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Canadian Extradition Treaty and Family Deserters

William H. Baldwin

THE CANADIAN EXTRADITION TREATY AND FAMILY DESERTERS

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The supplementary treaty between Great Britain and the United States making desertion or non-support an extraditable offense as between the United States and Canada, which was ratified by the Senate on April 27, 1921, grew out of the consideration which was given the general subject at the National Conference of Charities and Corrections in Cleveland in 1912, at which emphasis was laid on the fact that it was then impossible to reach deserters from the other side of the line in either country. Probably because of what he had already written on this subject requests came to the writer to see what could be done to make extradition between the two countries possible.

The existing extradition treaty as to Canada, which was negotiated in 1889 by Professor John Bassett Moore, then Assistant Secretary of State, covered a list of offenses which was the most comprehensive of any with any nation when it was signed, but it did not include family desertion, which had grown in importance since; and it was stated by Professor Moore that a supplementary treaty with Great Britain as to this offense would be necessary.

On taking the subject up with the State Department in Washington, it was found that some attention had already been given to it, but that no further steps had been taken because of an impression that desertion or non-support was a criminal offense in only part of the United States. A careful list of the laws of all the United States on this subject was accordingly worked out and submitted to the State Department on January 24, 1913, showing that desertion or non-support was a criminal offense in every one of the United States, and this was accompanied by a request for the negotiation of such a treaty.

It was stated that not only were there many such deserters between the United States and Canada, but that a large number of men in Great Britain who deserted their families came to the United States. The last report of the Inspector of the Poor in Glasgow had shown that 117 such deserters from that city were then in the United States, of whom 76 had deserted during the previous year.

On February 13th, Secretary Knox replied as follows:

[1]1415 Twenty-first St., N. W., Washington, D. C.

DEPARTMENT OF STATE, WASHINGTON

February 13, 1913.

Mr. William H. Baldwin,
1415 Twenty-first Street, N. W.,
Washington, D. C.

SIR:—

The Department has received your letter of January 24, 1913, wherein you suggest that there be negotiated a supplementary treaty between the United States and Great Britain, adding desertion or non-support of wife or children to the list of extraditable offenses in the two countries.

In reply you are advised that copies of your letter and of its enclosure have been sent to the American Embassy at London, with instructions to bring the matter to the attention of the Foreign Office and ascertain whether the British Government would be willing to conclude a supplementary convention making desertion and non-support extraditable.

I am, Sir,

Your obedient servant,
(Signed) P. C. KNOX.

The matter was also taken up not only with those interested in Glasgow, London and Liverpool, but also with various persons who were concerned with the subject in Canada. Among these was the late Sir William Van Horne, then Chairman of the Board of the Canadian Pacific Railroad, but also one of the Board of Managers of the Charity Organization Society in Montreal, with whom the writer had a very interesting conference when in Montreal at the meeting of the American Bar Association in September, 1913. He seemed to regard a family deserter much as he would a train which had left the track and was blocking traffic; and his active efforts in behalf of the treaty, with his wide acquaintance and his great influence, did much to secure the approval of the different provinces of Canada after the treaty had been referred to them by the Foreign Office in London. It was in this connection that he wrote on July 29, 1914, that all the different provinces had given their consent to the treaty except Quebec, and enclosed a copy of a letter showing that a further effort was being made by him to secure its consent also.

Three days later the war broke out, and because of the overshadowing importance of matters connected with it, it was not thought probable that anything further would be done about the treaty, until Secretary Lansing wrote on July 8, 1915, that the American Ambassador at London had reported that the proposal for such a supplementary treaty was agreeable to the government of the Dominion of Canada, and that a draft convention looking to the accomplishment of

the purpose had been sent forward to the Ambassador, with instructions to take steps to bring the negotiation of the treaty to a prompt conclusion.

The text of this draft was, of course, secret, but it was evidently worked out by the State Department from the laws of the different states in the list which had been submitted. This list covered 83 laws, of which 61 made the offense misdeameanor and 22 felony. Some states had more than one law on the same subject and the complete list was as follows:

FAMILY DESERTION AND NON-SUPPORT LAWS

GRADE OF OFFENSE, JANUARY, 1913.

F.—Felony.
M.—Misdemeanor.

	Law Relates to Wife and Children		Children Only	
Alabama	M.	..	..	..
Arizona	..	F.	..	..
Arkansas	M.	..	..	..
California	..	F.	M.	F.
Colorado	..	F.	M.	..
Connecticut	..	F.	M.	..
Delaware	M.	..	..	..
District of Columbia	M.	..	..	..
Florida	M.	..	M.	..
Georgia	..	..	M. (2)	..
Idaho	M.	..	M.	..
Illinois	M.	..	M.	..
Indiana	..	F.	M.	F.
Iowa	..	F.	..	..
Kansas	..	F.	M.	..
Kentucky	..	..	M. (2)	..
Louisiana	M.	..	..	..
Maine	..	F.	..	..
Maryland	M.	..	..	..
Massachussetts	M.	..	..	..
Michigan	..	F.	..	F.
Minnesota	M.	F.	M.	..
Mississippi	M.	..	..	..
Missouri	M.	..	..	F.
Montana	..	..	M. (2)	..
Nebraska	M.	F.	M.	..
Nevada	M.	F.	M.	..
New Hampshire	M.	..	..	..
New Jersey	M.	..	M.	..
New Mexico	M.	..	..	..
New York	..	..	M.	F.
North Carolina	M.	..	..	..
North Dakota	..	F.	..	..
Ohio	..	..	M.	F.
Oregon	M.	..	M.	..
Oklahoma	..	..	M.	..
Pennsylvania	M.	..	M.	..
Rhode Island	M.	..	M.	..
South Carolina	..	..	M.	..
South Dakota	..	..	M. (2)	..

	Law Relates to			
	Wife and Children		Children Only	
Tennessee	M. (2)	..	M.	..
Texas	..	..	M.	..
Utah	M.	..	..	..
Vermont	M.	..	..	..
Virginia	M.	..	..	..
Washington	..	F.	M.	..
West Virginia	M.	..	M.	..
Wisconsin	..	F.	..	..
Wyoming	..	F.	M. (2)	..
Number of laws, each class	28	16	33	6
Grand Total				83

Summarizing these in their application to the forty-eight states and the District of Columbia, the laws of the United States then stood as follows:

	Applying to	
By States	Wife and Children	Children
Misdemeanor only	24	24
Misdemeanor and felony	3	4
Felony only	13	2
No law as to wife	9	—
Children in law with wife	..	19
	49	49

It will be seen from this that forty states included the wife with the children, and in addition to these the law of Ohio made it a felony to desert a wife when she was about to become a mother, leaving only eight states in which the law was limited to children only.

The law of Canada (Section 242 of the Criminal Code) has a separate paragraph which makes non-support of the wife a criminal offense in language almost identical with that used as to non-support of children, and the penalty is the same for each. As the purpose of the treaty was to prevent the nullification of the laws of each country by fleeing to the other, it was, of course, proper that the treaty should be drawn with reference to the provisions of the existing laws.

It was not to be expected that anything not of pressing moment would receive much attention in the midst of the transcendently important matters of the war, but the negotiation went on, and in the course of it the application of the treaty was limited to Canada instead of covering the whole of Great Britain. It was finally signed in London on January 15, 1917, by Ambassador Page for the United States and Foreign Secretary Balfour for Great Britain; and it was submitted to the Senate by President Wilson on January 31, 1917, with the expectation that it would be promptly ratified.

As the close of the session drew nigh without action, it was learned that the chairman of a sub-committee of three, to whom the treaty had been referred, objected to it because it included the wife, and, in his opinion, would permit a nagging woman to bring back a husband who was justified in seeking a more peaceful life in the other country.

An effort was made to remove this unlooked for objection by a statement showing that to leave the wife out would, to that extent, nullify the laws which applied to the wife as well as to the children in forty states; and that in addition it would be possible for a man who deserted his wife in Ohio when she was about to become a mother, and who could be brought back from Detroit and imprisoned in the state penitentiary at hard labor for three years, to escape all punishment and snap his fingers at the United States by crossing the river to Windsor. Information obtained at the State Department was also submitted, showing that in no case would a requisition be issued by it except upon the demand of the governor of the state from which the offender had deserted, accompanied by an indictment or adequate proof that the man had been guilty of a criminal offense against the laws of his own state. There would thus be a greater safeguard still against injustice to the deserter than in the case of men who could be brought back from the most distant of the United States without the interposition of any possible obstacle by the State Department, which might properly have been charged with negligence if it had failed to include the wife in the treaty, as she is included in the laws of all of Canada and of four-fifths of the United States.

All this failed to remove the objection of the chairman as to the wife, and another member of the sub-committee was frankly opposed to the whole treaty because he thought it was "too small a matter for two great nations to bother with." When another senator became chairman of the Committee on Foreign Relations an earnest plea for action was made, in June, 1918, and the National Desertion Bureau furnished the aggravating details in the cases of more than a score of deserters who were then in Canada, but without effect; and as the sub-committee still held the treaty, and the war situation became still more acute, further effort in regard to it in that Congress would have been useless.

Notwithstanding the change in the next Congress the chairman of the sub-committee remained the same, and although some attention was given the treaty in June, 1919, the overshadowing importance of the League of Nations, and the prolonged debate in regard to it, shut out any actual consideration of the treaty until Congress adjourned in

June, 1920. The result of the election in November cleared the air so that consideration of other matters was possible, and Senator Lodge, who had been strongly in favor of the treaty as drawn, promptly called a meeting of the Committee on Foreign Relations two days after Congress assembled in December, in order to dispose of the matter which was of such long standing.

Partly because of the opposition of the senator who objected to the inclusion of the wife, but also no doubt because anything relating to family quarrels seemed so trivial in comparison with the momentous subjects which had been occupying the minds of the Committee, the general sentiment as to ratification was unfavorable, and much to Senator Lodge's surprise there was a decided vote against the treaty. As a hearing on a matter which seemed so plain had not been thought necessary by him, and as the attitude of the Committee seemed due to a lack of information as to the real importance of the subject, the treaty was held up in order that those interested in it could supply further data in regard to it. Such information was furnished by Charity Organization Societies and other similar agencies throughout the country which deal with desertion and non-support, and by the women's organizations, who were naturally interested in a matter which so vitally concerns the family. The burden which desertion and non-support imposes in the larger cities and in other places, and the economic advantage of extending the possibility of extradition by the treaty, were made clear.

In the midst of all this, it developed that the chairman of the sub-committee would be heartily in favor of the treaty if limited to children. Such a change was decidedly contrary to the spirit of the laws as well as to the experience of those responsible for their execution; but as the peace treaty, with the League of Nations, which so many citizens of the United States earnestly desired, had been lost because of a rigid insistence that it must be ratified with no change whatever, and as the unfavorable vote of the Committee threatened a complete loss of this treaty in the same way as the matter then stood, it seemed best to take a different course in this case. The opposing senator, the only Democrat who had voted for the peace treaty without any reservations, and with all the reservations, was accordingly advised by the writer on January 31st last that notwithstanding the decided difference of opinion as to the proposed change, he personally was willing to accept that view of the matter, and desired him to do what he could to put the treaty through on that basis.

The co-operation thus enlisted brought a prompt response. Two days later the Committee on Foreign Relations reversed its previous

action and voted to recommend ratification of the treaty with an amendment limiting it to children. It was not possible to secure action at that session, but the Committee report was submitted two days after the present Senate met, and the treaty was ratified in executive session on April 27, 1921.

Its language, which was then for the first time revealed, had added another to the list of ten extraditable crimes contained in the original treaty of 1889, the three in the supplementary convention of 1900, and the two of that of 1905, reading as follows:

"16. Willful desertion or willful non-support of wife or children." The Senate amendment changed this by striking out the words "wife or" and inserting before the word "children" the words "minor or dependent," making it read,

"16. Willful desertion or willful non-support of minor or dependent children."

The treaty will not therefore be operative until this amendment has been agreed to by Great Britain; but the subject has already been taken up with the British Government, and it is to be hoped that acceptance of it will not be long delayed. As there are children in the great majority of cases, the treaty will be of very great benefit notwithstanding the amendment.

With the exception of one prominent agency, all those which deal with or are interested in the question of desertion and non-support, and of enforcing support by extradition proceedings and subsequent prosecution under the law, and who have expressed any opinion about it in connection with the treaty, agree that the wife ought to be included. A number of senators also said they preferred the treaty as the State Department drew it. The eight states in the list which did not include her in their laws were Georgia, Kentucky, Montana, New York, Oklahoma, South Carolina, South Dakota and Texas. The most important of these is New York, and the circumstances connected with its law may throw some light on the situation in that respect.

The real offense with which laws on this subject deal is non-support, and it is mainly as desertion involves this, and often in an aggravated form, that severe laws have been passed against it, and extradition is necessary to overcome it. The non-support laws of some states were developed originally from the old poor laws, in which failure to support was made a quasi-criminal offense subject to summary punishment without a jury trial, as in the disorderly persons laws of New York and New Jersey. These laws applied to the wife as part of the family.

Later non-support laws were developed from the cruelty statutes enacted for the protection of children, as to whom non-support was often actual cruelty, and early statutes enacted for this purpose, such as those which still remain in Montana, Oklahoma and South Dakota, did not include the wife. With the increase in non-support, especially in the more crowded centers of population during the last thirty years, with the greater attention which has been paid to the study of family relations in connection with our complex social problems, and with a clearer perception that it is the family rather than the individual which is the unit of society, it has become more and more apparent that a man's obligation is to his family, and that he owes support to the wife as well as to the children whom they have brought into the world. Laws definitely intended to restrain this growing evil have therefore been enacted, with provisions tending to secure support rather than simply to inflict punishment on a criminal, and a Uniform Desertion and Non-Support Act has been adopted by the Commissioners on Uniform State Laws, which has been passed in eleven states. In this more intelligent view of the subject it is quite proper that the wife should be included in the desertion and non-support laws, as she is in all the law of Canada and in the laws of all the United States except the eight above referred to.[2]

It is recognized that laws are not the only thing, perhaps not the main thing, in dealing with desertion and non-support; but the problem cannot be handled without them, as the lack of this treaty shows, and when they are drawn they should fit in with the most enlightened treatment by the trained case-worker.

Most of the prosecutions for desertion and non-support in New York are brought under the disorderly persons statute, which makes it only a quasi-crime and which includes the wife with the children. Under this extradition is not possible.

Under the impression that it was necessary to make the offense felony in order to secure extradition, a committee representing ten organizations of the state interested in the subject introduced a bill to this effect early in 1904. How slight was the foundation upon which this bill was based is shown by the fact that on May 20, 1904, the chairman of this committee wrote that "he had been informed that New Jersey had recently adopted a law making the desertion of children and the departure from the state a felony." This statement was utterly baseless, as New Jersey never had such a law, but the

[2]So few changes have been made in the grade of the offense in laws passed since that it seems proper to discuss the subject on the basis of the list as it stood when the treaty was asked for.

action which resulted from the careless methods of the chairman as to his facts has had a marked influence on the situation as to desertion and non-support.

This bill as introduced very properly included the wife with the children, but the committee was promptly informed by the executive officer of the leading society dealing with children in New York City that the wife must be omitted, or the society would oppose the law and prevent its enactment. It was because of this opposition that the wife was left out when the bill was reintroduced in the next session of the legislature.

In beginning his study of the subject about this time, the writer came into touch with the chairman of this committee and received considerable help from him, which he gratefully acknowledges. He soon found that misdemeanor and felony were alike as to being ground for extradition, and as New York had at that time another statute making it a misdemeanor to omit without lawful excuse to furnish food, clothing, shelter, or medical attendance to a minor, it seemed clear that the proposed law added nothing as to extradition unless it included the wife. The felony bill was, however, in process of enactment, and at the request of the executive of another society, and because of his general interest in the subject, the writer appeared with the chairman of the committee at hearings in Albany, and, later, after having stated his position plainly, worked loyally with him for the passage of the law for which the societies in New York state composing the committee were making themselves responsible.

The result of the effort was that the bill became a law on April 8, 1905, and two days later the chairman wrote the following letter, which is quoted because of its bearing upon the omission of the wife and upon developments since.

Buffalo, N. Y., April 10, 1905.

Mr. William H. Baldwin,
Washington, D. C.

My Dear Mr. Baldwin:

It gives me very great pleasure to inform you that the Governor has signed the Child Desertion Bill, and it becomes a law September 1, 1905. I received your kind letter a few days ago with letter to Governor enclosed. It was a splendid and effective letter, and I thank you very much for it.

I have written to each member of the committee informing them that the successful termination of our work dissolves the committee. I have also written a letter to Mr. Devine telling him that the Buffalo Charity Organization Society does not consider that its work is fully accomplished until the wife is included in this legislation. I have

suggested to Mr. Devine that statistics of instances of hardship which this bill will not reach be kept, and that if we can some time later go before the legislature with such a record I believe the bill will be amended to the form in which it was originally drawn. I wish to thank you once more most heartily for all the work that you have done in securing the enactment of this legisaltion. I realize how hard some of it must have been after you concluded that the legislation was not wise, and I esteem your high sense of honour throughout this whole discussion. I trust that our acquaintance will be renewed at an early date.

Yours very sincerely,

(Signed) FRANK E. WADE.

The error of excluding the wife seems to have some relation to the mistaken impression that it is necessary to make the offense felony in order to secure extradition. Attorney-General Mayer, now a United States judge, and District Attorney Jerome, both advised strongly at that time against making desertion and non-support felony, and it was accordingly made misdemeanor in the District of Columbia law in 1906, and in Massachusetts and Delaware when the uniform desertion and non-support act, based on the District law, was enacted in 1911. In all these states it has worked well, and a study of the New York laws indicated that the situation would be best covered by a misdemeanor law including the wife, applying to the whole state and providing also compensation to the family for men imprisoned at hard labor for non-support, which has been found so effective in the District of Columbia, in Massachusetts, in Pennsylvania, and in other states. So far from redeeming the promise not to consider the work completed until the New York law was amended to include the wife, the chairman has been one of the principal opponents to such a change in the law, which would have revealed the fact that the felony law of 1905 was unnecessary when it was passed.

Connected with this is the statement in the first report of the National Desertion Bureau in 1912, that when "attempts were made to apprehend deserters in other states to which most of them had fled, it was found impossible, because their offense was only a misdemeanor." This statement was afterwards admitted to be erroneous, when attention was called to it, and it was pointed out that if taken at its face value the declaration would stop the work of the Bureau, which is a national organization, in a number of states where such deserters were being brought back right along on the the charge of misdemeanor; but the National Desertion Bureau still believes that the law ought not to include the wife, although it considers the problem a "family" problem, and advocates domestic relations courts. It is

true that in practical experience the support enforced for children may be made to help nourish and shelter the mother who takes care of them; but she is entitled to this support as a part of the family, and it discredits her to be treated as a mere appurtenance to the children in this way, as she must be in every case, even where there are children, if the law by excluding her lacks the power to compel support for her.[3]

The error in regard to the necessity of making desertion a felony in order to secure extradition was further emphasized two years ago by the author of "Broken Homes" who said on page 117 that it was unusual to secure extradition for a misdemeanor, though not impossible, with a foot-note referring to the writer's paper in the November, 1917, number of the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY on "Effective Remedies for Desertion and Non-Support." It was further stated by her that "there is in most states a law which makes the abandonment of a minor child or children a felony, punishable by a long term in state prison, and it is this law which is generally invoked when the man has been traced to another state."

This statement that extradition for misdemeanor is unusual was surprising in view of the fact that in the paper referred to the writer did not say that it was "not impossible," but showed conclusively by actual instances that it was more readily obtained for misdemeanor in certain states than in New York for felony. More than this, a glance at the table previously given of the laws on which the request for the treaty was based shows that the statement that "in most states" there is a felony law as to children which is generally invoked when the man cannot be reached for wife desertion, which is "in most states only a misdemeanor," is apparently made to suit the occasion, for it is very clearly contrary to the facts. In only three states is there a felony law relating to children where there is none applying to the wife; and as in Ohio and New York there is not even a misdemeanor law applying to the wife, in only the one state of Missouri does the situation support the statement which the author says applies to "most states."

When her attention was called to the discrepancy in her statement as to extradition for misdemeanor, she explained it by saying that she had endeavored to "preserve an impartial attitude." The result of any effort to preserve an impartial attitude between truth and error is necessarily error, as in this case. This incident, like that of the

[3]While the treaty was under discussion a prominent woman lawyer in Washington stated to the writer that she had had several cases of desertion, and had one then, in which there were no children because the wife was unable to have them on account of disease due to the immoral conduct of the husband before marriage.

alleged felony law of New Jersey, recalls a statement recently made by an authority in the field of social instruction, to the effect that the weakness of much of the investigation done by social workers was that they sought facts to prove theories already conceived, instead of governing their conclusions by the facts discovered; and that their reports in this way became propaganda rather than reliable conclusions.

We speak of "social science" and of "economic science," and properly so, if the conclusions reached in them are based, as they should be, on an unbiased consideration of facts; but, because they deal with people rather than with things, they differ from such sciences as astronomy and chemistry, where such errors as have been instanced above cannot be committed without discrediting the person who makes them. A young Pitsburgh chemist employed to analyze the cinder from blast furnaces some years since one morning found his results wrong, as he supposed, because they differed from those he had been obtaining. Rather than take the trouble to go over his work again to find the mistake, he doctored the analysis to make it what he thought it should be; but the fact was that the mixture in the furnace had been changed, and he was discharged for unfaithful work in falsifying his report instead of giving the correct figures obtained in his first analysis, which he supposed were wrong, because they were not what he thought they ought to be. In like manner a bacteriologist who should seek to maintain "an impartial attitude" by reporting that a water supply contaminated with typhoid germs was pure would be discredited accordingly.

In spite of the fact that the mistake in passing the felony law in New York in 1905 has done much to protect deserters by emphasizing the erroneous impression that extradition is not possible where the offense is not felony, the development of laws which are more effective, as well as more humane, than those which are simply and severely punitive has gone on; and it has been proved conclusively that the enforcement of the law, and the facility of extradition in proper cases, depend more upon the intelligent application of a wise law than they do upon calling the offense by a sterner name in order to stimulate the proper authorities to do what the law requires of them.

Massachusetts, which followed its misdemeanor law of 1911 by one including illegitimate children in 1913, and another relating to non-support of dependent ancestors in 1915, in all of which the offense was misdemeanor, has had no difficulty whatever in securing extradition because of the good results which have been shown in the handling of men who have been brought back, and in the execution

of the law generally. The provision for compensation to the families of men imprisoned at hard labor for non-support has greatly assisted in this result.

New Jersey also has gone steadily on, without finding any necessity for passing the alleged felony law referred to in 1904, and has been extraditing for misdemeanor several times as many deserters in proportion to its population as New York has under the felony law, which was supposed to be necessary to secure extradition.

Pennsylvania, which never had a felony law, and which for the most part invokes its misdemeanor law of 1903 only for the purpose of extradition, has been extraditing an increasing number of deserters. Under the law of 1912, which provided compensation of 65 cents a day to the family when men were imprisoned for non-support and which was promptly re-enacted after having been declared unconstitutional in 1917 because the advantage of compensation had been so well established, an increasing amount has been collected each year from men under suspended sentence, who preferred outside work to the stone pile at 65 cents per day.

The extraditions in Minnesota, which had been so few under its felony law, have very greatly increased since the Child Welfare Commission, of which Judge Waite was chairman, secured the laws which resulted from its excellent work in 1917. This increase is not due to any change in the grade of the offense, which was felony before, but to the greater interest taken in the subject and to a clearer appreciation of its importance. The same effort would have made an equal, or perhaps greater, improvement under a misdemeanor law, as in Massachusetts; though the interposition of gross misdemeanor in the classification of crimes complicates the situation somewhat in Minnesota.

The following table shows the comparative progress made in the states spoken of as to extradition for family desertion:[4]

NUMBER OF REQUISITIONS FOR FAMILY DESERTERS EACH YEAR[5]

	Felony		Misdemeanor		
Pop'l'tion	New York	Minnesota	New Jersey	Pennsylvania	Massachusetts
1910	9,113,614	2,075,708	2,537,167	7,665,111	3,366,416
1920	10,384,144	2,386,371	3,155,374	8,720,159	3,852,356

[4]The later figures for New Jersey were asked for, but notwithstanding repeated requests were not furnished as in previous years.

[5]This table shows that the number of requisitions increased greatly in each state after the passage of the Massachusetts law in 1911, the Pennsylvania law

Year	Requi.	Rate per 100,000	Requi.	Rate per 100,000	Requi.	Rate per 100,000	Requi.	Rate per 100,000	Requi.	Rate per 100,000
1910....	31	.34	..	..	40	1.58	13	.17	3	.09
1911....	33	.36	..	..	47	1.85	10	.13	5	.15
1912....	35	.38	4	.19	37	1.45	24	.31	19	.56
1913....	45	.49	4	.19	39	1.53	33	.42	32	.95
1914....	55	.60	4	.19	41	1.61	31	.40	32	.95
1915....	55	.60	8	.39	..	..	37	.48	32	.95
1916....	47	.52	5	.24	..	..	46	.60	40	1.19
1917....	48	.53	6	.29	..	..	54	.70	46	1.37
1918....	56	.61	11	.53	..	..	51	.67	54	1.60
1919....	60	.66	19	.92	..	..	90	1.17	79	2.34
1920....	72	.69	35	1.47	..	..	94	1.08	83	2.16

SUMMARIZED

	Average per Year		Average per Year		Average per Year		Average per Year		Average per Year	
1910-11. ..	..	..	..	..	..	..	23	.15	8	.12
1912-14. ..	..	..	..	..	..	..	88	.38	83	.82
1910-14. 199	.43	..	..	204	1.61	..	..	..	..	..
1912-17. ..	..	31	.25	..	..	..	..	..	..	..
1915-19. 266	.59	..	..	..	..	278	.73	251	1.49	
1918-19. ..	..	30	.73	..	..	..	..	..	..	
1920.... 72	.69	35	1.47	..	..	94	1.08	83	2.16	

These figures furnish additional proof that the felony law of 1905 in New York was a mistake, that the evil of desertion and non-support can be better handled under a misdemeanor law with compensation to the family, and that this intelligent treatment of it, with a better knowledge of its importance, rather than the grade of the offense, develops the practice of extradition. Massachusetts leads in this matter because under her excellent law the judges who enforce it and others who work under it have found it worth while to handle the subject effectively.

The whole negotiation for the treaty was based on the fact that so far as extradition is concerned there is no distinction between felony and misdemeanor. When the British government assents to the amendment, as it no doubt will, the way will be open for a more undisturbed and general enforcement of the law in both countries on account of the treaty.

in 1912, and the Minnesota law in 1917, and the comparison by groups for these states is arranged accordingly.

During the five years covered by the figures available, New Jersey under its misdemeanor law issued more requisitions than New York in the same period under its felony law, and nearly four times as many in proportion to population.

Although the requisitions in New York increased some during the next five-year period, the smaller state of Pennsylvania issued more under its misdemeanor law, and the rate for Massachusetts was two and one-half times as great as that under the felony law of New York. For 1920 the rate in Minnesota was twice as great as in New York, and that in Massachussets was three times as great.