# ANNUAL REPORT OF THE COURT OF SPECIAL SESSIONS

# The City of New York-First Division-CHILDREN'S COURT



For the Year Ending December
Thirty-one, One Thousand
Nine Hundred and
Six

SZEGEDI TUDOMÁNYEGYETEM Állam- és Jogtudományi Kar Könyvtára Leltári szám: 87574//3

2006 Jul o

190

# COURT OF SPECIAL SESSIONS

# THE CITY OF NEW YORK

FIRST DIVISION



# CHILDREN'S COURT

Justices of the Court of Special Sessions who officiated in the Children's Court, First Division, during the year ending December 31, 1906:

Hon. JOHN B. McKEAN Hon. JOSEPH M. DEUEL

Hon. WILLIAM E. WYATT Hon. LORENZ ZELLER

Hon. WILLARD H. OLMSTED Hon. FRANCIS S. McAVOY

EDMUND C. LEE
Clerk

ERNEST K: COULTER

Deputy Clerk

66 THIRD AVENUE
NEW YORK



# The Children's Court of New York

## FIRST DIVISION

Another year's experience has demonstrated more forcibly than ever that New York in its Children's Court possesses one of its most This tribunal, with its parental powers, valuable municipal assets. dealt in the year ending December 31, 1906, with the cases of 9,656 children, who because of offenses they had committed themselves or because of improper guardianship had come into conflict with the law. The presence of the child in court is, it has been found in the vast majority of cases, due to a greater or less extent to bad environment and parental neglect, whether the charge be one of larceny or With a procedure that is based one of improper guardianship. on humanity and reason it has been possible in the Children's Court to deal with each of these cases in accordance with its The aim has been the saving of the individual requirements. child to the State and the result in a vast majority of the cases has been the setting of the feet of the child in the way that leads to good citizenship.

While with a growing realization of higher civic responsibilities Children's Courts are being recognized as necessary institutions in all the great centres of population, the conditions in New York are such that this court occupies a place of exceptional importance. The great influx of foreign population continues each year with a consequent increase in congestion in certain districts of the city. Here the living conditions are such that it is remarkable that the number of arraignments from those districts is not larger. Many a boy has received his

first lesson in good citizenship in the Children's Court. Here he has been taught that the purpose of the law is not to crush but to help him. It is an interesting fact that the number of arraignments in the Children's Court for the year 1906 was only 218 more than for the year 1905, this too when the Boroughs of Manhattan and The Bronx, over which the court's jurisdiction extends, had an increase in population from 2,390,382 in 1905 to 2,464,432 in 1906.

The Children's Court is the result of a moral awakening of the community to a new consciousness of its duty to the child. It is a later and another great step for the more humane treatment of children and which started with New York enacting in 1875 the first specific legislation respecting the prevention of cruelty to children. Through the efforts of the New York Society for the Prevention of Cruelty to Children one law after another was added to the statute books looking to the relief of child victims of vicious environment and neglect and providing for discrimination in the laws between the boy or girl accused of wrong doing and the hardened offender charged with the commission of a heinous crime. But it was not until 1902 that a law was enacted providing for a separate court for the hearing and final disposition of the cases of children under the age of sixteen years taken into custody. Until the Children's Court was opened on September 2 of that year, all children taken into custody were arraigned in the Magistrate's Courts, commonly known as Police Courts, where they were exposed to contaminating associations and witnessed scenes that could not but leave lasting and harmful effects on their impressionable natures. The heavy calendars, too, with which the Police Magistrates had to deal made it impossible to give the child's case the careful and painstaking attention which it deserved. from time to time there had been considerable agitation for a Children's Court, it remained for the Honorable Joseph M. Deuel, who had long experience on the magistrate's bench to draft the law establishing the first separate court in New York City with full and complete jurisdiction for children and making this court a part of the Court of Special Sessions of the First Division (Chapter 590, Laws of 1902).

The value of this first court in New York was immediately apparent and in less than a year another law was passed providing for a Children's Court of the Second Division, with territorial jurisdiction over the County of Kings. This report, however, has to do only with the Children's Court of the First Division.

The Children's Court of the First Division annually deals with the largest number of children's cases of any similar court in the world. It has jurisdiction, except in homicide cases, in the cases of all children under the age of sixteen taken into custody in the Boroughs of Manhattan and The Bronx. With the methods employed there it is possible in the great majority of cases where children have been arrested for serious offenses to work their reformation without commitment to institutions. Each of the Justices of the Court of Special Sessions, who in turn preside in the Children's Court, ever considers that it rests largely with him whether the first offenders brought before him are to become in future a burden or a help to the community. permits the Justice to act as magistrate, trial judge and jury combined. He is vested with quasi-parental powers and his work is largely preventive rather than punitive. While many children are arraigned charged with offenses, which if committed by adults would be felonies, they are, in accordance with the provisions of Section 699 of the Penal Code, treated as misdemeanants. There is no hastily formed decision as to the method of treating the case. If there is a conviction the Justice takes ample time to go thoroughly into the matter of environment, previous record and history of the family. All these matters are carefully considered and if in the best interests of the child he can be returned to his home, there to be under the supervision of the court, this course is followed.

For thirty years the laws of New York recognizing the inhumanity

of the old system by which children were locked in cells—and not infrequently in company with depraved criminals—have not permitted any boy or girl under the age of sixteen years to be detained in a station house. Immediately on arrest the child is sent to the building of the New York Society for the Prevention of Cruelty to Children; here he encounters nothing suggestive of the police station or jail. Instead of narrow steel walls, barred windows and ponderous locks, there are commodious, bright and airy dormitories and recreation rooms and a large measure of freedom within their limits.

The parole system is of inestimable value in the general plan of the court to assist convicted children to work out their own reformation without commitment. Mr. E. Fellows Jenkins, Superintendent of the Society for the Prevention of Cruelty to Children, is in charge of the parole work. The bettering of the condition of children in New York is a work in which Mr. Jenkins has been most actively engaged for more than thirty years. The agents of the Society, under the supervision of Mr. Jenkins, visit the home or the school or the place of employment at intervals during the parole period and make careful record of the child's conduct and the home conditions. It is mandatory that at the end of the parole period that the child appear in court. When his case is called a report from the chief parole officer is submitted and aided by this, the court determines whether to continue the parole, suspend sentence or commit to an institution. The number of children released on parole last year was 1,427, and of this number it was necessary to commit only 213 for violation of the terms of parole. The records show that about 84 per cent. of all the children placed on parole since the beginning of the court have made such favorable progress morally and materially that the court finally released them either by discharge or suspension of sentence.

Mr. Jenkins in his annual report submitted on December 31, 1906, says in part: "As the work continues it becomes more and more

apparent that trained and experienced and practical men and women are indispensable in the accomplishment of the result intended by the court. In the special officers of the New York Society for the Prevention of Cruelty to Children your chief parole officer finds a valuable corps of assistants, their practical instruction in the work, their freedom from political or other influences and their familiarity with the child nature being invaluable assets."

There were committed to reformatory and charitable institutions in the past year for indefinite periods, not including those who had been committed for violation of parole, 1,846 children. These were sent to institutions primarily because of improper guardianship and bad home conditions and not so much because of offenses that the children had committed. When the parents prove themselves proper persons to deal with and discipline the children and the court is satisfied that there will be the proper co-operation to save them, they are not sent to institutions. Early in the history of the court the Justices were instrumental in having the laws amended so that in the discretion of the court the father of any child that had been committed to an institution could be placed under an order to pay the city wholly or in part for the child's maintenance. Failure to comply with these court orders rendered the delinquent father liable to imprisonment. As the commitments in the great majority of these cases is due to parental neglect, the enforcement of these orders has had a wholesome effect. This money is collected for the city through the agency of the New York Society for the Prevention of Cruelty to Children. The amount turned into the Comptroller's office last year as a result of court orders was \$31,579.75.

The charitable workers, who labor privately for the welfare of many of the children after their cases in court are officially closed, has been of the most valuable assistance. Representatives of Catholic, Hebrew and Protestant committees are in court daily, and continue the work of giving moral and physical aid to those children whom the court

has finally discharged. The aim is to make each child feel that some one is taking a personal interest in him. Much of the effort of these workers is directed too to improving surroundings in the home. A number of men's clubs whose members take an individual interest in boys who have been in the Children's Court, are doing an effective work. They are giving these boys the benefit of instruction in gymnasiums on certain nights in the week, help boys who are legally entitled to work to get employment and in many practical ways prove helpful friends. This aid is often most potent in helping the child to shake off the hampering influences of sordid surroundings.

The opening of the new Hawthorne School by the Jewish Protectory and Aid Society will be of great assistance to the court, in that it will afford an institution to which such Jewish boys whose commitment for reformation is necessary may be sent. This institution, of which the Honorable Julius M. Mayer, who was formerly a justice of the Court of Special Sessions, is president, has been built in accordance with the latest ideas on the cottage plan and is on an admirable country site in Westchester County. The cost up to the present time has been \$475,000, and this has been subscribed by public-spirited and charitable citizens of the Jewish faith. It will not be many months before more cottages are needed at the Hawthorne School as the present plant has a capacity for only 180 boys.

There was urgent need too for a new Protestant institution to which children of that faith could be committed for improper guardianship. This need has been met in the past year by the opening of Hope Farm at Verbank in Dutchess County. It was through the untiring efforts of a committee of three women, appointed by the Rt. Rev. David H. Greer, that the institution was established. Here, when the present buildings are fully equipped there will be accommodations for 150 children. As in the case of the Hawthorne School, it will not be long before there will be need for more cottages at Hope Farm.

A lack of Hebrew and Protestant institutions to which girls who are in danger of becoming morally depraved may be sent for reformation, proves embarrassing to the court. There is no Hebrew institution of this kind and the greater part of the time there are no vacancies in the State Training School for Girls or the House of Mercy.

The provision in the law requiring that the Children's Court shall be held in a building entirely separate and apart from any other court is an important and valuable feature of that statute. Quarters were made in the building formerly used by the old Department of Charities and Corrections, an old structure at the corner of Third Avenue and Eleventh Street, by interior alterations, and here the court has held its sessions each day, except legal holidays, since it was opened. These quarters are sadly inadequate to the requirements, and because of their narrow limits it frequently happens on days when there are long calendars there is barely standing space in that portion of the room that is reserved for parents and other witnesses. There is urgent need for a more commodious court room.

The Department of Education has continued to give its assistance to the court by having a representative present at each session, who sees that many children whose chief trouble has been truancy are returned to school and there compelled to maintain regular attendance and good deportment.

### TABLE A.

Showing the Whole Number of Children Arraigned at the Court of Special Sessions of the First Division, of The City of New York, Children's Court, during the year ending December 31, 1906.

	MALE.	FEMALE.	TOTAL.
Number of Children arrested by the police without } process	8,411	1,093	9,504
Number of Children arrested by warrant	149	3	152
Total	8,560	1,096	9,656

### TABLE B.

Showing the Number of Children Convicted, the Number of Children Discharged and the Number of Children whose Cases are Pending in the Court of Special Sessions of the First Division, of The City of New York, Children's Court, during the year ending December 31, 1906.

	MALE.	FEMALE.	TOTAL.
Number of Children convicted (including commitments under Sec. 291 P. C.)	6,034	711	6,745
(1) When no formal complaints were taken	936	35	971
(2) Acquittals	1,494	312	1,806
Number of cases pending	96	38	134
Total	8,5€0	1,096	9,656

### TABLE C.

Showing the Whole Number of Children Convicted, and Committed to Reformatory and Other Institutions, the Number Released (not including Pending Parole Cases), and the Number Placed on Parole at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending December 31, 1906.

	MALE.	FEMALE.	TOTAL.
Number of Children Convicted :			
Committed to Reformatory and other Institutions, without parole (indeterminate) (See "Committed after Parole")	1,201	645	1,846
Committed in Default of Payment of Fine for one day	207		207
Committed in Default of Payment of Fine, (2 to 10 days)	283		283
Committed for Periods of from 15 to 30 days	41		41
Committed for Periods of from 1 to 6 months	153		153
Committed for Periods of from 1 to 2 years	15	····	15
Number of Children Released :—			
No Formal Complaint Taken	936	35	971
Acquitted (without parole adjournments)	1,220	240	1,460
On Suspended Sentence after Conviction	1,486	10	1,496
Released by Payment of Fine	1,515	. 5	1,520
Number of Children Paroled (Total 1,412):—			
Sentence Suspended after Parole	737	14	751
Discharged after Parole	274	72	346
Committed after Parole	196	17	213
Abated by Death	2		2
On Parole Pending Disposition	198	20	218
Pending Disposition (not on Parole)	96	38	134
Total	8,560	1,096	9,656

### TABLE D.

Showing the Whole Number of Children Committed to Reformatory and Other Institutions, from the Gourt of Special Sessions of the First Division of The City of New York, Children's Court, during the year enaing December 31, 1906.

Number of Children Committed to-	MAI.E.	FEMALE.	TOTAL.
American Female Guardian Society	3	4	7
Asylum of the Sisters of St. Dominic	28	65	93
Colored Orphan Asylum	7	7	14
Dominican Convent of Our Lady of the Rosary	79	78	157
Five Points House of Industry	21	27	48
House of Mercy		37	3 <b>7</b>
House of Good Shepherd		- 66	66
House of Refuge	187		187
Hebrew Infant Asylum	1	2	. 3
" Orphan Asylum	2	5	7
" Sheltering Guardian Society	1	. 9	10
Institution of Mercy and St. Joseph's Home	73	45	118
Instit. of Missionary Sisters, Third Order of St. Francis.	34	55	89
Mission of the Immaculate Virgin	50	13	63
New York Catholic Protectory	1,161	112	1,273
New York Juvenile Asylum	101	8	109
St. Joseph's Orphan Asylum	15	8	23
St. Agatha's Home	26	41	67
St. Ann's Home		9	9
Society Prevention Cruelty to Children	5	8	13
Truant School	74		74
New York State Training School for Girls (at Hudson.)		52	52
Brooklyn Howard Colored Orphan Asylum	<sup>,</sup> 15	8	23
Department of Public Charities	5	2	7
Asylum of St. Vincent de Paul	1	1	2
Total	1,889	662	2,551
Not included in the above:			
Commitments for one day in default of payment of fine	207		207

### TABLE E.

Showing the Nature of all Offenses Charged, and Whether Discharged, Convicted or Pending, at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending December 31, 1906.

	DiscH	ARGED.	Convi	CTED.	PEN	DING.	
Offenses.	Male.	Female.	Male.	Female.	м.	F.	TOTAL.
Arson							
Assault (Felony).	50	1	30		٠.		81
Assault (Misdemeanor)	<b>7</b> 9	7	61	2	2	1	152
Attempt at Suicide		· • • •					
Blackmail					٠		
Bribery				••••			
Burglary	111	1	300	1	1		<b>4</b> 1 <b>4</b>
Carrying Burglars' Tools						• •	
Conspiracy			• • • •				
Crime against Nature			2				2
Cruelty to Animals			3			·	3
Disorderly Child (Consol. Act)							
Disorderly Child (§ 291 P.C.)	123	18	211	23	10	3	388
Exposure of Person, Indecent	1		• • • • •				1
Extortion							
Felonies not otherwise classified	3		26	••••			29
Forgery	. 2		3				5
Fugitive from Justice							
Gambling							
Homicide	4						4
Improp.Guardianship(§291P.C.)	695	273	694	525	68	25	2,280
Incest							
Insanity	3						3
Interfering with Officer		•••	••••				

TABLE E-(Continued).

	Disch	ARGED.	Convi	стер.	Peni	DING.	Total.
- Oppenses.	Male.	Female.	Male.	Female.	м.	F.	TOTAL.
Intoxication						<del></del>	
Larceny (Felony)	112	5	199	5			321
Larceny (Misdemeanor)	324	3	394	17	2		940
Maiming			••••				••••
Malicious Mischief (Felony)	8		15				23
Malicious Mischief (Misdemean'r)	13		10				23
Misdem'r not otherwise classified	37		283	8			328
Obscene Literature and Prints							,,,,
Perjury	•						
Rape	2						2
Receiving Stolen Goods	3		1				4
Robbery	32		33				65
Sabbath Breaking				1			1
Selling Liquor to Minor	••••						
Ungovernable Child (§ 291 P. C.)	96	10	125	41	8	4	284
Violation Compulsory Ed. Law.	69		74		5		148
Violation Corporation Ordinance	8		13				21
Violation Liquor Tax Law							
Violation Park Ordinances			27				27
Violation Sanitary Code			1		<b> </b>		1
Violation Sec. 675, Penal Code	651	2	3,229	1			3,883
Violation Child Labor Law	2		100	. 3			105
Violation Chap. 537, Laws 1904		27		84		. 5	116
Witness	2						2
Total	2,430	347	6,034	711	96	38	9,656

# TABLE F.

Showing the Nativity of all Children Convicted or Committed to Reformatory and Other Institutions at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending Dec. 31, 1906.

OPPENSES,	States.		٠,٨٥	d.	'pı					,seirino	Total.
	DollaU	, Ireland	твштэЮ	Englan	Scotlar	. Ртапсе.	.ttalf.	Russia,	дтеесе.	Other C	
Arson	:	:	:	:	:	:	:		:	:	:
Assault (Felony)	59	:	:	:	:	:	11		:	õ	81
Assault (Misdemeanor)	119	:	-	:	:	;	14	10	:	œ	152
Attempt at Suicide	:	:	:	:	:	:	:	:	:	:	:
Blackmail	:	:	:	:	:	:	:	:	:	:	·
Bribery	:	:	<u>-</u>	:	i	:	:	;	:	:	:
Burglary	363	cs.	<b>ශ</b>	-	:	:	18	24	:	က	414
Carrying Burglars' Tools	:	:	:	:	:	:	:	:	:	:	:
Conspiracy	:	:	:	:	:	:	:	:	:	. :	:
Crime against Nature	- -	:	:	:	:	i	-	:	:	:	сз
Cruelty to Animals	<b>c</b> 3	:	:	:	:	:	П	:	:	:	အ
Disorderly Child (Consolidation Act)	:	:	:	:	:	. ;	:	i	•	:	:

COURT OF SPECIAL SESSIONS, CHILDREN'S COURT, FIRST DIVISION.

TABLE F-(Continued).

	Total	388	7	:	29	5	:	4	2,280	တ	128	940	23	23	328
	Other Countries.	15	:	:	လ	:	:	:	99	:	£	34	:	:	15
.	Greece.	:	:	:	:	:		:	හ	:	<b>+</b> -1	:	:	:	1
	Ruesia.	25	:	:	တ		:	:	09		22	46	<b>-</b>	1	33
	.yfall	30	:	:	8.	:	:	:	89	:	22	84	H	63	. 12
	. Етапсе.	Ħ	:	:	:	:	:	:	4.	:	• :	:	:	:	:
	Scotland.	:	:	:	:	:	:	:	-	:	:	:	:	:	:
	England.	દર	:		:	:	:	:	4	:	1	ဇာ	:	:	∺
	· Germany.	9	:		:	:	:	:	12	:	લ્ય	7	:	:	:
	Ireland,	П	:	:	:		:	:	11	:	က	:	:	:	:
	United States.	308	1	:	22	9	:	4	2,051	લ્ય	263	176	21	8	266
- Account of the control of the cont	Огугивев.	Disorderly Child (Sec. 291 P. C.)	Exposure of Person, Indecent	Extortion.	Felonies not otherwise classified	Forgery	Fugitive from Justice	Homicide	ImproperGuardianship(Sec.291P.C)	Insanity	Larceny (Felony)	Larceny (Misdemeanor)	Malicious Mischief (Felony)	Malicious Mischief (Misdemeanor)	Misdemeanor not otherwise classified

Rape	· 63	:	:	:	:	:	:	:	:	:	જ
Receiving Stolen Goods	4	:	:	:	:	:	:	:	:	:	4
Robberg	55	i	:	:	:	:	œ	1	:	-	65
Sabbath Breaking	:	:	i	:	:	i	:	:	:	T	
Ungovernable Child (Sec. 291 P. C.).	237	က	က	:	:	:	15	15	:	Ħ	284
Unlawful Entry	:	:	:	:	:	:	:	:	:	:	:
Violation Compulsory Educ'n Law	126	:	:	-	:	:	11	9	:	4	148
Violation Corporation Ordinance	15	:			:	:	<b>-</b>	83	-	:	131
Violation Park Ordinances	27	:	:	:	:	:	:	:	:	:	27
Violation Sanitary Code		:	:	. :	:	:	:	:		:	÷
Violation Sec. 675 Penal Code	3,393	. 11	14	11		. 41	181	189	. =	78	3,883
Violation Child Labor Law	91	-	:	:	i	:	žO	ō.	જ	-	105
Violation of Section 410, Penal Code	:	:	:	:	:	:	:	:	:	:	
Violation Chap. 537, Laws of 1904.	100	:	cs.	-	:	<del></del>	ū	4	:	က	116
Violation Section 729, N. Y. Charter	:	:	•	:	:	:	:	:	:	:	:
Violation Section 887, Code C. P	i	:	:	:	:	:	:	:	:	:	:
Violation Railroad Law	:	:	:	:	:	:	:	:	:	:	;
Witness	c3	:	:	:	:	:	:	:	:	:	. જ
Total											

### TABLE G.

Showing the Ages of all Children Arraigned at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending December 31, 1906.

	MALE.	FEMALE.	Total.
Between the ages of 1 and 7 years	305	290	595
Between the ages of 7 and 12 years	2,486	305	2,791
Between the ages of 12 and 14 years	2,768	178	2,946
Between the ages of 14 and 16 years	3,001	323	3,324
Total	8,560	1,096	9,656

### TABLE H.

Showing the Color of all Children Arraigned at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending December 31, 1906.

	MALE.	FEMALE.	TOTAL.
White	8,381 179	1,012	9,393 263
Total	8,560	1,096	9,656

### TABLE J.

Showing the Whole Number of Children Convicted at the Court of Special Sessions of the First Division of The City of New York, Children's Court; also the Number of Children so Convicted who were Committed to Reformatory or Other Institutions, the Number thereof upon whom Sentence was Suspended and the Number thereof still on Parole, during the year ending December 31, 1906.

	MALE.	Female.	Total.
Number of children convicted:			
Number of children committed to reformatory or other institutions	1,889	662	2,551
Number of children on whom sentence was sus- } pended }	2,223	24	2,247
Number of children whose cases are still pending on parole	198	20	218
Number of children whose cases were abated by a death	2		2
Number of children convicted and discharged and payment of ine	1,515	5	1,520
Number of children convicted and committed for a one day	207	• • • •	207
Total	6,034	711	6,745

### TABLE K.

Showing the Whole Number of Children for whose Arrest Bench Warrants were Issued because of Violation of Parole Conditions, or Conditions under which Sentence was Suspended, during the year ending December 31, 1906.

	MALE.	FEMALE.	TOTAL.
Bench Warrants	135	1	136
Total	135	1	136

I hereby certify that the foregoing report contains, to the best of my knowledge and belief, a correct statement of the amount and kind of business transacted at the Court of Special Sessions of the First Division of The City of New York, Children's Court, during the year ending December 3!, 1906.

EDMUND C. LEE,

Sworn to before me, this 19th day of January, 1907.

Clerk.

VICTOR S. DODWORTH,
Notary Public, No. 43, N. Y. County.

 September

November

Total

 \$3,054

TOTAL.

COURT OF SPECIAL SESSIONS, CHILDREN'S COURT, FIRST DIVISION.

### Miscellaneous, \$11 \$279 Violation Wad xaT roupid Withdrawal Fees. Sabbat**h** Breaking. TABLE. Violation Bottle Act. FINE \$248 00 Violation Sec. 675, Penal Code. \$2,775 Disorderly Conduct. : Violation Corporation Ordinance. August ..... April .... October..... December

1906.

February

March.

June . May

January