

1916

## Notes and Abstracts

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## NOTES AND ABSTRACTS

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### ANTHROPOLOGY—PSYCHOLOGY—LEGAL MEDICINE

**Health Information.**—(The following is a copy of a neat little folder that is placed in the hands of each inmate of the Massachusetts Reformatory at Concord by the author, Dr. Fernald).

Keep this in your room and study it. Ask for another one when you need it.

Something like 374 cubic feet of air enter and leave the lungs of the average man every day. Nature has clearly designed that the air should be warmed and moistened before it reaches the delicate lungs and has provided in the nose and face rather large narrow cavities lined with a moistened membrane which is richly supplied with blood vessels so that cold air or too dry air shall be warmed and moistened before reaching the lungs.

Some people, however, do not use the nose to breathe through habitually, but breathe through the mouth; either because they do not know any better or are too careless to form correct habits. Such people take cold air and dusty air directly into the lungs and are much more likely to have catarrh, colds, sore throats, ear-aches, pneumonia and other lung diseases. Besides that danger, if the "mouth-breathers," as the doctors call them, are young; the bones of the face and nose do not develop as they would if the nasal cavities were used; so that the mouth-breather's face does not look as it would if he breathed properly. The unnaturally open mouth gives the face a rather vacant expression. The nose is small with small nostrils and the lower jaw is often unduly prominent. Doctors and others who know about these things notice a mouth-breather at once and wonder why he does not correct his bad habit.

To form the habit of breathing through the nose, except when talking or panting, one must determine that he will keep his mouth closed and then keep trying. An aid at night is a sling or bandage that anyone can make for himself to wear about the head and chin. Anyone can break himself of mouth-breathing if he really wants to do so. It certainly is worth much more in improved health, comfort and appearance to breathe aright, than the cost in effort even if very great effort is required. It may take days and weeks of persistent effort to break off the old mouth-breathing habit; but once broken off all the benefits of correct breathing to health, comfort and good looks last for the rest of one's life.

We expect to sit at table and eat three times a day as long as we are in health. In fact we do that and must do it to keep in health. It is easy to see the importance of learning to do such necessary and oft repeated acts as breathing and eating correctly; so that habit will serve to help us to good health instead of constantly endangering health.

The digestive organs are the largest in the body and when they are out of order there is great distress. The digestive canal that begins at the mouth is about 25 feet long. The stomach is an enlargement in this canal where the food is retained for two or three hours and "digested" before it goes on into the "bowels." The stomach is lined with soft, tender membrane which is very plentifully supplied with blood vessels. Nature clearly did not design the stomach to contain hard or rough

pieces of food for two or three hours. The material that is suited to the delicate stomach wall is something smooth and soft and moist. The mouth is furnished with teeth to grind up hard pieces of food and with saliva for moistening it. Some people through ignorance or carelessness do not however, grind up the hard, rough food or mix the saliva of the mouth with it; so their stomachs are made sore and irritable and they have indigestion, dyspepsia, constipation, sour stomach, etc. A very rich man once offered a million dollars for a good stomach but no one could furnish him with one. He had a good one once. We all have good ones till we spoil them, usually through not chewing the food enough.

Now the way to keep the stomach from giving trouble is to prepare the food that goes down into it. One must take the time and make the effort necessary to chew the food without taking any liquid into the mouth while food is there to be chewed. Each mouthful must be chewed till it is soft and fine and moistened with saliva—nothing else. There is no harm in drinking all one wants while eating; but he should not drink while chewing. Chew the food in the mouth thoroughly and swallow it, then drink. Some people take liquid of some kind, coffee, water, milk, etc., into the mouth at once after taking the food; then gulp down the mass unchewed. Those are the people who have trouble with the stomach generally. Some of those very people think they eat properly and would find it very hard to break their bad habit in eating after being shown that they do not chew their food enough. They do not seem to notice how careless and slovenly they are. The food should be chewed to a fine, soft, wet pulp; yet doctors sometimes see pieces of meat or apple in vomitus the size of one's finger-tip. It is no wonder the stomach throws off such things.

The lower bowel should be emptied at the water closet once a day. There is generally no need of emptying it more than once and there certainly is need of emptying it at least once each day. If the lower bowel is not emptied once a day the filthy refuse matter of the system is kept too long and acts as a poison causing headache, dizziness and feelings of sickness. Sometimes this goes on to vomiting. Some people really abuse their health without realizing the harm they do themselves, just by neglecting to empty the lower bowel regularly.

One should form the habit of going to the water-closet at just such an hour every day, and if he does this regularly and persistently for some time, a month or so if necessary his bowels will act regularly and easily. Bad habits of irregularity resulting in constipation and ill-health are formed by anybody who goes to the water-closet only when he feels he must. The only right way is to select a convenient hour say right after dinner and then, without waiting to feel like going, one should go to the water-closet and try to have a bowel movement. At first while forming the habit of regularity one may not succeed in having a bowel movement at the time of trying. He should then wait half an hour or so and go again to try the object then being to get the bowels to act as near the selected hour as possible. By *persistent regularity* in trying at *just the time* selected *day after day*, without forgetting, anyone can succeed in time, in forming this good habit. Here again a correct habit once formed goes with one all his life and saves him much distress and many doctor's bills. How much better it is to take care of oneself and feel well and comfortable than it is to drift on in bad habits and have to take medicine.

The teeth should be brushed every day to prevent their decay and the pain which goes with the decay. Tooth powders are not necessary. They only make the brushing a little less disagreeable.

DR. G. C. FERNALD,

Resident Physician, Massachusetts Reformatory, Concord.

**Feeble-Mindedness and Crime.**—We are in debt to psychopathology. It is proving a tremendous aid in the prevention of the manufacture of criminals. Such is the opinion of Herbert Harley, attorney for the American Judicature Society. The idea was expressed in a paper which he read before the state conference of charities and correction.

Mr. Harley showed that mental defectiveness overlaps delinquency. He sustained the view that science does not prove defectiveness to be equivalent to delinquency. Many defectives, he remarked, are born to the purple and carefully cloistered or cared for all their lives. "Often," he said, "such defectives are most lovable persons and the sympathy and counsel which are open to them mean for them all the difference between happiness and misery."

But the plight of the defective born to poverty is a vastly different thing. Mr. Harley thus pictured it: "The trouble first begins in school. At the age of 13 or 14 the child is two or three grades below normal and has acquired the reputation of being lazy, stupid or perverse. Longer experience where failure is certain is more than the unfortunate moron can endure; better anything else. So entry into industrial life is insisted upon and the parents, already pretty well discouraged, readily consent because it seems a waste of money to try any longer to educate a child who takes no interest in study.

"Doubtful associations are already forming because normal social ties are practically forbidden the mental weakling. He cannot contribute his share to any vigorous group and so gravitates to the level of the socially unenterprising.

"In most instances the failure of the schoolroom will be repeated when the defective gets a job. There is no ambition to surmount obstacles, no capacity to concentrate, no true sense of values. The future is always sacrificed to the present. Worst of all, probably, is the fact that the defective has no social expectation; he has repeatedly failed and he is expected to fail. When he fails he disappoints nobody whose good opinion he treasures. So he is deprived of the most powerful and wholesome incentive which human nature can have.

"The position of the defective thus abandoned to the full force of competition's tide is infinitely pathetic. Instead of being known as peculiarly in need of sympathy and tolerance he is blamed for being what nature made him.

"The history of these unaided defectives is much the same in essentials. It is a record of successive defeats. They may bear no external token of incapacity; unless too hard pressed by their fate they may be more happy of expression, more appreciative of the joy of living than their responsible brothers. 'Happy as a fool' is no empty phrase. But society and industry are formed strictly on competitive lines. The inefficient gravitate to the least interesting and most deadening tasks. They hold a job only a short time and are the first to be dropped when business is dull. Incidentally it may be added that they help to ruin the entire labor market and beat down wages by rendering a minimum of service. The time lost between jobs is often the direct route to the criminal court, and society as now constituted can take little cognizance of them until they have arrived at bar. If not at their first appearance, then at the second or third, they are made to feel the hard rules of the law. The making of a so-called professional criminal can be easily traced from data available to everybody. If the defective is low in the mental scale the steps are few. The high grade moron, on the other hand, escapes ordinary detection because he is slower to return to the meshes. He constitutes a large class of offenders who occasionally drift over the line.

"Here is the curse of the present situation in the light of recent knowledge; every correctional device so far employed becomes, in the case of the feeble-minded, but one more step in the degradation which ends in hopeless criminality. This is because the institutions and methods which have been evolved for the discouragement of crime are all predicated upon competence and responsibility; they are based on the conception, until recently universal, that every person not insane is keyed to normal motives and will react uniformly to certain disciplinary experiences.

"But we are entering upon a new dispensation now that we are able to unmask mental defectiveness. This is the most vital step necessary to break the disheartening routine of manufacturing criminals by process of law. This is the step which seemed most unbelievable until psychopathology evolved and demonstrated its powers. We now have the magician's wand. But enthusiasm is perforce tempered by the difficulties which still remain."—*From Report of the Central Howard Association, Chicago, Jan. 1, 1916.*

**\$1,000 for Data on Heredity.**—Most students of heredity today believe that the results of use and disuse are not inherited; that work done by the parent will not affect the inborn character of the offspring; in short, that "acquired characters" are not transmitted.

C. L. Redfield, a Chicago engineer, holds the opposite view. So strongly does he believe that the general opinion of biologists on this point is incorrect that he has offered the American Genetic Association \$1,000 for evidence on the subject. This is to cover data on five points.

1. He will pay \$200 for evidence that any one of the two or three thousand intellectually great men or women of history is the product of an ancestry which represents, on the average, four generations to a century.

2. He will pay \$200 for evidence that any one of the two or three hundred intellectually *very* great men or women of history is the product of an ancestry which represents, on the average, three generations to a century.

3. He will pay \$200 for a case from livestock breeding, where the parents made acquirements below the standard, in respect to performance, and the offsprings surpassed the parents.

4. He will pay \$200 for a case where a decline in powers of the offspring failed to follow acquirements, in the parents, which were clearly and distinctly below the standard of performance of the breed.

5. He will pay \$200 if it can be shown for any group of animals that the amount of improvement or decline in animal powers was not, as nearly as can be determined by actual measurements, exactly proportional to the amount of acquirement by ancestors above or below the normal or standard.

The last three items require full pedigrees for three generations with measurements applied, with a fair degree of accuracy, to each parent in the pedigree. Mr. Redfield's publications give numerous examples of how measurements are made and applied to three generations of ancestors. The comparison is to be between the final product and the ancestors three generations previously.

Approved securities to the amount of \$1,000 have been deposited by Mr. Redfield with the treasurer of this association.

The first two items enumerated above are extensions of a proposal which Mr. Redfield has been making through this association for nearly two years. The result of the first year of the offer were stated in the *Journal of Heredity* for February, 1915 (Vol. VI, p. 92); half a dozen pedigrees were sent in, but none of them met the requirements.

*Two Pedigrees Submitted.*—During the past year only two pedigrees of interest have been sent in. Marshall Nevers, of 113 Columbia Heights, Brooklyn, N. Y., has pointed out that the ancestry of William the Conqueror covers about 100 years in three generations, while Dr. Heinrich C. Keidel, instructor in the German department of Ohio State University, has submitted the pedigree of Frederick the Great, showing that he, too, comes in the three-generations-to-a-century class.

It appears that the council of this Association must undertake the somewhat unpleasant task of declaring whether or not, in its opinion, the intellectual greatness of either William or Frederick is sufficient to entitle him to a place among the two or three hundred intellectually most eminent men and women of history. At Mr. Redfield's suggestion, the consideration of this point is postponed and these two contributions will be submitted under the new and larger offer, to be decided upon at the end of the present year.

In the meantime, it is the hope of the council that genealogists may be able to uncover other great men who are the product of several generations of early marriage. Data on this subject and the others brought up by Mr. Redfield are of real value to the study of heredity entirely apart from Mr. Redfield's own interpretation of them.

The other three items in Mr. Redfield's new offer should be of particular interest to the students in agricultural colleges, who have access, in many cases, to the necessary records, and could easily investigate the question whether performers of great merit have been produced in any other way than that indicated by Mr. Redfield. It may be of interest to refer to earlier investigations on this subject, particularly that of F. S. Putney with the dairy herd record of Missouri Agricultural College, and that of F. R. Marshall with the records of American trotting horses. Both these investigations were undertaken for the purpose of testing Mr. Redfield's theory of heredity, and both failed to satisfy their authors that that theory is correct.

Mr. Redfield, however, does not consider these two investigations conclusive. But as many breeds of live stock offer ample data on the point of record of parents and offspring, there should be no difficulty, with the inducement of Mr. Redfield's money offers, in getting abundant evidence on the question of whether or not great performers can come from poor or undeveloped performers. As Mr. Redfield says, the facts are capable of reasonably exact measurements in what he calls "dynamic units"—that is, in units of work performed by parents before reproducing.

Here is Mr. Redfield's communication to the *Journal of Heredity*, with the details of his new offer:

*Mr. Redfield's Statement.*—"In April, 1914, I offered a reward of \$200 for evidence that any mentally superior human being was ever produced by rapid breeding. The offer was divided into two parts in such a way as to make the degree of superiority directly dependent upon the rate of breeding. Thus, \$100 was to be paid for any intellectually superior person produced by breeding at the rate of four generations to the century, and another \$100 for any very superior person produced at the rate of three generations to the century, or faster. The details of the offer were published in the *Journal of Heredity* for July, 1914.

"The original offer expired December 31, 1914, and was later extended to December 31, 1915. I am now renewing the offer for the year 1916, and at the same time I am doubling the amount of the reward offered. The offer now is \$200 for any superior person produced at the rate of four generations to the century, and another \$200 for any very superior person produced at the rate of three generations to the century.

"In the above offer, rate of breeding means age of parents at time of reproduction, and age of parents means the inheritance of acquired characters, and means nothing else. The age of a parent at the time of reproduction is the co-efficient of a variable, and extending it over three or four generations necessarily involves inheritance.

"If an acquired character is to be inherited, the parent must make the acquirement first and get the offspring afterwards, not get the offspring first and make the acquirement afterwards. The age of parents is simply one factor in determining the amount of a parent's acquirement at the time of reproducing.

"In my various publications from 1902 to 1914 I have pointed out that acquirements are dynamic in character and may be measured in dynamical units. I have also pointed out that when it comes to questions of mental or physical power in animals there must be a certain standard amount of acquirement per generation before reproduction to maintain any species, breed or family of animals on a level—that is, keep it from degenerating in its power capabilities. In *Dynamic Evolution* I have given detailed explanations of how acquirements are measured, how the standard for any group of animals is determined, and how comparisons are made. Also some peculiarities of the manner in which acquirements are transmitted to succeeding generations.

*Three Generations Required.*—"I now make an additional money offer for contrary evidence bearing on this matter, the understanding being that measurements must be in dynamical units, must be reasonably accurate, and must extend over three generations of ancestors, or so much thereof as will leave no doubt whatever as to what the measurements for three generations will say.

"1. I have given detailed accounts of large numbers of cases in which improvement in mental and physical powers followed excess acquirements in previous generations. I will give \$200 for any case in which improvement followed acquirements below the standard.

"2. I have given the details of many cases in which a decline in powers followed acquirements less than the standard. I will give a second \$200 for any case in which a decline in powers failed to follow acquirements which were clearly and distinctly less than the standard.

"3. By taking large numbers of animals I have shown that the amount of improvement or decline in animal powers was, as nearly as could be determined by the measurements, exactly proportional to the amount of acquirement by ancestors above or below the normal or standard. I will give a third \$200 if any group of animals is found for which this is not true.

"The aggregate of these offers is \$1,000, and they extend to December 31, 1916. If the \$1,000 is not captured it will not be because there is any lack of material from which the matter may be tested, or any difficulty in doing the necessary work. Published pedigrees and histories of men, horses, dogs and cattle furnish all of the evidence necessary for a complete investigation, and the mathematics involved is of the simplest kind.

"Men of great ability arise from common stock; many horses of the present day trot much faster than any horse was capable of trotting fifty years ago; cows frequently produce many more pounds of milk in seven days than was the utmost capability of any of their great-granddams, and dogs under tests in field trials show more 'class' than any of their ancestors. The claim is made that every case of this kind arose by the inheritance of excess development acquired before reproducing, and that it is impossible to increase the mental or physical powers of any kind of

animal in any other way than by the inheritance of such acquirements. If any one can show the contrary he can capture my money.

*Details to be Published.*—"The American Genetic Association, or its accredited representative, shall be judge in this matter, and if the money is captured the judge shall say to whom it shall be paid and how paid. It is expected, in case the money is captured, that the judge will publish his findings in the case, giving full details of the evidence upon which the decision is based.

"In this connection I will offer the following for consideration: According to the current theory of evolution, there was, some time in the past, a common ancestor for man and the higher apes. There have been less generations, and consequently there has been less selection, in the line leading from that common ancestor to man, than in the lines leading to the apes. Further back in the past there was a common ancestor for the higher apes and the lower monkeys. There were less generations, and consequently less selection in the lines leading from that common ancestor to the higher apes than in the lines leading to the lower monkeys. It would be interesting to have some one go through the different species of active animals in this way and then explain what selection had to do with the evolution of higher forms of animals from lower ones.

"Based on laws well known to science there is a hypothesis that the universe is a system running down. It would be interesting to have some one take these laws as a basis and then explain how there can be an evolution (increase) of animal powers by mutations.

"High speed at the trot is not a natural gait for horses. It is an artificial gait which never existed in any breed of horses until forced there by the art of man during the past century. At the beginning of that period running was the only high-speed gait, and horses would break into a run when forced for speed. Now we have natural trotters which will stick to the trot no matter how hard they are forced, and the trotting speed approaches the running speed. The most successful trotting lines are through those animals which were worked hard at the trot, were seldom bred, and had few generations to the century. Opportunity for selection was reduced to nearly its lowest limit in the most successful trotting lines. What theory other than the inheritance of acquired characters will account for this new thing found in the "born trotter" of today?

Any one who desires to investigate one of these points and wishes more information as to the method of procedure, may write to the editor of the *Journal of Heredity*, or directly to Mr. Redfield, whose office is in the Monadnock Block, Chicago, Ill. *Dynamic Evolution* may be considered as an authority on the meaning of any point in the offer. It contains a bibliography of previously published articles, to which reference may be made for details in case any point appears obscure.—*From The Journal of Heredity, Washington, D. C.*

#### COURTS—LAWS.

**Prison Reform Bills in Louisiana.**—The following are Bills recommended by the Legislative Committee of the Louisiana Prison Reform Association and presented at the annual meeting thereof by Mr. W. O. Hart, the Chairman of the Committee, and referred to the incoming Board of Directors for further consideration and action.

A Bill to supersede the parole law passed in 1914 which is not satisfactory



because the Penitentiary Board and the Parole Board are the same and there is no sufficient provision therein regarding the breaking of paroles.

**An Act.**—To Establish a Mode by which Prisoners Sentenced to an Indeterminate Sentence May be Paroled and in Order to Carry Out the Provisions of This Act to Create a Board of Parole and to Define the Powers and Duties of Said Board:

**SEC. 1.** BE IT ENACTED, By the General Assembly of the State of Louisiana, that there is hereby created a Board of Parole which shall consist of three members to be appointed by the Governor, in which said Board shall be lodged the power to determine when and under what circumstances a prisoner sentenced to an indeterminate sentence shall be paroled.

**SEC. 2.** BE IT FURTHER ENACTED, ETC., That said Board shall, within thirty days after the adoption of this act meet and organize and elect one of its members President, choose a Secretary, who need not be a member of said Board, and with the approval of the Governor appoint a Parole Officer for each Congressional District of the State, and adopt a uniform system for the marking of prisoners by means of which shall be determined the number of marks or credits to be earned by each prisoner as a condition of release on parole, and such other regulations as may be necessary for the carrying out of this Act, which system so adopted shall, however, be subject to revision by the Board from time to time.

**SEC. 3.** BE IT FURTHER ENACTED, ETC., That each prisoner sentenced to an indeterminate sentence may, a month prior to the expiration of the minimum term of his sentence, make application to the Board in writing and in such form as the Board may prescribe for his release upon parole; provided that if deemed suitable by the Board, the Board may in any particular case dispense with this Rule.

**SEC. 4.** BE IT FURTHER ENACTED, ETC., That it shall be the duty of said Board of Parole, immediately upon the filing of said application, to enter into an investigation of the conduct of said prisoner during his term of imprisonment, and if upon investigation it shall be found that the prisoner has, under the rules and regulations of said Board of Parole, become entitled to discharge from imprisonment upon parole, this Board shall order the release of said prisoner from imprisonment at the expiration of the minimum term fixed in the sentence; provided, that should said prisoner's conduct not have been such as to entitle him to discharge, the Board, may in its discretion, at any subsequent period not less than six months, investigate into the conduct of said prisoner since the date at which his parole was refused, and if, in the opinion of said Board, said prisoner's conduct has, during said period, been such as to entitle him to be discharged on parole, said Board shall order such discharge. Otherwise, said prisoner shall be required to serve the maximum period of imprisonment fixed in the sentence, subject to commutation for good behavior.

**SEC. 5.** BE IT FURTHER ENACTED, ETC., That whenever a prisoner shall have been paroled his parole shall expire only with the expiration of the maximum term of imprisonment fixed in the sentence, unless the Board of Parole shall, in its discretion, reduce the term thereof, and, upon being paroled, every prisoner shall be required to promise that he will keep the peace and be of good behavior until the expiration of his parole, and should any person, after his release on parole, be charged with any violation of the same, he shall be arrested by the Sheriff and brought before the District Court in the Parish in which such violation is charged to have taken place; and if, upon the trial of said charge the court shall decide that the paroled prisoner has in fact violated his parole, the court shall remand him to the Penitentiary from which he was paroled, there to serve out the whole time for which his parole was

given, subject to the deduction of the time which he had served prior to his parole and to any commutation for good behavior that he shall thereafter earn.

SEC. 6. BE IT FURTHER ENACTED, ETC., That every paroled prisoner shall upon his being discharged upon parole be furnished with servicable suit of clothes, with transportation to such place as he may elect to go within the State of Louisiana, and five dollars in money.

SEC. 7. BE IT FURTHER ENACTED, ETC., That all the expenses incident to the carrying out of this law shall be paid out of the Penitentiary Fund.

SEC. 8. BE IT FURTHER ENACTED, ETC., That all laws or parts of laws contrary to or in conflict with the provisions of this Act be and the same are hereby repealed, and especially Act No. 149 of 1914.

Relating to the creation of a Penal Board for the State of Louisiana reading as follows:

An Act.—Creating a Penal Board for the State of Louisiana, Defining the Qualifications and Terms of Office of the Members Thereof: Their Powers and Duties, and Making an Appropriation to Carry Out the Provisions of the Act:

SEC. 1. BE IT ENACTED, By the General Assembly of the State of Louisiana, that there is hereby created the Penal Board of Louisiana, to consist of nine members, one at large, and one from each Congressional District of the State, and as new Congressional Districts may be created additional appointments shall be made therefor, for the full term of nine years, all of whom shall be qualified electors and over the age of thirty years, and shall be appointed by the Governor, with the approval of the Senate.

As soon as possible after the passage of this Act, the Governor in making the first appointments hereunder, shall designate in the respective commissions, the terms of office of each appointee which shall be respectively, for one to nine years, and thereafter subsequent appointments whether by expiration of term, death, resignation, removal, or otherwise, shall be for full terms of nine years.

SEC. 2. BE IT FURTHER ENACTED, ETC., That said Board shall have the supervision and control of the State Penitentiary, State Farms, Parish Jails, City Jails, Work Houses, Lock Ups, and all similar Institutions subject to the limitations hereinafter expressed.

SEC. 3. BE IT FURTHER ENACTED, ETC., That said Board shall have exclusive control of the State Penitentiary and all State Farms, and supervision and control over all local Jails, Prisons, Lock Ups and Work Houses, and its recommendations to the Sheriffs throughout the State and to local and municipal authorities regarding same shall be carried out unless countermanded and disapproved by the Governor.

SEC. 4. BE IT FURTHER ENACTED, ETC., That said Board shall have authority to employ a Superintendent who shall be a man of experience in prison work and management, and need not be a voter in this State, and he shall hold his office during good behavior but may be removed by a vote of six or more members of the Board for cause with the approval of the Governor, but no such removal shall take place until after a public hearing at which if he so desires, the Superintendent may be represented by Counsel.

SEC. 5. BE IT FURTHER ENACTED, ETC., That the said Superintendent shall receive a yearly salary of Ten Thousand Dollars payable monthly, upon his own warrant approved by the President of the Board, and his actual traveling expenses shall be reimbursed upon his warrant with similar approval.

SEC. 6. BE IT FURTHER ENACTED, ETC., That until otherwise provided by law said Board shall make rules and regulations for the government of the State Penitentiary and other Institutions mentioned in this Act and same when approved by the Governor, shall remain in force until amended or repealed with similar approval.

The Board from its number shall elect its own President and may remove him by a vote of two-thirds of its members; it shall also have the authority to employ a Secretary at an annual salary of Fifteen Hundred Dollars, and until rules and regulations have been adopted and approved, or as may be otherwise provided by law, so much of Act No. 70 of 1900, approved July 6th, as may be applicable shall be considered as rules of the Board.

SEC. 7. BE IT FURTHER ENACTED, ETC., That said Board shall immediately upon assuming office and annually thereafter, prepare a budget of receipts and disbursements of the State Penitentiary and State Farms, and shall keep proper books or record and account which shall be open at any reasonable hour to the public; and said Board shall publish its annual budget when made and an account of its receipts and disbursements at least once a year, and same shall be printed in pamphlet form for public distribution.

SEC. 8. BE IT FURTHER ENACTED, ETC., That to carry on the provisions of this Act, there is hereby appropriated for the fiscal year ending June 30th, 1917, the sum of Fifteen Thousand Dollars and for the fiscal year ending June 30th, 1918, the sum of Fifteen Thousand Dollars, payable out of the general fund.

SEC. 9. BE IT FURTHER ENACTED, ETC., That all laws or parts of laws in conflict with or inconsistent with this Act or on the same subject matter and specially Act No. 70, of 1900, except in so far as provided in Section 5 hereof, be and the same are hereby repealed and this Act shall take effect on the First Day of August, 1916.

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To provide an Indeterminate Sentence:

An Act.—To Provide for the Imposition of an Indeterminate Sentence Upon Persons Sentenced to Imprisonment in the State Penitentiary at Hard Labor Otherwise Than for Life:

SEC. 1. BE IT FURTHER ENACTED, ETC., By the General Assembly of the State of Louisiana, That whenever any person shall, after the adoption of this Act, be sentenced to imprisonment in the State Penitentiary or at hard labor, otherwise than for life, or where the maximum penalty does not exceed one year, it shall be the duty of the District Judge to sentence such person to an indeterminate sentence, the minimum of which sentence shall not be less than the minimum term of imprisonment fixed by the statute under which such person shall have been convicted, and the maximum not more than the maximum fixed in such statute; provided, that where no maximum term is fixed in such statutes said minimum term shall be taken and intended as being one year.

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To authorize the appointment of a Commission to prepare a comprehensive law for the government of the State Penitentiary and other Penal Institutions.

An Act.—In Reference to the State Penitentiary and Other Penal Institutions of the State Authorizing the Appointment of a Commission to Prepare a Comprehensive Law for the Government Thereof:

SEC. 1. BE IT ENACTED, By the General Assembly of the State of Louisiana, That the Governor shall forthwith appoint a Commission of five members to prepare

a model law for the government of the State Penitentiary and all the other Penal Institutions of the State, whether State, Parochial or Municipal, and said Commission shall report to the Governor within one year from the passage of this Act, and their report shall be submitted to the next regular session of the General Assembly, but should there be an extra session before May, 1918, then said Commission shall have its report ready to submit to said extra session and the Governor shall embrace in his call for the extra session, the consideration thereof, and the enactment of the recommendations of the Commission, in whole or in part, into law.

SEC. 2.—BE IT FURTHER ENACTED, ETC., That said Commission shall serve without pay, but the actual expenses of the members in attending meetings which may be held in any part of the State, by the direction of the Governor, shall be reimbursed upon their own warrants approved by the Governor; the members of said Commission shall be one from the Legal Profession, one from the Medical Profession, and three others, one of whom shall be a woman.

SEC. 3. BE IT FURTHER ENACTED, ETC., That the report of said Commission when completed shall be printed and distributed to Judges, District Attorneys, State, Parochial and Municipal authorities, all those connected with the Penitentiary and Penal Institutions of the State, the press of the State and to such other persons as the Commission may determine; and said Commission in preparing its report shall study the laws and statutes of different States and Countries as far as may be necessary.

SEC. 4. BE IT FURTHER ENACTED, ETC., That to carry out the provisions of this Act, there is hereby appropriated the sum of Twenty-five Hundred Dollars.

To carry into effect Article 295 of the Constitution of Louisiana of 1913, (also the same number in the Constitution of 1898) regarding the Board of Charities and Correction.

**An Act.**—To Carry Into Effect Article 295 of the Constitution of Louisiana of 1913:

SEC. 1. BE IT ENACTED, By the General Assembly of the State of Louisiana, that the Board of Charities and Corrections created by Article 295 of the Constitution of 1913, be and the same is hereby reorganized, and the Governor is requested to make new appointments in accordance with the provisions of said Article; that is, one member for six years, one for five years, one for four years, one for three years, and one for two years.

SEC. 2. BE IT FURTHER ENACTED, ETC., That there is hereby appropriated for the salary of the Secretary of said Board, for his traveling expenses, for the maintenance of an office and for the expenses of members in attending meetings of the Board, and in visiting Institutions of the State when directed by the Board, the sum of Five Thousand Dollars for the fiscal year ending June 30th, 1917, and the sum of Five Thousand Dollars for the fiscal year ending June 30th, 1918, payable out of the General Fund.

SEC. 3. BE IT FURTHER ENACTED, ETC., That the salary of the Secretary of said Board shall not exceed the sum of Twenty-five Hundred Dollars, and he shall be removable at the pleasure of the Board, with the approval of the Governor.

To give the benefit of the indeterminate sentence to those in prison at the time of the adoption thereof, as follows:

**An Act.**—To Confer on Prisoners now Serving Terms of Imprisonment at Hard Labor the Benefit of an Indeterminate Sentence:

SEC. 1. BE IT ENACTED, ETC., By the General Assembly of the State of

Louisiana, That six months after the passage of this Act it shall be the duty of the Board of Parole to investigate into the conduct of all prisoners who were sentenced to imprisonment at hard labor, otherwise than life, prior to the passage of this Act, and to discharge such of said prisoners on parole as, in the opinion of said Board, merit such discharge; provided, that at the time of said discharge on parole said prisoners shall have already served not less than two years of their sentence.

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To improve and enlarge the scope of the Louisiana Training Institute at Monroe.

An Act.—In Reference to the Louisiana Training Institute now Established at Monroe:

SEC. 1. BE IT ENACTED, By the General Assembly of the State of Louisiana, That the Louisiana Training Institute now established at Monroe, under the terms of Act No. 173, of 1904, and Act No. 203 of 1908, shall be continued and enlarged so that the inmates may be taught not only agriculture but trades, and to this end, the Board of Commission of the Institute shall forthwith establish with the approval of the Governor, work shops of such kinds and character as they may deem necessary and shall employ by salary fixed by them and approved by the Governor such assistants as may be necessary to make of the inmates of said Institution, men competent to earn their own livelihood.

SEC. 2. BE IT FURTHER ENACTED, ETC., That to carry out the purposes of this Act and of the other Acts above referred to there is hereby appropriated for the fiscal year ending June 30th, 1917, the sum of Twelve Thousand Dollars, and for the fiscal year ending June 30th, 1918, the sum of Twelve Thousand Dollars, payable out of the General Fund.

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To provide for the establishment of a Training School at Jackson, or some other suitable locality in the central or southern point of the State.

An Act.—The Establishment of a Training School at Jackson, or Some Suitable Locality in the Central or Southern Part of the State: and Providing for an Appropriation Therefor and for a Board of Commissioners Therefor:

SEC. 1. BE IT ENACTED, ETC., By the General Assembly of the State of Louisiana, That the Board of Charities and Corrections shall select some suitable place either at Jackson, Louisiana, or elsewhere in the central or southern part of the State, for the establishment of a Louisiana Training School on the same lines as the Louisiana Training Institute at Monroe, all the laws in reference to which shall be applicable thereto and the Governor shall appoint a Board of three Commissioners to have charge thereof.

SEC. 2. BE IT FURTHER ENACTED, ETC., That for the purposes of this Act there is hereby appropriated for the fiscal year ending June 30th, 1917, the sum of Thirty Thousand Dollars, and for the fiscal year ending June 30th, 1918, the sums of Twenty Thousand and Ten Thousand Dollars of which first appropriation shall be used to procure a suitable site and such buildings as may be available; but no purchase of lands or contracts for buildings shall be made without the approval of the Governor.

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To provide pecuniary assistance to prisoners and their families.

An Act.—To Authorize the Board of Control of the State Penitentiary in Its Discretion to Provide Pecuniary Assistance to Prisoners and their Families:

SEC. 1. BE IT ENACTED, ETC., By the General Assembly of the State of Louisiana, That the Board of Control of the State Penitentiary be, and it is hereby

authorized and empowered to provide for the payment of prisoners confined in the Penitentiary or on State Farms; or in any State Reformatory, such portion not less than twenty per cent of the earnings of said prisoners, as it may deem proper, under such rules and regulations as it may prescribe. Such earnings shall be paid out of the appropriations hereinafter made.

SEC. 2. BE IT FURTHER ENACTED, ETC., That any monies arising under Section 1 of this Act, may be used for the benefit of the family or dependents of the prisoner, under such regulations as the Board may prescribe; but, no payment shall be made to any prisoner until the time of his discharge or release on parole, and shall be estimated at so much per day, or so much percentage of the amount earned for the State by the prisoner, as the Board may determine. And the Board shall keep an account of each prisoner, showing what he would be entitled to under the terms of this Act, and under the rules adopted by the Board.

SEC. 3. BE IT FURTHER ENACTED, ETC., That in order to carry out the provisions of this Act, there is hereby appropriated out of the General Fund, for the year 1917, the sum of Five Thousand Dollars, and for the year 1918, the sum of Five Thousand Dollars.

To provide that corporal punishment of prisoners shall be a felony:

An Act.—Providing that the Corporal Punishment of Prisoners Shall be a Felony and Prescribe the Punishment Therefor and the Method of Proof in Such Cases:

SEC. 1. BE IT ENACTED, By the General Assembly of Louisiana, that any Penitentiary or Jail Official, or Police Officer, Sheriff, Constable, Marshal, or any Deputy thereof, or any employee of any Board or Officer in charge of any Penitentiary, State Farm, Jail, Work House, Lock-Up, or place of confinement in the State whether under State, Parochial or Municipal control who shall strike any prisoner except in self-defense, shall be guilty of a felony and on conviction thereof, shall be punished at hard labor for not less than one year and not more than five years, and no parole law or law of indeterminate or suspended sentence shall apply to such a crime unless the person convicted therefor, shall have served at least one year at hard labor.

SEC. 2. BE IT FURTHER ENACTED, ETC., That any person whether a prisoner or convict or not, shall be a competent witness on such a charge and neither the counsel or judge in trying the case shall by question, argument, or charge, refer to the fact that the witness is a convict or prisoner, nor shall such fact be in any way referred to as affecting his credibility; and the State Board in charge of the Penitentiary or other place of confinement, if necessary, provide for the transportation of any prisoner who may be a witness in such a case.

**Criminal Law Administration.**

(The following is from a letter addressed to the Editor of the *Atlanta Constitution* on February 18, 1916, apropos of an editorial in that paper relative to lynchings.—ED.)

The greatest crying need of our times, in my judgment, is reform in the administration of the criminal law. In the fullest accord with what you have already said, I urge that we should advocate these reforms, prompted by feelings of charity and kindness. No good men should take pleasure in seeing any body punished, not even when the punishment is just. The desire should be to prevent crime, not merely to punish it. The collective judgment of the whole people, that which we call "Human Justice," should be like that of the Almighty, who said, "As I live, I take no pleasure in the death of the wicked"; and the law, both human and divine,

imposes heavy penalties on the guilty, not because the law is moved by resentment against those who are already guilty; but because swift and sure penalties is the best and surest reliance to deter those who are yet innocent, from becoming guilty. We have the law, but we do not enforce the law. The well governed family is apt to be industrious, innocent and happy. And just so, no people of any State are industrious, innocent and happy, unless they are well governed.

In a criminal trial (strange to say), the law shields the prisoner by a maze of technicalities, privileges and delays; so that to a discerning public it looks as if the guilty party is the only person in the Court House who has any rights that are sacred. But appeal for some remedy ought to be made everywhere, by press and pulpit and at the bar; by the masses of the people and by the men who do the voting. Thousands of us who think, or who ought to think, are not quit of the blood of our fellow-men if we hold our peace and do nothing in the presence of this great and growing evil.

How can we escape the appeal that we ought to strike squarely at these evils and find some remedy, or what mitigation may be possible by amendments in procedure so as to make the law effective. The best way to stop lynchings is to stop the crimes that provoke the lynchings. Lynchings are a great evil and always wrong; usually worse and more harmful than the crime which provoked them. Whoever is unwilling for the whole State to become a mob ought to be unwilling to encourage and share in mob violence. But as I said long ago in a public address, lynchings can never be completely stopped until the laws of criminal procedure are amended so that innocent and good people can be assured of getting justice in the Court House.

It is a mistake when good men concentrate all their endeavors against lynchings and shut their eyes to crime generally; Say that one hundred lynchings occur annually; Ten thousand homicides also occur annually in the United States, and surely as a mere matter of figures, the individual crimes are, of the two, immensely the larger evil.

As our remedial procedure in criminal cases now stands, it is easy to convict the poor and friendless negro, and the poor and friendless white man, who has no money or influence to employ counsel or canvass the jury list.

But is anybody ever hung who has money—lots of it—with which to employ counsel, canvass jury lists, employ detectives, dish up testimony and circulate petitions? The poor and friendless are some times executed, but the rich and powerful never, or almost never. Can such things be? Well yes, and they are; but they are not right. How long will they continue? The answer is plain. Just so long as the pulpit and the press and the legal profession and good men fail to do their duty by demanding and obtaining from the Legislature the needed reforms in the law of criminal trials.

For the sake of added emphasis, let it be repeated that the motive in this discussion is not one of vengeance for crimes already committed. They, alas, cannot be recalled, and as to them we can only give our tears and sympathy for the victim, but the motive in what I am writing is prevention of crimes that have not yet occurred; which surely will occur and will increase and continue if nobody does anything about it. The very highest motive which can animate any good man touching such a problem is preservation of human innocence; every time you prevent murder or rape or other like crime, you save the life or purity of the victim, and you also ward off guilt from one who otherwise would have rushed into the murder or other horrible deed, some times worse than murder. The greatest calamity which

can overtake any human being is to commit a crime; and so the high ultimate object of every good man should be, not vengeance on criminals, but to prevent crimes.

More than fifty years ago Lord Macaulay prophesied concerning America's future in the following language: "Your Republic will be as fearfully plundered and laid waste in the twentieth century, as the Roman Empire was in the fifth, with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own institutions."

Alas, Alas, is this prophecy coming true? The times really look like it. The prevalence of crime and callousness of the public conscience in regard to lynchings as well as crime of all kinds, really look like it. Are we wise enough to see the danger and good enough to set about finding the proper remedy?

One of your Atlanta contemporaries recently said, speaking of an article written for that paper from London, relating to crime in the United States, "Ten thousand persons are murdered each year—shot, strangled, poisoned, stabbed or beaten with a club. \* \* \* \* Chicago, with a population one-third that of London, had 118 murders in one year, as against 20 in three years in London our capital."

A painful feature which more and more appears in the great mass of crime is the increasing number of parents killing their children, children killing parents; brothers shedding the blood of brothers; husbands, wives taking the lives of one another! This was one of the symptoms which, history teaches us, preceded the fall of the Roman Empire and reminds us again of Macaulay's prophecy.

It is not contended that by reform in criminal procedure that our people will reach absolute perfection, or that the millenium will come thereby, but we are as wise and as strong as other nations, and we can be as well off and as good if we try. Perhaps we have other qualities where we make up for our defects here pointed out. But let us do the right thing in this also.

The evils above named and the remedies are confined to no part of the United States, but crimes and lynchings have become so general and so frequent in many parts of our common country as to form an appalling aggregate—enough to make any Christian shudder or sadden the heart of a patriot.

But what shall we do about it? The answer is: Make the law better and make it stronger. Amend the law. Give it more promptness, and more wisdom and more justice, and more certainty in its own enforcement. Astonish the murderer and rapist by its quickness and its certainty. If the law will protect the innocent and the good in all the States, the innocent and the good in all the States will respect the law. Enlarge the powers of the courts. Take away the unreasonable provisions, by which so many advantages are given to the criminal in the trials. Give the State the right of appeal or to have a writ of error just as the criminal has; and in every criminal trial put the State and the accused upon terms of perfect equality, so that innocent and good people may rely on the law for protection rather than rush into irregular and dangerous force under methods of their own. If everybody knew that all murderers and rapists would be inevitably and immediately punished, such crimes would soon become almost unknown and any such thing as a lynching would become absolutely unknown. The law should continually thunder into the ears of the tempted, its warning that the only way to keep off of the gallows or to keep out of prison is to remain innocent. Enact the reforms now. Do not wait until the destruction comes, but act now and thus prevent the evil.

I would not disparage the power of moral suasion, but we have had moral



suasion all along—moral suasion and this bad advance in criminal procedure and with them we have had crimes and lynchings. Riots, shameful and disgraceful riots, have grown and increased until good men and women hang their heads in shame.

Now let us have the moral suasion, more of it and stronger than ever, but with moral suasion let us have wiser and better methods of criminal procedure.

What is above written is with a great faith, but in no spirit of self assertion. Innocent and good people are suffering terrible martyrdom as matters now stand. Cupidity, anger or jealousy and other bad passions cause assassinations, and murders, and rapes. There is nothing sacred and nobody safe from the cruelty and despotism of crime. The law ought to protect the innocent and good, but it does not. If anarchy is not already here, we are very near it.

Defects in the law of criminal procedure call loudly for amendments. Amendments must come from the law making power. The martyr John Wycliffe used to cry out "Lord give the King of England light" and so let us hope that all good men everywhere may now say and continue to say: "Lord give the Legislature light."

GEORGE HILLYER, Atlanta, Ga.

**The Madras Jury System.**—From the statistics of Criminal Courts in the Madras Presidency for the year 1914 submitted by the High Court to the Madras Government we take the following extract:

The number of persons tried by Juries was 1,155 and in the case of 1,080 persons the Judge approved of their verdict. The number of persons tried with the aid of assessors was 1,697. In the case of 1,033 persons the Judge agreed with all the assessors, in the case of 266 he differed from one or more of them and in the case of 398 persons he differed from all the assessors.

The Jury system is reported to have worked with only moderate success. The Sessions Judge of North Arcot (Mr. Booty) is of opinion however that the system is valueless when the Jury pays attention to the Judge's summing up and mischievous when it does not, and that on the whole it is a useless exotic. As regards the value of a Jury in dacoity cases, his opinion is that the verdict is largely a matter of chance: the Jury frequently attaches undue importance to side issues, while there is no guarantee that it will base its verdict on the evidence. Jurymen are very amenable to outside influence during a lengthy case and frequently are unable to differentiate the evidence as against individuals accused. The Additional Sessions Judge of Coimbatore (Mr. Coleridge), while agreeing that the Jury system has been satisfactory on the whole in the simple cases, considers that when the cases are in the least degree complicated the verdicts are haphazard. He does not think that Juries are fit to try dacoity cases in which there is a large number of accused. The Sessions Judge of Ramnad (Mr. Venkataramayya) states that, as his Court is located so far from the important centres of the District where wealthy and educated men chiefly live, the area from which jurors and assessors are recruited, is very limited and that as a result there are not many men of status on the Jury list. He states that he has not been favourably impressed with the way in which the Juries have done their work. "One thing" he says "is quite clear,—that parties and vakils alike realize that trial by jury is a very uncertain thing and that justice is surer when the Judge is the sole arbiter of fact as well as of the law." The Sessions Judge of Salem (Mr. Gillespie) states that in several cases, though not prepared to say that the verdict was wrong, he was far from being satisfied that it was right and would have much preferred that it should have been to the opposite effect. The Sessions Judge of Tanjore (Mr.

Wallace) states that his own experience of Juries in the District is that they are ready to convict at times on slender evidence. The Sessions Judge of Trichinopoly (Mr. H. O. D. Harding) states that Juries in his District are the worst he has come across and that they are apt to give perverse verdicts for no reason.

On the other hand, the Sessions Judge of South Canara (Mr. Thornton) has nothing but praise for the Juries of his District and the Sessions Judge of North Malabar (Mr. Roberts) is of opinion that the working of the jury and assessor system was wonderfully satisfactory. He still finds that when juries and assessors have the locality properly explained to them by maps and plans they follow cases with the greatest possible interest and give well reasoned and lucid opinions. The Sessions Judge of Bellary (Mr. B. C. Smith) is of opinion that judged by results the Jury system works fairly satisfactory. "The assessors vary enormously in their capacity of appreciating evidence as one finds from the opinions they give, but perhaps the Jury system does provide a fair average." The Sessions Judge of Godaveri (Mr. Cotton) states that the Jury system worked well throughout the year and that he had no sufficient reason to disagree with the verdicts. He, however, frequently had to disagree with assessors, who did not realize their responsibility in the same way. The Sessions Judge of Guntur (Mr. Fernandez) thinks that the system worked fairly well in his District, as the cases to which it applies involve offences against property and the offenders generally belong to the criminal classes for whom no sympathy is felt. He thinks that the same cannot be said of cases tried with the aid of assessors which relate to offences against the person and the public.—*From International Police Service Magazine, Madras, India, Oct. and Nov., 1915.*

#### Lawyers Respond to Call for Assistance in Legal Aid Work.

Ready and generous response has been made by the bar of San Francisco to the request of the Legal Aid Society Committee for assistance pending the permanent organization of the Legal Aid Society. Secretary George L. Bell reports that between thirty-five and forty lawyers have already volunteered their assistance, and more are being heard from every day. This the committee deems very gratifying and an indication that the bar appreciates what the committee is endeavoring to do.

At a meeting on February 18 the Board of Governors of the Bar Association of San Francisco, in response to the request of the Legal Aid Society Committee, passed a resolution endorsing the plan proposed for the rendering by members of the association of assistance in cases requiring attention pending the formal organization of the Legal Aid Society. The governors requested the gentlemen representing the Bar Association on the committee, Messrs. Walter Perry Johnson and Warren Olney, Jr., to formulate a plan by which the Bar Association could render such assistance.

R. S. Gray outlined the method followed by the Public Defender of Los Angeles County in assigning cases to members of the Bar Association there under similar circumstances, and it is probable that this plan will be followed here. In Los Angeles when a civil case comes into the Public Defender's office the party requiring assistance is given a slip on which the various facts in his case are indicated, and he is sent to the secretary of the Bar association, who assigns him to some one of the attorneys who have volunteered their services in such cases. This plan has worked very well and the results of the co-operation have proven satisfactory.

Evidence of the interest that is being taken in this movement is given by a resolution adopted by the law practice class of the Bar Association of San Francisco at its last meeting. In this resolution the members of the practice class offered their assistance to the Legal Aid Society Committee, not only until the organization

of the society, but thereafter to the organization itself. The workers in the class declare that it is their desire "to take an active part in the work of said Legal Aid Society."

The various committees appointed by Chairman O. K. Cushing at the meeting held recently are diligently working on the various matters assigned to them. Several meetings have been held, and the work of permanent organization is well under way. It is confidently believed that a practicable plan will be devised in time for submission for the general meeting of the Legal Aid Society Committee, which takes place on Feb. 25.

Some interesting data concerning the organization of Legal Aid Societies in other municipalities is contained in a statement compiled by Secretary George L. Bell, of the Commission of Immigration and Housing. Most of these organizations are voluntary associations supported entirely by voluntary contributions or subscriptions from the members. "The Recorder" gleans the following facts from Mr. Bell's summary:

The Legal Aid Society of New York is the oldest of the organizations having for their purpose the furnishing of gratuitous assistance to persons poorly circumstanced. This parent organization is an independent society and was incorporated in 1876. Organized originally as "Der Deutsche Rechtsschutz Verein," for the purpose of aiding German immigrants, its work grew to such an extent that it became general, and in June, 1896, the name was changed to the present form. This society handled 39,189 cases in 1913 and 40,430 cases in 1914. It is supported by the contributions of members. The annual dues are: Associate member, \$10; full member, \$20; patron, \$100, and life members (one payment), \$500.

The Legal Aid Bureau of Baltimore is maintained by the Federated Charities as one of its departments and is supported from the regular budget of that organization. Its staff consists of an attorney, stenographer and secretary, neither of whom put in full time on this work. In 1914 this bureau handled 687 cases and in the first six months of 1915, 390 cases.

The Boston Legal Aid Society is an independent society organized and incorporated in 1910. It is supported by the contributions of its members, the annual dues being \$10. No figures of the number of cases handled are available.

Buffalo, New York, has an independent incorporated Legal Aid Society, maintained solely by subscriptions and the contributions of members, \$5; regular member, \$10; patron, \$100; life member, \$500. The Buffalo Society in 1913 handled 966 cases and in 1914, 1384 cases.

The Legal Aid Society of Chicago is an independent incorporated organization, formed by the consolidation, in 1905, of the Bureau of Justice and the Protective Agency for Women and Children, both of which had been in existence as incorporated societies since 1888. This society is also supported by contributions of members and friends, regular members paying \$10 annually, patrons \$100, and life members a single fee of \$500. This society disposed of 15,409 cases in 1913, and 16,121 in 1914.

The Legal Aid Society of Cleveland, Ohio, is also an independent organization supported by contributions of members. In 1913 the cases handled numbered 2435, and in 1914 the total was 3925.

In Cincinnati, Ohio, also, the Legal Aid Society is an independent organization, supported by the contributions of members. In 1913 there were 1,179 cases handled by it; this number increased to 1509 in 1914 and for the first six months of 1915 the total reached 800.

The Board of Public Welfare of Kansas City, Mo., operates the Legal Aid

Bureau as a municipal department, the cost being borne by the municipal budget. In 1914, the only year for which figures are available, 6262 cases were handled.

The most interesting and highly developed work is being done by the Legal Aid Bureau of Minneapolis, which is operated as a department of the Associated Charities. The budget of the bureau is raised through the general fund of the Associated Charities. The staff consists of an attorney, who is an instructor in the Law School of the University of Minnesota, and receives a salary of \$400 per year, an assistant and a stenographer. Students of the Law School of the University of Minnesota assist in the work of the bureau. Senior students spend fifteen afternoons each school year at the office of the bureau, and for this work they receive credit. According to Dean William R. Vance, during the two years that the students have been assisting in this work, 7000 cases involving not more than \$100 each have been disposed of and some thirty-four various classes of complaints have been handled more or less regularly.

Figures for 1913 are not available, but in 1914 the Minneapolis Bureau disposed of 2080 cases and during the first six months of 1915 of 1337 cases.

In Los Angeles the Legal Aid Society has been superseded by the Public Defender, a county official, who is successfully handling all civil matters with the voluntary and gratuitous assistance of members of the Bar Association of that city.

The Legal Aid Society of Philadelphia is an independent organization supported by the contributions of members. During 1913 the number of cases handled was 3476, which increased in 1914 to 3874; during the first six months of 1915 the number of cases handled reached 2159.

Pittsburg, Pa., also has a Legal Aid Society, an independent organization, incorporated in 1908. It is supported by the contributions of members, who pay \$5 a year dues. Associate members contribute \$10 annually, contributing members pay \$25, while life members pay \$100 (one payment). The Pittsburg society handled 506 cases in 1913 and 658 cases in 1914. No figures for 1915 are available.

The Legal Protective Committee of the Women's Educational and Industrial Union of Rochester, New York, has been affiliated since 1914 with the United Charities of Rochester. The money for this work is raised by popular subscription, any deficit being made up from the general fund of the United Charities. In 1913 the number of cases handled totaled 158; in 1914 there were 250 cases disposed of, and during the first six months of 1915 the number handled totaled 170.—*From The Recorder, San Francisco, Feb. 19, 1915.*

On the Institute Bill re Expert Testimony—I am in favor of the Institute plan, but I wonder if it will cure the thing we want it to cure. In Massachusetts, when there is a question as to the insanity of a prisoner of high degree, he is taken to the State asylum and observed for some time. We recently had a very prominent case of that kind in my section of New England, in which the Chief Justice of the Supreme Court, and another justice, sat and ordered the defendant committed to the State asylum for observation. He was taken to the State asylum and observed there for about six weeks, and one day he was very quiet and returned, and the authorities gave the opinion to the judges that they considered him to be sound. That was simply a starter. Then they proceeded to have a trial which lasted for days, and the attorneys put on experts on both sides, one side and the other. Finally the judge took no interest in the experts at all, and found the man guilty. He was executed. There was a public observation by the asylum. He was pronounced insane, but it made no difference.

ROBERT C. PARKER, Westfield, Mass.

## PENOLOGY

California State Parole Officers Report for December, 1915.

*To The State Board of Prison Directors:*

	SAN QUENTIN	FOLSOM	TOTAL
Prison population at end of month.....	2300	1186	3486
On parole beginning of month.....	462	273	735
Paroled during month.....	45	18	63
Violated during month, total.....	8	3	11
Violated during month by committing crime.....	1	0	1
Returned for violating parole during month.....	1	0	1
Parole escapes returned during month.....	3	0	3
Missing violators for month.....	4	2	6
Pardoned during month.....	0	0	0
Time expired during month.....	26	8	34
Died during month.....	1	1	2
Total on parole at end of month.....	472	279	751
Percentage of paroled men at end of month.....	.17	.19	.177
Sick during month.....	6	4	10
Paroled men visited during month.....	16	12	28
Paroled men visited office during month.....	153	118	271
Out of employment at end of month.....	5	3	8
Total paroled since passage of law in 1893.....	2472	1163	3635
Total violations since passage of law in 1893.....	480	287	767
Total violations since passage of law in 1893 (new crimes).....	90	28	128
Percentage of violations.....	.194	.347	.21
Percentage of violations (new crimes).....	.036	.033	.035
Violators returned to prison since passage of law in 1893.....	263	117	380
Violators not returned.....	217	170	387
Earnings of paroled men during month.....\$	20,041.12	\$ 9,873.81	\$ 29,914.93
Expenses during month.....	15,934.72	7,346.07	23,280.79
Savings during month.....	4,106.40	2,526.74	6,634.14
Total earnings of paroled men since passage of law in 1893.....	1,475,262.37	540,608.65	2,015,871.02
Total savings of paroled men since passage of law in 1893.....	337,798.60	126,752.53	464,551.13
Total prison population, including paroles.....			4237
Total on parole.....			751
Percentage of paroles.....			.174

Respectfully submitted,

(San Francisco, Jan. 14, 1916).

ED. H. WHYTE,  
State Parole Officer.

**Report of the Work of The Central Howard Association, January and February, 1916.**

The first two months of the new year found the Central Howard staff chiefly engaged in four important tasks:

*First.* Assisting, by employment and otherwise, two hundred twenty-eight applicants.

*Second.* Preparing material for the Year Book, and other articles for publication.

*Third.* Addressing churches, clubs, committees, and the inmates of several prisons.

*Fourth.* Conferences with officials and co-operation with other organizations to secure the adoption of higher standards in building the new Chicago Police Stations, and legislation for the prevention of crime in general.

Owing to the improved industrial conditions we were able to secure unusually good positions for our 228 applicants in January and February. For the same reason, the amount of relief required was less in January, to the amount of \$100, than for the same month last year, and \$63.75 in February. Nevertheless, the placing of these men involved 868 interviews, as many telephone calls and letters to employers, and material relief furnished no less than 497 times.

The Annual Report speaks for itself, and we shall be pleased to send the same to any one who is interested. The addition of 10,000 is published at a cost of about \$200, though fully another \$100 worth of stock was given by various paper companies.

In addition to articles in the report, others on various phases of the crime problem were published by the New York Survey, the Chicago Daily News, the Burlington Hawkeye, and other local papers.

The Superintendent was called upon to address the inmates of the Joliet Prison, the Ft. Madison Prison, and the Chicago House of Correction. He also spoke at the First Presbyterian Church, Joliet; the Congregational Church, Dubuque, Iowa; the Current Events Class of Evanston; the Jefferson Park Congregational Church; the Negro Fellowship League; the central Y. M. C. A. Also the Chicago South Side Woman's Club, the Martha Washington Woman's Club, and the Englewood Woman's Club, were told of the work of the Association, and offered their co-operation and support.

The fourth special accomplishment of this period was in impressing upon city officials the adoption of better plans for new Police Stations. This was done by enlisting the co-operation of the City Club, the Women's City Club, and appeals from various public bodies. As a result, the City Council Committee adopted suggestions made at a joint hearing, for more light and air, and other provision for the essential comfort and classification of prisoners held for trial.

The income of the Association, as shown by the financial statement was \$712.18 for January, and \$374.12 for the month of February. This has been sufficient for current needs, but not enough for aggressive work.

A new Field Secretary, Dr. Brose Horne, has been engaged at a salary of \$1,000 and expenses. His work will cover the outside field. Meantime our budget should be increased by aggressive appeals to our Chicago constituency. This is needed in order that we may look after the families of prisoners, now largely cared for by other agencies, and to accomplish further preventive work.

At the request of the nominating committee, a conference was held with Mrs.

Frederick A. Lorenz, and she has agreed to assist in the organization of a Woman's Auxiliary Board.

The President and Superintendent desire the active co-operation of all members of the Board in holding a public meeting of the Association in the near future.

Believing that these measures will give our work larger usefulness in the community, this report is

Respectfully submitted,  
F. EMORY LYON,  
Superintendent.

#### Report of the Agent for Aiding Discharged Prisoners in Massachusetts.

The year ending Nov. 30, 1915, has been one of unusual activity in this branch of the department, as evidenced by the fact that 200 more discharged prisoners have been aided than during the same time last year, the total number helped being 2,347.

Two hundred and eighty-one men who had been imprisoned in the State Prison were aided, as follows:

Railroad fares to homes or places of employment.....	\$307.14
Board, etc.....	1,744.55
Clothing.....	552.20
Tools.....	96.56
Miscellaneous.....	12.05
	<hr/>
	\$2,712.50

Seven hundred and ninety-one men and boys at liberty from the Massachusetts Reformatory were helped to the following extent:

Railroad fares.....	\$1,006.61
Board, etc.....	2,331.40
Clothing.....	724.32
Tools.....	93.35
Miscellaneous.....	18.34
	<hr/>
	\$4,174.02

Two hundred and forty men from the Prison Camp and Hospital were also aided, as follows:

Railroad fares.....	\$536.77
Board, etc.....	221.25
Clothing.....	115.21
Tools.....	40.80
Miscellaneous.....	1.20
	<hr/>
	\$915.23

This makes a total expenditure of \$7,801.75 for aiding 1,312 male prisoners from the State institutions under the control of the Prison Commissioners.

In addition to the above, 1,035 men from the other prisons were aided at an expense to the Massachusetts Society for Aiding Discharged Prisoners of \$2,162.82.

The total number of males in prison at the date of this report for crimes, mis-

demeanors and all offenses, including drunkenness, was 5,839, which is about one-half of one per cent of the male population of Massachusetts over eighteen years of age. This fact indicates that we live in a fairly orderly community. If the drunkards and defectives were eliminated from the prison population the above figures would be materially reduced.

Prison treatment does not accomplish much for the inebriate; possibly long-continued hospital treatment and hard work might help him. There are no released prisoners so difficult to deal with as the habitual drunkard; one is never sure of him.

It seems to be a settled fact that a certain percentage of human beings are destined to spend a portion of their lives in imprisonment, notwithstanding all the efforts of their fellow men to have it otherwise. Systems of treatment, probation, early and easy releases do not alter this fact. Neither would more rigid discipline or harsher treatment alter the result. The causes that bring men to prison must be sought farther back, even to childhood. Well-intentioned parents, by overindulgence, often give their children a false start in life, while others, through neglect, leave them to form associations that lead directly to evil.

An ounce of prevention is said to be worth a pound of cure. If preventive measures were more insistently made a part of early education and training, there ought certainly to be less delinquents in the community.

With the hope for a continued decrease in our prison population, and more favorable conditions of employment for discharged prisoners, I remain

Very respectfully yours,

GEORGE E. CORNWALL,

Room 24, State House, Boston, Mass., Dec. 1, 1915.

Agent.

Number in prison, Oct. 1, 1908,.....	7,59 <sup>9</sup>
Number in prison, Oct. 1, 1909.....	7,263
Number in prison, Oct. 1, 1910.....	7,050
Number in prison, Oct. 1, 1911.....	6,892
Number in prison, Oct. 1, 1912.....	6,355
Number in prison, Oct. 1, 1913.....	6,377
Number in prison, Oct. 1, 1914.....	6,877
Number in prison, Oct. 1, 1915.....	*6,658

JOSEPH MATHEW SULLIVAN, Boston, Massachusetts.

\*Includes 819 females

Penal Legislation of 1915 in Pennsylvania.—*Employment and Compensation.*—Section 1 of Act No. 289 provides "that all persons sentenced to the Eastern or Western Penitentiary, or to the Pennsylvania Industrial Reformatory at Huntingdon, or to any other correctional institution hereafter established by the Commonwealth, . . . may be employed at labor for not to exceed eight hours each day, other than Sundays or public holidays. Such labor shall be for the manufacture and production of supplies for said institutions, or for the Commonwealth, or for any county thereof, or for any public institution . . . controlled by the Commonwealth, or for the preparation and manufacture of building material for the construction or repair of any State Institution, or in the work of such construction or repair . . . or in the manufacture and production of crushed stone, brick, tile, and culvert pipe, or other material suitable for draining roads of the State, or in the preparation of road-making and ballasting material."

Sections 2, 3, 4, 5 and 6 provide for the appointment of a Prison Labor Commission to be composed of three members; one from the Board of Inspectors of the



Eastern Penitentiary, one from the Board of Inspectors of the Western Penitentiary, and one from the Board of Managers of the Reformatory at Huntingdon. They shall supervise and regulate the labor of the prisoners and shall attend to the disposal of the products. They are to serve without salary, but expenses incurred in the performance of their duties and for clerical assistance are to be paid by the Commonwealth. A special appropriation of \$75,000 is made to this Commission which is to be designated "the manufacturing fund." The receipts from the sale of manufactured articles shall be credited to said fund and shall be used for the purchase of further material, equipment, machinery and supplies.

Sections 7, 8, 9 and 10 regulate the wages to be paid to the convicts who are employed. The amount paid shall not be over 50 cents nor less than 10 cents for each day of labor actually performed. "Three-fourths of the amount credited to each prisoner, or the entire amount, if the prisoner so wishes, shall constitute a fund for the relief of any person or persons dependent upon such prisoner." If there are no persons dependent on any prisoner, then the sum of his wages is to be placed to his credit, one-third to be paid to him on discharge, one-third in three months after his discharge, and the remainder six months after he leaves the prison.

*State-Account System.*—The last Legislature has introduced the State-Use System into Pennsylvania,—not the State-Account System. The latter term is applied to the manufacture by prisoners of articles intended to be sold to all the people of the State. An illustration may be taken from the State of Minnesota. The farmers of that great State, realizing that the price they were compelled to pay for binding twine, immense quantities of which they were using in their enormous harvests, was extravagant, welcomed the proposition to establish at the State Penitentiary a binding twine manufactory. The result was that they secured their twine at a much lower price than they were accustomed to pay, and in fact at a price which quite banished from the State twine made by outside factories of which, however, there were none within the borders of the State. Recently they have added factories for making agricultural machinery, especially reapers and mowers, to their immense plant at the Penitentiary, and with results quite gratifying to the farmers. The State-Account System is usually confined to the manufacture of a very few specialized articles and those demanded almost universally in the community where such factories have been established. Merely as a business proposition, the factories in Minnesota have been exceedingly profitable; for we learn from the reports that as much as \$200,000 profit over all expenses have in one year been placed in the State treasury.

*State-Use System.*—Under the State-Use System there is very little competition with any other industry whether in or without the State. The entire amount made by the prisoners is significant compared with the amount demanded. In New York State the products made by the prisoners amounted in one year approximately to \$1,000,000, but the supplies for the State institutions cost about \$40,000,000. Under this system a very diversified list of articles or products may be obtained from the prisons. The New York State list embraces over 150 articles, and if we make an estimate based on the different varieties of the same article, the list has over 600 numbers from which an institution may make selection. As an illustration, in their furniture factory, there are enumerated 75 kinds of chairs and 68 kinds of desks. In New York the State institutions are first obliged to correspond with the Superintendent of State Prison Industries with regard to their wants. They may purchase aprons, baskets, brooms, brushes, garbage cans, carts, mattresses, street sweepers, suitings, tinware, underclothing, wheelbarrows. The catalogue containing

a description of the articles is a cloth-bound volume of 204 pages. There is a separate price list which is probably revised annually.

The State of New Jersey has also inaugurated the State-Use System. The convicts make tinware, shoes, harness, suitings, uniforms and many other articles designed for use in State institutions, but not on so large a scale as in the adjacent State of New York.

The conviction has come at last to the mind of the general public, reflected by the action of our Legislatures, that the time and talent of our convicts must be utilized both for the good of the prisoner and for the benefit of the community.

*The County Prisons.*—The Act to which we referred above makes no provision for labor in the county prisons in which the greater part of the convicts of the State are incarcerated. An Act providing for the employment of the convicts in our county jails was proposed, and referred to a committee which made no report thereon. This proposed enactment was, perhaps, the strongest feature of the work of the Commission, and would have introduced radical changes into our present inefficient and antiquated methods. It was proposed, in brief, to establish six Industrial State Farms to which those now sentenced to county prisons should be sent. One section of the Act provided that "it shall be the purpose of the State Farms to employ the prisoners committed, or transferred thereto, in work on or about the buildings and farm, and in growing produce and supplies for its own use and for the other institutions of the State; in preparation of road material and in making brick, tile, paving material, as may be found practicable for the use of the State or any political subdivision therein and for the proper and healthful employment of such prisoners."

The advantages of the construction of our prisons on large farms have been exploited for several years. State after State has adopted this plan for the large State institutions, and with successful results, both as regards the inmates and the tax-payers. The plan proposed by the Commission extended these beneficial effects to those sentenced for comparatively short terms. In our report made last year, the estimate of the number of days spent in entire idleness in one year in the county prisons of the State was 1,000,000. The object of the Commission was as far as possible to provide for the elimination of enforced idleness with all its accompanying evils.

Evidently the law-makers were not prepared to introduce so drastic a change. But an Act was passed materially improving labor conditions in the county jails. The Act of 1897 allows five per centum of the prisoners to be employed in making brooms, brushes and hollow ware, ten per centum in the manufacture of goods that are made elsewhere in the State, except that 20 per centum may be employed in making mats and matting, so that at the most only 35 per centum could be employed in manufacturing articles for sale.

This law was amended by the last Legislature so that articles may be made not only for the use of the institution where the prisoners are held, but "for any institution or the inmates of any institution supported, wholly or in part, by the county in which the prison . . . is located, or for the use of the county itself." If advantage is taken of this act, the great majority of the prisoners may have employment. Not only was this amendment passed, but also the section of a previous act forbidding the use of power, other than by hand or foot, was repealed, so that machinery may now be introduced into all prisons. These changes were made in the former regulations connected with the employment of prisoners in order

that they may have larger opportunities to work pending the consideration of the establishment of State Industrial Farms.

*Employment of Convicts on the Public Highways.*—If it is found impossible or inconvenient to employ convicts within the walls of the prisons, the last legislature provided for the employment of all inmates of jails on the public highways.

Section 1 presents a list of definitions as follows: "That as used in this Act, the term *jail* means penitentiary, jail, prison, or workhouse. *Warden* means any person in charge of a jail. *Highway* means any highway, road, street or alley. *Convict* means any inmate of a jail.

Section 2. The warden of any jail is hereby authorized and directed to detail for work on the public highways such convicts as he may deem advisable, excepting prisoners under sentence of death, upon the written request of the State Highway Commissioner, for all State roads; the county commissioners for all county roads; the township . . . supervisors . . . for all township roads; the mayor or burgess, as the case may be, for all municipal streets. The detail shall be *voluntary* and shall in no way be compulsory. . . . *The convicts shall not be required to wear stripes.* . . . Each convict shall be allowed the sum of twenty-five cents for each day's labor."

Another provision of the Act specifies that convicts so employed may have additional commutation not to exceed ten days in any one calendar month. Their earnings are to be paid to them on their release, and such payment shall in no way be deducted from the amount usually given convicts on their discharge. Prisoners who may so desire may direct their wages to be sent to those who are dependent on them.

*Grave Defects.*—The passage of all these bills represents progress in the direction of true penal reform. The Commonwealth of Pennsylvania is getting into alignment with the best exponents of the treatment of offenders. But these laws must be reinforced by additional legislation before they become very effective. There is not any obligation on the part of any prison board to institute these industries. They merely have the privilege of furnishing employment. And unless there is some market to which they may look with reasonable certainty for the disposal of products, there is little or no encouragement to establish these industries. No prison board will be inclined to establish a furniture manufactory unless there shall be a call for the furniture. The Mayor of Buffalo can not order a desk or a chair for his room unless he has first made requisition on the manager of prison products in the State of New York. If the prisons make what is desired, he is under obligation to purchase from them. If he purchases furniture elsewhere, the controller will not honor the bill unless accompanied by a letter from the sales manager of prison products that such articles are not in stock. We must have some such system in this State before there will be any successful operation of the laws on this subject. Since all the prisoners in the State, working on full time, will not produce one-thirtieth of the supplies needed by our public institutions, the amount of competition is almost negligible.

Many of the convicts have families to whom their scant earnings will be sent, thus directly benefiting the community; for very often these families must receive aid from some source.

Then we are firmly convinced that an imprisonment which fosters the habit of idleness is detrimental both to the individual and to the community.

ALBERT H. VOTAW,  
Secretary of the Pennsylvania Prison Society, Philadelphia.

### Prison Industries and the Sentence to Hard Labor.

When John Doe comes before the court for sentence, having pleaded guilty or been convicted, the Judge's invariable words are: "You are hereby sentenced to — years, *at hard labor*, in the state prison." That there is no joke as to the number of weary years, or the reality of tragedy in deprivation of liberty, is proven to John Doe's complete satisfaction, by subsequent events.

Under present conditions in most prisons, however, the "hard labor" part of the sentence is a gigantic farce and travesty. Now, no citizen wants to see a return to the galley slave. Most intelligent observers believe that the passing of the private contract labor system from most prisons has been a move in the right direction. They would not want to see its return, at least with its old abuses.

In the process of change, however, no state has reached a rational solution of the problem of prison industries. The reason is clear. It is found in the word "politics," and the consequent inefficiency.

The employment of prisoners under private contract has been opposed by labor organizations. They have objected to direct competition between prison labor and free labor. Legislatures have harkened to this plea, not usually for the benefit of the state or convict, but as a political measure. Contracts have been cancelled in state after state, especially during the past ten years, while in most cases no adequate substitute has been provided for suitable and sufficient work. On the contrary, in many states the new legislation has definitely limited the use of prison inmates for productive work.

The problem is a difficult one at best and has many angles. We are not here advocating any one of many systems of employing prison labor. But we are contending for the fundamental right of men to work whether in or out of prison. We are calling attention to the fact that most states are violating their *own* laws, and acting in contempt of court, if you please, by sentencing men to "hard labor," and then deliberately keeping them in idleness.

For that is exactly what most states are doing right now.

In Missouri we learn of 800 men sitting in their cells day and night, losing their minds and their health. In Ohio one sees 400 men sitting in the "Idle-house" (in prison of all places under the sun), vacantly staring at each other week after week. Meanwhile the rest of the inmates are learning inefficiency by having one man's job for three men. Many prisoners in Iowa, and other states also, are learning the lesson of idleness, in spite of their sentence to "hard labor." While the officials are striving strenuously to meet the emergency under the limitations of the laws, to find a law to keep men out of mischief, by legitimate occupation.

The situation would not be so serious if it merely marked a transition from one system to another, and if we could see a great promise of improvement. But apparently this is not the case.

New York State has had no contract prison labor for 24 years. That would seem to be sufficient time to substitute some effective, efficient, rational method by which all its prison population could be employed, and at a profit to the commonwealth.

Quite the contrary result is found. The system as a whole is an enormous expense to the state. Practically all of its petty offenders, sent to its various large county penitentiaries or "work-houses," are entirely without work. The inmates of its state prisons have insufficient employment, and the extent to which its reformatories teach trades seems to be problematical. One of its leading experts, Dr. Katherine B. Davis, is authority for the statement that the correctional institutions

of New York City, at least, fail to furnish exactly the things we think most essential to good citizenship outside of prison, viz.: "The incentive to toil and the efficiency of labor."

As a matter of fact, should not these be the primary purposes of any correctional system? Can we expect them to be realized while the political motive and spirit dominates these institutions? Can we hope to secure the payment of prisoners, for themselves, or their families (a thing which most people believe to be desirable) until prisons become self-supporting? Nearly all are a burden to the state, either because the products of their industries cannot be sold under the laws or because business management is not considered essential to their administration.

If reformatories are to reform, they too must be profitable not necessarily in dollars, but in producing good citizens by process of education and trade training.

The Central Howard Association is greatly interested in this matter. The writer believes that untold harm is bound to come from the continued idleness in most of our prisons. It is sure to result in an increase of crime in the future.

The public should realize the situation, and every good citizen should help find a remedy. If the facts have been overdrawn, we will welcome evidence to the contrary. Surely the brains of America should be able to solve the prison labor problem. That it has not done so is due to public indifference, political corruption, and the need of more men of business ability, as well as humanity and vision to administer all penal institutions efficiently, as a few are now being conducted.

As before stated, we are not here advocating private contract labor or favoring any one form of state industry. We are anxious only that some kind of work be found, and then, if possible, that that work should be profitable and should not disqualify men for better citizenship after their release.

It does not seem that this is too much to expect. It has been demonstrated as within the realm of possibility at Stillwater, Minn., at Jackson, Mich., at the Pontiac, Ill., Reformatory, at the Chicago House of Correction, and to some extent elsewhere.

In the interest of crime prevention for the future, let us hope similar results may be produced in all prisons.—*From Report of the Central Howard Association, Jan. 1, 1916, by Emery F. Lyon, Supt., Chicago.*

**The Prison-Labor Policy of the Molders' Union.**—In America, for many years past, one of the chief prison industries has been iron moulding. Since 1864, important manufacture of stoves and hollow-ware has been carried on, at one time or another, in the penitentiaries or reformatories of New York, Ohio, Indiana, Illinois, Maryland, Kentucky and Tennessee. From 1877 to 1905 especially, prison foundries were very active. At the outset all convicts were worked under the contract system.

Within more recent years the scope of prison foundries has been considerably restricted although hollow-ware is still virtually a prison monopoly. The contract system has also been disappearing, as all are aware. One of the biggest factors in bringing about this dual change has been organized labor. Naturally the International Molders' Union of North America has played the most important role in fighting contract shops operating on molding.

The Molders' Union has never proposed the abolition of all prison employment nor has it even fought for the complete overthrow of convict molding. It has, however, complained about several abuses in prison labor which have affected free men under its jurisdiction. In the first place, the Union has protested against the low prices paid the state by contractors for convict laborers and against all other advantages given prison firms which have enabled them to undersell the employers

of free men. The organization, secondly, has decried the undue concentration of prison industry upon molding in many instances. In 1884, out of 1,446 convicts in Sing Sing, 1,017 were employed upon stove molding, a number larger than all the stove molders in Ohio. Again, in 1878, the Ohio Penitentiary used 160 inmates on hollow-ware, "more than the whole State besides." In 1905, the prisons of seven states produced \$825,427.50 worth of castings all told. As a result of low cost of production and concentration, prison shops have had a serious effect in reducing the earnings and employment of free labor.

Since 1876, the Union has repeatedly expressed itself in condemnation of the contract system. Active measures have also been taken to defeat the "unfair" competition of prison goods. Thus, a union label has been adopted partly as a means of combatting convict-made stoves. Local unions have expelled and fined members who have "scabbed in the penitentiaries" as instructors and foremen. Finally, the organization has worked determinedly in favor of restrictive legislation.

In promoting reform through legislation, the Union has had the general support of employers of free labor, who have suffered losses from prison industry along with their men. All along the Union has insisted that the contract has "had to go," because it is fundamentally wrong. As temporary expedients, however, support has been given to "branding" laws, provisions limiting the number of convicts employed in any one industry to a certain per cent of the prison population, the payment of wages to prisoners, laws requiring prison-made goods to be sold at "outside" prices and the prohibition of interstate shipments of prison output. Even with such safe-guards, the Molders have believed that the contract system would be unsafe because of the possibilities of evading the law.

Some members of the Union have approved of the state account system but on the whole this plan has not been considered an adequate solution unless convicts were paid something like normal wages or else only a small number of prisoners were employed at any one trade. Use of prisoners on roads and penal farms has been well thought of. On the whole, however, the state-use system has been considered the most practicable scheme. In 1899, the Molders' convention voted to promote reform along this line as far as possible.

This brief sketch is intended to show two things. First, early prison industry was operated to the injury of free mechanics. In the second place, trade unions, as typified by the Molders, have not been unreasonable in their demands for prison-labor reform. The Molders have always recognized the value of labor in penal institutions. All that they have asked for has been a plan of prison industry that would combine penal needs with a minimum injury to free workmen.

FRANK J. STOCKTON,

Asst. Prof. of Economics, Indiana University.

**Naval Prisons and Disciplinary Barracks.**—The following is from the Annual Report from the Judge Advocate, Capt. Ridley McLean, to the Secretary of the Navy, for the fiscal year, 1915.—During the previous fiscal year we had in operation naval prisons at Boston, Mass., Portsmouth, N. H., Mare Island, Cal., and Puget Sound, Wash.; naval disciplinary barracks at Port Royal, S. C., the detention system on board the *Philadelphia* at Puget Sound, Wash., and the prison ships *Southery* and *Topeka* at Portsmouth, N. H., and *Philadelphia* at Puget Sound, Wash. This enumeration does not include the naval prison at Cavite, P. I., which was and is now used for confinement of prisoners awaiting transfer to the naval prison at Mare Island or to the California State Prison.

The naval prison at Boston, Mass., and the naval disciplinary barracks at Port Royal, S. C., and Puget Sound, Wash., have been discontinued; the use of the *Southery* as a prison ship and the *Philadelphia* as a disciplinary ship has been discontinued; and the prison ship *Topeka* was converted into a disciplinary ship, and later its use for this purpose also discontinued.

At the present time, therefore, we have in operation only one prison, strictly speaking, on each coast, namely, the naval prisons at Portsmouth, N. H., and Mare Island, Cal. The U. S. S. *Southery* is being used for the detention system on the east coast, retaining a few prisoners on board for special purposes, and provision has been made for a camp at Mare Island to be used for the detention system on the west coast. A small number of detentioners are still at Port Royal, S. C., on board the *Philadelphia* at Puget Sound, Wash., and the naval stations, Norfolk, Va., Philadelphia, Pa., and New Orleans, La., where they are being utilized to perform certain necessary work while awaiting transfer or the completion of a short remaining period of their sentences. These changes have resulted in releasing for other duties 15 officers and 494 enlisted men of the Marine Corps who were formerly required in the operation of the naval prison and detention systems. As heretofore stated, the total number of prisoners and detentioners has been reduced from 1,835 to 740.

The reports received from naval prisons show them to be in an efficient and satisfactory condition.

At Portsmouth, N. H., the reports show that the prisoners are employed as much as possible in the open air, where their labor is utilized to the best advantage for the improvement of the navy yard, in the care of buildings and prison surroundings, in running a large garden, which has been very successful and the products of which aid materially in feeding the prisoners; and during the winter season in clearing snow, getting out rock, and harvesting ice. About 1,800 tons of ice were cut last winter for use at the navy yard. Prisoners are also employed on mechanical work in the machine shop, blacksmith shop, carpenter shop, and electrical shop, in the laundry, and in repairing shoes, and printing. Care is taken to keep the prison and prisoners in the best sanitary condition possible and the medical report shows that the general sanitary condition for the year was excellent. The health of the prisoners has been excellent, and is almost invariably better upon discharge than when first confined, due to working in the open air, constant and regular exercise, excellent but plain food, and the sanitary conditions. Divine services are held on Sundays and also at intervals during the week. Moving picture entertainments are furnished at the prison once each week. A school is conducted which all attend. Fifteen instructors are detailed from among the prisoners and the school is in a high state of efficiency. The results have been gratifying, and reports received after the men have been discharged that their instruction in the prison school has directly aided them in securing promotion or performing their duties more efficiently when returned to the service. It is noted by the commanding officer that nearly all of the prison students whom he classifies as drones were confined for desertion.

At Mare Island, Cal., the reports show that the discipline has been firm and just, the practice being to grant every privilege compatible with confinement to deserving men and to punish summarily those guilty of infractions of the prison regulations. The large majority of the prisoners are of a manly type, realizing that they have made a mistake, for which they are paying the price. The physical condition of the prisoners has been excellent. Classes in school work are held three evenings each week and the educational advantages are highly appreciated by a

majority of the prisoners. In addition, seamanship classes are held twice a week for instruction in knotting, splicing, and laying sennet. Indoor games and books are provided for the entertainment of the prisoners. The commanding officer has corresponded with a number of Federal and State penitentiaries and has thus been enabled to compare their methods with those in use at this prison, with a view to adopting measures which might possibly improve conditions. This correspondence disclosed that from a humanitarian and progressive point of view the treatment of the men at this prison is in harmony with modern ideas on the subject. The average age of the prisoners is 26 years and 3 months, as compared with an average age of 30 years and 2 months for prisoners confined in 35 of the largest penitentiaries in the country.

At Puget Sound, Wash., the reports show that while the naval prison was in operation the discipline and health of the prisoners were excellent; that a satisfactory workshop for exercise and instruction of the prisoners was in operation; that the food was sufficient in quantity and excellent in quality, fresh vegetables being obtained from a small garden worked by the prisoners; also that a school was established which all prisoners attended voluntarily. The prisoners were employed regularly at hard labor out of doors, in doing useful work around the navy yard. The spirit of the prisoners and their conduct were improved in consequence of an order issued by the department on October 7, 1914, permitting them by excellent conduct to secure the benefit of detention, after undergoing a period of confinement.

At Port Royal, S. C., the reports show that while the disciplinary barracks were in operation the sanitary condition of the station and general health of the men were excellent; that the discipline was very good, although it suffered considerably in consequence of the shortage of officers, and the fact that the enlisted force detailed for duty as guards were not especially qualified for that class of duty; that during the first half of the fiscal year daily drills were energetically carried out; that vocational schools were maintained to such an extent as practicable; that an academic course of instruction was conducted four evenings each week, under the supervision of four commissioned officers detailed for that purpose, the result being satisfactory, considering the status and class of students, only about 15 per cent of whom were actively interested in the various subjects and endeavored to take full advantage of the instruction offered; that the station was operated by men in detention and on probation, who satisfactorily performed such duties as might be required by the different departments of a naval station and accomplished in a most economical manner an unusually large amount of work classified as minor repairs.

Reports from the U. S. S. *Topeka* show that while the detention system was in operation on board that ship the general sanitary condition was excellent, the food of good quality and sufficient in quantity; that notwithstanding the great care exercised in advancing detentioners to the higher classes, 29 per cent deserted after being made first-class and allowed liberty.

Reports from the U. S. S. *Philadelphia* show that the sanitary condition of the ship and health of the detentioners were excellent; that the food was sufficient in quantity and excellent in quality; that divine services were held weekly; that the detentioners gladly availed themselves of the benefit of the educational system in force in the service, including both the academic and technical instruction; that it was impracticable to hold all the usual military drills, because of the great decrease in the number of detentioners; and that for this reason the instruction and drills were



held along naval lines, the idea being to make the men proficient in drills and in the duties of their ratings.

In my previous annual report I mentioned certain investigations that were being made by the Bureau of Medicine and Surgery in the effort to develop a mentality test for application in recruiting, in the hope of eliminating many of the men who now find their way to prison. As pointed out in that report, something is lacking in the make-up of a very large percentage of naval prisoners, though investigations which have been made by the bureau fail to develop as high a percentage as I had anticipated of men who under various tests could be classed as morons. The final results of the investigation along these lines show that, while there are numerous mental defectives in prison, no test has yet been developed which is practicable for use in recruiting that would be reasonably certain to eliminate this class from enlistment.

A large number of appeals for clemency continue to be received, despite the great reduction in the number of prisoners. In many cases destitution of certain members of the prisoner's family is alleged as the basis for requesting clemency. All such cases are thoroughly investigated through the courtesy of the charitable organizations in the various cities, the mayor, or local postmaster; in addition to which, whenever practicable, reports are obtained from some clergyman who is familiar with the conditions and merits of the case. Many cases prove undeserving, while in others it is found that a state of destitution exists, and in such cases steps are taken to alleviate the situation.

R. H. G.

### POLICE

**Japanese Police.**—The Japanese Police has earned a deserved praise for integrity and clean-handedness. Exceptions may occur now and then, but the most important point is that while in most countries police constables are known to wink at peccadillos for a consideration, the rules and tradition in Japan bid these petty guardians of public peace to sternly uphold the honor of the service. Whenever a distinguished foreign visitor wishes to reward the police for a signal service rendered him the latter feels annoyed, and when the reward is received, with the cognition of his chief, owing to the insistent offer of the visitor, it is generally used for purposes of common benefit. With a pittance of a salary, about y 18 all allowances included, the lot of a policeman is a sufficiently hard one, and they certainly deserve better treatment from the central and local treasuries. As a consolation, a policeman, of diligent and meritorious services, may arise to the post of a chief police commissioner drawing y 1500 a year. New policemen are admitted on examination, and they are made to go through six months' training at regular headquarters. A Police Friendly Society is in operation for purpose of mutual aid and protection.

**Police Offences.**—Police offences are liable to detention not exceeding 20 days or fine under y 20. Offences liable to detention are four in number, namely, "hiding in buildings and ships, prostitution, vagrancy and intimidation." Offences liable to either detention or fine number 37, some of them being, "beggary and forced selling of anything, exaggerated or false advertisements, practical joke or obstruction to another's business on festive or other ceremonial procession, or obstructing traffic or disorderly act on the road, fortune-telling, etc., practicing hypnotism, tattooing one's own or another's body, intruding on scenes of fire, flood or other calamity, shadowing people without justification, mixing foreign ingredients in articles of food or drink, selling unripe fruits or rotten meat." Offences liable to fine number 17, some of

which are, "wantonly discharging firearms, refusing summons of competent offices, when doctors and midwives refuse summons of clients, exposing bare shoulder, presenting any other indecent appearance; or committing nuisance on the road; maltreating animals, etc." Police offences are summarily judged at police offices concerned, and this system dates from 1885.

By the revised criminal code created in the year 1909 cases for judgment are limited to those liable to not more than 20 days detention or to fines not exceeding y 20. An attempt was made in 1909-10 session of the Diet to abolish the police court judgment system and to transfer it to the jurisdiction of the local courts but the measure was not adopted.

*Police Officers and Police Force.*

	No. of Police Stations.	No. Police Offices.	No. Policemen.	Total.
1911.....	1,369	2,951	38,111	42,431
1910.....	1,370	2,672	37,347	40,018
1909.....	1,343	1,828	37,031	38,177
1908.....	1,348	1,850	36,327	37,101
1907.....	1,338	1,841	36,260	35,737
From Japanese Year Book, 1914.				

JOSEPH MATTHEW SULLIVAN.

Boston, Massachusetts.

MISCELLANEOUS

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Homer Folks, Yonkers, New York.

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Chester G. Vernier, State University, Urbana, Illinois.

The Eighth Annual Meeting of the National Committee for Mental Hygiene.—  
At the Eighth Annual Meeting of the National Committee for Mental Hygiene, held February 2, 1916, at the Hotel Biltmore, New York City, which was attended by a large group of distinguished alienists, social workers and philanthropists, Mr. Otto T. Bannard, the Treasurer, announced that the Rockefeller Foundation had donated to the National Committee \$22,800 for carrying on surveys of the care of the insane in sixteen states during the present year, supplementing gifts of Mrs. William K. Vanderbilt, Mrs. A. A. Anderson and Mr. Henry Phipps, which makes it possible for the Committee to greatly extend its work.

The report of Mr. Clifford W. Beers, the Secretary, showed that the movement for conserving mental health and for improving the care of the insane and feeble-minded has grown in a remarkable way. Societies for mental hygiene are now at work in Connecticut, Illinois, New York, Massachusetts, Maryland, Pennsylvania, North Carolina, the District of Columbia, Alabama, Louisiana, and California. During the present year societies will be organized in Michigan, Rhode Island, Minnesota, Indiana, South Carolina, Tennessee and Texas. The financial resources of the National Committee and State agencies have also increased, until now about twenty-five times as much is being expended on this sort of mental hygiene work as was spent in 1908, when the first Society was founded.

Dr. Walter E. Fernald, Superintendent of the State School for the Feeble-minded of Waverley, Massachusetts, presented a plan which had been adopted by the Sub-committee on Mental Deficiency, of which he is Chairman, for popular education, extensive surveys and researches in this subject. Demands for advice regarding institutional provisions, special classes for backward children and psycho-

logical examinations in children's courts, Dr. Fernald said, had been received from all parts of the country and it was felt that this movement to deal more adequately with the problem of the feeble-minded could be greatly helped by the same kind of authoritative advice and aid which is being given on behalf of the insane. A strong appeal was made by Dr. Fernald for special funds to meet the increased demands for this kind of work. Dr. William L. Russell, Medical Superintendent of Bloomingdale Hospital, described how the work of the National Committee is conducted under the supervision of an Executive Committee, all experts in different fields of mental hygiene.

Dr. Thomas W. Salmon, the Medical Director of the Committee, gave an account of the surveys of the care of the insane which had been carried on during the year in South Carolina and in Texas and announced that similar studies, each conducted by expert alienists, are under way or about to be undertaken in California, Tennessee, Missouri, Illinois, North Dakota, Indiana and in the District of Columbia. Requests for some of these surveys have come from the highest officials in the States and attention was called to the striking change of attitude on the part of those charged with the care of the insane who not only permitted but welcomed such expert studies of their facilities for dealing with mental diseases. In the course of a moving description of the sufferings of the insane confined in county almshouses, jails and poor farms, Dr. Salmon expressed the belief that the surveys which have been made possible by the appropriation of the Rockefeller Foundation will result in the complete abandonment of this type of neglect within the next few years. The steady decline in the number of persons in almshouses which has existed since 1880 is due he said in large part to the increasing provision in hospitals for the insane and, with the acceleration of this movement and increased provision for the feeble-minded, the end of the small town or county poor farms which dot the country-side is in sight. It was shown that 1,688 such institutions, each with less than twenty-five inmates, existed in the United States all serving no useful purpose but, on the contrary, inviting the improper detention of the insane and the feeble-minded. The most encouraging feature of Dr. Salmon's report was an account of the increasing interest in securing psychopathic hospitals for all large cities in which the earliest and most efficient treatment can be provided for acute and recoverable cases of mental disease. Such hospitals each with its out-patient department and psychological clinics for children exist in Boston, Baltimore, and Chicago, as well as in several smaller cities, while New York is still unprovided with such an institution.

Among the members of the National Committee present at the meeting and luncheon which preceded it, were: Mrs. William K. Vanderbilt, Sr., Mr. Otto T. Bannard, Dr. L. Pierce Clark, Dr. Charles L. Dana, Mr. Horace Fletcher, Mr. William J. Hoggson, Dr. Frederick Peterson, Miss Florence M. Rhett, Dr. William B. Coley, Prof. Stephen P. Duggan, Dr. M. Allen Starr, Dr. Pearce Bailey, Dr. Henry Smith Williams, Dr. Thomas W. Salmon, and Mr. Clifford W. Beers, New York City, Dr. Lewellys F. Barker, Dr. C. Macfie Campbell, Dr. Arthur P. Herring, Baltimore; Dr. Owen Copp, Philadelphia; Dr. Charles P. Bancroft, Concord; Dr. Stewart Paton, Princeton; Dr. William A. White, Washington; Dr. William L. Russell, White Plains; Dr. G. Alder Blumer, Providence; Dr. Walter E. Fernald, Waverley, Mass.; Dr. C. S. Little, Thiells, N. Y.; Professor E. R. Johnstone, Vineland, N. J.; Mrs. M. M. Acker, Hornell, N. Y.; Mr. John Koren and Dr. Henry R. Stedman, Boston; and Dr. A. C. Rogers, Faribault, Minnesota.—CLIFFORD BEERS, Sec'y Soc. for Ment. Hyg., N. Y. City.