

SMOKING IN PUBLIC BARRED FOR WOMEN; POLICE ENFORCE LAW

Consternation Along Rialto as Detectives Order Ciga- rettes Put Out.

DOUBT ABOUT ITS PASSAGE

Head of Aldermen Never Heard of It, but Author Says Hylan Signed Ordinance.

PENALTY FOR PROPRIETORS

Ten Days or \$5 to \$25 Fine if They Permit Transgressions—Some Hotel Men Approve.

Hereafter women who smoke in public places will do so in defiance of a city ordinance said to have been passed on March 14 and put into effect last night. Enforcement came as a surprise to Aldermen, the police and the whole city and carried with it the threat of arrest, a fine of from \$5 to \$25 or ten days' imprisonment for those who permit women to smoke in restaurants or other resorts.

Murray Hulbert, President of the Board of Aldermen, said that he was certain no such ordinance had been passed, although its author, Alderman Peter J. McGuinness of the Greenpoint section, Brooklyn, insisted that Mayor Hylan had signed it.

It was made the subject of a general order by Police Commissioner Enright and sent to every station in the city. The order was read to the men when they were "turned out" and in some precincts sergeants were sent to carry the tidings into places where women meet and smoke.

The order brought consternation in some of the places along Broadway and in Greenwich Village. It was in the Village that it aroused the greatest resentment for, as a woman proprietor of a tea room said, almost every woman in that section smokes and each one would give voice to her indignation when they get together.

The police sergeant sent out from the Mercer Street station had no more than started on his mission than the Greenwich Village Chamber of Commerce was asked to take up the matter and it was said later in the T. N. T. tea room in MacDougal Street that there was little doubt opposition would crystallize in some action against the new law. The villagers seemed to feel that it was particularly directed against them. They at least intended to see that it was enforced in Broadway as well as in Sheridan Square.

The general order which the police read to the managers of some of the restaurants was headed imposingly in large type: "Females smoking in public resorts."

Carries Prison Penalty.

The general order continued; "An ordinance for the preservation of good order in the City of New York, contemplating the provisions of subdivision 14 of Section 49 of the Greater New York Charter.

"Be it ordained by the Board of Aldermen as follows: Section 1—No persons, firm, partnership, corporation or association of whatever character owning or controlling, either as proprietor or manager, any hotel, restaurant, place of public entertainment, or other place of public resort in the City of New York, where persons congregate whether for purposes of refreshment or entertainment, shall allow any female to smoke, such an act being construed as a contravention of the provisions. * * *

"Section 2—Any violation of the provisions of this ordinance upon conviction thereof before a City Magistrate shall be punished by a fine of not less than \$5 or more than \$25 or by imprisonment in the City Prison or both. But no such imprisonment, however, shall exceed a term of ten days.

"Section 3—This ordinance shall take effect immediately."

President Hulbert of the Board of Aldermen said that he was not at the March 14 meeting, having been in Albany that day, but that he was certain that no such ordinance was passed. "I know," he said, "that no resolution against cigarettes of any kind has passed the board since Jan. 1. There will be an investigation tomorrow."

Doubt About Passage.

Commissioner Enright's order stated that the ordinance was passed by the Board of Aldermen on March 14 and signed by the Mayor on March 21. The City Record of March 16, which contained the official report of the Board of Aldermen meeting on March 14, contained no reference to the passage of the ordinance.

Alderman William T. Collins, Vice Chairman of the board, majority leader, said last night at his home, 201 East Thirtieth Street, that it was news to him that the ordinance had been passed.

"I distinctly remember voting to lay the proposed ordinance on the table in February, and thought that was the last of it," Mr. Collins said. "I don't be-

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SMOKING IN PUBLIC BARRED FOR WOMEN

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Have the ordinance been passed. If it has slipped through, I think a movement will be made to repeal it."

The ordinance was introduced by Alderman McGuinness and was greeted with considerable levity by his colleagues upon its introduction.

Alderman McGuinness insisted last night that the ordinance was passed on March 14 but was not specific as to details. When told that The City Record report of that particular reference contained no reference to its passage, Alderman McGuinness expressed surprise. "It passed on March 14, all right," he said.

Passed on Roll-Call.

"What sort of a vote was taken?" he was asked.

"Oh, it was passed on a roll-call," he said.

"Alderman Collins and others of your associates could not remember its passage," he was informed.

"Oh, lots of things go on that they don't know anything about," he replied.

Alderman McGuinness then went on to say something about the adoption of the minutes of the previous meeting having something to do with it but would not explain further.

"And the Mayor signed it," he added.

"That's the point," he was told.

"How did it get to the Mayor?"

Alderman McGuinness insisted that the Mayor signed the ordinance on March 22 instead of March 21, as stated in the Police Commissioner's order.

The present ordinance is the second of the same kind introduced by Alderman McGuinness. The one last year was filed, which is the technical expression for saying that it was killed and placed in the record of the board's proceedings.

In introducing the ordinance early this year Alderman McGuinness said that he, his wife and his sisters had been shocked to see women smoking in restaurants.

Sees Morals Endangered.

"The morals of our young girls are menaced by this cigarette smoking," he was quoted as saying at the time. "I wish to stop this cigarette smoking in the restaurants of our city.

"If the morals of all New York were those of Greenpoint there would be no crime wave. But young fellows go into our restaurants to find women folks sucking cigarettes. What happens? The young fellows lose all respect for women and the next thing you know the young fellows, vampired by these smoking women, desert their homes, their wives and children, rob their employers and even commit murder so that they can get money to lavish on these smoking women. It's all wrong and I say it's got to stop."

The order went through the office of Chief Inspector Lahey. It was received differently in different parts of the city. For example, the indignation of Greenwich Village was not reflected in the big hotels. The managers of some of these places said that it was a step in the right direction. Smoking had been permitted in some parts of the hotels, it was said, but it had never been encouraged.

"As a rule, hotel men do not favor women smoking in the big dining rooms, but it is a fact that about 50 per cent. of the women who eat here smoke," said J. F. Sanderson of the Ritz. "I do not see how we are going to prevent them from smoking if they so desire, but I am glad of any movement that will check the habit."

Other Hotel Men Approve.

The same sentiments were expressed at Delmonico's, the Hotel Ambassador and the Commodore.

The new ordinance was called ridiculous by A. Borgo of the Club Royal, in East Fifty-second Street. Mr. Borgo said that he was the first restaurant manager who permitted women to smoke in a public place in this city. This, he said, was in 1906, when he was manager of Martin's restaurant, in Twenty-sixth Street.

The police of the Mercer Street and the Charles Street stations voiced the opinion that the Village, divided between both stations, would be more vitally concerned in the new ordinance than any other part of the city. A policeman explained that along Broadway women smoke in public places when they want to, but in the Village it is incessant and is not a habit but a "necessity."

Women Plan Resistance.

There was a movement in the T. N. T. tearoom for a committee of women to call at the City Hall and protest to the Mayor that their personal liberties had been interfered with and that they were certain their constitutional rights had been violated by the ordinance. Just when this committee would be formed depended upon the speed with which the women could get together. Late last night when things began to quicken in the village there was evidence of this getting together promptly.

The other proposal, and this it was stated unofficially had the favor of the members of the Greenwich Village Chamber of Commerce, was to organize a group of women and send them into the large hotels to smoke in public and see what new law is.

"If this new law is going to be enforced all over the city we will have to obey it down here," said a villager. "If it is only going to be enforced in Greenwich Village and in certain spots in the city the authorities will face a revolt. We will start out to make it universally enforced, and if it is not then we will find out the reason why."

It was station house opinion last night that it would be difficult to obtain

convictions under the new ordinance. In most of the places visited by the police it was said that notices forbidding women from smoking would be posted in conspicuous places. If this was done, it was said, women who were caught smoking would be doing so in direct violation of the rules of the management, and so it would only be in rare cases that it could be proved that the management permitted women to smoke. The new ordinance, it was said, does not subject the offender to any sort of punishment and it was the management held responsible.

One restaurant keeper instanced the fact that only recently two women had smoked in a part of his restaurant where women were not permitted to indulge in tobacco. He spoke to them about it and both refused to stop smoking. They pointed out that men were smoking in the same room and said they would not tolerate any attempt to set up a double standard of conduct.

"In such a case under this ordinance all I can do is to call a policeman and have them arrested," he said. "Surely a restaurant keeper will go a long way before he will do this sort of thing. In the first place, he may offend a good customer, and again, as I look at it, he makes himself responsible for the arrests and must suffer the consequence if any mistake has been made. I believe warnings will be frequent and emphatic, but arrests, at the instigation of the management, will be few and far between."

Absurd, Says Miss Hay.

Miss Mary Garrett Hay of the National Woman's Party, although she does not smoke herself, said she thought it was absurd to tell women they should not smoke if they want to.

"If they are telling the women they must not smoke in public they should tell the men not to also," she said. "It is perfectly ridiculous. Women should not be discriminated against in any way, and aside from that I think the police could be better occupied in curbing crime and stopping some of the hold-ups and housebreakings that are going on. It is an infringement of personal liberty, as well as discriminating against women."

It was difficult last night to convince Miss Ruth Hale, President of the Lucy Stone League, that the Board of Aldermen had passed such an ordinance and that the police had set out to enforce it. Miss Hale, whose organization is fighting for the right of married women to retain their professional names, thought at first it was a joke that while women were contending for new equalities they suddenly should find themselves discriminated against in what so many of them regard as a question of personal taste without any moral aspect. Miss Hale was too astonished at first to make coherent comment, but after her first outburst of indignation she said:

"I am an inveterate smoker. Most of the women I know smoke. They will not believe it. I suppose it was an inevitable follow to prohibition and all that sort of thing. You may be sure there will be strenuous resentment on the part of women generally. They can be counted on to mobilize to fight such an ordinance. Members of women's clubs, political leaders, women who do things and women who don't, most certainly will join forces to resist any such infringement on their liberties."

Think Law Discriminates.

"No doubt the justification that will be urged will be that the ordinance is in the interest of public morals or something like that, but I do not believe any such contention can be sustained. In the past women have conceded the right of hotels and other private places to make their own rules, while, of course, they have insisted that no public conveyance or anything of that nature could make laws which discriminate against women. This is a law that discriminates against women, and at first thought it seems most probable that it will be attacked on that basis.

Moreover, the Board of Aldermen may expect the women to voice their indignation in no uncertain terms; beyond question, there will be vigorous demands for the repeal of the measure."

Miss Mercedes de Acosta, poet and sister of Mrs. Philip Lydig, heard of the "no-smoke" ordinance last night. At her home, 134 East Forty-seventh Street, she said:

"It's remarkable! One more piece of liberty gone. Why, the ordinance is outrageous. I fail to see why one can't smoke in public—certainly there is nothing wrong in it. How did they ever pass such a measure. I am sure that if it had been known that such a step was in contemplation that protests would have been lodged against it."

"Simply comic," said Alice Duer Miller, author of "Are Women People?" and other books, when told of the ordinance.

Will Enforce Ordinance.

Frank V. Martin, assistant manager of the Waldorf-Astoria, said last night that in the matter of the anti-smoke ordinance the hotel would enforce the law. He authorized this statement for the hotel.

"We have obeyed all the laws during the twenty-nine years we have been in business. We have our reputation to consider, and we shall enforce this law just as we would any other law. We have lost money by enforcing the Volstead act and the Eighteenth Amendment where smaller places profit by winking in authority of the law."

Nobody in authority would speak for the position the McAlpin would take. It was said, however, that the hotel would strive to co-operate with the authorities. A reporter was taken into the grillroom, where many women guests were smoking. Four out of five, it was said, smoked. As a possible measure for enforcing the law without bringing offense to any guest, the McAlpin may place on each table a copy of the ordinance conspicuously beside the menu.

"Such a notice could take the place of the wine card," it was said.