

1916

Notes and Abstracts

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Recommended Citation

Notes and Abstracts, 6 J. Am. Inst. Crim. L. & Criminology 757 (May 1915 to March 1916)

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NOTES AND ABSTRACTS.

ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE

The Practicability of the Binet Scale and the Question of the Borderline Case.—There has recently appeared, November, 1915, the third Bulletin from the Psychopathic Department of the Chicago House of Correction, under the above title. It is under the authorship of Samuel C. Kohs, Psychologist and Director of the Department. The Bulletin is dedicated to the Philanthropy Department of the Chicago Woman's Club, through whose inspiration and effort the Psychopathic Department was inaugurated and the special training of the sub-normal in the House of Correction made possible.

The following is abstracted from the Bulletin:

"Many of our visitors inquire, Do you use the Binet Scale? Replying in the affirmative, the query is usually followed by another: Do you really find it useful? This Bulletin is an attempt to answer the question.

"The last few years have seen an extraordinary number of assaults made on the Binet Scale, some of them warranted, but by far the larger percentage unwarranted. And especially has it been of interest to note the amazing alacrity with which unthinking and unknowing critics have rapidly advised the use of a *new* (?) scale, claimed to be their own, which easily revealed a remarkable plagiarism upon Binet's original. And it has been rather depressing to note how eager and ready many of our fellow-clinicians have been to throw the Binet Scale to the scrap heap, accepting the newer test scheme with a happy cry of "Eureka."

"Our experience here has warranted no change in method, and no other scale thus far suggested has been found in any degree to improve on the original.

"The statistics upon which this contribution is based are those obtained from the examination of 335 consecutive cases whose chronological ages fell between 17 and 21. (Dements omitted). Of these we found 116, or 35% of normal mentality, and 219, or 65%, who were feeble-minded.

"We use the Binet Scale (Vineland revision) complete through age 12, and add tests XV-2 and XV-4 to compensate for any accidental negative variations.

"In summarizing our data we find, as one would expect, no distinct line which marks off the normal from the feeble-minded. The mental ages of one group overlap those of the other. We find normality to range within the limits 12² and 10⁴, and feeble-mindedness not to extend above the limit 11². In other words, none of our cases testing 11³ or over was found, with the aid of other confirmatory data, to be mentally defective. None of our cases testing 10³ or below was found to be normal. Of those testing between 10⁴ and 11², our borderline cases, a little less than half were found normal, and somewhat more than half were found feeble-minded. * * *

The author describes cases which illustrate the insuperable difficulty one meets in attempting to make a diagnosis of feeble-mindedness from a reaction to the Binet-Simon test alone, and he outlines a series of supplementary tests which may be utilized in obtaining a more complete and accurate clinical picture.

"Aside from the tests enumerated we possess the personal-industrial-environmental-family and school history of the boy, and the incidents gleaned from it are often typical of the reactions of the subnormal in society. These detached occurrences may be regarded as the response to what some have called 'the test of society.'"

"It is on the basis of all this accumulated material that we finally pass judgment regarding the existence of mental defect. It is not the data of one test, nor that of two or three, although the Binet alone is often quite sufficient, but the cumulative evidence of them all that finally goes to form our judgment. If it is generally true that the borderline cases fall between 10⁴ and 11², that no case testing 11³ or over is feeble-minded, and that no case testing 10³ or below is normal, then it is quite evident that the Binet test by itself is sufficient to determine mental defect excepting for some doubtful cases in the borderline group.

[We have already, in this Bulletin, described] "two boys, one testing 11², and the other 11⁰, both of whom we concluded were of definitely normal mentality. Contrasting with this we have a case who tests 11² who is mentally deficient. [This case is then described.]

"As a final summing up we may indicate the following:

"(1) The Binet Scale is entirely satisfactory for purposes of mental diagnosis. It is true that additional refinements are necessary, that some needed changes must be made, but taken as a whole the Binet Scale (Goddard's adaptation) is an entirely satisfactory instrument. (The writer agrees with Goddard that the mental equipment which seems necessary for normal environmental functioning seems to be possessed, more or less, by a normal child at about the age of 12. So that even if there is such a thing as 'mental age of 18,' it will be quite daring for one to maintain that a subject chronologically 18 testing only 13 is five years backward and consequently feeble-minded, since his possession of a 12-year intelligence ensures his ability to take care of himself in society as it is at present organized. The mental examination of common laborers will very probably reveal a large number whose mentality ranging between 10⁴ and 12² will be found functioning normally in their environment. In this connection it might be well to add that for some so-called experts to assume that because a man is a common laborer that *ipso facto* his feeble-mindedness is conclusively proved is really leaping far beyond the bounds of reason. Industrial and economic conditions today are so warped that a man's occupation is no true index of either his mental development nor of his mental capacity. Yet I have often heard from many who might know better: 'Oh, a garbage collector? He's a moron sure!' The writer is inclined to agree with Goddard also when he says that with the increase of chronological age up to 12, intelligence seems to develop along what may be regarded as a single line. After that, individual differentiation comes to be much more marked, so that instead of a continuation of that one line after 12 it breaks up into any number of branching lines each an element of a great irregular cone whose apex is at twelve).

"(2) From an analysis of our data we obtain 10⁴ and 11² as the lower and upper limiting ages of all our borderline cases.

"(3) In order to determine feeble-mindedness supplementary tests to the Binet are necessary only when a subject's mental age falls at 10⁴, 11⁰, 11¹ or 11², for our experience seems to indicate (supplementary tests having been used in all cases), that all subjects testing 10³ or below are feeble-minded, and all those testing 11³ or over are normal. In other words, we find the Binet Scale itself

entirely satisfactory when we have to determine the existence of mental deficiency in a subject testing 10^3 or below, or its non-existence in one testing 11^3 or over. For the intermediate group, experience with sub-normals, or what is a far better substitute—a series of tests arranged for the purpose of observing the behavior of borderline subjects, seems very necessary.

"(4) Finally, we make the plea that we ought not discard the old and adopt the new until it is conclusively proven that the old is of little value and that the new is superior in almost every respect."

R. H. G.

Operation of Massachusetts' Laws for Hospital Observation in Cases of Alleged Mental Disease and Defect.¹—The advantages of hospital observation in criminal cases over the practice of occasional examinations at the jail or prison must be plain to all. It is not an uncommon experience with psychiatrists to find evidence insufficient under these conditions. I have reported² an instance of this in which the late Dr. Jelly and myself, after a number of examinations, were on the point of pronouncing the prisoner to be not insane and therefore responsible, when still another interview was decided on. Then for the first time his actual mental condition came to the surface in denunciatory explosions springing from marked delusions of persecution and conspiracy, establishing mental disease beyond question.

There can be no question that an opportunity for hospital examination in obscure cases, * * * such a proceeding would save expense to the state and make retrials less frequent. Moreover, where the law requires that in all criminal cases in which the plea of insanity is raised, the person shall be subjected to a period of hospital observation, as in the state of Maine, it tends to lessen the number of cases in which insanity is resorted to as a defense. Still further, the evidence of unprejudiced state medical officials is likely to have far more weight with juries than that of paid medical experts engaged with a view to *ex parte* testimony.

The classes of criminals most likely to be affected by such a law are, first, those who conceal their delusions. These persons are notoriously suspicious, and persistently refrain from unburdening themselves to examiners, so that many long interviews may be needed to gain their confidence sufficiently to elicit their false beliefs. Persistent feigning can also be far more easily and quickly detected under hospital conditions and surroundings than in jail, owing chiefly to the difficulty which a prisoner experiences in keeping up the pretense of insanity uninterruptedly and consistently (as he must to be successful) where he is watched day and night by careful observers. Most malingering is, as all know, bungling and readily exposed; but it is only with the utmost difficulty that really adroit feigning can be detected by the expert in occasional visits to the jail. Others are notorious capital cases. Here hospital observation as an adjunct to expert examinations must be of advantage in silencing popular clamor lest the prisoner escape just punishment through what is termed the "insanity dodge." * * *

Although hospital observation has been for many years in active operation in Maine and for shorter periods in New Hampshire and Vermont, it has applied in those states only to criminal cases of alleged mental disease or defect.

¹Read at the meeting of the American Neurological Association, May 7, 1915. Abstracted from the Journal of the American Medical Association Aug. 14, 1915.

²Stedman, H. R.: Proc. Am. Medico-Psychological Association, May, 1904.

In Massachusetts this was also the case for four or five years, but in 1909, when the revised laws relating to the insane went into effect, the practice was extended to noncriminals, and we now have three laws providing for such observation for different classes of cases. The special law, governing criminal cases only, provides that not only persons under indictment for any crime but those under complaint as well, who are at the time appointed for trial or sentence or at any time prior thereto found by the court to be in such mental condition that their commitment to a hospital for the insane is necessary for their proper care or observation pending the determination of their insanity, may be committed by the court to such a hospital under such limitations as it may order. The court may in its discretion employ one or more experts on mental disease, qualified as specifically provided, to examine the defendant, and a copy of the medical certificate and of the complaint or indictment must be delivered to the superintendent of the hospital. By this provision, the lower courts are given authority in their discretion to investigate the mental condition of persons who are brought before them, with the result that in numbers of minor cases, persons charged with crime or misdemeanor have been found by expert examination and hospital observation to be subjects of mental disease or defect, patients who formerly would have been dealt with simply as criminals.

Under the Maine statutes, when a person indicted for an offense or committed to jail on a criminal charge makes a plea of insanity, the justice of the court before which the case is to be tried may order him to be sent to one of the hospitals for the insane for observation and report by the superintendent of the hospital.

The Vermont observation law is similar and applies only to the alleged criminal insane. It authorizes persons indicted for offenses or committed to jail on a charge thereof whose plea is insanity to be ordered into the custody of the Vermont State Hospital for the Insane, to be there observed and detained until further order of the judge, so that the truth or falsity of such plea may be ascertained.³

By the New Hampshire law, also, when a person is indicted for any offense or committed to jail on a criminal charge to await the action of the grand jury, any justice of the court before whom he is tried may, on the plea of insanity, put such a person into the care and custody of the superintendent of the state hospital, to be detained and observed by him until further order of the court.

That the measure is growing in favor with lawyers and legislators is further evidenced by the enactment of a statute by the Virginia legislature at its last session (1914) providing that the trial judge may commit such an accused person to a state hospital for purposes of observation.

Still more encouraging is the incorporation of this provision in the bill to regulate expert testimony, presented by the Committee on Insanity and Criminal Responsibility of the American Institute of Criminal Law and Criminology, a committee composed of prominent leaders of the bar and of four members of the American Neurological Association.⁴

* * * The number of criminal cases affected by this law in Massachusetts is, to be sure, not large. In the past five years but thirty-two were admitted to the Bridgewater State Hospital (for criminals), and a much smaller number to the other hospitals. One reason for this is thought to be that fre-

³Vermont Statutes, Acts of the Fifteenth Biennial Session.

⁴See this Journal, Vol. V, No. 5.

quently the mental condition of accused persons under complaint or indictment has not been recognized until after imprisonment, when they are regularly committed as insane and transferred to Bridgewater from penal institutions. The law, however, is being more generally availed of year by year in the lower courts for the not infrequent borderland and other cases in which mental disease or defect is suspected in persons under arrest. But though the number of such cases is small, they bulk large in public importance, as they embrace many capital cases, and it is in them that hospital observation is of especial value.

* * * The practice of hospital observation, the requirement for improving medical expert testimony would seem to be met, as the opinions given would be those of physicians trained in and practicing psychiatry. * * *

The superintendents generally find our Massachusetts laws providing for observation of both criminal and non-criminal cases very satisfactory for both the criminal and non-criminal. It is pronounced by them to be the fairest method of determining the mental status in most of the doubtful cases. The committing judges also without exception regard the laws as most advantageous. * * *

The law relating to the admission of patients to the psychopathic hospital at the University of Michigan embodies the only other bona fide observation law for non-criminal cases. It is practically the same as the Massachusetts statute except that it limits the observation to thirty-five days. Its operation is most satisfactory and is frequently taken advantage of. In borderland cases it especially impresses the patient, the examining physician and the court as being eminently fair.

* * * I have been unable on careful inquiry to find that the constitutionality of the two observation laws mentioned has ever been seriously questioned, nor did the passage of the acts encounter any opposition in Massachusetts. In New York, however, two attempts under the auspices of the New York Psychiatric Society to bring a hospital observation bill before the legislature have been unavailing, the first because of the opinion of lawyers that such an act would certainly fail of passage on that ground, and the other because it was loosely drawn.

The temporary care act also has suffered no public criticism or individual opposition in Massachusetts, although the fact that neither a physician's certificate nor medical diagnosis of any kind is required by the act might well raise a question of its constitutionality. This is a striking proof of the need and value of such a provision.

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Positive Methods, but Not Positive School.—In the November-December issue of *Il Progresso del Diritto Criminale*, Vincenzo Manzini has an article called "La scienza e il methodo del diritto penale," which is a reprint of the preface to his first volume of the "Trettato del Furto." In this, the famous author attacks the positive school, not because it is positive, but because it is a "school." He holds that the expression "positive school" is a contradiction in terms; that every school must be entangled with aristotleanisms and metaphysical ideas. He believes in positive systems and methods, but cannot accept a positive school. This seems to complete the cycle, and by out-heroding Herod, to return to eclecticism, the horror of the classicists and the abomination of the positivists. "The triumph of true positivism will be marked by the destruction of the schools, criticism of the master, and the disappearance of parasitic disciples!"

Epilepsy and Criminality.—Morselli in *Archivio Di Anthropolozia E Medicina Legale*, November 1, 1914 denies that Lombroso stood for the simple atavistic origin of criminality, without influence of the social factor. Lombroso has always given a greater importance however, to the factor of predisposition, even to the point of attributing some political and anarchical crimes to epileptic disorder; this view seemed an exaggeration but it is actually put into honour again by the voice of foreigners such as Bonhiever, Volland, Kraepelin, Zollman, Braty.

Works from other sources have unexpectedly come to confirm Lombroso's doctrines, for example that of Plaut on the mentality of the hereditary syphilitics, in whom this infection represents to the highest degree that "cause pathologic" which, Lombroso maintained, hindered the development of the nervous centers and their functions. The author speaks of other works by several authors, who bring further confirmation to Lombroso's theories; these, cleared of some exaggerations and faults, are vital, and represent one of the bases of modern, social and legal reformation.

GINA LOMBROSO-FERRERO, TURIN, ITALY.

COURTS—LAWS.

Eliminating the Political Public Prosecutor.—Probably no fact is more patent to judges who preside over criminal courts, to criminologists, psychologists, sociologists, and to others who may be interested in keeping pure the fountains of justice, than that the office of Public Prosecutor in most of the counties and districts in a majority of the states in the United States is usually filled by individuals who are either elected on a strictly party ticket, or appointed by reason of their activity in partisan political affairs. As a rule the incumbent is a lawyer of small experience in the handling of criminal cases, and generally his primary thought and purpose is so to conduct the business of his office as will best further his political ambition. The prosecution of an important case is made the subject of glaring headlines in the daily newspapers, and should such a case result in a conviction another scalp is hung on the belt of the people's attorney.

It is well known that a well advertised and successfully prosecuted murder case recently made a District Attorney, who personally appeared in the case, Governor of his State. Another successful prosecutor in a great Western State was made Governor after having been elected to the office of State's Attorney on a strictly party ticket. Cases such as are referred to above could be multiplied *ad infinitum*.

But how infrequently is a lawyer of standing in his profession, a man actuated by no motive except to obey his oath of office conscientiously, elected or appointed to the important position of Prosecuting Attorney for the people. Particularly is this true in communities containing cities of the size of New York, Chicago or Philadelphia. It is my conviction that in the past twenty years in none of the above communities was a Prosecuting Attorney appointed or elected to his office by reason solely of his integrity, experience and standing as a lawyer.

The office of Prosecuting Attorney is as important as that of Judge. In fact, it is more important that the prosecutor be a big man, an experienced man, one with a heart and conscience, and, if you please, nerve, than it is for the Judge who presides to possess similar attributes. The Judge has the advice of counsel, and is not infrequently enlightened by them, and generally acts impartially, and without any hope of securing any advantage by reason of any de-

cision or in the conduct of his office. But the Prosecuting Attorney must map out his course of conduct with a consciousness that he is to act on his own initiative, without the assistance or advice of the bar, or public.

The Prosecutor is not only an officer of court occupying a *quasi* judicial position, but often becomes the arbiter of the liberty of thousands. Indirectly he can indict, or prevent an indictment. He can *nolle pros*, dismiss a case, prosecute or refuse to prosecute.

What manner of man then should fill this great position? A successful political leader of follower looking solely for his own interests, or a person actuated by no motive except that of serving the people, and with no view to political reward, asking only the approval of his fellow citizens, and the dictates of his own conscience? Should he be one who makes capital of the number of convictions he obtains in the hope that his party adherents and followers may be compelled to see the necessity of promoting him to higher office? Rather is it not more conclusive to the happiness of the State that the attorney for the people have as his purpose the conviction of the guilty, only when conviction is necessary to the well being of the State; the acquittal of the innocent, or those whose guilt is not manifestly clear; the protection of the unfortunate, who have fallen from grace by the commission of an act, commonly called crime, caused either by poverty or misfortune, and the prosecution of persons, who are a menace to the State and society, and should be incarcerated in a prison or some institution, and particularly the prosecution of those of sound mind, who are guilty of a criminal offense, but who expect through a political pull to prevent prosecution. The Prosecuting Attorney above all things should be one *who will divorce the office he fills from politics* and have no fear of the political ax, with no favor to grant and indifferent whether or not his re-election may depend upon the administration of his office in a manner pleasing to his political constituency.

How then, can the political Public Prosecutor be eliminated? The task is by no means an easy one, but nevertheless, it surely is not hopeless. Legislation, of course, will be needed, but above all agitation and education as to the true situation can alone bring about the required legislation. If members of the bar were aroused to the true condition of affairs, and if the public was acquainted with the facts, the Republican, Democratic and "What not" State's Attorney would become a mere reminiscence. I suggest the following method:

In communities, counties or districts, where a Prosecuting Attorney commonly called a District, State's or Commonwealth's Attorney is elected or appointed, and where there is a Bar Association having more than a hundred members, such Association or Associations to present the names of at least three lawyers to the Judges who have jurisdiction of criminal cases in the community, the Judges to make final selection from the list so submitted. In communities not having such Bar Associations, the majority of the practicing lawyers to submit the names to the Judges, and a similar course followed.

The method proposed may be somewhat crude, and is not offered by the writer as a perfect solution of the problem before us. If the ideas presented have the effect of inviting suggestions either from the bar or the public which will assist to make the Public Prosecutor a real servant of the public and the law, (which he is not now) they have served their purpose.

JOSEPH B. DAVID,
Of the Chicago Bar.

Legal Procedure in Commitment.—Illinois is unfortunate in having one of the least useful commitment laws in the United States. Commitments are made after inquests before juries or commissions—survivals of the harsh practices of the earliest period in the care of the insane—and practically no safeguards are provided for the welfare of patients during the period in which their mental condition is being determined or during their transfer to institutions for the insane.

The following is a summary of the Illinois laws regarding commitment:

No person not legally adjudged to be insane, may by reason of his insanity or supposed insanity be restrained of his liberty, except that the temporary detention of an alleged lunatic is permitted for a reasonable time, not exceeding ten days, pending a judicial investigation of his mental condition.

Any reputable citizen of the county in which a person supposed to be insane resides or is found may file with the clerk of the County Court a sworn statement that the person named is insane and requires restraint or commitment to some hospital for the insane. The statement must be accompanied by the names of the witnesses (one of whom at least must be a physician having personal knowledge of the case). When the person alleged to be insane has not been examined by a physician, the judge may appoint a qualified physician of the county to make such examination. The hearing of the case may take place with or without the presence of the person affected as circumstances warrant, but not until he has been notified.

Inquests in lunacy must be by jury or commission of two licensed physicians. When no jury is demanded, and there appears to the judge to be no occasion for it, he must appoint a commission of two qualified physicians in regular and active practice, who are residents of the county and of known competency and integrity, to make a personal examination of the patient and file with the clerk of the court a sworn report of the result of their inquiries, together with their conclusions and recommendations. The commissioners have power to administer oaths and take sworn testimony. In all cases of inquest by jury, the jury must consist of six persons, and one of the jurors at least must be a qualified physician. Inquests in lunacy may be in open court or in chambers, or at the home of the person alleged to be insane, at the discretion of the court. The judge may require all persons other than the patient, his friends, witnesses, licensed attorneys and officers of the court to withdraw from the room during the inquest.

The jury or commission must furnish the court in writing answers to the interrogatories that may be prescribed by the commission of public charities, and certify to their correctness. The interrogatories must be submitted to the medical member or members of the jury or commission by the court.

The court may, if not satisfied with the finding of the jury or commission, set the same aside and order another inquest.

Upon the return of the finding of the jury or commission, the court must enter the proper order for the disposition of the person alleged to be insane, and order his discharge with or without conditions, or remand him to the custody of his friends, or commit him to some hospital or asylum.¹

¹Koren, John: *Summaries of Laws Relating to the Commitment and Care of the Insane in the United States*, pp. 64-65. Published by the National Committee for Mental Hygiene, 1914.

One hundred and thirteen persons were committed by the Sangamon (Ill.) County Court from January 1, 1913, to March 1, 1914. In 110 of these cases a commission sat as a board of inquest, one was a jury case, and there were two voluntary commitments. The county judge softens the rigors of the Illinois law as much as possible by making use of the commission plan of inquest instead of a jury trial—as he may do in his discretion—and by conducting hearings in private. Only relatives and witnesses are permitted to be present. When a complaint is made “charging” a person with insanity, the judge issues a warrant and appoints a commission, setting two o’clock in the afternoon for the hearing. This makes it possible to send the patient to the Jacksonville State Hospital by a train which leaves at half past three the same day, thus avoiding the necessity of temporary detention in the county jail. I was informed that, during the term of the present judge, no insane person had been sent to the county jail after commitment; but that in the case of patients brought into Springfield from rural parts of the county and of those who are brought to attention unexpectedly in the city the county jail is used as a place of detention until the court can appoint a commission and hold a hearing. The following table, taken from the records of the county jail, shows to what extent the jail is thus used:

TABLE 1.—LENGTH OF DETENTION OF INSANE HELD IN
COUNTY JAIL ANNEX IN 1913.

Days held	Persons	Days held	Persons
23	1	6	6
22	1	5	7
21	1	4	6
12	1	3	12
11	3	2	27
9	2	1	7
		Total	78

It is seen from the table that 78 persons were held for a total of 350 days, or for an average of 4.5 days each.

This practice, whether persons are held either before or after commitment, is most unfortunate, but with the erroneous views held by most people as to the nature of mental disease it is not surprising that it should be permitted. Of course, no one can assert that the confinement of a person with mental disease in a jail is “treatment” in any sense of the word. On the contrary, it is distinctly harmful. The jail annex is a two-story building containing six cells. It is cold, dirty, and a most unsuitable place for the care of any sick persons. At the discretion of the county physician, patients may be cared for in this place for weeks if it is thought that there is a possibility of speedy recovery and that commitment will not be necessary. It is only ignorance on the part of the public of the simplest facts about mental disease that makes such a practice possible. If it were generally known, for instance, that depressed persons who have delusions of unworthiness and self-condemnation acquire confirmation of their false ideas by such a procedure it is likely that a substitute would speedily be found.—From the Springfield Survey, Mental Hygiene Section, by Walter L. Treadway, M. D.

Juvenile Court Clinics.—The first Children's Court to be established in England was the Birmingham Juvenile Court, and the first to be established in America was the Chicago Juvenile Court. It is interesting to notice that in both these courts a medico-psychological examination is now made to assist the judge in his work. The medical examiner in Chicago is Dr. William Healy and in Birmingham Dr. George Auden.

Dr. Auden has records of 86 children examined in 1912, and 130 examined in 1913. Out of this total he has classified 213, and finds 17 of these mentally defective, 5 borderline cases and 5 moral imbeciles. Total 27. The examination is made in the Remand Home, in pleasant surroundings and in an informal way. Dr. Auden feels the importance of befriending the child and gaining his real confidence. He thinks that sometimes the explanation of the trouble is, "Strange and passing whims which, it is well recognized, play a part in the psychology of adolescence." Truancy and wandering may be due to a lack of sympathy at home—the fear of teasing, punishment, bullying or ridicule. Sometimes it is the love of adventure and play-acting, and not infrequently it is the parents, not the children, who are the real culprits.

Children's Courts established within the last two or three years have, in some instances, organized a careful physical and mental examination of all the children referred to the Juvenile Court. At Seattle the Gatzert Foundation has co-operated with the Juvenile Court, which is known as the Juvenile Department of the Superior Court of Washington. This enables the Chief Probation Officer, Dr. Stevenson Smith of the University of Washington, and Dr. Davidson, the Chief Medical Inspector of Seattle, to study the history of each child, and to make an examination and report as to the mental and physical condition in each case, suggesting and carrying out as far as possible, proper remedial measures.—From the Ninth Report of the Inspector of Feeble-Minded in Ontario, for the year ending October 31, 1914.

R. H. G.

Reform in Criminal Procedure.—Reforms in criminal procedure are local in their nature; that is to say, the various jurisdictions in this country have different forms of procedure. It has been said that there is considerable criticism of the Courts for delays and for the allowance of technical objections in criminal trials. In my opinion, if we are going to take action upon those matters, we should take some action that would have a tendency to remedy real and existing evils. I have had charge, I suppose, of a great many thousand criminal trials in the last thirteen years. I never recall any question raised on an indictment. Occasionally there are motions to quash, but they are almost invariably upon indictments that were drawn under some recent act of the legislature. The difficulty is in understanding the loose and crude language of some of the Acts that are passed. Nor do I recall any instance in the case of larceny of a man being acquitted upon any such technical ground as was illustrated in the case of the man indicted for stealing pens. So that speaking from my own experience in my own jurisdiction, I am not aware that there is any necessity for changing the law as it is at present.

I have great sympathy with the drawing of simple forms of indictment. On the other hand, the forms of indictment that have been used for a hundred years are just as certain as anything can be. We might reform them by cutting out words here and there, but I doubt if we should gain anything by doing it. A great reform in Pennsylvania was enacted in 1860, and was in the following year copied almost verbatim by the English Parliament. That was a very short

act stating that the manner and means of death need not be set out in an indictment for murder. That is to say, it eliminated any description of the wounds causing the death or of the instrument by which the wounds were inflicted.

We ought all to agree with the proposition that if the criminal law is working well it is not wise to attempt to make any change in it. Judging from common experience, and from conversations with practicing lawyers generally the criminal law is working satisfactorily. Of course, in every state it depends very largely upon the attitude of mind of the court in enforcing the law—especially the court of last resort. Our code is a sort of patchwork, and decisions have been rendered under it which were extremely technical, as a layman would understand that term. Within the last two years a certain middle western court quashed an indictment and held conviction under it invalid because the person claiming to have been injured by the crime said her first name was Rosalie instead of Rosetta. There are other illustrations that I might give of similar cases.

I might say that a year or more ago in Lancaster County, Pennsylvania, last November, a man was tried for a murder committed in September, 1913, and he was convicted of murder in the first degree. Subsequently someone happened to look at the indictment and found that it charged that the murder was committed in September, 1914, which was nearly a year after the trial took place; yet the indictment was amended and the conviction was sustained. W. R.

On the Institute Bill for Expert Testimony.—Often under the English practice, counsel for the defense may call witnesses to testify as to the mental condition of the accused. In this country, we are very strongly of the opinion that any proposal which would take away from the defendant, at least in a criminal case, the right to call witnesses, would clearly be unconstitutional, and I might add this further point in addition: One of the chief considerations which our committee gave to this question in drafting the bill, was to have it constitutional. So many proposals along this line have been advanced which are at least questionable as to their constitutionality. We feel after the great deal of consideration and discussion by members of the legal profession, that the bill as proposed is constitutional under any fair interpretation of any state constitution, and that we will not be called upon to ask for any constitutional amendment, but that we may insist that under any fair interpretation the present bill is valid and constitutional. For that reason, and in addition to the other reasons suggested, we urge its adoption, because the raising of constitutional questions in a proposed measure is a thing that hampers it at the very outset.

PROBATION—PAROLE.

The Children's Court Judge and the Probation Officer.¹—A matter of great interest to us is the question of reports. In some localities we have the probationer come up before the judge in a court room full of people, and the probation officer gets up and reads off: "This Thomas Jones was convicted of petty larceny on the third of June, stealing from such-and-such a party, and has been on probation for three months. This is his fourth time. He is now

¹Extracted from an address before the Conference of Probation Officers, Utica, N. Y., November, 1914.

working for the express company, etc.," and his whole history is given out to the world. Then the court says: "You will return again on November 23rd." In other localities the probation officer goes to the judge in a private room and says: "Judge, such-and-such a man that you put on probation is now working for so-and-so, earning so much, taking care of his family, etc. He hasn't done anything wrong and he has reported to me regularly; I think you might put him over for a month or two longer, if you think it is wise to do it." Is it best to do it in the first way and keep the man marked as a criminal, or get him back into the neighborhood as soon as possible an undistinguished member of the community?

Take the case of the women on probation. In Brooklyn, we have a little room where the judge sits on the last Friday of the month. This room is full of men and women, and every woman that comes in or goes out of that little room has marked on her forehead: "Criminal—On Probation."

I do not believe in putting a child on probation for a fixed term, for a year or eighteen months. Maybe all I want to find out is, if the boy is going to school regularly. On the other hand, we might keep a boy on probation for two or three years and he might need to be kept on probation for thirty-three years longer. If I had power to do it, I would say, let the probation be, like the care of the institution, until he is twenty-one years of age. Let us terminate it when we can, as quickly as possible, but let us carry it longer, if necessary. A case I had a little while ago illustrated this. A little girl, whose father was dead, and mother unfortunate and drinking, was adjudged to be without proper guardianship. We found she could be taken care of by a lady, a little removed from where the mother's home was. She was placed under the care of the probation officer, to see that she stayed with this woman, went to school and that everything would go along all right. That child ought to be on probation until she has grown to be a woman and able to take care of herself. Now, the probation officer or some authority or somebody ought to be interested in her for much longer than a year.

Of course, I do not mean to say that a person on probation shouldn't come before the judge, but I do believe that "familiarity breeds contempt." I do not believe that in all cases it is beneficial to bring the person up before the court, especially a child, where we are trying to divorce from its mind as soon as possible the idea of the court. In our court we have eight probation officers, they come in every once in a while, the probation officer talks to the judge and gets instructions and advice in regard to what is best in the case of this boy or girl. It isn't always best even to return children to court on the return day.

The duties of the probation officer should be clearly defined. I do not expect a police officer to interfere with the probation officer's case when the probation officer has charge of it, and if the child is in the care of the Society for the Prevention of Cruelty to Children and they are investigating, I do not believe it is the business of any Big Brother or Big Sister to interfere with that case while it is in their hands. Take a medical case, for instance. Suppose a physician was treating a case for some important ailment and along comes another physician and he starts in and gives advice and some medicine, and another one comes along and gives advice and some medicine; what would you think of that? The probation officer goes in and has a certain theory in regard to the treatment of a case. Along comes somebody else with another plan. What is the poor parent to do; Whom will he believe; whom will he follow?

When he comes to court the parent doesn't know what is the right thing to do.

In Brooklyn we believe that the work of each particular individual and particular agency should be separate and apart. The police officer arrests the child or the truant officer picks him up for truancy and he comes before the court. The court isn't a probation officer; the court isn't a school teacher; the court isn't the society's investigating officer. The court is to determine the question of whether the State of New York has any right to interfere and the court is the one to determine it. If the court says: No, the child is not a ward of the State, in the sense that it has been brought under the provision of any law; it is still under the supreme control of its parents; probation officer, policeman, all hands drop, and the parent walks off with the child. On the other hand, if the court says: "This child is in need of the care and protection of the laws of the State," then specific work begins. I believe that the school should look after the school end of it and that the reports to the judges regarding school matters should come from the school. Why shouldn't they come directly from the school; why not get the best evidence we can?

Another point that has been very strongly brought to my mind is the question of religion. I believe that if we are going to do any permanent good we have got to get back to the place where morality is founded, and that is the religious principles and religious teaching and training. I don't care what the particular religion is. You shall decide that for your own family. I believe that a person with the same religious faith as the parents of the child can have a closer and warmer reception by the parents of that child than a person not of that religious training. Of course, there are exceptions to the rule.

Another matter that is of interest to us, is the question of short term commitments, as they are called. There are cases where a boy ought to be left in an institution just long enough to let him feel the difference between his home surroundings and the institution. Then he goes back to his home under new conditions. In New York, we have no institution to which we can send children for short terms; the only detention homes are the shelters of the Society for the Prevention of Cruelty to Children. They have some ninety or a hundred children every night. They cannot accomodate them and it has been thought advisable to have a place where we could send them for short commitments. Judge Ryan of our court in looking over the work he has done in regard to his cases for the last four years, shows that of the children brought before him, over ninety per cent didn't return to the court. Among the ten per cent he had to do something with about eighty per cent of those sent away for a short term, did not go back to the court again.

In closing I want to add my words of appreciation of what the probation officer can do. Your position is of the utmost importance. Your relationships touch on those matters that are closest to us all, and your decision and your judgment is second only to the Bench, for what your opinion is, veil it as you may in your reports, must come out in the attitude you take toward the particular case and the particular child which you have in charge. It is, therefore, hardly second to that of the judge who sits on the Bench in importance. You should recognize the high vocation that it has been your privilege to embark upon, for no relationship that I know of in our public life, is more important in its ramifications and in its effect on society, in so many ways as that of the probation officer. It is a great trust for you to keep.

ROBERT J. WILKIN,
Justice of the Children's Court, New York City.

Parole in New York.—The seventh annual report of the Prison Association of New York contains in Part I a report of the Prison Association in 1914, and in Part II, we find the results of an important study of parole in the State of New York. Certain comments found there deserve repetition. In 1910 Mr. Joseph F. Scott, who was at that time superintendent of reformatories in the State of New York, put the parole situation graphically before the State when he said it was absurd for the State to spend approximately \$200 a year for reformatory training of an inmate at Elmira and Napannoch and a scant few dollars in the supervision of his parole period, which so frequently is even more crucial than the period of incarceration in its bearing on his future career. The Prison Association in 1914 had one parole agent, assisted by an office agent, who gave but part time to the work, and with this force it supervised 254 inmates who were released on parole from state prisons. Other charitable agents which also volunteered the services of parole officers made equally inadequate provision for supervision.

One fact stands out with full emphasis: This State must understand that the parole period is a vitally important period in the life of every inmate of a prison or reformatory. The State must spend money upon its released prisoners. It must provide an adequate corps of parole officers, an adequate period of parole and must give adequate attention to the return to prison of flagrant violators of parole. There must be no toleration of a condition which enables any released inmate to say that the parole system of a State is a farce. The superintendent of the prison association recommends that the State supply not fewer than twelve parole officers and an adequate clerical staff for the board of parole.

The determination of the advisability of paroling an inmate is one of the most serious duties that any board or court can have presented to it. The board of parole should be a body the members of which should have no other occupation and should be in session to the same degree as are the other higher courts of the State. The salaries of members should be sufficient to enable the State to secure the entire time of high grade men. There should be every opportunity for the representatives of the prison department to present cases of inmates eligible for parole and to make recommendations. The court of parole should provide for the collection of comprehensive statistics relating to each inmate in state prisons and criminal statistics relating to the work of the parole court.

The annual report of the Superintendent of State Prisons in the State of New York, for the year ending September 30th, 1914, contains a deal of data that deserves repetition also. Below is a brief statement with reference to the operations of parol within the State during the year in question:

"The parole system established has worked satisfactorily and should, in my opinion, be extended. If it is not thought wise to make first offenders now confined for the lesser crimes eligible for parole in one year, the provision fixing minimum terms should be repealed so that judges may have wider discretion in imposing sentences.

"The following table shows in detail the operation of the parole system. It will be noted that during the past year 1,060 men were paroled; 136 were

returned for violation of parole; 703 paroled men made their monthly reports for a year and were discharged."

PRISONS	Paroled in 1914	Declared Delinquent	Returned	Discharged
Sing Sing	195	48	22	153
Auburn	193	68	40	126
Women's Prison	43	9	4	9
Clinton	177	43	37	94
Great Meadow	447	87	33	391
Total	1,050	255	136	703

R. H. G.

A Probation Commission.—It was recommended last winter to the Chicago City Council Committee on Crime, and also by the undersigned in an address before the State Probation Conference in Illinois, meeting recently at Danville, that for the better conduct of probation in the State of Illinois a State Commission should be established, one of the duties of which it should be to serve as a modified civil service board and as such to prepare a list of eligible candidates for appointment as probation officers, such appointment to be made from any part of the eligible list by the judges of the court. This plan, it was believed, would preserve the complete control of appointment and discharge of probation officers in the hands of the court and would thus make toward efficiency. The provision for appointment from any part of the certified list would make it possible for the court to secure, in all probability, a representative of any desired sect, denomination, race or party. Such selection by class, race, sect, etc., is undoubtedly in hundreds of instances advisable, even necessary. Other benefits, it is believed, would accrue in the State of Illinois from the creation of such a Probation Commission. The plan as proposed received favor. It may be of some interest to our readers to notice the duties of the State Probation Commission in the State of New York, which was created in 1907. Its principal duties are as follows:

To meet at stated times, not less than once every two months;

To exercise general supervision over the work of probation officers throughout the State and to keep informed as to their work;

To inquire into the conduct and efficiency of probation officers from time to time;

To endeavor to secure the effective application of the probation system, and the enforcement of the probation law in all parts of the State;

To collect and publish statistical and other information and make recommendations as to the operations of the probation system;

To inform all magistrates and probation officers of any legislation directly affecting probation, and to publish each year a list of all probation officers in the State;

To make an annual report to the Legislature showing the proceedings of the Commission, the results of the probation system as administered in the various parts of the State, with recommendations.

R. H. G.

PENOLOGY.

Royal Canadian Commission On Penitentiaries—The Royal Commission on Penitentiaries appointed by the Dominion Government on August 25th, 1913, presented their Report early in 1914. The Commission made some en-

quiry as to the mental condition and capacity of the prisoners. The report points out that "there is admittedly a close relationship between mental deficiency and * * * crime. In our country this aspect of the question of crime has received no consideration. No care is taken to ensure the detection of defectives and no provision is made for their custody or training. They are not understood by the court or prison officers. They are sentenced, discharged and re-sentenced at great expense to the country. When free they reproduce their kind, often in large numbers—in prison they prove a constant source of worry and render the maintenance of prison discipline difficult or impossible.

"These questions press for consideration, and the first step should be the employment of a physician trained in psychiatry, who could advise the Government in regard to these and associated questions."

It is further stated that the mental and physical examination of the prisoners committed to the penitentiaries is conducted in a most superficial manner. For many reasons the examination of the prisoners mentally should be a searching one. If this had been the practice, a great deal of trouble would have been avoided. As an example of what is meant, the following case may be cited:

"Convict No. p. 108. Age, 30 years.

"First sentence in 1906 for rape—4 years and 25 lashes.

"Discharged in 1910, and was recommitted for a similar offense within three months, with a sentence of twenty years and lashes.

Between November, 1910, and September, 1913, there were made against this man no less than sixty-seven reports for breaches of regulations. Many of these offenses were visited with severe punishment, even to hosing with cold water at sixty pounds pressure. A good deal of his time has been spent in the punishment cells and in the prison of isolation.

"An examination by one competent would have disclosed the fact that this was an unfortunate imbecile, and as such not responsible for his actions, and that any endeavor to make him conform to ordinary prison discipline by the infliction of punishment was futile—and much worse. It may be added that this is by no means an isolated case."

The Commission recommended, "That a thorough mental and physical examination be made of each prisoner on his admission, and that, as far as possible, his antecedents and family history be obtained and put on record.

"This is one of the aims and ideals of prison reformers in Ontario."—From the Ninth Report of the Inspector of Feeble-minded in Ontario, for the year ending October 31, 1914. R. H. G.

Prison Reform Association of Louisiana.—The regular meeting of the Prison Reform Association of Louisiana in October took up several questions of importance.

One special discussion was the matter of appointing a committee, known as the parish Juvenile Court committee. Judge Andrew H. Wilson was appointed chairman. This committee will endeavor to get each parish, where circumstances demand it, to have the Police Jury take up this matter and to get the governor to recognize the Juvenile Court.

At present there are seven parishes which have taken up the matter. Special mention was made of the Jefferson parish as being very much in need of a Juvenile Court and our committee will treat with the officials of that parish regarding this matter.

It was the sense of the Board of Directors of the association that the legislative committee should take special interest at this time in laying before the various candidates running for State positions the question of prison reform, and the committee appointed a meeting for the purpose of drafting and mailing letters regarding their attitude towards the penal institutions of our State.

A committee was appointed to confer with a like committee of the Board of Prison Asylums, together with prison officials, regarding corporal punishment in prisons and to decide what other methods could be used more advantageously than corporeal punishment.—From the *New Orleans Item*, Oct. 31, 1915.

Prison Schools.—In the report of the Superintendent of State Prisons for New York, covering the year ending September 30, 1914, we find the following interesting statement with reference to the prison schools in that state:

"Schools have been continued in each of the prisons. The number attending school on October 1, 1913, including the Women's Prison, was 1,150; the total number enrolled during the year was 3,122; the average daily attendance was 1,217. While the attendance of so large a number of inmates at school seriously interferes with the work of the industries carried on in the prison, nevertheless the opportunity of acquiring an elementary education is appreciated by a large number. The work of the schools is especially valuable to the younger class of inmates and to the large number of foreigners, many of whom acquire a knowledge of English. A head teacher is employed in each prison, who selects from the inmates those especially qualified to assist in the work."

We have yet to find anything that approximates to the ideal prison school. We are looking forward to a day when the educational work in prisons and reformatories will be organized and conducted on much the same lines as those on which vocational education is conducted in, for example, the public school system in the City of Cincinnati, where there is co-operation between the industrial establishments throughout the city and the students in the municipal University. The students work in pairs; one throughout a brief period is employed in an industrial establishment in the city and during the same period the other is pursuing the more or less academic work in the University. After the expiration of the period, these students exchange places, and so the work is continued throughout the year. The work in the University classes is bent toward the shop-work, so that class room work and shop-work illuminate each other. It is entirely practicable for such a scheme to be worked out in our prisons. It would give new zest to educational work among delinquents, old or young. The handicap that is so much emphasized in prisons nowadays—namely, that the machinery at their disposal is not up to date—would be very much lessened if not made altogether to disappear, provided, of course, that the State will do the best that it can do toward securing first class teachers to effect the co-operation between prison shop and prison school. R. H. G.

Cost of Maintenance of Farm Colonies.—"If the necessary land and buildings are provided, how many mental defectives will be self-supporting? Or, to put the question in another way, what is the cost of maintenance per week per inmate?

"In a well-organized and well-managed County House of Refuge, on a good farm in Ontario, the weekly cost per inmate varies from \$1.50 to \$2.50,

according to the fertility of the land, the type of building and equipment, and the thrift, skill and knowledge with which farming and housekeeping are carried on.

"In an Industrial Farm Colony for mental defectives, those under the mental age of three years (formerly called idiots) are not able to do much. The middle-grade and high-grade may be taught to pick the stones of a field, and carry things from one place to another under direction, and these occupations have some commercial and industrial value. All those of the mental age of three to seven years (formerly called imbeciles) can contribute something to their own maintenance, and in many of them there resides some ability, which should be found out. Their powers are frequently sufficient to enable them to partly earn their own living, under good supervision in an institution.

"Permanent care in a suitable institution is the only successful, economical and humane method of dealing with mental defectives. This secures not only their welfare and protection, but also the welfare and protection of the community and of posterity.

"The cottage plan of construction is the best, and, as far as possible, one group or family of children, numbering from twenty to twenty-five, should be in each cottage. Larger cottages may accommodate two such groups, but this plan does not, as a rule, work well.

"The number in a cottage or group should not exceed fifty, and in Vine-land there are ten cottages, each containing but one small group of children numbering from twelve to twenty-two. Three cottages contain three groups each, one has three and one has four groups, and there are forty-five boys in two groups at the Menantico Farm Colony.

"The 480 children are, therefore, classified into twenty-five groups, averaging less than twenty to a group. The home spirit is preserved and each child's individuality has the greater opportunity for development.

"Superintendent Johnstone says that instead of eating in one large dining room, the children are served in a number of smaller dining rooms. Here, too, they can receive more individual attention and a great many are receiving variations from the regular diet.

"The provision of a large tract of land is necessary, among other reasons to secure proper separation and classification of inmates. Thus, low-grade cases should be in cottages on a retired part of the grounds, the younger inmates should be placed in a cottage by themselves, and of course the cottages for girls and those for boys should be in different parts of the grounds.

"In the best institutions of this kind the industrial work grows more practical every day, and thus better and more economical administration is secured as well as more satisfactory training of the children.

"They should do all their own work, make and mend all their own clothes, weave the cotton, linen and woollen materials used in the institution, make their blankets, produce vegetables, flowers and fruit, and food products of all kinds, and learn every industrial trade and other employment that can be made useful in their own or other institutions, especially those relating to food, clothing, agriculture and building."—From the Ninth Report of the Inspector of Feeble-minded in Ontario, for the year ending October 31, 1914. R. H. G.

POLICE.

Police Civil Service Requirements in Massachusetts.—Section 160. Police Service (Regular and Reserve in Boston).—*Age limit*, 25 to 33 years.

Minimum height, 5 feet 8 inches. *Minimum weight*, 140 pounds. *Subjects of examination*: TRAINING AND EXPERIENCE; SPECIAL SUBJECT (questions relating to duties of a police officer, Police Department Regulations, statutory law, definitions of crimes, criminal processes and procedure, legal papers connected with police duty, automobile law, etc.); WRITING OF LETTER OR REPORT; ARITHMETIC; ACCURACY; HANDWRITING. Applicants will also be given a physical examination and a strength test.

Police Women.—*Subjects of examination*: a sworn statement of TRAINING AND EXPERIENCE; ARITHMETIC; ACCURACY; HANDWRITING; WRITING OF A LETTER OR REPORT; SPECIAL SUBJECT (questions on the police laws which come within the range of the duties of the position such as those concerned with night walking, stubborn children, etc.)

Women applicants for special police service shall be not less than twenty-five nor over forty-five years of age at the time of filing the application. Successful applicants will be subjected to a physical examination.

Applicants on filing applications should apply for and obtain at the office of the Commission a pamphlet containing information as to crimes, police duties, etc., on which they will be examined.

Section 161. Police Service (Regular, Reserve, Permanent, Special, Substitute, Temporary, in Cities Other than Boston).—*Age limit*, 22 to 40 years (does not apply to veterans). *Minimum height*, 5 feet 7 inches. *Minimum weight*, 135 pounds. *Subjects of examination*: TRAINING AND EXPERIENCE; SPECIAL SUBJECT (questions relating to duties of a police officer, Police Department Regulations, statutory law, definitions of crimes, criminal processes and procedure, legal papers connected with police duty, automobile law, etc.); WRITING OF LETTER OR REPORT; ARITHMETIC; ACCURACY; HANDWRITING. Applicants will also be given a physical examination and a strength test.

Applicants on filing applications should apply for and obtain at the office of the Commission a pamphlet containing information as to crimes, police duties, etc., on which they will be examined.

Section 99. Detective (in Cities). The subjects of examination will be the same as for District Police Detective.

The Commission may also certify from the eligible list of police applicants.

Section 100. Detective (District Police).—*Age limit*, 25 to 40 years. *Minimum height*, 5 feet 7 inches. *Minimum weight*, 135 pounds. *Subjects of examination*: TRAINING AND EXPERIENCE; SPECIAL SUBJECT (questions relating to crimes, criminal processes, legal papers and methods of procedure necessary for the prosecution of criminal cases in court, methods of investigating crimes, and detecting criminals); WRITING OF LETTER OR REPORT; ARITHMETIC; ACCURACY; HANDWRITING. Applicants will also be given a physical examination.

Section 105. Driver of Prison and Patrol Wagon.—Questions or tests as to driving, harnessing and care of horses will be given. Applicants will be given a physical examination. Simple educational tests will be given in writing a letter or a report and in elementary arithmetic. See also under Chauffeur.

Section 162. Prison Guard or Watchman.—In general, no age, height or weight limits have been fixed; but for State Prison, Massachusetts Reformatory, and Prison Camp and Hospital the following requirements are made: *Age limit*, 25 to 40 years (does not apply to veterans). *Minimum height*, 5 feet 7 inches. *Minimum weight*, 135 pounds. *Subjects of examination*: TRAINING

AND EXPERIENCE; ARITHMETIC; ACCURACY; MEMORY TEST; HANDWRITING. Applicants will also be given a physical examination and a strength test.

Specimen Examination Papers.

ARITHMETIC PAPERS.

POLICE, BOSTON FIRE, DETECTIVES, TRUANT OFFICERS, ETC.

1. A man earns \$19.50 a week. He pays \$4.50 a week for his board, \$2.50 a week for other expenses. In how many weeks will he save \$600? Give the work in full. 2. A. bought of B. 7 pounds of coffee at 35 cents a pound; 3 pounds of tea at 65 cents a pound; 2 boxes of raisins at \$3.25 each; 2 barrels of flour at \$4.25 each. He gave a \$20 bill in payment. How much change should he get? Give the work in full. 3. Massachusetts has an area of 8,040 square miles. If it has a population of 279 to the square mile, what is the population of Massachusetts? Give the work in full. 4. If one pound of sugar is obtained from 18 sugar canes, how many pounds will be obtained from 162,180 canes? Give the work in full. 5. What is the cost of board for a full week at \$1 $\frac{1}{4}$ a day? Give the work in full.

PRISON WATCHMAN, ETC.

1. A horse cost \$136.75, a cart \$27.36 and a carriage as much as both horse and cart. What was the total cost of horse, cart, and carriage? Give the work in full. 2. From 12 times 15 subtract 9 times 16, then multiply the remainder by 72. Give the work in full. 3. A man receives \$2.68 a day. How many days must he work to earn \$222.44? Give the work in full. 4. I paid \$96 for flour at \$6 a barrel; sold 8 barrels at \$8 a barrel and the remainder at \$7.50 a barrel. Find my gain. Give the work in full. 5. A farmer sold 18 $\frac{3}{4}$ barrels of apples at \$3.60 a barrel. How much did he receive for the apples? Give the work in full.

Joseph Mathew Sullivan, Boston, Massachusetts.

Setting Up a Business Police Force.—An article in the *Boston Transcript* of recent date, by Anson M. Cole, under the above title, calls attention to an important movement among the commercial men in Boston which is a warning to all commercial crooks, mercantile credit frauds and business fly-by-nights. The sum of \$15,000 is being collected to investigate and prosecute those sharks who prey upon Boston interests. The action was decided upon at the last meeting of the Boston Credit Men's Association, which approved the following statement of the police duties of the credit men:

"The Police Department of the commercial world is represented by the National Association of Credit Men, and its affiliated branches, including the Boston Association. It is our duty, therefore, to arrest and prosecute those commercial crooks who infest our country and our locality, partly in order to punish them and partly to teach a moral lesson to them and to others who contemplate commercial wrong-doing. Your committee believes that results will soon prove to grantors of credit that it is good business, as well as a help to good business morals, to spend money in securing evidence and in prosecuting those who use the credit system for fraudulent purposes. In the aggregate, the activities of the commercial crook result in separating the business houses of the country from property—that is, stealing—whose money value runs into large figures. Yet it is agreed that one or two successful prosecutions will so impress this class of crooks that their operations will practically cease in a given community. This means the business men need always be ready for offensive action."

R. H. G.

Annual Report of Chief City Magistrate McAdoo of New York.—The annual report of William McAdoo, Chief City Magistrate of the City of New York, for the year 1914 is the first official report that has come to our hands which has been prepared in such a manner that the non-professional citizen will find it as interesting as it will be found helpful and valuable by those who are professionally engaged in police work. This report contains in simple non-technical language a clear exposition of the manner in which the city magistrates perform their duties. For the professional reader it discusses in an enlightening manner the problems connected with the issuance of summonses, the administration of an effective system of probation, the administration of the laws with reference to prostitution in the night court for women and in the penal institutions of the city, the finger-printing of convicted persons and the treatment of pick-pockets and drug-users.

The recommendations of the Chief City Magistrate for the improvement of the court procedure and the efficiency of the city's control of the criminal classes include giving to the city magistrates the power to dispose of minor criminal offenders instead of being obliged to hold them for trial by a higher court, providing custodial care for an indeterminate period for incorrigible women offenders instead of short-term workhouse confinement, simplifying the procedure for the conviction of prostitutes in tenement houses by an amendment to the law which will make the certificate of the Tenement House Commissioner *prima facie* evidence of the fact that a building is a tenement house instead of requiring this fact to be proved by the testimony of respectable tenants and the establishment of a central city statistical bureau which will collate, render uniform and make readily available the criminal statistics of the various courts and departments of the city.

Even in the presentation of the statistics of which the report contains more than 270 pages, an effort has been made to interest the general reader as well as to instruct the professional reader. Graphic diagrammatic presentation of the most important statistics accomplishes the first result and a critical analysis of the action of each magistrate in each class of cases as well as a careful subdivision of those statistical groups which are so large as to be unwieldy for purposes of critical analysis assist in accomplishing the second result.

The report also makes mention of the death of Chief Clerk Philip Bloch, to whose genius for administrative work the city magistrates' courts of New York owe their present excellent court routine.

Leonhard Felix Fuld, New York City.

MISCELLANEOUS.

Constructive Social Hygiene—Report of the Central States Conference.—The Central States Conference on Social Hygiene was held in Chicago on October 25 and 26, 1915. It was a notable meeting.

"The real strength of the social hygiene movement of today lies in the co-operative activities of the great religious, social and educational organization. They are striking the evil at its source; not by driving the prostitute into the street and then out of it again, but by preventing our young girls from becoming prostitutes, and our young men from preying upon them. This they hope to achieve by informing the mind so as to banish prurient curiosity, by diverting the imagination to emotions joyous and clean, by exercising the body in playgrounds and dance halls that are safe, and above all by inspiring the soul

with the highest religious, family and civic ideals." Thus Dr. William F. Snow, General Secretary of the American Social Hygiene Association, in his address opening the first Central States Conference, epitomized the really fundamental significance of the social hygiene movement. The Conference was an occasion for constructive, thoughtful discussion of the educational, moral, public health and legal aspects of social hygiene.

This is the first time that there has been such a gathering in the Central States; a gathering of physicians, lawyers, educators, clergymen, social workers, and business men looking for light upon the foundations of prostitution, commercialized or otherwise, searching for practical means of controlling venereal diseases, and attempting a solution of the problem: "how, when and what shall we teach the child regarding the hygiene and regimen of sex." The meeting was enthusiastic without being sentimental; the tone was scientific though not lacking in human sympathy. While the ideal of the movement is prevention, nevertheless it considers those degrading and degenerating conditions which are already existent.

This is a time when America is looking into the question of national preparedness; when we are taking stock of our resources for contingencies which we cannot foresee. "Preparation against war," said Dr. Victor C. Vaughan of the Medical School of the University of Michigan, addressing the Conference on "The Future of the Republic," "consists in part in military and naval preparedness, but a bigger problem lies in the physical, mental and moral health of our citizens. No nation can be strong without health." "During the past thirty-five years the deaths from tuberculosis have been reduced more than fifty percent. Until within the last ten years no one dared to talk in public about venereal diseases. It is impossible to tell just what effect the educational efforts made during the past ten years have had, but it is safe to say that these efforts have met with a degree of success fully comparable with that attained in dealing with tuberculosis." "No man can carry about with him an infectious disease without endangering others, and personal liberty should stop when the health of others is endangered. If our nation is to continue strong and vigorous, it must eradicate unnecessary disease. This work must extend through every grade of society. The nation as a whole cannot be healthy so long as a part of it is diseased. Diphtheria, Typhoid Fever, and other infectious diseases in the slums are a menace to those who live on the avenues. Through the light of knowledge of the infectious diseases it can truthfully be said that no man lives to himself alone." "The eradication of disease is not a doctor's problem alone. The physician, knowing how disease originates and how it spreads, should point out the way. Beyond this it is no more his duty to bear the burden of eradicating disease than it is of any other member of the community. The state must use every means within its power for the extension of the beneficial effects of preventative medicine. The state educates all, but education is of but little service so long as the people are diseased." "Preventive Medicine is the keystone of the triumphal arch of modern civilization. Remove it and the plagues of the Middle Ages would soon reappear and sweep us into relative barbarism. If the health service of any great city should lapse for a few short weeks, the whole country would suffer thereby."

Dr. William Allen Pusey of the Medical School of the University of Illinois read a strong paper on "The Control of Syphilis as a Sanitary Problem." He pointed out that syphilis is now a preventable disease owing to two epoch making discoveries. These are, first, salvarsan and mercury therapy by which

the contagious period of syphilis can be greatly reduced if treatment is begun early, and second, Metchnikoff's practical means of personal prophylaxis through the use of calomel ointment. Dr. Pusey in summarizing his paper said: "The sanitary control of syphilis would involve widespread application of these two measures; the one to prevent infection when exposed, the other to reduce the possibilities of it. In order to provide for the early treatment of the prostitute classes of patients who are the great means of the transmission of syphilis, and of others who are unable or unwilling to obtain treatment for themselves, the state should as a sanitary measure provide widespread facilities for the treatment of syphilis. Neither of these measures is open to the usual moral objections which prevail against all measures for the control of venereal disease that contemplate the legal recognition of prostitution, and the first measure, the prompt treatment of the cases, is open to no reasonable moral objections." Dr. Pusey's paper precipitated a discussion of the practicability of compulsory reporting of venereal disease, in which Dr. John Dill Robertson, Chicago Commissioner of Health, came out strongly in favor of compulsory reporting. Other physicians, however, pointed out the practical difficulties of such a course.

"The Correlation of the Social Hygiene Movement with Other Public Health Movements," was the title of a paper read by Dr. Rollin H. Stevens of Detroit. Dr. Stevens urged that such institutions as the Juvenile Courts, libraries, dispensaries, and social hygiene societies should carefully scrutinize the points of intersection between their programs, in order that a finer understanding and a better and higher degree of efficiency might be obtained. He emphasized the importance of local social hygiene societies for the sake of coordinating and enlightening the activities of those organizations that have to do with the welfare of children and adolescents, directing their attention to the necessity of making provision for the establishment and protection of a sane and healthful regimen of sex.

The educational side of the social hygiene movement, especially the education of public opinion, was discussed by Dr. T. L. Harrington of Milwaukee and Mr. Erie C. Hopwood of the Cleveland Plain Dealer. The public must be informed of the necessary facts regarding sex health, and to this must be added training in right living which "cannot be separated from the teaching of religion," said Dr. Harrington. It will be good for the public to know, he remarked, that practically everyone who persistently "violates the sixth commandment contracts venereal disease." Mr. Hopwood in a brilliant paper showed how the newspaper is the most important agency today in spreading information, being, he said, the greatest of all teachers.

Not only have special students of social hygiene problems increased their information very materially during recent years, but the general public has also become more enlightened. Conditions that were possible ten years ago are not tolerated by most American cities today. The policy of segregation has been discredited and generally abandoned, and commercialized vice is not permitted to flaunt itself before the eyes of the public. With characteristic vigor, the citizens of the United States have forced prostitution under cover to such an extent that Mr. Raymond B. Fosdick, special investigator of police organization and administration for the American Social Hygiene Association, New York City, the last speaker at the Conference, who presented the subject, "Prostitution and the Police," was able to say after his extensive studies of European cities: "To one who has seen conditions in foreign cities, New

York is "spotless town." There is not in New York the hideous, widespread homo-sexualism of Berlin, the regulated prostitution of the Paris cafes, nor the vice that freely walks the streets of London." But vice still exists in American cities, and will burst forth if the pressure of public opinion and the force of the police are removed. "Nothing in all Europe with all its open toleration of indecency can compare in sheer viciousness with the crib district of that city (New Orleans)," and, "similarly in San Francisco, conditions are vicious beyond anything that exists in Europe because the people—the free citizens of San Francisco!—want things that way." But in spite of the dereliction of these two cities, we are bound to admit, said Mr. Fosdick, a substantial improvement in vice conditions in most of our American cities.

In connection with the Conference a dinner was given on the evening of October 25th in honor of President Abram W. Harris of Northwestern University, who was recently elected to the presidency of the American Social Hygiene Association to succeed Dr. Charles W. Eliot, who now becomes honorary president of the Association. Miss Jane Addams presided at the dinner. A luncheon was given on October 26th at the City Club to provide an opportunity for the discussion of the various movements for the suppression of vice. Under the leadership of President Harris, the discussion was lively and interesting, including reports from various Central States organizations for the suppression of commercialized vice, a discussion of the disposition of prostitutes who have been obliged to quit segregated districts, and the relation between prostitution and mental deficiency. On the evening of October 26th a supper discussion was held at the Union League Club at which Dr. Rachelle Yarros of Hull House presided. The subject for discussion was "Education with Reference to Sex," and there was a general expression of opinion to the effect that some experiment should be made to ascertain the best methods of approaching the problem of the training and protection of children and adolescents.

Throughout the Conference there was evident a tendency to interpret the social hygiene movement in larger and more general terms than has heretofore been the case. The factors of home life, of mental peculiarities, of amusements and of industrial organization were all taken into consideration. It was apparently recognized by all who participated in the Conference that the movement for the suppression and final cure of commercialized prostitution and for the control of venereal disease is not an isolated, specific problem, but has in it elements which are common to every other social problem. Prostitution and all that goes with it, is in fact a symptom of a general social disorder rather than a specific disease. It is a symptom of poverty, ignorance, mental deficiency, physical degeneracy, and all of the hundred social ailments that impede the progress of civilization.—Walter Clarke, Field Secretary the American Social Hygiene Association for the Central States, Chicago.

University Training for Social Workers.—In May, 1914, arrangements were made by the University of Toronto to establish a training course for social workers. This course opened on October 1st, 1914, under Professor Franklin Johnston, Director. The care of mental defectives as a social problem is to be dealt with in several of the courses of study given, especially the course of Medical Social Service and that on Child Welfare and Probation. Trained social workers are needed in Ontario and this effort on the part of the University to begin the training of efficient and suitable persons for this profession

will help the community in dealing with the care of mental defectives. Young men and young women who are kind, intelligent, healthy and well educated, and possess industry, tact, and patience, should, if this is their vocation, find in it a useful and interesting career.—From the Ninth Report of the Inspector of Feeble-minded in Ontario, for the year ending October 31, 1914.

R. H. G.

Conference on Legal and Social Philosophy.—The Fourth Annual Conference on Legal and Social Philosophy was held at Columbia University on November 26 and 27, 1915. The program follows:

November 26.

"Real" and "Ideal" Forces in Civil Law.....M. R. Cohen
Extra Legal Force in the Criminal Law.....E. C. Keedy
Law and Force in International Affairs.....S. P. Orth
The Exercise of Force in the Service of Freedom.....Felix Adler

This was followed by an informal after-dinner discussion on "The Outlook for Legal-Philosophical Studies in this Country."

November 27.

Force and ViolenceJohn Dewey
DiscussionLouis D. Brandeis

The Sovereignty of the State.....Harold Lasky
The Limits of Effective Legal Action.....Roscoe Pound

R. H. G.

Peculiar Knowledge and Habits of Thieves.—The knowledge of criminal matters possessed by thieves is marvelous. They know something of every culprit, his fate, good hauls, and successful getaways during the past fifty years. The average thief is peculiarly well informed on criminal law, knows good lawyers from bad ones, the advocate and the fixer; but this knowledge avails but little to mitigate the hardships and evils which naturally follow as the result of an ill-spent criminal life. Money has no lasting benefit or value for him; it is "chickens today and feathers tomorrow." The poker table, saloon, and legal expenses exhaust their finances and savings from successful hauls on the road. Like Judas of old, they betray one another, and are in turn betrayed themselves. Some thieves work under protection; the reason for protection is this: They tell the police what mobs are in town, what thieves constitute the various mobs, and in return for this service the police wink at the crooked work and thieving of the informers and allow their depredations to pass unnoticed. Once a thief, always a thief, because for the most part they have learned no trade. Reformation seldom sets in, and few reform or even try to. Many causes contribute to their destruction; drink, debauchery, late hours, irregular meals and terms of imprisonment soon kill them off. Society's cellar has many cast-offs, miserable and accursed in their relation to society and with themselves. Work they despise and abhor, and even if they could obtain employment they could not obtain or earn money fast enough to satisfy their wants. After a few good "jolts" (stiff sentences) a top notch thief loses his nerve and he gets a younger man full of dash and vim to act as "wire," and then the older thief plays "safe" and acts as "stall." The youngster, in like manner, after a few stiff sentences, slows down and the process of finding a new "wire" goes on ad infinitum. Professional guns, male and female, according to prison statistics, die of consumption before the reach forty years of age. This is the destiny of fate, the "wages of sin is death."

JOSEPH MATTHEW SULLIVAN, Boston, Mass.