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Notes and Abstracts

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NOTES AND ABSTRACTS.

Weak-Witted Offenders Bandied About by Stupid Police and Hospital Managers.—There is a story that an insane man who escaped from a State hospital tried to get back again through a window the night he escaped, and, being caught at it, was sentenced to State Prison for "breaking and trying to enter." I haven't been able to verify this, but the following are really authentic instances of the sort of football that courts and hospitals and police have played with ready-to-hand, or foot material.

G. D. 2226. This man was committed to the Northampton Hospital Jan. 20, 1914; escaped Sept. 14, 1914. A few days later sentenced to State Farm (Bridgewater) as a vagrant, and in October committed to the hospital as insane. He has been arrested three times for drunkenness and four times for vagrancy. The man should have been returned to Northampton at the time of his arrest in September, 1914, as his commitment still held. If the acute police who captured him had examined his clothing they would have undoubtedly found on his socks and elsewhere the brand of the Northampton Hospital. This man was a case of *dementia praecox* of many years' standing.

C. J. F., 2104, shows even more clearly how our courts and hospitals often bungle the job of handling the insane.

This was a case of manic-depressive insanity—a type of mental disease in which periods of maniacal violence alternate with periods of quiet depression. His record is so long that it must be condensed for the hurried reader.

Committed to Danvers State Hospital July, 1899; discharged October, 1899, as "cured." To Taunton, next time in March, 1901; discharged September, same year. Back to Taunton in two months (November, 1901); transferred, June, 1902, to Medfield; discharged from there October, 1902. To Westborough, June, 1904; transferred to Bridgewater August, 1904; discharged February, 1905. To Westborough again, June, 1905; discharged June, 1906. To Taunton (third time), March, 1907; transferred to Bridgewater, June 1907; discharged August, 1910. Sentenced to State Farm (for criminals) in 1913 as a drunkard, and recommitted to Bridgewater Hospital July 13, 1913. Has been arrested a great many times for drunkenness and vagrancy. At the time of his last arrest his mental condition was ignored.

This man was committed six different times to insane hospitals before his final consignment to Bridgewater. Nobody knows how many times he was arrested and put through the police courts for minor offenses. All in all, it's a great record for efficiency.

This examination of the Bridgewater Hospital is the first step in an examination of the mental and criminal status of all the inmates of State institutions, including not only the hospitals for the insane, but the penal institutions under State control. When the State Prison Board learned that the Board of Insanity was to make this survey, it asked that the State penal institutions be also included; and accordingly one hundred prisoners in the State Prison at Charlestown have been examined by Dr. Stearns, who has studied the records at Bridgewater; and in part by Mr. C. S. Rossy of the Psychopathic Hospital, who has used the Yerkes multiple-choice instrument. The mental condition of these one hundred convicts has not been agreed upon

in all cases by the State Board of Insanity, and the interesting results of this test of about one-eighth of the State Prison's average population will therefore have to wait somewhat for publication. An occasional difficulty in diagnosis is illustrated by the case of Pat Hardy, who for three years has refused to speak, even under the stimulus of some decided provocations; when a man won't talk, or attempt prescribed tests, it is difficult to determine just what is his mental state.

In deciding to discover every defective delinquent, and every one of the criminal insane in the State Hospitals, the State Board of Insanity has taken a great and important step forward toward the prison reform which Commissioner Randall has been urging, and which he has urged with the less success because neither public nor Legislature has yet reached any adequate idea of what it means for a man or woman to be mentally diseased—and then to be handled with the ignorance and lack of comprehension that has of necessity marked our whole prison ideas.

The two cases outlined above are supposed to be part of the State's insanity record, yet they are in part a criminal record. And this criminal record would certainly be longer if the investigator could have commanded all the records of the intermediate arrests and short jail sentences that came in between those noted on the records at Bridgewater. This deficiency in the history of persons sent to the penal institutions of the State was one of the first things Commissioner Randall set about to correct; and the similar lack so far as it affects the "criminal insane" will presently be corrected by the Insanity Board. In the course of the latter correcting of the records we are getting the foundation facts that can only be supplied by alienists and mental examiners working by modern methods and with modern skill.

The examination of the Bridgewater records has shown among the criminals there that a very high percentage of all the crimes, including the twenty-eight cases of murder, are due to the long-standing cases of *dementia praecox* and to the feeble-minded. With regard to vagrancy, which does not seem really very serious in itself as a "crime," and with regard to drunkenness it is evident that these persons should have been mentally examined early in their career of arrests, and then ought to have been put under permanent segregation from the rest of society as permanently unable to take care of themselves. Releasing and recommitting a man to a State hospital, and giving him periods between when his mental unfitness for society may get him into as much trouble with the law as there is time for, is evidently letting the State hospitals for the insane do just about as little in the way of curing mental disease as the prisons, under our present system, do in the way of what might be supposed to be moral cure.

The very general neglect by the courts of the mental condition of men charged with the lesser crimes has been shown by the results of the Bridgewater investigation. In cases of murder, and some other crimes, this mental condition was taken into account by some judges in committing insane criminals there directly. But in the case of many of the Bridgewater criminals there was evidently no attempt whatever to discover before sentence anything about the real mental condition of the accused. One man who had spent thirteen consecutive years in a State hospital—a case of *dementia praecox*—escaped, and was afterwards sentenced for vagrancy, for drunkenness, and for larceny, without any attention being given to the fact of his long hospital residence, for a mental defect of which these offenses were the commonest criminal signs. The trouble lay partly, no doubt, in the difficulty in getting records, but in no small part, also, in the habit of the courts of not considering such matters in cases of comparatively trivial crimes.

All the evidence, as the State Board of Insanity is now bringing it forward, supports Commissioner Randall's contention that persons convicted of serious crimes,

at least—and, in principle, all crimes—should be examined as to their mental quality, and that the matter of sentence, i. e., of treatment for their anti-social conduct, should be lodged in the hands of persons who are concerned solely with this side, and who do not have to give time to the antagonistic functions of the courts, which are to determine whether crime has been committed. From the *Boston Transcript*, Aug. 18, 1915.

La Credibilità delle Testimonianze dei Fanciulli (Credibility of the Testimony of Children)—The above subject is discussed in *Rivista Penale*, Apr. 1914, pp. 437-447, by Giovanni Petraccone. "Judicial annals are full of cases of false accusations and false testimony of children which have given rise to deplorable judicial errors, through lack of knowledge, on the part of judges, of psychiatry and infantile psychology." Since on the average about twenty-five per cent of the testimony of adults under oath must be rejected as incompetent even though honest and sincere, even greater prudence and caution must be used in appraising the testimony of children.

The reason is of course the tendency of the child to lie, either consciously or unconsciously. Ellen Key divides children's lies into warm and cold; the warm, those naturally proliferations of childish imagination; the cold, deliberate, cautious purposeful prevarications. The forces which constrain the child to lie are his tremendous force of imagination, his ingenuous vanity, the desire to be noticed, the lack of inhibitions upon the play of imagination, weakness of attention, his narrow range of knowledge, his sense of words as real things, his defective morality, his lack of respect for abstract truth, and above all his immense suggestibility and indocility, the marks of a character in process.

The author's suggestions for avoiding these defects in judicial practice are simply those rules of common sense which a good Juvenile Court already follows. A judge must see that the child's various stories agree in substance. He must avoid moral pressure of any sort and must endeavor to gain the confidence of the child in order to secure his story without danger of leading questions or suggestion. He must be sure that the child is normal and not suffering from hysteria or other forms of mental degeneration.

A. J. T.

L'Individuo e la Società nella "Genesi del Diritto Penale" di G. D. Romagnosi (The Individual and Society in Romagnosi's *Origins of Penal Law* pp. 145-169.) In *Rivista Penale*, Feb., 1914., Adelmo Borettini discusses the subject of this note. Romagnosi, anticipating modern anthropological, psychological and historical studies, gave the mortal blow to Rousseau's theory of the social contract. The prime purpose of his study was to determine the true rational limits of positive legislation, the real function of which he found to be nothing more than protection on a large scale; that is to say, in the concrete, prevention for the benefit of persons and things; hence laws for public safety, hygiene, and most important of civil and criminal laws. While it is true that Romagnosi held that such laws only conserved and defended but could not create new individual rights, those prime and individual rights belonging to every member of human society, yet it is quite evident that he never stood for any sort of absolute individualism. To the contrary he demonstrated that while there could be no society without individuals, neither could there be any individuals outside society. Against Rousseau he contended that eighteenth century absolute and metaphysical individualism really destroyed the individual himself and was the utter negation of real individualism. He was the precursor of modern sociologists in his doctrine that man is born in and for society, that man's

mind is part and parcel of the collective social mind. Borettini calls him the first man who attempted to co-ordinate the individual element with the exigencies of social aggregation. Romagnosi is significant, therefore, to modern positive law and to modern individualizing of treatment, because of his attempt, intuitive as it was for lack of statistics and all the other concrete data of modern psychology and sociology, to base penal law upon scientific understanding rather than upon metaphysical chimeras. In other words, because he made the individual delinquent and not some abstract entity—either abstract personality or abstract notion of offense—the prime object of study and practice. Perhaps his chief service in the history of criminology could be summarized in the phrase, his *experimental attitude*.

A. J. T.

Connecticut Farm for Inebriates.—Beginning October 2, 1915, Connecticut judges have a new terror to hold over the heads of the "habitual drunk." Any judge may commit an alcoholic to the state farm for inebriates which opened here on that date. And commitment to the farm means hard work.

The inebriates will first be employed on the construction of the dam for the state hospital there. Those who are in such an advanced stage when they arrive as to be incapable of work will be patched up at the main hospital. Then they will be transferred to the farm proper.

Besides building the dam they will do all the work around the farm, including housework.

There is no special provision to prevent the escape of "patients" but those who violate the rules may be sent back to the jail of the town from which they came, to stay there until the end of their commitment.

R. H. G.

COURTS AND LAWS.

Magistrate's Court for Administrative Cases.—Students of criminology have frequently called attention to the rapid increase in the number of *mala prohibita* under the modern conditions of civilization. This phenomenon is observed in the penal laws of every state, but in American municipalities it is enormously exaggerated by the tendency to attach a penal sanction to numerous municipal regulations as the most effective means of securing compliance with departmental administrative orders.

These criminal prosecutions for the violation of municipal ordinances or departmental regulations are instituted either by the summary arrest of the offender by a departmental employe or by a police officer detailed to the department, or by the service of a criminal summons requiring the offender to appear before a magistrate. A failure to obey such a summons is followed by summary arrest.

The number of these administrative cases handled by the city magistrates and the judges of the Court of Special Sessions, who constitute the judiciary for the disposition of minor criminal cases in the City of New York is very large. During the year 1914 the Tenement House Department arraigned 361 offenders, the Department of Street Cleaning, 5,391 offenders, the Department of Labor 1,999 offenders, and the Department of Education 1,575 offenders. No statistics are available for the Fire Department, the Department of Weights and Measures, the Department of Licenses, the Department of Water Supply, Gas and Electricity, and the Department of Public Charities, each of which institutes a large number of criminal prosecutions. Statistics are also not available for the Department of Health which institutes an extremely large number of criminal prosecutions for violation of the Sanitary Code.

The number of cases handled by the courts of inferior criminal jurisdiction in the City of New York doubtless does not fall far short of 25,000 each year. Most of the defendants in these cases are not criminals, but rather respectable citizens of the community who have transgressed some department regulation. In each case a high-salaried department official must attend at court as prosecuting witness and as the jurisdiction of these inferior courts is territorial he must frequently spend much of his time in traveling from one court to another. The attorneys of the defendants are also put to much inconvenience by being obliged to attend these local courts and by the delays incident to the procedure of these courts.

To relieve the congestion of these inferior criminal courts, the City of New York has established a number of special courts under the jurisdiction of the Chief Magistrate, to take jurisdiction of all cases of a particular character arising in the entire city, where it has been felt that it was desirable from a criminological or from an administrative point of view to withdraw these cases from the local magistrates' courts. The Children's Court has jurisdiction over all cases in which children are the defendants; the Court of Domestic Relations of all cases involving husbands and wives and parents and children, and the Night Court for women of all cases involving women arrested on charges of prostitution.

It would seem that many of the motives which have led to the establishment of these special magistrates' courts would favor the establishment of a separate magistrates' court for administrative cases. As the defendants in these cases are not of the criminal type, it would be desirable to segregate them from the defendants usually found in the police courts. A special administrative court held in a centrally located court house would save the time of high-salaried city employees who are required to attend as prosecuting witnesses and the lawyers who attend on behalf of the defendants.

But far more important than any of these benefits accruing from the establishment of a magistrates' court for administrative cases would be the lessening of the congestion in the local magistrates' courts, incident to the withdrawal of these cases, which would render easier the careful administration of justice in these courts and the opportunities for specialization and standardization which a competent judge of the magistrates' court for administrative cases would enjoy.

The judge of such an administrative court should possess an intimate knowledge of the conditions in the tenement districts in which most of the cases arise; he should be thoroughly familiar with the departmental machinery of the city government and the methods of municipal inspectors; and in addition to legal training, he should have had municipal administrative experience which has given him the ability to co-operate with a minimum of friction with other public officials. Such a judge would reduce the number of criminal cases of this character by pointing out to departmental officials other equally effective and less drastic administrative process and by a standardization of methods and an elucidation of procedure, win the co-operation of the heads of departments and the respect of the citizens.

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PENOLOGY

Improvements at the New York Penitentiary.—On July 26, 1915, Dr. Katherine Bement Davis, Commissioner of Correction of the City of New York assigned Warden John J. Murtha to the New York Penitentiary to take the place of Warden Hayes who was transferred to one of the other institutions of the department.

Warden Hays was one of the most experienced and ablest prison executives of the old school in the service of the Department. Stern, precise, just, repressive, but possessed of a keen sense of humor. Warden Murtha is a young officer of the new school. Kind, constructive, educative and thoroughly conversant with the principles of penal administration and the most modern developments in this field.

At the end of his first week of service, Warden Murtha presented to the Commissioner of Correction a comprehensive report containing forty-five specific recommendations for improving and modernizing the administration of the New York Penitentiary. Some of these recommendations related to matters of prison routine and were designed to secure for the prisoners a larger measure of cleanliness, courtesy, sanitary supervision and standardization. Several of the recommendations however were of distinct importance in indicating the introduction of new principles of prison administration.

For the convenience of the reader and student, we give below in parallel columns the conditions in the penitentiary and the most important recommendations of Warden Murtha for their improvement:

CONDITIONS

1. The prisoners were obliged to use individual cell buckets for toilet purposes during the day and during the night. The resulting odors were unsanitary and frequently sickening.
2. Clothing and underclothing after being washed was assigned to prisoners as needed. This practice might result in the transmission of communicable diseases.
3. The hair of all prisoners was always close-cropped.
4. Prisoners and employes engaged in the preparation of food, did so in their ordinary prison garb.
5. By the use of the common drinking cup disease may easily be communicated among the prisoners.
6. Lack of space has prevented a careful segregation of the prisoners.
7. No special precautions have been taken to protect prisoners from communicable diseases.

IMPROVEMENTS

1. By the introduction of sanitary plumbing on each tier, the use of the cell buckets may be restricted to the night hours.
2. By marking the individual clothing of each prisoner for identification, its return to its owner after being washed is insured.
3. The self-respect of the prisoners is preserved by requiring their hair and beards to be cut only when necessary in the interests of cleanliness.
4. Cooks, waiters, bakers and barbers are to wear white coats, caps, and aprons, which are fresh daily.
5. Individual paper drinking cups are to be used by the prisoners.
6. A special effort will be made to separate prisoners having contagious diseases from well prisoners and prisoners under twenty-one from old hardened offenders.
7. In co-operation with the Board of Health, tests will be immediately instituted to ascertain the presence of tuberculosis, syphilis and gonorrhoea and to isolate those afflicted.

8. No sanitary precautions were provided in the prison barber shop.
9. During the noon-day recess, and on Saturday afternoons, Sundays and holidays the prisoners were locked in their cells for safe-keeping.
10. Many of the prisoners are illiterate and ignorant of the elementary principles of hygiene and sanitation.
11. Each keeper was armed with a long club and with a revolver to be used only in protecting his own life or summoning assistance.
12. No daily papers were allowed in the prison.
13. In the punishment cell the prisoners have no furniture and are given only a limited quantity of bread and water.
14. Lack of space has necessitated the doubling up of prisoners in the cells.
15. Prisoners are not permitted to obtain articles of food from the outside.
16. Prisoners are permitted to write two censored letters a month.
8. Each prisoner is now required to lather his own face with his hands instead of using a common cup and brush and each razor must be dipped in a 25% carbolic solution after each operation.
9. During the noon-day recess and on Saturday afternoons, Sundays and holidays the prisoners are permitted to have ball games and other forms of recreation in the open air.
10. Chapel talks on hygiene and sanitation will be given to the prisoners by physicians.
11. The keepers have been deprived of their clubs to protect the prisoners from clubbing.
12. The prisoners are permitted to read daily papers under suitable restrictions.
13. In the interest of health a mattress will be placed in the punishment cell at night and removed in the morning.
14. Excess prisoners will be accommodated on cots in the corridors and in undoubling preference will be given to the prisoners of lowest vitality whose conduct at night is satisfactory.
15. Provision will be made to enable prisoners to purchase articles from a prison commissary, subject to necessary restrictions.
16. Prisoners will be permitted and encouraged to write more frequently to their relatives.

Other improvements which have been recommended by Warden Murtha are the frequent cleaning of the cells with disinfecting solution, the establishment of urinals, the destruction of vermin, the establishment of prison sanitary guard, the furnishing of toilet paper, the prohibition of spitting, permitting prisoners to furnish their own underclothing, compulsory semi-weekly bathing, physical examination of kitchen employes, daily airing of blankets, segregation of moral perverts, segregation of the insane, disinfection of hospital floors, courteous treatment by keepers, permitting prisoners to talk in low voice in mess hall, the trial of disciplinary offenders by the warden, gymnastic instruction, educational lectures, the establishment of shop clubs for mutual betterment and the rigorous suppression of profane language.

The improvements which have been introduced by Warden Murtha in the administration of the New York penitentiary have already had a noticeable effect in improving the physical condition of the prisoners. A ruddy, healthy complexion has taken the place of a sallow, sickly face in many cases. It is confidently believed also that this new policy will result in the rehabilitation to useful citizenship of many prisoners who in the past were embittered against the world by the harshness and severity of prison discipline and who soon after their release returned to the penitentiary as repeaters.

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The Mutual Welfare League at Sing Sing.—No movement in Penology within recent times has attracted so much public notice as the development of the Mutual Welfare League at Sing Sing. We present below the Constitution of the League. (ED.)

Constitution of the Mutual Welfare League at Sing Sing Prison.—We, the inmates of Sing Sing Prison, having formed ourselves into an organization having for its object the promotion in every way of the true interests and welfare of men confined in prison, do now, through our duly elected delegates, hereby accept as our basic organic law, the Articles of Federation of the Mutual Welfare League, and adopt the following constitution:

ARTICLE 1. NAME. This organization shall be known as the Mutual Welfare League of Sing Sing.

ARTICLE II. MOTTO AND COLORS. Its motto shall be "Do good; Make good," and its colors shall be green and white.

ARTICLE III. MANAGEMENT. The management shall be vested in two bodies, named respectively the Board of Delegates and the Executive Board.

ARTICLE IV. THE BOARD OF DELEGATES. Section 1. The Board of Delegates shall consist of an elective body whose members shall be known as delegates, who shall be selected by their respective companies according to the following ratio of representation:

Each company containing less than thirty-five (35) members shall be entitled to be represented by one (1) delegate; from thirty-five (35) to sixty-nine (69) members, inclusive, two (2) delegates; from seventy (70) to one hundred and four (104) members, inclusive, three (3) delegates; from one hundred and five (105) to one hundred and thirty-nine (139) members, inclusive, four (4) delegates; from one hundred and forty (140) to one hundred and seventy-four (174) members, five (5) delegates; from one hundred and seventy-five (175) to two hundred and nine (209) members, inclusive, six (6) delegates.

Section 2. The number of delegates to be elected from each company shall be determined according to the number of members in such company, fifteen (15) days prior to the date of each general election; and the number of delegates representing such company shall not increase during the interim between general elections.

Section 3. Only shops and departments recognized as duly organized companies and approved by the Warden, shall be entitled to delegates, and no election shall be held until duly called by the Secretary, and confirmed by the Warden.

Section 4. The Judiciary Board shall be the judges of the legality of the election of members of the Board of Delegates, but its decision shall be subject to review on appeal to the Warden's court.

Section 5. Delegates may be elected from members of the League in good

standing, and must be able to read, write and speak the English language, and shall be elected by a plurality of their respective companies, by secret written ballot; the balloting and counting shall be supervised and recorded by poll clerks and tellers, temporarily appointed for that purpose. The delegates shall assemble for organization and other business the day following election.

Section 6. Delegates shall serve for a term of four months and shall be elected at a general election to be held throughout the institution in the various departments on the last Monday in the month of July, November and March in each and every year.

Section 7. In the event of a vacancy in the office of Delegate of any company through resignation, transfer or discharge or other cause, the Secretary shall give written notice thereof by conspicuously posting such notice in the shop or other usual gathering place, and the vacancy shall be filled at a special election to be held as soon as is practicable thereafter.

Section 8. Should two-thirds of all members of a company, at any time, so petition in writing, a special election may be called by the Secretary, in such company, to determine whether a delegate representing said company, shall be recalled by defeat, or shall continue in office, through re-election, by plurality vote, for the remaining portion of his unexpired term.

Section 9. A delegate may resign his office by filing a written resignation with the Secretary, which shall immediately thereupon become effective, and the Secretary shall announce the resignation at the earliest opportunity.

Section 10. Upon the transfer of a Delegate from his company, his office of Delegate shall become vacant. Should such Delegate serve as a member of the Executive Board at the time of his transfer, he shall cease to be a member thereof.

Section 11. In the event of a vacancy on the Executive Board through resignation, transfer or discharge or other cause, such vacancy shall be filled at the next meeting of the Board of Delegates.

Section 12. The members of the Board of Delegates, as soon as is practicable after assembling, shall elect the following officers, namely: an Executive Board of nine members, a Secretary and a Treasurer, to serve for a term of four months, or until their successors are elected and installed.

Section 13. Only members of the Board of Delegates may be elected to any of the said offices other than the Secretary and Treasurer. All election of officers shall be by secret written ballot, by a majority vote of all members of the board.

Section 14. Two thirds of the duly elected Delegates shall constitute a quorum, and no business will be transacted unless such quorum is present at any regular or special meeting of the Board of Delegates.

Section 15. The Board of Delegates shall hold a regular meeting on the first working day of each month, and such special meetings as the officials of the institution, or the Executive Board shall deem necessary; or, whenever requested so to do by a written petition of at least one-third of the Delegates, the chairman of the Executive Board shall issue an order for a special meeting.

Section 16. The Board of Delegates shall enact such rules and regulations as they shall from time to time deem necessary, and shall record the same in a rule book to be known as the Official Rule Book. Each company shall be entitled to be provided with a copy of all rules and regulations.

Section 17. A chairman shall be elected by a majority vote of the members present at each special and regular meeting of the Board of Delegates.

ARTICLE V. SPECIAL RESERVATION. The management of the affairs of the League, with the exception of such powers and duties as are herein designated to the Executive Board, shall be vested in the Board of Delegates.

ARTICLE VI. EXECUTIVE BOARD. Section 1. Five members of the Executive Board shall constitute a quorum, and the concurrence of five shall be necessary to any action by it.

Section 2. During the interims between the meetings of the Board of Delegates, the Executive Board shall manage the affairs of the League, provided it shall not at any time overrule or disregard any action taken by the Board of Delegates, and all its determinations shall be subject to review and reversal or modification by the Board of Delegates.

Section 3. At its first meeting the Executive Board shall elect a chairman, and may change such chairman at the regular meeting.

Section 4. The Executive Board shall appoint such committees as it shall deem necessary, subject to ratification by a majority of the Board of Delegates. Such committees, or any member thereof, shall be subject to discharge at any time by the Executive Board, subject to ratification by a majority of the members of the Board of Delegates present at a meeting thereof, or may be discharged or dismissed by a majority vote of all the Delegates, without the recommendation or concurrence of the Executive Board.

ARTICLE VII. COURT. Section 1. The Executive Board shall at its first meeting after the adoption of this article appoint from the League a Judiciary Board of five members, who shall, by lot, divide themselves into five classes to serve respectively one, two, three, four and five months. Thereafter one member of the Judiciary Board shall be appointed each month for a term of five months.

Section 2. Vacancies in the Board caused by the resignation or disqualification of a member thereof shall be filled by the Executive Board for the unexpired portion of the term of the person so retiring.

Section 3. No member of the Judiciary Board shall be eligible for re-appointment until at least two months shall have elapsed after the expiration of the term for which he was appointed, and no member shall continue to serve after the term for which he was appointed shall have expired. No member of the Judiciary Board shall hold any other office in the League.

Section 4. The Judiciary Board shall exercise such judicial powers as the Executive Board and the proper authorities of the institution may delegate to it, and shall discipline members or recommend to the proper authorities the disciplining of members of the League found guilty of misconduct.

Section 5. Whenever any member of the Judiciary Board shall be personally interested in a charge pending before it or shall for any reason be temporarily unable to serve as a member of the Board, the Executive Board shall appoint some other person to act as a member of the Board in that case or during such disability.

ARTICLE VIII. The Sergeant-at-Arms shall be appointed by the Executive Board and it may at any time remove him. Delegates shall at all times serve as Assistant Sergeants-at-Arms unless excused by the Sergeant-at-Arms for good cause. The Sergeant-at-Arms shall be responsible for the discipline of the League and must maintain it. He may appoint four deputies-at-large and as many assistants as he may deem necessary. He shall be present at all meetings of the Board of Delegates and under the Chairman maintain order.

ARTICLE IX. OFFICERS. Section 1. The term of office of all officers and committeemen, except as otherwise provided herein, shall be until the first meeting of a new Board of Delegates, provided they shall serve until their successors are elected or appointed.

Section 2. Every person elected as a delegate shall, before entering upon the performance of his duties, take the following oath of office:

"I solemnly promise that I will do all in my power to promote in every way the true welfare of the men confined in Sing Sing Prison; that I will cheerfully obey and endeavor to have others faithfully obey the rules and regulations of the duly constituted prison authorities, and that I will endeavor in every way to promote friendly feeling, good conduct and fair dealing among both officers and men to the end that each man, after serving the briefest possible term of imprisonment, may go forth with renewed strength and courage to face the world again. All this I promise faithfully to endeavor. So help me God."

ARTICLE X. IMPEACHMENTS. Members of the Board of Delegates, members of the Executive Board and members of the Judiciary Board may be removed from office, after having been given full opportunity to be heard, and found guilty of Incompetency, Neglect of Duty or Conduct Unbecoming an officer of the League, at any regular or special meeting of the Board of Delegates, when sitting as a court of impeachment, by the concurrent vote of two-thirds of the members present, which vote shall be by secret written ballot.

Section 2. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor and trust under the League within four months thereafter; but the person so convicted shall, nevertheless, be liable and subject to examination by the Judiciary Board and suspension from the League.

ARTICLE XI. RECALLS. A member of the Executive Board may be recalled by a majority vote of all the duly elected Delegates at any regular or special meeting of the Board of Delegates which vote shall be by secret written ballot.

ARTICLE XII. BY LAWS. By-laws to this Constitution may be enacted, amended or repealed by a majority vote of all the duly elected Delegates.

ARTICLE XIII. MEMBERSHIP. There shall be three (3) classes of members, namely: Active, Associate and Honorary.

Section 2. Active members, only, shall be eligible to hold office or have the right of suffrage in the League.

Section 3. Associate members shall be such former active members as have left the institution, but still desire to act with and for the League and, proving that fact by their acts, become enrolled as such on motion, duly carried, by the Board of Delegates.

Section 4. Honorary members shall be those persons who have never at any time been inmates of Sing Sing Prison, but desire to co-operate with it in its work, or persons who have rendered a great and special service to the League, and having expressed their desire so to be, are enrolled as such on motion duly carried by the Board of Delegates.

ARTICLE XIV. AMENDMENTS. Proposed amendments to this Constitution shall first be submitted to the Executive Board for its approval. On the recommendation of the Executive Board, they shall become effective when passed by a two-thirds vote of all the duly elected Delegates, by secret written ballots. Should the Executive Board disapprove or within fifteen (15) days withhold its approval of such proposed amendments, they may, nevertheless, be adopted by the Board of Delegates by a three-fourths vote of all the duly elected Delegates and shall thereupon become effective. In case of dispute as to the construction of any section of this Constitution, it shall be referred to the Judicial Board for decision, and its decision shall be subject to review on appeal by the Warden's court.

BY LAWS OF THE MUTUAL WELFARE LEAGUE

Order of Business of the Board of Delegates.

The order of business shall be as follows:

1. Calling the meeting to order by the Secretary.
2. Roll call of Delegates.
2. Hearing excuses of absence of Delegates.
4. Election of Chairman of the meeting.
5. (a) Reading of minutes of previous meeting.
(b) Action of Board thereon.
6. Statement by Chairman of the purpose of the meeting.
7. Unfinished business.
8. Reports of Committees.
9. New Business.
10. Adjournment.

Duties of Officers.

Chairman. It shall be the duty of the Chairman elected at each meeting of the Board of Delegates to preside at such meeting.

Treasurer. It shall be the duty of the Treasurer to keep an accurate record of the finances and all the property of the League and make such reports thereon as the Board of Delegates shall from time to time require; also on warrant of the Executive Board to authorize the Trustee of the Funds of the League to disburse such sums as may be required by such warrants of the Executive Board.

Secretary. It shall be the duty of the Secretary of the League to attend all meetings of the Board of Delegates and Executive Board; to keep accurate records of the proceedings; to faithfully record all motions and keep a record of the disposition of the same in the respective Minute Books of the Board of Delegates and Executive Board; to answer all communications received by the League as directed by the Board of Delegates or in the interim between its meetings by the Executive Board; and to keep the Official Rule Book and faithfully record therein all rules and regulations enacted by the Board of Delegates.

All Delegates, Assistant Sergeant-at-Arms and other officers of the League shall be required to perform their usual work in their respective shops or departments unless excused by the Warden or Principal Keeper.

Committees.

There shall be the following standing committees:

Athletic, Educational, Employment, Entertainment, Legal, Membership, Sanitary and Grounds, Visitors, and Ways and Means.

To be appointed by the Executive Board subject to the ratification of the Board of Delegates; the number of members and duties of such committees shall be determined by the Executive Board.

To each of said committees there shall be appointed a member of the Executive Board; no member of the Executive Board shall serve on more than one of said standing committees.

Auditing Committee. The Executive Board shall each month appoint an Auditing Committee of three members, at least one of whom shall be an accountant, whose duty it shall be to audit all books of the League and report thereon as soon as possible to the Executive Board, which report shall contain an accurate itemized statement of all receipts and of all expenditures showing for what made, and be published in the League Bulletin.

No person shall serve on this Committee two consecutive terms.

Temporary Committees. The Chairman at any meeting shall appoint subject to ratification of the Board of Delegates such temporary committees as the Board shall authorize.

Eligibility to Hold Office.

No member of the League shall be eligible to become a Delegate until he shall have been at least four months a member of the League and shall have been at least fifteen days immediately preceding his election a member of the Company from which he is elected.

No member of the League shall be eligible to become Sergeant-at-Arms or an assistant thereto until he shall have been at least four months a member of the League.

Voting Board of Delegates.

At the request of ten or more Delegates the ayes and nays on any question before the Board of Delegates shall be recorded by the Secretary and published in the League Bulletin.

Judiciary Board.

Appeals. Upon being found guilty an inmate may appeal to the Warden's Court by stating to the Board, or the Clerk of the Board, that he appeals and such appeal shall automatically stay the execution of the punishment or discipline imposed until after the determination of the appeal except where he has been found guilty of a charge involving violence or some other serious charge.

If the appeal be based on trivial or no grounds or appears to have been used as a subterfuge he shall be subject to additional punishment or discipline by the Warden's Court.

Elections.

At an election in any Company no one not a member of the Company shall be present except not more than two poll clerks, one of whom shall be a member of the Executive Board, the Sergeant-at-Arms or one of his deputies, the officer or instructor of the shop, and an officer representing the Warden.

Impeachments.

Should a delegate or other officer of the League be found guilty of and punished or disciplined on any charge which in the judgment of the Judiciary Board warrants his removal from office it shall recommend his impeachment and removal.

POLICE.

Police Duties.—No person appreciates the value of a good police department until the occasion arises to put its value to the test. The average citizen criticises the police and all he displays is his ignorance; they receive no assistance from the very citizens who are loudest in their criticisms and wailings; they are blamed for poor detective work when the truth is their hands are tied and their work nullified by certain conditions beyond their control and the difficulties surrounding an average policeman are neither known nor appreciated by the tax-paying public. The station house clerk must rely upon the slipshod and inaccurate descriptions furnished of criminals by complainants; they complain of a poor memory when in truth and fact it is the inaccuracy of their original observations. In foreign countries the inhabitants help the police and in this manner the foreign police get credit for an undeserved efficiency; in America the populace, both native and foreign born, deliberately mislead the police whenever it suits their own selfish interests and in the same breath complain of the inadequacy of police protection. The plain citizen thinks that the police are an universal encyclopedia of useful knowledge;

the reason for this opinion is that the police in general are so well informed (more than generally credited) on useful matters that people are offended when they fail to receive the desired information no matter how difficult it may be to obtain. Citizens do not stop to consider that the private citizen can obtain information from sources which are denied or closed to the police; the citizens as a whole are averse to talking freely with the police. A good officer must protect private property from the result of the owner's carelessness; he must be ready to respond at all times to the call of duty and jeopardize his own life for the safety of others. He must make up his mind quickly; know just what to do in sudden emergencies because he knows that those who live on their criminal wits keep track of his movements as well as his superior officers. This reason is an obvious one; it might be of value to thieves to know where he will be stationed at an appointed time. As a class they are a convenient target for abuse, vilification and ignorant fault-finding; the "wire-tappers," cheap gamblers, etc., think them a joke because they are refused a privilege to steal; and the card-sharp who is ordered, "marked cards and all" to leave town, thinks that reforms are necessary in the department. The true function of the police department is not to satisfy private grudges of one citizen against the other; it is not to be used for the purpose of "wringing dirty linen;" the erroneous impression prevalent in the community is that the police are efficient when they arrest our enemies and allow our friends to go "scot free." The police are bound to act only where a violation of the law takes place; we realize that the law gives them a discretion which they rarely abuse.

JOSEPH MATTHEW SULLIVAN, Boston, Mass.

Police Education.—The great difficulty at the present day is to get well-informed and intelligent young men to perform police duties, and this trouble would be obviated if we could improve the personnel of the average civil service examiner upon police subjects. A patrolman is asked a certain question in a police examination, and if the answer does not conform to some strict rule (laid down by themselves upon what reason or authority it is difficult to ascertain) he is marked upon the examination paper as having given an incorrect answer. Now the average policeman must act quickly in cases of emergency; if trouble arises on the street he must act on his own initiative, and do the best he can under the most trying circumstances. There is no one at hand to advise him, and if he honestly makes a mistake what of it? I am surprised that they do as well as they do considering all the difficulties they encounter and the obstacles which have to be surmounted in handling foreign races in our large cities. We ask too much and then we grumble if everything is not to our liking. The physician can call in a brother member of his profession to consult with lest he should make a wrong diagnosis of any disease; the lawyer can consult his law books and other members of his profession lest his advice should turn out to be incorrect; the judge will confer with his brethren lest he should make erroneous rulings; but the policeman is supposed to possess universal and encyclopaedic knowledge and is soundly berated for his lack of it. The great defect in station house education is this; the individuality and initiative of the average patrolman is stifled in the detective sergeant who may happen to be in charge of the division. If an ordinary street patrolman should happen to make an important arrest this case is at once taken out of his hands and given to the detective sergeant to handle and prosecute in court. This results in destroying the ambition and future education of the average patrolman; of what use is it to make arrests if he is not allowed to have the handling of his own cases in court. He becomes a mere automaton; his ambition is stifled and his future education in the handling of cases and presenting

evidence before the court is seriously handicapped. How can an officer who never saw the actual occurrence present those facts accurately and intelligently to the court. It is needless to say that he cannot; the only person who can properly present the case is the one who actually made the arrest and conducted the necessary investigations. Supposing a detective sergeant has about twenty cases in court during a period of say one week, does any person of common intelligence deny that many errors would not creep into his work on account of its volume? This error would not happen if each officer conducted his own case in court, and was held responsible for its outcome. All students of police conditions know that the best educated man is oftentimes the poorest policeman; the knowledge of thieves, localities, habits and characteristics of malefactors is not gathered from books but from actual contact with the world and the every-day experience of life. When we compare the foreign police with our own there is one fact which should always be borne in mind, and that is this; take the case of England, in that country the common people actively assist the authorities, in America they lead them astray, and deliberately send them off on false clues. Tip money is also liberally used by the police in foreign countries; this is not allowed in the United States of America, and these facts should be taken into account and not overlooked by investigators when comparing the respective merits of foreign and domestic police systems.

JOSEPH MATTHEW SULLIVAN, Boston, Mass.

MISCELLANEOUS.

Die Kriminalität der Verwitweten und Geschiedenen (Criminality among the Widowed and Divorced). The apparent purpose of this article by Dr. Hans Von Hentig in *Oesterreichische Zeitschrift für Strafrecht*, heft 8, 1914, is to fill up certain gaps in Prinzing's classic essay on *Der Einfluss der Ehe auf die Kriminalität des Mannes*, published over fifteen years ago. The present attempt to work out this statistical problem is notable; for even while the reader is only too painfully aware of the slenderness of the statistical materials he may still admire the cautious and skillful use of them. At the outset Dr. von Hentig is careful to arrange his data in such a way as to provide a proper basis for a "refined" or properly qualified widowhood and divorce rate, as distinct from a superficial and often deceptive "crude" rate. That is to say he rules out of the discussion all persons under 18 years of age. Now since crime is predominantly a phenomenon of youth, and since widowhood in particular is a mark of maturity or old age, criminality among the widowed takes on heightened significance. The fact that widows and divorced persons are relatively more numerous in cities than in rural districts, and the discrepancy in the ratio of widowhood and divorce between the sexes add statistical complications. The fact that women predominate in these classes, and that more men than women remarry have considerable bearing upon the rate of criminality. For instance, the larger part of widowed or divorced women either have children or have no property, conditions which militate equally against remarriage. The economic strain thus placed upon them impels them to sharp practices or illegal acts in business, to illegitimacy, to prostitution, etc. Moreover, in both men and women there are certain traits of character which act adversely in the process of sexual selection incident to remarriage after divorce or widowhood. So that from the standpoint of criminology, it is not so much a question of the merely widowed as of those who cannot remarry. They become the group who are criminally inclined. The same reasoning applies to the divorced.

Now all this leads back to two fundamental hypotheses: first, that it is not the act or the institution of marriage itself which confers virtue, domestic and civic,

but that it is the mentally and physically sound who are able to contract and sustain wholesome domestic life. And second, that the same forces which tend to break the marriage bond, tend further toward criminality. Hence, as the author well says, divorce in itself has no causal significance, but is to be considered merely symptomatic. "The divorced," he observes, "who do not remarry, must in a large number of cases be considered as personalities neither mentally nor physically quite intact."

Hence it is easy to foresee that certain types of criminals are recruited from the same abnormals who constitute really a considerable part of the problem of a modern divorce court. In other words, domestic mis-fits may be considered in many cases as "anti-social pre-criminal reactions" (antisoziale prakriminelle Reaktionsformen). Many of these mis-fits who in other ages and places might have sought refuge in a Foreign Legion or cloister for relief from an obvious psychosis, now find surcease in alcohol, suicide, prostitution or the madhouse. Light on this phase of the problem is thrown by a comparison of the numbers furnished by the unmarried, the widowed and the divorced to the insane and other abnormal groups. The city of Dresden offers some illuminating figures. During the period 1904-1911, out of every 1,000 single persons 4.66 were committed to the insane hospital; 3.29 of the married; 7.84 of the widowed; 15.50 of the divorced. Saxony statistics for suicide reinforce the case. From 1901-1911, out of every 100,000 unmarried men 56.9 committed suicide; of the married, 64.6; of the widowed, 251.2; of the divorced, 263.8. The corresponding figures for women ran, for the single, 22.9; for the married, 15.3; widowed, 38.2; divorced, 39.1. Vienna figures for chronic drunkards show, particularly among women, a high percentage of widowed and divorced. This may be accounted for by the nervous shock, perhaps, and also by the undernourishment likely to follow shrinkage of income when the wage-earner is suddenly removed from a family. Further, the figures of registered prostitutes in Munich seem to parallel the other statistics of abnormality. From 1908 to 1913 out of every 10,000 Munich women from 15 to 50 years old, there were 16.2 registered prostitutes from the unmarried group; 8.8 from the widowed; 35.2 from the divorced.

The parallelism becomes the more apparent when these figures are compared with prison statistics from Austria, Prussia and Switzerland:

Average Yearly Commitments to Austrian Prisons, 1905 to 1909.

(Per 100,000 population.)

MEN.		WOMEN.	
Single.....	105.1	Single.....	11.5
Married.....	17.8	Married.....	1.6
Widowed.....	35.2	Widowed.....	3.9
Divorced.....	246.3	Divorced.....	115.0

Average Yearly Commitments to all Swiss Penal Institutions, 1892 to 1896.

(Per 100,000 population.)

MEN.		WOMEN	
Single.....	301	Single.....	42
Married.....	137	Married.....	31
Widowed.....	240	Widowed.....	39
Divorced.....	1029	Divorced.....	405

Average Yearly Commitments to Prussian Houses of Correction, 1903 to 1912.
(Per 100,000 population.)

MEN.		WOMEN.	
Single.....	66	Singl	4.8
Married.....	20	Mar ied.....	2.9
Widowed.....	38	Widowed.....	4.5
Divorced.....	532	Divorced.....	52.8

The point to this whole study and it is a significant point which we hope the eugenists may work out more fully for the United States, is that *dis juncta membra* of a broken home form social debris of a distinctly menacing type. We have been accustomed to the delinquencies of the children coming from such disorganized homes. It is evident that if we would control the sources of crime we must pay far more attention than heretofore to the mating in marriage of many "personalities mentally and physically not quite intact."

A. J. T.

What Standards Shall We Have for Motion Pictures Shown to Children?—This question is being asked by multitudes of anxious parents in all parts of the country. It has had no adequate answer.

The motion picture has entered every city and town of the country. It makes a widespread and subtle appeal to people of all ages and all degrees of mental development. In the short period of fifteen years it has established itself beside the book, the school, and the church as an instrument for moulding opinion.

Many persons now recognize that the cultural and moral influence of "the movie" must be carefully estimated. The intimate and intricate problems of life may be presented quite satisfactorily to the adult but may be dangerous to the unformed mind of a child. There are, moreover, many children peculiarly open to suggestion as well as thousands who are subnormal or abnormal. The motion picture is daily presenting ideas and stirring emotions in all these groups.

The time has come when all those interested in childhood must seriously face the question of this influence and formulate standards of pictures suitable for the boys and girls of the adolescent and pre-adolescent period. This is peculiarly interesting to those concerned about warding off dangerous suggestions from young people liable to commit overt acts. The National Board of Censorship, at 70 Fifth Avenue, New York City, is attempting this difficult task, and requests the assistance of every reader of the *Journal of Criminal Law and Criminology* in answering the questions presented. On the basis of such answers, standards will be formed, pictures selected, lists circulated, and encouragement given to those throughout the country who desire the best possible pictures shown to the adolescent group.

[Below is a questionnaire that is being circulated by the National Board of Censorship. Replies addressed to Mr. Orrin Cocks, care of the Board at 70 Fifth Ave., N. Y. City, from the readers of this JOURNAL, will be helpful and will be greatly appreciated.—Ed.]

A QUESTIONNAIRE ON JUVENILE STANDARDS

Kindly give your careful consideration to each of the questions and send them back at your earliest convenience. They will form a basis for the selection of pictures for children under 16.

It is understood that the emphasis on the selection of pictures for children, both those under 12 and those between 12 and 16 shall be placed on those themes and

situations which are positive, helpful, constructive and inspiring. There is little need of statements of fundamental positions upon scenic, biographical, scientific, nature and industrial films. In the selection of amusing, dramatic and thrilling pictures, it is necessary that well-defined, sympathetic and comprehensive statements shall be formulated.

It is to be recognized that judgments will vary on individual pictures. This is inevitable because, for instance, of the swiftness of punishment, the repulsive nature of certain characters, the contrast presented, the lessons taught or the historic character of the acts, or persons involved.

It is important to distinguish, carefully, between pictures shown to children under 12 and boys and girls between 12 and 16. The mental outlook changes decidedly during the adolescent period.

None of these questions can be answered without consideration of possible exceptions. They have many individual qualifications which may modify decisions.

THE QUESTIONS.

1. Are young people from 12 to 16 accustomed to re-picture in their minds details secondary to the main story presented in the film?

2. Shall crime and sex scenes which arouse unwholesome curiosity and stir the imagination be shown, be entirely eliminated or cut at the beginning of the questionable action?

3. What do you think of the use of action in motion pictures to arouse unthinking fear as a motive to check evil?

4. Are you satisfied that clean pictures depicting action such as adventure, excitement, thrill, the work of detectives, cowboys, Indians, soldiers, war, etc., should be shown?

5. What is to be done with pictures portraying, as an incident or theme, gambling and cheating, killing by shooting, criminal assaults, with knives, clubs, pistols, etc., and hanging?

6. What is your judgment about presenting the details of crime against the person by shooting, torture, etc., which involves taking the law in one's own hands?

Please express your opinion also about the details of crime against property such as arson, robbery, pocket-picking, etc.

7. Is it possible to lay down any absolute rules about the use of weapons by the individual for defense or offense? Please try to formulate a statement.

8. Shall pictures be shown which make light of family ties, belittling the sanctity of marriage, presenting the humorous or serious deceptions of husband and wife?

9. What position should be taken about the manifestations of love and love-making in its various forms before and after marriage?

10. Are there times when the causes and effects of unwise, indiscreet and over-trustful lovemaking should be shown?

11. Shall triangular and intricate problems of married life be shown under any conditions?

12. Is it necessary that the moral be pointed, that evil be punished and good rewarded in dramatic pictures?

13. What is your feeling about the presentation of scenes in which persons appear partially clothed, in tights, bathing suits, etc.?

14. Is there any rule which could be laid down about common handling of the person?

15. Is it possible to exclude pictures because of the wanton action of the actors and because of leers, winks, glances, etc.?
16. Shall a distinction be made between pictures presenting various forms of dancing; on the stage, at parties, in low resorts, etc.?
17. Can you formulate a rule about pictures presenting cruelty to men, women, children, animals and insects?
18. Can a positive statement be made about making light of recognized details of religion and worship?
19. What is your opinion about scenes and pictures dealing with the underworld, its inhabitants, resorts and life?
20. Have you any opinion about the portrayal of insane and feeble-minded persons?
21. Should Juvenile actors be encouraged to take *adult* parts?
22. Can any clear-cut and comprehensive statement be made about the use of liquor by individuals in homes, hotels, saloons, etc.?
- b. Are pictures of Western life to be excluded because they introduce bars and saloons?
23. Can any standard be established to meet the situations in the comedy, including the farce, the burlesque and the witty pictures?
24. What do you mean when you say a picture or a situation is vulgar?
25. Shall pictures presenting brutality and gruesomeness be shown if these are both incidental and are followed by dramatic consequences?
26. a. Are mild criticisms of the police, officers of the government and of law to be permitted?
- b. Is there a difference between the comedy and the serious picture in this regard?
27. What is your feeling about showing death scenes in flash or in detail?
28. Can any rule be laid down refusing approval of pictures which play upon the weaknesses of any class or race?
29. Are you committed to the policy of judging pictures for young people and children as a whole or in detail?
- Why?
30. What is your judgment about carrying the story over questionable situations by means of sub-titles or statements in print rather than by pictures?
31. Please express your judgment of the value of pictures showing children doing wrong and subsequently being punished as a means of impressing a lesson. Do they learn the lesson or just remember the exciting adventures?
32. In reference to question 25 what is your judgment about showing scenes of brutality and gruesomeness to children even though they are cut to a flash?

ORRIN COCKS,

National Board of Censorship, 70 Fifth Ave., New York City.

Criminal Myths and Realities.—The mythical criminal is the man “who never had a chance” and the victim of police persecution. We see him lionized in the moving pictures and the frame-up is set forth in all its stage settings. The criminal in the moving pictures goes to the “box-office” and draws a princely salary; the criminal in real life gets a term of imprisonment, interviews the deputy warden, gets a clean shave, closely cropped hair, and a prison suit. The glamor thrown around despicable wretches is exceedingly harmful to the peace of the community; we know that no amount of adulation can put principle into the heart of a rogue where none ever before existed. In like manner we see the “moving picture detec-

tive" who does everything at the right time and at the psychological moment. Nothing could be farther from the truth because every well-informed person is familiar with the mistakes of mail-order detectives. This character shines in the films, and the ignorant public go away from the show thinking that the uniformed and detective police are a lot of "dummies." The time worn "sweet-heart" waiting outside the prison walls for her lover to come back to a loving embrace is another shallow tradition; this romance never exists with professional thieves because every well-informed student of the underworld knows that a term of imprisonment automatically acts as a "divorce" and the "common-law wife" gets a new "affinity." A faithful wife remains true to the husband whom unlucky circumstances made an "accidental criminal," but this unswerving devotion does not exist among the citizens of the underworld. The professional thief is always going to "reform" when he has had a run of "hard luck;" we see examples of this among pickpockets when they have picked hundreds of empty pockets; the graft is hard and in their whining they try to throw their expenses over to good citizens who are silly enough to listen to their hard luck stories. We see cities cleaned up at the expense of each other, and the plague still remains in our midst. The cheap gambler who "cheats" at cards thinks that he is superior to the common every-day thief; where he gets this conceit is a problem incapable of solution. The average thief enlists the confidence of the good citizen and then proceeds to make a "football" of the character of every person who starts out to befriend him. All this foolish talk about reforming rascals "who never had a chance" is an insult to intelligence and experience; we must save people by a campaign of education before criminal habits, idleness, late hours and dissipation become too firmly impeded in the youthful character at the formative period of his career.

JOSEPH MATTHEW SULLIVAN, Boston, Mass.

Civil Service Examination in New York for Head Keeper in the House of Correction.—Date: September 3, 1915. To be finished by 2 p.m.

Note.—Answer eight of the following questions and no more. If more than eight are answered, only the first eight answers will be rated.

1. Name three classes of prisoners whom you would separate from the general body of prisoners. Give your reasons for your answer, and the special treatment which you would give each class.
2. Outline a system for keeping an accurate count of the prisoners in a prison for the detention of prisoners awaiting trial, mentioning, definitely, three precautions which you would take as Head Keeper to prevent the loss of a prisoner, and giving your reason for each precaution.
5. If appointed Disciplinary Officer of a reformatory for male misdemeanants, draft a set of regulations for distribution among the prisoners outlining the disciplinary measures which you would establish in the institution, and give your reasons for each regulation.
4. Prepare for your own guidance as Head Keeper in a Workhouse, an outline of the methods which you would employ in assigning prisoners to the various kinds of work in the institution. Give your reason for each assignment.
5. Give the essential provisions of the law with reference to
 - (a) the smuggling of drugs into a prison.
 - (b) Carrying a written message from a prisoner to a person outside.
 - (c) Entering a prison with a weapon in one's possession.
6. What advice would you give to a prisoner who tells you that he is innocent and he is certain the judge who sent him to prison has become convinced of his innocence since his conviction? Give your reasons in full for your answer.

7. State briefly your views on each of the following subjects, giving your reasons for your answers.
 - (a) Permitting prisoners to speak in a low voice in the mess hall.
 - (b) Permitting prisoners to indulge in outdoor games during the noon hour.
 - (c) Applying the Wasserman test to all new prisoners.
8.
 - (a) What is the purpose of a Writ of Habeas Corpus?
 - (b) By whom is it signed?
 - (c) State, in detail, what action you would take if one were served upon you as Head Keeper.
 - (d) What is a Notice of Appearance?
 - (e) By whom is it signed?
9. What action would you take as Head Keeper of a Prison for the Detention of Prisoners awaiting trial, in the following case?
 - (a) A says he is surety on B's bond for his appearance for trial before the Court of General Sessions on an indictment for burglary. A and B come to the prison together and A says that he wishes you to lock up B in your prison.
10. Write a letter of not less than two pages in answer to the following letter addressed to you:
 Head Keeper,
 New York Penitentiary.
 Dear Sir:

I have been informed by the Municipal Civil Service Commission that I have passed the examination for the position of Keeper, and believe that I shall probably be certified for appointment in about six months. It is my ambition to become a Keeper in the Penitentiary. I should greatly appreciate your courtesy in informing me what preparation I can make before my appointment which will be of value to me after my appointment, and what, in your judgment, is the best attitude for a Keeper to assume toward those under his charge.

Very truly yours,
 JOHN DOE.

N. B.—In answering this do not sign any name, number, initials, title or any mark of any kind. If you do you will be disqualified.

LEONHARD FELIX FULD, N. Y. City.

A Court of Justice Charm.—Abercrombie in his great book on the Finns gives a choice example of a court of justice charm: "May the advocate be smothered, may the jurymen be mollified, may the judge suffocated, may the law ball prostrate to the ground, and the law-books tumble on the floor. Let justice stand before the door upon my entering the room, while I am standing by the wall, while I remain behind the door, while I am walking to the court; let the magistrate become a child, the jurymen become as sheep, but myself become a ravening wolf or a destructive bear. Though bitter is the gall of bears, yet mine is twofold bitterer; may any word that I shall speak have the effect of a hundred words, so that I sha'n't incur a fine, nor find myself compelled by force."

A. J. T.

Examinations for Clerkships in Irish Courts.—1st Class Clerkships in High Court of Justice (Ireland). Age limits, 20 and 25 years. Commencing salary, 100 pounds to 300 pounds sterling.

The Syllabus of the Examination is divided into the following two parts: Obligatory—Handwriting and spelling (including Copying Manuscript); English Composition (including Precise); Mathematics (1) (a) Arithmetic, to Vulgar and

Decimal Fractions; (b) Algebra, to Simple Equations; (c) Euclid, Books 1 and 2; English History (including that of the Constitution); English Language and Literature; Geography; Elementary Principles of Law (including the subjects treated in Odgar's Common Law); Latin; Bookkeeping. Optional (all may be offered)—Mathematics (2) (d) Arithmetic (advanced); (e) Algebra, to the Binomial Theorem; (f) Euclid, Books 3, 4, 6; (g) Trigonometry to the Solutions of Triangles; French; German; Shorthand. Examinations occur at irregular intervals. Fee, 3 pounds sterling.

2nd Class Clerkships, Dublin Metropolitan Police Courts. Age Limits, 17 and 25. Salary 80 pounds to 150 pounds sterling. The Subjects of Examination are: (1) Reading aloud; (2) Handwriting; (3) Orthography; (4) Arithmetic; (5) English Composition; (6) Proceedings before Magistrates; (7) Law of evidence; (8) Copying Imperfect Mss.; (9) Indexing or Docketing; (10) Digesting Returns into Summaries; (11) Bookkeeping by Single Entry; (12) Any one of the following: (a) Latin; (b) French; (c) German; (d) Geography and English History.

Note.—Subjects 1 to 7 are Obligatory and 8 to 12 Optional. Examinations take place at irregular intervals as vacancies occur. Fee, 2 pounds sterling.

JOSEPH MATTHEW SULLIVAN, Boston, Mass.