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Notes on Current and Recent Events

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ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE.

The Process of Learning in Delinquent Adolescent Girls as Shown by a Substitution Test.—The following is abstracted from a paper by Bird T. Baldwin, of Swarthmore College, which was read before the American Psychological Association, in Cleveland, Ohio, December, 1912. The abstract is reprinted from advance sheets of the *Psychological Review.*

This investigation was pursued at the girls' division of the Pennsylvania Reformatory School, and is based on a study of forty-one delinquent white girls and fifty-four delinquent negroes, who have been committed by the courts of the state for various offences, including incorrigibility, immorality, dependency, malicious mischief, manslaughter, lewdness, fornication, vicious conduct and vagrancy. The girls are of average standard in height and weight, when compared with the Bowditch norms, but have a high percentage of sense defects, hypertrophied tonsils, bad teeth and venereal diseases.

A substitution test, which consists of a transliteration of a portion of Franklin's Autobiography into a wig-wag code comprising two, three or four short marks to the right or left of vertical lines for respective letters, was given for sixteen days to the subjects in five groups. The conditions for limiting the practice to the desired five-minute periods were unusually good, because no paper or pencils are permitted, except in certain exercises.

The curves show a wide range of individual differences. Among the white girls, the best accomplished on the average of 111 substitutions for the sixteen practice periods; the least efficient white girl accomplished, on the average, 26 substitutions. The composite learning curve for the group of forty-one white girls is based on 44,179 substitutions, and shows distinct periods of acceleration and retrogression with an increase from 23 for the first trial, to 109 for the last trial. The average for all white subjects, including all trials, is 71 substitutions.

The subsequent acquisitions in efficiency are, in the main, a distinction between right and left; the location of the symbols in the code; a knowledge of numerical equivalents of the letters; a change in reading from letters to syllables, words, phrases or clauses; and in the motor reactions of making symbols. The errors consist primarily in the wrong symbols, and in the omission of letters, syllables or words, and occasionally in the repetition of a letter.

The negro girls accomplish less work; they are also less accurate, less easily enthused and are more controlled by moods than the white girls. Fourteen of the negroes were too feeble in mind to learn how to carry out the test, but the other forty, with ten exceptions, were the best negroes in the school. The best negro girl completed, on the average, 91 substitutions and the poorest, 32. These forty negro girls accomplished in all, 33,488 substitutions. The composite learning curve for the group starts with 22 substitutions, and ends with an average of 93. The composite average for all individuals and for all trials is 55 substitutions, which shows the negroes in this test accomplished 77.9 per cent as much work as the white girls, disregarding errors. The negroes make more than twice as many errors as the white girls. R. H. G.

Prostitution, Criminality and Psychopathy.—Grabe has made a study of the relation between prostitution, criminality and psychopathy, and reports his conclusions in the *Archiv. f. Kriminal-Anthropologie u. Kriminalistik,* XLVIII, July, 1912. The author is not of Mönkemöller's opinion that prostitution is an expression in women of a tendency parallel to the criminal tendency in men. Criminality is a frequent accomplishment of prostitution, but they are not correlated. A more difficult question is whether prostitution corresponds to mendicancy and vagabondage. Wilmann and Mönkemöller have found that in Germany the vast majority of vagabonds and mendicants were afflicted with hereditary insanity, epilepsy or dementia precox, while alcoholism rarely was the only cause. The restlessness often observed in prostitutes, Grabe does not consider parallel to vagabondage, but as an effort to evade medical and police inspection.

One-third of the cases investigated by Grabe were psychopathic. Dementia precox or acute mental disturbances did not occur, but hysteria and paranoia were present in two cases. In fully two-thirds of the cases there was no indication of any psychopathological conditions. Indolence and inordinate love of pleasure seemed to be the more frequent determining factors. Moral indifference was marked in all the women, and the majority were contented, and did not wish to reform. The primary cause is a moral degeneration, of the individual or of the family, in most cases. Mental weakness has been much overestimated as a causative agent. On a substratum of degenerated will and morals the direction of the moral obliquity is determined during adolescence by the external influences to which the individual is exposed. S. E. J.

The Forensic Importance of the Wassermann Reaction.—In the *Arch. f. Kriminal-Anthropologie u. Kriminalistik,* XLVII, June, 1912, Leers reviews the phases of forensic medicine, in which the complement fixation test is a valuable diagnostic, and differential diagnostic measure.

A positive reaction is of more value than a negative one, as a number of factors, among which recent treatment is the most common, determine a negative reaction. In syphylitic lesions of the osseous system, the reaction is often negative, though the infection is manifest.

One drawback in its medico-legal application is that it gives no clue in the individual case to length of time that has elapsed since the initial lesion. We know only that the reaction is rarely positive before the sixth week, that from 95% to 99% are positive in the secondary stage, and that in the quartan stage —tabes and general paresis—a positive reaction is obtained in about 75% of the cases.

The Wassermann test should therefore never be omitted in damage suits for traumatic pseudo-tabes and pseudo-paralysis.

Other legal questions in which the test is of importance are: criminal abortion, blackmailing, crimes against morals, certain divorce suits, and the question of health certificate before marriage.

The value of the Wassermann reaction in damage suits is illustrated by a case, reported in *Gaz. hebdom.,* in which latent hereditary syphilis in a child "placed out" in a family with several children was transmitted to the foster-mother and to the children. The foster-father, who claimed to have been in-

fected through his wife, sued the parents of the child, but in the absence of manifest lesions, he lost the case.

Leers expresses the opinion that a Wassermann test would undoubtedly have settled the question in his favor. S. E. J.

The Annual Testings of 400 Feeble-Minded Children and 500 Normal Children.—The following is an abstract of a paper read by Dr. H. H. Goddard, of the Vineland Training School, N. J., before the American Psychological Association, in Cleveland, Ohio, in December, 1912, and is reprinted here from advance sheets of the *Psychological Review.*

The entire population of the Vineland Training School for Mental Defectives has now had three annual testings by the Binet scale. Their mentality, as measured by this scale, agrees with that which experience has taught us after dealing with them for numbers of years.

Of the 352 last tested, 109 have remained absolutely the same, while 232, or 65.9 per cent have not varied more than two points in the two years, some losing and some gaining; 22 individuals, that is, 6.25 per cent, have gained more than 5 points, that is, more than one year in two years. These are all the younger cases, who, perhaps, have not yet entirely stopped their mental development, and some of them are special cases, who have been receiving special treatment, such as pineal gland extract or other treatment; 19 have lost either 3, 4 or 5 points. These are all the older children, averaging in the neighborhood of 27 years of age. These testings were made by different individuals, but always by trained persons. It would seem to be strong evidence for the accuracy of the tests, agreeing as they do at every point with observation and experience with these children.

Public School Cases.—As reported previously, 2,000 public school children, an entire school system, were tested two years ago. One year ago, the children in half of these schools were retested, giving us approximately 800 cases. This year, all those who had been previously tested twice were again tested, giving us three testings on a group of 464 children. The study of the result of these retestings shows that 227, or 49 per cent of the whole made normal or more than normal progress, that is, an average of 5 points per year, while 219 cases, or 47.2 per cent of the whole made approximately one-half of normal progress. Six cases, or 1.25 per cent made no progress, while 12 cases, or 2.5 per cent retrograded one or more points. This is again a remarkable testimony of the reliability of the Binet scale, especially when we consider that these testings were made by different people, some of whom were not highly trained, and the personal equation comes in to affect the results here given. Nevertheless, a careful analysis of the results, much more than can be presented here, shows that the variations are very largely accounted for by the personal equation, and that the scale itself, in the hands of a trained person, is thoroughly reliable.

A Study of the Personal Equation as shown in the above Testings.—Unfortunately there is no considerable number of children that were tested by the same individual on the three successive years, but one person, and that a highly trained one, tested 71 children the second and third year. A similar group were twice tested by other examiners. By a comparison of the results by the trained observers and those of less training, we have been able to show very definitely that some of the examiners have been too easy, and others too severe. The distribution curve of these individual examiners brings this out very clearly.

The same thing is repeatedly shown from the study of the records of individual children. Where, for instance, a child was examined a year ago by a person who is known to have been too easy and given too much encouragement in the tests, such a child, tested this year by a person more highly trained, is found to have made only one or two or perhaps no points of improvement, showing that the person a year ago had marked too high. In short the various combinations of examiners of different personal equations almost invariably agree with the progress or otherwise of the individual children when it is taken into account.

Conclusion.—In all cases where a child tests four or more years behind his age, there is little danger of error in considering him feeble-minded, even though the test was made by a person who was not highly expert, provided such person is able to use the test with reasonable intelligence. With the border-line cases, those who are two or three years backward, the best expert should be employed in the testing.

Another factor, such as progress in school or environment, heredity or anything that makes the child suspicious or otherwise as to his mentality, should be taken into account. With proper regard to these points, the Binet scale is the most useful means for school-men to understand their children that has ever been devised. R. H. G.

Heart Eating in Kindberg.—In the *Arch. f. Kriminal-Anthropologie u. Kriminalistik,* XLVIII, July, 1912, Gustav Pscholka writes that as late as the beginning of the nineteenth century it was still a popular belief that eating human hearts would endow one with superhuman powers; that it would enable one to render one's self invisible at will; to calm tempests; to obtain great riches; and to gain control over other human beings. Witchcraft was therefore not an uncommon element in the motives of murder during the seventeenth century. Pscholka discusses the case reported by Cajetan Wanggo in 1816 of the youth in Kindberg who committed several murders, and after having dismembered and disemboweled the victims, ate the hearts to make himself invisible, and thus to escape detection. There are several similar cases reported in the literature, as the one in Bayreuth where a man had already eaten the hearts of eight pregnant women in the expectation that he would be able to fly like a bird after having eaten nine hearts. In Sweden two men hoped to "become superior to all other human beings and to gain great wealth" by eating hearts of unborn children, and confessed to having eaten two already. "Laubheimer Toni," a professional burglar, induced miscarriage in his wife, ate the child's heart (to make himself invisible) and cut off its hands. Before breaking into a house all ten fingers were lighted, and the number of fingers that remained burning would indicate the number of persons in the house.

Pscholka points out some interesting features which these cases seem to have in common. The murder is almost always committed by cutting the throat, and the clothing and extremities are left scattered on the scene of murder, usually some distance from the trunk. Whether this is done accidentally, in the hurry to escape, or whether it is an indication of a psychopathic superstition, is hard to tell. The author inclines to the latter view, and suggests that the murderers probably aim to prevent vengeance by rendering the victims harmless by this means. The superstitious fear of their victims

may be based on the popular notion that on Judgment Day the dead will rise and accuse their offenders, and that therefore by scattering their bones, they will be prevented from rising and accusing the murderers.

A similar superstition prevails in Russia, where it is common for the family or neighbors to dismember the body of a subject that has committed suicide, to give the unholy one rest in his grave and to prevent him from becoming a vampire. Some of these legends of European folk-lore exist to this day. It might be added that such survivals are in a way indicative of mental disorder, particularly of dementia precox. S. E. J.

Some Results of Association Tests Among Delinquent Girls.—The following is abstracted from a paper read by Elmer E. Jones, of the University of Indiana, before the American Psychological Association at Cleveland, Ohio, in December, 1912. It is reprinted from advance sheets of the *Psychological Review*:

Five series of association tests were given to 210 delinquent girls in the Indiana Girls School for the purpose of determining their educability. Previous tests had revealed the fact that their retardation was not due to defective sense organs, as had been suspected, and it seemed probable that careful tests might show that the deficiency is due to the lack of proper coördination and association of the sense material. Accordingly, five series of tests were arranged, each representing a distinct type of association. They are as follows: Controlled association, form board, naming colors, crossing out A's, and rapid naming of words.

These tests were carefully applied to the whole group, with the result that it was possible to make classifications of the subjects which seemed fully as accurate as the results obtained by applying the Binet scale. So satisfactory was this method of determining normals, morons, and feeble-minded, that it was used almost exclusively instead of the Binet scale. It is far more easily applied, because three out of the five tests can be given with equal satisfaction to groups. One can apply such a scale passibly ten times as rapidly as the Binet scale, and it seems with just as good results.

This suggests the use of some such scale in determining such classifications in the public schools. The Binet scale is so slow in application as to practically preclude its use in measuring all children in a large system; for it has been conclusively proven that the regular teacher cannot apply the scale fairly to her own pupils. If the scale is applied it must be done by some one trained for the work, and some one who is a stranger to the pupils tested. At least this is preferable. But if a scale can be developed which can be applied to a whole room or grade at one time, all working under precisely the same conditions and for the same length of time, it seems highly probable that it will meet with immediate success. R. H. G.

Proposed Chemical Laboratory for the Coroner's Office in Chicago.—The agitation for the establishment of a chemical laboratory in connection with the coroner's office in Cook County, Illinois, is about to result favorably. The following is a letter addressed on January 14, to Mr. Maloney, chairman of the committee on morgues of the Cook County Board of Commissioners, with reference to the subject. It is understood to have received favorable attention:

CHEMICAL LABORATORY FOR THE CORONER'S OFFICE

"In answer to your request for a written statement of the reasons why the advisory committee to the coroner believe a chemical laboratory should be added to the equipment of the coroner we respectfully submit:

1. "By post-mortem examinations alone it is often impossible to ascertain the cause of death and under the present conditions equally impossible to learn whether suspicions that death was due to the action of some poison were justifiable or not.

2. "The expense of equipment and maintenance would be much less than the sums spent for a number of years by the county for expert technical and court work through bills vouched for by the coroner and state's attorney.

"In 1912 the County of Cook expended for chemical analysis and for testifying in court:

From the budget of the state's attorney	$5325
From the budget of the coroner	1981
	$7306

"The previous annual expenditure for a number of years has been fully as large and in some years larger. We have estimated the expense of a chemical laboratory for the first year as follows:

The initial equipment	$1000
Salary of chemist	2500
Laboratory assistant	900
	$4400

for the succeeding years the expense we think would be:

Supplies and up-keep, $400 to $600.

"In urging the establishment of this chemical laboratory we would call your attention to the fact that older communities have maintained and for long periods organized institutes well prepared to undertake not only chemical but many other forms of investigation in the so-called "Institutes of Legal Medicine" as a part of the service due the public. When it is remembered that the relation of the work of the coroner's office to the health of the community is in all respects similar so far as unnatural deaths, criminal, accidental and unexplained deaths are concerned to the relation of public health officials to infectious diseases and when it is remembered how high in Chicago the ratio of the homicidal and other unnatural deaths is as compared with other large cities of the world, the need for constructive improvements of this kind should require no argument.

"It is our belief that the work of a chemical laboratory would not only reveal many instances of criminal poisoning, but that it would also eventually assist very materially in shaping legislation governing the sales of poisons and play an important role supplementing other agencies now actively engaged in lessening the dangers from certain occupations.

"We trust that you will lay the matter beore President McCormick and the other members of the board, with the recommendation of your committee that the laboratory be established.

The letter is signed by: HARRY OLSON, Chairman; DR. LUDVIG HEKTOEN, PROF. WALTER HAINES, DR. JOHN H. LONG, DR. JOHN WESENER, and DR. E. R. LE COUNT, Advisory Committee to the Coroner. R. H. G.

COMPETENCY OF JURORS IN INSANITY CASES

Competency of Jurors to Pass on Insanity Questions.—Dr. W. A. Hickson's recent address in Chicago, cited on page 5, above, makes it appropriate to recall an address two years ago by Dr. William A. White, superintendent of the government hospital for the insane at Washington, in which he criticised our methods of criminal procedure in general and the practice of allowing juries to decide questions of insanity, in particular.

"The jury," said Dr. White, "is in no way competent to pass on such questions as insanity. It cannot weigh the life record of an offender and determine what is his mental and moral character at a given time and prescribe a punishment or a treatment to fit. It cannot escape the mere influences, legitimate or otherwise, that are brought to bear upon it during a trial. I should, therefore, merely decide whether or not the crime was committed.

"Then, there should be a competent authority to determine what was the mental condition of the accused when he committed the crime. This authority should have in hand the whole record of the accused, that it might be determined whether circumstances, viciousness, caprice or what not was responsible for his act. This competent authority should report to the trial judge, who should sentence the accused in accordance with the finding of the jury and of this competent authority.

"The machinery for carrying out this program exists in every state. Each state has its asylums for the insane, its reform schools for the incorrigible young, its various eleemosynary institutions. The heads of these institutions are expert in the handling of all manner of unfortunates. They would constitute a competent board for the purpose in hand. The idea would work out easily.

"The present scheme, to my mind, of having a jury pass upon a highly technical matter such as insanity is somewhat ridiculous. The jury can at best only make up its mind as a result of the general impression created by the alienists, while the court itself is only too often not merely entirely ignorant of the subject, but quite inexperienced.

"The court, too, is not infrequently responsible for some of the discredit that has fallen upon expert testimony by the practice of permitting to testify practically anyone presented as an expert by either side. The principle enunciated has been that the jury, being acquainted with the witness's qualifications, could take the evidence for what it was worth. I have recently heard a witness testify, under this ruling, who, in the practice of some years, had treated only three insane persons.

"But, to get back to the fundamental defect in criminal law, its dealing with the crime and not with the individual committing it: A boy, for instance, snatches a pocketbook without knowing what are its contents. If the book contains less than $35 he has committed petit larceny and may not be imprisoned for more than a year. If it contained $36 he may be imprisoned for ten years. This despite the fact that in the first instance the thief might have been an old offender, a seasoned criminal, a chronic menace to the peace of the community, while in the latter case the offense might have been the first committed and by a person really amenable to the law. At any rate, the thief did not know how much money the pocketbook contained when he snatched it, and his offense was the same whether it proved under the law to be petit or grand larceny.

"Justice in this case would be much more nearly reached through an an-

alysis of the offender, through his treatment, than through a treatment of his crime. Only after this is done can a reasonable conclusion be reached as to whether the offender is best treated as a menace to society and put in prison, whether he is a proper subject for reformatory efforts, or whether he might better be paroled with a suspended sentence.

"Physicians do not always prescribe the same drug in the same dose for a given disease, no matter to whom it may occur, vigorous youth or decrepit old man. They treat the patient, not the disease. So in criminology no progress may be made under the system of dealing with crime in the abstract. We must learn to treat the criminals.

"In order to divorce criminal procedure from the practice of dealing with the crime instead of the criminal, the assistance of experts in mental disorders and in criminology must be sought, and I believe it is the duty of the state to furnish this assistance, so that it may discharge its responsibility, both to society and to the criminal, intelligently. This assistance can hardly be expected from the jury or from the overworked court; it must come from a special body of men whose business it is to furnish it.

"These preliminary considerations lead logically and, I think, inevitably, to the conclusion that the function of the jury should end with the establishment of the fact that an offense has been committed by the accused. This fact being established, should give the state authority over the person of the offender, and he should be taken into custody, dealt with in accordance with the sort of person he is, and not turned back into the community until this may be done with safety. Such action should be as little as possible dependent upon the degree of the crime, as now defined.

"Reduced to its simplest terms, the whole situation is just this: An individual commits an anti-social act. By so doing the state assumes control of his person and liberty. It does this primarily because it has a right to protect itself against his depredations. Having done so, and protected itself, however, it has a further duty, both to the individual and to the community. It must endeavor to restore the offender to useful citizenship, if this is possible. In other words, it must prescribe a form of treatment suitable to the ailment. Society has long dealt with crime either from the standpoint of revenue or from the standpoint of a disagreeable affair with which the easiest way is the best. So it locks up the culprit, forgets him for a while ,and then turns him back upon the community worse than when it assumed charge of him.

"The time has passed for any such attitude. Revenge may be sweet, but it is usually a pretty expensive indulgence. Crime is a social phenomenon, and demands attention if for no other reason than for economic reasons. It is distinctly an unwise policy that continues a system that actually makes criminals. What else can be expected when a young boy for his first offense is ruthlessly shut up in prison to associate exclusively for months with a collection of the worst and most incorrigible offenders? It is a distinct duty, pointed to by actual dollars-and-cents economy, to keep men out of prison, or, if they get in, to restore them to independence at the earliest possible date. These results will never be possible until we learn to deal with the criminal and not the crime.

"If insanity is the defense, the jury should have nothing to do with it. A pleading of insanity is a virtual confession of having committed the offense charged. The jury passes on that offense. It convicts the man. He is sent to

the nearest state hospital for the insane. If his defense holds good, there is where he belongs, and not in jail. If he is not insane, there is the place to determine that fact. Those in charge of the institution are more competent to pass on this point than is the jury. If the accused is found to be sane, the defense fails, and he is remanded to the judge for sentence for his crime.

"Aside from the insanity patients and the plea of insanity there are plenty of well-recognized principles of criminology which have yet to be adopted in many communities. A parole system and an indeterminate sentence are among the most important. While such defects exist, the way to the correction of which is so clear, it would be the part of wisdom for all concerned to put their shoulders to the wheel in their correction rather than to occupy their time in general denunciation.

"But here let me get back to the expert witness, and particularly to the alienist in criminal prosecutions. The alienist has become discredited in the public mind. Many prominent trials in the last few years have directed the attention of the public to the expert witness. Time and time again in trials involving the question of insanity the public has seen an equal number of equally prominent experts ranged on opposite sides and have jumped to the conclusion that either the system was bad or the medical experts generally dishonest. Now, let me say right here, from a not very inconsiderable experience, for I have been associated with many trials and heard much expert testimony: I do not believe the expert on insanity is essentially a corrupt or dishonest person—in fact, I know to the contrary, and consider the criticism that takes this standpoint a base libel upon the profession which should be vigorously resented. The reason why experts can be found on either side of a given case is because practically every case that goes into court has two sides and experts, like other people, are of many minds. It is naturally no more difficult to get experts who will testify on a given side than it is to get lay witnesses to do so. Yet we never hear a wholesale denunciation of lay witnesses because they are not all on one side of a case. Each side hunts for an expert who will agree with its side of the case, and it hunts until it finds one. It never appears in evidence how many experts have refused to testify before the desired one is finally discovered. This is another defect in the present system which would not enter if the system which I suggest were followed and there was a nonpartisan board to pass on this technical question.

"The mental capacity of a person long since dead is, of course, one of the most difficult problems the expert has to deal with, but the problem in the ordinary criminal trial is rarely simple and often quite as hard. It must be remembered that the expert is called upon, as a rule, not to testify to the present mental state of the accused, but to his mental condition at the time of the alleged crime, which is usually several months past. It is true that the expert sometimes has the assistance of being able to reason back from a knowledge of the present condition of the accused. This is not true when he is the expert for the prosecution, however, for the defendant, acting within his rights, often refuses to be examined by the experts from the district attorney's office. When this is the case the expert has a problem quite as difficult as though the man in question were actually dead.

"Added to these are the difficulties incident to the evidence itself, both that from the accused and the various witnesses. The expert is called upon to

weigh with great nicety the evidence of numbers of people, some of whom, the accused in particular, are interested in the outcome of the case. He must try to size up all the individuals and give proper weight to the testimony of persons as to the sayings and actions of the accused, who, far from being trained observers, are often ignorant and unreliable to the last degree. From all this material and under all these difficulties the expert is asked to decide—what? One of the most difficult problems in one of the most obscure departments of learning—the state of a given person's mind at a given time. Surely man is rarely called upon to answer a more difficult problem. Can any one who will take pains to look into the situation wonder that the experts are not all of the same mind? Do lawyers and judges, for example, agree any better? Look at the number of decisions that are reversed upon appeal. When we get to that final arbiter of legal dispute, the Supreme Court of the United States, how many of its decisions are unanimous? It is a strange conceit on the part of certain members of the bar who criticize us for not all agreeing, or, as they put it, for being partisan.

"Yet court procedure, fostered by these same critical attorneys, is the most incompetent phase of the governmental business to-day. Its whole principle is the principle of conflict. The trial is literally a battle, the two sides being ranged against each other in fighting array. Each side musters its forces and the battle is to the stronger. Justice does not win, but the faction which most impresses a layman jury. This, perhaps, is not the conception that would please the idealist, but is it not, as a matter of fact, correct?

"Perhaps all these things are not as they should be, but they flow naturally as a result of the present system of criminal procedure and the make-up of human nature. For none of them is the expert responsible, either directly or indirectly, so why should the blame be heaped upon him? I confess that I am at a loss for an adequate explanation, except that it is a sort of a follow-the-leader method of procedure, it being easier to keep on abusing the doctor than to look around for some other cause for the imperfection.

"In all my experience I have never known of but one case in which a sane man escaped punishment on a plea of insanity. In this case it was evident that the accused was not insane, but the jury wanted to free him because he had killed the man he believed had wronged his daughter and the jury thought the man deserved killing. The jury used insanity as a pretext for its action. No expert was brought into the case. On the contrary, there are many insane men in the jails. An individual may have had a tendency toward a weakness of mind all his life and his mind may eventually break down. The first evidence of the breakdown may be the commission of crime. He has always appeared sane. The opposite appearance after committing the crime may be set down as assumed insanity in an endeavor to escape punishment. Yet a proper authority would save this man from the jail where he evidently does not belong and would give him the chance of recovery, which he needs.

"The jails are full of crazy people. They are full of young men whom they are hardening into desperate criminals. They are regularly thrusting these graduate criminals back upon society. A man who has followed burglary from his youth and has served many terms may be dismissed from prison despite his declaration that he is immediately going into his old calling

This sort of criminal procedure and care of those who have gone wrong is more than foolish, and it is high time the American people got sufficiently aroused to it to substitute the better system." J. W. G.

COURTS—LAWS.

Attorney General Cosson on Reform in Court Procedure.—The following is extracted from the Ninth Biennial Report of Attorney General George Cosson, of Iowa:

For years the technicalities of the law and the defects in our criminal procedure have been denounced, but mere denunciation in itself amounts to nothing in the absence of some constructive method of relief.

Our supreme court is to be highly commended for its attitude toward the other departments of government; that is to say, for its hesitancy in disturbing laws which have been passed by the legislature under the police power in the interests of the people after due consideration, and which have received also the sanction of the executive department. No act of our general assembly has been held unconstitutional by our supreme court for several years. This attitude of our courts is materially lessening the indiscriminate attacks upon our laws upon the ground of unconstitutionality when there is no substantial foundation for the attack.

There are, however, too many criminal cases being reversed upon the ground of erroneous instructions of the lower courts and other irregularities which do not affect the substantial rights of the defendant. Of the 108 cases appealed by defendants during the last two years about one out of every four was reversed, whereas in the state of Wisconsin only about one out of every ten criminal cases was reversed, and it is important to bear in mind that while Wisconsin has larger cities than Iowa, and therefore ought to have at least as much criminal business, while Iowa had 116 criminal cases appealed, Wisconsin had only about thirty. In other words, Wisconsin with larger cities and with over 100,000 population more than Iowa has nearly one-fourth fewer criminal cases appealed than Iowa. This is a matter worthy of very serious consideration. It can only be accounted for by the reason that the Wisconsin court is refusing to reverse any criminal case or any civil case unless upon the whole record it affirmatively appears that except for the error complained of a different verdict would have obtained.

The position of the Wisconsin court is very clearly stated in the case of *Hack vs. State,* 124 N. W. 492. The court there overruled a number of their former decisions and refused to follow the supreme court of the United States and held that a defendant by remaining silent waived his right to arraignment and plea and that the irregularity in question did not affect his substantial rights and affirmed the verdict of guilty as pronounced by the jury in the court below. The court said:

"Surely the defendant should have every one of his constitutional rights and privileges, but should he be permitted to juggle with them? Should he be silent when he ought to ask for some minor right which the court would at once give him, and then when he has had his trial, and the issue has gone against him, should he be heard to say there is error because he was not given his right? Should he be allowed to play his game with loaded dice? Should justice travel with leaden heel because the defendant has secretly stored up

some technical error, not affecting the merits, and thus secured a new trial because forsooth he can waive nothing? We think not. We think that sound reason, good sense, and the interest of the public demand that the ancient strict rule, framed originally for other conditions, be laid aside, at least so far as all prosecutions for offenses less than capital are concerned. It is believed that this court has uniformly attempted to disregard mere formal errors and technical objections, not affecting any substantial right, and to adhere to the spirit of the law which giveth life rather than to the letter which killeth."

The supreme court of Oklahoma in the case of *Caplas vs. State,* 104 Pac., 493, decided in 1909, refused to grant a new trial because of a defect in the indictment, and said that the court proposed to give the people of the state a "just and harmonious system of criminal jurisprudence, founded on justice and supported by reason, freed from the mysticism of arbitrary technicalities," and the court said: "This standard will control our decisions, it matters not what or how many other appellate courts may have decided to the contrary." The court added: "Now that our criminal jurisprudence is in its formative period, we are determined to do all in our power to place it upon the broad and sure foundation of reason and justice so that the innocent may find it to be a refuge of defense and protection, and that the guilty may be convicted and taught that it is an exceedingly serious and dangerous thing to violate the laws of this state, whether they be rich and influential or poor and friendless. * * * If we place our criminal jurisprudence upon a technical basis it will become the luxury of the rich who can always hire able and skillful lawyers to invoke technicalities in their behalf. We will give full consideration to all authorities which are supported by living principles, and will follow them when in harmony with our laws and the conditions existing in Oklahoma. But we must confess to a want of respect for precedents which were found in the rubbish of Noah's Ark, and which have outlived their usefulness, if they ever had any."

Decisions of other courts which disregard technicalities might be cited, but it is unnecessary.

Repeated efforts have been made to secure a resolution committing the state bar association of our state to a law similar to the Wisconsin law which provides:

"No judgment shall be reversed or set aside or new trial granted in any action or proceeding, civil or criminal, on the ground of misdirection of the jury, or the improper admission of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court to which the application is made, after an examination of the entire action or proceeding, it shall appear that the error complained of has affected the substantial rights of the party seeking to reverse or set aside the judgment, or to secure the new trial."

Section 3072-m laws of Wisconsin, 1907.

But the conservatism of the lawyers has thus far prevented our bar association from taking favorable action. A law upon similar lines was introduced in the Thirty-third General Assembly by Senator Francis and was again defeated by reason of the conservatism of the lawyers, and yet the law has had a most salutary effect in the state of Wisconsin where it has been on the statute books since 1909.

In my opinion courts have this power without the law and should without

hesitation exercise it, but since they are reluctant to do so there can be no excuse for the legislature in failing to pass a law of this nature. In Wisconsin this law and the attitude of their courts have not only very materially lessened the number of criminal appeals but reversals in civil cases are far less frequent than formerly with a corresponding lessening of appeals in civil cases. This, of course, very materially tended to reduce court costs and relieve the congestion of the courts due to needless appeals.

Another very great weakness in our criminal laws is to be found in the very large number of statutory crimes for the same generic offense; that is to say, stealing is made many separate offenses. We have larceny, embezzlement, robbery, cheating by false pretenses, embezzlement by different persons and from different sources; we have larceny in the night time, from the building, from the person, and various other refinements, a large number of which are entirely unnecessary especially in view of the fact that we are approaching the indeterminate sentence law. The character of the offense and the character of the offender can, to a large extent, be left to the board of parole to determine.

A large number of appeals and acquittals due to these refinements could be obviated by reducing the number of statutory offenses covering the various degrees of the same generic offense, or by following the very simple and common-sense method adopted by England of authorizing the higher court to prescribe the punishment to fit the crime which it is admitted by the defendant he had committed in the court below, instead of the exact offense prescribed in the indictment.

The criminal appeal act of 1907 of England provides, in part, as follows:

"If it appears to the court of criminal appeal that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the court may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as they think proper, and as may be warranted in law by the verdict on the count or part of the indictment on which the court consider that the appellant has been properly convicted.

"Where an appellant has been convicted of an offense and the jury could on the indictment have found him guilty of some other offense, and on the finding of the jury it appears to the court of criminal appeal that the jury must have been satisfied of facts which proved him guilty of that other offense, the court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of that offense, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that other offense, not being a sentence of greater severity.

"Where on the conviction of the appellant the jury have found a special verdict, and the court of criminal appeal consider that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the court of criminal appeal may, instead of allowing the appeal, order such conclusion to be recorded as appears to the court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law."

Paragraph 1, 2, 3 of section 5 of Butterworth's 20th Century Statutes, Vol. 1, page 381.

The insanity plea furnishes an additional avenue of escape for a large number of criminals annually whose soundness of mind had never been subject to discussion until after the commission of the crime. This matter has been a subject of discussion in many states in the Union; England, however, disposed of this question in a very satisfactory manner in what is known as the lunatic's act in 1883. In that year England passed the following act:

"Where in any indictment or information any act or omission is charged against any person as an offense, and it is given in evidence on the trial of such person for that offense, that he was insane so as not to be responsible according to law for his actions, at the time when the act was done or omission made, then if it appears to the jury before whom such person is tried, that he did the act or made the omission charged, but was insane as aforesaid at the time when he did or made the same, the jury shall return a special verdict to the effect that the accused was guilty of the act or omission charged against him, but was insane as aforesaid at the time when he did the act or made the omission.

"When such special verdict is found the court shall order the accused to be kept in custody as a criminal lunatic, in such place and in such manner as the court shall direct till His Majesty's pleasure shall be known, and it shall be lawful for His Majesty thereupon and from time to time, to give such order for the safe custody of the said person during pleasure, in such place and in such manner as to His Majesty may seem fit."

So great became the abuse of setting up pleas of insanity that the state of Washington passed a law absolutely prohibiting insanity as a defense in a criminal case. This, of course, was going from one extreme to another.

Massachusetts in 1909 passed the following law:

"If a person who is indicted for murder or manslaughter is acquitted by the jury by reason of insanity, the court shall order him to be committed to a state hospital for the insane during his natural life, and he may be discharged therefrom by the governor, with the advice and consent of the council, when he is satisfied after an investigation by the state board of insanity that such person may be discharged without danger to others."—Acts of Massachusetts, 1909, chapter 504, section 104, page 711.

Undoubtedly there can be no objection to requiring a jury wherever the defense of insanity is set up to make a special finding (1st) as to whether the offense was committed by the defendant; and (2nd) as to his insanity. If insane, he should be committed to the asylum not as a means of punishment but as a means of treatment and protection to society during the remainder of his natural life, to be released only by the executive or some other tribunal specially constituted for the purpose, and then only after it was affirmatively shown that no danger to society would result from his release.

Under our present law if he is insane at the time of trial, the trial is postponed and the defendant is sent to the hospital for the criminal insane at Anamosa to remain until his sanity is restored before he is put on trial. If, however, he remains a few years it is almost impossible to secure any evidence for conviction by reason of the death and removal of witnesses; but if it is alleged that he was insane at the time of the offense but now sane, there is nothing to prevent the jurors from using this as an excuse for verdicts of acquittal notwithstanding that the probabilities of his committing other crimes in the future are very great.

I have thus far called attention to acquittals and reversals due to defects in our criminal procedure and it is to these matters that attention is generally directed, but the form of procedure is always related to the kind and character of the punishment inflicted upon the defendant. Those who decry against the tendency of humanitarian methods of punishment should remember that the more barbaric and severe the punishment, the less will be the number of convictions and consequently the least fear of punishment.

Not only juries but courts consider the kind and character of punishment in dealing with criminals. There is scarcely a criminal trial but what jurors discuss the punishment to be meted out to the defendant, and because of this, some judges decline to mention in the instructions the nature of the punishment especially if the punishmnet is severe. But jurors can hardly be criticized for this when courts themselves are greatly influenced by the punishment to be inflicted upon the defendant. Indeed, the very inception of technicalities and refinements of court procedure was invented by courts because of the undue harshness and severity of the criminal law two or three centuries ago, and as late as 1909, it was held in England in the case of *R. V. Kirkpatrick,* J. P. 39, that the judge might properly take into consideration the treatment a prisoner would receive while under sentence, and to this effect see also *R. V. Syres,* 73 J. P. 13; but we do not need to go beyond the boundary of our own state.

Our own supreme court in the recent case of *State vs. Baker* who was charged with murder and convicted of murder in the second degree, held there was ample evidence on the part of the state to rebut the theory of the defendant of self-defense, but on a re-hearing reduced the sentence of the defendant from twenty-two years to fifteen, notwithstanding the parole board is created for the special purpose of determining when it is wise to release criminals under parole or pardon; and the recent action of Governor Donohue of Arkansas in releasing 360 prisoners who were working under the contract labor system is familiar to all.

In view of the fact then that executives, courts and jurors are influenced by the punishment prescribed for criminals, if the punishment is not wise, humane and just, it results in the escape of a large number of prisoners from any punishment at all.

It follows that while improvement may be made by reform in court procedure, no permanent or complete relief can come except by a fundamental change in our entire penal system. The defendant must be compelled to right the wrong that he has committed in so far as possible; he must become a producer and be required to support himself, and, if possible, those dependant upon him, and in so far as possible and practicable to return to society that which he has wrongfully acquired.

Without further elaboration I refer to the report of the committee appointed to investigate the conditions at Fort Madison, which was transmitted to your Excellency on the 25th day of May, 1912, and urge a consideration of the recommendations therein made.

Another very great evil and source of crime and litigation is the miscellaneous use of carrying pistols and repeating revolvers. Investigation in this state and generally throughout the United States discloses that a very large part of the homicides are committed with the common revolver, and that nearly every person who commits serious offenses, such as burglary and larceny, always goes with a revolver concealed on his person. No one should be per-

mitted to carry a concealed weapon except with a license duly obtained from proper authority and then only in the giving of a substantial bond. The carrying of revolvers or other dangerous weapons concealed should be made an indictable offense instead of a fine not to exceed one hundred dollars or a jail sentence of not to exceed thirty days as our law now provides.

Following are the recommendations that relate particularly to the problems of the criminologist:

First. The passage of a law similar to the law of Wisconsin and England providing that no judgment shall be reversed or set aside or new trial granted in any action or proceeding, civil or criminal, on the ground of misdirection of the jury or the improper admission of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court to which the application is made, after an examination of the entire action or proceeding, it shall affirmatively appear that the error complained of has affected the substantial rights of the party seeking to reverse or set aside the judgment or to secure a new trial.

Second. A better method of selecting jurors.

Third. A law similar to that of England and Massachusetts providing that when insanity is urged as a defense in any criminal case the jury shall bring in a special verdict showing (a) as to whether the defendant committed the offense; and (b) as to his insanity, and providing for his detention for life in a hospital, unless released by the executive authority or proper tribunal.

Fourth. A reduction of the number of statutory offenses covering various degrees of the same generic offense, or a provision in our law similar to the law of England, giving the supreme court the power of substitution of sentence in the event that the evidence shows the defendant was guilty of a crime of the general nature of that charged in the indictment and distinguishable only by statutory refinement.

Fifth. An amendment to the law whereby the county attorney may comment upon the attitude of the defendant in the event that the defendant does not become a witness in his own behalf.

Sixth. Limiting the time of appeal in criminal cases to three months.

Seventh. The indeterminate sentence law for felons and a limited indeterminate sentence law for misdemeanants.

Eighth. The abolition of justice courts in the city and a provision for municipal courts, and an amendment to the constitution giving municipal courts power to inflict sentences for a period of at least one year in a workhouse or district farm.

Ninth. A fundamental change in the jail and penitentiary system in accordance with the report of the committee appointed to investigate conditions at Fort Madison filed with the governor on the 25th day of May, 1912.

Tenth. A law prohibiting the carrying of revolvers or other dangerous weapons concealed except by a person who holds a license from the proper tribunal upon the giving of a bond, violation of which is made an indictable offense. R. H. G.

To Substitute Life Imprisonment for the Death Penalty in New York.—The following bill has been introduced in the legislature at Albany, N. Y.:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten hundred and forty-five of chapter eighty-eight of the Laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated Laws," is hereby amended to read as follows:

No. 1045. Punishment for murder in the first degree. Murder in the first degree is punishable for (death) by *imprisonment for the offender's natural life.*

No. 2. This act shall take effect immediately.

LOUIS D. GIBBS, Albany, N. Y.

To Establish a Bureau for the Study of Abnormal Classes in New York.

—The following bill was introduced in the Assembly of the state of New York on February 10, 1913:

Introduced by Mr. Gibbs—read once and referred to the Committee on Ways and Means.

An act to amend the state charities law, in relation to establishing a bureau for the study of abnormal classes and defining the powers and duties of such bureau.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter fifty-seven of the laws of nineteen hundred and nine, entitled "An act relating to state charities, constituting chapter fifty-five of the consolidated laws," is hereby amended by adding thereto, after article three thereof, a new article, to be article three-a, to read as follows:

Article 3-A—*Bureau for the Study of Abnormal Classes.*

Section 35. Bureau for study of abnormal classes established.
36. Director and assistants; office equipment.
37. Objects and purposes of the bureau.
38. Reports.

§ 35. Bureau for study of abnormal classes established. There is hereby established a bureau, under the state board of charities. to be known as the bureau for the study of abnormal classes, the head of which shall be a director, who shall exercise the powers and duties of the bureau, subject to the supervision and control of such board.

§ 36. Director and assistants; office equipment. The director of the bureau for the study of abnormal classes shall be appointed by the governor, by and with the consent of the senate, for a term of five years, and shall receive an annual salary of three thousand dollars. The state board of charities shall appoint one psychologist and one translator, for such bureau, and may assign to the work of the bureau such other officers, inspectors and clerks as it may determine, and may appoint additional officers, inspectors and clerks, if necessary for the proper and effective working of such bureau. The director may, from time to time, with the concurrence of the state board of charities, employ temporarily such specialists as may be necessary. Office rooms and supplies shall be provided for in the same manner as such rooms and supplies for the state board of charities. Laboratory equipment, instruments of precision, books and periodicals shall be provided for the use of such bureau within the limit of moneys that may be appropriated to the state board of charities therefor. The compensation of the persons appointed to serve in such

bureau, other than the director, shall be fixed by the state board of charities, with the approval of the governor, and shall be paid in the same manner as other subordinates of such board. Subordinates in such bureau shall perform such duties as the director may prescribe, subject to approval by the state board of charities and shall perform their duties under the immediate direction of such director.

§ 37. Objects and purposes of the bureau. It shall be the duty of such bureau to study abnormal classes, especially such as may be found in institutions for criminals, paupers and defectives; and the work of the bureau shall include both laboratory investigations and the collection of socioloigcal and pathological data. The director, or any subordinate or subordinates that he may designate, may confer with state, municipal and other officials, of this and other states and countries, and with the director of any similar bureau under federal supervision, for the purpose of collecting data and comparing results relating to the work of the bureau.

§ 38. Reports. The director shall report to the board annually, on or before the first day of December, such matters relative to the work of the bureau and the results of its investigations as the board may, by rules and regulations, prescribe and shall make such additional reports from time to time as the board may require. The state board of charities shall, in addition to the matters required to be reported to the legislature by section nineteen of this chapter, include in its annual report a comprehensive statement of the matters investigated by such bureau during the preceding year, with results, and recommend such remedial legislation, if any, as it may deem appropriate in dealing with or improving the condition of the criminal, pauper, defective and other abnormal classes of the state.

§ 2. This act shall take effect immediately. LOUIS D. GIBBS.

The above bill has passed the Assembly and is now before the Senate Judiciary Committee.—[Eds.]

To Provide for the Compensation of Prisoners in New York.—The following bill has been introduced in the legislature at Albany, N. Y.:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chapter forty-seven of the laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of the consolidated laws," is hereby amended by addition thereto, after section one hundred and eighty-five, a new section to be section one hundred and eightyfive-a, to read as follows:

No. 185-a. Compensation of prisoners having families or dependents; disposition of moneys. Every male prisoner confined in a state prison for a term exceeding a minimum of one year who has a wife and minor children, dependent upon him for support, or a dependent father or mother or both, shall be paid a minimum sum of one dollar per day as compensation for his labor; the said compensation shall be paid to such dependent wife, minor children, father or mother monthly by the superintendent of prisons; providing, however, that if, under the provisions of section one hundred and eight-five, a higher rate of compensation is paid to such prisoner, his entire wages shall be disposed of as herein provided.

No. 2. This act shall take effect September first, nineteen hundred and thirteen. LOUIS D. GIBBS.

Criminal Trials in Pittsburg.—The annual report of the District Attorney of Allegheny County for 1912 furnishes some interesting statistics as to the administration of the criminal law in Pittsburg, one of our large industrial centers. There were 3542 cases disposed of during the year, of which 2168 were indictments, 375 informations, 602 desertion and non-support cases, 101 surety of the peace cases and 296 juvenile court cases. There were 1056 trials by jury, 884 pleas of guilty to indictments and 254 to informations; 131 indictments and 31 informations were nolle prossed on motion of the District Attorney; 73 indictments and 82 informations were settled or withdrawn by leave of court, and seven indictments were dismissed, and 14 were quashed. There were pleas or verdicts of guilty in 1596 cases involving 1498 different individuals, of whom 661 were sent to various institutions, 189 were sentenced to pay fines, 429 were placed on probation, 200 received suspended sentences, one was sentenced to hang, and 18 had not yet been sentenced. There were 3073 bills passed on by the grand juries, of which 678 were ignored and 2395 found true bills. The number of bills before the grand juries has constantly decreased since 1909, when 4413 were passed on. Twenty-nine homicide cases were disposed of, resulting in one verdict of guilty of murder in the first degree, three verdicts of guilty of murder in the second degree, one plea of guilty of murder in which the court fixed the degree as second, seven verdicts of guilty of voluntary manslaughter, two pleas of guilty of involuntary manslaughter, three declared insane by jury specially impaneled, and twelve acquittals. At the end of the year, 202 cases remain, of which 120 are for November and December, 1912; six are 1911 cases, five 1910 cases and four 1909 cases, all four of the latter being against the same individual. E. L.

PENOLOGY.

The Prussian "Course in Prison Management."—According to the *Blätter für gefangniskunde,* the usual course in prison management was held from the third to the fifteenth of June, this year, under the leadership of Dr. Plaschke, one of the high officials in the Ministry of Justice. Almost all of the persons who took the course were judges and prosecuting attorneys. They were divided into three groups, and rotated among one jail and two penitentiaries.

Every opportunity was given to become acquainted with the operations of prison management as well as to visit other institutions, for instance, a workhouse and an asylum for the insane. For four hours of each forenoon, regular instruction is given on the various branches of prison activity from the point of view of management. In addition, many special lectures were given. One of these dealt with the history of the prison system; another dealt minutely with modern prison construction, and the various directions in which improvement has been sought. Considerable attention was given to questions of penalties and methods of proceeding in determining the condition of inmates, with special reference to their mentality. There were furthermore lectures on methods of education and moral instruction in prisons.

It is of special interest to note that an opportunity was afforded to study at first hand, what is being done for the care of the discharged prisoners,

which in Germany is a matter of private endeavor, although carried on, of course, in co-operation with and assistance from the state.

There is not space for a complete enumeration of the various subjects considered in the course, nor of all the distinguished men who gave instruction. Instead of the students being thrown upon the mercies, merely, of the prison warden, as would have happened in this country, men of national reputation as jurists and specialists were in attendance as instructors.

In other parts of Germany similar courses are held, and at least in one of the kingdoms judges or would-be judges on the criminal bench are obliged to serve a term as a prison official. In the United States it is probably a rarity that a judge or a prosecuting attorney takes an active interest in questions of prison management, and that he should take the trouble to inform himself through actual residence in a prison is unknown. JOHN KOREN, Boston.

Treatment of Inebriate Criminals in Germany.—When a man has committed a crime under the influence of liquor, the German law allows extenuating circumstances, because he was not in full possession of his faculties. If, in such a case, a notorious inebriate is not sent to prison, he may be confined in a sanatorium for not more than two years.

In Hesse, drunkards are placed on probation under a suspended sentence, if they take the pledge. Members of antialcoholic and temperance societies perform the task of probation officers, and report regularly on the conduct of their wards. A similar step was taken in Lippe. Men are finally released, if they keep straight during the probationary period.

From *Archiv für Soziale Hygiene* VII, 4. V. v. B.

Punishment as the Physician.—In the *Arch. f. Kriminal-Anthropologie u. Kriminalistik,* XLVII, June, 1912, Bercio reports a case which illustrates the deterrent and reformative effect of the fear of capital punishment.

A woman, 29 years of age, had a violent hatred for her illegitimate child, and often expressed a wish to kill it. The child was beaten, denied food, and tortured in every possible way. At the age of six years she died of injuries inflicted by the mother.

The woman was of a coarse and egotistical nature, but had never shown any signs of mental derangement. After her arrest, however, she developed a depressive mania, continually expressing her remorse for her cruelty, refused food, and would spend the nights in weeping and praying. As soon as the trial was over, and she had been condemned to imprisonment for twelve years, instead of to death, as she had feared, all signs of depressive mania ceased, and she resumed her arrogant attitude. S. E. J.

Nevada State Prison at Carson, Nevada.—One of the most interesting prisons I have ever visited is the Nevada State Prison, at Carson. Warden Ray Baker believes in and has adopted the honor system. His own residence is in the same building as the cells, and he is what is termed a "good mixer." There is hardly a man but the warden trusts. He calls every one by his first name and is shown the greatest respect.

The men, to a great extent, are employed in building roads in various parts of the state, frequently being guarded by one guard, and sometimes only in charge of one of their own number. Runaways are rare, and are often cap-

tured by their fellow convicts, who try to preserve their own reputation from dishonor. From one of the road camps located near Reno, the warden permitted all the men to attend the theatre one night in Reno, and see the play, Jimmy Valentine. As they were all in ordinary citizens' clothes no one recognized them. They scattered all over the theatre, and frequently an aristocratic lady sat next to a prisoner without knowing it.

The warden began experimenting on the honor system with many misgivings and considerable doubt, but has proven the effective results that have been the means of regenerating hundreds of men.

W. I. DAY, East Oakland, Cal.

Organization of Boards of Parole in Indiana.—The board of parole of the Indiana Reformatory, at Jeffersonville, and the Indiana State Prison, at Michigan City, consists of the four members of the board of trustees. The parole board of the Indiana Woman's Prison consists of the board of trustees, superintendent and physician. All of these parole boards meet monthly. Each of these institutions has parole agents to find employment for those who are released, and to supervise them afterwards.

There is, in addition, a State Board of Pardons. Its duties are only advisory. It reports its recommendations to the Governor for cases of clemency.

The parole boards are "prohibited from entertaining any other form of application or petition for the release upon parole or absolute discharge of any prisoner" than the application of the prisoner himself. Attorneys are not permitted to appear before them.

A. W. BUTLER, Secretary, Indiana State Board of Charities, Indianapolis.

California State Prisons.—Under Warden Hon. John. E. Hoyle, the prison at San Quentin has become a new institution. The former methods of cruel punishment have been discontinued, and an honor system has been instituted to take their place. Instead of past employment that was destructive, mentally, morally, and physically, the warden is putting in machinery for constructive industry that is proving a three-fold blessing. The new building, which, when completed, will treble the prison capacity, will soon be finished. It will enable the warden to improve the conditions of the men. Besides occasional theatricals, including Warner with Jimmy Valentine, the warden permits ball games and other sports. He has instituted the practice of permitting the 25 women prisoners to go out in the hills to pick flowers and play ball on Sunday, after the men prisoners have been locked up.

Folsom Prison, so long known as the only unwalled prison in the United States, is soon to have a wall around three sides. A river borders the fourth side. The warden here, who has been considered a brave, honest and capable man, has felt that he needed various forms of punishment to regulate the conduct of the prisoners. The prisoners here are healthy, and for the most part are employed in quarries. There were only five deaths last year, with a prison population averaging 1000 men and no women.

Of more than three thousand prisoners in San Quentin and Folsom, there are only twenty-five women prisoners. All are at San Quentin.

W. I. DAY, East Oakland, Cal.

The Fallacy of Prison Reform.—Prison reform has become a fad with society women and ill-informed philanthropists. Every critic should under-

stand his subject matter; the prison reformer thinks that prisons are hotels; that every prisoner is abused and they believe implicitly the unreliable stories told them by tricky convicts. If you should give every prisoner planked steaks and choice cuts he would not appreciate them; this is because his mind is tortured by the lack of one priceless thing—liberty. Man is supposed by them to be a reasonable and logical being whereas in fact he is an impulsive, imperfect, erratic and irrational person. The theory of classification of prisoners has been agitated until we shall soon need a separate prison for each prisoner to suit his peculiar traits and abnormal characteristics. Sympathy is oftentimes misplaced and misdirected; the prisons contain the mistakes and blunders of courts, police, probation officers and lawyers just as the cemetery holds the blunders of the medical profession. The handling of this incongruous mass is a problem which does not appeal to the reformer whose judgment is necessarily imperfect because it is based on unreliable information. Reformers would have you believe that it is possible to make every thief and rascal a perfect saint and ideal citizen. This is too absurd to need any argument to show the unsoundness of such a contention. The discharged prisoner seems to forget his past; he seems to think that all his troubles arise from the fact that he has recently served a prison term. He forgets that his past life and undiscovered rascality may be known to some people; he may have imperfections of character and habits which prevent his obtaining employment and which appeal to persons who are ignorant of his past record. The very infirmities which landed him in prison will, if not corrected, continue to keep him from obtaining employment upon his release. Reformers seem to forget that the average hard-working man who never violated the law has hard work to make both ends meet. There are prisoners who are a constant source of trouble to society both in and out of prison. Prison rules must be rigidly enforced in order to maintain discipline; the well-behaved convict cannot complain of any favoritism extended to another convict on account of outside political influence. The average politician seems to think that he was elected not to serve the public but merely to get people out of jail; all good citizens welcome the prison reformer if he can show us the way to eradicate all moral cancers and social disorders which are the menace to the welfare of organized society.

We need less reform with the mouth and the community is anxiously awaiting some practical way to restore the prisoner to good citizenship.

JOSEPH MATTHEW SULLIVAN, Boston.

Prison Libraries.—Libraries are found in almost all the penal institutions of the country. In most instances they have been gathering of some years by an interested chaplain, a friendly visitor or thoughtful warden, but little continuity of effort and less method is found in the arranging, classifying and using of the books. Very creditable libraries exist in a few institutions and these are shown with pride by the officials, but often the exertion of these officials is to keep the library in good shape rather than to use the library to its utmost.

The inmate who cares for the library is usually a sober, matter-of-fact individual, glad of an opportunity to do well the set task, when it has once been outlined by some official. To expect the heads of our penal and charitable insti-

tutions to be expert librarians, as well as expert in a thousand and one lines of activity over which they have control, is unfair. That they should have expert assistance placed at their disposal seems desirable. In Minnesota, Iowa, and Nebraska considerable attention has been paid by those interested in library work to this problem, and their assistance has been freely given to the institutions. A definite method of bringing this about is very necessary. To establish a resident librarian in each institution would tend to over-emphasize the library work at the expense of the other work of the institution and the other positions on the salary list and would deprive the inmates of work which it is desirable that they should do. Probably the most desirable method is the one recently devised by the Wisconsin library commission. This commission has employed an agent whose duties are to work upon the problem of supplying the charitable and penal institutions with libraries. The method is to visit the institutions, make a study of what books there are on hand, the possibilities in the way of rooms, equipment, assistance on the part of the employes, and as a result to be in a position to advise as to the purchase of books, to be of assistance in putting new and old books in order, in installing a record and loan system, instructing the inmates who are to be in charge of the books and to maintain supervision by occasional visits.

Such co-operation ought to be worked out in New York state. The co-operation of Mr. Henry Solomon, president of the State Prison Commission, and Mr. Stewart, secretary of the State Board of Charities, should be secured and through them the heads of the institutions should be interested in making applications for such assistance.

E. Stagg Whitin, General Secretary, National Committee on Prison Labor, New York City.

Leniency Accountable for Crime in Italy.—In Vol. xxxiii Fasc. v. of the *Archivio di Antropologia Criminale,* Dr. Gina Lombroso calls attention to a remarkable address given by Mr. Loubat, the Procuratuer General of Lyons. He attributes the universally increasing criminality to the extraordinary leniency shown by the courts. Prison terms have been reduced in France by 25 per cent and in three-fourths of all the cases a suspended sentence is given, while the criminal is placed on probation. Extenuating circumstances were admitted in 87 per cent of thefts, in 95 per cent of vagrancy and in 99 per cent of mendicancy, though the men were in most cases second offenders. In 40 per cent of all the cases pardons were granted. Dr. Lombroso contends that conditions are very similar in Italy since the introduction of the new Code Civil in 1888. At that time Cesare Lombroso warned the parliament, saying that the only logical consequence of the acceptance of the new code would be to increase criminality. Before committing a crime, many criminals figure out how heavy a sentence they are liable to get, prepare their alibi and induce minors who escape the death penalty, to commit the most serious offenses. While conceded that too cruel penalties degraded honest people also, he insisted that the southern temperament absolutely needed a restraining force, acting quickly and powerfully. The abolition of the death penalty, the introduction of fines and confinement at home instead of prison terms, was in his mind a direct menace to an efficient administration of justice. Fines and bonds, according to the wealth of the convicted person are excellent measures, but they ought to be

confined to crimes against property; crimes against persons like rape and assault ought not and cannot be made good by money. Another grave error in Dr. Lombroso's opinion, is that the courts pay too little consideration to attempted crimes and second offenses. A crime that was planned but failed is considered with much indulgence. Second offenses of a criminal are not considered as aggravating circumstances except when a thief steals again, or a man, condemned for assault, commits another act of violence against persons. But people who commit the same offenses over and over, are generally feeble-minded and less dangerous to society, than criminals who commit a variety of crimes. On account of their greater intelligence and shrewdness they are a greater danger to society. Lombroso in 1888 and Mr. Loubat in 1912 argue against the wholesale acts of grace, which so frequently occur in Europe in time of jubilees. The increasing criminality attracts public attention and in the press the new positive school is blamed for it and not the classical school of penology, which is only and alone responsible for the change of the penal law. Lombroso, the head of the positive school of penology fought the innovations and predicted the dire results long ago.

In the same *Archivio* we find in Fasc. III a discussion of Augusto Setti on a similar topic. He regrets also the last Italian general amnesty in honor of the fiftieth anniversary of Italy. It benefited criminals who were serving second terms, etc., but not for the same offenses. Common murderers who had already been treated with great leniency by the jury profited by it. Other criminals whose victims were still suffering physically or mentally from the consequences of vicious attacks and many dangerous robbers and highwaymen were likewise released. Merchants condemned for not having their measures properly stamped and all those imprisoned for less than thirty days were excluded. Setti blames the courts and the judges for their great leniency towards second offenders. He recalls the resolution of the International Criminological Congress at Cologne, which declared that the penalty should conform to the guilt of the person and tend to repress his individual tendencies regardless of the nature of the crime and the reasons which have induced him to commit it.

V. v. B.

POLICE—IDENTIFICATION.

Conference on Police Problems in Berlin.—Representative officials of the different German states met in December, 1912, in Berlin, for the discussion of police problems. Since the conference of 1897, by which the Bertillon system was introduced in Germany, dactyloscopy has gained so much ground that the police of Saxony and Bavaria had practically given up the French system, relying only on finger prints and photographs for their identification service. The conference voted for adopting the dactyloscopic method, but Bertillon measurements will be taken of international criminals until all foreign administrations have adopted the finger print system.

Police officers encounter no difficulty in following up and arresting criminals in the different states, but as soon as they slip over the border, tedious delays are met with, before the diplomats get the needy co-operation of foreign police administration. An international agreement was suggested with reference to the white slave treaty, which would allow the German police to call without delay upon a foreign police administration for active co-operation. To facilitate this part of police work, it was agreed to issue regularly an official criminal police gazette.

V. v. B.

Habitual Criminals Under Police Supervision.—Habitual criminals are required in Great Britain under "The Prevention of Crimes Act" to report themselves and give all necessary information concerning their mode of life and habits, and in default thereof are liable, upon conviction, to twelve months' imprisonment. District inspectors are to report without delay to the "Chairman General Prisons Board," Dublin Castle, the names and descriptions of all persons under supervision reporting themselves in their respective districts. They also report without delay to the inspector general, and to the "Chairman, General Prisons Board, Dublin Castle," the conviction of any habitual criminal whose name appears in the "Hue and Cry" (the police paper) as a defaulter.

It is the duty also of the police to report to "Chairman General Prisons Board, Dublin Castle" in all cases in which it may come to the knowledge of the constabulary that convicts are in any way infringing the conditions of their licenses.

In America habitual criminals are under the supervision of the parole officers or prison commissioners as the case may be; but the supervision is not nearly as strict or severe as it is in Great Britain and Ireland. Under the English law a released convict cannot go out of town to visit a friend until he first goes to the nearest police barracks and gives the name and address of the person he desires to see and obtains from the officer in charge the necessary permission.

The police both in the United States and Great Britain publish in the "Detective" and "Hue and Cry" notices respecting all felonies and misdemeanors of an aggravated character. All descriptions of persons whose names appear and whose apprehension is sought on a charge of misdemeanor should be accompanied by a statement that a warrant has been issued, and by the name of the person in whose hands it is placed for service. But the police should remember that they cannot arrest a person charged with an offense of this nature unless they have the warrant in their possession when making the arrest. Prison and police authorities are supposed to send notice to the publishers of the "Hue and Cry" and the "Detective" of any abolition of jails, stations, or of any arrests of persons published, and of any circumstances rendering further publication in the police papers unnecessary.

JOSEPH MATTHEW SULLIVAN, Boston, Massachusetts.

STATISTICS.

English Criminal Statistics.—During the last thirty years, excepting the year 1901, the number of sentences to prison by Criminal Tribunal in England in proportion to the total population of the country has increased but little: 464.8 sentences in the 100,000 inhabitants against 503.3 in 1909; the number of individuals condemned to penal servitude or to imprisonment was considerably lowered during the last year: 167,695 against 175,961, being a decrease of 12,266.

The two tables below indicate the nature of the sentences as well as the offences which supplied the motives for them.

Nature of sentences—	1909-1910	1910-1911
Penal servitude	1,108	969
Prison	178,569	166,249
Borstal institutions	284	530
Total	179,961	167,695

Nature of offences—	1909-1910	1910-1911
Crimes against person	1,225	1,118
Crimes against property	8,072	7,830
	1909-1910	1910-1911
Other crimes	203	188
Crimes (inditable offences) summarily tried	21,381	18,758
Offences (delits) summarily tried	149,080	139,801
Totals	179,951	167,695

As the latter table proves the figures of the sentences for inditable offences has decreased by 2,987 units; those of the non-inditable offences by 9,279.

The diminution has notably appeared in qualified thefts (2,511 against 2,738), simple thefts (20,905 against 23,609), assault and battery (9,255 against 10,480), the offences of drunkenness (54,059 against 57,010), breaking of rules of police (11,047 against 12,125).

On the contrary, as in 1909, vagabondage and mendicity has not ceased to increase (1,340 more prosecutions than in 1909); more particularly, for five years in the county of Lincoln the number of mendicants and vagabonds has doubled; it has actually reached the proportion of 11.2 for every one thousand inhabitants.

Recidivism.—As M. Yvtrnes remarks in the "Reveu Penitentiaire et de Droit Penal" in 1909 recidivisum increased somewhat in England. One may say that during the year 1910-1911 it seems to have somewhat decreased. The two tables which follow are intended to set in order the information which he gave respecting this point.

Years.	Number sentences to prison.		Proportion of recidivists to the hundred.	
	Men	Women	Men	Women
1908-1909	143,604	40,147	56.9	78.8
1909-1910	140,154	38,415	57	77.1
1910-1911	130,369	35,880	58.5	77.2

Years.	Number of sentences to penal servitude.		Proportion to one hundred	
	Men	Women	Men	Women
1908-1909	1,102	48	65.21	64.58
1909-1910	1,068	40	88.39	72.5
1910-1911	882	34	87.75	70.59

Borstal Institutions.—During the year 1910-1911 the number of inmates detained in borstal institutions has increased to 946, 886 men and 60 women. The average age of those detained was about eighteen years. The mean number of sentences which formerly had been pronounced against them was three. In principle, those who within a borstal institution have proven to be unamenable to discipline may be sent directly into an ordinary prison. In order to give them a further chance to make amends a special quarter has been provided in the prison of Canterbury where they are sent and from whence they may be brought back to a borstal institution if they adopt a better form of behavior. In the contrary cases they are after a certain lapse of time transferred into an ordinary prison. Last year Canterbury received twenty.—From the *"Reveu Penitentiaire et de Droit Penal,"* Nos. 4 and 5, April to May, 1912.

R. H. G.

Education and Crime.—In an article entitled "Mentality of Nations in Connection with Patho-social Conditions" in the *Open Court* for August, 1912, Arthur MacDonald institutes a comparison between different countries as to education and diffusion of knowledge and the prevalence of crime and other "patho-social" conditions. He does not claim that correspondence between mental and patho-social conditions necessarily indicates casual connection but gives the comparison for what it is worth. It appears that in general those countries which have the greatest illiteracy, as Italy, Belgium and France, show the highest percentage of murder and also have a high rate of still births, death rate and death rate under one year of age. Two of these countries where illiteracy is more pronounced, Italy and Belgium, show a low rate of suicide and of divorce. On the other hand the least illiterate countries, as Germany, Switzerland and Denmark have a high percentage of suicides. E. L.

American Lawlessness.—An interesting discussion of the lack of respect for law which is sometimes supposed to be an American characteristic is contained in an article entitled "American Lawlessness: an Inquiry," by Victor S. Yarros, in the *American Journal of Sociology* for July, 1912. Mr. Yarros suggests that Americans are not different from other people in respect for law but their apparent lack of reverence for it is due to a combination of factors which beget precisely the same results wherever they are found. In the first place, he maintains, laws are not enforced in the United States as successfully, as easily, as thoroughly as in any advanced European country because "like-mindedness" is largely absent. Law, he says, is not a command issued by a superior to an inferior. Sociologically speaking law is a rule of action; a code of rules of action, which the community with virtual unanimity recognizes as essential to its peace, order, comfort and prosperity. Custom, instinct, tradition, reason, common sense—these underlie law and give it vitality and sanction. Law to be truly law must reflect public sentiment and grow out of realized need. This is not always apparent on the surface. Laws may be passed in response to public clamor and in opposition to the wishes of a strong and agitated minority but nevertheless laws which majorities or strong minorities do not ask or desire, of which they do not perceive the necessity or reason, to which they are hostile or profoundly indifferent are not enforceable. Things for which many entertain contempt and which they habitually ignore cannot inspire in the rest of us the emotions that are inspired by things which are universally respected and admired. So that homogeneity of a population, common traditions, common standards, mutual understandings and sympathy are potent aids to law-enforcement. Where these aids are lacking, where laws demanded and secured by one element of an extremely heterogeneous population are misunderstood, questioned, opposed, ridiculed or scorned by other elements, extraordinary burdens are thrown on officials and, naturally, results are meager and unsatisfactory. Examples are the Sunday laws, ordinances prohibiting the littering of streets or expectoration on walks, etc. Another cause weakening respect for law the author finds in the conflicts of jurisdiction between the different states and the federal government. On such subjects as divorce, corporation law, railroad legislation, anti-monopoly and pure-food legislation, etc., the conflict and confused multiplicity of laws bewilder and demoralize men, making obedience difficult and violation or evasion both simple and profitable.

A third cause is, he thinks, the extent to which the courts annul legislative acts as unconstitutional and the last main cause is the lack of confidence, not always unjustified, in our legislatures. How can there be respect for law, he asks, when there is so little respect for most of the men who enact the laws? A minor cause is complicated legal procedure and delay and finally the great distances between centers contributes to diversity of interests and feelings. In comment it may be said that Mr. Yarros makes out a good case for his first cause of "American Lawlessness:" hasty legislation not really arising out of the needs of the population as a whole, and conflicting ideas as to what is demanded. There is much truth too in the assertion that our legislatures are not trusted and that there is over-legislation. His two other main causes are more debatable. The article is most suggestive however and thought provoking and unquestionably sound is his final statement that "in the United States, owing to its historical, geographical, social, industrial and other conditions, the heavy and unprecedented immigration, the melting-pot processes and the nature of diverse elements which are thrown into the pot, the question of law-enactment and law-enforcement is one of extraordinary and unparalleled difficulty and complexity." E. L.

Big Sisters.—The "Big Sisters" were recently incorporated in New York State. The organization, which is analagous to the "Big Brothers," has had a paid worker in the Manhattan Children's Court for several months, and now intends to extend its work to other places. Mrs. William K. Vanderbilt is one of the incorporators. The articles of incorporation give the purposes of the organization as follows:

"To organize and direct a body of women of good-will whose purpose shall be to interest themselves individually in the welfare and improvement of children, especially girls, who have been brought before the children's courts of the City of New York and similar courts of other cities throughout the United States; and in other children, especially girls, whose physical, mental, and moral development has been hindered or endangered, because of bad environment or other conditions.

"Individually to take and secure others to take individual friendly interest in such children and to provide methods and means whereby their physical, mental, and moral welfare shall be promoted and thus aid them in becoming good citizens." A. W. T.

Dr. Battaglini's Appointment.—Dr. Giulio Battaglini, Professor of Criminal Law and Procedure in the Royal University of Sassari, Sardinia, and the author of several articles recently published in the JOURNAL OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY, has been appointed to a professorship in the University of Rome. Mr. Battaglini was born near Sienna, Italy, in 1885, and is therefore only twenty-seven years of age. His call to the greatest of the Italian Universities at such an early age is consequently a very high honor. He is a graduate of the University of Perugia and has studied under some of the most distinguished criminologists of Italy. He is an editor of both the *Giustizia Penale* and the *Rivista Pénale* and is the author of a book entitled, *Le Norme del diritto penale e i lero destinatari,* reviewed in a former number of this JOURNAL, besides a long list of articles and brochures dealing with a variety of topics in Criminal Law and Criminology.

J. W. G.

What Kind of Education Shall It Be?—In all matters pertaining to the treatment of criminals the rational point of view is a distinctly educational one. The criminal is an individual who is illy adapted to the social organization into which he has been born. The problem is to bring about adaptation to this organization, and the value of our social institutions must be properly estimated, very largely, upon the basis of our ability to effect such adaptation. That is the educational problem on every hand whether one is dealing with normal or abnormal, moral or unmoral. It is to be hoped that the distinctly uneducational procedure in the treatment of prisoners in some instances is a sporadic instance. Otherwise we would be justified in a pessimistic attitude with reference to the validity of that aspect of our social work which is represented in our prisons.

Writing of contract prison labor in the *Saturday Evening Post* some time ago, one who is clearly a man of authoritative experience, goes to the evil core of that matter in the single statement: "We allowed our men fifty cents a day for skilled labor that in the open market would command three, four and, in some instances, seven and eight dollars a day. So, since my critics (the prison-labor contractors) pocketed the difference it was only natural they should believe that those who had sinned against society should expiate by way of overtime at toil. Nor is this by any means all that they pocket. The state pays the rent, insurance and taxes on what are practically their factories, besides supplying power, light and heat."

But it is not what the writer of the above says on the subject that goes so explicitly to the point raised in this comment, as what he quotes from a convict once in his charge. This quotation has to do with the subject in hand generally, but specifically with the fact that there was one dishonest wheel within another, as evidenced by the fake manufacture of paper soles in the prison shoe-shop, which the convicts were enjoined and expected to make so cleverly that they could be palmed off as the real leather article. As the quotation is well worth the while, we give it in full, as follows:

"The nerve of them guys is such, Mr. Latham, that if they was to turn it down legitimate alleys they would take the bread out of the mouths of us holdup men. We couldn't compete. We would have to go out of business. Society sticks me in here for eight years to think over my wicked past, and them guys says to me: 'Son, honesty is the best policy; mend your ways, reform, and while you're hustling ten hours for fifty cents and doing yourself out of three dollars and a half net, try your level best to make them paper soles look like cow's leather, so we can put it over on a dense population of lovable suckers which is born one to the minute on purpose to wear one of our shoes on each foot.' When I get out I am going to be just one of them plain, honest thieves without any frills or fancy work. Reform is for the rich, which are in a position to sell you paper for leather and throw the hooks into a guy like me, while he blows in the name of their brand on the outside of the April-fool package."

Cutting, biting sarcasm? Of course it is. And the more incisive because it is true. But why should it be true? Why should men, who for the money there is in it, educate other men in crime, be permitted to bask in the sunshine of social morality and respectability? Why is it that in this field we do not hear of the church as a laborer, that we never learn of any congregational castigation or even criticism for an offense of this sort? When the highwayman who was employed in making paper soles look like leather and was robbed by the

respectable outside cheat while thus employed, was apprehended and sent to prison, it was because, without hypocrisy, he took what did not belong to him. In his offense there were at least the extenuating circumstances of candor and nerve. There was no possibility for society to be deceived by him, nor was his general conduct and the result of it such as to offer temptation to others to engage in it. He was infinitely a better man and a better citizen than the morally dishonest contractor who paid him one-eighth of what he earned to manufacture something by the sale of which he could successfully and unknowingly to his victims rob thousands of others who had never been in prison and probably never would be. R. H. G.

Education in Matter of Sex.—The problem of sex education occupies attention in Italy as it does elsewhere. At a recent congress at Florence, where the topic was discussed, the participants endorsed the principle of incorporating instruction in sex in the curricula of existing institutions for the purpose of supplementing the neglected or inadequate home instruction in these matters. The congress revealed differences of opinion as to the type of instruction needed. According to Foa, a knowledge of the physical and social consequences of sexual activity would be sufficient to develop responsibility. According to Prezzolini, this knowledge would not be efficacious without preliminary moral training of the sense of responsibility. Wegener warned of the danger attending instruction in sex by persons who lacked the training and sympathetic knowledge of the teacher. Mayer believed that "flirting" (in the sense of frank and open friendships between individuals of the two sexes, especially as favored by coeducation) was a valuable preventive of degrading love affairs. Assagioli urged the use of the psycho-analytic method of Freud and Ewald to sublimate and turn to profit the valuable energy of sex, saying that the sex instinct may be diverted and utilized, but may not be cheated by illusory satisfaction, nor combatted and repressed as something bestial. Wagner's account of the genesis of Tristan and Isolde was cited as an illustration of the sublimation of the sex instinct to esthetic creation. R. H. G.

Colonization of Young Criminals and Defectives.—According to the report of G. Francia, in a recent number of the *Rivista di Psicologia Applicata,* marked success has attended an experiment in colonization of young criminals and mental defectives. Moral regeneration was sought through work, collaboration in the tasks of the household under conditions similar to those obtaining in family life, with the occupations freely chosen as far as possible and adapted to the attainments of the participants. The presence of both sexes proved to have a good effect upon manners and speech. R. H. G.

The Who's Who of Crimeland.—The Who's Who of Crimeland has recently appeared. This volume is known as the Identification Album of the National Bureau of Criminal Identification, which has its headquarters at Washington, D. C. Data for the book are supplied by the police departments of over 100 cities throughout the country, and the copies are distributed among these departments. Each branch of criminal activity has a separate chapter devoted to it, pickpockets, forgers, etc. At the top of each page are reproduced two photographs of a distinguished criminal—a profile and full-face view. Below are printed the name, aliases, age, height, weight, general appearance, and marks and scars. Bertillon measurements and criminal record fill out the page. R. H. G.

The Turin Committee for the Protection of Minors.—The Turin committee for the protection of minors, according to a recent article in *Archivio di Antropologia Criminale,* takes up their defense in court and supervises them in institutions or under the care of a probation officer. For the regular routine work it was necessary to have a *scheda biografica* or a schedule, which was successfully obtained by the combined efforts of a lawyer and a physician. It is well worth considering in this Journal. The schedule is placed in the hands of the judge at the time of the trial. It accompanies the minor if committed to an institution, and is produced in court at later trials. It gives information about the social, individual and family conditions of the accused minor. The probation officer who investigates the case before trial and the physician who examines every child, are obliged to answer all the questions contained on the four pages.

The medical examination of every child is necessary, because, according to the Italian law, it is necessary to determine the mental development of a minor (French *discernement),* before he can be punished. The physician marks the results of his examination on the back of the report, but gives on the front page his opinion of the case and makes certain recommendations to the judge. A fact which would constitute an unheard-of interference in Germany. After the trial, the clerk of the court fills out certain spaces giving a short survey of the court action and of the behavior of the minor before the judge. Quite a sad conclusion of moral conditions in the province of Turin can be gathered from the fact that for extra matrimonial unions not less than five places under different headings are reserved on the schedule; that the question concerning pictures in the home is subdivided into religious, political and lewd *(Pornographic)* ones, and that special questions are asked about rape and other sexual crimes. Besides the anthropological examination, including physical anomalies, a blood and urine test is required; the sensibility and motility must be tested. Experience may show that it would be better to have separate schedules for the probation officer, the medical examination and the history of the court trial. Dr. Healy, of Chicago, has in his work, abandoned schedules altogether.

For statistical purposes and for research work, especially as to the causes of the ever increasing criminality of juveniles in Italy, the *scheda biografica* will furnish very useful material. It would be wise to have it adopted in the other provinces of Italy. V. v. B.

Lynchings In 1912.—The Chicago *Record Herald* has compiled interesting statistics with respect to lynchings perpetrated in the United States in 1912. Only twenty-eight are recorded. This suggests the most orderly year in the country's recent history. A year ago there were thirty-five lynchings; in 1910 the figures were 45; and in 1909, 30. The highest known number was in 1894 when the spirit of mob rule was responsible for 190 deaths. In 1903 the total was 106. Since that time steady crusades against the lynchings have brought results. A list of lynchings by states follows: Georgia, 7 in 1912, 9 in 1911; Florida, 2 and 8; Oklahoma, 1 and 6; Tennessee, 4 and 0; Alabama, 2 and 2; Arkansas, 1 and 2; South Carolina, 3 and 1; Louisiana, 4 and 1; Mississippi, 1 and 0; Texas, 1 and 1; Wyoming, 1 and 0; North Dakota, 1 and 0; Kentucky, 0 and 5; Missouri, 0 and 2. Total, 28 and 35 in 1912 and 1911, respectively.

R. H. G.

Annual Meeting of the District Judges of Kansas.— The Sixth Annual Meeting of the District Judges of Kansas was held at Topeka, January 29. Almost three-fourths of the judges of the state were present, most of the others being kept away by sessions of court, or pressing personal matters. For a day and a half we discussed with more or less informality many of the problems that we meet in our court work over the state, not only in the average community, but in the very sparsely settled western part of the state, and in the larger cities of the state as well. Most of the discussion was devoted to matters that come up in reference to criminal cases. It was suggested that the law should permit a person convicted of crime to testify, letting the weight of his testimony be a question for the jury. The matter of better definitions of crime and the weakness of our laws in not defining crimes was discussed. Much interest was shown in the suggestion that we should have here something similar to the "contravention" of Germany, in addition to the felony and misdemeanor, with a citation substituted for the warrant, so that trivial offenses might be sufficiently punished to admonish an offender, and yet without the ponderous machinery, as well as the humiliation, of the public arrest, fine, and threatened jail sentence. The divorce question received attention. The judges favored a pending bill making the county attorney divorce proctor, but forbidding his service on either side as counsel in a divorce case.

J. C. RUPPENTHAL, Russell, Kan.

Program for the Second Annual Meeting of the Illinois Branch.— *First Session:* 3 P. M., Tuesday, April 8th.

1. Annual address by the President—What is Wrong with the Administration of Our Criminal Law. Wm. H. Gemmill, Judge Municipal Court, Chicago.
2. Reports of Committees.

   The list of standing committees, with the name of each chairman follows:

   1. Criminal Statistics. Professor J. W. Garner, University of Illinois, Urbana.
   2. Indeterminate Sentence. C. A. Purdunn, member board of managers, Illinois State Reformatory, Marshall.
   3. Criminal Procedure. Professor W. W. Cook, University of Chicago Law School, Chicago.
   4. Industrial Education (for Juveniles). Frank M. Leavitt, Associate Professor of Industrial Education, University of Chicago, Chicago.
   5. Defective Delinquents (Adults). Wm. N. Gemmill, Judge Municipal Court, Chicago.
   6. Juvenile Delinquents. Clyde E. Stone, Judge County Court, Peoria.
   7. Legislative Committee. Col. Nathan William MacChesney, Chicago.

Second Session: 9 A. M., Wednesday, April 9th.

1. Present Day Aims and Methods in Studying the Offender. Some Practical Results. Dr. William Healy, Director, Juvenile Psychopathic Institute, Chicago.

Discussion. Dr. Harold N. Moyer, Chicago.

2. A working program for an adequate system of collecting criminal statistics in Illinois. Dr. A. J. Todd, University of Illinois, Urbana.

Discussion. Prof. James W. Garner, University of Illinois, Urbana, I. L. Bowen, Secretary Charities Commission, Springfield.

3. Statistical Review of the Work of the Supreme Court, 1900-1910. Orrin N. Carter, Justice of the Supreme Court, Chicago.

Third Session: 1:30 P. M., Wednesday, April 9th.

1. A Brief Review of Criminal Cases in the Supreme Court for the Past Year. Professor Frederick Green, College of Law, University of Illinois, Urbana.

Discussion. George B. Gillespie, of the Springfield Bar.

2. Election of officers, and business session.

COMMITTEES OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY FOR THE YEAR 1912-1913.

Insanity and Criminal Responsibility.—Edwin R. Keedy, 31 W. Lake St., Chicago, Chairman. Professor of Law in Northwestern University.

Albert C. Barnes, 1223 E. 50th St., Chicago. Judge of the Superior Court.

Archibald Church, Chicago. Professor of Nervous and Mental Diseases and Medical Jurisprudence in Northwestern University.

Walter Wheeler Cook, Chicago. Professor of Law in the University of Chicago.

William S. Forrest, 1016 Ashland Block, Chicago. Attorney.

Adolf Meyer, Baltimore. Professor of Psychiatry in Johns Hopkins University.

William E. Mikell, Philadelphia. Professor of Law in the University of Pennsylvania.

Harold N. Moyer, 103 State Street, Chicago. Physician.

Morton Prince, 458 Beacon Street, Boston. Former president of the American Neurological Society, and the American Psychopathological Society. Professor of Neurology in Tuft's Medical College.

W. A. White, Washington. Superintendent of Government Hospital for the insane.

Judicial Probation and Suspended Sentence.—Wilfred Bolster, Boston, chairman. Chief Justice of the Municipal Court of Boston.

Roger N. Baldwin, 911 Locust St., St. Louis. Former Secretary of the National Association of Probation Officers.

Charles A. DeCourcy, Boston. Justice of the Supreme Judicial Court.

Homer Folks, New York. Chairman of the State Probation Commission.

Louis W. Marcus, Buffalo. Judge of the Supreme Court.

Edwin Mulready, Boston. State Deputy Commissioner of Probation.

Henry N. Sheldon, Boston. Justice of the Supreme Judicial Court.

Arthur W. Towne, Albany. Secretary of the State Probation Commission of New York, and of National Probation Association.

Robert J. Wilkin, 211 Clinton St., Brooklyn. Judge of the Juvenile Court.

A. C. Backus, Milwaukee. Judge, Municipal Court.

Wm. H. Venn, Detroit. Probation Officer.

Organization of Courts.—Roscoe Pond, Cambridge, Mass., Chairman. Professor of Law.

John B. Sanborn, Madison, Wis. Lawyer.
Professor Albert M. Kales, Chicago. Lawyer and Professor of Law.
Stephen H. Allen, Crawford Building, Topeka, Kas. Former Judge of the Supreme Court.
Samuel C. Eastman, 80 N. Main St., Concord, N. H. Lawyer.

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