

1917

## Proceedings of the Eighth Annual Meeting of the American Institute of Criminal Law and Criminology

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PROCEEDINGS OF THE EIGHTH ANNUAL MEETING  
OF THE AMERICAN INSTITUTE OF  
CRIMINAL LAW AND CRIMINOLOGY

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THE EDITORS

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The Eighth Annual Meeting of the American Institute of Criminal Law and Criminology was called to order on the morning of August 29th, 1916, at the La Salle Hotel, Chicago, by Mr. John H. Wigmore, who acted as Chairman of the Executive Council, pro tem. He introduced Colonel William MacChesney, former president of the Institute and retiring president of the Illinois State Bar Association, who welcomed the Institute to this meeting place on behalf of the Bar Association. After a brief address, Colonel MacChesney introduced Attorney General Lucy of the State University of Illinois, who spoke in behalf of the State. Mr. Lucy drew attention to the rapidly increasing number of public charity institutions of the State of Illinois and expressed his gratification. This Institute is devoted to the study of the conditions that bring this situation about and of constructive relief measures.

Mr. Wigmore then announced that the president of the Institute, Judge Ira E. Robinson of West Virginia could not be present. He had been nominated for Governor of the State of West Virginia and for that reason he was inevitably detained by the necessities of the political campaign. The first vice-president of the Institute, Mr. Hampton L. Carson of Philadelphia then took the chair and spoke as follows:

"Since we last met this Institute has suffered a very serious loss. I recall that a year ago at Salt Lake City a most impressive president's address was delivered by the Honorable Robert Ralston of Philadelphia, who was then the president of the Institute. Judge Ralston's death occurred in December last, a man cut down in the very midst of his usefulness, barely more than 54 or 55 years of age, one whose strength of mind and of body seemed equal to almost any strain put upon it. In his loins and in his brain he inherited the qualities of a great lawyer, one of the leaders of the Pennsylvania bar and a tower of strength in President Zachary Taylor's cabinet as secretary of the

treasury, Mr. William M. Meredith, who was the grandfather of Judge Ralston.

“Although many judges in Philadelphia county have been called upon year in and year out to administer criminal jurisprudence, and some few names stand out like those of Edmund King and Joseph Allison, yet, looking back hastily over the some forty-four years or more of actual practice at the bar, I can think of no man who in that particular field of criminal law, possessed the knowledge of the fundamental principles, and of human nature so that he could properly appraise the testimony of a witness on the stand and thoroughly sympathize with the situation of the criminal in the dock. There was no man who brought to the practical application of living principles a better mastery of his art and of his science than Robert Ralston, and his death is a blow which we can scarcely appreciate. We have not yet ceased to mourn nor to feel his loss in Philadelphia.

“Those of you who may recall that address will remember that he gave a general review of what Pennsylvania had done, particularly in the matter of the reform and codification of her criminal jurisprudence. Judge Ralston’s mind was naturally that of the historic scholar, although he did not go into the niceties of the historical situation. I do recall that he gave a very interesting account of the very early statutes in Pennsylvania. Now, it just happens that Pennsylvania having been founded by William Penn, who, I think, it is no exaggeration to say was unquestionably the greatest of the founders of the old thirteen original states if you are to view those founders from the standpoint of philosophic statesmanship, had certain peculiarities. Penn was a practical administrator, but he was one hundred and fifty years ahead of his time, even in England, with regard to a great many matters of criminal reform. He had but one crime that was punishable by death and that was murder, murder not in the sense of a homicide, but in the sense of being accompanied by specific, deliberate, premeditated attempt to take life. He had such an idea of the sanctity of life that no other crime, no matter what its dark deeds might be could be punished in that way. It is true that after some years of absence on his part from the province his sons and his grandsons were unable to maintain that line of distinction and the death penalty was gradually attached to arson, burglary and rape, and they divided homicides into those of the first and second degree. But the fact that Pennsylvania under the guidance of Penn started on that long line by ameliorating the severities of the criminal law, particularly in the matter of punishment, and did a good deal towards simplifying matters of

trial, was dwelt on by Judge Ralston, and I wish that it could be carried out. The first item of business in order is that of the report of the secretary, Mr. Abbott."

The Secretary then read his report which follows:

*Report of the Secretary for 1916.*

To the President and Members of the American Institute of Criminal Law and Criminology:

GENTLEMEN: The Secretary herewith presents his annual report covering the period from August 1, 1915 to July 31, 1916.

The past year has shown a steady increase in membership, and a growth which promises greater efficiency in all lines of our work. At the present time, the membership is composed as follows:

The report of the treasurer was then called for and it was presented as follows:

*Report of the Treasurer.*

*Receipts from August 1, 1915, to July 25, 1916.*

Balance on hand August 1, 1915.....	\$201.13
Dues of 167 members at \$2. each.....	\$334.00
Dues of 1 member at \$2.50.....	2.50
Received From—	
Secretary of Massachusetts Branch.....	58.50
Secretary of Illinois Branch.....	50.00
Secretary of Wisconsin Branch.....	74.00
Secretary of Pennsylvania Branch.....	51.00
	<u>570.00</u>
	\$771.13

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*Disbursements*

Aug. 3—H. W. Ballantine, Postage.....	\$ 5.00
B. V. Pretty, Stenographer, for July.....	10.00
E. M. Abbott, Printing and Postage.....	20.46
9—Journal of American Institute of Criminal Law & Criminology for reprints from July, 1915, issue.....	119.06
Sept. 22—E. M. Abbott, Postage, Printing, Stationery and Expressage..	24.93
Oct. 20—E. M. Abbott, Postage, Expressage, Etc.....	12.44
B. V. Pretty, Stenographer, for August.....	10.00
E. M. Abbott, Expenses to Salt Lake City, Expressage, Print- ing, Etc.....	28.32
Reynolds & Sumners, Reporting Annual Meeting.....	65.00
The Print Shop, Printing Circular Letters.....	5.50
Aline Merz, Clerical and Stenographic Services Mar. 1, 1915 to Aug. 1, 1915.....	5.00
Nov. 9—B. V. Pretty, Stenographer, for September.....	10.00
E. M. Abbott, Postage and Telegram.....	3.42
W. O. Hart, Expenses of Committee on Co-operation, 1915....	17.11
F. B. Crossley, Managing Director, Postage for J. H. Wig- more .....	2.00
22—B. V. Pretty, Stenographer, for October.....	10.00
E. M. Abbott, Postage.....	6.18
William H. Watson, Printing Letterheads and Envelopes.....	6.00
Trout Standard Filing System Co., Filing Case.....	8.00
Dec. 3—The Print Shop, Printing.....	2.45
H. W. Ballantine, Secretary, Postage.....	5.00

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Jan. 6—	B. V. Pretty, Stenographer, for November..... 10.00
	E. M. Abbott, Postage and Supplies..... 2.68
11—	Journal, American Institute of Criminal Law and Criminology, 600 Reprints of November Issue..... 18.75
20—	Journal, American Institute of Criminal Law and Criminology, 650 Reprints of November Issue..... 29.50
	E. M. Abbott, Secretary, Postage and Supplies..... 4.10
	B. V. Pretty, Stenographer, for December..... 10.00
Feb. 16—	E. M. Abbott—
	Printing Cards .....\$2.75
	Supplies ..... 2.70
	Postage ..... 1.80
	B. V. Pretty, Stenographer, for January..... 7.25
	Aline Merz, Clerical Services..... 10.00
Mar. 13—	E. M. Abbott, Postage and Supplies..... 6.00
	B. V. Pretty, Stenographer, for February..... 4.24
May 5—	B. V. Pretty, Stenographer, for March..... 10.00
	E. M. Abbott, Postage and Supplies..... 5.12
24—	Aline Merz, Stenographer..... 5.00
	B. V. Pretty, Stenographer, for April..... 10.00
	E. M. Abbott, Postage and Supplies..... 5.26
June 5—	B. V. Pretty, Stenographer, for May..... 10.00
	E. M. Abbott, Postage and Supplies..... 7.12
	H. W. Ballantine, Postage..... 5.00
July 13—	B. V. Pretty, Stenographer, for June..... 10.00
	E. M. Abbott—
	Envelopes .....\$10.70
	Printing ..... 8.00
	Postage ..... 3.86
	<u>22.56</u>
	The Print Shop, Printing..... 31.00
18—	John H. Wigmore, Postage..... 1.00
	Exchange on Checks..... 4.20
	<u>614.65</u>
July 25—	Balance on hand..... 156.48
	<u>\$771.13</u>

AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY.

Supplemental Account from July 25, 1916, to August 24, 1916.

RECEIPTS:

Balance on hand July 25, 1916.....	\$156.48
Dues of 18 members at \$2.....	\$36
Received from Wisconsin Branch.....	33
Received from Illinois Branch.....	48
	<u>117.00</u>
	\$273.48

DISBURSEMENTS:

Exchange .....	\$ 0.30
BALANCE ON HAND.....	<u>\$273 18</u>

Respectfully submitted,

BRONSON WINTHRC, Treas.

This makes a grand total membership at the present time, of 537 members.

We have had an increase of 76 members during the past year, and have had 6 resignations from the National Association: 10 from the Wisconsin Branch, and 2 deaths, leaving a net gain of 58 members for the year.

The Treasurer's report will show the best statement ever submitted for the work of any individual year. The expenses have been lower, the income has been greater, and the balance of cash on hand is the largest in the experience of the Institute.

The delinquents both in the National and State Branches will also be seen to be a minimum. In the National Society there are 14 members in arrears for one year, and 9 members in arrears for a longer period making a total of 23; while in the various State societies the delinquency is not even as great in proportion.

It is the sad duty of the Secretary to report the death during the past year of Hon. Robert Ralston, former President of the Institute, and President of the Pennsylvania State Branch, who at the time of his death was also a member of the Executive Board of the National Institute. Judge Ralston was suddenly stricken with pneumonia while attending the midwinter meeting of the State Bar Association. In company with your Secretary he returned home to Philadelphia from Pittsburgh, immediately went to bed, and never again resumed his official duties. He died on January 22, 1916. Thus passed from our midst one of the best and most efficient judges the State of Pennsylvania has ever known, while the Institute loses one of its most valuable members and officers. His loss will be a difficult one to supply.

The Secretary would also call your attention to the fact that the committees have been rather derelict in submitting their reports. It was only possible to have two reports printed in time for distribution in advance of the meeting, while two other reports have been hurriedly sent to the printer to have them ready for distribution today. A number of other committees have not even submitted written reports, notwithstanding the fact that your Secretary has continuously called the attention of the Chairman of the Committees to the fact that it was desirable for the reports to be submitted early.

Many libraries and institutions throughout the country have sent in requests during the past year, for copies of our bulletins and committee reports, and we have added them to our mailing list.

The Secretary has taken up the work of the Committee of "Co-operation with other Organizations" and sent invitations to the Governors of the different States of the Union, the Mayors of large cities, and the presidents of various organizations to appoint delegates to

attend our annual meeting. In response to the same, many delegates have been appointed who are present today and we would suggest that we secure their co-operation and interest in our work not only in their local districts, but in the National Institute as well.

We would also respectfully suggest that a new form of invitation be compiled for use for the Secretary. He feels that with a proper descriptive bulletin giving in detail our work as well as the work of the different committees, we can secure even a greater increase in membership during the coming year.

We have received invitations from local authorities at Asbury Park, New Jersey; Baltimore, Maryland; San Francisco, California; Columbus, Ohio, and Atlantic City, New Jersey, to hold our next annual meeting in their City. In each instance, your Secretary has replied that this is a matter entirely for the Executive Board and that our meeting is usually held in the same place with the American Bar Association, and that our selection usually follows the meeting decided upon by the Executive Board of that body.

Respectfully submitted,

EDWARD ABBOTT, *Secretary*.

After the presentation of the Treasurer's report, the Chairman called the roll of Committees of the Institute. Mr. Edwin R. Keedy of the University of Pennsylvania, Chairman of the Committee on Insanity and Criminal Responsibility presented the report of his committee. This report was published in the last number of this Journal at page 484. Previous reports of this committee have been published in this Journal as follows:

Volume I, No. 3, 394-ff; Volume II, No. 4, 521-ff; Volume III, No. 5, 719-ff; Volume III, No. 6, 890-ff; Volume IV, No. 1, 67-ff; Volume V, No. 5, 643-ff; Volume VI, No. 5, 672-ff.

The report of the Committee on Probation and Suspended Sentence was then presented by Mr. Arthur Towne of New York City. This report may be found elsewhere in the present number. Mr. Robert W. Millar of Northwestern University, Chairman of the Committee on Modernization of Criminal Procedure announced that his committee was not prepared to report but that it would present a report at the next annual meeting.

Mr. Henry W. Ballantine of the University of Illinois, Secretary of the American Society of Military Law, a Section of the Institute, reported for the society. He spoke as follows:

"The Society of Military Law is composed largely of officers of

the Army and Navy and the National Guard, who are interested in the subject of military law. There are, at the present time, about 55 members of this society. It has collected during this past year, the sum of \$89 which has been turned over to the American Institute. An arrangement has been made, however, by which the dues to the Institute will include a subscription to the Journal of the Institute, and at the same time leave a residue for the treasury of the society. Arrangements have been made by which matters relating to military law will be published in each number of the Journal."

At this point, the Institute took up the discussion of committee reports. Portions of this discussion, particularly that relating to the report of the Committee on Insanity and Criminal Responsibility, will be incorporated in a later article.

At the afternoon session, the chairman appointed a Nominating Committee as follows: John H. Wigmore of Chicago, Edward Lindsey of Warren, Pa., and the Honorable C. W. Smith of Topeka, Kansas.

The chairman then called the roll of committees that were scheduled to report at this afternoon session. The Committee on Crime and Emigration reported by mail.

Mr. Joel D. Hunter of Chicago, chairman of Committee on Sterilization of Criminals presented his report. This report has already been printed in the Journal for September, 1916. Mr. Edward Lindsey, chairman of the Committee on Indeterminate Sentence Release of Criminals and Pardon, presented the report of his committee which was published in the November number of the Journal at page 492, following:

The Committee on Criminal Statistics, of which John Koren of Massachusetts is chairman, had no report. A letter was read from the chairman in which the request was made that the committee be continued.

At the evening session, Mr. John H. Wigmore, chairman of the Executive Council of the Institute presided in the absence of the Vice-President. Mr. Wigmore introduced the Honorable William H. Harris of Boston who read the Annual Address of Probation; Its Relation to Social Welfare. The address may be found elsewhere in this number. At its conclusion, the report of the Nominating Committee was heard and election of officers, as announced in our last number at page 482, took place.

The Secretary announced that volunteers have offered themselves as organizers for three new state branches of the Institute; one in



Oklahoma, one in California, and the third in Kansas. All three volunteers have given assurance of their best efforts toward completing organization; in fact the gentleman from Oklahoma said that his state would open up a branch with 100 members at the beginning.

It was ordered on motion by the secretary that hereafter as soon as the time and place of the annual meetings of the Institute should be determined, announcement of time and place should be published in a prominent place in each succeeding number of the Journal until the meeting shall have been held.

The question of appointing a new committee on the Public Defender was referred to the Executive Council. Like disposition was made of a proposal to study the status of illegitimate children.

On the part of the secretary, Mr. Hale of the University of Illinois and Mr. Wigmore of Northwestern University, there was some discussion as to ways and means of promoting institute measures. Mr. Hale, newly elected secretary of the Illinois branch of the Institute, inquired if there is any means by which the Institute can systematically promote through its state branches or otherwise the measures proposed by committees of the Institute. He was of opinion that much practical good might be accomplished by a closer coordination of state branches and the national organization. Mr. Wigmore drew attention to the Committee on the Promotion of Institute measures which should do this work, and which should, when practicable, labor for legislation along the lines approved by our committees and the Institute. Mr. Keedy's suggestion was that the chairmen of committees should communicate with the secretaries of state branches and cooperate with them to the end of securing legislation in which they are interested. This Mr. Keedy will do in the case of his committees' bill relating to expert testimony. Secretary Abbott drew attention to the fact that for the promotion of information relating to the results of investigations, etc., for bringing all such matter to public attention and for securing information the Journal of the Institute is the logical medium for communication.

After the introduction of the newly elected President of the Institute, Judge Briscoe of Maryland, the Institute adjourned sine die.