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Book Reviews and Notes

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BOOK REVIEWS AND NOTES.

LE DROIT DE L'UGANDA. By *Henri Rolin*. Brussels: E. Bruylant. Pp. XXXII, 419, 1910.

This excellent monograph is the first authentic account of English colonization in Africa. The first half of the study is divided equally between an historical review of the establishment of the British Protectorate in Uganda, and a detailed analysis of the organs of its government. The remainder treats of the law of persons, property, contracts, succession, commercial and industrial law, police regulations, civil and criminal procedure, and criminal law as applied in the Protectorate. The author points out that the great bulk of the laws are merely adaptations of codes and regulations of India. Prof. Rolin has refrained at all times from didactic criticism and observes throughout a spirit of absolute impartiality. This book will, no doubt, be accorded the high rank it deserves in the field of colonial government.

University of Illinois.

C. O. GARDNER.

DER GEFAENGNISARZT. Von *Dr. Friedrich Leppmann*. Berlin: Richard Schoetz's Verlag. Pp. 206, 1909.

This work is designed for physicians in prisons, reformatories and reform schools. The legal position of the physician in institutions of correction is defined in terms of the German law. For the most part the discussions of principles are useful under any system, although one is frequently reminded that the author has his own countrymen in mind.

Very valuable, even to laymen, is the treatment of the effect of incarceration on the health of prisoners; the particular topics being diet, building, clothing, bedding, care of the body, occupation, disciplinary punishments, and the influences affecting the mental life. Of general interest also is the statistical information and the professional judgment as to the health of prisoners when they come into the institution.

The discussion of the duties of the medical officer in relation to treatment of prisoners, his counsels in relation to assignment of tasks, dietary, clothing and disciplinary measures is quite clear and is useful for all who have to do with problems of administration. The part devoted to various diseases found in prisons is rather more technical, and yet, even here, materials for wider circles of thought are abundant. On the whole the book is a valuable contribution to prison science.

C. R. H.

DIE PSYCHOLOGIE DES VERBRECHERS. By Dr. med. *Paul Pollitz*, Director of the State House of Correction, Dusseldorf-Derendorf. Sammlung Aus Natur und Geisteswelt. Teubner, Leipzig, 1909. Pp. 146.

The scope of this series, of which this little book is a part, forbids it being more than a brief summary of criminal causes. Setting aside the anthropological school rather unsympathetically, there is considered the more important factors which influence the mental states of the offender—age, marriage relations, technical training, illegitimacy, property, etc. These conditions are largely open to social amendment, yet, the author asserts that the marked increase of crime is in part due to unbalanced legislation for social protection. Acts of violence and most common law crimes are slightly decreasing in relative number.

The last half of the book deals with the criminal as a mental defective—dipsomaniacs, prostitutes, beggars, and youths, with a chapter on the professional criminal and his speech. With few statistics the characteristics of each class are pointed out, but no suggestion for cure is ventured, beyond the remark that all betterment of the social, economic and cultural condition of a people significantly alters the criminal movement. Further than this each offender presents a peculiar psychological problem in himself.

University of Illinois.

L. D. UPSON.

BULLETIN OF COMPARATIVE LAW.

Number three (July 1, 1910) of the Annual Bulletin of the Comparative Law Bureau of the American Bar Association is a creditable and highly useful publication for students of comparative law. It contains special articles on a variety of topics falling within the domain of foreign law, reviews of books, lists of foreign collections of law in the United States, miscellaneous notes, bibliographies, summaries of foreign legislation, an index to periodical literature, etc. The chairman of the editorial staff is W. W. Smithers, Esq., of Philadelphia and there is a special editor for each of the principal countries of the world.

J. W. G.

AMERIKANISCHE JUGENDGERICHTE: IHRE ENTSTEHUNG, ENTWICKELUNG UND ERGEBNISSE. Von *Georg Stammer*. Berlin, 1908. R. v. Decker's Verlag G. Schenk, Königlicher Hofbuchhändler. Pp. 58.

This purely descriptive pamphlet presents without criticism the status, development and reputed results of the juvenile court system of the United States up to the year 1908. The source of material is confined to the writings of Samuel J. Barrows, representative of the United States to the International Prison Congress.

In fact it goes little beyond a translation of excerpts of Dr. Barrows' paper on "children's courts in the United States." This, together with some articles by Dr. Barrows in German and American periodicals, is the source of his material.

Its introduction presents some of the general principles evolved in several years of juvenile court experience, chief among which is "No child shall be treated as a criminal, nor be detained among confirmed criminals." The remainder of the pamphlet is devoted to a description of the work of Judge Lindsey in Denver; of Judge Murphy in Buffalo; of Judge Mayer in New York City; of Hannah Kent Schoff in Philadelphia; and of Mrs. Rogers and the volunteer probation system in Indianapolis. The statements can now be superseded as to status and results, since the conditions described are previous to the year 1908. No mention is made, for example, of the splendid work accomplished during the past few years in the juvenile court of Chicago (particularly the psychopathic work done on private endowment). Its present value is chiefly historical.

University of Illinois.

A. H. SUTHERLAND.

LE CRIME DEVANT LA SCIENCE. Par le *Dr. Wahl*. Giard et Brière, Paris, 1910. Pp. 316.

In this book crime is treated in the main as a phenomenon of mental pathology. The point of view of the author is indicated in the closing sentence of the second chapter: "In short, I will conclude from this long chapter that the number of insane criminals is considerable, that many other criminals are upon the borders of insanity, and that in the measure that mental medicine has progressed the number of criminals diseased from an intellectual point of view has been regarded as more and more considerable, that the relations of psychiatry with criminology become each day more intimate, that degenerates form the principal part of the population of prisons as well as of asylums, and that it is against degeneracy that must be carried on the combat against insanity and criminality, which are in a certain measure susceptible of being checked by rigorous prophylactic measures."

The most important chapters are those which discuss the causes of degeneracy and criminality, the physical stigmata of degeneracy, the pathological physiology of degenerates, the psychic characteristics of degenerates, and the relation between criminality and degeneracy.

The book contains a good deal of valuable material, but this material is not well arranged. This is, perhaps, due in part to the fact that the author tries to discuss too many subjects in so brief a space. This is best illustrated in the first chapter on the nature of crime and the last three chapters which deal with the practical treat-

ment of crime, all of these chapters being very disconnected and fragmentary in their character.

University of Missouri.

MAURICE PARMELEE.

TRATTATO DI POLIZIA SCIENTIFICA. By *Salvatore Ottolenghi*, Professor of Legal Medicine in the University of Rome, Director of the School of Scientific Police in the Ministry of the Interior. Vol. I. Milano, 1910. (Societa Editrice Libraria.) Pp. XIII, 446, with 371 illustrations.

For more than twenty years Professor Ottolenghi has been one of the foremost students of modern criminal science in Italy. In 1892 appeared his treatise on "The Insane Female Offender." In 1897 he advocated in a pamphlet the university study of scientific police. In 1902 he succeeded in procuring the establishment of an official school of scientific police. Its influence has spread rapidly. For three years past the *Scientific Police Review*, directed by Professor Niceforo, another able worker, has served to propagate the study. The fruits of seven years of lectures are now presented in this work by Professor Ottolenghi.

The present (first) volume is occupied with the subject of "Physical Identification." It is divided into six parts: I, Descriptive Anatomical Records; II, Descriptive Functional Records; III, Practice of Descriptive Records; IV, Dactyloscopic Records; V, Anthropometric Records; VI, Photographic Records.

Part I begins with the General Features appearing in all persons, and, with careful attention to scientific anatomy, proceeds to describe in detail the variant dimensions, proportions, symmetry, numbers, forms, directions and colors of each feature. The body as a whole, the head, the face, the trunk and the limbs are thus analyzed. Then, under the head of "personal peculiarities," are described such features as scars, tattooing, callosities, anomalies and deformities. In Part II are analyzed the functions of sight, hearing, speech etc. In Part III he describes the practical methods of making and preserving these records. Parts IV, V and VI are devoted to the specific methods of finger-prints, anthropometry and photography.

His exposition of the finger-print system, however, shows that police-science, being still in its infancy here, requires now a harmony of practice in order to preserve its great merit, namely, inter-state and international arrest service. The author describes the six chief modern systems: Galton's in England (now superseded by Henry's), Bertillon's in France, Pottecher in the Orient, Vucetich's in Argentina, and Gasti's in Italy. Vucetich's, we understand, has hitherto received instant recognition as the simplest and most practical, and was on its way to supersede the others. But Gasti, the author informs

us, has discovered even a better one, and we admit that the description of it sustains that claim. Yet until the process of improvement ceases to affect the fundamental classification, it will be impracticable to use the method by telegraph for inter-state and international service; and in any case a vast amount of clerical labor will be needed to readjust and re-examine the records made under prior systems. The dactyloscopic method is obviously the decisive one, but its future usefulness depends on the rapid arrival at a fair consensus of practice on fundamental points.

It must not be thought, however, that modern police science sees only a method of identification as the limit of its usefulness. The author is careful to point out that the study of the offender's personal characteristics lies at the basis of all penal treatment of him, and that the record of them will serve in all subsequent dealings with him. Modern criminal science will call for trained and intelligent handling by judges, police and prison officials. Their education in methods of studying the personality of the offender will serve to prepare them to accept and apply the coming advances in practical penal science.

J. H. W.

KOMPENDIUM DER GERICHTLICHEN PHOTOGRAPHIE, EIN HANDBUCH FÜR BEAMTE DER GERICHTS, UND SICHERHEITSBEHÖRDEN SOWIE DEN UNTERRICHT AN KRIMINALISTISCHEN INSTITUTION UND GENDARMERIESCHULEN. By *Wilhelm Urban* of Munich. Otto Nennich, Leipzig, 1910. Pp. 202, with 103 illustrations.

This book should commend itself to all police officials and others engaged in the examination and preparation of evidence in criminal cases. It is a very complete and up-to-date treatise on the scientific application of photography in all phases of crime, and every one of the illustrations attracts the reader's attention. The well-known methods of "Bertillonage" are described concisely, and in addition are given new methods, based on the use of ultra-violet and other light rays for identifying otherwise invisible finger-prints, erasures and forgeries on documents, and also of footprints, hair, dust and dirt. Even the microphotography of blood, scales of epidermis, nasal, vaginal and other secretions is considered in its application to tracing and identifying criminals. There is a good description of the use of the X-ray in criminal cases, as in obtaining radiograms of swallowed diamonds, in cases of arsenical poisoning, gunshot wounds, imbedded knifeblades, etc. An interesting case is cited as occurring to the Dresden police officials. A suspicious looking box was subjected to the X-ray, the radiogram revealing a diabolical mechanism constructed to explode the contained bomb at the first attempt to open the box. One chapter gives a useful outline for the arrangement of

a photographic laboratory for criminalistic use, and a good bibliography and glossary complete this handy and interesting little volume.
Philadelphia. E. A. SPITZKA.

LEHRBUCH DES INTERNATIONALEN STRAFRECHTS UND STRAFPROZESSRECHTS. By *Dr. F. Meili*. Zurich: Orell Fuessli, 1910. Pp. XXII, 535.

The author of this treatise is one of the most distinguished European authorities in the field of Private International Law. We have already reviewed two monographs from his pen which embodied the result of his historical researches in the classical period. (See this JOURNAL for November, 1910, p. 675.) We have now before us his large treatise covering the entire field of the conflict of laws and procedure in the administration of criminal justice. This subject he treats under the title of International Criminal Law and Criminal Procedure, which accords with the system of legal terminology prevalent on the Continent. The author regrets that the problem which he is considering has too often been dealt with in connection with partly related topics, such as administrative law, or international law. This indicates to his mind that there has not as yet been a proper appreciation of its problems. The first part of the book deals with substantive law, the second with procedure.

In the first part is found a succinct statement of the historical development of the conflict of laws and jurisdiction in respect of crimes. The author deprecates the emphasis laid by the jurists of the Netherlands in the seventeenth century upon the element of the *locus delicti commissi* in determining the form and jurisdiction for the trial and punishment of the offense.

This so-called "territorial" principle became the settled law of England through the influence of the writers of the time, especially as many English lawyers attended Dutch universities. Curiously enough, Grotius was the sole exception among the jurists of the Netherlands in insisting that where the offender escapes to another jurisdiction, that jurisdiction must either take upon itself the punishment of the crime or deliver the offender to the jurisdiction within which the offense was committed.

Besides the "territorial" principle prevailing in England and America, the author outlines the various other theories supported, in whole or in part, by other countries, such for example as the principle of "active personality" whereby jurisdiction is made to depend on the citizenship of the offender; that of "passive personality" whereby jurisdiction is determined by the citizenship of the injured party; and finally, that of "universality," whereby jurisdiction exists everywhere by reason of the fact that the nature of the crime

is one directed against human welfare as a whole (a. g., anarchy, piracy, slave trade).

The great value of the present treatise lies in its comparative treatment. It is not confined to the rules of any one country or group, but deals *seriatim* with the positive legislation and judicial decisions of all of the principal countries of the world.

The part of the book dealing with procedure is equally detailed in treatment. The rules for determining the forum are set forth. These would seem to apply between different jurisdictions of the same nation rather than internationally. The author has therefore gone slightly beyond the limitations of his title for the sake of completeness, for which transgression he is deserving of forgiveness, especially as many of the questions are practical in federal systems like Germany, the United States and his own country.

The final chapter treats of the extra-jurisdictional execution of criminal penalties. Of course, the rule of the strictly local operation of penal judgments as it prevails in Anglo-American practice is quite logical in connection with the territorial principle of jurisdiction. We would, however, expect to find a different rule prevailing in countries recognizing a jurisdiction to punish for offenses committed without the state, but this does not seem to be the case. The author disapproves of some of the results which follow, but does not refer to the rule as illogical on principle.

The work is probably the most complete which has been published in the special field to which it relates. It discusses separately each class of crimes according to the peculiarities implicit in their nature. The tone throughout is progressive as well as practical and continually lays stress upon the point that the effectual and just punishment of crime is a matter which should be increasingly recognized as affecting the order of not merely one state alone, but that of the *Weltrechtsgemeinschaft*, or the community of law throughout the world.

New York City.

ARTHUR K. KUHN.

CESARE LOMBROSO ALS MENSCH UND DENKER. Von Dr. Hans Kurella. Wiesbaden: Verlag J. F. Bergmann, 1910.

Kurella is not only one of the most faithful but also one of the ablest disciples of the recently deceased great psychiatrist and criminologist of Turin. In this volume, brilliant in style and written with much temperament, the author foregoes all treatment of Lombroso as a reformer in the field of criminology and devotes himself first of all to an appreciation of the man as a personality. Entirely new is his attempt to assign to Lombroso the high place which belongs to him in a brilliant epoch of the positive view of the world, mankind and society. To him, and probably also to many of us, his nature

is of the same type as Spinoza's, and with Schopenhauer, Comte, Buckle, Quetelet and Vico he is the most important exponent of the "deterministic conception" of society and history which sees far beyond the horizon of a merely political economical view of human society, seeking and finding the laws that govern the development of society in the laws of organic nature. With this in view Lombroso's contribution to sociology and social economics is examined, and it is shown that in the first place we owe him the perception that a given social and political order can create hereditary biological anomalies, the bearers of which must become unadapted, injurious and destructive to *any* social and political order, however it may be organized. As a social and political economist he condemns the struggle between classes and revolutions and has little sympathy with parliamentary government and its cliques, as a balance to which he would introduce a sort of people's tribunal. Dr. Kurella energetically defends Lombroso against the accusation of pessimism. His theory of the "born criminal" by no means sprang from pessimistic ground; in social economics, including its criminal branches, he was decidedly an optimist; he looked upon the weak, the diseased, the degenerate, with the objectiveness and philanthropy of the "born" physician; only in the ethical valuation of the genius and the great "condottieri" and "conquistadores" was he sterner. To many the account of Lombroso's finally victorious fight against pellagra will be new, a fight in which he showed himself to be a noble opponent but also a careful experimenter and an experimental pathologist of the first rank. To all those who are interested in a concise history of the development of Positivism in general—not alone of the Positivistic school of criminology—this little book will be almost indispensable. Of special value is the list of the "facts and documents of positivism" in the appendix.

South Easton, Mass.

ADALBERT ALBRECHT.

DIE KRIMINALPOLIZEI UND IHRE HILFSMITTEL. Von Prof. Dr. A. Niceforo. EINGELEITET UND ERWEITERT VON REGIERUNGSRAT, Dr. H. Lindenau. Mit 300 Originalphotographien. Gross-Lichterfelde: Verlag Dr. P. Langenscheidt. Pp. XLVIII, 470.

Under the scientific investigation of crime, Niceforo understands the application of scientific results to investigations, the purpose of which is: First, to establish the identity of an individual; second, to discover the share that this individual or some other factor had in a criminal act. From this standpoint the scientific investigation of crime takes its place as a fully justified branch of criminology, for which it has to thank in the first place the efforts of Dr. Niceforo, whose book forms the basis for this amplified and modernized German edition. In his lectures at the University of Lausanne in 1901 Nice-

foro pointed out that scientific investigation of crime—as men like Lombroso, Ferri, de Quiros and Gross had already recognized—must eventually be included in the faculties of jurisprudence and in all institutions in which future criminalists are educated. He was afterward joined by all the International Congresses for Criminal Anthropology and the establishment of special chairs for the auxiliary sciences of penal law at all larger universities is now probably merely a question of time and money.

Niceforo, who is conversant with all the methods of the criminal police in Italy, France, Spain and Switzerland, has found in the collaboration of Dr. Lindenau such supplementary work as cannot be too highly valued. Dr. Lindenau has undoubtedly imprinted the seal of German thoroughness on the whole book without in any way impairing its original style and fluency. It does not pretend to compete with the voluminous collective works of Gross and Weingart, taking from the tremendous instructive material of these reference books only the establishment of the facts in the case and the identity of the perpetrators, a special field whose eminent importance in practice alone would justify the publication of this book. With Dr. Lindenau we see its chief advantage, however, in the unconditional rejection of all the aids and tricks of criminalistic routine, be they never so tried, in favor of the results, obtained by experiment, of exact science. It is shown to what extent penal methods of crime investigation rest on a scientific basis and in how far such a basis is still lacking. Both these perceptions are equally valuable to the progressive development of crime investigation.

The illustrative material in the German edition has also been considerably supplemented. The whole book might really be regarded as a presentation of the triumph of photography in tracking the criminal. Its application in this field is traced into the latest and smallest details (for instance, the experiments in distance photography made by the Berlin criminal police), and is presented in a generally comprehensible way.

It would certainly be a meritorious undertaking if an American specialist of recognized standing would translate this book, adapt it to American conditions and thus create a work which might serve as a guide, not only in the hands of all those who have to do directly with the criminal and his tracks, but also for the great number of journalists and laymen. In this way it would help to fill up the gap that threatens to open between the administration of justice and popular sentiment. It has gradually become scarcely comprehensible how lightly and carelessly the faultfinders and despisers of the administration of justice, in a certain press, form and express their disapproving opinions. The lack of technical knowledge grows greater in the same measure that criminalistic technique becomes finer and more

intricate. But no one who has not had an insight into this extremely complicated apparatus will ever be able to follow with real understanding the phases of a criminal trial. If the justified interest of the public in the events of the courtroom is not to degenerate into the commonest form of sensation-seeking, or worse, into distrust of the administration of justice altogether, only one way remains open: "to extend and develop criminal technique to a completeness that will provide irrefutably proved results, to educate the court reporters, as regards character and technical knowledge, up to their tasks, to enlighten the public as to the fundamental principles of penal methods of investigation—of scientific circumstantial evidence."

South Easton, Mass.

ADALBERT ALBRECHT.

L'IDENTIFICATION DES RECIDIVISTES. Par *Edmond Locard*. BIBLIOTHEQUE DE CRIMINOLOGIE, publié sous la direction du *Professeur A. Lacassagne*. Paris: A. Maloine, 1909. Pp. 428.

In the preface the author states that the identification of recidivists has been undergoing a rapid evolution. Two classes of methods have been proposed and put in practice in different countries—one by theorists in the name of scientific principles and the other by police officers as the result of practical experience. To present the details of these various systems and to make a critical comparison and estimate of them is the object of the book.

The first chapter is devoted to the general subject of identification in legal proceedings, and the reader's interest is aroused by brief historical accounts of some celebrated cases involving the question of identity, such as the case of Martin Guerre in the sixteenth century, the Barronet affair, the Tichborne case and the Gouffe affair. The author next defines recidivism and then describes the "casier judiciaire," or record of convictions, and the "fiche signalétique," or record of individual characteristics, made for the purpose of identification. The various characteristics of identity and the methods of recording them are then taken up in detail. First, photography; then the written description of physical characteristics, including the "spoken portrait," with the methods of recording it, and the album D. K. V., a combination of the "portrait parlé" and the photograph. The description of the color of the eyes and the complexion and of particular marks, such as tattooing, scars and deformities, is next taken up; a chapter is devoted to anthropometry, including the Bertillon method and the cephalic method of Anfosso, and there is a full account of dactyloscopic or finger-print records as exemplified in the various systems of Galton-Henry, Pottecher, Vucetich, Daae, Bertillon, Roscher, Gasti and Oloriz. The psychological analysis, according to the method of Ottolenghi, is also described.

A critical comparison and discussion of all these methods is

given by the author. The traits of visage, of color and particular marks, while all useful, are all more or less subject to change and the need for something more exact and stable was frequently felt. The anthropometrical method of Bertillon was devised to meet this need. Bertillon based his system on three principles: First, the relative fixity of the bony structure in man after twenty years of age; second, the extreme diversity of the dimensions of the human skeleton when compared individually, and third, the facility and relative precision with which certain skeletal dimensions may be measured on living individuals. As a method of identification anthropometry is worthless as applied to those under twenty on account of the subsequent modification of the bony structure and difficulty of application to women whose hair interferes with cranial measurements. It affords a high degree of probability of identity, but still calls for the use of complementary methods. It is, however, easy to apply and does not require more than ordinary intelligence in operation. The fingerprint method in some form, however, is the most satisfactory of all methods. The series of more or less parallel and curved lines on the finger extremities present such variety of patterns and characteristics as to be practically illimitable, and mathematically speaking, infinite. The risk of finding two identical finger prints is practically none. Moreover, from the six month of intra-uterine life to the most advanced stage of putrefaction the designs remain immutable, and neither disease, wounds nor age works any change of type. The method requires, however, study and experience as well as intelligence in operation. The method of classification and record is an important matter in connection with the use of finger-prints and that of Vucetich, employed generally in South America, is now recognized as, in the main points, the best.

In conclusion the author outlines a plan for a uniform record and an international identification office. A mere synopsis of its contents cannot convey an adequate idea of the completeness of detail with which the various systems treated of are described. The records of the various countries are exemplified by copies of various forms employed and the principles of the various methods are clearly set before the reader. It adequately fulfils its object to present a complete survey of the methods proposed and in practice for the identification of criminals.

E. L.

THE SOCIAL EVIL IN NEW YORK CITY. A Study of Law Enforcement by the Research Committee of the Committee of Fourteen. Pp. XXXVI 268, of which 133 are appendices containing text of laws, statistics of courts, and an index. New York: Andrew H. Kellogg Co., 1910.

"The Committee of Fourteen" was organized in 1905 for the suppression of "Raines Law Hotels" and their attendant abuses in

New York City. The investigation which led up to the present publication was in charge of Mr. George J. Kneeland.

This book illustrates the fulfilment of two social necessities which must prepare the way for adequate and intelligent legislation in certain difficult fields and for the better enforcement of the law. The first of these necessities is the thorough and clear presentation of the facts in the premises; the second is concentrated action prompted by interest in that public welfare, the price of which is eternal vigilance on the part of some citizen whose motive for action is not the hope of spoils.

Twenty-eight topics are here treated, examples of which are the tenement house law, the disorderly house law, the cadet system, seduction under promise of marriage, compulsory prostitution, immoral plays and exhibitions, midwifery and abortion, rape, and employment agencies. The plan is to present (1) the provisions of law bearing on each topic, (2) the conditions preceding and leading to the enactment of these laws in each case, (3) their enforcement as revealed mainly by the records of the courts and district attorneys, (4) a field study of the inefficiencies of the law as enforced, and (5) a summary of the benevolent, civic or political agencies tending to promote or defeat the success of the laws.

It is made clear that aside from the more or less constant element of vice, which is incident to the weakness of human nature, and the imperfection of the moral development of a society, there is a large element of artificially stimulated vice, due to the business of prostitution, a business which is vigorously promoted in the interests of many shareholders; that many women are prostitutes because men who profit thereby compel them by corruption or ensnare or artfully induce them to become so, and that many men who would not do so if left to themselves, visit prostitutes as the result of insidious appeals to their lust, including active advertising and solicitation.

The laws are a heterogeneous patchwork based upon no comprehensive knowledge of the situation, and their enforcement is entrusted to eight different departments, the three state departments of excise and of labor, the probation commission and the five city departments of tenements, buildings and health, licenses and correction. They are for the most part without coöperation or coördination of plan.

Year after year statutes are added to the already long list which mislead the public into the belief that protection is being afforded, when, because of the impossibility of securing conviction under them, or because of court rulings as to the impossible evidence required, or for other reasons, they are in fact nearly or quite useless. The enactment of such laws indicates the will of the people, but that

will is defeated largely by their blind trust in mere legislation in the absence of adequate knowledge.

The police penalties which are inflicted fall mainly upon women and not on the men who derive profits from the system and are mainly responsible. Thus, for example, although the law provides that by civil action a lien of \$1,000 may be established against any tenement where prostitution exists, and 1,355 complaints have been filed with the tenement department, not one owner or agent has had an action brought against him, and no publicity has been attracted to such ownership. It is partly due to a sense of this injustice, no more the less deplorable, that 65.9 per cent of the cases in which women have been arrested for prostitution in tenement houses have been so disposed of as to be in a position to return immediately to their former practices.

Among the numerous remedial agencies proposed as a result of this study may be emphasized the suggestion of a non-salaried commission appointed by the governor or mayor to secure and communicate to the public the facts which will serve both as a guide and motive to effective action; and, second, the provision of adequate opportunities for wholesome amendment divorced from vice.

University of Illinois.

E. C. HAYES.

CRIME AND THE TREATMENT OF CRIMINALS. Bulletin of the University of Texas, No. 146. By *Charles S. Potts*. Pp. 86, 1910.

This is a useful and enlightening pamphlet by a professor in the University of Texas. After giving an outline of the past and present methods of treating criminals, in which the modern theories and practice in the United States and abroad are frequently drawn upon, Mr. Potts goes on to consider frankly the present treatment of the criminal in Texas, where for the last year or two a real investigating committee of the legislature, aided materially by some of the leading newspapers, has been uncovering startling and often ghastly conditions.

Professor Potts recommends, first of all, a reorganization of the penitentiary commission, "to remove it from the realm of spoils politics. Under the present arrangement the positions are distributed by the successful candidate for the governorship to his faithful followers. There is no permanency of tenure in the penitentiary service and there is no head to the system. The present governor, Campbell, recommends a reorganization on the basis of a six-year term instead of the present two-year term, the term of one member of the commission to expire every two years."

"After all reasonable allowances for exaggeration have been made," says Professor Potts, "the fact still remains that there have

existed in the past, and doubtless still exist, in large measure, many grave abuses in the administration of the Texas penal institutions. While the penitentiary board authorizes whipping as a sort of last resort in handling unruly prisoners, it seems to have been almost the only form of punishment used, and revolting stories of unmerciful whippings are told. Testimony was adduced by the legislative committee to show that excessive work and generally bad treatment has made a wreck of many strong men who, when they left the penitentiary, were in many instances unfit for manual labor. The committee found that while the food was fairly good in most cases, the prisoners were often poorly clad, and the sanitary conditions of most of the outside camps were very bad. Gambling was found to constitute the chief form of amusement in all the outside camps, and many young men who entered the prisons ignorant of this vice left them as professional gamblers. In most cases these conditions were of long standing. Yet it is probably safe to say that there have never been fewer abuses in the entire history of the penitentiary system than there are at the present time. Under the lease system, in 1901, it was found by a legislative committee that as a rule the life of a convict was not so valuable in the eyes of the sergeants and guards and contractors, with a few exceptions, as that of a dog. "Convicts are shot down (in 1901) upon the least provocation and when there is absolutely no excuse for it. Convicts are worked when they are sick or disabled and some have been compelled to work until they dropped dead."

Professor Potts suggests, not the extension of state farms owned and managed directly by the state, nor the reconstruction of the two old penitentiaries of Rusk and Huntsville, but the building of a new prison on the industrial order. Then boys under sixteen would go to the state institution for the training of juveniles; young men from sixteen to thirty would be sent to the new intermediate prison or reformatory, while older men, repeaters and incorrigibles, would be distributed to the two prisons at Rusk and Huntsville and to the state farms.

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