

Summer 1935

## Book Reviews

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

Book Reviews, 26 Am. Inst. Crim. L. & Criminology 315 (1935-1936)

This Book Review 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.

## BOOK REVIEWS

---

THORSTEN SELLIN [Ed.]

---

THEFT, LAW AND SOCIETY. By Jerome Hall. xxxv+360 pp. Little, Brown & Co., Boston, 1935. \$3.50.

Mr. Hall has set himself a very unusual task in this book. After reading it one wonders why no one else had previously thought of doing so useful and now obvious a piece of work. Perhaps the answer is that the task in question calls for a breadth both of interest and of information which is not common and which Mr. Hall has in high degree. Mr. Hall takes as his point of departure the perfectly obvious premise that the Criminal Law (in its widest sense) is the end result of a number of entirely separate factors—legal, social, economic, emotional, etc. Each of these factors has had intensive examination from those specializing in it, and each set of specialists has, consciously or unconsciously, tried to give the impression that its set of factors is the solely significant one. (Certainly the reviewer, as a lawyer, must plead guilty for his profession.) This is, of course, far too simple a viewpoint. The Criminal Law (including in that term the methods of its day-to-day administration) is a much more complex whole, produced by all of these factors plus the consequences, often most startling, of combining them. The thing that Mr. Hall has done is to take up one crime, theft, by which he means larceny, embezzlement, obtaining by

false pretences, and allied crimes, and examine it both as a *legal and social* problem, historically and as a present-day phenomenon. It is a combined legal and sociological study which may have its counterpart in other fields and may even have been tried broadly for the whole field of Criminal Law but which is unique in picking a single type of crime and devoting its whole attention to that one. Even apart from the inherent difficulties of pioneering the task has been done extremely well. No one—lawyer, social worker, psychoanalyst, or what have you—could go through this book without having a clearer conception, not only of the other specialists' problems, but even of his own.

To proceed to a description of the contents of the book, it commences with a history, first legal and then economic and social, of the crime. (An appendix which really belongs to this part contains an exhaustive analysis, of over thirty pages, of the extremely important Carrier's case, decided in 1473.) The factors are laid bare which steadily broadened the crime, both by broader definitions and by the creation of new crimes to fill gaps. This is followed by a description of the ways by which, more or less simultaneously, partial or entire exemption from criminal answerability was secured—technicalities, use of allowed discretion, down-right failure

to follow the letter of the law, etc.

All of this is preparatory to an examination of present-day problems—problems which, under a new dress, often have a surprising underlying likeness to those of the past, and in the solution of which the same devices are unwittingly being called into play. Due to the intensive treatment only two such specialized problems can be considered, that of receiving stolen property, and that of automobile larceny. Each of these is looked at from the rules of law involved, the social interests attacked, and the types of machinery (and how they work) utilized to protect society. There is a final chapter, only very loosely joined to all the foregoing, in which the author urges the case for individualization of punishment and argues that such a step in the right direction could well be taken in petty larceny. Obviously this is an entirely different subject from that of the rest of the book, and as the originality of viewpoint elsewhere so pronounced is very largely absent,<sup>1</sup> it would seem that the whole chapter might well have been omitted, to make more space for the book's principal subject.

<sup>1</sup>The chapter starts out inauspiciously with one of those flat and obvious statements found all too often in books of the "functional" type but fortunately rare in the present one. The author announces that crimes consist of behavior falling into one or the other of three groups, viz., (1) behavior which aroused anger; (2) behavior which does not arouse anger; (3) behavior which for lack of knowledge, cannot be classified in (1) or (2). The reviewer is tempted to contribute a discovery of his own, that all criminals fall into one or the other of three groups, viz., (1) red-headed men, (2) men not red-headed, (3) men completely bald and hence not classifiable.

One other criticism should be made. The table of contents, which in so original a book, could be of great value to the reader, as indicating the structure of what he was to read, is almost wholly unhelpful, with its list of uninforming section heads. Perhaps this is merely one symptom of a slight failure, felt from time to time, to organize the material as carefully as it deserves.<sup>2</sup>

While students of theft may have long known some of the points that Mr. Hall makes, his treatment makes them much clearer and much of his material is original with himself. His work should prove of great and long-lived value to students in many fields, whose own work will be eased and clarified by it.

E. W. PUTTKAMMER.

University of Chicago.

---

A STUDY OF THE BUSINESS OF THE FEDERAL COURTS. By *The American Law Institute*. Part I, CRIMINAL CASES, 153+xxxix pp. Part II, CIVIL CASES, 217+xxvii pp. The American Law Institute, Philadelphia, 1934. \$5.00.

On June 30, 1931, the National Commission on Law Observance and Enforcement, appointed by Presi-

<sup>2</sup>Thus on page 241 in the chapter on automobile theft the author, having just said that ninety per cent of all stolen automobiles are recovered states, "At this point our investigation divides: What happens to the ten per cent which are not recovered? What do we know about the ninety per cent which are recovered?" Yet the discussion instead goes at once to the question of the relative prevalence of the offense in urban as compared to rural communities, thence to the legal problems involved in the crime, and thence to the treatment given offenders. The questions raised are never returned to.

dent Hoover in the spring of 1929, passed out of existence. One of the important projects undertaken by this body was a comprehensive study of the administration of law in the federal courts conducted by a subcommittee headed by Dean Charles E. Clark of the Yale University Law School. This study was only partially completed at the time of the expiration of the Commission, and the results attained were set forth in a Progress Report (National Commission, Report No. 7).

The project was planned as a study of the administration of law in the federal courts through a careful analysis of both civil and criminal case records. The impracticability of conducting such a study in every federal district with the means available resulted in the selection of thirteen,<sup>1</sup> chosen largely with the view of making them representative of urban, semi-urban and rural communities, and of different geographical localities. At the time of the expiration of the Commission a great deal of work had been done upon this project the benefits of which would have been largely lost had the undertaking not been carried to completion. Because of this fact, the American Law Institute, with the financial assistance of the Rockefeller Foundation, and the co-

operation of a number of law schools, took up the task where the Commission left off. The field studies had been completed on June 30, 1931, and the effort of the Institute was directed toward the tabulation and classification of material, the counting of cases, and the preparation and revision of separate reports on the criminal and the civil cases.

The original plan of the Commission was to have the study of criminal cases cover a five year period, from July 1, 1925, to June 30, 1930. This was achieved in the District of Kansas and in one office in the Northern District of Ohio; but in most of the districts the period actually covered was three years, while in the Northern District of Illinois only two years were included,—the period in each instance ending with June 30, 1930. In all, 35,671 criminal cases were analyzed and an additional number of 37,065 cases dealing with prohibition enforcement were counted without detailed analysis. The study of civil cases was limited to the period of one year ending on the same day as the other. This included all civil cases at law, in equity and in admiralty except ordinary cases in bankruptcy and petitions for naturalization, and the number was 9,852.

The plan of each volume is the same. First appears the general text, explaining the nature and scope of the project, and summarizing the results with the aid of brief tables and charts. This is followed by the detailed tables (33 in Part I and 107 in Part II), and after the tables is found a brief appendix. Each volume, moreover, in order to furnish a back-ground for the present study, summarizes the material relative to judicial statistics (crim-

<sup>1</sup>The federal districts selected for this study were (1) Northern District of California, (2) District of Colorado, (3) District of Connecticut, (4) Northern District of Illinois, (5) District of Kansas, (6) Eastern District of Louisiana, (7) District of Massachusetts, (8) Eastern District of Michigan, (9) Southern District of New York, (10) Western District of North Carolina, (11) Northern District of Ohio, (12) Southern District of Ohio, and (13) Southern District of West Virginia.

inal or civil, respectively) as shown in the reports of the Attorney General of the United States, covering a period of sixty years.

The general text of the volume on criminal cases is divided into fifteen chapters, which are: Introduction; a study of the business of the federal courts; purpose, methods, and scope of the study; federal criminal cases in the United States district and circuit courts from 1871 to 1930; business of the federal courts in the thirteen districts covered by the present study; quasi-criminal business on the civil dockets: its position in law enforcement; disposition of criminal cases; the use of indictments and informations; pleas; pleadings; trials; sentences; changes in disposition of cases; place of commitment; and appeals.

This study was made and the report written before the repeal of the Eighteenth Amendment, but it is doubtful whether an analysis of the cases of the period covered would give less emphasis to the liquor problem even if it were made after the repeal. The extent to which the load of liquor cases conditioned the whole body of federal criminal cases is discussed in detail, and the divergence as well as the similarity, between liquor and non-liquor cases is noted on every point.

On the whole, the cases studied indicate that the federal criminal courts present a smoothly working system unhampered by needless technicalities or undue delays. As a result of this study it is recommended that a new system of reporting criminal cases to the office of the Attorney General be instituted. Part II, it may be added, makes a similar recommendation

with reference to the reporting of civil cases. The plan, in brief, is a report of each case to be made by the federal court clerk on statistical cards—one card to be filed upon the institution of each case and another card upon its termination. Forms for this purpose (both criminal and civil) are suggested.

The detailed tables contain a veritable mine of information which will no doubt become more valuable with the passing of time, particularly if the recommendations lead to a more adequate system of federal judicial statistics and hence permit comparative studies of different periods. An important undertaking has been well done.

ROLLIN M. PERKINS.

University of Iowa.

---

THE PARDONING POWER OF THE GOVERNOR OF NORTH CAROLINA. By *Roma Sawyer Cheek*. 188 pp. Duke University Press, Durham, N. C., 1934.

This little book is in the form of a thesis submitted in partial fulfillment of the requirements for a degree of Doctor of Philosophy in the Graduate School of Arts and Sciences of Duke University. The scope of the book is indicated rather clearly by the chapter headings which are as follows: "The Nature of the Pardoning Power;" "A Resume of Pardons, Commutations, and Paroles in the American States;" "Historical, Legal, and Administrative Phases of the Pardoning Power in North Carolina;" "The Governor and the Pardoning Power;" "The Exercise of the Pardoning Power as Revealed in the Statistics of Adult State Penal Institutions;" "Parole Under Legislative Authority."

The first two chapters impressed the reviewer as being the most scholarly and best written. Dealing with such subtopics as the pardoning power in history, the justifiableness of the pardoning power, the scope of the pardoning power in the United States, the administration of the pardoning power, the legal effects of a pardon, conditional pardons, commutations, and paroles, these two chapters provide an excellent condensed account of the origin and development of the pardoning power. Their documentary footnote material, especially the many references to American decisions which support the statements made in the text material, is exceedingly valuable. A check of a sampling of the case references seems to indicate that the documentary work is accurate and reliable.

The book contains eighteen graphs and tables showing interesting statistical data; such as, the percentage of the original sentence served by the prisoners before receiving clemency; the gubernatorial reasons for granting clemency; a contrast of the executions and commutations of death sentences in North Carolina over a twenty-two year period; the most important crimes for which clemency was extended; and a contrast of the original sentence with the actual time served. The author should be complimented on the clarity and simplicity of the graphs and tables.

Chapter four, dealing with the subject, "The Governor and the Pardoning Power," contains some of the most valuable statistical material in the book, but the chapter itself seems to suffer from poor organization. Under the text material discussing gubernatorial reasons

for granting clemency, the author has inserted a series of paragraphs illustrating typical cases in which pardons were granted by the governor for the various reasons assigned. Perhaps if this case material had been inserted in the footnotes rather than in the body of the text, the organization of the chapter would have been much improved, especially if the author had enlarged his critical analysis and discussion of pardoning practices.

One of the most questionable features of the exercise of the pardoning power in the country is the all too prevalent practice of leading citizens, signing petitions asking the governor to pardon some criminal. Very often such petitions are signed by the judge, the prosecutor, and the jurors who were involved in the case. This practice provides a governor with an alibi or scapegoat and is without a doubt subject to grave abuse, too frequently not representing a careful investigation of the facts. The author makes a sound point in regard to it as follows: "While the opinion of the community in which the prisoner lived should be a very important consideration, the recommendations sent to the governor's office do not always represent the real will of the community. Those who may regard the early release of the prisoner as unwise are not requested to sign a petition. Also in determining the weight to be given to petitions from the community in which the prisoner lived the quick subsiding of hostile public opinion must be considered. After the prisoner has been convicted and placed within prison walls, a natural feeling of pity soon pervades the community. The prisoner is regarded solely as a victim of economic circumstances, bad en-

vironment, ignorance, or bad heredity. . . . In view of the fact that it is always true that popular indignation quickly subsides and popular emotions are directed with equal facility and quickness into channels of pity and sympathy, the recommendation of citizens should be supported by other weighty considerations. It is also true that in many cases prominent citizens who are officers of organizations or civic bodies sign requests for pardons because an attorney or a friend has requested their aid in securing an early release of some prisoner."

In discussing the relationship between clemency and lynching, the author presents some very interesting statistical data. For instance, Table XII shows the number of capital crimes in North Carolina from 1909-1930 committed by negroes and whites, and resulting in conviction. Table XIII shows that executive clemency was exercised in approximately forty-seven per cent of the convictions of negroes, while it was exercised in approximately sixty-five per cent of the cases involving whites. Commenting on these tables the author says in part: "Table XIII, contrasting the number commuted with those electrocuted, shows that clemency has been much more readily extended to white men convicted of capital offenses. The negroes represent seventy-seven per cent of the total convictions while the whites represent twenty-three per cent of the total convictions. . . . Table XIII shows that only 46.4% of the negroes received commutation as contrasted with 65.6% of the whites, while 53.43% of the negroes have been electrocuted as compared with 34.4% of the whites. This does not mean that the negro is discriminated

against merely because of his race, for in many cases the crime is much more brutal. However, it does indicate that race is an important factor in determining clemency and that the negro who has been sentenced has less chance of getting a commutation than the white man."

The author's conclusions and recommendations are presented in the last chapter of the book, but the brevity of the discussion does not do justice to the many implications and problems presented by the data making up the book. The author refers to recommendations of the state prison commission, and to a proposed bill for the creation of a state board of probation and parole, but most readers will finish the chapter with the feeling that the generalities mentioned therein are not particularly helpful to a solution of the problems raised in other parts of the book.

The form and mechanics of the book could be greatly improved. The high quality of the content of the book deserves more than a cheap paper binding; furthermore an index, in addition to the detailed Table of Contents, would be helpful, and an elimination of some of the typographical errors would have prevented the distraction of the reader. However, considering the scope and purpose of a dissertation, it should be said that the volume is a valuable and creditable contribution to the literature dealing with the pardoning power.

WAYNE L. MORSE.

University of Oregon.

---

STATE OF CONNECTICUT: REPORT OF  
THE LEGISLATIVE COMMISSION  
ON JAILS WITH A SPECIAL STUDY  
ON THE JAIL POPULATION OF

CONNECTICUT. By *Jerome Davis*. 119 pp. Hartford, 1934.

In 1931 the Connecticut Legislature created a commission to make a survey of jail conditions "due to increasing realization that something must be done about the antiquated jails of the state." The report of this survey, printed in 1932, recommended that the existing jails be used chiefly for the detention of those awaiting trial, that a central state farm be established for the custody of sentenced men and that all sentenced women prisoners be committed to the existing state farm for women.

In 1933 the Legislature acted favorably upon this report and in continuing the Commission authorized it to formulate plans for the construction of the recommended central jail farm which would be fitted to examine, classify, segregate and treat those who have committed minor offenses so as to restore them to normal social and civic health.

It is to the credit of the Commission that it proceeded to make an audit of the human material with which it was to deal, before it proceeded to build the plant or work out administrative details.

This "man analysis" was entrusted to Professor Jerome Davis, of Yale University, the Chairman of the Commission. A four-fold case study of the jail population covering the physical, psychological, psychiatric and social conditions of 568 individuals disclosed that they divided themselves into five major groups showing certain needs for their rehabilitation:

1. Forty-five and four-tenths per cent primarily need "situational" attention, that is, that

the cause and treatment of criminality depends in whole or for the most part upon adjusting the environment, i. e., home, school, employment, companions, etc., through the services of trained social workers.

2. Three per cent primarily medical, but 9.1 per cent need medical attention in a marked degree.
3. Seventeen and one-tenth per cent primarily need personality adjustment, i. e., the services of a psychiatrist or clinical psychologist is indicated.
4. Eight and five-tenths per cent need treatment primarily for anti-social attitudes, i. e., the services of persons such as educators and clergymen who will help to reshape their social philosophy.
5. Twenty-six per cent need permanent institutional treatment and six per cent need temporary institutional care with supervision in the community on release.

The survey included a detailed analysis of the industrial, educational and recreational needs of the jail population and how they are to be met in the new institution.

The Commission is to be commended for its attempt to contribute to the studies of the "cause of delinquency" and also for its further attempts to work out "the rehabilitation quotient" of the jail population in line with the predictive tables for post-parole conduct suggested by Burgess, the Gluecks, Vold and others. Details regarding the attempt of establishing rehabilitation quotient, are to be pre-



sented in a later report in which "it is hoped also to secure similar information for a control group in the general population who have never had any delinquency at all and compare these with the others." It seems possible to the Commission that the factors which made for little or no criminal difficulty in the past might also make for success in the future. It is proposed, after a lapse of a five to ten year period, to check this theory and find out as far as possible what has actually happened to the prisoners.

This report sheds much light upon the workings of the jail, America's oldest penal institution; in Connecticut as elsewhere it has failed to keep step with the modern developments in the field of penal administration. Yet it is true, as the Commission points out, that the jails are in many ways the most important penal institutions, handling thousands, where the state penal institutions deal with hundreds.

This survey shows as have previous recent surveys, notably those made in Massachusetts and Virginia, that jails have become largely obsolete. As the Connecticut report says: "There is evidence that the jail itself has at present a deleterious influence on first offenders and that it makes for future criminality. Repeatedly prisoners themselves have stated that this was true. Too often they are thrown into jail, to remain in relative idleness amidst recidivists whose influence is antithetical to normal, decent citizenship."

All students of penal affairs as well as administrators of penal and correctional institutions will concur in the hope of the Commission that its survey may provoke other states to make scientific studies of their

own jail populations to see whether the treatment now being given is the best possible to protect society and aid in the rehabilitation of prisoners.

EMIL FRANKEL.

State Department of Institutions and Agencies,  
Trenton, N. J.

---

I WAS CONDEMNED TO THE CHAIR.  
By *Edward F. McGrath*. vi+  
312 pp. Frederick A. Stokes Co.,  
New York, 1934. \$2.50.

The author of this book had an exceptional experience. Arrested and tried for murder on a chain of circumstantial evidence, he was convicted first of murder in the second degree and at a new trial of murder in the first degree and sentenced to death in the electric chair. He spent long months of waiting in the death house at Sing Sing before the second verdict was set aside and a sentence of 20 years to life imposed under the first verdict.

McGrath tells his story well. The vocabulary is ample; the style is direct, and the customary whine found in effusions of men of prison experience is omitted. He vividly describes the thoughts and feelings of a man who occupies a cell in the death house and watches his associates as they pass through the "little green door," never to return. The reader is impressed with the amount of self-control necessary on the part of one so condemned to maintain his mental equilibrium during these trying days. He describes his admission to the regular prison life of Sing Sing, and gives a picture of prison administration which makes one wonder whether the story of graft and cruelty could

really be true. He frankly tells how he deceived the prison officers in order to save his earnings in the print shop, but he tells the story so convincingly that you approve his deception. The story of Thomas Mott Osborne is told in an exceptionally clear manner, for the first time from the inside of the prison gate. This story tallies well with the story told by Osborne's friends and associates and strengthens the impression of Osborne's greatness and his devotion to the cause of humanity. Checked from all angles the story has the ring of truth.

The book will have a three-fold appeal. To the general reader it will be a fascinating story of unusual experience which will grip him and lead him to complete the book before he lays it down. To the prison administrator it gives a story of the evil practices which have been carried out in prisons in the past and gives insight into the methods which are necessary in order to have a prison administered on a square deal basis. It will lend encouragement to the warden or superintendent who is attempting to follow a middle of the road policy, avoiding the pitfalls of mere sentimentality on the one hand and the bog holes of corruption on the other. To the student of social science and legal reform it will have an appeal, because the problems are presented clearly and concisely and stand out cameo-like from each page. The whole matter of arrest, third degree methods, conviction on circumstantial evidence, incarceration, placement, and treatment present themselves vividly.

The reviewer had read several tales that have been told by former inmates of prisons. Practically all of them have contained a whimper

that is not convincing. Almost all of them give the impression that they are written for the purpose of garnering the shekels of an unsuspecting but interested public mind. This book is head and shoulders above all others of its type. It rings true; it is convincing; it has a message for those whose interests prompt them to read it.

JOHN R. CRANOR.  
Pennsylvania Industrial School,  
Huntingdon.

---

THE PRISON PROBLEM OF AMERICA.  
By *Alexander Paterson, M. C.*  
xv+149 pp. Privately printed,<sup>1</sup>  
Maidstone, England, 1934.

"The Prison Problem of America" is a valuable addition to the literature of penology in general as well as to the literature of American prison conditions.

It is impossible to do justice to a volume as important as this one in a brief review. There are certain conclusions and recommendations which cannot be accepted without further discussion but these are of a minor character when compared with the general soundness of Mr. Paterson's report.

Without overlooking the many other excellencies of the report, it may be said that its chief value lies in the fact that the distinguished author so far succeeded in winning the confidence of American prison administrators that they talked freely to him and allowed him a glimpse of the real conditions and problems facing them. The result is that, without ever violating this

---

<sup>1</sup>Copies may be secured through Mr. E. R. Cass, American Prison Association, 135 East 15th St., New York City, or from the author, Prison Commission, Home Office, London. [*Ed. note.*]

confidence, Mr. Paterson has given us a picture of the problems of American prison administrators as they are viewed by those who face them.

To the interpretation and presentation of these problems he has brought a sound penal philosophy which points unerringly to the principal weaknesses of our present situation. Overcrowding, idleness, political interference, and the lack of uniform standards and practices are prominent among these weaknesses. Equally serious is our tendency to emphasize buildings, equipment, and business management rather than the more subtle and difficult human aspects of prison management. No one who has systematically visited American prisons can deny that,

"In some of the great prisons to which large farms are attached, the authorities appear to derive more pride from their plumbing and their pigs than from any other feature of their administration. After surveying sty upon sty and farrow upon farrow and expressing a very amateur appreciation of the pigs, the visitor is then shown a vast generating plant and a magnificent system of central heating. The pigs thrive and the plumbing is princely, but other features commonly supposed to be more important seem to have slipped almost into oblivion."

No review of this volume, however brief, would be fair to its readers if it failed to call particular attention to Chapter I, entitled, "Why a Prison?" It is in this chapter that the author, "very humbly and

very resolutely,' sets forth the principles of penal administration.

F. LOVELL BIXBY.

Bureau of Prisons,  
Department of Justice,  
Washington, D. C.

---

HANDWÖRTERBUCH DER KRIMINOLOGIE [Dictionary-Encyclopedia of Criminology] Edited by A. Elster and H. Liugemann. Section 15 (Soziale Gerichtshilfe—Strafvollzug, pp. 633-736). Walter de Gruyter & Co., Berlin, 1935. M. 6.

The fifteenth addition to the Dictionary-Encyclopaedia of Criminology (the previous 14 sections have been reviewed in this JOURNAL) contains twelve articles. The more important ones deal with social environment in its relation to crime causation (Elster), state police (Friedrichs), sterilization (Hübner), and penal treatment.

Elster concludes that the family is the most important social factor in crime development. Occupation or professional activity and the economic and psychological factors which are affected by employment status are next in importance.

The article by Friedrichs contains an excellent brief description of the history and present status of Germany's various police in relation to the State. The recent sterilization statutes of Germany are analyzed by Hübner. The last article on penal treatment is the most extensive, covering more than a quarter of the volume. It is treated from the legal (Eichler), administrative (Ellger), educational (Bleidt) and statistical (Roesner) points of view. The legal and administrative aspects are approached historically.

The recent legislation modifying penal treatment and administrative procedure is summarized.

Bleidt, the director of the largest juvenile reformatory in Germany (Wittlich), discusses the rôle of rehabilitation or education in penal treatment. In line with the majority of the "progressive" workers in penology in pre-National-socialist Germany he has shifted his position. "Official" criticisms at the reformatory attempts of the supporters of the earlier progressive grade system are made. The professional brain trust ("professoren-weisheit," p. 713) wasted too much sympathy on the "poor prisoners." The new regulations of August 1, 1933, which redefine the goal of punishment as intimidation and permit only first offenders to be eligible for the progressive grade system is supported and justified by Bleidt. Removing the privilege of smoking in the higher grades of what is left of the progressive system is also justified. Apart from one's reactions, Bleidt's contribution will help the reader in understanding the change from the progressive grade system to the National-socialist penal philosophy.

Dr. Roesner's contribution, as was to be expected, is solid. He briefly discusses the function and contents of prison statistics; gives a brief account of the various attempts on the part of the international congresses to develop prison statistics; and presents summaries of current prison data of the Scandinavian and European countries, England, the United States and several South American Republics. This article is enhanced by a citation of the sources for prison statistics of the countries discussed and by the appended bibliography which,

unfortunately, runs into section 16, not yet published.

When completed this series will prove the best single source for German criminology and its allied fields.

NATHANIEL CANTOR.

University of Buffalo.

---

FORENSIC MEDICINE (A Textbook for Students and Practitioners.)  
By Sydney Smith, xvi, 644 pp.,  
170 illustrations. J. & A.  
Churchill, Ltd., London, 1934.  
24 S.

This enlarged and modernized edition carries with it the high standard of excellence set by the author in the three previous editions. From the physical standpoint, the book has much to recommend it. It is well printed upon good paper, the type is very readable, and the subjects discussed are amply illustrated by excellent engravings.

The author frequently calls upon his very wide experience as medicolegal expert in the British Colonies and an interesting account is given in the Appendix of some of the medicolegal problems which are peculiar to the East. As the subtitle would indicate, the book is intended primarily for the use of medical students and practitioners but the rather sparing use of highly complex medical terminology makes the book readily understandable to persons who have not had special medical training. The chapter dealing with the identification of human remains is particularly complete, including brief discussions of the use of anthropometry, finger prints, observations of the scars, tattooing and other physical charac-

teristics and skeletal indications of age and sex. The section on wounds from firearms is also exceptionally well handled and presents briefly the techniques which have been developed in gun identification during the past few years. The discussion of mental abnormality naturally presents the subject from the standpoint of British insanity laws. In the outline for handling malingering cases no mention is made of the newer psycho-physiological methods for the detection of deception.

The latter third of the book which deals with the subject of Toxicology is much less satisfactory so far as the American reader is concerned. In this country where all criminal cases must be proved "beyond reasonable doubt," the mere detection of the *presence* of poison is of little value. Evidence must be produced indicating that the *quantity* taken or administered was sufficient to account for death. The book deals at length with qualitative procedures for detecting poisons but the methods of determining them are often times antiquated or not given. For example, the gasometric methods for measuring the carbon monoxide content of blood are not mentioned; no quantitative method for determining the amount of lead in body tissues is given. Inasmuch as all persons in this country have some lead in their bodies due to the ingestion in foods, etc., the question of quantity becomes all-important in a medicolegal case of suspected lead poisoning. Zinc poisoning is discussed although our best evidence at present shows quite conclusively that zinc is not poisonous in the ordinary sense of the word but produces its harmful effects through

purely physical means. The inhalation of zinc stearate by infants with fatal result (page 470), is not a poisoning but simple suffocation. On the other hand some substances such as ether, which occasionally produce death by poisoning, are practically ignored. The conclusive researches of such experimenters as Widmark, Bogen and Carlson showing the very definite correlation which exists between the concentration of alcohol in the blood and urine, and the physiologic evidence of abnormal behavior or intoxication, are not mentioned.

Probably many of these omissions are due to the differences in legal procedure which exists between European countries and the United States. One can imagine the embarrassing position of a medicolegal expert in one of our courts attempting to give a deductive reconstruction of a crime such as is presented in pages 85-87. Those conclusions of the witness which managed to escape the objections of an alert counsel would fall before the provisions that there may be no "reasonable doubt" as to their accuracy.

In spite of the differences in the problem confronting the medicolegal expert in this country and in Europe as would be indicated in a reading of this book, it still remains unquestionably the best work on the subject in the English language and should be of inestimable value not only to pathologists and medical examiners but also to attorneys who are engaged in medicolegal cases.

C. W. MUEHLBERGER.

Scientific Crime Detection  
Laboratory