THE LAW

The bulk of the laws that determine an individual's behavior from jay-walking to first degree murder are legislated on the state rather than national level; laws that apply specifically to women are included in this package. This section will trace the history of women in Tompkins County from the perspective of the New York State Legislature.

Most chapters will mention some background in "English common law." This was a series of unwritten laws which ruled in England from the middle ages. It developed from the customs and mores of the populace, and was subject to change by the courts based on changes in public sentiment rather than legislation. When the settlers came to the new world, they brought along these old laws. Consequently, many American laws find their origin in English common law.

Marriage Laws

COMMON LAW MARRIAGE

The term "common law marriage" describes how marriage was accomplished according to English common law.

Compared to the procedure today, the process of enacting a common law marriage is surprisingly unstructured. In this case marriage was simply an oral commitment between two people; no ceremony – civil, religious, or otherwise – was necessary to cement that decision. In 1894 New York's highest courts declared:

> A man and a woman, without going before a minister or magistrate, without the presence of any person as a witness, with no previous public notice given, with no form of ceremony, civil or religious, and merely by words of the present, may contract matrimony.[1]

Common law marriage was repealed in New York State in 1902. Six years later it was reinstated, but was abolished once and for all in 1933.[2]

Today, New York defines marriage as a "civil contract, to which the consent of the parties capable in law of making a contract is essential." Some form of legal solemnization is required.[3] No longer does the announcement of intention to live together – even for a lifetime – warrant the community's recognition of the marital state.

PROPERTY RIGHTS

If someone came along and swiped your new polka-dotted picadilly, you'd probably be pretty mad. You might cry out, "Hey! Give it back!" and go chasing after, fuming and swearing. But if the law said, "Look here now, that's not yours anymore," then you'd have to hand it over. What could you do? The law is the law.

England

Such was the case prior to the sixteenth century under English common law. A woman may have painstakingly collected stacks, bushels, *barnloads* of picadillies of all kinds – only to hand them over, lock, stock, and barrel when she married, to become the property of her beloved; the same applied to all her possessions, including inheritances, clothes, personal items, and even the children. (Husbands also took on liability for any debts their wives contracted before marriage, and illegal actions they might commit.) She was his, to do with as he saw fit. There were certain limits, of course – the law benevolently stipulated that the husband was not allowed to beat his wife with a rod thicker than his thumb.[4] In short, though husband and wife were considered one under common law, that "one" was the husband.[5]

Perhaps some pressure was applied to the courts from those fathers who stood by helplessly while wayward sons-in-law frittered away family fortunes, because in the sixteenth and seventeenth centuries property laws changed. The English Court of Chancery ruled that wealth could be passed on to a daughter and held in trust for her. Though this kept her husband in check, the daughter still had little if any control over her own inheritance.

There was only one way a married woman could have her own money, and the terms under which it applied were less than ideal. Dating from approximately A.D. 1000, a woman was automatically entitled to one-third of her husband's estate when he died.[6] This was called "dower" (predecessor of the term "dowry") and the dower right was included in the Magna Charta of 1215.

The New World

Such was the law the settlers adopted in the new world. If a single woman inherited from her father, or a married woman received a sizable dower upon the death of her husband, she could enjoy some semblance of ownership. But a poor woman had no such opportunity. She might work her fingers raw trying to earn enough to raise her family – and her husband could do whatever he wanted with this income.

Discontent was growing. Around 1850, a wave of reform legislation called the "Married Women's Property Acts" swept the country.[7] The substance of the New York law, passed in 1848, was that the personal property of women either engaged or married "shall not be subject to the disposal of her husband . . . and shall continue her sole and separate property, as if she were a single female."[8] One judge had this comment about the new laws:

> The chief benefit which the law confers is not upon those who possess property by inheritance or otherwise. That for which it seems to me most commendable is the power which it gives to the women of the poorer and laboring classes, to control the fruits of their own labor. Many women of this class are left to struggle against the hardships of life, sometimes with a family of children, abandoned by their husband, or still worse, with a drunken, thriftless, idle vagabond of a man claiming all the rights of husband, and fulfilling none of the duties of that relation.[9]

This law was broadened in 1860 to guarantee a woman the right to engage in her own business and pocket the profits, sue and be sued, and sell or bargain with her own property (provided she had her husband's or the court's written permission).[10] That same law also included a clause which shattered a centuries-old tradition by declaring:

> Every married woman is hereby constituted and declared to be the joint guardian of her children with her husband, with equal powers, rights, and duties in regard to them with the husband.[11]

During the next hundred years, married women were granted many more property rights (right to patent, bring action against husband) until they could act almost entirely as independent agents. Today, if the man of the house tries to sneak off with a single precious picadilly, his spouse can nail him for grand larceny.

UNCOUPLING

Today there are three ways a couple can untie the knot in New York State – divorce, separation, or annulment – however these options have not always been available.

Divorce

In the early history of New York State, there was no legal recourse from marriage *whatsoever.*

> During the period of our colonial government for more than 100 years preceding the Revolution, no divorce took place in the colony of New York, and for many years after New York became an independent state there was not any lawful mode of dissolving a marriage in the lifetime of the parties but by a special act of the legislature.[12]

Realizing the condition of the matter to be somewhat "defective," it was ruled in 1787 that it was "more advisable for the Legislature to make some general provision in such cases," and a law was passed enabling authorities to grant divorces "in all cases of adultery . . . where the parties are inhabitants of the state."[13]

It was a beginning.

Separation

Since adultery was the only legal grounds for divorce, it became apparent that some provisions were necessary for those couples who had viable reasons – other than unfaithfulness – for living apart. Legal separation was introduced in New York State in 1813; valid cause for its application included "cruel and inhuman treatment of her by him, or such conduct on the part of the husband towards his wife as may render it unsafe and improper for her to cohabit with him, [also if] he has abandoned her and refuses or neglects to provide for her."[14]

However, proving a case was no easy matter. The bill of the plaintiff* was expected to specify the nature and circumstances of the complaint, and set forth times and places with "reasonable certainty." In addition, if the defendant** could prove any "ill conduct" (questionable extra-curricular activities) on the part of the plaintiff, the case would be dismissed.[15]

As a last resort, a couple could simply live apart. But then the wife could not necessarily expect legal protections such as support from her husband, custody of her children, and recovery of her property. All these were taken care of in a legal separation.

Even so, the legal separation, as such, left a lot to be desired. Until the automatic one-year dissolution (of the marriage) clause was added in 1966, all that the separation statute provided was permission from the government for a couple to live apart, with no prospect of remarriage – ever. In every way, the parties were still married. That meant all the disadvantages of marriage and of living alone.

Annulment

When a marriage is annulled, the legal bond is instantly dissolved, and in fact is seen as having never existed. An annulment is possible when it can be demonstrated that the marriage was invalid from the first.

Although there was no provision for annulment in New York State until 1829,[16] a favorable decision was granted in one such case in 1820, when one of the parties was shown to have been insane at the time of the marriage.[17] Nine years later annulment became a legal option in any of the following circumstances (relevant only at the time of marriage):

1. one member was not of legal age
2. one was mentally ill
3. one was physically incapable of consenting
4. consent was obtained by force, duress, or fraud
5. one party was already married
6. the parties were blood relatives[18]

Three Options

Until 1966, a dissatisfied couple in New York State was faced with several uninviting options. Annulment was the perfect solution, but highly unlikely. If the problem had developed after marriage, then the best they could hope for was a legal separation. Only if one of them committed adultery, and the other could prove it, would they be eligible for a full-fledged divorce.[19]

Even here there were conditions. Untill 1966, an individual found guilty of adultery could not remarry as long as her/his ex-spouse was alive.[20] Another law stated that if *both* parties were guilty of adultery, no divorce would be granted, they being "suitable and proper companions for each other."[21] That little gem is still with us today.

**plaintiff* – the complaining party in a litigation.

***defendant* – the defending party; person sued or accused.

Tompkins County

Divorce was hardly considered a socially acceptable alternative to marriage in the country, and Ithaca was no exception – especially since in New York divorce and adultery were one and the same. A citizen wrote to Judge Blood of Ithaca in 1899:

> It is not my intention to have a divorce at present and I do not know as to the future. To any right-minded person the subject of divorce is a delicate and painful one. I hope you can appreciate my position. To have the most sacred relationship of life broken and help up for strangers to further desecrate is far from agreeable and I hope to most minds it is revolting.[22]

The stigma of adultery must have taken its toll, judging from the scarcity of divorces in this area. The first case on the books[23] was *Joseph Mitchell v. Sophia Mitchell* in 1849. The next recorded case was not until five years later.[24]

In one living woman's recollection of her life in Trumansburg, she tells of the divorce craze that hit "the top people" of Ithaca in the 1930s. "Oh, it was a *shocker*," she says. Apparently one couple "at the top" got divorced and that set the pace for a whole stream of friends and acquaintances. The result – well – "It just about wrecked the city."

"And now," she shakes her head, "it's so common nobody thinks anything about it."[25]

AN ALTERNATIVE TO DIVORCE

Experience has shown that if people want to do something expressly forbidden by law, they have two options: either learn to live with a bad situation, or figure a way around it. So it was with the iron-clad divorce laws in Victorian New York State.

One way of getting around the law was to have marriages annulled on the grounds that one party had consented solely under "force, duress, or fraud."[26] "Fraud" covered any circumstance in which one member persuaded the other to marry him/her under false pretences. Therefore, the marriage was invalid from the beginning and could be rescinded.

However, obtaining an annulment was next to impossible. Until the turn of the nineteenth century, New York State law was very careful to require that the fraud be something "esential to the marriage"[27] – that is, instances of incurable disease, sterility, a former spouse – and must be provable beyond the shadow of a doubt. Misrepresentation as to fortune, health, or social position was not sufficient grounds to annul a marriage.

All this changed with *DiLorenzo v. Dilorenzo* of 1903.[28] In this case, a woman had presented a baby to a man, informing him it was their child, at which point he married her. Later she admitted that she had lied. He took her to court, asking for an annulment on grounds of fraud. The court granted his petition, ruling that:

> Any fraud is adequate which is material, to the degree that, had it not been practiced the party deceived would not have consented to the marriage, and is of such a nature as to deceive an ordinarily prudent person.

And:

> While, then, it is true that marriage contracts are based upon considerations peculiar to themselves and that public policy is concerned with the regulations of the family relation, our law considers marriage in no other light than as a civil contract.[29]

The Result

Hordes of eager couples were soon flocking to the courtroom to see if they too qualified under the new precedent.[30] For many years, more than half of all American annulment actions were brought in New York State alone.[31] Law scholar Harold L. Twiss, Jr. commented in 1960:

> The great volume of litigation in New York concerning fraud in the marriage contract, is due mainly, it seems, to the fact that the only ground for divorce in this state is adultery. Spouses

> seeking cancellation of the marriage contract for reasons which would be sufficient ground for divorce in other jurisdictions are in need of a legal remedy. The dissolution of marriage by an annulment for fraud offers many of the same desirable results, from the view point of the parties concerned, as a divorce is free of the social stigma associated with adultery. For this reason annulment for fraud has become a common way of nullifying the marriage contract in New York.[32]

The problem with the *DiLorenzo* ruling, however, was its lack of specific criteria constituting "deception." The courts could interpret the decision however they chose, depending on the judge's personal appraisal of the institution of marriage. If s/he took the traditional view of the sanctity of matrimony, s/he would tend to deny virtually all annulment cases, citing the "essential to the marriage" clause. But if s/he saw marriage as a civil contract, cancellable by fraud like any other breach-of-contract case, s/he would tend to be generous. The courts were in a quandry over this issue, constantly reversing each other. Generally the lower courts would deny annulments, and the higher courts would grant them.[33] Finally, the State Court of Appeals reiterated the New York rule in 1965 and stated:

> Every misrepresentation of material fact made with the intention to induce another to enter into an agreement and without which he would not have done so, justified the court in vacating the agreement.[34]

That clinched it. As law scholar Doris Jonas Freed put it:

> Before the Divorce Reform Laws of 1966, fraud was the usual ground for annulment actions and served as a practical substitute for divorce.[35]

DIVORCE REFORM

"Following the 1964 election," said Professor and law scholar Henry H. Foster, Jr., "there was a turn-over in the New York legislature and for the first time in a century or more, it became possible to have a legislation commission to study the substantive law of divorce."[36]

The result of that commission was the Divorce Reform Law of 1966;[3] these laws had not been changed in almost two hundred years. The old system was completely overhauled:

1. Cruelty, abandonment, imprisonment, and separation all became grounds for divorce along with the old-timer, adultery.
2. For the first time, "cruel and inhuman treatment" included "mental cruelty."
3. Separation became grounds for divorce when the couple had been legally separated for a year or more, and had signed an offical separation paper to that effect. This new separation law was upheld by the State Court of Appeals in 1970 which ruled, "It is socially and morally undesirable to compel a couple whose marriage is dead to remain subject to its bonds.[38]
4. Adultery remained grounds for divorce, though this was against the advice of the Temporary Commission on Revision of the Penal Law and Criminal Code which recommended:

> The offense of adultery[should] be omitted from the revised Penal Law. A majority of the Commission was of the opinion that the basic problem is one of private rather than public morals, and that its inclusion in a criminal code neither protects the public nor acts as a deterrent. It was further noted that proscribing conduct which is almost universally overlooked by law enforcement agencies tends to weaken the fabric of the whole penal law.[39]

Adultery is rarely cited as grounds for divorce anymore (only 2-3% of all divorce actions).[40] This was quite a change from 1965 when it was still the sole grounds for divorce, and the most flagrant of misdeeds.

Response

This new law had quite an effect on the state. The number of couples filing for divorce increased from 8,500 in 1966 to nearly 40,000 in 1972.[41] Most interesting, however, was the fact that a good percentage of these cases involved lower-income couples. Many who could not afford the expensive divorce process before could now dissolve their marriage bonds speedily and cheaply.

> A matter of considerable sociological significance is the tremendous increase in the number of divorce cases brought by poor persons in New York. Legal aid became available for matrimonial actions only after the new grounds became effective September 1, 1967, and since that date a large portion of legal aid's civil litigation involves matrimonial matters.[42]

Divorce reform, though belated, promised new hope to those locked into the confines of a dead marriage.

Sex Offences

RAPE

Legal History

A regulation regarding the crime of rape was included when New York drew up its first set of state laws in 1787.

> If any person shall, by force, ravish a married woman, or maid, . . . or any woman child under the age of ten years, . . . it shall by deemed and adjudged a felony; and every offender, being thereof duly convicted or attainted, shall suffer death for the same.[1]

This penalty was reduced in 1829 to imprisonment for ten years.[2]

The early definition of rape in almost every system of law stipulated force or violence on the woman's person as the essential element of the crime;[3] but if she did not offer resistance because she was unconscious, intoxicated, or in danger of immediate bodily harm, the crime was not "deemed and adjudged" to be a rape. In 1854 the New York State Supreme Court held:

> Nature had given her feet and hands with which she could kick and strike, teeth to bite and a

The Rape of the Sabine Women.

> voice to cry out; all these should have been put in requisition in defense of her chastity.[4]

However in the nineteenth century the wording of the rape law changed, and the crime was expanded to include instances other than forced rape. In 1829 sexual assault of an intoxicated woman was deemed a crime.[5] By 1881 the rape law offered protection to women incapable of resisting due to intoxication, lunacy, unconsciousness, or their not having attained the age of ten years. Punishment for any of these rapes was imprisonment for from five to twenty years.[6]

In 1892 more circumstances constituting rape were written into the lawbooks, including "mental or physical weakness, or immaturity, or any bodily ailment" such that "she does not offer resistance." Also included was a new provision which upheld these statutes should the victim be "in the custody of the law, or of any officer thereof, or in any place of lawful detention, temporary or permanent."[7] The latter was in recognition of the fact that women in prison might well be sexually abused, resistance on their part being less likely.

Present-day Laws

The rape law is now divided into four categories, the severity of the crime dependant primarily on the woman's age. Most rapes based on physical incapacitation of the woman are recognized as class E felonies, punishable by up to four years imprisonment. A class B felony and worth up to twenty-five years in prison, forcible rape is regarded as a much more serious crime in the eyes of the law. A recent development is that "sexual abuse in the third degree," that is, any salacious touching, is now a punishable crime.[9]

Today, there are more roads to conviction that there were two hundred years ago (see "Corroborating Evidence"). Time will tell how our lawmakers define the crime of rape in the future. Perhaps women can play a part in drawing up those definitions.

CORROBORATING EVIDENCE

Until 1972, a lawyer attempting to prosecute a rape case in New York State was at somewhat of a disadvantage. In any other criminal case s/he might submit witness' accounts, circumstantial evidence, a proven prior attempt, or anything that pointed to the defendant's guilt. Usually any combination of these would be adequate for a conviction. Not so with rape and some other sex offense cases – here, special *corroborating*, that is, substantiating evidence was required.[10]

The diligent lawyer might eagerly display a torn article of underwear, or an indication of the man's presence left behind, but this was not enough. Furthermore, s/he must directly connect the defendant with the crime. In reality, an eye-witness' account was just about the only way that this could be accomplished, and eye-witnesses to this type of crime were few and far between. For this reason, prosecutors could seldom bring to light "every material fact," and

juries, in turn, could seldom bring in convictions. The justice of this situation was reviewed by one law scholar in 1932:

> The reason legislators have seen fit to provide for this requirement is often said to be to prevent conviction of crimes in which accusations are easy to make and hard to disprove. On the other hand, crimes of this sort are very rarely committed in the presence of witnesses; hence, if the testimony of the prosecuting witness is required to be corroborated before a conviction may be hand, guilty persons may often escape conviction because of the lack of such evidence.[11]

Under English common law, the testimony of the complaining witness in sex offense trials was itself enough to support a conviction, even if the defendant denied the crime and the complaining witness was an infant.[12] However, in the course of American history, special corroboration requirements have varied from state to state, and many states have now totally rejected them. New York is one – although prior to 1972, this state required corroboration of the complaining witness in more instances than any other jurisdiction.[13] In a typical year, 1972, thousands of rape complaints were brought to court, and only eighteen convictions resulted.[14]

The special corroborating evidence requirements were revised in 1972, then again in 1974.[15] No longer were there any corroboration requirements in sex offense cases beyond those stipulated in any other crime of equal seriousness. Governor Wilson, on approving the 1974 revised corroboration law, remarked:

> The implicit suggestion in the corroboration rule that the testimony of women, who are most often complainants in sex cases, is inherently suspect and should not be trusted without justification is contrary to our strong belief in the principle of complete equality for women in our society.[16]

ABORTION

The question of the humanity of the fetus is the crux of the abortion controversy today. Until 150 years ago, English common law dictated that abortion could not be considered homocide because the fetus was not believed to be a human entity. A high misdemeanor, the act was outlawed entirely out of consideration for the woman's health, medical practices being inadequate to the task.[17]

Homocide and abortion were first linked in New York State in 1830. A law was passed which determined the abortionist to be the guilty party. Women became "accomplices" in 1872, and the "willing subject" was, with the abortionist, declared party to a felony.[18]

Women have consistently managed to circumvent restrictive abortion laws, however. The New York State Law Revision Commission admitted in 1937:

> There is evidence that abortion statutes have never been adequately enforced. . . . On the other hand, the prevalence of the practice of abortion is established . . . One estimate is that throughout the country 680,000 abortions are performed annually. Needless to say most of these are illicit. They are performed under perilous conditions, in many instances by the victims themselves or by inept operators with consequent needless loss of life. The threat to the health and safety of so large a portion of the community is best revealed by the estimate that 8,000 deaths result annually from abortions, a ratio of one death for each 87 abortions.[19]

This state of affairs continued until the American Law Institute presented a proposed abortion statute in 1962 which differed radically from anything prior to that time.

Before 1965, forty-nine of the fifty-two jurisdictions (fifty states plus Puerto Rico and The District of Columbia) allowed that the only grounds for abortion was if the operation was necessary to save the mother's life. The proposed statute, on the other hand, justified abortion in the case of: (1) grave impairment of the prospective mother's physical or *mental* health, (2) risk of bearing the child with grave physical or mental defects, and (3) pregnancy resulting from rape, incest, or other felonious intercourse.[20]

Largely because of these proposals, 1966-70 marked a wave of abortion reform throughout the country. On July 1, 1970, New York passed a surprisingly liberal bill which legalized abortions performed by a duly registered physician within the first twenty-four weeks of pregnancy.[21] There was no residency requirement under the law, and as a result, at least one third of the women who underwent abortion in New York were from out of state.[22]

The Supreme Court ruled on the issue in 1973, declaring that a woman's right to personal privacy includes the right to terminate an unwanted pregnancy, at least through the first trimester.[23]

Nationwide, opponents are challenging the Supreme Court ruling on legalized therapeutic abortion by attempting to pass a constitutional amendment. In addition, many states have had introduced bills that, though not explicitly violative of the law, are designed to discourage the practice of abortion by limiting the conditions under which it could legally occur. These attempts portend years of bitter debate to come.

SEDUCTION

It was indeed unfortunate when a woman was seduced under the promise of marriage, only to have her lover fail to come through on his word. A broken heart was the least of her problems – gone with her sometime lover was her chastity and reputation.

Though "seduction" could not be viewed as a form of rape, the need for some sort of legal deterrent was indicated. It was a serious matter to the woman whose whole life was damaged by this single act of deceit.

Legal History

In 1848 the seduction of a woman under a fraudulent promise of marriage was declared a misdeamor, punishable

by imprisonment for up to five years. The crime of seduction was defined as sexual intercourse by the defendant under a promise of marriage with an unmarried female of "previous chaste character."[24]

All these conditions had to be proven in the courtroom, including the latter. Some states (Iowa and Minnesota) held that the presumption of chastity was sufficient to establish a previously chaste character. "But in New York," ruled a New York City Magistrate Court in 1912, "it is incumbent on the prosecution to bring forth substantial proof of character as part of its case."[25]

In 1894 protection was withdrawn of the woman who had established with her partner that they would marry should she become pregnant, that is, "a woman who is willing to speculate."[26]

> The statute was passed to protect a confiding and chaste woman in yielding to the solicitations of the man who had promised to marry her. It was not the purpose of the law to throw its protection around the woman who was willing to consent to the act, and who only asked for a promise of marriage in case her lapse from chastity should be discovered by reason of her pregnancy.[27]

Tompkins County

In one local seduction case tried in 1868,[28] the plaintiff (woman's father) accused the defendant (woman's boss) of seducing his daughter and impregnating her. This was a complicated case, and in the whole transcript, which was quite lengthy, the woman was mentioned only once. One is tempted to picture the scene – two red-faced men making demands and accusations, while the object of the whole fiasco, the wronged woman, rocks quietly in the corner knitting little booties. Nevertheless, this trial was exemplary of a time when it was the woman's father who was thought to be wronged because his merchandise had been damaged.

The End of Seduction

A seduction law in one form or another existed in New York State until 1935 when it was abolished once and for all. Apparently by that time social censure was less severe, and when a woman was tricked out of her virginity, her future happiness was not placed in the dire jeopardy it would have been one hundred years before. At last, the Civil Practice Act of 1935 settled the matter:

> The remedies heretofore provided by law for the enforcement of actions based upon . . . seduction and breach of contract to marry, having been subjected to grave abuses, causing extreme annoyance, embarrassment, humiliation and pecuniary damage to many persons wholly innocent and free of any wrong-doing, who were merely the victims of circumstances, . . . it is hereby declared as the public policy of the state that the best interests of the people of the state will be served by the abolition of such remedies.[29]

ABDUCTION

Abduction is the act of forcibly carrying off a young woman – apparently a young man cannot be abducted – for the purpose of compelling her to marry her abductor, marry someone else, or to "be defiled."[30]

Legal History

The remote origin of our abduction laws can be traced to England in the fifteenth century, where it was determined that the forcible carrying-off of a woman who was heir to property was a felony.[31] This emphasis on the protection of property was carried over when the earliest New York State laws were established in 1787:

> And whereas women, as well as maidens, widows and wives, having substance, some in goods moveable, and some in lands and tenements, and some being heirs apparent unto their ancestors, for the lucre of such substance, be sometimes taken by misdoers, contrary to their will, and afterwards married to such misdoers, or to others by their assent, or defiled; for prevention whereof, . . .[32]

The growing practice of abducting women into prostitution – called "white slavery" – made the problem more complicated. In 1829 a new section was adopted into law which prohibited abduction of any female for the purpose of prostitution, concubinage, or marriage.[33]

> The object of the statute under consideration . . . [was] to arrest, as far as might be, the evils connected with those dens of iniquity and pollution with which our cities and many of our large towns are infested, so-called houses of ill-fame and assignation, by cutting off one essential source of supply of victims.[34]

In 1886 the wording of the abduction law was changed to grant much more protection to women. The phrase "unmarried woman" replaced any age requirements, consent of the parents was omitted as a factor in determining the severity of the crime, and neither the use of force to accomplish the abduction nor the act of fornication itself were considered relevant to the fact that a crime had been committed.[35]

Thus the evolution of abduction laws has been quite dramatic – originally designed as a protection for the property of the wealthy, they came to provide legal protection for the welfare of young women.

DASTARDLY AFFAIR AT GROTON CITY.

We clip the following account of a high-handed outrage from the Groton Journal of to-day (Thursday, Sept. 29th.

Through various reliable sources we learn of a most dastardly outrage which occurred at Groton City on Friday evening. It seems that a young man called at the residence of Mr. Edward Brown late in the evening, and asked for some tobacco and matches. The tobacco he was unable to obtain, as none was kept in the house. He then enquired for Mr. Brown's daughter, Mary E Brown. He was informed that she was at the residence of Mr. Joshua Bliss. He then departed and shortly after rapped at the door of Mr. Bliss' house. It seems that the family had all retired, but Mr. Bliss went to the door, and was informed by the young man that Mr. Brown was dying, and that he had come to take his daughter home. Mr. Bliss at once called the girl, who hastily dressed, and went off with the young man.

The two rode along together, and presently met a second young man, evidently an accomplice, who asked to be allowed to ride, and was directed to get up behind on the wagon. The party then proceeded until they came to the corner, where they should have turned to go to Mr. Brown's; but instead of turning they kept straight ahead. The young lady called the attention of the driver to the fact that they should have turned at the corner; but he only responded by whipping the horse into a run. The lady then divined the purpose of the scoundrels, and leaped from the buggy, while it was thus in motion. Running a short distance, she concealed herself by the fence, while the young men drove back and forth in search for her. Under cover of the thick darkness, the young lady finally made her way across lots, wading a deep creek in the passage to the residence of Samuel Cooper, to whom she told her story. Mr. Cooper at once armed himself, and went forth in search, but could find nothing of the villains.

We understand that a certain young man living near Groton City, is under suspicion as being the principal offender in the outrage, and that Mr. Bliss, Mr. Cooper and other prominent citizens of the place have taken the matter in hand, and will sift it.

We hear that the young lady is of great respectability, and that she has a father who is a confirmed lunatic. The outrage was one of the most dastardly we have ever been called upon to record.

Ithaca Daily Journal, September 29, 1876.

Today

Though the crime may seem archaic, a remnant of the law still remains. Section 1454 of the Penal Law of New York State reads:

> A person who by force, menace, or duress, compels a woman against her will to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment for a term not exceeding ten years, or by a fine of not more than $1,000, or by both.[36]

PROSTITUTION

Legal History

The section on "disorderly persons" recorded in the New York State laws of 1829 is remarkably thorough.[37] It equally condemns all male persons who threaten to run away and leave their families a burden on the public; all fortune-tellers; all jugglers, showmen and mountebanks* who exhibit or perform for any puppet show, wire or rope dance, or other idle shows, acts, or feats; all persons who play in public streets or highways with cards, dice, or any instrument or device for gambling; drunkards and tipplers; and all prostitutes and keepers of bawdy houses or brothels. To avoid jail sentence, a "disorderly person" was required to turn over sufficient sureties** for his or her good behavior for the period of one year. Classified as "disorderly persons," prostitutes and prostitution were regarded as an offense against the public order, instead of simply a breach of sex morality.

The outlawing of prostitution has proven to be an exercise in futility. A report on prostitution and syphilis by the Medical Board of the Bellevue Hospital to the Board of Governors of the Alms House of New York City said of prostitution in 1855:

> No rigor of punishment, no violence of public denunciation, neither exile nor the dungeon, nor yet the lingering malady with which Nature punishes the practice, has ever affected its extermination for a single year.[38]

Bills were introduced in the New York State Legislature in 1871, '75, and '76 to legalize prostitution. The proposed legislation represented the views of a citizenry concerned about the spread of venereal disease, the need to keep the women out of tenement houses and away from children, and the fact that "legislation to suppress prostitution is, and must be, ineffective."[39] But the bills were regularly defeated, opponents citing the failure of legalizing prostitution abroad, the corrupting influence on police, plus a hesitancy to condone prostitution from a purely moral perspective.

A massive international "white slave trade" or "prostitute commerce" was thriving in Europe around the turn of the nineteenth century.[40] Concern over the situation culminated in an important conference in Paris in 1902; representatives of sixteen different nations assembled to draft an international treaty for the protection of women against this practice. The Americans, always keeping a monkey-see eye on what transpired abroad, adopted this concern. Between 1910-15, practically every state in the country passed laws punishing anyone involved with the white slave trade, with forcing women into prostitution, or with living off an income generated by prostitution. In 1910 the New York laws made felonies of all the aforementioned crimes.[41]

Tompkins County

The War of 1812 brought commerce into Ithaca, creating a market for prostitution. It appears that prostitution has existed in one form or another in Tompkins County ever since.

In the early and mid-1800s, a prostitute or madam was convicted about once or twice a year. Prostitutes went to jail, or sometimes the Poorhouse. Madams could get fined up to $500. By the end of the 1800s, the problem had increased.[42] The *Weekly Ithacan* reported in 1878 that "the number of women that patronize lager beer saloons is increasing."[43]

One well-known local personality was the notorious Nellie Spencer. She had escaped punishment here by fleeing to Pennsylvania, where she enjoyed out-of-state immunity. County folk were so outraged that the district attorney wrote to the governor of Pennsylvania for special permission to bring her back to Ithaca to be tried. This was a highly unusual request for a case involving only a simple misdemeanor, and the district attorney explained why she warranted special treatment:

> The defendant, Nellie Spencer, has been convicted in our county for keeping disorderly house, and has been once sentenced. At the time of her last sentence there was an old indictment hanging over her, and she promised that she would cease keeping the houses of prostitution, which she had been running in the neighborhood of Ithaca, and I beg to say that they were the most disreputable that were ever conducted in this vicinity. On one occasion, at the time of her prior sentence, she was running from our officers and we were enabled to arrest

**mountebank* – a person who sells quack medicines from a platform.

***sureties* – pledges, guarantees, or bonds secured for the fulfillment of an obligation.

> her in Auburn, a further distance from Ithaca than her present whereabouts, as a matter of mileage. After she paid the fine, which was imposed upon her, instead of ceasing her reprehensible practice, as she had promised to do, she immediately opened a house of prostitution within ten miles of Ithaca [Trumansburg], and conducted the same under circumstances that aroused the entire neighborhood, and led to their ruin, boys of immature years, and also opened a house of prostitution on the verge of the Campus of Cornell University, both of which were opened almost immediately after her promise to leave Ithaca, and while the old indictment was still hanging over her.[44]

Permission granted, she was brought to justice here in Ithaca. On December 1, 1900, forty-one-year-old Spencer was sentenced to one year of hard labor at the Monroe County Penitentiary at Rochester, New York, and was fined one hundred dollars.[45] By the time she was convicted, the *Ithaca Daily Journal* said wearily that she was "too well-known to need much more attention in these columns."[46]

The number of brothels in any given locality depended on the town and the times. Until the 1880s, Trumansburg had an entire street marked out for "libertine satisfaction," on which all the houses were painted yellow; "Yeller Street" is now known as "Old Main Street." In the same town, a house, once a brothel, is still standing today, and can be located just before Hector bridge at the north end of town. Until approximately forty years ago, the "red-light district" in Ithaca was located primarily in the west end of the city, along the Inlet. "Granny Grey's" was the name of one brothel of renown – "The Towanda House" of Second Street was another. Similarly, some houses in the neighborhood of Varick and Esty Streets were once referred to as ones that had not "borne a good reputation," and a brothel called "The Wheelman's Rest" could be found a mile south of the city line on the road to Newfield.[47]

Street-walking was a variation on the same theme; on January 3, 1889, the *Ithaca Democrat* quoted one of the night police as saying:

> If the church people of this city had any idea of the number of young girls who are nightly seen upon the streets, and who are steadily going from bad to worse, I think an effort would be made to remedy the evil.

An investigation of the matter by the paper "certainly did show a startling state of affairs."

> One has only to stand on State Street a brief time to see any number of girls, between the ages of fourteen and eighteen years, generally termed "chippies," walking up and down the pavements, flirting with every man, old or young, who notices them.

Mr. Marsh, the agent of the Society for the Prevention of Crime, only reaffirmed the worst suspicions.

> There are now in this city anywhere in the neighborhood of fifty young girls, all under the age of eighteen years, whose moral character is clouded. I have talked with and advised a number of these girls, but it seems to do but little good.

The newspaper concluded:

> It would seem that there is a great opportunity for philanthropically-inclined ladies to do much good here. Societies could be formed, attractive rooms fitted up in a manner similiar to those of the YMCA, where young girls could be pleasantly entertained and thus kept off from the streets and away from the many wiles and snares laid to entrap them.

Today

Today prostitution is still very much illegal and local authorities are still trying to regulate this traffic by imposing penalties. "Prostitution" itself is a violation. Forcing women into prostitution is a stiff crime – a class C felony, it is worth up to fifteen years in jail. Operation of a brothel is a class D felony, punishable by up to seven years. In 1967 "patronizing a prostitute" became an illegal act, the "patronizer" guilty of a violation.[48]

Prisons

JAILS

New York

Imprisonment as a form of punishment for major crimes and means of rehabilitating the lawbreaker was introduced at the end of the eighteenth century; previously, New Yorkers preferred such corporal punishments as whipping, the stocks, and hanging to keep most misdoers in line.[1] Locally, the stocks of Ludlowville did a brisk business in the early days, and Ithacans threw offenders into their village pound or dunked them in the creek.[2] The only jail in existence in those days was the county jail, a phenomenon brought to this country by the early colonists. Its inhabitants were generally debtors, material witnesses and accused persons awaiting trial, civil prisoners, vagrants, and disorderly persons.

As dissatisfaction with corporal punishment increased, it was proposed that imprisonment could begin to function as a more effective disciplinary measure. In 1796 an act of legislation made sweeping changes in the penal law – corporal punishment was all but abolished, and long-term imprisonment became the consequence of a guilty verdict in most felony cases.[3] With this new influx of prisoners, county jails were soon crowded beyond their capacity. At this point state prisons came into being, taking custody of all prisoners whose sentences extended beyond one year. Thus, "correctional treatment" of the lawbreaker by imprisonment replaced the castigation of the stocks.

Tompkins County Jail

Tompkins County was established in 1817, carving a place for itself out of Cayuga and Seneca Counties.[4] Officials from these territories were not pleased about giving up their land, and conditions were set – one of which was that unless the new Tompkins County could build a courthouse and jail building within one year, the land would revert back to its original boundaries. A two-story, wooden structure was "hastily and cheaply built"[5] and crowned by a tower which,

as the editor of the *Ithaca Journal* later described, was "of architectural beauty [that] was at the best unimpressive."[6] Observers agreed that the building also lacked much in basic security techniques.

> On the east side were six cells for the safe keeping of prisoners, unless those who were detained chose to saw through the wooden sides or doors or manipulate the very simple locks, which lacked nothing in size but were sadly deficient in security. It was a very patient prisoner who would long remain there in confinement.[7]

The building began to decay, and was replaced by another courthouse in 1855. Now referred to as "The Old Courthouse," this second building served for eighty years until the present structure was built ("The Old Courthouse" has been recently renovated and stands proudly on DeWitt Park, the oldest public building in the county). A separate stone jail was built in 1854 and the present structure was erected in 1932.

Below are some statistics on the women/men confined in the Tompkins County Jail from 1857-67.[8] At that time, there was approximately one woman arrested for every sixteen men, whereas today there is approximately one woman arrested for every three men. (This sample indicates *proportion* only.)

	1857-67 W	1857-67 M	1973-74 W	1973-74 M
drunkenness	1	39	1	6
assault & battery	1	16	1	9
petit larceny	1	10	4	5
vagrancy	1	2	—	

Behind Bars

During the nineteenth century, any woman confined in jail usually had some ten to twenty male cellmates. The labor accorded to female prisoners was of the feminine variety, as illustrated by this observation by Inspector William Mantaye in 1900:

> Some convicts were employed in making repairs on the courthouse and the one female convict was busy doing the mending of the clothing of the working convicts.[9]

The rules of sex role stereotyping apply everywhere – even in prison.

THE POORHOUSE

In virtually every society, there will be a group of individuals who do not blend into the mainstream because of mental or physical impairment, poverty, drunkenness, criminality, or other "social problems." The society must then make a choice – integrate them in a positive way into the community, rearrange its values such that the designation "misfit" has no meaning, or build something and shut them away.

Tompkins County Poorhouse

In 1824 the state legislature required that each county build a Poorhouse. Five superintendents were appointed to administrate each institution. Among their other responsibilities and on the authority of the Legislature, they could

FIRST COURT HOUSE *Erected* 1818

"from time to time" punish inmates by means of solitary confinement and "feeding them on bread and water only" until they were properly obediant.[10]

In 1827 work began on the Tompkins County Poorhouse, as it was officially titled, on the Perry City Road. It was completed and opened in 1830.

When a person "in such indigent circumstances as to require relief" applied for residence, the "overseer of the poor" in conjunction with the town constable arranged for him/her to move to the Poorhouse.[11] Not only the poverty-struck found themselves in need – the Poorhouse took the old, the sick, and the destitute, anyone unable to care for themselves.

Occasionally disorderly persons (prostitutes, drunks) were sent to the Poorhouse when the judge felt they needed prolonged confinement, but separate from the prisoners of the county jail. They might spend up to six months here at hard labor.[12]

The following figures were compiled from the Tompkins County Poorhouse Records, 1883-1915.[13]

	Women	*Men*
crazy	5	3
feeble-minded	14	21
intemperate	3	33
old	38	92
sick	35	125
blind	–	1
lame	5	44
destitute	8	8
pregnant	14	–
vagrant	3	2
lack of work	1	17
deserted by husband	3	–

ITHACA, TOMPKINS COUNTY, N. Y., NOVEMBER 28, 1889.

THE COUNTY WARDS.

How They Are Housed and Cared For.

A Contrast Not Creditable to the County.

ONDAY morning, very early, before many people had finished their morning meal, the *Democrat* reporter, accompanied by the special artist, started up the Trumansburg road. They were bound "over the hills to the poorhouse, that is to that now somewhat famous structure so truly named the *poor* house of Tompkins County. The *Democrat* representatives were very thankful every foot of the rough route between Ithaca and the forementioned establishment that they were possessed with strong constitutions and long before reaching there were not without feelings of pity for the unfortunates, who in ill health are so often carried over the rough highway and that too amid the chilling winds that in cold days so unmercifully sweep over the hills between Ithaca and

the *poor* house of Tompkins County. All things come to an end at last, and so did the long road, and the dingy, almost paintless County House came to view. The *Democrat* representatives were met by Keeper Simeon Rolfe, who has had charge for several years. Early as was the hour, and although unexpected the visit, they were made to feel welcome. What there was to be seen they were welcome to see. He had no apologies to make for the building; it was the best he had to do with, and the reporters after looking through the old shell only wonder that he and his helpers do so well. After a few moments spent in the pleasant parlor used by the keeper and getting thoroughly warm by the hot fire, Mr. Rolfe opened the door leading to the quarters occupied by the poor, and the reporters were given the freedom of the house.

PLASTERING NEARLY OFF

of every room. Plastering off the sides, plastering off above, plastering off in large places, plastering all off, etc. In many rooms the plastering was about to fall; several pieces barely hung over the women's dining table. Of course there were no stoves in these rooms, and the open-work only helped make the cold more bitter to the bloodless and rheumatic inmates. "Go up now and see the sleeping rooms," said Mr. Rolfe; "don't forget to look at the windows." Upstairs and unattended, the *Democrat* representatives went. In one of the warmest of the rooms an old lady lay sick. She had evidently had good care. By the settling of the house, some of the sleeping room windows had become twisted out of place. At the bottom and at one side of one, the reporter was able to pass his hand through the crack clear out of doors, and this was not an exceptional case. Plastering was off everywhere. "I have myself put in twelve dozen lights of glass so that the Supervisors might be comfortable when they came," said Mr. Rolfe. "Just go outside, and see; the putty long since crumbled away." Thousands of nails and tacks have been substituted for putty, and on a windy day, some light of glass is likely to be shaken out. Getting outside on the side side, one window was found without a light of glass, in fact there was nothing but the outside of two frames. A door by its side was also minus several lights of glass.

THE HOSPITAL

Just in the rear of the main building is the so-called hospital where the sick unfortunates of our county are quartered. The lower rooms are devoted to hospital purposes. The building was erected in the cheapest possible manner. There is no plastering in the shell structure, the sides and top of the rooms being sheathed in boards. In the haste of building unseasoned lumber was used, and these boards have shriveled and shrunk, letting in cold air on the sick, and the testimony of the inmates is that the cracks are of necessity filled with vermin. Besides these cracks there is no ventilation except by windows which are directly beside the beds of the patients, and of necessity the air is foul in the extreme. As the *Democrat* representatives entered the room devoted to the care of the county sick, Gen. Hower, a former Ithaca cigar maker, had drawn his last breath, dying of heart failure, and he died in the presence of the

other invalids, as there is no separate rooms for the sick men. Two of the inmates were preparing his remains for their last resting place, while the others sat looking on, with half horrified countenances. Ithaca's colored peanut vendor, Thompson, who has been there some time, called the *Democrat* men to him and asked that efforts be made to get him out of the place as he did not want to be there anymore. "It is no place for rheumatic individuals anyhow," said he, "just feel the wind come up through the floor. The room was heated by a small coal stove, around which several were gathered. There were six beds in this small room. The furniture was in a dilapidated condition.

THE BACK YARD SCENE

Between the main structure and the hospital building, and adjoining these premises is a most disgraceful scene. Keeper Rolfe himself called attention to the matter, but there was no need of that. Some time ago, a sewerage system was established, and in time the pipes became broken, clogged or something, so that the house sewerages, washwater, etc., now pours out into and over this yard; an attempt has been made to collect some of this into an open ditch, which is filled with a putrifying mass of the worst filth. As our artist sketched the exterior of the house, as seen elsewhere, dozens of enormous, ugly, dirty rats came out from beneath the house and stoop and feasted from the filth, and a dozen or more hens were also acting as scavengers. The old board fence is falling down, and the contents of the long since unmoved outhouses are overflowing from their sides. "You can't stand it to look in there," said Mr. Rolfe. The reporters had been commanded to see all. A glance was all that was required – all that an ordinary mortal could endure.

The Tompkins County Home and Farm.

Given these figures, there was an average of two women for every five men in the Poorhouse; there were virtually always more men than women at any point in its one-hundred-year history. A worker in the County Home* today suggests that many female candidates for institutionalization are probably cared for at home – people are more likely to be protective of their womenfolk than their men, she says, because women are more likely to be accomodating personalities.

Some Descriptions

The following are a few vivid case histories:

> *Mary Ann Bowere, age 78:* Her life, as far as can be ascertained, has been one of self-sacrificing devotion to her family, whose base ingratitude is made apparent by desertion in her hour of need and feeble old age.
>
> *Maude E. Fuller, age 20:* Bright and intelligent, this child – who never knew a mother, was married at the age of 13 years. She did not know what it implied. Then abandoned, she drifted here and there to the mercies of distant relatives, and finally married a man three times her age who in the end deserted her.
>
> *John Adler, age 46:* Born shiftless. Always shiftless. He is by habit one of the most shiftless and good-for-nothing specimens of humanity that the U.S. can produce.
>
> *Caroline Adler, age 40:* This subject is the wife of John Adler and is the most devoted of womankind, following her worthless husband through all the vicissitudes of life, slaving her life away to gain for him a subsistence, while he would abuse and maltreat her.[14]

Let us not forget Almira Scott from Dryden, who at the age of fifty-seven, was shut away in the Tompkins County Poorhouse because she was "ugly."[15] She remained there for fifteen years, and was joined in 1861 by a Mrs. Winnie, guilty of the same "offense."

Conditions at the Poorhouse

Visiting the Tompkins County Poorhouse in 1879, one reporter from New York City was astonished to find:

> As a rule the best part of such establishments is, rightly enough, devoted to the accomodation of the old women. Here, however, there are no extra comforts provided for them. When one finds so little done for the old women he knows what to expect for the rest of the inmates. . . . I climbed the stairway to the second story, where I was told there were several old women. I pushed opened the door, which was ajar, and entered. On a pallet of straw near the threshold lay a little shrivelled-up body. I spoke several times before she took any notice of me, and when she raised her wan and wasted face she said clearly, "Thank you, young man, for your sympathy. I suffer a good deal from pains in my arms and shoulders; but it's not for long – not for long, young man." And she sank down exhausted on her hard, straw pallet. It was a most melancholy scene and needed only the weird music of an orchestra to render it dramatic in the extreme.[16]

The Charity Committee of the Church of Christian Unity reported simply:

> It was found that very little was done for the occupants of the Poorhouse except to clothe, feed, and shelter them. Work was not provided,

*The Tompkins County Home and Farm is the modern institution that has evolved from the Poorhouse, no longer in existence.

> and little children were there without any educational privileges, and surrounded by harmful associations.[18]

The *Ithaca Democrat* visited the Poorhouse in 1889 and after a long detailed description concluded:

> Notwithstanding this great record of antiquity and doubtless an honorable record in the times gone by, it is nevertheless true that the condition of the poor house at this present time is a shame and a disgrace, and some future historian, in writing of the annals of the past will be justified in speaking of that building as one of the relics of Tompkins County barbarism.[17]

Changes

When the Poorhouse joined the Public Welfare system in 1929, it became less of a catch-all for miscellaneous people. With the assistance of welfare, many individuals could begin to take responsibility for themselves and live on the outside.[19]

The building itself has undergone changes over the years. In 1892 an adjacent brick structure was built to house the men. Another addition went up in 1901, but that was the last improvement for a long time and the building eventually deteriorated. In 1958 the State Department of Social Welfare withdrew state aid when the building failed to meet minimum standards. Mr. and Mrs. John Paul Jones were brought in to make one last attempt at renovation, and they did a remarkable job. Known since the 1930s as "The Tompkins County Home and Farm," the revamped building is still located on the Perry City Road.

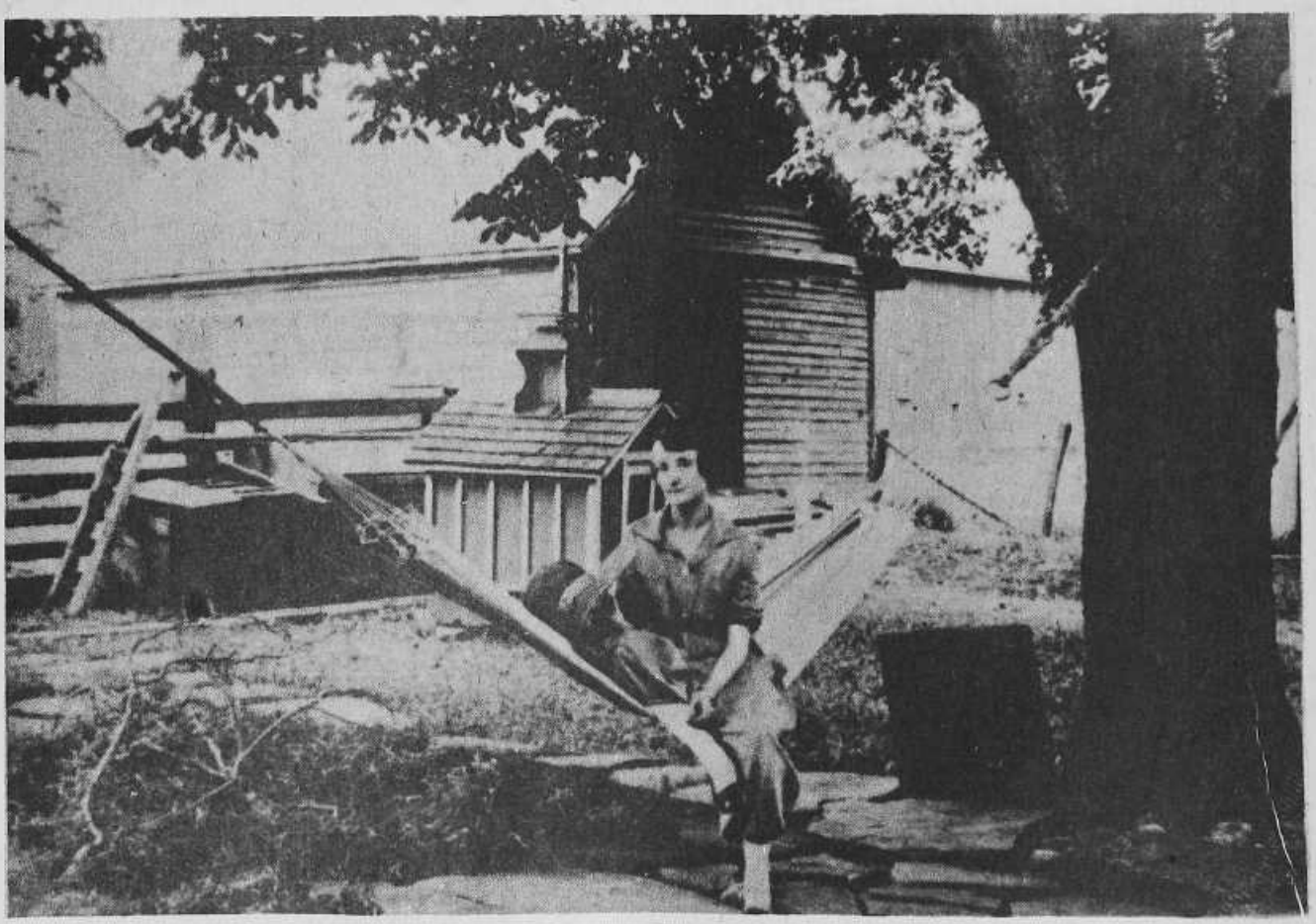
Conditions in the Home have improved drastically. Today residents are not confined, are paid for their work, and the meals are tasty, too – a far cry from the Poorhouse of yesteryear.

Local Complaints

The balance of legal justice at the turn of the nineteenth century still weighed heavily against women, making it difficult for them to gain full control over their earnings, get divorced, and multitudes else. The following are a few examples of victimized local women, appealing to Ithaca lawyer (and landlord) Charles H. Blood for justice.[1] (The names have been changed in consideration for living descendants. Occasionally, punctuation has been added for clarity.)

Pension Tensions

In 1906 Mrs. Gregory R. Schuler lived with her husband and four children in Ithaca. The pension that the family needed to cover expenses was promptly squandered by



Mr. Schuler on liquor. The following letters were written to her landlord Mr. Blood explaining why the rent had not been paid.

Ithaca, NY Sept. 2, 1906

Dear Sir,

I am about sick to think. Mr. Schuler has not paid his three months rent. I don't care what you do with him he deserves to be punished for it for he has no excuse for he has spent it all himself. I am so sorry you ever let him have any money. He would say that he wanted it for his family and he hardly ever gave me a cent . . . He has a good comfortable home and don't know enough to appreciate it. Nobody but myself and family know what I have put up with. I have work[ed] for years. I had to provide to keep my home up, if I had been like some woman went down because he done wrong but I wanted to keep a respectable home for myself and children. I wrote to Miss Stone* two years ago that when Mr. Schuler came in to pay his rent to make him pay it all as he did not give it to me but drank it up and I wrote you the same last winter. Please excuse this writing and blotting as I am so nervous I can hardly write. I am going to apply for half his pension.

Very respectfully,
Mrs. Gregory R. Schuler

Mr. Blood answered on October second.

My dear Mrs. Schuler,

I am sorry to annoy you about your husband, but he has not paid his rent yet. To be perfectly frank, I have no confidence whatever in him, and if it is not paid I must have possession of the house. I have seen him two or three times personally and all I can get out of him is what I know to be falsehoods about his rent coming. If you will have your son bring him to the office to see me we will know what is what and have a distinct understanding between father, son and me; otherwise I will have to have a tenant who pays rent. I have every sympathy for you, but none whatever for him.

Yours very truly,
Charles H. Blood

She responded without delay.

Dear Sir,

I received your letter yesterday and am so sorry and feel so bad over it that the rent has not been and I am very sorry to have to speak wrong against my husband but he has told me so many untruths that I myself can place no confidence in him and the drink has done it all. My son is away in the country and he will be home tonight if it don't rain and as soon as he comes home I will have him come and see you and bring his father if he can get him and see if we can come to some settlement about the rent as I have lived here so long and cleaned the house of the bed bugs that I don't want to move elsewhere where I may have the same thing to do over and I have tried to take good care of your house since I have been here. So please be kind enough to not rent the house as I think we can come to some settlement as soon as my son gets home as he will come and see you as soon as he comes. I can assure you I want to do what is right as you will not lose a cent as I have always tried to be honest in everything hoping we can make everything satisfactory.

I am very respectfully yours,
Mrs. Gregory R. Schuler

The landlord tried to aid the cause by writing to the pension department.

Oct. 13, 1906

Dear Sir,

I write to you with reference to a pensioner here in the city . . . [He] is a man who is practically physically disabled from working and whose habits, so far as drinking is concerned, are not above reproach. He has a family consisting of a wife and four children living at home. His wife works out on a salary in the rag shop in Ithaca . . . The pensioner himself has been in the habit of turning over $24 of a $42 pension for house rent. The last month the pensioner claimed to have lost $26 of this pension and accordingly was unable to pay the $24 of house rent. I have been approached by one of the members of his family (the son) . . . to know if there is any rule of your department which would prohibit an arrangement over his signature whereby this pension check should be sent to his wife each quarter, she to secure his signature, to the end that a portion, at least, of this might be applied to the necessities of the family. . . . The object is to avoid the pensioner's securing and wasting the money to his own disadvantage and the disadvantage of his family. Any information or suggestions coming within the ruling of your department I would be pleased to receive.

Yours very respectfully,
Charles H. Blood

And the reply . . .

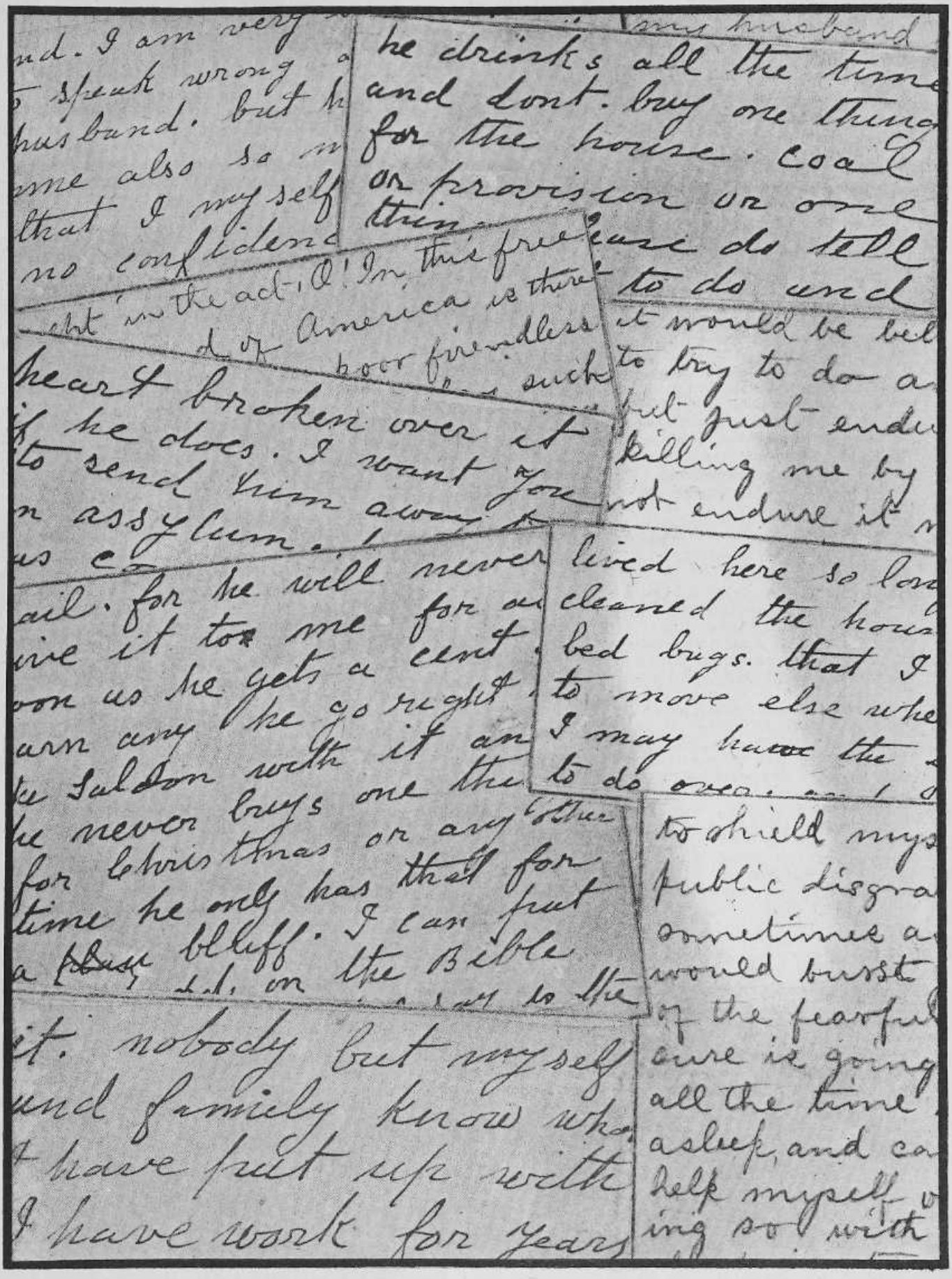
Under the provisions of the Act of March 3, 1899, . . . the wife of a pensioner may become entitled to one-half his pension, provided he has deserted her for a period of over six months, or if he is an inmate of a Soldier's Home, she being a women of good moral character and in necessitous circumstances. This, however, is the only provision of law which would justify a division of the soldier's pension with his wife.

A dead end. The landlord received this communication on December 11, 1906.

Mr. Charles Blood
Dear Sir,

I thought I had better write to you and tell you to be on the lookout for Mr. Schuler's pension as he will get it in a day or two . . . now Mr. Blood don't let him tell you any stories about it that he wants some of it to use for Christmas . . . if you want to let me have any of it please don't give it to him but send it to me by mail for he will never give it to me as soon as he gets a cent he go right to the saloon with it and he never buys one thing for Christmas or any other time he only has that for a bluff. I can put my hand on the Bible that every word I say is the

*Miss Stone – apparently an employee of Mr. Blood's, acting as a middleperson between him and his tenants.



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truth. . . . I cannot believe anything he says he tells me so many untruths so don't believe any of his smooth stories I am very sorry to say it but I thought I had better warn you and please tell Miss Stone if he comes to her to tell him to see you and greatly oblige me.

Very Respectfully,
Mrs. Gregory R. Schuler

And again, the next day . . .

Mr. Charles Blood,
Dear Sir,

I am afraid Mr. Schuler has got his Pension check today as he was so full tonight he could hardly walk and he went to bed. . . . I want you to send him away to an assylum for he has come home full for a week or more he drinks all the time and don't buy one thing for the house coal or provision or one thing please do tell me what to do and he has got hardly any underclothing no change of anything and he will not buy them all he thinks of is drink. I had his Pension Certificate and his voucher hid away until the day he had to have them made out and then I had to give them to him and he told me that when his check came he would have it come to the house and he would give it to me but his Certificate is nowhere here if anything happened to him I would not know where to look for it oh I do wish he would tell me the truth. Please be sure and see him today . . .

Very respectfully,
Mrs. Gregory R. Schuler

He got up this morning before half past five o'clock and went away.

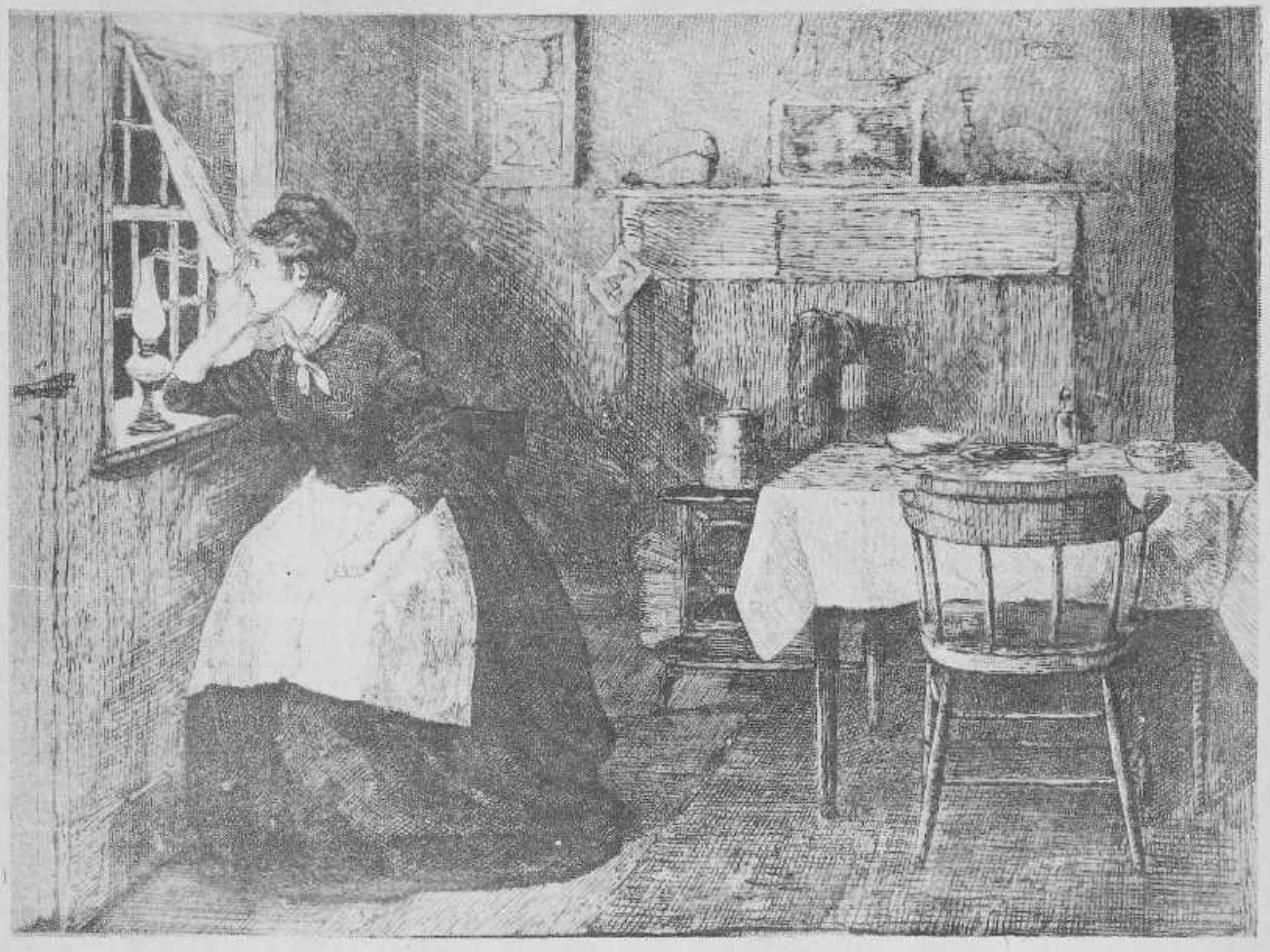
That's the last we hear of the Schuler family. The next letter in Blood's records with reference to the property is from Miss Stone, suggesting they find new tenants.

For Fear of Her Life

About that same time, another local woman was also in correspondence with Mr. Blood, then the district attorney. Jennie Dearstyne told how she left her husband "for fear of her life" and explained why she was "excited" when reporting the situation to the authorities.

> As for my being excited before the Justice. Mr. Blood, place any girl in the same place under the same circumstances and see how many would do better. I had never been out in public as most girls here and had always spent my time in the church and [with] my music. I knew nothing of the ways of the world but will say that with my experience now, would do differently.

Many women married directly out of Advanced Piano Class – they knew very little about life in the big wide world. Many, like Jennie Dearstyne, were helpless and disillusioned



when their romantic idylls were shattered. But once married, it was too late.

Is There No Help?

Ithaca, NY July 7, 1902

Mr. C. Blood, District Attorney –
Dear sir:

I am in the hands of a man whom I believe to be a terrible villain. He is my husband and I have reason to believe I am his third wife. . . . He has knocked me down several times and threatened to fit me up for the graveyard more than once, has run through with nearly all my property, and I have two young daughters by my first husband and I have reason to believe he has committed rape upon both of them . . . I have given my evidence to R. L. Sprague before coming to Moon, in regard to the rape committed on my daughters, and he told me I had strong evidence, and Moon told me to take him and go to you with my evidence . . . If I needed any lawyer's help besudes yours I prefer Jacob B. Moon because I know my husband is afraid of him. Mr. Sprague seems to think his crimes are nothing very bad, but I think he does not like to do anything much for me because I have no money, although that may not be the reason. It may be because he wants to shield myself and two girls from public disgrace. But, it seems sometimes as though my heart would burst with agony at sight of the fearful crime that I am sure is going on in my house all the time nights when I am asleep, and can do nothing to help myself or prevent his doing so with my little 15 year old daughter. . . . if I could have some help watching them nights, they might be caught in the act – O! in this free, civilized land of America is there no law to help a poor friendless woman, that is in the hands of such a villain, and who has no money to help herself with! How I wish I could get free from him forever, and that he could be put where he could never make me anymore trouble. . . . Don't write to me, but help me if you can. I have thought I would try to endure it but when I see new evidence it makes me feel so bad I am afraid it will drive *me* into committing some crime, and *that*, I don't want to do, so I implore you to help me if you can. I will call in to see you, just as soon as I can get a chance, but don't know when that will be.

Yours truly,
Mrs. Sheldon Wilson

Fear of "public disgrace" kept many a bad situation from coming to light. If a woman did press charges, she ran into other obstacles – legal fees, establishing credibility, and public notoriety.

Summary

At the time of these letters, women could enjoy more legal rights than one hundred years previous. But they still could not vote, and restrictions, both social and legal, were effectively keeping women in their time-honored "place." Today, one does not have to look far to see many of the old pressures – plus some new ones – in full force.