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CONTENTS

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EDITORIALS

ANNOUNCEMENT.

The fifth annual meeting of the Institute of Criminal Law and Criminology will be held in Montreal, Wednesday and Thursday, September 3 and 4. The opening session will occur Wednesday at 2 p. m. The Hon. John R. McDougall, Editor of the *Montreal Witness* and Hon. Frank B. Kellogg, president of the American Bar Association will deliver addresses of welcome. The annual address will be given by the Hon. Morefield Storey of Boston. This will be followed by the annual address of the President, Justice Orrin N. Carter. There will be reports from the following committees: Committee on Indeterminate Sentence, Probation, Insanity, Criminal Statistics, Organization of Courts, Crime and Immigration and Criminal Procedure. The discussion of these reports will occupy the sessions on Thursday. The meeting will close with the banquet on Thursday evening. The headquarters and the place of meeting will be the Hotel Windsor.

E. A. GILMORE, *Secretary.*

PRISON PLANS DELAYED IN ILLINOIS.

In this Journal, Vol. III, No. 5, at pages 795 ff., we have published a detailed account of the work of the Illinois State Prison Commission and the plans for a new prison as arranged by Mr. W. C. Zimmerman of Chicago, architect.

For many years improvement in the State Penitentiary at Joliet has been urgent. In their report to the Governor of the state dated October 1, 1904, the prison commissioners, referring to an earlier bill providing for an appropriation for a new cell house, say:

> "But the measure was defeated by the dilatory plea, that the location of the penitentiary was not good, and was getting worse by reason of the proximity of the Illinois Steel Company's works, which are encroaching upon us gradually, and whose grounds reach within 200 feet of the entrance to the prison, and it ought to be moved.
>
> "The unpleasant smoke, fine dust and gases from the blast furnaces and rolling mills of the Steel Company often envelop the entire prison grounds, to the extreme discomfort of the officers and prisoners."

This indicates the altogether unsatisfactory nature of the surroundings of the prison, which contribute to the foulness of the interior. The interior conditions are vividly described in the following extract from the same report:

"When one thinks of two men spending never less than fourteen hours each day, during six days of the week, and on the seventh nearly twenty-one hours, in a space so reduced—7x7x4—and with a slop bucket in the cell for their use in responding to the calls of nature, which no care can prevent from being offensive and pestilential in every sense of the word, he is compelled to ask what excuse the great state of Illinois can offer for compelling the management of this penitentiary so to deal with men who are required by law to serve sentences here, that they must eat, rest and sleep in quarters so contracted, so repellent, and so utterly unfit for the purpose, that their very existence is a disgrace to the state that permits it.

"We do not believe in any system that would tend to pamper prisoners nor to make the prison so attractive that confinement therein would have no terror for the evildoer, but we believe in a svstem that will preserve at least the health and strength of the inmates, so that they can perform the daily tasks allotted to them here, and be able to leave the institution in such physical and mental condition that they will have no excuse for not going to work as soon as occupation is found for them.

"One visit to the cell houses during the night time, a few breaths of the atmosphere coming from them, is all that is necessary to convince the most skeptical that the half has not been told by us, and we here and now enter our solemn protest against the continuance of such a system of herding men together to the detriment of their physical and moral natures."

Far from improving, the situation at Joliet has grown worse, at least as far as the immediately surrounding conditions are concerned. This statement is supported by the following which is taken from the warden's report, dated September 30, 1906:

"In previous reports made by the authorities of this institution great stress has been laid on the necessity for a new system of cell houses, with such modern improvements as are necessary to protect and promote the health of the inmates, but within the past two years the developments of the steel mills have been such as to show that they will more and more encroach upon the limits of the penitentiary. and thereby increase the discomfort and danger to health arising from the smoke and gaseous fumes of that plant.

"From careful investigation I am convinced that it is only a question of a reasonable time when they will add to their extensive properties coke ovens, in which case the penitentiary will be practically enveloped in an atmosphere which will vitally affect the health of all connected with our institution—employes and inmates alike—and such a condition of affairs ought not to be longer tolerated by the great state of Illinois.

"I, therefore, strongly urge the suggestion that you, in your report to his excellency, the Governor, bring to his special notice the deplorable situation in which the penitentiary finds itself in this respect, and recommend that the legislature authorize the purchase in a vicinity as near the present site of this prison as is consistent with due regard to surroundings and convenience of access to canal and railroad facilities, of a tract of from five hundred to one thousand acres of land, together with the necessary authority to erect thereon a new penitentiary worthy of our state.

"This could be done almost entirely by the labor of our own prisoners, as has so successfully been accomplished at the new United States Penitentiary at Leavenworth, Kansas, where the inmates not only built the structure, but also made the bricks from which it was constructed."

But it should be unnecessary now to go into such details. The above extracts emphasize the point that the need for improvement is not one that has suddenly risen. The people of the state are represented by a board of prison commissioners who have acted under spe-

cial authority to select and purchase a site for a new prison. The repesentatives of the people in the legislature have up to the present appropriated for the purpose of this commission a total of about $425,000, and the money has been spent. The question now is whether and how soon, the state of Illinois will realize on the investment already made. The conditions that surround the prison cannot become more favorable than they are at present. Indeed they must become worse.

Other measures are important and urgent, and not all can be fought to a proper conclusion at once. In a case like this, however, delay is waste to say the least. Another session of the legislature must not be allowed to come and go without substantial progress being made toward the realization of the plans of the commission.

ROBERT H. GAULT.

PARENTAL SCHOOLS AND JUVENILE CRIME.

A bill is pending in the legislature of the state of Illinois which provides what is undoubtedly a salutary modification in the Parental School Law. It is designated as House Bill 749. It was introduced by the Hon. Mr. Rothschild of Chicago at the request of the present writer. It grew out of the work of the committee on Vocational Education of the Illinois Branch of the Institute.

At present the Parental School Law in this state provides that truants 14 years of age or under in cities of over 100,000 population may be confined in the Parental School. It is in the nature of a penalty which assists in the enforcement of the compulsory education law. Children who are beyond the age of 14 may not be legally confined in such a school. At the same time the compulsory school law in Illinois requires that all persons who are not legally employed must be at school even beyond the age of 14 and up to 16 years. To those who are legally employed at this time of life the compulsion does not apply. But since the Parental School is closed to such persons during these two critical years, the enforcement of school attendance is less practicable than it would be otherwise, and in Chicago alone thousands of such children are idle in the streets and breeding crime. It is at this point that House Bill 749, if it should become law, would perform a valuable service. Its effect will be to amend the present law by providing simply that persons neither legally employed nor in school even up to the age of 16 years may be sent to the Parental School. In the opinion of many who are in a position to judge wisely in such matters the amendment proposed would be productive of great good. It

is to be hoped that it may be enacted. It has at any rate been favorably reported out of the Education Committee of the House.

In this connection it is proper to refer to an illuminating report of Mr. E. J. Lickley, supervisor of Compulsory Education and Evening Schools of Los Angeles. An extensive abstract of this report is published in *The Psychological Clinic* of May 15, 1913, pp. 84 ff., and from this abstract the following quotation is taken:

"The present compulsory education law in Los Angeles became effective July 1, 1903. In 1905 the school department took upon itself the task of solving the truancy problem by establishing a special school to which persistent truants were sent. This school very quickly demonstrated its educational, social and economic value and today the city has nine schools of a similar nature. . . . . .

"To these schools none but the persistent truants have been sent and yet for seven years the attendance has been almost perfect, the average attendance for the entire time being more than 99 per cent.

"The reports for the past seven years show very clearly the improvement in the method of dealing with truancy. Before the special schools were opened all persistent truants were arrested and taken before the Juvenile Court. This was a very expensive and unsatisfactory way of dealing with the problem. These truants are now taken care of by the school department at no expense beyond the cost of their education in a public school. The following figures are taken from the reports sent to the Superintendent's office for the past seven years.

		Enrollment
No. cases taken before Juvenile Court	1905-'06.....56	37,877
No. " " " " "	1906-'07.....30	42,998
No. " " " " "	1907-'08..... 1	46,092
No. " " " " "	1908-'09..... 2	48,430
No. " " " " "	1909-'10..... 3	52,054
No. " " " " "	1910-'11..... 2	57,038
No. " " " " "	1911-'12..... 0	67,875
No. " " " " "	1912-'13..... 2 (est.)	80,000

"As a direct result of the work of the special schools truancy cases from the city have disappeared from the Juvenile Court calendar. This represents the saving of many boys who otherwise would have gone from one delinquency to another until they had become hardened offenders and the inmates of a reformatory.

"We can realize the extent and importance of this work only when we know that 90 per cent of our criminals begin their career as truants. Arthur J. Pillsbury, formerly Secretary of the State

Board of Examiners, says: In nine cases out of every ten the first step on the criminal highway is taken by the *truant*. Mr. Pillsbury says also: In very self-defense children must be kept in school. There will be no diminution of criminality until this is accomplished.

"These startling statements, which are corroborated by the best authorities, demonstrate clearly that truancy is not only an educational problem, but a great social and economic problem as well. It logically follows then that money spent in correcting the truancy habit is a good investment. The special schools for truants have saved the state of California thousands of dollars during the seven years of their existence. Their work has been still more valuable and far reaching in that they have saved hundreds of boys from careers of criminality and started them well on the road to upright living and good citizenship.

"Boys are kept in these schools for periods of varying length, ranging from a few days to several months. More than 95 per cent make good after their stay in the special schools. This result is rather remarkable when the fact is considered that no boy who has been excluded from the regular schools for any cause, has been refused admission to the special schools. The troublesome, disagreeable, disorderly boy is a most valuable asset and the school must not refuse him a place just because his independent nature refuses to conform to arbitrary standards that even experts cannot accept.

"The special schools have demonstrated the fact that truants will attend school when school conditions are natural and the boy is not compelled to adjust himself to an environment artificial in its nature and detrimental to the individual growth and development of the independent boy. As a direct result of these schools expulsions have disappeared from the Los Angeles schools, suspensions are reduced to a minimum, and the so-called bad boy has practically ceased to be a problem there."

The subject matter of the above extract is a sufficient argument for the parental school as an agent of preventive criminology.

ROBERT H. GAULT.

LEGITIMATE LIMITS OF COUNSEL IN SUMMING UP.

The public knew that some lawyers were morally rotten. But the public was not aware that lawyers openly declared their rottenness and justified it, or revealed their rottenness and thought it purity.

The profession of law is confronting a perilous time. It is iniquitous. It is getting more and more so. Corruption is not only in the

heart of the obscure, but in the cockles of the heart of the prominent. This is not the first time an editor of this Journal has called out in clarion tones to the profession to be on its guard, to clean itself out, to get rid of its unworthy members. Nothing short of riddance will do any good. No amount of denunciation will pierce the thick hide of the callous wrongdoer. The medicine indicated is an emetic. The problem has become important for us. The proper solution of it has become necessary to our very existence. I am no alarmist. But history is history, and we had better take heed of it. We must clean ourselves out, or the people will do it for us. No one can tell where hot passion will end. If we allow our sacred garments to be touched by profane hands, Lord pity not only our garments but our very selves. It will serve us right; we shall deserve no better of the community we shall have betrayed.

In New York City the police force has undergone a thorough overhauling. Trial after trial of members of the force has been had, and convictions obtained. First it was the Lieutenant who aided and abetted the murder of a gambler. Then it was the gangsters who had committed the murder; then the policemen who had been concerned in taking money from keepers of disorderly houses; and finally the Inspectors, the highest uniformed officers of the force. All these have been convicted. But my business at present is not a history of these prosecutions. It is, rather, a discussion of a statement made by one of the counsel for the defense on the trial of the four Inspectors for conspiracy to keep out of the jurisdiction a witness who would give damaging evidence against them.

The statement was made on summing up. Captain Blank had turned state's evidence against the Inspectors. He had told how one of these Inspectors had known of the giving of money to the witness who was to be kept out of the state. It was the contention of counsel for the Inspector concerned that the latter became privy to the fact that the witness was being kept out by money contributed by members of the police force, only after the money had passed. "Now," said the distinguished counsel, "He could have done what he did—kept silent about it, or he could have come to the District Attorney and told him about it. Captain Blank, who has turned state's evidence, has become a stench in the nostrils of this community. He deserves ostracism. To have betrayed his colleagues is a dastardly thing to have done. He is mean and low, and no one should associate with him. His turning against his comrades makes him by that very fact unworthy of the society of men. Should my client, Inspector Blink, have done as Captain Blank did? Should he have come to the District Attorney and said to him that a crime had been committed by his brother officers? The town would have been stifled

with the stench of this action. It would have branded him as an outcast. No one could or should have stomached him. He did what any of us would have done; he did what any lawyer would do for a brother lawyer; he did what any clubman would do for a fellow clubman. He did what any of you, gentlemen of the jury, would have done in similar circumstances. He kept still. He was silent. He didn't come to the District Attorney and squeal, and thereby stink all over town."

I have not given the exact words of this distinguished member of the Bar. The ill-smelling words are his; the fragrant ones are mine. I vouch, though, for the correctness of the substance. I must premise that the statement did not enter into the merits of the case anyway. If the gentleman thought it did he was in error. The guilt or innocence of the client did not depend upon the rightness or wrongness of the proposition laid down. It was all mere obiter. The blunder was by so much the more reprehensible. This gentleman said in the course of his speech to the jury that he had been in practise for twenty-five years. He does occupy an enviable position at our Bar. He is, in addition, the author of two insignificant books treating of the art of cross-examination and trial practise, in a popular way. Though the books are worthless, though they contain nothing that is not better expressed in any number of works I might mention, though they include much fat and little meat, they are somewhat used. And in spite of the fact that they inculcate expressly and by implication the idea that a trial is a game, and that all sorts of tricks are allowable, and not at all that it is a stern, solemn proceeding for the ascertainment of truth, they have acquired a certain sort of popularity. He is a man who is looked up to, especially by the younger generation. I saw present at the trial young men just out of school, and some still raw and callow in the practise of law. To these there is responsibility. To these, as well as to others, men like this distinguished counsel must talk. What are such members of our profession going to think about it? What are they going to do about it when they hear declared in open court by a person who is prominent and mighty in the profession that to break the law of morals is a sacred duty not only of a lawyer, but of a clubman, of a policeman, of a juryman, of all of us? What is the public who listens in wondering astonishment to this oracle to think of us lawyers when such a model speaks in our name, proclaiming that he who reveals to the lawfully constituted authorities that a crime has been committed is an outlaw and an outcast? Is it right? Is it fair? Is it just that we should be dishonored and debased in that way? Is it right that a distinguished lawyer in a foolish attempt to save a client from conviction of a misdemeanor should drag into the nether-

most depths of Hell unexperienced young men who believe in him; should disgrace a profession that is not yet, thanks be given, permeated with putrefaction, and should hold up to the community an ideal that is against morality?

Loyalty to lawbreakers, then, is a virtue. We have come to that. *L'Omertà* is not dead. It does not live only among barbarous peoples; it is rife among the most civilized of men. The issue is clear. Nothing can befuddle it. If I know that a crime has been committed, I am to be lauded if I remain silent. Indeed, it is my business to remain silent. If, on the contrary, I do what I can to help the lawfully constituted authorities to run down the lawbreaker, and assist in his prosecution and conviction, I am to be reprobated. I am to be shut out from my fellow men. I am no longer fit to live among them. I have proved traitor to the community.

Mark, that even as general propositions these statements would be monstrous. Proceedings indicated by the propositions may be excusable, or even necessary, in a peculiar state of society as among the Neapolitans under the rule of the Bourbons, because in that case the Bourbons were considered foreigners, invaders and usurpers, and the indigenes stuck together and pulled together in all things, in lawful and in unlawful things. But the propositions are applied to New York City. If I denounce a fellow lawyer because of his crime, am I thereby debarred from the enjoyment of the society of my honest brothers? If I denounce him, am I thereby *ipso facto* a traitor to my profession, and—oh! marvel of marvels—a traitor to law and order and the community? Is there among us a state of war? Are groups and cliques and classes, social, economic, political, and what not, entities separate from the whole? Are they all for themselves and nothing for the commonweal?

Right is right, and wrong is wrong. No one, not even a distinguished lawyer, can jumble matters so that two and two will make five. Two and two make four. The gentleman is far gone if he believes that what he advocates is right. And he is unfit to be at the bar if he is speaking for effect. A young, ardent advocate, fresh from school in the flush and ardor of his first great case might have been excused. We could easily have found reasons—the ecstasy of the moment—the heat of passion, the ambition that o'erleaps itself and falls on the other side. But even here I venture to say that not one youngster in a million would have burnt his lips and seared his heart to the extent of uttering such words. For truth is truth, and conscience is conscience. The moral law is one. It is known of babes and sucklings, as well as of distinguished lawyers.

No. The youth could not; he were too good. And he would not, if he could; he were too sensible.

A man struggling to keep his head above water in the seething ocean of life, fighting hard, able to work and willing to work, but finding no opportunity to labor in the vineyard on the shores—if this man plays foul, he may be commisserated. A Ugolino starving for want of bread, and tortured by the sight of his children dropping dead one by one, who crashes into law and morality to preserve his life and those dependent upon him, may be excused. A man oppressed by the weight of sorrow and dented by the unending blows of life who steams into law or morality and opens a wide breach in it may be pardoned. But these are all exceptions, and universally recognized to be such. Even in some of these cases, however, while we pity and exculpate, we deplore.

But there can be no excuse for an ordinary defender to traverse the bounds of counsel's liberties and ram into the most sacred principles of life and order and decency. The verities are eternal. Must we rediscuss and re-establish them? Have we forgotten the most elementary duties? Have our minds become obfuscated by too much light? Has Mammon overpowered us? Do we care more for a paltry victory than for the most fundamental truths of life? Does a distinguished member of the Bar care more for success in a misdemeanor case that the country is watching, than for his own good name, his own clean reputation, the reputation of his brethren, and the good of the commonwealth? Life still means intensely, and it means good. It does not yet mean flabbily, and mean evil. How long are we to stand such procedure? Will the profession endorse the sentiments of this member? Will the public generalize? Will the few people in court who heard the remarks and looked at one another and smiled—will they lump us all together? Will the larger public outside that courtroom look to us for guidance, or will it trample us down as worms? We are serpents slyly working our way into the core of all that is pure, of all that is beautiful and of all that is true. Will the public allow us to continue on our way? Brothers of the bar, awake, arise, or be forever fallen! Let us bestir ourselves to better things, and a better life. Let us do our own house keeping and house cleaning, lest others do it for us. It is just to do it. It is politic. It is expedient. It is honorable. It is safe. It is self-preservative. It is preservative of the good of the state.

ROBERT FERRARI.

FUNCTIONS OF THE GRAND JURY.

In recent years it has frequently been proposed to do away with the grand jury and in many of the states crimes are now more fre-

quently prosecuted by information alone than by indictment. One of the reasons given for doing away with the indictment and prosecuting by information alone is that informations may be amended, while no substantial amendment can be made to an indictment, as it is considered to be the work of the grand jury and wholly within its control. This reason is not valid. It is true that substantial amendments to indictments are not permitted in many states, but there is no reason why they should not be as well as to informations and in some states they are permitted. Indictments are, as a matter of fact, prepared by the prosecuting or state's attorney and are generally so as a matter of theory. In Pennsylvania, for instance, all indictments must be signed by the district attorney. The grand jury returns "a true" or "not a true" bill—in legal effect simply certifying that there is probable cause justifying its submission to a trial jury. A distinction must be made between presentments by the grand jury and indictments and in modern practise there must be an indictment founded on the presentment before the case can be brought to trial. There is no necessity of doing away with the indictment in order to meet this difficulty; all that is necessary is to provide that it may be amended, provided the character and grade of the offense charged is not changed.

It is said that the grand jury is necessary and that it acts usually upon the recommendation of the state's attorney. This is not correct and any prosecuting attorney could refute the statement. Usually, while the state's attorney may examine the witnesses and is the adviser of the grand jury, he may not be present and may not influence them in their deliberations. While grand juries may be influenced by the attitude of the district attorney, they can and do form their own opinions and act on them. In Pittsburgh, during the year 1911, of 3,144 bills of indictment submitted to grand juries, 1,204 were found not true bills. As a matter of practical administration, the work of the grand jury here represented a considerable gain in efficiency in the elimination of cases which should not be tried. If these ignored bills had been informations they would necessarily have been tried in court with increased expense and loss of time of the court.

But more important than the matter of administration is the inquisitorial power of the grand jury, the loss of which would mean a decided gap in our machinery for administering justice. The powers of the grand jury in investigating offenses against the criminal law are most useful adjuncts and should be preserved. We have nothing to take their place. In Europe the criminal magistrate has powers

and performs duties in the investigation of crimes which with us are divided between the police and detectives, prosecuting attorneys and grand juries. The European system could not be introduced here without radical changes in our ideas of criminal prosecution, and in the absence of the investigating magistrate the inquisitorial powers of the grand jury are most useful. It is claimed that in fact grand juries rarely exercise these powers and that the state's attorney and the police do all the investigating. This is a mistake. Much is, of course, done by the district attorneys and by the police, but much that they cannot do is done by grand juries. The district attorney, the policeman or the detective can interview persons, but they cannot examine them under oath and they have no power to compel the attendance of persons before them or to compel them to give them information. In many cases the investigation of a crime would not get very far except for the power of the grand jury to summon witnesses and compel them to testify. An example of the usefulness of the grand jury in the investigation of crime is the recent investigation of the New York police department, with the numerous indictments and convictions following. Little could have here been accomplished had it not been for the grand jury or something to take its place. In numerous cases of bribery in elections we find grand jury investigations resorted to as the only practicable means of enforcing the laws, in the case of offenses committed in state institutions they are the most efficient means of prosecution and again in cases of riots the same is true. In short, far from being rare in its exercise, the investigating power of the grand jury is in constant use and indispensable. We need the grand jury. It may not be essential to the protection of the citizen that his right to be put upon trial for crime only upon indictment by a grand jury be preserved, but it is essential to the state to preserve so valuable an instrument in the administration of the criminal law.

EDWARD LINDSEY.

THE CASE OF OLLIE TAYLOR.

Few if any cases arising from the practise of our courts in dealing with juvenile delinquency have received more public attention through the daily press and otherwise than that of Ollie Taylor. The public need hardly be reminded that this Ollie is the Georgia lad who, in April, 1910, was committed to the Fulton County (Ga.) Industrial Farm "for and during his minority," he having been accused and found guilty of purloining, among other things, a bottle of coca-cola

of the value of five cents. The matter was commented upon by the present writer in the last issue of this Journal under the title: "The Benevolent Colony of Georgia."

Wherever the story of the litigation arising from this case has gone, there, too, has appeared a published letter from Miss Julia Lathrop, of the Children's Bureau at Washington. In that letter Miss Lathrop states, that while in Atlanta recently, she took occasion to inquire into the situation. The outcome of her investigation is that the industrial farm referred to is an excellent institution; that the Taylor boy is being kindly treated there, and that he is happy; that he is being educated; that the superintendent has the interests of his wards at heart and has the confidence of the community; that Georgia has a good juvenile court law that follows the general lines of our best legislation in this field, though, unfortunately, there is embodied in it such language as suggests the criminal code. Finally, it is urged, notably by the New York *Times* of May 24, that the state of Georgia has been misunderstood in her relation to the Taylor case, and even slandered.

For our part, we are ready, even without investigation, to assume that each of the foregoing findings, excepting the last two, is correct. With these exceptions, from our point of view, the results of Miss Lathrop's personal inquiry are beside the point. Our interest here is in appropriate legislation with respect to juvenile control.

It is true that Georgia has a good law relating to children's courts. They may be established as branches of the Superior Court under specified conditions. (Acts of 1908, p. 1107.) In section 895 (p. 183 of the Code adopted August 15, 1910) the judge of the Juvenile Court is given full power to "release the [delinquent or wayward] child on probation upon such terms and conditions, and for such period of time as the court may think fit; or to commit the child for such period of time as the court may think fit, either to an institution or to the care of some person who is willing to undertake such care; or, if the child is over ten years of age, to commit him to take his trial according to law." Under the terms of this Act several options are open to the court in disposing of the delinquent. There is even such a loop-hole as is provided in several very progressive states by which the judge may order the child to be proceeded against under the criminal laws of the state. "If such child is over ten years of age [the court may] commit him to take his trial according to law." Under this law of 1908 the court never loses his grip upon the delinquent during the term of commitment—and

this is as it should be, in our opinion. The state, through its most substantial institution—the courts—continues to act as the guardian of the weak. This is by no means a bad law. Perhaps it might be improved by specifying in detail the manner by which the court shall be kept acquainted with the progress of its wards, wherever they may be.

The law referred to here, however, does not appear to be the one under which Ollie Taylor was committed in April, 1910, to the Fulton County Industrial Farm. In all the proceedings before the Supreme Court at Atlanta in the habeas corpus proceedings last March, there is not a syllable relating to it. The court, instead, quotes the Act of 1900, section 1270, relating to industrial farms, to the effect that misdemeanor convicts under the age of sixteen years shall, in the discretion of the judge, be sent to the chain gang or to the industrial farm. These are the only alternatives. If the latter is chosen (Acts of 1901, p. 82, section 1271) the sentence shall be for and during the minority of the delinquent unless sooner discharged. In the matter of parole or discharge, full power is in the hands of the authorities of the farm. The committing judge has nothing whatever to do with it. We hope that section 1274 of the Acts of 1900 is altogether a dead letter in the state of Georgia. It provides that no juvenile criminal once committed to the chain gang can be thereafter transferred to the industrial farm!

For aught we know, the Taylor boy may deserve (if moral turpitude were a criterion) a life sentence in the penitentiary. That is neither here nor there. But the law quoted by the supreme judicial authority in the state of Georgia, besides allowing the court in juvenile cases an option that is altogether unthinkable in this year of grace, ties his hands most unnecessarily. He will not (let us hope) send a child to the chain gang. Then there is but one other thing to do: Send the delinquent to the industrial farm during his minority and let go of him absolutely. The law does not even outline the conditions upon which the authorities of the farm may release him. If we know anything about juveniles, it is that not all can be fitted into the same mold. Surely many juvenile delinquents ought not to be committed to an institution at all. Some should be immediately placed on probation by the court. At any rate, the judge in such cases should have a number of options before him—and it is not necessary to include one that is an offense.

Finally—and on this point there may be difference of opinion as there are differences in practise—the present writer believes that the

best laws make it the *constant duty of the court* to give to all children subject to its jurisdiction such oversight as will conduce to their welfare and the interests of the state.

In our opinion, whatever "wide misunderstanding of the case" Miss Lathrop has discovered can be laid at the door of the Georgia courts. The important facts, we believe, have been in public possession. Once more, if children's courts have not been generally established in the state of Georgia by the authority of the Act of 1908, it is high time it were being accomplished.

ROBERT H. GAULT.