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Notes and Abstracts

NOTES AND ABSTRACTS.

ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE

The Relation of Syphilis to Mental Status of Juvenile Delinquents—We are in receipt of a reprint from the Journal of the American Medical Association of January 8, 1916, entitled, "The Incidence of Syphilis Among Juvenile Delinquents: Its Relation to Mental Status." The author is Thomas M. Haines, Ph. D., M. D., of the Bureau of Juvenile Research, at Columbus, Ohio. The organization of this Bureau has been described heretofore in this JOURNAL. It will be remembered as a clearing-house for juvenile delinquents in the State of Ohio.

Dr. Haines in this article is describing the results of Wasserman tests made upon boys and girls from the Boys' Industrial School and the Girls' Industrial Home respectively, in Ohio. The tests were made by Dr. Walter McKay, Assistant Physician of the Institute for the Feeble-minded at Columbus. The specimens of blood were collected by Dr. Walter A. Noble, of the Bureau of Juvenile Research. Dr. Noble made the physical examinations of the subjects also. The technique of the tests as executed by Dr. McKay is that "described and recommended by Captain Charles F. Craig, of the U. S. Army Medical Corps, Bulletin 3, published by the Surgeon General," with one change. Dr. McKay used sheep's blood amboceptors and corpuscles. His method of reading the reaction is the one outlined by Dr. W. T. Mefford, of the Wasserman Laboratory, Chicago, calling the strongest positive reaction 4 (* * * *) and the weakest positive reaction 1 (*), while the 3 (* * *) and 2 (* *) reactions are judged by the appropriate dilutions. Throughout the work Dr. McKay used controls as described by Dr. Mefford. The data included in the article are set forth in several tables. Table I shows the numbers of boys and girls whose serums were examined, the numbers yielding positive and doubtful results, and the percental relations of these numbers examined. Table II exhibits the distribution of cases according to numbers of tests made on each individual and the character and strength of the reaction. Table III shows the distribution of these 76 boys and girls with respect to chronological ages. Table IV presents a summary of the complaints and offenses mentioned in commitment papers of the boys and girls yielding their positive and doubtful Wasserman reactions. Table V shows the physical condition of 33 girls who yielded positive or doubtful Wasserman reactions. In Table VI are shown the facts relating to reflexes in girls who yielded positive or doubtful Wasserman reactions. Exaggerated triceps and patellars and reflexes were found in 40% of the cases examined, an absence of patellar reflexes in about 28% of the cases examined, while about the same percentages show normal triceps and patellar reflexes. In Table VII we find set forth the mental status in cases yielding positive Wasserman reactions.

For the present we have undoubted evidence of syphilitic infection among delinquent boys and girls committed to these reform schools in about one fifth of the cases examined, as a matter of routine, on or soon after admission. This percent-

age is difficult to compare with the percentage among the population at large, because data so far collected are either from institutions, or from practice in which patients come because of clinical symptoms. That it is an extraordinary percentage seems to be beyond question, however, for the percentage of positive and doubtful Wassermanns obtained in the year 1913, as the result of routine examinations in about 1,600 cases, including practically all the admissions to the Boston Psychopathic Hospital, was 14.7 per cent. These 1,600 cases embrace practically all of the acute mental disorders occurring in the metropolitan district about Boston, comprising about one third of the population of the state of Massachusetts. Such cases would naturally comprise all mental disorders due to syphilitic infection, which we know to be a large percentage of freshly occurring cases. It would comprise all new cases of general paralysis of the insane coming for state care. The percentage of positive Wassermann reactions in such a hospital population one would reasonably expect to be far beyond the percentage of positive reactions in the community at large. This percentage, then, of over 20 per cent. found in 365 cases examined in reform schools in Ohio seems to indicate a large preponderance of syphilitic infection among these juvenile delinquents—much larger than in the community at large.

In conclusion, therefore, from the evidence at hand, it seems impossible to charge congenital syphilis as a cause of the mental impairment in these cases of delinquents.

SUMMARY.

1. No larger percentage of those yielding positive Wassermann reactions are defective in intelligence than in the general population of these reform schools.
2. There is complete absence of evidence of the signs of congenital syphilis in thirty positive cases examined.
3. Cases of positive Wassermanns, with sister or father yielding a negative Wassermann, point to individual infection.
4. In a feebleminded family, of criminal tendency, and especially sexual offenders, father and daughter yield negative serums.
5. The court charges against the girls in a majority of the cases, and the extent of sexual immorality, allow of abundant opportunity for individual infection.
6. The absence of evidence of syphilis in personal history and in the medical certificates can be given no weight either for or against individual infection.
7. The absence or exaggeration of deep reflexes without difference in the two sides of the body, and without disturbance of the light reflex of the pupil, indicates that if these signs are due to syphilis of the nervous system, they are early signs, and so far tend toward evidence for individual infection.

R. H. G.

The Intelligence Examination and Evaluation—Under this title Dr. J. Victor Haberman, A. B., M. D., D. M. (Berlin), of the College of Physicians and Surgeons, of New York City, published in the Journal of the American Medical Association, July 31, 1915, certain data that deserve in this day of zealous effort to establish adequate means for making mental examinations. We abstract but one item. In those persons whose ability we seek to evalute by psychological tests there are involved many factors which we classify under the general term of psychopathies and "those involving the intelligence as such." The latter necessitate our acquaintance with the component parts of intelligence and their normal interfunctioning in the mental process. They also necessitate our acquaintance with the methods of testing these faculties. It is this examination which, as I have intimated, is so difficult, and for which no simple or sufficient method of procedure has yet been offered. How shall

we probe the psychical make-up of the child so that its general mental endowment may be understood, may be (for purposes of record and accuracy) graphically expressed—evaluated, as we are wont to say? How further shall we analyze the whole so as to discern the parts, the separate so-called faculties, and thus gain insight into this facultative interfunctioning and finally appreciate the nature of its thinking, feeling, judging, acts of will? For the mind, the psyche, the general intelligence of the child, call it what you will, is not a matter of what it knows or has retained—not a matter of knowledge—but of something essentially dynamic behind and veritably in this knowledge, in short, a facultative interfunctioning (of perception, comprehension, combination, etc.), harmonious and correlated in the normal, discordanced and disrelated in the psychopathic, incapable, inadequate, impotent when there is intellectual defect.

From this it may be seen that the work in clinical psychology is far different, and a decidedly more serious business than that of "testing whether one is an idiot, imbecile or moron," a stereotyped jargon heard on all sides at present, for the entire matter has fallen on evil days and into hands of a new class of dilettanti who have been permitted to invade the clinics and colleges, and who believe they know aught of the child because they have learned to make a Binet test. It is the latter fact, and the proneness of our institutions likewise to lean to passing fashions, that makes it most imperative for us to indicate just what the Binet tests do not do, and their general limitations, and warn, as Stern, Bobertag, H. Meyers and Binet himself warned, against dilettanteism in this work, and the use of any test series in an automatic way." R. H. G.

COURTS—PROCEDURE.

Efficiency in the Legal Profession.—A course of lectures before the Law School of the University of Chicago, on the Midway, was begun Thursday evening, January 6, 1916, which initiated a plan for specialization in the ancient profession of the law, new to this country.

"The History and Nature of the Art of Advocacy," by Eugene E. Prussing, was the subject of the first lecture, comprising two periods of fifty minutes each, beginning at 7:30 P. M.

The remainder of the course was announced as follows:

Jury Trials, Friday, Jan. 14, James G. Condon; Criminal Cases, Tuesday, Jan. 18, Fletcher Dobyns; Cases in Appellate Courts, Thursday, Jan. 20, Albert M. Kales; Cases Before International and Parliamentary Tribunals, Monday, Jan. 24, John M. Zane; Chancery Cases, Thursday, Jan. 27, Hon. Jacob M. Dickinson.

The cause of legal reform has several aspects that are more or less familiar. The average lawyer, like the average layman, thinks of that movement in connection with the interminable delays and the obscure technicalities of court procedure, or in connection with the antiquated, inefficient organization of the judicial system in its trial and appellate divisions. It is highly creditable to the Chicago bar that it should have called national attention to another source of the law's delays, costs, confusions and vexations, and that it should have taken the initiative in a movement that cannot fail to enlist not only the progressive lawyers' organizations of important legal centers, but the progressive law schools as well.

Sixteen months ago there was organized in Chicago the first "Society of Advocates." Very brief references were published at the time to the objects, aims and methods of this new society, but it wished to find itself gradually, to be judged by its fruits, rather than by glittering general statements, and to make sure of its province and function.

The fact that the Chicago Society of Advocates, with the hearty and enthusiastic support of the respective deans of the Law Schools of the University of Illinois, the University of Chicago and other law schools, including those of sister cities, is to inaugurate a special course of six lectures at the University of Chicago Law School, makes it fitting that its work and purpose should be made better known to those interested in the modernization of the administration of justice or in the proper training of the young men and women who will be called upon to discharge the high duties of Bar and Bench.

In a nutshell, the object of the Society of Advocates is to improve and raise the standards of "advocacy" in the trial and appellate courts, or, to put it in other words, to introduce more scientific efficiency, more method, more honest skill and art into the actual trial of civil and criminal cases in our courts.

True efficiency is impossible without a certain amount of specialization and division of function. This is now fully recognized in every profession and business, except the legal profession. And even in that profession it is recognized—to their great advantage—by the trust companies, the banks, the insurance companies, the great corporations. Only the general public, or the great majority of ordinary litigants, have, to their serious disadvantage, failed to realize it and to act upon the principle.

The ordinary business man, as well as the ordinary person accused of crime, assumes that every lawyer of repute and fair training and experience is equal to any kind of a case, and equal to any question that may arise in the case, whether of pleading—that is, the drawing and preparation of the papers—or of substantive law, including the study of the issues and points involved, the writing of briefs, the arguing of the case before judge, jury and appellate courts, the examination and cross-examination of witnesses, etc. Nothing is further from the truth. A man may be an excellent "pleader" and a poor or indifferent advocate. A man may be a fine counsellor and legal scholar, and a very inferior pleader. A man may be an effective jury lawyer and a wholly unsuccessful counsellor or solicitor.

The lack of legal specialization and of efficiency is responsible for many of the evils complained of by the lay and business community. Many a client with a good case finds himself out of court, after much delay and anxiety, solely because his lawyer failed to draw the original paper properly. Many a client fails to obtain justice because his lawyer attempted a task unsuited, in part, to his powers and talents. Many a man is serving time in the penitentiary because he was poorly defended and his legal rights were insufficiently protected, or overlooked.

Thus there is an economic as well as a moral or social basis for the specialization contemplated and urged by the Society of Advocates. Without specialization, a good bar, a bar worthy of the problems and complex conditions of our time, is impossible. The able men will be drawn more and more to the service of the big corporations and encouraged to become specialists. The general public will have to take the leavings. In the words of Justice Farmer of our Supreme Court, "Better men are urgently needed at the bar; better judges and better laws will follow," since, as the same eminent jurist further said, "the work of the court is the collaboration of judges and lawyers, and the better the lawyer the better the court."

How are better lawyers to be developed? There is plenty of native mental power in the profession, the law schools are steadily improving, and the alert, bright young men and women who choose law as their career leave nothing to be desired as a class. It is the unprogressive methods of the profession that leave a great deal to be desired, and it is the methods that the Society of Advocates proposes to improve and render more modern and more scientific.

It addresses itself chiefly to the students of the university and other law schools. It hopes, by suitable lectures and object lessons, to impress upon the students the need of distinguishing between office work and trial work, of determining as early as possible the line of legal work for which their abilities and temperamental traits fit them. By following and developing natural faculties it is possible for the law schools to create classes of legal specialists who should be able to serve the general public far better, and at much less expense, than the ordinary nondescript, jack-of-all-cases lawyer can possibly expect to serve the average client.

The first course of lectures planned with this object in view is that which was delivered in January by members of the Society of Advocates before the students of the University of Chicago Law School. These lectures, six in number, dealt, respectively, with the history and nature of the art of advocacy, the methods of famous advocates, jury trials, appellate trials, chancery or equity practice, and the trial of cases before international and parliamentary tribunals. The illustrations were all taken from actual law-suits, ancient and modern, and the speeches or arguments of great lawyers and advocates, including advocates of great social and political reforms, will be feely drawn upon. The lectures were practical in every sense, theory being left to the competent instructors of the schools.

It is proposed to repeat the same course not only at other schools, but also at some central and convenient place "in the loop" for the benefit of the hundreds of students of the downtown day and evening law schools. Other courses will naturally follow in response to the growing demand for them. That the demand is certain to grow may be inferred from the keen interest that has already been manifested in the plan by eminent lawyers and progressive teachers of the various branches of the law.

But the society does not wholly confine its activities to the under-graduates. To some extent, at any rate, it hopes to influence and improve the methods of those who are already in active practice. The membership has been kept small and can only be acquired by invitation and election by the board of governors. It is confined to "advocates," or to lawyers who devote most of their time to the trial of cases. These members are too busy and too well-established to need the help of other lawyers in attracting new clients, but they are willing to try cases for other lawyers, on fixed terms, and to apply to whatever extent it may be feasible, the principle of rational specialization. They bind themselves, on pain of expulsion from the society, to respect scrupulously the clintele of counsellors and solicitors who may employ them.

While the Society of Advocates is the first of its kind in the United States, and the average lawyer may look upon its ideas and aims as revolutionary and undemocratic—just as spoilsmen still look on civil service and merit laws as undemocratic—the fact is that in Great Britain, in Canada, in Germany and elsewhere the doctrines of the society have been adopted and applied as a matter of necessity, or of economy of time and money. Specialization of function is coming everywhere in the legal profession, and in this country it should and will come without the distasteful aid of statutory prohibitions and restrictions. The appeal is to enlightened self-interest of lawyers and clients, to sane idealism, to the spirit of scientific efficiency. Misunderstanding and opposition may be expected from certain reactionary or timid elements in the profession, but the essential merits of the scheme are bound to commend it more and more widely.

The Chicago Society of Advocates was organized in the latter part of 1914,

and the roll of charter members includes many of the most distinguished judges, lawyers and law teachers in the city. The president of the society is Eugene E. Prussing and the vice-president Albert M. Kales. There are ten "governors," and the society's constitution has been carefully worked out.

The leaders of the Chicago movement for greater efficiency in the administration of justice are being invited to address the bar associations of other cities and to stimulate the organization of similar societies in those cities. Such propaganda work may soon be undertaken. Chicago has given the country not a few original "ideas" and examples, and this latest idea bids fair to enhance its prestige and distinction as a city of enterprise, courage and initiative.

E. E. PRUSSING, Chicago.

Effiiciency in Administration of Justice—The preliminary report on Efficiency in the Administration of Justice, by Charles W. Elliot, Moorfield Storey, Louis D. Brandeis, Adolph J. Rodenbeck, and Roscoe Pound, for the Nationa. Economic League, is before us. We abstract but the final paragraph from this report:

> "Reviewing the several causes of inefficiency in the administration of justice above set forth it is evident that no panacea is to be found. The main points to which we should address ourselves appear to be: (1) Proper training of the legal profession; (2) giving the bar greater influence in the selection of judges so as to insure expert qualifications in those who are to perform an expert's function; (3) unification of the judicial system and more effective and responsible control of judicial and administrative business; (4) giving power to the courts to make rules of procedure and thus giving the courts power to do what we require of them; (5) improvement of legislative law-making both in substance and in technique; and (6) thorough study of the new problems which an industrial and urban society has raised and the means of meeting them with the jural materials at hand." R. H. G.

A Criticism of the Provisions of the New Italian Code of Criminal Procedure Relating to the Physical and Mental Examination by Specialists During the Preliminary Investigation.—This article in *"La Scuola Positiva"* for September and October, 1915, pp. 769-787, and 865-893, is a vigorous discussion by Professor Federigo Celentano, of the Royal University of Naples, of the sections of the new Code of Criminal Procedure which have to do with the selection of experts in psychiatry, and the operations connected with their reports. There are three kinds of systems employed in cases of medical expert testimony. The first is the *official*, according to which the judge selects and appoints the experts, upon the instance of the parties; but the experts do not bind the judge. The second is the *legal*, according to which the experts' opinion is binding upon the judge. The third is the *free*, which is founded upon the doctrine that expert testimony being evidence, should be left to the parties to produce, which implies the selection of experts, and the pitting of them against the official expert, if there be any.

The characteristics of the new system in the Code are two, eclecticism, and discussion and crsss-examination in the preliminary investigation to make possible definiteness and comparative certainty in the jury trial. The Code provides that medical expert testimony, chemical testimony, and other testimony of a technical, scientific character is to be given by persons competent in the subject matter; and that the preference is given, (and here is the great innovation), whenever possible, to the directors of medico-legal institutions, and their assistants, or to physicians particularly expert in the given special branch of study. The psychiatrical examinations are entrusted to special clinical directors, or directors of insane asylums,

or to their assistants, or to physicians especially expert in psychiatry. The system is neither the official nor the free. It is partly one, and partly the other; one expert is appointed by the judge, another by the prisoner. If the two experts thus selected do not agree, then the presiding judge of the Trial Court appoints a third. The magistrate is not bound by the opinion, even though it be unanimous, of the experts. There is no discussion among the experts at the trial. All discussion, examination and cross-examination take place before the examining magistrate.

In the cases which the magistrate believes to be urgent, or simple, or in which the crime is light, he may dispense with the party-expert; the one he appoints is the only one who reports. But the prisoner must be informed that the examination by the judge-appointed expert has taken place, and that he has a right to have the report of that examination reviewed by one of his own experts.

The sections on expert testimony contain flowers and weeds. The author discusses the system of debate, and the selection of experts. The latter is by far the more important. The Code provides for experts in legal medicine, and in psychiatry. But this provision is rather a platonic aspiration, than an efficacious legislative decree, since it does not put forward any positive criterion for the selection of the properly qualified. It is a *preference* that is given to properly qualified persons. But is there obligation to select them? And how are you to know the properly qualified? In this great center, which is Naples, says the author, where the misfits and incompetents flourish more abundantly than do the competent, the legislative hope constitutes only a spur to those misfits and incapables to feed upon the public table. The really fit are thrust aside, and the nincompoops throw themselves forward. The result of this provision of law will be the springing up of a host of schools such as the "Luigi De Crecchio"—a school which had a course of two months, and gave the degree of medico-legal expert. Similar provisions have brought about, in the past, similar grave consequences. The long experience of the author includes the remembrance of the troubles of the magistrates and the pestering of them by friends and relatives of incompetents, who desired positions as court experts. The Postmastership that troubled Lincoln was nothing to medical expert-jobs that trouble the Italian Magistrates. "There was an insupportable crush of people upon me," writes the author. And De Pedys desired to see the abolition of legal medicine. "Is there such a science?" was asked him by an official. The new law will bring about an inversion of the order of preference. Instead of the best being selected, the worst will be.

The selection should be made from the Professors of the Universities, preferably from the physicians, who have official titles of medico-legal competence. The method of deciding who shall have this official imprimatur is to be determined and set forth in detail. Germany has a method of putting this imprimatur upon experts. With modifications it can be used here, too. After graduation from a medical school, the candidate for expert-testimony honors shall spend two years in a school studying the various branches of legal medicine. The degree of expert can be obtained only when he has passed the theoretical and practical studies. Lists should be prepared of these specially qualified men.

In every crime there are three parties to be considered, the criminal, the victim and society. The new code recognizes the victim in certain cases but in the case of the medical examination, it does not allow any expert to be chosen by the victim or his represntative. The consequences, the author says, are very grievous, especially since the victim, and in particular in cases of homicide, the relative is irritated at the weakness of the law and takes the law into his own hands. The author gives personal

instances. However, this may be in Italy, the writer of this summary does not believe that the argument has a strong application to conditions in America. We have lived for a long time now under the regime of a District Attorney who takes entire charge of the prosecution, the offended party or his relative not having any standin g in court at all, and we have not felt the grave inconveniences and the serious consequences which the author predicts and affirms as having taken place in Italy in connection with experts. The situations may not be parallel, the racial and other conditions in the two countries being very different. I do not believe, however, that too much stress ought to be laid on these conditions. It may be that in the beginning the serious consequences of a man's taking the law into his own hands because of the inefficiency of law and because of his being deprived of expressing the opinion of his own expert may follow; but after a while conditions, it seems to me, would adjust themselves and the serious sonsequences would grow lighter until they would come almost to the condition which they are in in America. It is perfectly true that in America we have people who, under the circumstances given by the author, commit crime since they have no active hand in the prosecution. I should say that even in America these consequences were much more serious once than they are now, since the law has been in operation for so long.

But, it may be said, in upholding the new law in the Code: the Magistrate is not bound by the judgment of the expert. But people are, the author says, inexperienced who say that the Magistrate does not take the opinions of the experts and uses his own judgment. The Magistrate invariably takes the opinion of the expert. In addition the law on expert testimony is not just to the accused. It is true that he may appoint an expert but under modern conditions when specialization is rampant, and even necessary, two or more experts may be needed. There is a striking example given by the author. What are we to do then? The experts are not fitted to decide. Another point: The presiding justice of the trial court may appoint in certain cases. This is a novelty. The trial justice does not know as much about these matters as the Magistrate, and he lives apart. Why not appeal to him in the first place instead of having two other experts appointed before. And, again, suppose there are three opinions instead of two. The code in its simplicity believes that the third expert who is appointed will decide either for one or for the other of the experts who have already given their opinions. A recent will case shows the naivete of this attitude of mind. One expert upheld the handwriting as being the handwriting of the testatrix. Another expert maintained that the writing was not her handwriting, and a third upheld the view that part of it was written by the testatrix and another part by another hand which guided the hand of the testatrix. The idea of the new Code was to prevent any debate after the preliminary investigation. This idea seems to have failed in execution: instead of completing all debate during the preliminary investigation, more confusion is sometimes caused.

No review of the opinion of the experts is provided for. Previous drafts had allowed a review. There is no remedy for the improper or false report of the expert. The education of the Magistrates has been neglected. While they are thoroughly honest, they are not acquainted with the sciences and with life. This bad preparation is in part due to the Universities. The pay of the expert is very bad. It is only $1.50 a day. Good men do not serve, and the incompetent men who do serve have recourse in many cases to illicite means of making money out of the case.

The author presents a cure after his diagnosis. The provisions on experts are immature and mechanical besides having the other bad features mentioned. What ought to be done is the following:

1. The lists of experts should be made up of those who have spent five years in a Medico-Legal School and have obtained their diploma.

2. The making of the lists and the successive changes at the beginning of each court year, are to be confided to a commission connected with the Court of Appeals, made up of the heads of the court, the chief Magistrate, the local Professor of Medico-Legal Science, or the Professor of the nearest Royal University, and the President of the Health Department.

3. Reviews of the reports of the experts are to be made by professors of the Royal University, of the School of Medico-Legal Science, the Directors of official clinics and other notable practitioners, according to the report specially called for in the case.

4. The fees of experts should be not according to the time spent, but according to the quality and importance of the work. The office of the expert must be considered a public office, and as a tribute which the citizen, who is specially equipped, pays to social justice.

5. The official system of appointing experts is the best. It is used in other countries, and it is also logical.

6. The Magistrate ought to appoint the experts and the parties ought to have the right to debate the report of the expert, during the preliminary investigation. It is conceded that the defense has the right; the civil party should also have the right.

7. The preliminary investigation should be extended in use.

8. The Magistrate should actually become, what he is said to be now, but is not, the expert of experts; to do this: he must study medical jurisprudence; medical jurisprudence should be necessary for appointment to the position of Magistrate; the magistracy should be given to a man of proved culture and special aptitude; in large centres no Magistrate is to be appointed who has not shown technical capacity in smaller places; the criminal magistracy should be made a career; no one is to be appointed from the magistrate's bench to the civil court or to a court of appeals or even to a trial court. Different duties and abilities are required for these different positions, and experience shows that the offices of presiding justice in trial courts and appellate courts are given not to men who deserve them but to the most egregious blockheads; the influence of the District Attorney in the annual confirmations of magistrates should be taken away. The magistracy should be a judicial office and should have no part in the judicial police.

This article is one of the most illuminating and stimulating that have appeared in the Italian periodicals in a long while. It gives the experiences and the thought of a distinguished Magistrate of thirty years' experience, of keen intellect and penetrating observation. The fact that the author pounces heavily upon the present regime and the present incompetence of the bench, should not be taken against him as it probably will be by pseudo-scientists—pseudo-scientists who believe that the ultimate aim of science is the accumulation of a large number of cold and bloodless facts and that the injection of life and passion into these facts is a crime against their idol. This article will teach such men, if they are teachable, that the greatest learning, the most accurate research into facts, the most complete organization and interpretation of those facts, and the greatest distrust of laws and of men, can go together in the production of a solid, enduring and dynamic work.

R. F.

The Italian Censorship.—In *La Scuola Positiva*, of September 4, 1915, there is an article beginning on page 800, on the censorship of Italy. The article is an

exposition and a discussion of the case of the Editor of "*Il Popolo Romano*," by one of the editors, Mr. Rubbiani.

It is very interesting to know that the problems of the censorship are similar in the different European countries, and especially is the similarity between the operation of the censorship law in England and the operation of the censorship law in Italy, striking. The editor of the above mentioned paper published a certain article after he had presented the proofs to the censorship, and the censorship had indicated the unavailibility of it for publication. The very interesting question came up as to whether the editor was guilty not only under the special censorship law, but also under article 434 of the Italian Penal Code, which provides that any person who disobeys the lawful order of any constituted authority shall be guilty of a crime. The contention of the Attorney General was that the Penal law had not been violated, but that the violation had been of the special censorship law. In that case, the editor was liable to have his paper suppressed, but he was not himself liable to imprisonment. Mr. Rubbiani agrees with that determination of the matter, and this, because of the following reasons:—

(1) Under the Penal Code a formal order or injunction is neccessary.

(2) The object of the censorship is simply to indicate what is and what is not publishable, and the publisher, at his own risk, may or may not heed the advice of the censor.

(3) The suppression of the paper is of itself punishment, and no further punishment is contemplated by the law, especially since the law provides that when a periodical publication has had its articles siezed and suppressed twice (the law says nothing at all about *conviction*, which would indicate the application of a penalty to the *individual*), the paper may be immediately suspended by order for a period of time from three days to a month.

(4) The intent of the law was not to place any more burdens upon the periodical press, but it was to facilitate the work of the press. In especial it prevents waste of labor and money inasmuch as it provides for the presentation of the proofs and not for the presentation of the complete copy.

If these are the advantages the law provides for the editor, the law does not sanction a formal order to enjoin publication, total or partial, of any writings presented in the form of proof, but limits itself to prescribing only their availability or otherwise for publication. R. F.

COURTS—LAWS.

Code of Criminal Procedure—Appeals—Assembly Bill, State of New York, int. 229, pr. 229.—This Bill seeks to make three changes in our present law, inrelation to appeals, every one of which is exceedingly interesting and important. Appeals are made matters of right; the practice on appeal from the inferior courts to the county courts is assimilated to the practice on appeal from the county courts to the Supreme Court and the Court of Appeals; and the Appellate Courts may modify sentence imposed by the lower courts without sending the case back for retrial.

(1) At the present time appeals from the inferior courts to the county courts and the Supreme Court are not matters of right, but are matters of discretion. An application may be made to the County Judge setting forth the errors in the trial below and the Judge may or may not allow an appeal to the county court. The practice in the county courts is that a convicted person may take an appeal himself without application to any Judge by simply filing a notice of appeal. There is no reason why an appeal from the lower courts should not be taken rather than

allowed just as it is taken from the county courts. The only distinction between the inferior courts and the county courts is that the lower courts try upon information and the county courts try upon indictment. This difference should not make a difference in procedure on appeal. There are other reasons why appeals should be made more easy in the inferior courts. The appeals that come before the inferior courts are much more numerous, and injustices are much more frequent, due to the lack of time, and the unfavorable surrounding circumstances in our inferior courts. These injustices should be corrected on appeal.

(2) The practice on appeal is assimilated to the practice in the county courts in other regards also, besides the regard that the appeal is made a matter of right. The appeal now in the lower courts must be taken within 60 days; the bill provides that an appeal may be taken within one year. Instead of making application to the court upon defendant's showing alleged errors in the judgment and an allowance of the appeal by the county judge and the filing of the affidavit of alleged errors and the allowance with the Clerk or Magistrate of the court from which the appeal is taken, as is now the case, the appeal may under the bill be taken by service of notice in writing on the clerk with whom the judgment roll is filed. Again, under the present system, the magistrate makes a return to the affidavit and allowance and causes them to be filed in the office of the county clerk within ten days. Under the terms of the bill the clerk of the inferior court within ten days transmits a copy of the notice of appeal and of the judgment roll to the clerk of the superior court to which the appeal is taken.

These are all very good modifications of the present law and make for uniformity, certainty and ease.

(3) The upper courts may modify the sentence imposed. If it is excessive, they may diminish it; if it is too small they may increase it. Appellate courts in England may increase or diminish the sentence. This not only saves a retrial in some cases, but it also makes it possible to give a man a more just sentence, whether more than the one passed upon him, or less.

R. F.

Carrying Concealed Weapons, and Having Firearms in Possession—(Senate Bill, State of New York, Int. 53, pr. 53).—This proposed amendment seeks to modify the existing law in relation to the possession and the carrying of fire-arms in the respect that a householder, a merchant, or a messenger of a banking institution or express company may have, respectively, in his dwelling or in his place of business or concealed on his person while in the employ of the banking institution or express company, a pistol or revolver without procuring a license from a Magistrate to possess or carry the pistol or revolver.

This is an alarming change for New York City and I see no reason for it. The only objection I can see that can be urged against the present law is that it puts the householder, merchant or banking messenger or messenger of an express company, at a disadvantage in relation to a burglar or robber; but this disadvantage can be overcome by the several persons above named by their procuring the license, a thing which under the law is very easy to do if the person is of good moral character. Under the conditions of the City of New York, where thousands of people, native and alien, carry concealed weapons and use them at the first opportunity, it is important that some obstacles should be placed in the path of men who are ready wielders of pistols and revolvers.

R. F.

Act Endangering the Health, Repose, Comfort or Property, Committed Outside of a Jurisdiction Made Punishable—Dispensing with Proof of Intent—(Assembly Bill, State of New York, int. 74, pr. 74.)—This proposed law seeks to amend the present law by enlarging its scope, and by making it easy to convict a person who being out of the State, does an act which in its natural and usual course results in an act or effect contrary to its laws, by dispensing with proof of an intent to cause within the State a result contrary to the laws of the State.

Proof of the intent ought to be implied in the fact of the act done. That seems to be a principle of Anglo-Saxon law and there is no reasonable necessity of adding the proof of the intent in statute law of this kind, except to make it easy for criminals to escape punishment. Now, in enlarging the scope of the present law, the bill makes an act contrary to the State's laws, "which annoys, injures or endangers the health, repose, comfort or property of the people of the State," a crime. The quoted part indicates the broadening sweep which seems to have become advisable because of the annoyances created by the chemical factories on the other side of the Hudson. A Federal Court can enjoin the factories in another State causing a nuisance in New York State. But the remedy offered by this proposed law is believed, in some cases, to be quicker, and more efficient, since the individuals creating the New York nuisance in New Jersey come frequently into the jurisdictional limits of New York State, and can then be seized for crime. R. F.

Italy's New Code of Criminal Procedure—On the Probative Value of the Evidence of the Judicial Police—The report to the Crown upon the new Code of Criminal Procedure, contained a statement which Enrico Romano-Di Falco characterizes in the September, 1915 issue of "La Scuola Positiva" p. 811 fol., as subversive of all principle, and in aid of the pettifogging Buzfuzzes of the Italian Criminal Courts. The statement is that "the evidence of the judicial police can never alone be used as judicial proof." It this were accepted, the smooth and even tenor of penal justice would be profoundly disturbed, because the activities of the police would be relaxed, or, at least, these activities would be directed to unlawful and immoral ends—the procuring of testimony from witnesses outside of the police, by hook and by crook. In addition, the law would be in strong contrast to the realities of Court life and the exigencies of crime-repression. It would be a veritable Isle of the Blest for criminals, who even now find to hand all kinds of instruments of law for obstruction and frustration. Some years ago proof by the police was presumptive evidence of guilt. This was also wrong. Such testimony should weigh no more, but still, no less than that of a citizen outside of the ranks of the duly appointed officers.

The same methods of lawyers prevail in Italy as in America. The same tirades and floods of abuse poured upon the police. The same extraordinary opinions of public servants in high places, servants who ought to know better. In the free air of the 20th Century who could doubt that police testimony should not weigh more than that of others; but who could doubt that it should weigh less as a matter of law. The police conditions are bad; false testimony, for many reasons, is given by the Force. But these reasons may always be shown in the particular case. Fortunately, the Code itself says nothing of the necessity of having evidence, aside from that of the Police, to convict. But the note to Section 162 of Article 3, Title 1, Chapter 2, in Gismondi's Annotated Edition of the Code, based upon the statement in the report to the Crown that D. Falcò criticizes, may cause a lot of con fusion. R. F.

JUVENILE DELINQUENTS.

Juvenile Court in Belgium.—In the issue of May, 1914, of the *Bulletin De L'Office De La Protection De L'Enfance*, M. H. de Hoon concludes an article on the Juvenile Court as it exists in Belgium. In general the court is modeled upon that of England but incorporates some of the features stressed in America, particularly the probation system.

Minors less than 16 years of age are regarded as not culpable. They are supposed to have acted without discernment. Punishment, in their case, is replaced by protection and education. A second group, 18 years of age or less, found to be vagrants, are likewise disposed of through the Juvenile Court. Such cases may be held under court jurisdiction until they reach their majority. If they are guilty of serious crimes they may be held until 25, or, in certain specified cases, until 41 years of age. The author says, "It is incontestable that to produce good effects education must be prolonged over a relatively long period." They may be kept at home until the time of their trial, but if in detention, the law compels that this shall not be more than two months.

Six types of disposal of cases are enumerated: (1) Dismissal of cases with reprimand; (2) Placing out of cases, either in families or institutions. Young children are sent to educational institutions, the older ones apprenticed to learn trades. All such institutions must be inspected at least once a year. (3) Committal to correctional or reformatory type of institutions. Here are sent only milder cases. (4) Offenders under 16 years of age, if recidivists or morally too perverse for the ordinary reformatory, may be sent to disciplinary institutions of a more severe character. Here they are kept for a period varying from two to ten years, though this may be extended to twenty years if the crime committed is one punishable by death when committed by adults. (5) Probation. (6) Committal to an asylum or institution for the abnormal.

The author emphasizes the need for more institutions for the care of physically or mentally abnormal. Under the present law, "If the judge has a doubt as to the physical or mental condition of a minor, he may place the latter under observation and have him examined by one or more specialists. If it is established by expert medical advice that a minor is found in an abnormal state, physically or mentally, rendering him incapable of controlling his actions, the judge shall order that he be placed at the disposal of the government and sent to an institution particularly suited to his needs."

The Department of Sciences and Arts made a study of all abnormal children in Belgium between the ages of 4 and 16 years up to the period of December 31, 1910. This investigation dealt with the blind, the deaf mute, the deaf, the mute, and the insane, and those not included in any of these categories, but who needed special education. It was found that 2,047 such children were enrolled in schools or special institutions; that 5,435 children were not being cared for in either the schools or institutions. What proportion of these are delinquents the author does not state. It would seem from his discussion, that the feeble-minded were not included, since he makes much of the point that the "pedagogically abnormal" are as great a problem.

A great many generalizations are made regarding this group, as well as an analysis of their characteristics, but no data are given to substantiate any of the author's conclusions. He believes that a great many of such abnormal children become vagabonds and generally delinquent. His analysis of their traits is not particularly acute; it seems to be based entirely upon his own judgment. For

example, he says that misdeeds are always committed by two, one of whom is the physical and the other the mental author. The physical author is the retarded or feeble-minded person, who has been "hypnotized" by the intellectual sponsor. He attributes a large influence in criminality to newspapers, in which sympathy is expressed for the criminal, and believes that picture-shows play a large role too.

In general, he emphasizes the need for special schools. There are not sufficient numbers of these in Belgium. Even with the older juvenile court cases, he thinks that education should be undertaken, and that all should be trained in the primary school subjects.

He quotes figures to show that the training given in correctional institutions is successful. About 30% of institutional cases are recidivists, while 70% do not appear again in court. The author is exceedingly optimistic regarding the good effects of training, even upon the abnormal. He says, "The special institutions submit abnormal delinquents to an education which modifies their acts and returns to society a man become honest in the place of a delinquent merely punished."

We find here an illustration of foreign authors who discuss American procedure without adequate knowledge. Chicago is given credit for the first juvenile court and Boston for the inauguration of the probation system, but it is claimed that the ideal conditions are found in Indianapolis, because that Juvenile Court has a chief probation officer and two paid assistants.

AUGUSTA F. BRONNER, Assistant Director,
Juvenile Psychopathic Institute, Chicago.

The Juvenile Institutions of Maine.—The Second Biennial Report of the Board of Trustees and Officers for the two years ending November 30, 1914.—(Sentinel Publishing Co., Waterville, Me. pp. 59.) is at hand—It is of great interest. to note some of the statements made in this report of the Trustees of the juvenile institutions of Maine. In the introductory letter to the Governor, the Trustees write. "It is constantly a matter of regret to the Trustees that we receive so many young children, children too young, we believe, for institutional life, and we wish that the Probation System might be so developed that these children could be properly provided for elsewhere." We are glad to see Maine join the States advocating individual care for the individual child, as against institutional care for groups of children.

In the body of the report several different reasons for commitment are given, foremost of which are lack of adequate home surroundings and parental government. The influence of moving pictures is given an important place. Concerning it the report reads as follows:

"My attention has lately been called in several notable instances to cases in which the misconduct of the boys committed to our care has been directly induced by the influence which a certain kind of moving picture show has produced upon their minds. While giving full credit to the undoubted educational value of this kind of amusement if properly conducted and controlled, it is my opinion that a great deal of serious harm is being done to the boys of the State by their indiscriminate attendance upon picture shows of a sensational character, such as depict burglaries, smuggling adventures, murders even, the portrayal of which produce a baneful effect upon the minds of boys too young to comprehend the moral turpitude of such deeds. In this connection, however, I desire to say, that I believe this condition is beginning to be pretty well understood by the authorities of our towns and that a movement is on foot to regulate and control the character of picture shows which are being presented."

The Maine institutions lack a proper parole system as do the institutions of many other states.

The Superintendent of the State School for boys reports the very gratifying success of some of his boys who have enlisted in the United States Navy.

The Superintendent of the Industrial School for Girls pleads for a better parole system and for the placing of dependent girls in foster homes. It is gratifying to read that the superintendent of this school states that this method is doing the most for the individual girl. J. D. H.

PENOLOGY.

Address to Candidates for State Offices in Louisiana.—*Summary Questionaire.*—(1) Are you in favor of the abolition of the present Board of Control of the State Penitentiary, and of the creation of a Board serving without pay to have charge of the Penitentiary and to supervise Parish Jails and other Penal Institutions with authority in said Board to employ a competent superintendent and to adopt rules and regulations for the government of Prisons and the inmates thereof?

(2) Are you in favor of an act of the General Assembly providing rules and regulations for the government of the Penitentiary and other Prisons with power in the Board referred to in the first question if established, to add to same from time to time if necessary and advisable?

(3) Are you in favor of a proper appropriation being made for the Board of Charities and Correction so that a permanent Secretary with proper salary may be employed and provision made for his traveling expenses and for the expenses of the members of the Board who of course, shall serve without pay?

(4) Are you in favor of a new parole law by which the parole Board shall be entirely independent of the Board of Control of the State Penitentiary or of any new Board that may be established for that purpose, and are you in favor of parole officers so that paroled prisoners may have some official to report to and who will be able to ascertain whether the condition of paroles are kept, and to report infractions thereof to the proper authorities?

(5) Are you in favor of the funds of the State Penitentiary being disbursed in a businesslike and systematic manner and with a budget system therefor and for the widest publicity in all the transactions connected therewith?

(6) Are you in favor of the indeterminate sentence in this State and for the adoption of a law providing for same?

(7) Are you in favor of sufficient appropriations to make the Reform School at Monroe, what in reality it should be so that the inmates may be taught trades and given an education if necessary, and are you in favor of establishing another Reform School south of Monroe, at Jackson, or some other suitable place?

(8) Are you in favor of such legislation as will provide in part at least, for the support of families of prisoners and provide a fund by which upon their release prisoners may receive some part of their earnings while in confinement?

(9) Are you not opposed to corporal punishment in the Penitentiary and other Jails, and do you not recognize that same is in violation of existing laws and are you not in favor of making the offence of beating a prisoner a separate offence from the ordinary assault and battery, and of providing some special method of proof thereof, so that such violations of law may be properly and adequately punished?

ADDRESS.

The Louisiana Prison Reform Association, an organization which has been in existence for over thirty years, and which has endeavored from time to time to ameliorate the condition of prisoners in our Penitentiary, State Farms and Parish

Jails, and has from time to time, proposed legislation to the General Assembly, deem it proper at this time to communicate with the candidates for Governor, Lieutenant-Governor, Attorney General, Assemblymen, and others, to be voted for in January and April, 1916, asking that you take a stand in favor of Prison Reform, and particularly as to the following:

The Board of Control of the Louisiana State Penitentiary is the only Institutional Board in the State which is both Legislative and Administrative, and is therefore, a law unto itself. All other Institutions in this State, Charitable, Educational or Medical are under the control of a Board of representative citizens who serve without pay and to whom the officers of the various Institutions and their employees are answerable; and we hope you will recommend and support the creation of such a Board for the Penitentiary and all other Jails and Penal Institutions and that the present Board of Control be abolished. This Board should elect a competent superintendent to be removed at the pleasure of the Board, and should adopt rules and regulations approved by the Governor for the government of the Penitentiary and Jails, and of the inmates thereof; or if it should be deemed more advisable such rules and regulations should be by legislative act, but in that event power, of course, should be given to the Board to supplement the rules when necessary for proper administration. This Board should have the disposition of the funds of the Penitentiary and by proper book-keeping and budget system, any citizen interested should be enabled to demand and receive at any time, a statement of the financial condition of the Institution.

The Board of Charities and Correction created by the Constitution of 1898 and continued by the Constitution of 1913, has never been able to do efficient work, because no appropriation has ever been made for its expenses or for the salary and traveling expenses of a permanent Secretary, nor for a permanent office. At least Five Thousand Dollars should be appropriated annually for this Board, and we hope you will announce your recommendation of such a law.

The parole law adopted by the General Assembly in 1914, was not the parole law fathered by this Association. That was passed in 1912, but owing to the shortness of time which the Governor had to consider same, it was not approved by him; the parole board should be entirely independent of the Board of Control and not constituted of the Board of Control as the law now provides; then there should be parole officers who should be compelled to report to some superior authority—the Board suggested in the first portion of this address is the proper one—at least monthly, what paroled prisoners are doing and should be in a position to report infractions of all paroles so that in that way, any paroled prisoner not observing the obligations of his parole should be returned to prison; this is the system in most of the States and of the Federal Government.

There should be an indeterminate sentence law in this State as there is in many other States, this being one of the laws passed in 1912, at the instance of this Association, but which did not become a law for the reason above stated.

The Reform School recently established at Monroe, should receive such financial assistance as will enable it to properly care for all juvenile offenders committed by the Criminal or Juvenile Courts, and they should be taught trades and given an education if need be, and do such work as will make the Institution as far as may be, self-supporting, and make of the inmates good citizens so that when they go out into the world; they may be prepared to earn their own living and receive the respect of the people in general. One Reform School however, is not enough for the State, and there should be another further South than Monroe, and we believe Jackson

would be a proper place therefor. We hope you will see your way clear to support these two proposals.

Modern punishment of the criminal is now, in most of the progressive States, coupled with the important conditions, that a portion of the proceeds of his labor as a prisoner shall go to the support of his family, or be kept for his own use on the expiration of his term of imprisonment, or both, as may be thought most expedient and proper. The care of the prisoner's family under these conditions spares the innocent from being punished for the guilty, and prevents the family from being a charge upon the public, and saves them to a certain extent from being objects of direct charity, making them better citizens in every sense of the word; and unless the door of hope is held out to the criminal so that he may have something when he leaves the Penitentiary and knows that his family is somewhat provided for during his incarceration, we make the perpetual criminal

We regret to state, as you no doubt know, that in the Penitentiary and State Farms and in some of the Parish Jails, corporal punishment is inflicted upon prisoners, which of course, is positively illegal and barbarous; the mere thought that one man in power may strike and beat one who is helpless to resist is revolting and when we realize that no Judge in sentencing a criminal no matter what the gravity or enormity of his crime may be, may authorize the infliction of the slightest blow upon the prisoner, and yet find that such punishment is inflicted by irresponsible men, the situation is indeed grave.

Striking a prisoner is nothing more nor less than assault and battery, but of course, the difficulty of conviction of such an offence is so great as to make the attempt practically useless. We do not think a law should be passed in terms prohibiting corporal punishment of prisoners, because that would be admitting that previous to the passage of the law such punishment might have been legal; but there should be a law making such an assault and battery a special offence carrying with it greater penalty than the ordinary assault and battery, and provide what proof shall be necessary and how same shall be obtained. Such a law should also require every official in charge of prisoners at stated short intervals, to report under oath, to the Governor or some official designated by him, the fact that no corporal punishment has been inflicted since the last report in the Institution under his charge, and that false swearing in this regard shall be perjury and punished accordingly.

We have attached hereto a series of questions which we hope you may find it agreeable to answer and give us the authority to publish your answers in the newspapers and give such other publicity thereto, as we may think will further the work in which we are engaged.

Our Committee on Legislation which has prepared this address will be glad to confer with you personally, at any time in regard to the matters set up herein, and we shall be glad to receive suggestions from you that will assist us in our work.

F. S. SHIELDS, President
JNO. L. SUTTON, Secretary
W. O. HART, Chairman
F. S. WERS
ANDREW H. WILSON
T. G. THOMPSON
E. M. STAFFORD
MRS. C. C. DEVALL
R. H. MARR

Education of French Prisoners.—

The following statistics concerning prisoners in French prisons show the situation as to the education of prisoners in the years 1911 and 1912:

	1911		1912	
	Men	Women	Men	Women
Illiterate	595	225	564	249
Able to read only	514	30	566	34
Able to read and write	1247	181	1208	172
Able to read, write and "cipher"	2933	120	3260	149
Having completed the grades	509	22	628	29
Having had more than the grades	152	1	208	.....

—From *Revue Penitentiaire et de Droit Penal*, January, 1915.

J. I. GILLIN.
University of Wisconsin.

Capital Punishment Abolished in Tennessee.—The supreme court of the state has handed down a decision which, in effect, sustains the validity of the Bowers law abolishing capital punishment. This means that there will be no more legal killings in Tennessee, that the archaic law of an eye for an eye, a tooth for a tooth and a life for a life, is no longer operative in this state, that the policy of the state will henceforth be to protect society rather than to retaliate upon men who commit murder.

The bill was passed at the last session of the legislature. Governor Rye vetoed it, but before doing that he had held it on his desk more than five days, the time allowed under ordinary circumstances for vetoing a bill. The legislature was in recess, and the governor held that the five days did not begin to run until the legislature was again in daily session. He was sustained in that contention by some of the lower courts. The contention of the friends of the Bowers bill was that the legislature, though in recess, was still in session, that the machinery was in operation, that the governor could at any time have placed the vetoed bill in the hands of the clerk, and that the fact of a recess did not operate to extend the time during which a veto might be made. That contention the supreme court upholds, declaring that the bill became a law without the governor's signature just as if he had permanently refused to sign.

The conduct of the governor toward the Bowers law has been always eminently fair. He has allowed no executions to take place pending a final determination of the status of the law. In one case, notable, he has granted extension after extension of time in order that the condemned man might have the benefit of a possible change in status. This man will now escape death, his sentence being automatically commuted to life imprisonment.

Mr. Duke Bowers of Memphis, to whose unflagging interest in the law its passage was due, who spent his time and his money without stint in working up a public opinion that would sanction the law, is to be congratulated upon the happy termination of the legal proceedings.—From the *Nashville Tennesseean*, Jan. 9, 1916.

1467 Convicts on Mississippi Farms.—There are now 1,476 convicts on the

Mississippi state penitentiary farms, according to a monthly report of the registrar, which was completed December 1, 1915, and embraces a period from October 25 to November 25.

According to this report there were 28 more prisoners on the farms on that day than a month earlier. During November 80 prisoners were carried to the farms, establishing a record for several years, the largest number ever received in one month being 81, nearly ten years ago.

During the period covered by this report, 21 prisoners were discharged, their terms having expired; 29 were pardoned by Governor Brewer; 3 were given discharges for meritorious conduct and 4 escaped.—From *Sea Coast Exposition*, December 4, 1915.

POLICE.

Canadian and British Police.—1. **Dominion Police.**—The Dominion Police Force was organized at Confederation, and is under the control of the Chief Commissioner of the Dominion Police. There are about 120 men regularly belonging to the force. They have their headquarters at Ottawa, but may be taken by their duties from one end of the Dominion to the other. One of their duties is to investigate all complaints coming into the various departments of the Government, such as "counterfeiting," cheating the customs, or any similar offence. They also trace "lost or wanted people," either for private individuals or for the police of other countries. A third duty is to guard any guest of the state. When not out on any of these special missions every constable is employed in policing the various Government Buildings, and the Governor General's house at Ottawa. Besides the 120 men directly under his control, the Commissioner appoints from time to time men to do special work, for the other departments of the government. In such case, however, the expenses are borne by the department employing the police. There are two branches, the Uniformed and the Secret Service.

The cost of Administration for the year 1915-1916 is estimated at $128,765. The Chief Commissioner is Lieut. Col. Arthur Percy Sherwood, C. M. G., M. V. O., A. D. C.

2. **Royal Northwest Mounted Police.**—The Royal Northwest Mounted Police was created by Act of the Dominion Parliament in 1873, and the Government was authorized to organize the Force. The Force was created for the better preserving of law and order in the Northwest Territories. When created, the strength of the Force was limited to three hundred, but the extension of the work and the rapid development of the Territories have brought about several amendments to the Act, and the Force now numbers one thousand, two hundred and sixty. On the creation of the Provinces of Alberta and Saskatchewan, it was necessary to make fresh arrangements with reference to the maintenance of law and order, and acting under the powers conferred under the Mounted Police Act of 1894, an arrangement was entered into between the Dominion Government and the two new Provinces whereby the Government agreed to maintain 500 men within the territory of the two new Provinces each province contributing the sum of $75,000 for the upkeep, the Dominion Government agreeing to pay the balance. The control of the force was left in the hands of the Dominion authorities. In 1903, on the recommendation of the Governor General, the Late Lord Minto, the title "Royal" was conferred on the force. The force is under the control of the President of the Council. It constitutes a Tribunal of Justice. The Commissioner and Assistant Commissioner have all the powers of a Stipendiary Magistrate, and the Superintendents are all ex-officio Justices of the Peace. The Comptroller ranks as a Deputy Minister. The cost of administration for the year 1915-1916 is estimated at $21,650.00.

The Comptroller and Deputy Head is Laurence Fortescue, I. S. O.; Assistant Comptroller, C. F. Hamilton; Commissioner, Aylesworth Bowen Perry, C. M. G.; Assistant Commissioners, A. R. Cuthbert and J. O. Wilson.

Recruiting in the Force.—The regulations with regard to joining the Royal Northwest Mounted Police are in brief as follows: Applicants must be between the ages of 22 and 30, active, able-bodied men of thoroughly sound constitution, and must produce certificates of exemplary character. They must be able to read and write either the French or English language, must understand the care and management of horses, and be able to ride well. The minimum height is five feet, eight inches, and maximum weight 175 pounds. No married men are engaged. The term of engagement is three years and the rates of pay are as follows: Staff-sergeants, $2.00 to $2.50 per day; other non-commissioned officers, $1.50 to $1.75 per day; constables, $1.00 per day which may be increased by good conduct pay to $1.25 per day. Extra pay is allowed to a limited number of blacksmiths, carpenters, and other artisans.

England.—Police.—With the exception of the Metropolis (London), and the City of London Police, all the police forces of England and Wales are controlled by the various County, City and Borough Councils. The total police force controlled by these bodies numbered 33,436 in 1914. The strength of the City of London Police Force is 1,180. The strength of the Metropolitan Police is 22,048. The Metropolitan Police Force was established in 1829. The area for which they are responsible is 699 square miles. The force is employed also in his Majesty's Dockyards and in the Chief Stations of the Department of War.

Scotland.—Police—The Scottish Police Force was constructed under the County and Borough Police Act of 1857, and numbers 5,879; the County Forces being 2,040; and the City and Borough Forces, 3,819.

Ireland.—The Royal Irish Constabulary was established by Act of Parliament in 1836, and as it is of a semi-military character it is paid for from Imperial Funds and is controlled by the Irish Government. The late Queen Victoria conferred the title of "Royal" on the force in 1867. The force has the duty among others of acting as collectors of agricultural statistics, taking the census figures, inspecting weights and measures, and acting as Inspectors under the Food, Drug, and Explosives Acts. The strength of the force is 10,486.

The Dublin Metropolitan Police are controlled by a Commissioner and an Assistant Commissioner. The strength of the force is 1,205.

These facts and statistics are compiled from the Imperial year book of Canada for the year 1915-1916, and are correct in every important detail.

JOSEPH MATTHEW SULLIVAN,
Boston, Massachusetts.

First Congress on International Judicial Police—This Congress on International Police has already received notice in this JOURNAL, but the following abstract from the *Revue Penitentiare* contains some matter that did not appear in the earlier note.—[ED.]

The conference was held at Monaco, April 14-18, 1914, which was attended by about 300 persons representing 25 different nations, under the presidency of the Minister of State of Monaco, M. Larnaude, of Paris.

The Congress was divided into four sections, the first section dealing with Police questions; the second section with improvements in processes of identification; the third with the question of the establishment of a central international record

bureau, and the fourth with the problem of the unification of the law of extradition.

The first section passed resolutions (1) favoring in rather vague terms the perfecting of more direct connection between police officials of different countries in order to permit thorough investigations of a nature to facilitate the action of means of repressive justice; (2) recommending the various governments to accord to all judicial and police authorities an international frank for postal, telegraphic and telephonic communications intended to facilitate the arrest of malefactors; (3) encouraging the use of Esperanto or any other language,—perhaps the French best serves the purpose—which will enable the police of different countries to be quickly communicated with. The Section followed by the entire Congress passed a resolution recommending that courses on scientific police work be established in all the faculties of law and urged the multiplication of practical schools designed to spread among the police knowledge of the newer methods of discovering the criminal.

The second section urged that the governments interested should nominate an international commission of specialists who should prepare at Paris, with the consent of the French Government, the principles upon which would be established (1) an international identification code, (2) a system of classification of those marks of identification, and (3) establishing clearly some categories of the common law as applied to criminals, such as "international" and "cosmopolitan."

The third section refused to say that the principle of an international bureau of criminal records was a chimera, but recommended that the question be referred to a commission for a more profound study.

The fourth section passed resolutions that (1) the societies of international and criminal law set themselves the task of preparing a model treaty of extradition which should be submitted to a future meeting of the Congress; (2) in order to render the procedure more rapid the international treaties and the model treaty provided for competent judicial authorities to take up directly with each other in the different countries the matter of extradition, under the proviso that immediately the ministry of foreign affairs be informed, and that each government must be permitted to exercise its proper prerogatives in the matter and that the government from which the person is to be extradited should always have the right to refuse; and (3) that it should be possible for a judge in the country of refuge to deliver the order of provisional arrest for the judge of the country where the crime was committed.

The Congress broke up with the feeling that much progress in these difficult questions had been made. It was decided to hold the next Congress at Bucharest in August, 1916. It remains to be seen whether the war will permit the carrying out of this intention.—From *Revue Penitentiaire et de Droit Penal*, January, 1915.

J. I. GILLIN.

PROBATION

Adult Probation in Indiana.—The suspended sentence law will be found in Chapter 236 of the Acts of 1907 and its amendment, Chapter 174 of the Acts of 1909. The statute is based on the assumption that it is possible to reclaim many law breakers without fixing upon them the stigma of prison life.

Judges of the several circuit and criminal courts are authorized by this law to suspend the sentence of persons convicted of felony or misdemeanor or who have plead guilty to such a charge, except for the crimes of murder, arson, burglary, rape, treason and kidnapping.

So far as this law applies to misdemeanants, there are no available statistics

of results. When the sentence is to one of the state prisons or the reformatory, however, the probationed offender is thereafter in the legal custody and control of the institution to which he would have been sent, and is subject to the rules and regulations governing paroled prisoners. Of this class the institutions named keep accurate records.

The law has now been in force eight and one-half years. Its results, so far as known, are seen in the following table. In the time indicated sentence was suspended in the case of 1,794 men and women, 556 of whom otherwise would have had to go to the State Prison, 1,194 to the Reformatory, and 44 to the Woman's Prison. The law provides that if these persons on probation violate their parole, the original sentence shall be carried out. This was done in the case of 203 prisoners, while 401 others who were delinquent had not been apprehended up to the close of the fiscal year. These 604 delinquents constituted 33.67 per cent. of the whole number placed on probation. The percentage of violations reported from the different institutions was as follows: The State Prison, 26.97; the Reformatory, 36.93; the Woman's Prison, 29.55. Of the remaining 1,190, nine died, 315 were under supervision, 863 had been discharged, and three had been pardoned by the Governor.

The reports from the State Prison show that of 556 men whose sentence to that institution was suspended, 75 were reporting at the close of the year, four had died and 327 had been discharged. There were 150 delinquents, of whom 67 were apprehended and taken to prison.

The Reformatory reports 1,194 men placed under its supervision, 234 of whom were reporting at the close of the year, four had died, 512 had been discharged and 441 were delinquent. One hundred and twenty-eight of these delinquent men had been sent to the Reformatory.

From the Woman's Prison the reports indicate 44 women under supervision, of whom six were reporting at the close of the year, 24 had been discharged, and 13 were delinquent, eight of the latter having been taken to prison.

APRIL 1, 1907, TO SEPTEMBER 30, 1915.

	Reformatory, Jeffersonville	State Prison, Michigan City	Woman's Prison Indianapolis	Total
Discharged	512	327	24	863
Pardoned by Governor	3	-----	-----	3
Committed for violation	128	67	8	203
Delinquent	313	83	5	401
Died	4	4	1	9
Reporting	234	75	6	315
Total	1,194	556	44	1,794
Percentage of violations	36.93	26.97	29.55	33.67

AMOS W. BUTLER. Indianapolis.