THE HARLEM PEST BEDS.

Views of Clergymen and Physicians on the Nuisance.

THE POLICE SURGEONS CONDEMNED.

A Catholic Priest Suffering from Miasmatic Fever.

GREAT INCREASE OF SICKNESS

Windows of Churches and Dwellings Closed.

FACTS FROM THE PEOPLE.

The report made to the Board of Police by the surgeons doing duty in the department, as published in yesterday's HERALD, explicitly stated that in their opinion the condition of the Harlem flats was in no way dangerous to the public health. The police surgeons who signed the report even go so far as to state that not more than five per cent of the material used for filling in of the low ground was of a character to create miasma or to cause disease. This remarkable document, being at total variance with the actual state of affairs on the Harlem flats as described by the HERALD reporter during the last week, it became necessary to obtain the views of clergymen and physicians residing in the district or in the immediate neighborhood in order that our readers might understand the exact situation. It will be seen that the HERALD is fully sustained in its exposures of this most intolerable nuisance.

AN INTOLERABLE NUISANCE.

Mr. Shackelford, of the Church of the Redeemer, corner of Eighty-second street and Fourth avenue, upon being questioned by the reporter said:—"I, for one, heartily indorse the action of the HERALD in calling attention to this intolerable nuisance. I have read the exposures of the past week and I have frequently thought of writing to the HERALD and giving my views. The process now used in filling the flats is simply an outrage. When the wind is from the north or northeast the stench is abominable, and we are obliged to close all our windows and doors. Our congregation and Sunday school are constantly annoyed by the foul odors, and it is to be feared that much sickness will result during the coming summer. I hope the HERALD will continue the work it has begun."

INJURIOUS TO HEALTH.

The Rev. C. C. Norton, of 209 East Eighty-second street, responded earnestly to the questions put to him. "I am well acquainted," said Mr. Norton, "with the terrible stench arising from the Harlem flats, and I have good reason to know that the effects of the recent filling in there have been injurious to public health. Several families of my congregation have been obliged to select new homes, and one gentleman was even obliged to sell his house at a great sacrifice and move to North New York. He preferred health to convenience, but that, with other like incidents, has had its effect upon the neighborhood. I think there must be much decaying organic matter in the material used for filling. I am glad the subject is being investigated and ventilated by the HERALD, and I am quite willing to have you use my name in connection with your inquiries."

A GOOD SABBATH WORK.

The Rev. A. D. Vail, of No. 115 East Eighty-sixth street, expressed himself even more strongly than did Mr. Norton.

"It is a good Sabbath day work for you gentlemen of the HERALD," said Mr. Vail, "and no apologies are necessary for your visiting me on Sunday. I thoroughly believe in the sanitary crusade undertaken by the HERALD, and I hope your great paper will push it to the end. Since the commencement of the filling in of the flats sickness has greatly increased in my district. I have recently visited a great number of invalids, and I must say that the late proceedings on the flats constitute a great outrage—a great outrage. Twice recently I have passed through Third avenue, near the dumping grounds, when the disgusting odor was overwhelming. I did not go close enough to see what the material consisted of, but it must have been decaying animal and vegetable matter."

A PHYSICIAN'S OPINION.

Dr. D. McL. Quackenbush, of No. 231 East Eighty-sixth street, said he had not been troubled himself with the effluvium, as the prevailing southerly winds blew it from his house, but that he had heard of several cases of sickness and annoyance resulting therefrom.

AN INTERESTING INTERVIEW.

Father Flattery, pastor of St. Cecilia's Catholic church, 106th street and Second avenue, was lying in bed, suffering from a severe attack of miasmatic fever; but he was able to converse on the subject and said:—"Go to the window and lift up the blind, sir. There, as far as your eyes can reach toward the river, as far, indeed, as they can reach in any direction, you see the poisonous, corrupt and diseased flats. You could have sought no better spot from which to view the situation, for no house in all Harlem is so intolerable with these disagreeable odors during the summer months as my own. You see the little church there, from which the voice of evening vespers is now heard, and you see that it too, like my house, looks riverward across the dumped piles. Well, so intensely nauseating is the stench that comes sometimes from the ground that during the summer months we are compelled to shut down all the windows and sacrifice ventilation, because we cannot endure the foul smells. As you see, I am now lying painfully ill in bed. My sickness, my physician Dwyer tells me, beyond all doubt has been brought about by the

FETID ATMOSPHERE

in which for two years past I have been obliged to live. I am utterly unable to fulfil my church duties, and have been necessitated to call to my aid a brother priest to officiate for me. This house, known as the Old Red House, more than any other catches every poisonous fume that is borne upon the air, for it stands by itself, aloof from all the rest. Perhaps there may have been some exaggeration in regard to the dump piles as they at present are; but I don't believe any language which might now be used could exaggerate the frightful condition they are sure to be in during the intensely hot days of June, July and August. Even now, as you yourself can plainly determine, noxious fumes are prevalent, which, as the weather increases in warmth, will only be intensified in the degree of their deadly effects. The garbage of this made land was for the most part dumped here in the fall and winter months. We did not mind it then so much, for the weather was cold and rough winds readily carried every odor away. But now, even when a warmer climate is just beginning to warn us of approaching summer, we seem surrounded with filth and foulness, enveloped literally in a cloud of feverish and poisonous atmosphere, which is uncomfortable to endure, while being at the same time highly dangerous to life and health.

WHAT MUST BE DONE.

"A proposition has been made that the garbage dumped about these flats shall at once be removed; but such a course would, if pursued, endanger the lives of all our inhabitants. To stir the depths of these stagnant pools, or to probe the bottoms of these piles of reeking garbage, would simply be insane. I believe, and I assure you my belief is the general one, that the only way to quench these disgusting smells, and forestall danger of an epidemic, is to engage hundreds of men and horses, and cover these flats entirely with at least five feet of pure earth. Unless this is done it is impossible to predict the pain and suffering, the disease and death, that will result here before the fall.

"I do not agree with that committee of physicians who this morning assert that in the immense masses of nondescript matter dumped in these flats only five per cent is at all dangerous to health. I have a far different opinion, which I believe a thorough investigation would most conclusively prove."

A MOTHER'S VIEWS.

The Rev. Conrad Kuhn, pastor of the Bethlehem German church, residing at No. 206 East 105th street, was not at home when the reporter called; but his wife, who speaks English imperfectly, expressed her willingness to tell as best she could her experience about the garbage nuisance. When asked if the smell arising from the filled-in district was offensive she replied:—

"Very bad smelling; makes the people all sick."

REPORTER—Do your neighbors complain about it?

"Oh, yes, sir; they complain too much."

REPORTER—Have you had sickness in your own family occasioned by the filling in of this district with decayed animal and vegetable matter?

"Oh, my, yes. I have had ten children, but two are dead. I have the doctor for the others nearly all the time. They have much fever. I do not speak English well, but I think the doctor calls it ague. Every one complains about the nasty smell."

MIASMATIC DISEASES PREVALENT.

Dr. John Shrader, residing on Third avenue, near 112th street, was next visited. He stated that whenever the wind was blowing from the east the offensive odors were particularly noticeable. In his practice he had remarked a prevalence of malarial fevers and miasmatic diseases generally. Children who were not strong enough to throw off the insidious poison were especially liable to be attacked. His experience was that in the locality spoken of in ermittent fever, in its worst forms and types, prevailed.

AN OPPORTUNE VISIT.

The reporter then drove to the residence of Dr. William O'Meagher, 137 East 117th street, between Third and Fourth avenues. Upon the subject of the Harlem pest beds being broached the Doctor's face evinced a mingled feeling of surprise and incredulity, but this was quickly explained when he said to the reporter, "Well, this is certainly a singular coincidence. Here I am sitting at my desk inditing a letter to the editor of the HERALD on that very subject. I have suffered from malarious diseases myself, so that I can thoroughly appreciate the good work the HERALD is doing."

REPORTER—Well, Doctor, this is certainly very opportune; finish your letter and at the end please state what proportion of cases of disease arising from malaria you meet with in your practice in this locality.

Doctor O'Meagher was at one time Sanitary Inspector in the district where he now resides, so that his evidence is certainly of importance. His letter was as follows:—

HARLEM, May 30, 1875.

TO THE EDITOR OF THE HERALD:—

In addition to the nuisance caused by decomposing garbage, mixed with ashes and street sweepings, there are other causes to account for some of the seventy-two smells of which the flats are productive. The waste of breweries, which decomposing, evolves an odor similar to "putrid pigs' wash," and is deleterious to health. Plenty of this refuse is allowed to run into the flats. There are or used to be factories between 106th and 108th streets, the refuse from which was another source of danger to health. Again, within the area of the flats there is scarcely one privy properly constructed, the contents of which are allowed to "meander" very freely, with the help of tide water or rain, so that the ground in the vicinity is constantly saturated with the most pestilent material known to medicine.

Here there are sources of pestilence sufficient to cause the worst forms of disease, as every well informed medical man knows.

First—Decomposing swill and garbage.

Second—Refuse of breweries and factories.

Third—Overflow of privies.

The argument that those who live and work surrounded by these deleterious potions enjoy good health, is fallacious, for it is not generally true. It is only the hardiest and toughest people that can work or live in such malarious localities, and for them hard work, simple diet, good digestion and constant living in the open air, are powerful antidotes to noxious emanations, which are injurious or fatal to delicate or infirm constitutions.

It is a fact well known to medical men who have studied malarious poisons that these do not abide where they originate, but rise out of the lower strata of air and are wafted to the highest and otherwise healthiest ground in the immediate vicinity.

In conclusion let me say that street sweepings contain every deleterious element known to civilization, and, of course, to medicine.

I am asked to state what proportion of cases of disease arising from malaria does the physician meet with in such localities. Now I have no hesitation in saying that all cases of disease are more or less complicated and, of course, aggravated by emanations from malarious regions. They are especially fatal to infants and delicate children. Pregnant women and their unborn offspring are not exempt, so that miscarriages are not uncommon from this cause alone.

AN INSIDE VIEW OF THE MATTER.

Before the reporter took leave of Dr. O'Meagher he referred to his knowledge of the workings of the Board of Health gained while Sanitary Inspector, in the following words:—"The routine work of the Board of Health is very superficial. They merely skim over the nuisances. They are allowing these flats to be filled in without thorough disinfection, which no doubt is the chief cause of the prevailing sickness. I state this positively and without hesitancy. I am now treating several cases of diphtheria sore throat, which undoubtedly have their origin in the malaria arising from the flats."

PERSONAL EXPERIENCE.

Rev. Father Eugene Maguire, of St. Paul's Roman Catholic church in East 117th street, said:—"In regard to the offensive odors arising from decayed animal and vegetable matter the best thing I can do is to give you my own experience and not depend upon hearsay. I have invariably noticed that coming up from, say, Eighty-sixth street, even if in the Central Park, if the wind was blowing from the east or southeast, it is almost suffocating, stifling, in fact; yes, use stifling, for that is the proper epithet."

Upon the recommendation of Father Maguire the writer called upon Dr. John Dwyer, at No. 224 East 112th street. If there is a lingering doubt in the mind of any resident of Harlem that the filling-in nuisance is breeding disease in that section of the city let him read what Dr. Dwyer has to say on the subject.

REPORTER—Have you read the report of the Board of Police Surgeons relative to the filling in of the Harlem flats?

Dr. DWYER—Yes, I have, and they were certainly very fortunate in the day selected for their investigation; and while I don't wish to cast any reflection or to dispute any of the statements made in the report, I am sure they would have told a very different story had the inspection been made at night, or if they had been on the ground every day for a week before the HERALD sounded the tocsin of alarm. The report, of course, is *couleur de rose*, but the "perfume" from the flats is anything but the scent of roses.

REPORTER—Your experience, then, as a physician in this neighborhood bears out the statement of the HERALD that the effluvia arising from the filled-in district is breeding disease?

Dr. DWYER—Certainly it does. Every day my practice calls me down to the infected region, between Ninetieth and 100th streets. During the past winter and spring I have had several cases of typhoid fever and aggravated intermittent fever. At present I am attending the nephew of a prominent politician of this district for malarious fever, who, I believe, would have been well long ago if he could have removed to another locality. I am also attending Father Flattery, of St. Cecilia's church, who was suddenly stricken down on last Monday night while passing through the infected region on his return from the Cardinal's reception. In his case the exact time and place can be noted when he felt the first symptoms. In the same neighborhood I have attended a number of cases of malarious fever of an aggravated character. I have also had several rather peculiar cases of excruciating headache of a temporary nature in persons whose avocations compelled them to travel over the pest-ridden district. Last Friday night I was called to attend a lady who had returned from a visit to Yorkville. She was perfectly well at seven o'clock, but later in the evening was attacked with severe vomiting and cramps, which she herself attributed to the offensive smell she was compelled to endure. The house at which the lady mentioned had been visiting is in Eighty-eighth street, between Second and Third avenues, and she informed me that there they had to close the windows to keep the stench out. I am so satisfied of the malignant effects caused by the exhalations in the locality in question that I have forbidden members of my family traversing it in the evening.

REPORTER—What do you know of the nature of the refuse used for filling in the flats?

Dr. DWYER—I have been in that neighborhood every day for the past twelve months, and I don't think I ever saw a single cartload of pure ashes. Having been at one time a sanitary inspector myself, my attention was more particularly attracted to it, and I have often thought how dangerous such a filling in would be to the residents of Harlem in the future. While I was resident physician on Ward's Island the stench from the filling in of the lots was oftentimes so offensive that the windows of the hospital had to be closed, and this was two or three years ago, when the filling in business was not carried on so extensively as it is now. After a rain storm I have frequently seen streams of muck and filth oozing out of the carts. I have also noticed in the past that the quality of the stuff used in filling in lots west of Third avenue was much worse than that used on the flats near the river front. They may not smell very offensively just now, because a thin covering of fresh earth has been strewn over them and hides the odor for the present.

REPORTER—Thank you, doctor, for the trouble you have taken and the fund of information you have given me.

Dr. DWYER—Not at all; but before you go I want to say that no matter what boards of health or Police boards may say—and for my part I pay very little attention to the reports of any board made in their own defence—I am convinced that the refuse used in filling up these lots is dangerous to the public health.

DOING A GOOD DRUG BUSINESS.

A. C. Jackson, a druggist, doing business at No. 2,149 Third avenue, told the reporter that the prescriptions he dispensed were mostly for low types of fever due to malarial influences. Diphtheria had prevailed all the spring, which he attributed to malarial influences. He also dispensed a considerable amount of quinine. A large proportion of the prescriptions brought in were similar in character and, undoubtedly, intended for the relief of diseases of a like nature. The diphtherial affections were infectious and contagious, which would not be the case if there was nothing in the atmosphere to engender it. Several other drug stores in the vicinity were visited, and the result corroborated the experience of Mr. Jackson.

A FIREMAN'S GRIEVANCE.

WESTCHESTER, May 30, 1875.

TO THE EDITOR OF THE HERALD:—

In justice to the Westchester Fire Engine Company, of which I am foreman, I desire to correct a misstatement which appeared in the HERALD of Friday last, relative to the conduct of this company at the fire which occurred at Williamsbridge on Thursday morning. The facts of the case are simply these:—The alarm was given about half-past two A. M., and we, with all haste, proceeded to the scene of the fire. On arriving there we found two engines belonging to the city limits already doing what they could to put out the fire. We at once attached our hose to a well in the vicinity, but before we got to work the Chief of the city companies told us that he did not need our assistance. We answered that the fire was in our district and we certainly would go to work, at which the city Chief gave the order for the engines under his command to withdraw. The charge relative to whiskey drinking is also entirely at variance with the facts. Truly yours,

D. F. McGRORY,

Foreman of Westchester Engine Company.

THE MASONIC CONTROVERSY.

WHAT IS MASONRY AND WHAT ITS ORIGIN?—ANOTHER REVIEW OF "ANCIENT AND MODERN MASONRY."

TO THE EDITOR OF THE HERALD:—

The Masonic brotherhoods of the Middle Ages were organized incorporations, not substantially different in their nature from the other guilds, governed by rules of their own and recruited from a body of apprentices who had undergone a period of probationary servitude. Fable and imagination have traced back the origin of Freemasonry to the old Roman Empire, the Pharaohs, the Temple of Solomon, or even the times of the Tower of Babel and of the Ark of Noah. The Masonic craft in reality sprung into being about the same time and from the same set of causes as other incorporated crafts, but a variety of circumstances combined to give it an importance and influence beyond the rest. Men skilled in the hewing and setting of stones were naturally prized in an eminently church-building age. Their vocation necessarily involved travelling from place to place in search of employment. Wherever a great church or cathedral was built the local masons had to be reinforced by a large accession of craftsmen from other parts, and the masons from neighboring towns flocked to the spot and took part in the work, living in a camp of tents reared beside the building on which they were engaged. A master presided over the whole, and every tenth man was a warden, having surveillance over the rest. A mason, therefore, after going through his apprenticeship and probations, could not settle down like another craftsman among his neighbors, but must travel from place to place to find employment; hence it became desirable or necessary to devise means by which a person once a member of the fraternity might be universally accepted as such without requiring wherever he went to give fresh evidence of his skill, or having to undergo a renewed examination on his qualifications. In order to accomplish this end and enable a mason travelling to his work to claim the hospitality of his brother masons on his way, a system of symbols was devised in which every mason was initiated, and which he was bound to keep secret. This symbolism, invented for the convenience of intercourse between members of the same craft, is the sole shadow of foundation for the popular notion that the Masonic brethren were in possession of secrets of vital importance, the knowledge of which had been from generation to generation confined to their own Order. It has been supposed that the possession of the Masonic secrets enabled the Masons to design the great cathedrals of the thirteenth and fourteenth centuries; but it is now certain that during the purest ages of Gothic architecture, both in France and in England, the architects were not members of the Masonic fraternity at all, but either laymen of skill and taste uninitiated in the mysteries of Mason craft or oftener bishops and abbots. The epithet "Free" was applied to the craft of Masons in consequence of their being exempted by several papal bulls from the laws which regulated common laborers, and exonerated from various burdens laid on the working classes at large, both in England and on the Continent. Like all other guilds, the Masons were bound by their rules to the performance of specific religious duties; but a craft, one of whose principal functions was church building, was naturally under the especial protection of the clergy a considerable time before the Reformation. We find the jealousy of the Church excited from time to time by the brethren, partly in consequence of their assuming other functions besides those of mere builders. In England an act was passed during the minority of Henry VI., at the instigation of Henry of Beaufort (Cardinal of Winchester), prohibiting the Masons from holding their wonted chapters and assemblies, but this act was never enforced, and Henry VI., on coming of age himself, countenanced the Masons and was a member of the fraternity. Henry VII. became their Grand Master in England.

Ancient and modern Masonry have no connection with each other. The history of Freemasonry has been overlaid with fiction and absurdity, partly from an exaggerated importance attached to it in reference to architecture, and partly from a wish to connect mediæval Masonry with the institution that passes under the same name in the present day. Modern (or so-called speculative) Freemasonry is an innocent mystification unconnected either with the building craft or architecture. It is of British origin and dates from the seventeenth century; according to the peculiar phraseology of the Masonic brethren it is founded in the practice of moral and social virtue; its distinguishing characteristic is charity in its most extended sense, and brotherly love, relief and truth are inculcated by its precepts. Its real founders were Elias Ashmole and some of his literary friends, who amused themselves by devising a set of symbols borrowed in part from the Rosicrucians. These symbols are the sun, the moon, the compasses, square and triangle. A number of so called degrees or grades of Masonry, with fantastic names, were established and conferred on the members.

Now, I am a lover of truth, and I think speculative Masonry is a good institution; but I do think that a man who conceals a fraud commits a fraud; or, in other words, I do not think that any misstatement made by the brethren will benefit the Order, for truth has always prevailed and always will. By giving the above a place in the columns of your valuable newspaper you will much oblige a twenty-five years' subscriber.

W. H. R.

MAHABONE'S CRITICISM ON MASONRY—IS IT ALL AN ANACHRONISM?

TO THE EDITOR OF THE HERALD:—

In the contribution of Mr. Elwood Thorne regarding the origin and aims of Freemasonry, a long quotation from the address of General Kershaw, delivered at the dedication of the Masonic Temple in Charleston, forms the burden of his essay. I would call the attention of your readers to the contradictory claims of Masonry, as presented by General Kershaw at Charleston, and those of Grand Master Studley at the dedication of the Masonic Temple at Boston. Mr. Studley said that Masonry originated in the "seventeenth century," as he called the year 1717, when Desaguliliers, the mathematician, first concocted it. Now, it shows how little we can trust the learning of Freemason historians like Studley, who call an event at the beginning of the eighteenth century (1717) as in the seventeenth century. But Studley's blunder was through mere ignorance, while that of Kershaw, which Elwood Thorne has appropriated, is an old romance of Preston. Why, sir, Masonry as put forth by such fellows is purely an anachronism. Like most of the other guilds of England, it originated in the tenth century, and did not rank even as high as the Bakers' Guild or Trades Union.

Desaguliliers, a French Huguenot, while living in London, made all that speculative and vague philosophy about geometry of which Masonry is now composed. He divested it of its mere operative features as a trades union and turned it into a semi-religious organization, by compromising Christian history with Jewish tradition for the sake of fraternity. We see in it all the old officers of the English guilds, and even of the English Church government of the present day—the junior and senior wardens, the master, &c.—all English names of feudal origin. In selecting the Temple of Solomon as their masterpiece they did so merely to identify themselves with antiquity and to give a religious cast to their romance. Why, sir, they claim to have come from Tubal Cain even, as he was the first mechanic mentioned in the Bible.

General Kershaw modestly says that they do not claim to know the real name of God, but they know the traditions in regard to it. Very modest, indeed! But, General, a master Mason knows nothing about this. It is only the elect who have climbed Jacob's ladder up to that degree of Perfection, where such "light" is thrown upon the darkness of their understandings.

In some of the "lectures," as given to master Masons, they are told that the lost "word" was known only to Solomon, to Hiram, the King of Tyre and to Hiram Abiff, or the "widow's son," and that the "word" was the prophecy of the coming of Christ—the true logos or word. Now, how can a Jew be reconciled to all this *ex post facto* prophecy as to the Redeemer? And how can a Christian be reconciled to the Jewish superstition of the ineffable name of God? The master of a lodge wears his hat on, as the Jews do in their synagogue, and the brethren wear regalia on the shoulders as Jews wear scarfs. The intersecting triangle, which Desaguliliers, in his enthusiasm for geometry, has given so prominent a place in the ritual, is a Jewish tradition. Indeed, the letter G within the triangle stands for Geometry rather than for God. Then look at the seal of a master Mason, in the shape of a keystone, and you will see on it the initials H. T. T. W. S. S. T. K. S. Those are the initials of the words "Hiram of Tyre, the Widow's Son, sent to King Solomon." Are those initials in accordance with the Hebrew or the English language? Was Solomon an Englishman? Verily, Washington Irving has well said in "Salmagundi," of the bombastic pretensions of Masonry:—

In hoc est hoax, cum Tekel et Pretences
Et blendem, boastem, foolens quo Folkses.

Freemasonry was very useful to the rascals of the French Revolution—such as Danton Marat and Robespierre—all of whom were Masons. Indeed, such a reign of terror could not have existed without it. It has been useful to every royal rascal, like the old Prince of Wales, ever since, in retaining their powers over the popular will. It is exceedingly useful in this country in getting office and position without merit, in covering up fraud and cheating society of its dues. It substitutes selfishness for charity; it subverts the Christian religion by a symbolism which is based on infidelity, and a worship of art and nature in the abstract. It is a good religion for this world, but a bad one for the next.

MAHABONE.

THE CRIME OF ADULTERY.

How It Is Treated in Different Foreign Countries.

THE PUNISHMENTS PRESCRIBED.

French, Italian, Danish, Haytian, Grecian and Norwegian Law.

THE CODE IN HOLLAND AND SPAIN

Interesting Opinions by Continental Counsel.

The civil suit for damages brought by Theodore Tilton against Henry Ward Beecher for the alleged seduction of his wife has not only attracted great attention on the American Continent but a deep interest has been manifested in its progress abroad. In view of this fact it is interesting to know how such offences against the moral law are treated in foreign countries. As nearly every civilized nation is represented here by men learned in the law of their native land several HERALD reporters were instructed to obtain from them their views and a description of the method adopted in such cases as this of Tilton vs. Beecher.

FRENCH LAW.

The following interesting opinion is given by Mr. F. R. Coudert, counsel for the French government in this country:—

Under the French law there seems to be no doubt that the husband whose rights have been invaded, as is alleged to have been the case by Mr. Tilton in his suit against Mr. Beecher, has a cause of action in damages. The French code provides that every man is responsible for the damage that he has occasioned to any person by his own act, and that he is obliged to make reparation therefor. Under this provision, which is to be found in the French Code Civil, it has been held that the accomplice of the adulterous wife might be sentenced to pay damages to the injured husband whenever the judges decided that the offence had resulted in pecuniary damage to such husband. This seems to be well settled, although carnot and one or two other authorities incline to another opinion. Such an offence as is charged against Mr. Beecher, might give rise under the French system to a criminal prosecution as well as to a civil action. Indeed the two might be united into one, the husband being allowed to interfere in the prosecution undertaken by the State—he being what is called the civil party, and claim the civil his damages. By that means a double procedure, with all its inconvenience, delay and expense, is avoided.

Although the criminality of the wife may become a matter of congratulance at the hands of the criminal tribunal the complaint must be made by the husband, and even he is prohibited from making any such complaint if he is guilty of a similar offence, coupled with the aggravating circumstances specified in the code. If the wife is convicted she is made to a minimum imprisonment of three months, which may, in the discretion of the Judge, be increased to two years. The accomplice of the criminal wife is also made to the same imprisonment and to a fine in addition; but for the purpose of avoiding unfounded charges and conspiracies (which are not entirely unknown even on this side of the Atlantic), the code provides that the only proof admissible against the accomplice, when he is not detected *flagrante delicto* must result from letters and other documents written by himself. The same limitation of proof does not exist as regards the wife when she is charged with the offence. It should be observed, however, that the laws of evidence, if they deserve to be called laws of evidence, are so much more simple in France that such a trial as has been going on in Brooklyn for the last few months is scarcely possible. Long arguments on the admissibility of testimony and endless cross-examinations are unknown, the Judge being vested with almost unlimited authority in the admission of proof, and he being intrusted with the duty of examining the witnesses. Whatever may be the defects of this system—and I believe that it is not perfect by any means—yet, at least, it saves a great deal of expense to the parties and of public time.

It should be observed that under the French law the offence above alluded to is merely a misdemeanor, triable by a judge without a jury, and the theory is that after the evidence is all in—good bad and indifferent—before making his decision he is able to separate the chaff from the wheat, to determine what properly bears upon the case, to weigh that and that only, and decide as though irrelevant and improper testimony had not been admitted into the case.

It is possible that the advantages of our system, so forcibly and brilliantly illustrated by the Tilton-Beecher suit, may, if fully reported and comprehended in France, bring about an important change in their system and induce the French legislators and courts to adopt our rules of evidence and our manner of procedure. I fear however, that it would be difficult in the whole French territory, even Alsace and Lorraine included, to find a magistrate who would be able to display the brilliant qualities of patience and forbearance exhibited by Judge Nelson. The French soil is fruitful in many virtues, but such patience has never characterized the French people, nor indeed the Latin race.

HAYTIAN LAW.

In reply to questions put by a HERALD reporter His Excellency S. R. Preston, the Haytian Minister to this country, stated:—"We have for the basis of our laws in Hayti the Code Napoleon, with modifications. Our laws, therefore, are similar to those of France. I never heard of a husband like Mr. Tilton suing the alleged educer of his wife for damages. The affair would be treated as a criminal matter with us. We have no cross-examination of witnesses. The presiding Judge asks the witnesses what he thinks is necessary and the Court decides the punishment."

RUSSIAN LAW.

At the Russian Consulate, in the absence of Consul General Bodisco, a HERALD reporter was told by his representative "that cases like that of Tilton vs. Beecher would never be made public, on account of public decency, as they would be considered deleterious to the morals of the people. These matters are settled as quietly as possible. Duels, though forbidden by the laws, often result from them. A man whose wife is unfaithful generally discards her. I have never heard of such law suits as Tilton's taking place in Paris, Vienna or Berlin."

IN HOLLAND.

Consul General Ruel C. Burlage and his notary, Mr. W. J. P. C. Kramer, stated:—

In Holland our laws are based since 1833 upon the Code Napoleon and our ancient laws. We have no jury system. Divorces (absolute) are granted for adultery, desertion, and becoming a convict. The adulteress or adulterer is not allowed to marry the person with whom they have committed the offence after the divorce is granted. The offenders are liable to imprisonment, as in France, for the space of three months up to two years. The outraged husband cannot claim pecuniary damages. A husband committing adultery in his own house is liable to a fine varying from 200 to 2,000 francs, and a divorce can be obtained by his wife (section 4, article 336 of the penal code). These cases are tried in the tribunal, and when appealed can be carried to the provincial, and to the supreme courts. We have no cross-questioning, and the Judge examines the witnesses.

THE LAW IN GREECE.

Consul General Botassi made the following statement:—

Under the laws of Greece the case of a husband claiming damages for his wife's adultery is unknown. Our laws are mainly based on the Code Napoleon. We have the jury system since the advent of King Otho to the throne in 1833. The idea of a reputed cuckold husband trying to obtain money for his wife's shame by legal interference would be scouted by all well-thinking Greeks. "Apply for money, sir!" said Mr. Botassi, warming up with his subject; "no, never. We have no cross-questioning. Recently a celebrated foreign representative seduced the wife of a Consul and the latter challenged the former to a duel. The foreign representative said he would not condescend to fight a person of inferior rank. To bring about a duel the Consul slapped his face in the street. A duel with pistols then took place, when the seducer was shot in his arm and the bone broken. The matter ended here and the Consul discarded his wife. These affairs generally culminate in a duel, although forbidden by our laws. It is thought a disgrace to bring such matters before the courts and the public. We object to having these disgusting details of adultery made public, on the ground of public morality. When a man seeks divorce he details what has transpired, and in his petition to the Court states for reasons detailed in the petition, which is never made public. Only judge, jury men and counsel are allowed in court in these trials. The decision of the Court is published in the official paper.

IN TURKEY.

The acting Turkish Consul, Mr. E. Sherer, was called upon, and referred the reporter to Mr. A. Bedrossian, an old resident of Constantinople, who spoke as follows:—

Mrs. Tilton, if proved guilty, would be imprisoned; also Mr. Beecher, who, on account of his prominence, would likely be subsequently banished for a number of years. The case would be tried before a Cadi, which is the only court we have, save a small affair called the Mecklemai Court. The Cadi's decision about a divorce would be published in the papers, and, if an important affair, in the *Levant Herald*. I think the morality of Turkey is as good as the United States. We don't have half as many murders as you do. The Sultan is only allowed seven wives legally, but he can have 2,000 female slaves if he chooses. Divorce cases are heard in open court. In former years the punishment for adultery was much more severe than it is at the present time.

SPANISH LAW.

Señor J. Carrillo, L. D., of the University of Havana and member of a law firm in this city, gave the following statement with reference to Spanish, Cuban and Hispano-American laws on the subject of adultery:—

No action for damages exists by the Spanish law against a third person for adultery. A married man guilty of criminal intercourse with an unmarried woman is not called an adulterer by the canonical law. By the civil law, if the woman is married, then the man, married or unmarried, guilty of the crime in question is called an adulterer. By the definition "civil law" is meant every kind of law which is neither canonical, commercial, public nor criminal. The action for adultery can be brought only by the husband or the wife. The litigation is entirely private, as are all litigations under the Spanish law. The mode of procedure is thus:—Plaintiff and defendant appear before a "juez de paez" (judge of the peace, or voluntary jurisdiction) to try to effect a reconciliation. Should they consent to live together the Clerk of the Court gives a certificate of reconciliation (*acto de conciliacion*), which is a bar to further proceedings after it has been signed by the Judge. In case, however, that the parties insist on going on with their suit they appeal to another court, held by an alcalde, and there begin the regular contested suit, which is always in writing and lasts for years and years as a general rule. The witnesses testify privately before the Alcalde There is no cross-examination known by the Spanish law. Sometimes the lawyers are permitted to put some questions to the witnesses, but that must be done in writing. The Alcalde, after reading all the evidence in the case, gives his sentence. These Alcaldes are, as a general rule, very ignorant—they are appointed by the government. From their ignorance comes the Spanish proverb, *hacer una alcaldada* (to act like an alcalde) which is used very frequently in Spanish conversation, and signifying blunders or stupidities committed. From the judgment of the Alcalde appeal can be taken to the Superior Court or Audiencia, where, for the first time during the whole proceeding, the lawyers are allowed to speak; no new evidence is admitted in that Court; the only thing the lawyers can do is to prove that the Alcalde has not judged or pronounced sentence according to the evidence or according to the law. The decision of the Audiencia is almost final and very few cases are appealed from it to the Tribunal Supremo de Madrid (Supreme Court of Madrid). There is no jury system in Spain or Cuba. In Spain it recently existed under the so-called Republic, but it has been already suppressed by Don Alonso XII.

THE ANCIENT PUNISHMENT.

By the "Fuero Juzgo" adulterers were delivered to the husband, who usually killed them. By the "Partidas" the woman was sentenced to be publicly whipped, and after that to be confined in a nunnery and to lose all her property. The accomplice was sentenced to death. The husband had not the faculty of pardoning his wife till two years after the commission of the crime. When this period of time had elapsed and her husband had not pardoned her, then she was obliged to become a nun for the rest of her life. By the "Fuero Real" both adulterers were delivered to the husband, who was allowed to kill both of them, but not one alone, leaving the other alive.

THE MODERN PUNISHMENT.

To-day the husband is allowed to kill his wife and her paramour if found in *flagrante delicto*, but not one alone. The wife loses all her property. The action of the husband must be commenced before the expiration of the fifth year after the wrong is done, otherwise the claim is outlawed. At the present moment accomplices are not liable to any penalty at all. Adultery, in our law, is cause and actionable for a divorce *mensa et thoro*, but not for an absolute divorce, *quoad fœdus et vinculum*. This latter class of divorce does not exist in Spanish law, because marriage is considered by it as a sacrament, and *quod ergo Deus conjuxit homo non separet*. Cases of adultery very seldom appear before the Spanish courts. They are generally settled by duels, as in France.

NORWEGIAN LAW.

In conversation with Mr. Auguste Reymert, a Norwegian by birth, he gave the following as his legal opinion of the case:—"This tedious and complicated procedure contrasts greatly with the manner in which the Scandinavian laws would extricate its truth and falsity and mete out justice between its litigants. In the Scandinavian countries there is no jury system. The elements of the civil law of the Romans are strictly adhered to, and the common law of England is scarcely recognizable in any of their statutes or decisions. The Court in Norway, before which an action of this nature probably would be brought, is composed of six "assessores" or judges, who act as jurors, find and ascertain the amount of damage done and who decide the whole issue. This Court has no original jurisdiction in ordinary cases. They hear the evidence and arguments of counsel, and from their decision there is no appeal save to the King himself, by whom they are appointed for the term of their lives. These judges are noted for their learning and stern justice. The rules of evidence are simple and direct, and no such scope or latitude is allowed as by the laws of England or the United States. I never knew of an action like the Tilton-Beecher case to have been brought before the courts of Norway, nor did I ever see or hear of any Norwegian of the character of either Beecher or Tilton, and it is difficult to say how the rigid law of the Norsemen would operate if applied to decide this issue. Norwegians are entirely lacking in that sentimental extravagance, those passionate and fickle ingredients, which seem to have been the main cause for the Brooklyn controversy. If you had Norwegian judges to decide this issue I feel confident that they would not for a moment entertain those fantastic interpretations of the letters in suit, as attempted here. I think they would punish both the litigants for disturbing the equilibrium of public decency and morality, and send them to Iceland, North Cape or some other similar place, where they could cool themselves among the gushing geysers and snow-clad mountains.

THE OLD DANISH CODE, A. D. 1683.

"Under the old Danish code, as compiled by King Christian V., of Norway and Denmark, the following law applied to the punishment of adultery. It reads as follows:—

"ON LOSAGTIGHED," A. D. 1683.

1. If an unmarried man or woman shall be guilty of adultery he shall pay to his female master twenty-four ounces of silver and she twelve ounces of silver, and make public confession. If they have no money to pay the penalties they shall be fined what the Court directs, with imprisonment, should they marry each other, however, he pays as penalty only four and a half ounces of silver and she half as much, and be exempted from public confession.

2. Should a guardian commit adultery with his ward, or with a widow whose guardian he is, if he be unmarried, he shall be forced to marry her if she insists. If she will not, then he has forfeited half his property to her, besides the penalties to his female master. If he cannot marry her because he is married, then he forfeits all his property, to be evenly divided with his victim and his master.

3. If a man and woman appear to be living and are suspected to live in adulterous intercourse they shall be ordered to leave the township, and if they do not they shall suffer the punishment of the Church and also of their masters. Outside of all the old Lutheran churches were stone posts, or pillories, to which offenders were tied on sundays, exposed to the gaze of the church going people.

4. If a person, either personally or through others, asks a man for his daughter, and then seduces her before the engagement takes place or before he receives the father's consent, then he shall marry her, if her parents or guardians demand it. If they do not, then he shall give her a reasonable amount of money, according to his position in life.

5. If a woman accuses a man of adultery with her, and thus publishes her own shame and makes herself a ——, and no facts can be proved against the man, then she must prove it or pay a fine of half a pound of silver for being a common liar.

6. If a man shall accuse a widow or maid of adultery, then he shall be made to pay the same amount if he cannot prove it.

7. If a person commits adultery repeatedly with a hitherto virtuous spinster or a widow, then he shall not alone pay the penalties as above ordered, but he shall be punished by death or in any way, with the highest punishment possible, to intimidate others.

11. If the man who commits adultery inside the King's palace and who is a sworn officer of the Crown shall lose two fingers, and if the woman is in charge of the key of places where beer, food, clothes, money or any other property is stored, which she was to take care of, then shall the man who commits adultery be considered a public thief and punished accordingly.

15. If a man or woman be guilty of incest they shall be burned to death.

16. If a woman alleges that she has been seduced then she shall communicate the fact to her neighbors and to the public town crier, and then there is a presumption that what she states is true; but if she keeps quiet on the subject it is risk to infer that she is lying.

22. Any man who, by undue means or violence, elopes with another man's wife, widow or daughter shall lose his life when arrested. But if a married man commits the same offence with the wife of another, with her consent, then they shall