

1912

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Recommended Citation

Chester G. Vernier, Annual Meeting of the Illinois Branch, 3 J. Am. Inst. Crim. L. & Criminology 249 (May 1912 to March 1913)

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ANNUAL MEETING OF THE ILLINOIS BRANCH.

CHESTER G. VERNIER, UNIVERSITY OF ILLINOIS.

The first annual meeting of the Illinois Branch of the American Institute of Criminal Law and Criminology was held in the building of the University of Illinois School of Pharmacy, Chicago, May 9 and 10. The program given was substantially as reported in advance in the May number of the JOURNAL at p. 130. Although the attendance was not as large as the excellent papers and the spirited discussions merited, yet it was a source of gratification to the officers of the society that all present took part in the proceedings and that much interest was aroused.

The Illinois state society was organized June 21, 1911, at a meeting held in the University Law School library. The meeting was called by Judge O. A. Harker, chairman of the committee on organization. A constitution was adopted, officers elected, and plans made for the work of the following year. The May meeting of this year was the first annual meeting of the society.

Judge O. A. Harker, Dean of the University of Illinois College of Law, delivered the annual address of the president. The address was devoted chiefly to the consideration of the desirability of two reforms. First, Sec. 431 of the Criminal Code, making juries judges of both the law and fact in all criminal cases should be changed. Second, Legislation should be enacted making it possible to amend indictments and informations. As long as the grand jury remains, perhaps amendments should not be allowed to go so far as to charge an offence different in character and grade from that presented by the grand jury.

Professor Charles Richmond Henderson of the University of Chicago and International Prison Commissioner for the United States, followed with a paper dealing with crime conditions in Illinois, the need of more adequate criminal and judicial statistics, causes of crime and suggested remedies. The portion of his paper which dealt with statistics will be published later in this JOURNAL. It can not be affirmed that crime is decreasing. Any scientific study of the subject must begin with an improvement of our records. The speaker advocated legislation requiring all courts to keep proper records and

to make uniform returns to a central state officer. He discussed also the causes of crime and suggested remedies.

Col. Nathan William MacChesney in discussing Dr. Henderson's paper, stated that it was a somewhat startling fact that the Illinois National Guard had been called out oftener in the past three years than in the entire previous history of the state. This would seem to indicate an increase of crimes of a particular kind, growing mainly out of economic disputes and racial differences. He noted with discouragement that the communities so disgraced seemed to feel no reaction, the business men seeming to be concerned only with its effect on business. He spoke further of the fact that while prison officials are becoming more and more interested in the problem of reform of the criminal law, there is still a great lack of interest on the part of the bar and the state's attorneys. The latter are often young and incompetent and the members of the bar practicing criminal law do not as a rule represent the best or even the average of the bar in general. Some of the remedies suggested by him were—to extend the probation law, get statistics of crime, enforce the laws promptly, abolish the twice in jeopardy rule, and give the state the right of appeal.

Professor Robert H. Gault of Northwestern University, and managing editor of the JOURNAL, spoke of causes and prevention of crime in his discussion of Dr. Henderson's paper. He criticised Lombroso's born criminal theory. While statistics showed no direct connection between immigration and crime, yet it does appear that there is an undue proportion of criminals among the children of the foreign born. This he attributed to lack of parental restraint under new conditions, and to the fact that so few of the children of the foreign born continue in school, even to the fourteenth year of age.

Others who engaged in the discussion of the foregoing papers were Judge Gemmill of the Municipal Court of Chicago, Mr. White, Edward T. Lee, Dean of the John Marshall Law School; Professor I. M. Wormser of the University of Illinois College of Law, and Judge Spurgeon of Champaign County.

The first paper of the Friday morning session was by Judge Clyde E. Stone of the County Court, Peoria, on the subject, "Existing Methods of Dealing With Juvenile Delinquents in Illinois and Suggestions for Improvement." It will later be published in full in this JOURNAL.

E. A. Snively, member of the Board of Pardons, Springfield, read a paper on the present status of probation and parole in Illinois, in-

MEETING OF THE ILLINOIS BRANCH

cluding the adult probation law. He traced in detail the history of probation and parole in Illinois and examined into the question of its efficiency. Mr. Snively thought the adult probation law desirable, but said little of it, since it has been in effect only one year. He strongly approved of the extension of the parole system, and went so far as to advise the placing of all crimes under it, even including murder. He declared that the court or jury should sentence only to prison without term fixed. Sentences as fixed by court and jury are uneven and unjust. This is true of one county, and the discrepancy is even more apparent when different counties are compared. He cited many cases where the jury and even the court and the state's attorney were woefully ignorant of the prisoner's past criminal history, all joining in a recommendation for clemency in cases where the board later found the prisoner to be a hardened offender. He disagreed with a statement of a previous speaker to the effect that all state's attorneys disapprove the parole law.

The first paper of the afternoon session was by Professor Albert M. Kales of the Northwestern University Law School on "Organization of Courts." By an examination of the present methods of organizing courts he showed the difficulty, if not impossibility, of any court becoming expert in any line. The ordinary judge is elected at the age of forty. He is confronted with hundreds of cases of very diverse nature. The ordinary judge has three years at common law, one year in the criminal court, one year in chancery and three years in the appellate court. He has no time to learn anything. He declared that the lack of expertness on the part of courts and the lack of system which precludes expertness, constitute the greatest indictment of our judicial system. Some of the difficulties, including rotation of judges, it is impossible for the courts to change by rule, since they are controlled by statutes and constitutional provisions. Much, however, can be done by legislation without waiting for constitutional changes. Some of the changes advocated by Professor Kales are as follows: 1—Divide the circuit and superior court into a common law and chancery branch. 2—Give each division a presiding judge and give him power of control over docket, calendar, etc. This presiding judge should be chosen by the supreme court. The chief justice may well be left to rotate as at present, for he has no power anyhow. 3—Let these two presiding justices and the chief justice compose a judicial council. 4—Have assistant judges appointed by this council and also have this council appoint masters in chancery. 5—Give the presiding judge of the law branch power to assign judges to care for

criminal cases. 6—Separate commercial cases and place them on a separate docket for the superior court. 7—Let this judicial council make rules of practice and procedure, prescribe duties of masters in chancery, and regulate the clerk of court. Above all, stop rotation and give each judge as nearly as possible one particular line so that he may have a chance to become expert.

Harry Olson, Chief Justice of the Chicago Municipal Court, thought that much could be done by rules of court without legislation and that the rest should wait until a thorough report could be had by a commission which could propose appropriate legislation and constitutional amendment. For the city of Chicago he suggested that there should be a single court composed of three divisions—circuit, criminal and municipal. This would effect a great saving in expense. Considering one item only, there are now four chief clerks with salaries of \$9000 each. One clerk of a combined court could do the work of all four at a saving of \$27,000. He declared that the bar must take action along the lines of efficiency and economy for courts or outsiders will do so. Already large taxpayers are becoming impatient with unscientific management. He thought that courts should have more power so that they can accomplish results along this line. He enumerated the powers given the Chicago Municipal Court and showed how many economies had been effected. He also thought it highly advisable that courts should meet once a month to discuss their business.

Professor W. W. Cook of the University of Chicago Law School, who followed Judge Olson in the discussion, spent most of his time in a consideration of the question how this society should proceed to reach the best results in its field of work. He felt that the society had been organized long enough to do more than meet and consider questions and pass resolutions concerning them. We must have permanent committees of investigation, and since most of the members of the society are very busy men we should consider the advisability of securing paid helpers if possible. An effort should be made to enlist the co-operation of the State University as is done in Wisconsin. We should co-operate with the national organization and with the other state branches, and no committee should report until it can do so thoroughly.

The last paper of the meeting was that of William N. Gemmill, Judge of the Chicago Municipal Court, on "Criminal Procedure." This paper is published in full in this issue. It was discussed by John F. Voight, Assistant United States Attorney of Mattoon, and

MEETING OF THE ILLINOIS BRANCH

Professor I. M. Wormser of the University of Illinois. Mr. Voigt expressed the opinion that we should go slow in abolishing the grand jury, since that it works well in country districts, where it often uncovers matters that a prosecuting attorney can not reach. Smaller offences should be prosecuted on information. He approved Judge Gemmill's suggestion that exceptions to the charge to the jury should be made before the jury retires. This is done in the Federal courts and in eighteen states. In addition he recommended the following: 1—That short forms of indictments be allowed. 2—That no informations should be amendable except to change the offence. 3—That writs of error should be allowed to the state on preliminary orders and on the construction of statutes. 4—That reverse should be allowed only for prejudicial error as in U. S. courts since March, 1911.

Professor Wormser closed the formal program of discussion. He developed the point that the Illinois Supreme Court does not at present reverse for error that does not go to the merits of the case.

Action was taken on the following resolutions:

Resolved, That the president is requested to appoint a committee of five members to prepare a bill providing for an adequate method of securing and reporting to a central state authority the statistics of crime which come to the knowledge of police, courts, and prisons, including reports of crimes whose authors are unknown."

Note—Since the above article was put in type the legislature of the state of Illinois has unanimously authorized the establishment of a state bureau of criminal statistics under the direction of the Board of Charities and Corrections. The text of the law will be published in the following issue of this Journal.

This motion was approved at a meeting of the executive council with the recommendation that the central state authority therein referred to be the state charities commission. The council recommended also that a general committee of five be appointed to care for all matters of a legislative nature. The resolution together with these recommendations was carried by a vote of the society and a legislative committee was appointed.

It was resolved also that in the opinion of the society two more schools of the St. Charles type and one of the type of the Geneva School should be constructed by the State.

C. A. Purdum at the close of the meeting moved that the society should express its approval of the proposal to extend the age limit of first offenders to 25 for the purpose of sending to the reformatory. As it was too late for the executive council to consider this and report back, it was voted to refer the matter to a committee.

CHESTER G. VERNIER

The three resolutions following, recommended by the executive council, were carried by vote of the society :

Resolved, That the Secretary be directed to communicate with the United States Senators and Congressmen from Illinois, requesting their earnest efforts to secure from Congress an appropriation sufficient to publish at the earliest moment the criminal statistics recently compiled by the Census Bureau, and to take such other steps as may be suitable for that purpose.

Resolved, That the Legislative Committee be directed to prepare and cause to be presented in the State Assembly a bill extending the age from fourteen years to nineteen years for children under the supervising powers of the local educational authorities, and vesting them with power to compel the attendance at a useful occupation of all such children as do not attend a school; to the end of preventing that youthful idleness, which is a prolific breeder of crime.

Resolved, That the chairman of the executive committee be requested to negotiate with the executive committee of the State Bar Association, with a view to holding the annual meeting of this Society at or about the same time and place as the State Bar Association, and to securing the publication of its proceedings in the same volume with that of the Bar Association.

The following officers were elected for the coming year :

President—Hon. Orrin N. Carter, Chief Justice, Illinois Supreme Court.

Vice Presidents—William N. Gemmill, Judge, Chicago Municipal Court.

E. A. Snively, Member Board of Pardons, Springfield.

Secretary—Chester G. Vernier, Professor of Law, University of Illinois, Urbana.

Treasurer—Walter W. Cook, Professor of Law, University of Chicago.

Executive Council—

Judge O. A. Harker, ex-officio, Chairman, Dean of the College of Law, University of Illinois and former President of the Illinois State Society.

John H. Wigmore, ex-officio, Dean of the Northwestern University Law School and former President of the American Institute of Criminal Law and Criminology.

Nathan William MacChesney, ex-officio, former President of the American Institute of Criminal Law and Criminology.

George T. Page, of the Peoria bar, former President of the Illinois State Bar Association.

Charles R. Henderson, Professor of Sociology, University of Chicago, International Prison Commissioner for the United States.

MEETING OF THE ILLINOIS BRANCH

Robert H. Gault, Assistant Professor of Psychology, Northwestern University. Editor of the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY.

James A. Creighton, Judge, Circuit Court, Springfield.

E. J. Murphy, Warden, Illinois State Penitentiary, Joliet.

The report of the committee recommending the above was adopted by the society. At the close of the meeting the newly elected president, Chief Justice Carter, made a brief address. His first official action was to call a meeting of the executive council to plan the work for the following year.