honest intent in others are the ones for whom the fictions of fiction leave us unprepared.

In short the people who do not exist – the villain who is consistently and invariably villainous, the woman who is an angel, the people who never make mistakes, or who are able and wise enough to rectify them nobly, and all the endless brood are familiar enough. We know all of them, and are prepared for them when we meet them – which we never do. But for the real people we are not prepared. For the exigencies of life that come; for the decisions and judgments we are called upon to make, the fictions of fiction have contributed to disarm us. We are hampered. There is no precedent. We feel ourselves imposed upon; we are

face to face, so we believe – with a condition that no one ever met before. We are dazed; we wait for the orthodox denouement. It does not come. We pray. There is no angel visitant who cools our fevered brow with gentle wings and lulls our fears with promise of help from other than human agencies – which promises are straightway fulfilled, of course, in fiction. We sit down and wait but no rich relation dies and leaves us a legacy, nor does the prince appear and wed us. Nothing is orthodox, but we have lost much valuable time, and strength, and hope in waiting for it to be so. We have failed to adjust ourselves to life as it is. We do not measure ourselves nor others by standards that have a par value. We are discouraged and we are at sea.

A short time ago I read a story of the late war. The burden of it was that, if a soldier had been brave and loyal, he could also be depended upon to be honest. I happened to read the story while under the same roof with an old soldier who was at that time a judge on the bench. He had served faithfully while in the army; he was brave and he, no doubt, deserved the honorable discharge he received, and yet while he sat on the bench, he applied for a pension on the ground of incurable disease "contracted in active service." While those papers were being investigated and one doctor was examining him for his pension, he also applied and was examined for life insurance as a perfectly sound man and healthy risk, *and he got both.*

The fact is, human nature is very much mixed. Good and bad is not divided by classes but is pretty well distributed

in the same individual. Weakness and strength, wisdom and ignorance, impulse and reason, play their part in the same life with all the other attributes, passions, and conditions, and the literature which makes any individual the personification of good or of evil leads astray its confiding readers. Woman has been represented in literature as emotion culminating in self-sacrifice and matrimony. That was all. And even unto this day many persons can conceive of her in no other light. The idea has always been productive of infinite misery to woman whose whole book of life was read by these pages only, as well as to man who had carefully to spell out the other pages in the characters of wife or daughter when it was too late for him to learn new lessons, or to develop a taste for an unknown language.

Man has been known as pure reason touched with chivalry and devotion, or else as a dangerous animal who preys upon his kind. There may be – IN some other life or world – representatives of both of these classes, but they are not the men with whom we live, and, therefore, whose acquaintance it is desirable we should make as early as possible.

That a large family is a crown of glory to the parents and an inestimable boon to the state, is an idea running through literature. Is it a fact or is it one of the fictions of fiction which it were well to stimulate and galvanize into life less persistently? What is the answer from reform schools and penal institutions, filled by ignorance and passion held in bondage by poverty; from cemeteries where mothers and babies of the poor and ill-nurtured

are strewn like leaves; from, the homes of the educated and well to do where small families are the rule – large ones the deplored exception? What is the logical reply in countries whose sociological students sigh over the struggle for existence and a scarcity of supplies; "over population" and desperate emigration? Misery and vice bearing strict proportion to density of population and poverty, surely offer a hint that at least one of the fictions of fiction has gone far to do a serious injury to man.

But the fiction of fictions which has done more real harm to the human race than any other, perhaps, is the one which dominates it – the idea that woman was created for the benefit and pleasure of man, while man exists for and because of himself.

Fiction has utilized even her hours of leisure and amusement to sap the self-respect of womanhood while it helped very greatly to brutalize and lower man by keeping – in this insidious form – the thought ever before him that woman is a function only and not a person, and that even in this limited sphere she is and should be proud to be man's subject. "He for God only, she for God in him."

It is true that since the advent of women writers fiction has shown a tendency to modify, to a limited extent, this previously universal dictum, but the thought still dominates literature greatly to the detriment of morals and of the dignity of both men and women.

"The woman who has no history is the woman to be envied,"

says literature – and yet people do not envy her any more than they do the man of like inconspicuous position. No one wishes that she might go down to history, if one may so express it, as history less. No one points with pride to Jane Smith as his illustrious ancestor any more than if Jane had chanced to be John. To have been a Mary Somerville, or an Elizabeth Barrett Browning, or a George Eliot, most historyless women would be willing to change places even now, and as for "those who come after," can there be a question as to which would give more pride or pleasure to man or woman, to say – "I am the son, or the brother, or the niece of Mrs. Browning," or to say, "Jane Smith, of Amityville, is my most famous relative?"

I have my suspicions that even¹ Mr. Fitzgerald would waver in favor of Elizabeth in case both women were his cousins. In public, at least, he would mention Jane less frequently and with less of a touch of pride. Personally he might like her quite as well. That is aside from the question. I have no doubt that he might like John Smith as well as Shakespeare, personally, too, and John may have led a happier life than William, but is a man with no history to be envied for that reason? The application is obvious.

One of the most insidious fictions of fiction, which it seems to me is harmful, is the theory that the good are so because they resist temptation, while the bad are vicious because they yield easily – make a poor fight.

¹ Fitzgerald "thanked God" when Mrs. Browning died. See reply by Robert Browning in *Athenaeum*.

Leaving out heredity and its tremendous power, it is likely that you would have yielded under as strong pressure as it took to carry your neighbor down. I say as strong pressure – not the *same* pressure – for your tastes not being the same, your temptations will take different forms.²

If you had been born of similar parents and on Cherry Hill; if you had been one of a family of ten; if you had been stunted in mind and in body by want of nourishment; if you had been given little or no education; if you had helped to get bread for the family almost from the time you could remember; your record in the police court would not differ very greatly from that of those about you. In nine cases out of ten you would be where you sent that convict last year. Your pretty daughter would be the associate of toughs. She might be pure – in the sense in which the word is applied to women – but she would have a mind muddy and foul with the murk and odors of a life fit only for swine. She would marry a brute who honestly believes that so soon as the words of a priest or a magistrate are said over them, she belongs to him to abuse if he sees fit, to impose upon, lie to, or to let down into the valley of death for his pleasure whenever he sees fit, and quite without regard to her opinions or desires in the matter. She would be an old and broken woman at thirty, ugly, misshapen, and hopeless, with hungry-faced children about her, whose next meal would be a piece of bread, whose next word would be too foul to repeat, whose next act would disgrace a wolf.

² Our lives progress on the lines of least resistance." – Van Dbr Waukr, M. D.

In turn they would perpetuate their kind in much the same fashion, and some of your grandchildren would be in the poor-house, some in prison, some in houses of ill-repute, and perchance some doing honest work – sweeping the streets or making shirts for forty cents a dozen for the patrons of a literature that goes on promoting the theory that the chief duty of the poor is to irresponsibly bring more children into the world – to work for them as cheaply as possible. To the end that they may restrict their own families to smaller limits and – by means of cheaper labor caused largely by over population from below – clothe their loved ones in purple and build untaxed temples of worship, where poverty and crime is taught to believe in that other fiction of fictions – the "providence" that places us where we deserve to be and where a loving God wishes us to be content.

Indeed, this supernatural finger in literature has gone farther, perhaps, to place and keep fiction where it is, as a misleading picture of life and reality, than has any other influence. It has dominated talent and either starved or broken the pen of genius. "Oh, if I might be allowed to draw a man as he is!" exclaims Thackeray, as he leaves the office of his publisher, with downcast eyes and bowed head. He goes home and "cuts out most of his facts," and returns the manuscript which is acceptable now, because it is *not* true to life!

Because it is now fiction based upon other fiction and has eliminated from it the elements of probability which might have been educative or stimulating or prophetic. Now, Thackeray was

not a man who would have mistaken preachments for novels if he had been left to his own judgment; neither would he have painted vice with a hand that made it attractive, but he chafed under the dictum that he must not hold the mirror up to the face of nature, but must adjust it carefully so as to reflect a steel engraving of a water color from a copy of the "old masters."

It might be well if silver dollars grew on trees and if each person could step out and gather them at his pleasure; but since they do not, what good purpose could it serve if fiction were to iterate and reiterate that such is the case, until people believed that it was their trees which were at fault and not their fiction?

It might be a good idea, too, if babies were born with a knowledge of Latin and Mathematics, but to convince young people that such is the case and that they are pitiful exceptions to a general rule, is to place them at a humiliating disadvantage from the outset.

It is one of the most firmly rooted of these fictions of fiction, that such tales as I have mentioned above are "good reading – safe, clean literature" for girls. Nothing could be farther from the facts. Indeed, the outcry about girls not being allowed to read this or that, because it deals with some topic "unfit" for the girls' ears, is another fiction of fiction which robs the girl of her most important armor – the armor of truth and the ability to adjust it to life.

A famous man once said in my presence – "The theory that to keep a girl pure you must keep her ignorant of life – of real life –

is based upon a belief degrading to her and false as to facts. Some people appear to believe that if they keep girls entirely ignorant of all truth, they will necessarily become devotees of truth, and if you could succeed in finding a girl who is a perfect idiot, you would find one who is also a perfect angel."

"We are a variegated lot at best and worst," said a lady to me the other day, when discussing the character of a man who is in the public eye, "I know a different side of his character. The side I know I like. The side the public knows is so different." But in fiction he would be all one way. He would be a scamp and know it, or he would be a saint – and know that too. The fact is he is neither; and we *are* a variegated set at best and worst. Why not out with it in fiction and be armed and equipped for character and life as it is?

There is a school of critics who will say this is not the province of fiction. Fiction is to entertain, not to instruct. With this I do not agree – only in part. But accepting the standard for the moment, I am sure that a picture of life as it is, is far more entertaining than is that shadowy and vague photograph of ghosts taken by moonlight, which "safe stories for the young" generally present.

But to enumerate the fictions of fiction would be to undertake an arduous task – to comment upon them all would be impossible.

How much remorse – how many heartbreaks – have been caused by the one of these which may be indicated briefly in a sentence thus – "Stolen pleasures are always the sweetest."

"She sullied *his* honor," "He avenged his sullied honor," and all the brood of ideas that follows in this line have built up theories and caused more useless bloodshed and sorrow than most others. No wife can stain the honor of her husband. He, only, can do that, and it is interesting to note the fact that he who struts through fiction with a broken heart and a drawn sword "avenging" said honor (in the sense in which the word is used), seldom had any to avenge, having quite effectively divested himself of it before his wife had the chance.

"She begged him to make an honest woman of her." What fiction of fiction (and, alas, of law) could be more degrading to womanhood – and hence to humanity – than the thought here presented? The whole chain of ideas linked here is vicious and vicious only. Why sustain the fiction that a woman can be elevated by making her the permanent victim of one who has already abused her confidence, and now holds himself – because of his own perfidy – as in a position to confer honor upon his victim? He who is not possessed of honor cannot confer it upon another. "The purity of family life" is another fiction of fiction which never did and never can exist, while based upon a double standard of morals. That there ever was or ever will be a "union of souls" in a family where a double standard holds sway, or that women are truthful or frank with men upon whom they are dependent, are fictions which it were time to face and controvert with facts. Dependence and frankness never co-existed in this world in an adult brain – whether it were the dependence of the

serf or of the wife or daughter, the result is ever the same. The elements of character which tend to self-respect and hence to open and truthful natures, are not possible in a dependent – or in a social or political inferior. Do the peasants tell the lord exactly what they think of him, or do they tell him what they know he wishes them to think?

Did the black men, while yet slaves, give to the master their own unbiased opinion of the institution of slavery? Not with any degree of frequency. The application is obvious.

Another of the fictions of fiction upon which the vicious build, and which has disarmed thousands before the battle, is the insistency with which the idea is presented that a man (or woman) who is honestly and truly and conscientiously religious, is therefore necessarily moral or honorable; that he is a hypocrite in his religion if he is a knave in his life. Observation and history and logic are all against the theory. Some of the most exaltedly religious men have been the most wholly immoral. It was honest religion that burned Servetus and Bruno. They were not hypocrites who hunted witches. It is not hypocrisy that draws its skirts aside from a "fallen" sister, and immorally marries her companion in illicit love to purity and innocence. Do you know any religious father (or many mothers) in this world who would refuse to allow their son, whom they know to be of bad character, to marry a girl who is as pure and spotless and suspicion-less as a flower? "She will reform him," they say. "It will be good for him to marry such a girl." And how will it be for her? Does the

religious man or woman not take this view of morals? Has right and wrong, sex? Is honor and truthfulness toward others limited in application? Have you a right to deceive certain people for the pleasure or benefit of other people? If so where is the boundary line? Would the girl marry you or your son if she knew the exact truth – if she were to see with her own and not with your eyes—*all* of your life? Would you be willing to take her with you, or for her to go unknown to you, through all the experiences of your past and present? No? Would you be willing to marry her if she had exactly your record? No? You truly believe then that she is worthy of less than you are? Honor does not demand as much of you for her as it does of her for you? You would think she had a right – you would not resent it if her life had been exactly what yours was and is, and if she had deceived you? Is that which is coarse or low for women not so for men? Why is it that men will not submit to, if it comes from women, that which they impose upon women whom they "adore" and "truly respect?"

Would women accept this sort of respect and adoration if they were not dependents? Does literature throw a true or a fictitious light on such questions as these?

To whose advantage is it to sustain such fictitious standard of morals, of justice, of love, of right, of manliness, of honor, of womanly dignity and worth? To whose advantage is it to teach by all the arts of fiction that contentment with one's lot – whatever the lot may be – is a virtue? Yet it is one of the fictions of fiction that the contented man or woman is the admirable person. All

progress proves the contrary. To whose advantage is it to insist that virtue is always rewarded – vice punished? We know it is not true. Is it not bad enough to have been virtuous and still have failed, without having also the stigma which this failure implies under such a code? We all know that vicious success is common – that often vice and success are partners for life and that in death they are not divided; that the wicked flourish like a green bay-tree – why blink it in fiction? Why add suspicion to failure and misfortune, and gloss success with the added glory that it is necessarily the result of virtue? To those who know how false the theory is, it is a bad lesson – to those who do not know it, it is a disarmament against imposition.

Some of the fictions of fiction have their droll side in their naïve contradictions of each other. These examples occur to me:

"Women are timid and secretive." "They can't keep a secret."
"They are the custodians of virtue." "They are the 'frailer' sex."
"Frailty, thy name is woman." "With the passionate purity of woman."

"Abstract justice is an attribute of the masculine mind."
"Man's inhumanity to man makes countless thousands mourn."

"No class was ever able to be just to – to do justly by another class – hence the need of popular representation." "Women should take no part in politics."

"Women are harder upon women than men are." "He disgraced his honored name by actually marrying his paramour."

"We are happy if we are good."

"He was one of the best and therefore one of the saddest of men."

But why multiply examples. Many – and different ones – will occur to every thinking mind, while illustrations of the particular fictions of fiction, which have gone farthest to cripple you or your neighbor, will present themselves without more suggestions.

A DAY IN COURT

I. CRIMINAL COURT

To those accustomed to the atmosphere and tone of a court room, it is doubtful if its message is impressive. To one who spends a day in a criminal court for the first time after reaching an age of thoughtfulness, it is more than impressive; it is a revelation not easily forgotten. The message conveyed to such an observer arouses questions, and suggests thoughts which may be of interest to thousands to whom a criminal court room is merely a name. I went early. I was told by the officer at the door that it was the summing up of a homicide case. "Are you a witness?" he asked when I inquired if I was at liberty to enter. "Were you subpoenaed?"

"No," I replied, "I simply wish to listen, if I may, to the court proceedings. I am told that I am at liberty to do so."

He eyed me closely, but opened the door. Just as I was about to pass in he bent forward and asked quickly:

"Friend of the prisoner?"

"No."

He said something to another officer and I was taken to an enclosed space (around which was a low railing) and given a chair. I afterward learned that it was in this place the witnesses

were seated. He had evidently not believed what I said.

There was a hum of quiet talk in the room, which was ill-ventilated and filled with men and boys and a few women. Of the latter there were but two who were not of the lower grades of life. But there were all grades of men and boys. The boys appeared to look upon it as a sort of matinee to which they had gained free admission.

The trial was one of unusual interest. It had been going on for several days. The man on trial (who was twenty-four years of age and of a well-to-do laboring class,) had shot and killed his rival in the affections of a girl of fourteen. Some months previous, he had been cut in the face, and one eye destroyed, by the man he afterward killed, who was at the time of the killing out on bail for this offense. I had learned these points from the scraps of conversation outside the court room, and from the court officer. This was the last day of the trial. There was to be the summing up of the defense, the speech of the prosecutor, the charge of the judge, and the verdict of the jury.

The prisoner sat near the jury box, pale and stolid looking. The spectators laughed and joked. Court officers and lawyers moved about and chaffed one another. There was nothing solemn, nothing dignified, nothing to suggest the awful fact that here was a man on trial for his life, who, if found guilty, was to be deliberately killed by the State after days of inquiry, even as his victim had been killed, in the heat of passion and jealousy, by him.

The State was proposing to take this man's life to teach other men *not* to commit murder.

"Hats off!"

The door near the Judge's dais had been opened by an officer, who had shouted the command as a rotund and pleasant-faced gentleman, with decidedly Hibernian features, entered.

He took his seat on the raised platform beneath a red canopy. The buzz of voices had ceased when the order to remove hats was given. It now began again in more subdued tones. In a few moments the prisoner's lawyer – one of the prominent men of the bar – began his review of the case. He pointed out the provocation, the jealousy, the previous assault – the results of which were the ghastly marks and the sightless eye of the face before them. He plead self defense and said over and over again, "If I had been tried as he was, if I had been disfigured for life, if I had had the girl I loved taken from me, I'd have killed the man who did it, *long* ago! We can only wonder at this man's forbearance!"

I think from a study of the faces that there was not a boy in the room who did not agree with that sentiment – and there were boys present who were not over thirteen years of age.

The lawyer dwelt, too, upon the fact that the prosecutor would say this or that against his client. "He will try to befog this case. He will tell you this and he will try to make you think that; but every man on this jury knows full well that *he* would have done what my client did under the same conditions." "The prosecutor

told you the other day so and so. He lied and he knew it." The defender warmed to his work and shook his finger threateningly at the prosecutor. Every one in the room appeared to think it an excellent bit of acting and a thoroughly good joke. No one seemed to think it at all serious, and when he closed and the State's attorney arose to reply there was a smile and rustle of quiet satisfaction as if the audience had said:

"Now the fur will fly. Look out! It is going to be pretty lively for he has to pay off several hard thrusts."

There was a life at stake; but to all appearances no one was controlled by a trifle like that when so much more important a thing was risked also – the professional pride of two gentlemen of the bar. In the speech which followed, it did not dawn upon the State's attorney – if one may judge from his words – that he was "attorney for the people," and that the prisoner was one of "the people." It did not appear in his attitude if he realized that the State does not elect him to convict its citizens, but to see that they are properly protected and represented.

Surely the State is not desirous of convicting its citizens of crime. It does not employ an attorney upon that theory; but is this not the theory upon which the prosecutor invariably conducts his cases? Does he not labor first of all to secure every scrap of evidence against the accused and to make light of or cover up anything in his favor? Is not the State quite as anxious that he – its representative – find citizens guiltless, if they are so, as that he convict them if they are offenders against the law? Is not the

prosecutor offending against the law of the land as well as against that of ordinary humanity when he bends all the vast machinery of his office to collect evidence against and refuses to admit – tries to rule out – evidence in favor of one of "the people" whose employee he is?

These questions came forcibly to my mind as I listened to the prosecutor in the trial for homicide. He not only presented the facts as they were, but he drew inferences, twisted meanings, asserted that the case had but one side; that the defendant was a dangerous animal to be at large; that his witnesses had all lied; that his lawyer was a notorious special pleader and had wilfully distorted every fact in the case. He waxed wroth and shook his fist in the face of his antagonist and appealed to every prejudice and sentiment of the jury which might be played upon to the disadvantage of the accused. He sat down mopping his face and flashing his eyes. The Judge gave his charge, which, to my mind, was clearly indicative of the fact that he, at least, felt that there were two very serious sides to the case. The audience which had so relished the two preceding speeches, found the Judge tame, and when the jury filed out, half of the audience went also. Most of them were laughing, highly amused by "the way the prosecutor gave it to him" as I heard one lad of seventeen say. The moment the Judge left the stand there was great chaffing amongst the lawyers, and much merry-making. The prisoner and his friends sat still. The prosecutor smilingly poked his late legal adversary under the ribs and asked in a tone perfectly audible to

the prisoner, "Lied, did I? Well, I rather think I singed your bird a little, didn't I?" When he reached the door, he called back over his shoulder – making a motion of a pendant body – "Down goes McGinty!" Everyone laughed. That is to say, everyone except the white-faced prisoner and his mother. He turned a shade paler and she raised a handkerchief to her eyes. Several boys walked past him and stopped to examine him closely. One of them said, so that the prisoner could not fail to hear, "He done just right. I'd 'adone it long before, just like his lawyer said."

"Me too. You bet," came from several other lads – all under twenty years of age.

And still we waited for the jury to return. The prisoner grew restless and was taken away by an officer to the pen. There was great laughter and joking going on in the room. Several were eating luncheons abstracted from convenient pockets. I turned to an officer, and asked:

"Do you not think all this is bad training for boys? It must show them very clearly that it is a mere game of chance between the lawyers with a life for stakes. The best player wins. They must lose all sense of the seriousness of crime to see it treated in this way."

"Upon the other hand," said he, "they learn, if they stay about criminal courts much, that not one in ten who is brought here escapes conviction, and not one in ten who is once convicted, fails to be convicted and sent up over and over again. Once a criminal, always a criminal. If they get fetched here once they

might as well throw up the sponge."

"Is it so bad as that?" I asked. He nodded. "Is there not something wrong with the penal institutions then?" I queried.

"How?"

"You told me a while ago," I explained, "that almost all first crimes or convictions were of boys under seventeen years of age. Now you say that not one in ten brought here, accused, escapes conviction, and not one in ten of these fails to be convicted over and over again. Now it seems to me that a boy of that age ought not to be a hopeless case even if he has been guilty of one crime; yet practically he is convicted for life if found guilty of larceny, we will say. Is there not food for reflection in that?"

"I do' know," he responded, "mebby. If anybody wanted to reflect. I guess most boys that hang around here don't spend none too much time reflectin' though – till *after* they get sent up. They get more time for it then," he added, dryly.

"Another thing that impresses me as strange," I went on, "is the apparent determination of the prosecutor to convict even where there is a very wide question as to the degree of guilt."

"I don't see anything queer in that. He's human. He likes to beat the other lawyer. Why, did you know that the prosecutor you heard just now is cousin to a lord? His first cousin married Lord – ."

This was said with a good deal of pride and a sort of proprietary interest in both the lord and the fortunate prosecutor. I failed to grasp just its connection with the question in point to

which I returned.

"But the public prosecutor is not, as I understand it, hired to convict but to represent the 'people,' one of whom is the accused. Now, is the State interested in convictions only – does it employ a man to see that its citizens are found guilty of crime, or is it to see that justice is done and the facts arrived at in the interest of *all* the people, including the accused?"

"I guess that is about the theory of the State," he replied, laughing as he started for the door, "but the practice of the prosecuting attorney is to convict every time if he can, and don't you forget it."

I have not forgotten that nor several other things, more or less important to the public, since my day in a Criminal Court.

It may be interesting to the reader to know that the jury in the case cited, disagreed. At a new trial the accused was acquitted on the grounds of self defense and the prosecutor no doubt felt that he was in very poor luck, indeed: "For," as I was told by a court officer, "he has lost his three last homicide cases and he's bound to convict the next time in spite of everything, or he won't be elected again. I wouldn't like to be the next fellow indicted for murder if he prosecutes the case, even if I was as innocent as a spring lamb," said he succinctly.

Nor should I.

But aside from this thought of the strangely anomalous attitude of the State's attorney; aside from the thought of the possible influence of such court room scenes upon the boys who

flock there – who are largely of the class easily led into, and surrounded by, temptation; aside from the suggestions contained in the officer's statement – which I cannot but feel to be somewhat too sweeping, but none the less illustrative, that only one in ten brought before the Criminal Court escapes conviction, and only one in that ten fails to be reconvicted until it becomes practically a conviction for life to be once sent to a penal institution; aside from all this, there is much food for thought furnished by a day in a Criminal Court room. A study of the jury, and of the judge, is perhaps as productive of mental questions that reach far and mean much, as are those which I have briefly mentioned; for I am assured by those who are old in criminal court practice, that my day in court might be duplicated by a thousand days in a thousand courts and that in this day there were, alas, no unusual features. One suggestive feature was this. When the jury – an unusually intelligent looking body of men – was sworn for the next case, seven took the oath on the Bible and five refused to do so, simply affirming. This impressed me as a large proportion who declined to go through the ordinary form; but since it created no comment in the court room, I inferred that it was not sufficiently rare to attract attention, while only a few years ago, so I was told, it would have created a sensation. There appeared to be a growing feeling, too, against capital punishment. Quite a number of the talesmen were excused from serving on the jury on the ground of unalterable objection to this method of dealing with murderers. They would not hang a man, they said,

no matter what his crime.

"Do you see any relation between the refusal to take the old form of oath, and the growth of a sentiment or conscientious scruple against hanging as a method of punishment"? I inquired of the officer.

"I do' know. Never thought of that. They're both a growin'; but I don't see as they've got anything to do with each other."

But I thought possibly they had.

II. IN THE POLICE COURT

The next week I concluded to visit two of the Police Courts. I reached court at nine o'clock, but it had been in session for half an hour or more then, and I was informed that "the best of it was over." I asked at what time it opened. The replies varied "Usually about this time." "Some where around nine o'clock as a rule." "Any time after seven," etc. I got no more definite replies than these, although I asked policemen, doorkeeper, court officer, and Justice. Of one Justice I asked, "What time do you close?"

"Any time when the cases for the day are run through," he replied. "To-day I want to get off early and I think we can clear the calendar by 10:30 this morning. There is very little beside excise cases to-day and they are simply held over with \$100 bail to answer to a higher court for keeping their public houses open on Sunday. Monday morning hardly ever has much else in this court."

I was seated on the "bench" beside the Judge. At this juncture a police officer stepped in front of the desk with his prisoner, and the Justice turned to him.

"Do you swear to tell the truth, the whole tr – 'n – g b tr'th – selp y' God. Kissthebook."

The policeman had lifted the greasy volume, and with more regard for his health than for the form of oath, had carried it in the neighborhood of his left cheek and as quickly replaced it on

the desk.

"What is the charge?" inquired the Justice.

"Open on Sunday," replied the officer succinctly.

"See him selling anything?"

"No. I asked for a drink an' he told me he was only lighting up for the night and wasn't sellin' nothing."

"Anybody inside?"

"Only him an' me."

"You understand that you are entitled to counsel at every stage of this proceeding," said the Justice to the accused man. "What have you to say for yourself?"

"Your Honor, I have a dye house, and a small saloon in the corner. I always light the gas at night in both and have it turned low. I had on these clothes. I was not dressed for work. I went in to light up and he followed me in, and arrested me and I have been in jail all night. I sold nothing."

"Is that so, officer?" asked the Justice.

"Yes, your Honor, it is so far as I know. I seen him in there lighting the gas, an' I went in an' asked for a drink, an' he said he wasn't selling an' I arrested him."

"Give the record to the clerk. Discharged," said the Justice, and then turning to me he explained: "You see he had to arrest the man for his own protection. If a police officer goes into a saloon and is seen coming out, and doesn't make some sort of an arrest, he'll get into trouble; so, for his protection he had to arrest the man after he once went in, and I have to require that

record, by the clerk, to show why, after he was brought before me, I discharged him. That is for my protection."

"What is for the man's protection?" I asked. "He has been in jail all night. He has been dragged here as a criminal to-day, and he has a court record of arrest against him all because he lighted his own gas in his own house That seems a little hard, don't you think so?"

The Judge smiled.

"So it does, but he ought to have locked the door when he went in to light up. Perhaps he was afraid to go in a dark room and lock his door behind him before he struck a light, but that was his mistake and this is his punishment. Next!"

Most of the cases were like this or not so favorable for the accused. In the latter instance they were held in bail to answer to a higher court. Two or three were accused of being what the officer called "plain drunks" and as many more of being "fighting drunks" or "concealed weapon drunks." In these cases the charge was made by the officer who had arrested them. There was no suggestion that "you are entitled to counsel," etc., and a fine of from "\$10 or ten days" to "\$100 or three months" or both was usually imposed.

A pitiful sight was a woman, sick, and old, and hungry. "What is the charge against her, officer?" inquired the Justice.

"Nothing, your Honor. She wants to be sent to the workhouse. She has no home, her feet are so swollen she can't work, and –"
"Six months," said the Justice, and turned to me. "Now she

will go to the workhouse, from there to the hospital, and from there to the dissecting table. Next."

I shuddered, and the door closed on the poor wretch who, asking the city for a home, only, even if that home were among criminals, received a free pass to three of the public institutions sustained to receive such as she – at least so said the Justice to whom such cases were not rare enough to arouse the train of suggestions that came unbidden to me. He impressed me as a kind-hearted man, and one who tried to be a Justice in fact as well as in name. He told me that it was not particularly unusual for him to be called from his bed at midnight, go to court, light up, send for his clerk and hold a short session on one case of immediate importance – such as the commitment of a lunatic or the bailing of some important prisoner who declined to spend a night in jail while only a charge and not a conviction hung over him.

"I have never committed anyone without seeing him personally," he explained. "Some judges do; but I never have. Only last night a man's brother and sister and two doctors tried to have me commit him as a lunatic, but I insisted on being taken to where he was. They begged me not to go in as he was dangerous; but I did, and one glance was all I needed. He was a maniac, but I would not take even such strong evidence as his relations and two doctors afforded without seeing him personally."

"And some judges do, you say?" I inquired.

"Oh yes. Next."

"Next" had been waiting before the desk for some time. The officer went through the same form of oath. I did not see a policeman or court officer actually "kiss the book" during the two days which I spent in the Police Courts. Some witnesses did kiss it in fact and not only in theory. A loud resounding smack frequently prefaced the most patent perjury. Indeed in two cases after swearing to one set of lies and kissing the Bible in token of good faith, the accused changed their pleas from not guilty to guilty and accepted a sentence without trial.

These facts did not appear to shake the confidence in the efficacy of such oaths and the onlookers in the court did not seem either surprised or shocked. Certainly the court officials were not, and yet the swearing went on. That it was a farce to the swearers who were quite willing to say they believed they would "go to hell" if they did not tell the truth and were equally willing to run the risk, looked to me like a very strong argument for a form of oath which should carry its punishment for perjury with it to be applied in a world more immediate and tangible.

The afternoon found me in a more crowded Police Court. The Justice was rushing business. I stood outside the railing in front of which the accused were ranged. The charges were made by the police officer who faced the Judge. The accused stood almost directly behind the policemen something like four feet away. I was by the officer's side and so near as to touch his sleeve, and yet I can truly say that I was wholly unable to hear one-half of the charges made; most of them appeared to relate to intoxication,

fighting, quarreling in the street, breaking windows and similar misdeeds.

Some of the "cases" took less than a minute and the accused did not hear one word of the charge made. What he did hear in most cases and *all* he could possibly hear was something like one of these:

"Ten dollars or ten days." "Three months." "Ever been here before?"

"No, your Honor."

"Ten days."

"Officer says you were quarreling in a hallway with this woman. Say for yourself?"

"Well, your Honor, I was a little full and I got in the wrong hall and she tried to put me out and – "

"Ten dollars."

"Your Honor, I'll lose my place and I've got a wife and – "

The officer led him away. Ten dollars meant ten days in prison to him and the loss of his situation. What it may have meant to his family did not transpire.

To the next "case" which was of a similar nature, the fine meant the going down into a well-filled pocket, a laugh with the clerk and the police officer who took the proffered cigar and touched his hat to the object of his arrest, who, having slept off his "plain drunk," was in a rather merry mood. Many of the accused did not hear the charges made against them by the officer; in but few cases were they told that they had a right to

counsel; almost all were fined and at least two-thirds of the fines meant imprisonment. A little more care was taken, a little more time spent if the face or clothing of the accused indicated that he was of the well-to-do or educated class. Indeed I left this court feeling that the inequality of the administration of justice as applied by the system of fines was carried to its farthest limit, and that it would be perfectly possible – easy indeed – to find a man (if he chanced to be poor and somewhat common looking) behind prison walls without his knowing even upon what charge he had been put there and without having made the slightest defense. If he were frightened, or ill, or unused to courts, and through uncertainty or slowness of speech, or not knowing what the various steps meant, had suddenly heard the Judge say "Ten dollars," and had realized that so far as he was concerned it might as well have been ten thousand; it was quite possible, I say, for such a man to find himself a convict before he knew or realized what it meant or with what he was charged.

I wondered if all this was necessary, or if attention were called to it from the outside if it might not set people to thinking and if the thought might not result in action that would lead to better things.

I wondered if a rapid picture of a boy of sixteen arrested for fighting, shot through this court into association with criminals for ten days, being found in their company afterward and sent by the criminal court to prison for three months for larceny, and afterward appearing and re-appearing as a long or short term

criminal, would suggest to others what the idea suggested to me? I wondered, in short, if there were less machinery for the production and punishment of crime and more for its prevention, if life might not be made less of a battlefield and hospital for the poor or unfortunate. I wondered if the farce of oaths, the flippancy of trials, the passion of the prosecutor for conviction and all the train of evils growing out of these were necessary; and if they were not, I wondered if the vast non-court-attending public might not suggest a remedy if its attention were called to certain of the many suggestive features of our courts that presented themselves to me during my first two days as an observer of the legal machinery that grinds out our criminal population.

THROWN IN WITH THE CITY'S DEAD

I read that headline in a newspaper one morning. Then I asked myself: Why should the city's dead be "thrown in?"

Where and how are they "thrown in?" Why are they *thrown* in?

Why, in a civilized land, should such an expression as that arouse no surprise – be taken as a matter of course? What is its full meaning? Are others as little informed upon the subject as I? Would the city's dead continue to be "thrown in" if the public stopped to think; if it understood the meaning of that single, obscure headline? Believing that the power of a free and fearless press is the greatest power for good that has yet been devised; and believing most sincerely, that wrongs grow greatest where silence is imposed or ignorance of the facts stands between the wrong doer, or the wrong deed, and enlightened public opinion, I decided to learn and to tell just the meaning —*all* of the meaning – of those six sadly and shockingly suggestive words.

Suppose you chanced to be very poor and to die in New York; or suppose, unknown to you, your mother, a stranger passing through the city, were to die suddenly. Suppose, in either case, no money were forthcoming to bury the body, would it be treated as well, with as humane and civilized consideration as if the

question of money were not in the case? We are fond of talking about giving "tender Christian burial," and of showing horror and disgust for those who may wilfully observe other methods. We are fond of saying that death levels all distinctions. Let us see whether these are facts or fictions of life.

The island where the "city's dead" are buried – that is, all the friendless and poor or unidentified, who are not cared for by some church or society – is a mere scrap of land, from almost any point of which you easily overlook it all, with its marshy border and desolate, unkempt surface. It contains, as the officer in charge told me, about seventy-nine acres at low tide. At high tide much of the border is submerged. Upon this scrap of land – about one mile long and less than half a mile wide at its *widest* point – is concentrated so much of misery and human sorrow and anguish, that it is difficult to either grasp the idea one's self or convey it to others.

There are three classes of dead sent here by the city. Those who are imbecile or insane – dead to thought or reason; those who are dead to society and hope – medium term criminals; and those whom want, and sorrow, and pain, and wrong can touch no more after the last indignity is stamped upon their dishonored clay. I will deal first with these happier ones who have reached the end of the journey which the other two classes sit waiting for. Or, perhaps some of them stand somewhat defiantly as they look on what they know is to be their own last home, and recognize the estimate placed upon them by civilized, Christian society.

Upon this scrap of land there are already buried – or "thrown in" – over seventy thousand bodies. Stop and think what that means. It is a large city. We have but few larger in this country. Remember that this island is about one mile long and less than a half mile wide at the widest point. In places it is not much wider than Broadway.

The spot on which those seventy thousand are "thrown in" is but a small part of this miniature island. This is laid off in plots with paths between. These sections are forty-five feet by fifteen, and are dug out seven feet deep. Again, stop and picture that. It looks like the beginning of a cellar for a small city house. But in that little cellar are buried one hundred and fifty bodies, packed three deep. Remembering the depth of a coffin, and remembering that a layer of earth is put on each, it is easy to estimate about how near the surface of the earth lie festering seventy thousand bodies. They are not in metallic cases, as may well be imagined; but I need only add that I could distinctly see the corpse through wide cracks in almost every rough board box, for you to understand that sickening odors and deadly gases are nowhere absent.

But there is one thing more to add before this picture can be grasped. Three of these trenches are kept constantly open. This means that something like four hundred bodies, dead from three days to two weeks, lie in open pine boxes almost on the surface of the earth.

You will say, "That is bad, but the island is far away and is

for the dead only. They cannot injure each other." If that were true, a part of the ghastly horror would be removed, but, as I have said, the city sends two other classes of dead here. Two classes who are beyond hope, perhaps, but surely not beyond injury and a right to consideration by those who claim to be civilized.

Standing near the "general" or Protestant trench – for while Christian society permits its poor and unknown to be buried in trenches three deep; while it forces its other poor and friendless to dig the trenches and "throw in" their brother unfortunates; while it condemns its imbeciles and lunatics to the sights, and sounds, and odors, and poisoned air and earth of this island, it cannot permit the Catholic and Protestant dead to lie in the same trenches! – standing near the general trench, in air too foul to describe, where five "short term men" were working to lower their brothers, the officer explained.

"We have to keep three trenches open all the time, because the Catholics have to go in consecrated ground and they don't allow the 'generals' and Protestants in there. Then the other trench is for dissected bodies from hospitals and the like."

"Are not many, indeed most of those, also, Catholics?" I asked.

"Yes, I guess so; but they don't go in consecrated ground, because they aint whole." This with no sense of levity.

"Are not many of the unknown likely to be Catholics, too?"

"Yes, but when we find that out afterward, we dig them out if they were not suicides, and put them in the other trench. If

they were suicides, of course, they have to stay with the generals. You see, we number each section; then we number each box, and begin at one end with number one and lay them right along, so a record is kept and you can dig any one out at any time."

"Then this earth – if we may call it so – is constantly being dug into and opened up?" I queried.

"I should think it would kill the men who work, and the insane and imbecile who must live here." "Well," he replied, smiling, "prisoners have to do what they are told to, whether it kills 'em or not, and I guess it don't hurt the idiots and lunatics none. They're past hurting. They're incurables. They never leave here."

"I should think not," I replied. "And if by any chance they were not wholly incurable when they came, I should suppose it would not be long before they would be. Where does the drinking water come from?"

"Drive wells, and – "

"What!" I exclaimed, in spite of my determination when I went that I would show surprise at nothing.

He looked at me in wonder.

"Yes, it is easy to drive wells here. Get water easy."

This time I remained silent. I did not wish to frighten away any farther confidences which he might feel like imparting.

There is one road from end to end of the island. The houses for the male lunatics and imbeciles are on the highest point overlooking at all times the trenches and at all times within hearing of whatever goes on there. The odors are everywhere

so that night and day, every one who is on the island breathes nothing else but this polluted air, except as a strong wind blows it, at times, from one direction over another. The women's quarters – much larger and better houses – are at the other end of the island. Not all of these overlook the trenches.

Every fair day all these wretched creatures are taken out to walk. Where? Along this one road; back and forth, back and forth, beside the "dead trenches." To step aside is to walk on "graves" for about half the way. We sometime smile over the old joke that the Blue Laws allowed nothing more cheerful than a walk to the cemetery on Sunday. All days are Sundays to these wretches who depend on the "civilized" charity of our city. All laws are very, very blue; all walks lead through what can by only the wildest abandon of charity be called by so happy a name as a "cemetery," and even the air and water the city gives them is neither air nor water; it is pollution.

A gentleman by my side watched the long procession of helpless creatures walk past. One man waved his hand to me and mumbled something and smiled – then he called back, "Wie geht's? Wie geht's?" and smiled again. Several of the wretched creatures laughed at him; but when I smiled and bowed, nearly half of the line of three hundred, turned and joined in his salutation. They filed past four times (the whole walk is so short), and they did not fail each time to recognize me and bid for recognition. If they know me as a stranger, I thought, they know enough to understand something of all this ghastliness. The line

of women was a long, long line. I was told that in all there were fourteen hundred women, and nearly five hundred men on the island. The line of women broke now and then as some poor creature would run out on the grass and pluck a weed or flower, and hold it gayly up or hide it in her skirts. One waved her hand at us, and said in tones that indicated that she was trying to assume the voice and manner of a public speaker: "The Lord deserteth not His chosen!" I did not know whether in her poor brain, they or we represented the chosen who were not to be deserted. Another said gayly and in an assumed lisp and voice of a little girl (although she must have been past fifty), "There's papa, oh, papa, papa, papa! My papa!" This to the gentleman who stood beside me. He smiled and waved his hand to her. Then he said, between his teeth:

"Civilized savages! To have them *here!*"

"It don't hurt 'em," said the officer beside us. "They're incurables. They won't any of 'em remember what they saw for ten minutes. People don't understand crazy folks and idiots. They're the easiest cowed people in the world. Long as they know they're watched, they'll do whatever you tell them – this kind will. They're harmless."

"But why have them here?" I insisted. "If they are to be poisoned, why not do it more quickly and –"

"Poisoned!" he exclaimed, astonished. "Why, if one of the attendants was caught even striking one, he'd be dismissed quick. They get treated well. Only it is hard to keep attendants. We can't

get 'em to stay here more than a month or so – just till they get paid. We have to go to the raw immigrants to get them even then. Nobody else will come."

"Naturally," remarked the gentleman beside me.

"Yes, it's kind of natural. This kind of folks are hard to work with, and the men attendants get only about seventeen to twenty dollars a month, and the women from ten to twelve dollars."

"So the attendants of these helpless creatures are raw immigrants," I said; "who, perhaps, do not speak English, who are constantly changing. The water they get is from driven wells, the sights and exercise are obtained from and in and by the dead trenches. The air they breathe is like this, night and day, you say, and no one ever leaves alive when once sent here."

"No one."

"Who does the work – the digging, the burying, the handling of the dead, the carting, and the work for the insane?"

"Medium term prisoners. All these are from one to six months men," waving his hand over the men working below us in the horrible trench.

"Do you think they leave here with an admiration for our system of caring for the city's dead – whether the death be social, mental, or physical? Do they go back with a desire to reform and become like those who devise and conduct this sort of thing?"

He laughed.

"Why, it's just a picnic for them to come up here. You can't hardly keep 'em away with a club. Of course, the same ones don't

work right *here* long; but when a fellow gets sent up to *any* of these places, he comes over and over until he gets ambitious to go to Sing Sing and be higher toned."

I thought of the same information given me at the Police and Criminal Courts a little while ago. I wondered if there might not be some flaw somewhere in the whole reformatory and punitive system. From the time a fourteen-year-old boy is taken up for breaking a window; sent to the reform school, where he is herded with older and worse boys, until he passes through the police court again, – let us say at sixteen, as a "ten-day drunk," – to herd again in a windowless prison van, packed close with fifteen hardened criminals (as I saw a messenger boy of fifteen on my way to the island), and taken where for ten days he enjoys the society of the most abandoned; returns to town the companion of thieves; and goes the next time for three or six months for petit larceny, then for some graver crime, on and up. At last, when he has no more to learn or to teach, he is given a cell or room alone until the State relieves him of the necessity of following the course which has been mapped out for and steadily followed by so many. He knows when he is a three months' man where he is going at last. Has he not helped to dig the trenches for the men who looked so hard and vile to him when he broke that window and stood in the Police Court by their sides?

Perhaps you will ask: "Why did he not take the warning, and follow a better course, turn the other way?"

Perchance it might be asked on the other hand – since court,

and morgue, and cemetery officials unite in the assertion that the above record is almost universal, and that our present methods not only do not reform, but actually prevent the reform of offenders – why this system is still followed by the State, and if the warning has not been ample and severe here, also.

Are we to expect greater wisdom, more far-seeing judgment and a loftier aim in these unfortunates of society than is developed in those who control them?

Since it is all such a dismal failure, why not plan a better way? Why not begin at the other end of the line to keep offenders apart? Why herd them – good, bad, and indifferent – together, in the stage of their career when there is hope for some, at least, to reform; and begin to separate them only when the last mile of the road is reached?

Why, if the city *must* bury its dead in trenches and under the conditions only half described above (because much of it is too sickening to present), why, if cremation or some better mode of burial is not possible – and certainly I think it is – why, at least, need the awful, the ghastly, the inhuman combination be made of burying together medium term criminals, imbeciles, lunatics, and thousands of corpses all on one mere scrap of land? If a seven-foot mass of corruption exhaling through the air and percolating through land and water must be devoted to the dead poor of a great city, why in the name of all that is civilized or humane, permit any living thing to be detained and poisoned on the same bit of earth?

I saw a woman who had come to visit her mother who was one of these poor, insane creatures. "I can't afford to keep her at home," she said, "and then at times she gets 'snags' and acts so that people are afraid of her, so I had to let her come here. It is kind of awful, ain't it?"

I thought it was "kind of awful," for more reasons than the poor woman could realize, for she was so used to foul air and knew so little of sanitary conditions that she was mercifully spared certain thoughts that seem to have escaped the authorities also.

"It is her birthday and I brought her this," she said, showing me a colored cookie. "She will like it. We can visit here one day each month if we have friends."

"How many bodies do you carry each week?" I asked of the captain of the city boat.

"About fifty," he said. But later on both he and the official on the Island told me that there were six thousand buried here yearly, so it will be seen that his estimate per week was less than half what it should have been.

I looked at the stack of pine boxes, the ends of which showed from beneath a tarpaulin on the deck.

They were stacked five deep. There were seven wee ones, hardly larger than would be filled by a good-sized kitten.

I said: "They are so *very* small. I don't see how a baby was put inside."

The man to whom I spoke – a deck hand who was a "ten-day-

self-committed," so the captain told me later – smiled a grim, sly smile and said:

"I reckon you're allowin' fer trimmin's. This kind don't get piliers and satin linin's. It don't take much room for a baby with no trimmin's an' mighty little clothes."

"Why are two of them dark wood and all the rest light?" I asked of the same man.

"I reckon the folks of them two had a few cents to pay fergittin' their baby's box stained. It kind of looks nicer to them, and when they get a little more money, they'll come and get it dug up and put it in a grave by itself or some other place. It seems kind of awful to some folks to have their little baby put in amongst such a lot."

He said it all quite simply, quite apologetically, as if I might think it rather unreasonable – this feeling that it was "kind of awful to think of the baby in amongst such a lot."

At that time, I did not know that he was a prisoner. He showed me a number of things about the boxes and spoke of the open cracks and knot holes through which one could see what was inside. I declined to look after the first glance.

"You don't mind it very much after you're used to it," he said. "Of course, *you* would, but I mean *us*."

I began to understand that he was a prisoner.

"When you're a prisoner, you get used to a good deal," he said, later on, when they were unloading the bodies and some of the men looked white and sick. "They're new to it," he explained to

me. "It makes them sick and scared; but it won't after a while."

"Why are most of them here?" I asked. "Most of them look honest – and –"

"Honest!" he exclaimed, with the first show he had made of rebellion or resentment. "Honest! Of course most of us are honest. It is liquor does it mostly. None of *us* are thieves – yet!"

I noticed the "us," but still evaded putting him in with the rest.

"Why do they not let liquor alone, after such a hard lesson?"

He laughed. He had a red, bloated, but not a bad face. He was an Englishman.

"Some of us can't. Some don't want to, and some – some – it is about all some can get."

Later on, I was told that this man was honest, a good worker, and that he was "self-committed to get the liquor out of him. He's been here before. When he gets out, he will be drunk before he gets three blocks away from the dock, and he'll be sent here again – or to the Island!"

"And has this system gone on for a hundred years," I asked, "without finding some remedy?"

"Well, since the women began to take a hand, some little has been done," the officer replied. "They built a coffee and lodging house right near the landing, and take returning prisoners there, and give them a chance to work if they want to – in a broom factory they built. Some get a start that way and if they work and are honest, they get a letter saying so when they find places. It is only a drop in the bucket, but it helps a few."

"It looks a little as though, if women were to take a hand in public, municipal, or governmental affairs, that reform, and not punishment, might be made the object of imprisonment if imprisonment became necessary, doesn't it?"

He laughed.

"Politics is no place for women. This they are doing is charity. That is all very well, but they got no business meddling with city government, and courts, and prisoners only *as* charity."

"Yet you say that, for a hundred years, those who look after the criminal population, thought very little of helping the men who came out, much less did they think of beginning at the other end and trying to keep them from going in. Women have been allowed to devise public charities, even, for only a few years past. They had no experience in building manufactories and conducting coffee and lodging houses; they have but little money of their own to put into such things and yet they have bethought them to start, in embryo, right here where the returning convict lands, what appears to have vast possibilities as you say. Now if this effort for the prevention of crime and want were at the other end of the line in municipal government, don't you think it might go even nearer the root of the matter and do more good?"

"How would you like to be a ward politician and a heeler?" he inquired, wiping a smile away and looking at my gloves.

"I should not like it at all."

"Well, now, look at that! Of course no lady would, so –"

"Do you think it possible that the world might get on fairly

comfortably without having 'heelers' and 'ward politicians' – in the sense you mean – in municipal or state government? And that it might be better without such crime producers?" I added, as he began to laugh.

"You women are always visionary. Never practical. You – "

"I thought you said that the one and only really practical measure yet taken to reduce the criminal population as it returns from the Islands was invented and is conducted by women and – "

"You can just make up your mind that in every family of six there'll be one hypocrite and one fool, either one of which is liable to be a criminal, too, and the State has got to take care of 'em somehow. But the prisons *are* getting too full and the Almshouses and Insane Asylums *are* growing very large. But there is the Two Brothers' Island. I've got to attend to my business now. Take the trip with me again some time."

But it seems to me, I shall not need to go again, and that no judge or legislator would need to take the journey more than once, unless, perchance, he took it in the person of either the hypocrite or the fool of his family; which, let us hope, no judge and no legislator is in a position to do.

AN IRRESPONSIBLE EDUCATED CLASS

Education, using the word in its restricted scholastic sense, is always productive of restlessness and discontent, unless education, in its practical relations to life, furnishes an outlet and safety valve for the whetted and strengthened faculties. Mere mental gymnastics are unsatisfactory after the first flush of pleasurable excitement produced in the mind newly awakened to its own capabilities.

There seems to be something within us which demands that our knowledge be in some way applied, and that the logic of thought find fruition in the logic of events. The moment the laborers of the country found time and opportunity to whet their minds, they also developed a vast and persistent unrest – a dissatisfaction with the order of things which gave to them the tools with which to carve a fuller, broader life, but had not yet furnished them the material upon which they might work. Their plane of thought was raised, their outlook was expanded, their possibilities multiplied; but the materials to work with remained the same. Their status and condition clashed with their new hopes and needs. This state of things produced what we call "labor troubles," with all their complications. Capital and labor had no contest until labor became (to a degree) educated.

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