

Fall 1929

Possible Penalties for Crime--A Contribution to a Bibliography

Dorothy Jean Randall

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Dorothy Jean Randall, Possible Penalties for Crime--A Contribution to a Bibliography, 20 *Am. Inst. Crim. L. & Criminology* 456 (1929-1930)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

POSSIBLE PENALTIES FOR CRIME

A Contribution to a Bibliography¹

DOROTHY JEAN RANDALL

INTRODUCTION

The entire question of punishment has taken on a new aspect since the public has come to a realization of the extent of crime, and of its appalling expense. Treatments of the subject have been many and varied—some advocating greater severity, as, corporal punishment, some increased sentence, parole, indeterminate sentence, alteration of the fining system, and so on. Public interest has been stimulated; crime commissions have been organized. This bibliography has for its purpose the gathering together of material treated from the stand-points of these newly attempted solutions. Little has been printed upon these subjects, and the material is scattered, making it difficult for the individual to inform himself concerning the working principles of, for example, the Baumes Laws, or the Huber Law. As many sources as possible have been consulted, and the findings are here presented in the form of references following the appropriate sub-heads, which are so annotated as to give the person unfamiliar with the subject a general understanding of its nature. The bibliography is contributive in character, and does not pretend to treat *all* possible penalties. For the most part, the material presented does not date before 1910, although this is not true of some of the articles giving historical aspects of the Vigilantes. It is to be noted that the Journal of the American Institute of Criminal Law and Criminology has been cited throughout simply as the Journal of Criminal Law. A few articles (starred), which were not available for examination, but which seemed from exterior evidence to deal with the subject, have been included.

Consideration of crime commissions, national and state, may also be valuable in connection with this subject. Their work has been appreciable, as is evidenced by such results as the Baumes Laws, the work of the New York Crime Commission in 1926. The scope of this bibliography does not include this important phase, but we suggest examination of Miss Esther Conner's bibliography, Crime commis-

¹Submitted as one of the Requirements for the Diploma of the Library School of the University of Wisconsin, June, 1927.

sions and criminal procedure in the United States since 1920, which was submitted as one of the requirements for graduation from the Library School of the University of Wisconsin in 1927.

CONTENTS

BAUMES LAWS	1
FINES ON INSTALLMENT PLAN.....	3
HUBER LAW	5
UNEQUAL SENTENCE	6
VIGILANTES	8
Historic aspect.....	9
Recent phase	10
WHIPPING	11

BAUMES LAWS

The Baumes Laws, with which New York distinguished itself in 1926, involve the following points. 1. Restricted bail for repeaters—2. Mandatory increase of sentence for armed felons—3. Increased penalty for burglary, with possibility of life sentence for first robbery—4. Minimum indeterminate sentence, one year, without reduction—5. In trial, defendant's attorney must make opening address before evidence has been offered by District Attorney—6. Defendants jointly indicted may be tried jointly or separately at discretion of court—7. Defendant in criminal case must appeal within 30 days instead of within one year—8. In criminal action but one appeal from conviction permitted, an Appellate decision is final, save where higher court judge certifies question of law involved requiring review by Court of Appeals—9. The people may appeal to the Appellate Division upon an order of the Court granting a motion made upon the minutes of the Grand Jury dismissing an indictment—10. Statewide collection of criminal records, including finger prints.

Baumes Laws: A beginning in the reorganization of criminal procedure in New York. *Columbia Law Review*, June, 1926, v. 26, p. 752-758.

An excellent summary of these bills, with some indication of their application and effect.

Baumes board asks 84 curbs on crime. *New York Times*, Mar. 2, 1927.

Drop of 40 per cent in crimes of active violence since Baumes Laws went into effect. This article outlines the more important of the new recommendations.

Baumes Laws. *Civic Alliance Bulletin*, Jan. 1, 1927.

Gives the *New York Evening World's* catalog of Baumes Laws in addition to the life sentence for fourth offending felons. Note summary

introducing this subject, since material there presented is taken largely from the Bulletin.

Clark, H. J. Protecting society from the criminal. *Criminal Justice*, Apr., 1927.

A popular explanation of the Baumes Laws by an authority. Clear and accurate.

Crime and punishment. *Nation*, Oct. 6, 1926, v. 123, pp. 313-314.

Touches upon some of the severer aspects of the Baumes Laws.

Crime board's aide hits Baumes Laws. *New York Times*, Mar. 8, 1927.

"He (Professor Raymond Morley, ex-advisor of the New York Crime Commission) discounted the effectiveness of the laws as a crime deterrent by saying that the real deterrent must be general convictions of criminals rather than severe penalties for the small number of offenders caught." *New York Times*.

Invokes jury's aid to beat Baumes Act. *New York Times*, Jan. 7, 1927.

Case of Harry Simmons, negro, sentenced to Sing Sing for three years instead of for life as other offenders have been since the enactment of the Baumes Laws. Judge Taylor calls attention to the fact that the Legislature had not intended the Baumes Laws to make a life sentence for a fourth offender mandatory.

McLellan, Howard. Panic in crookdom; Baumes Laws of New York. *Review of Reviews*, Feb., 1927, v. 75, pp. 154-163.

An admirably lucid presentation of the good effects already accomplished by the Baumes Laws. Illustration by statistics and cases increases the significance of this series of three articles. The opinion of five important officials are appended.

Pardons and cumulative punishment. *Bench and Bar*, n. s. May, 1913, v. 5, p. 8-10.

Rather technical in tone. Makes the point that a pardon does not obliterate the fact of the crime or its punishment, although such crime is blotted out by the punishment.

Senator who has jammed Sing Sing. *Literary Digest*, Jan. 8, 1927, v. 92, p. 36-41.

An illuminating article in the popular style explaining Senator Baumes purpose as accomplished by the Baumes Laws, namely: "First, help catch the criminal; second, keep him caught; try him quickly; convict him if guilty; hand him a sentence that fits the crime, and, finally, see that he serves that sentence."

Wants Baumes Law even more drastic. *New York Times*, Jan. 12, 1927.

Justice Black, of the Supreme Court, advocates three felonies rather than four as the basis for life imprisonment.

Wants more teeth put in crime laws. *New York Times*, Jan. 12, 1927

Report being prepared by Baumes Crime Commission for presentation to the Legislature. Discourages amendments to temper the rigor of the Baumes Laws; no intention to strike out provision under which fourth offenders must be sentenced for life.

World Almanac. 1927, p. 173-175.

Analysis of the Baumes Laws of the State of New York. Discusses the Baumes Laws, section by section, in some detail, pointing out what changes they involve.

FINES ON INSTALLMENT PLAN

Being aware of the injustice and hardship which frequently attend the prevailing fining system, with its resultant imprisonment for non-payment, various individuals have interested themselves in the plan of paying fines in installments. The Chicago Municipal Reference Library lists the following salient benefits derived from such a method: 1. It permits a person who is poor to pay the fine in amounts adjusted in size to his financial circumstances and those of his family—2. It prevents imprisonment because of poverty—3. It reduces the liability of causing suffering among the members of the offender's family and other innocent dependents—4. It requires the defendant to earn his own fine by honest labor—5. It increases the public revenues collected from fines, which, under the old method, are lost to the public treasury—6. The number of prisoners and the cost of their maintenance in institutions is reduced—7. It gives the defendant the benefit of the probation officer's friendly influence and aid.

Cross, W. T. Our irrational fining system. *Journal of Criminal Law*. Mar., 1917, v. 7, pp. 925-927.

A valuable article pointing out some of the inconsistencies involved in the application of the principle which underlies our fining system.

Installment fine as an aid to justice. *American City*, Jan., 1914, v. 10, p. 3.

An analysis of Justice Bland's plan for the payment of fines by installments, with a discussion of its effect upon public welfare in Kansas City. Merriam, C. E. Findings and recommendations of the Chicago Council Committee on Crime. *Journal of Criminal Law*, Sept., 1915, v. 6, pp. 345-362.

Material found on p. 357. The Crime Committee recommends, among other things, that the general financing system be so modified as to provide for payment of fines on the installment plan. The succeeding Legislature enacted House Bill 163, which "provides for the payment of fines on the installment plan, thus wiping out the present system which virtually sends men to jail because of their inability to pay fines on account of their poverty."

Payment of fines in installments by offenders. *Chicago Municipal Reference Bulletin*, Nov., 1914, no. 4.

A compilation of the results of the experience of Boston, Buffalo, Chicago, Cleveland, Indianapolis, Kansas City, Illinois, Massachusetts, New York, and Pennsylvania in regard to fines. Sets forth admirably the benefits to be gained from the installment plan.

Punishment by fine. *Law Notes*, Jan., 1919, v. 22, p. 183.

Same article in *Canada Law Journal*, Feb., 1919, v. 55, pp. 53-54. Advocates parole, or similar procedure, rather than fining, which is not in accord with the principle of justice to all.

*Question of installments: two practical views by men who have faced the problem; on one hand, by James Couzens; on the other, by A. H. Goss. *Industrial Digest*, Oct. 1926, p. 15.

Robinson, L. N. Content of punishment. *Annals of the American Academy*, May, 1926, v. 123-125, pp. 229-232.

Page 229 treats on the abuse of the fining system in punishment, and suggests the installment plan as a solution.

Zueblin, Charles. Court fines by installments (in his *American Municipal Progress*. 1922. Pp. 160-161. Macmillan, \$2).

HUBER LAW OF WISCONSIN

The benefits of the Wisconsin law, known as the Huber Law of 1913, which keeps relatively unimportant offenders under the sheriff's supervision while their wages are turned to the support of the family, are many and appreciable. The effect of regular employment, and the consciousness of having provided for the family, have not only made men of many loafers, but have saved money for the state as well.

Blaine, J. J. Wisconsin Assembly Journal, June 12, 1925.

Blaine speaks in favor of retaining the Huber Law as salutary and therefore of special value.

Gillin, J. L. Paroling of prisoners sentenced to jails with special reference to the situation in Wisconsin. *Journal of Criminal Law*, Jan., 1916.

The problem of idle prison cells, and the provisions of the Huber Law for solving the problem, are here set forth, with some discussion as to its successfulness in application.

Huber, H. A. Saving men from themselves: Dr. Wisconsin prescribes wholesome work instead of idle prison cells for "drunks" and "loafers" who have been sentenced to the county jails. *La Follette's Magazine*, Feb., 1915.

An enthusiastic article in which a sheriff and a chief of police testify to the worth of the Huber Law, citing cases where prisoners have supported their families, paid debts, and saved money during the time of their commitment. The point of view of the employing farmer is also brought out.

Huber vagrancy law enables counties to force idlers to work. *Forward*, July 15, 1917, v. 1, No. 8.

Urges the following of the example set by Rock County in its successful application of the Vagrancy Law.

UNEQUAL SENTENCE

Scarcely any two criminal codes in the United States are found to agree throughout, either in their definitions of crime, or in the penalties prescribed for certain offenses. Crime has been considered to a great extent in the light of local interest and significance, and the just interpretation of criminal statistics is indeed surrounded by difficulties. There is a crying need for uniformity in the adjustment of penalties, and in the degree of their severity.

Disproportionate sentences in criminal cases. *Chicago Legal News*, April 27, 1922, v. 54, p. 319.

"The theory of deterrent punishment should not be loosely put into practice, and the principles upon which alone a deterrent penalty should be inflicted clearly apprehended." *Chicago Legal News*.

Everson, George. Human element in justice. *Journal of Criminal Law*, May, 1919, v. 9, p. 90-99.

Cites individual cases in peculiarities of sentences of a few of the forty-two judges sitting in rotation in the New York Magistrates' Court. In many instances the diversity is astounding.

Holding a mirror up to the courts. *Survey*, Nov. 13, 1915.

Compares decisions of several magistrates on similar cases.

Kavanagh, M. A. Adjustment of penalties. *American Bar Association Journal*, Sept., 1921, v. 7, p. 461-466.

Treats on the necessity of such adjustment; gives no suggestion as to actual procedure.

La Follette, Philip. Check crime by revising criminal code. *La Follette's Magazine*, July, 1926.

"Social regulations should be placed in different category from offenses universally recognized as criminal and odious." *Author*.

Osborne, N. V. Establishment of uniformity in determining punishments in different courts and different jurisdictions. *New Jersey Law Journal*, Nov. 1916, v. 39, p. 323-328.

See especially p. 325. Same article in *Journal of Criminal Law*, March, 1917, v. 7, p. 804-809.

"Punishment, in order to satisfy public opinion, should be as nearly uniform as the circumstances of the case permit. Justice must in fact be just, and to this end the judge must apply himself. The prisoner and the public should be made to understand that in determining punishments the judgment of the Court is adapted to each individual case; that it is beneficial, upright and impartial." *Author*.

Shepherd, W. G. We punish or pamper 'em. *Collier's Magazine*, April 10, 1926, v. 77, p. 13-14.

A plea for uniformity in degree of severity of punishment. Cites Georgia methods.

Wines, F. H. Possible penalties for crime; or, The inequality of legal punishment. Concord, Massachusetts, State Reformatory, 1895: pam.

This pamphlet gives a comparative survey of the various states, regarding penalties for like offenses, for different offenses, and the comparison of possible and actual sentences.

Witte, E. E., comp. Comments of leading authorities upon the proposal in the platform of the La Follette progressive candidates for state offices in the primary of September, 1926, that forfeitures should be substituted for criminal penalties in offenses not involving moral turpitude; replies to a letter of inquiry by the Legislative Reference Library. Typewritten (filed in Wisconsin Legislative Reference Library).

The opinions of leading justices, lawyers, etc., on the plank: To prevent placing the stigma of crime upon conscientious and honest citizens, we favor reducing the opportunity for law breaking by lessening the number of offenses punishable as crime, and substituting civil forfeiture for the correction of minor infractions of laws or orders not involving moral turpitude.

—Substitution of forfeitures for criminal penalties for infractions of laws not involving moral turpitude. Letter (filed in Wisconsin Legislative Reference Library).

Suggests forfeiture as one remedy for the present increase in crime.

VIGILANTES

There have been times in the past when citizens have felt that the only way in which to preserve respect of human life and individual rights was to take the law into their own hands, and such was the origin of the famous San Francisco Vigilance Committee, and of like organizations. The recent Vigilante plan, conceived as a protective alliance in the interests of the Wisconsin Banker's Association, is an interesting echo, and a movement which is more significant than appears on the surface.

HISTORIC ASPECT

Bancroft, H. H. Account of vigilants or popular tribunals in various states and territories of the United States. (in his Works, v. 36-37. 1885. San Francisco, History co.)

Material can be found in these volumes as follows: Organization of the San Francisco Committee of Vigilance of 1851, v. 36, p. 201-213; Vigilance becomes a power, p. 255-266; Extension of Vigilance principle; country committees of Vigilance, p. 429-514; Governor, General, President of Vigilance, v. 37, p. 161-175; Politics and Vigilance, p. 624-638; Fruits of Vigilance, p. 639-663.

Considine, J. L. Vigilantes of the Comstoc. Sunset, June, 1922, v. 48, p. 16.

Tells of the quiet, but effective, reign of the terrible 601, in Virginia City, where they organized two lynchings and issued many tickets of leave.

Dimsdale, T. J. Vigilantes of Montana; or, Popular justice in the Rocky Mountains. 1915. Butte, Mont. Bartlett, \$0.75.

A spirited and dramatic work describing the early lawlessness of Montana, and the organization of the Vigilantes and its work. A short history of Southern Montana is appended, with sketches of some of its better-known outlaws and Vigilantes.

Flint, E. P. My recollections of Vigilante days. Sunset, June, 1914, v. 32, p. 1219-1227.

A popular account, by the only survivor and youngest member of the executive committee of the San Francisco Vigilance Committee, of the trials and executions of Cora and Casey and the arrest and imprisonment of Hon. David S. Terry, Chief Justice of the Supreme Court of California.

Fort Gunnybags; the old stronghold of the Vigilante Committee. Overland, n. s., Dec., 1918, v. 72, p. 574-581.

"Tells graphically the story of the stormy days when Fort Gunnybags was the center of one of the most intensely exciting dramas of the city history." *Overland*.

King, J. L. Vigilance Committee of '56. Overland, n. s. Dec. 1916, v. 68, p. 509-520.

First hand account of the instances from 1851-56 when the "Law and Order Party" took justice into its own hands in San Francisco.

Langford, N. P. Vigilante days and ways, the pioneers of the Rockies; the makers and makings of Montana and Idaho. 1912. McClurg, \$2.

Thrilling accounts of Vigilante days in Virginia City, Montana, and other parts of the west, with anecdotes of the more famous outlaws, such as Boone Helm.

Last of Plummer's gang. *Literary Digest*, March 16, 1912, v. 44, p. 558.

The effectiveness of the Vigilantes in ridding the famous Virginia City of Plummer's band of outlaws is told in this digest of N. P. Langford's Vigilante days and ways.

Papers of the San Francisco Committee of Vigilance of 1851. Publications of the Academy of Pacific Coast History, July, 1910, v. 1, No. 7, pp. 285-353.

Gives constitution of the Committee, with list of its members.

Vigilance Committee of '56. *Overland*, n. s. Oct., Nov., Dec. 1894, v. 24 p. 433-441; 529-541; 622-634.

Tells of the Daily San Francisco Bulletin, which later became the organ of the Vigilantes, with some account of its editor, James King, of William and a discussion of some leading Vigilante members.

RECENT PHASE

Blaine, J. J. To the sheriffs of Wisconsin: May 20, 1926. (Filed in Wisconsin Legislative Reference Library.)

Protest of Governor Blaine against the appointment of deputies organized in Vigilantes Committees, as being outside the regular and usual procedure, and unnecessary since the people of Wisconsin are as a whole a law-abiding people.

Data upon the Vigilante plan for the protection of banks in Wisconsin. (In Proceedings. Wisconsin Banker's Association. 1926. Pp. 112-126.)

Gives some statements as to the need for such a protective organization, Governor Blaine's letter in opposition, with remarks by A. M. De Voursney, Manager of the Protective Department, in defense of the plan.

Wisconsin. State Federation of Labor. A warning. May 22, 1926 (filed in Wisconsin Legislative Reference Library)

Broadside of the Federation, in protest against the organization of "Vigilantes Committees" in the interests of the Banker's Association.

WHIPPING

Growing consciousness of the so-called "crime wave" has brought forth a good many attempts at solution. Of them, increased severity of punishment has been one, and we find several analyses of the effects of the whipping post in Delaware as having weight considered in the light of a precedent. Whether the institution is beneficial or vicious is a question upon which authorities are divided; as a possible solution, the matter is highly interesting and has drawn forth much comment.

Alexander, J. P., Philosophy of punishment. *Journal of Criminal Law*, Aug., 1922, v. 13, p. 235-250.

See especially p. 242. This article discusses the results of whipping in New Jersey and in South Carolina, the deterrent effect considered doubtful in the first state, and positive in the latter.

Bell, Clark. "Cat" as a deterrent to crime. *Journal of Criminal Law*, Mar. 1913, v. 3, p. 945-947.

An answer to Dr. Beverly Robinson's condemnation of the whipping post as punishment. This article strongly recommends its use as an effective deterrent for wife-beaters and erring youths.

Bowen-Rowlands, E. B. Conditions of state punishment. *Quarterly Review*, Oct., 1914, v. 221, pp. 338-362.

See especially pp. 345-346. Discussion of theory of whipping as punishment.

"Cat" as an effective punishment. *Solicitor's Journal*, Jan. 2, 16, 1926, v. 70, p. 253, 294.

Briefly summarizes instances where offenders may be punished by whipping. Also includes a discussion of public whipping.

Corporal punishment. *Justice of the Peace*, Feb. 22, March 1, 15, 1913, v. 77, p. 87, 99, 122-123.

Gives a history of whipping as a punishment, with some exposition of the various acts which in the past have authorized it.

Court and the "Cat." *American Bar Association Journal*, May, 1922, v. 8, p. 260.

Citation of one case proving that "all the terrors which were spoken of by humanitarians about the 'cat' were without any foundation." *American Bar Association Journal*.

Crane, Frank. Punishment. *Current Opinion*, June, 1921, v. 70, p. 742-748.

Refutation of the theory that the whip will effect a cure, as advocated by Justice Fawcett of the Brooklyn Supreme Court.

Crime prevention in Canada. *Journal of the American Judicature Society*, Dec., 1923, v. 7, p. 135-141.

See especially p. 137. Spanking as an authorized form of corporal punishment recommended as an amendment to the criminal code. This and other amendments adopted by final action of Canadian Bar Association, 1923.

Cruel and unusual punishment. *Iowa Law Review*, Dec., 1926, v. 12, pp. 88-89.

Cites cases where application of the "cat" was not held to be cruel and unusual punishment.

Delaware's whipping post. *Literary Digest*, Dec. 6, 1913, v. 47, p. 1100-1101.

A digest of newspaper articles for and against the whipping post in Delaware; strong points made for each side.

Feld, R. C. Delaware still uses ancient whipping post. *New York Times*, April 19, 1925.

A clear presentation of the history of the whipping post in Delaware. Gives arguments pro and con. Arguments for it are: Deterrent principle; keeps the big crook away from Delaware. Both arguments are refuted by Warden Leach of Newcastle prison.

*Flogging. *Criminal Law Review*, Jan., 1914, v. 3, p. 11-12.

Flogging as crime deterrent in Canada. *Current History Magazine*, *New York Times*, Mar., 1923, v. 17, p. 1026-1031.

Description of the administration of the cat o' nine tails in Canada, with some account of its effectiveness as a crime deterrent. The per cent of crime in Canada is proportionately less than in the United States,—may it not be due to the use of the lash in Canada?

Friedman, H. J. Comment on recent judicial decisions. *Journal of Criminal Law*, Nov., 1910.

- Comment on the cadena (chain at the ankle hanging from the wrist) as cruel and unusual punishment.
- Leavitt, Julian. Man in the cage. *American Magazine*, March, 1912, p. 533-544.
- Describes the terrible punishment by the paddle, as it was employed in the Marquette prison. This practice has since been abandoned, due to the pressure of a legislative investigation.
- *McIntyre, J. F. "Cat" as a crime deterrent. Panel, Feb. 1926, p. 1-2.
- Millard, Bailey. Bloody lash versus reform. *Technical World*, April, 1914, v. 21, p. 168-179.
- Discussion of the evils of the whipping post in Delaware. The history of the institution is given in the reactions of various justices, attorneys, and Wardens.
- No more whipping-posts. *Outlook*, Oct. 27, 1926.
- Elmer J. Leach, Warden of the Newcastle County Workhouse, goes strongly on record as opposed to the use of the lash. He considers it a degradation without the least effect as a deterrent.
- Offenses involving whipping. *Law Times*, July 20, 1912, v. 133, p. 286.
- Cites statutes involving whipping, with offenses for which it was administered.
- Ulm, A. H. Delaware uses the whipping post. *Dearborn Independent*, July 17, 1926.
- "The revival of the whipping post in Delaware has made possible a 33 1/3 per cent reduction in rates of hold-up, burglary, and theft insurance, the National Bureau of Casualty and Surety underwriters announced today." *Associated Press*.
- Also makes the point that whipping has little effect on the stupid class of criminal, but is more effective on the intelligent, and therefore more dangerous, type. The last bill proposing its abolition received but one vote, that of the man who introduced it in the state's legislature.
- Whipping and Bigamy. *Law Journal*, March 6, 1920, v. 55, p. 88.
- "It is, at all events interesting that offenders themselves should suggest this kind of 'expiatory discipline,' though they may not be aware, perhaps, that the infliction of it would not necessarily exonerate them from the other kinds of punishment which they evidently dislike." *Law Journal*.
- Whipping as a mode of punishment. *Journal of Criminal Law*, Sept., 1911, v. 2, p. 341-343.
- Discussion of Governor Simeon E. Baldwin's plea for "a return to the lash as an effective, reformatory and inexpensive method of punishment for certain offenses"—and especially in cases of juvenile crime.
- *Whipping as a punishment. *Law Students' Helper*, Jan., 1914, v. 22, p. 28-29.
- Whipping post. *Law Notes*, Jan., 1914, v. 17, p. 181-182.
- Defends whipping as being neither cruel nor unusual punishment, and cites instances of the practice in many states.
- Wines, F. H. Use of the lash (in his punishment and reformation. 1910, p. 76-77. Crowell, \$1.75.)
- "The lash is now regarded rather as a retributive penalty than as a means of enforcing discipline . . . even if every criminal who is flogged is deterred from repeating his offense, the gain, small as it is, has been purchased at a very high price—indeed, at the expense of consistency." *Author*.