Journal of Criminal Law and Criminology

Volume 4 | Issue 2 Article 10

1913

Notes on Current and Recent Events

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ANTHROPOLOGY—PSYCHOLOGY—LEGAL MEDICINE.

On the Diagnosis of Feeble-mindedness.—The word feeble-mindedness is very elusive and vague. Up to the present time even the highest authorities in psychology have been at variance in their understanding of the term. Much more confusion has existed in the minds of physicians, purists and the general public. This difference of understanding has exhibited itself in various ways.

Early writers on the subject, in gathering statistics, considered about one per cent of the whole population to be feeble-minded and five per cent of prison or institutional cases to be in the same class. Later writers claim that the percentage of feeble-mindedness in prisons and like institutions runs as high as 70 per cent. This wide variation in statistics may be due to a number of things but it emphasizes the fact that the lines are being drawn tighter and the understanding of the term is considerably different than it was some years ago.

Earlier figures were no doubt merely estimates based on the actions and general behavior of the child, while the later figures have been gathered from the application of the Binet tests. These tests are now in such general use that any description at this time is not necessary.

The tendency of the present time appears to allow the pendulum to swing too far toward the scientific side. Formerly, as I said, diagnosis was made through general estimations of actions and this method obviously overlooked many cases. The Binet tests, however, are likewise defective when used as a sole standard of diagnosis. While it is no doubt of extreme value to have a definite system of tests which may be used by all investigators in this line of work, we must be very cautious in making too strong claims for the perfection of that system.

The whole object in making any examination and diagnosis of mentality is to afford a basis for action in the disposition of any given case. For this reason it is extremely important that the diagnosis be correct. In other words, the methods and tests used in the diagnosis of feeble-mindedness should be systematized and standardized to such a degree that all, not merely psychologists, but physicians, jurists and public alike could reasonably agree in regard to the correctness of the conclusions.

The public, unlearned as it may be in regard to the technical points involved, is really the arbiter in the case for, in order to accomplish much as far as society is concerned, we must have appropriations as well as ideals and these appropriations must come from the public. The state cannot reasonably be expected to provide liberally for institutions for the feeble-minded if those who make a diagnosis cannot agree in the matter. Neither will it receive widespread interest if any one brief test is set up as an infallible standard of diagnosis.

Exceptions to the correctness of these tests are too frequent to make their value more than relative. Psychologists stand firm in their belief and loyalty to the Binet tests, that is, they think these tests sufficient to enable one to make a diagnosis on the tests alone. Physicians are strong

in their assertion that physical defects play a more or less important role in border line cases and that these should be removed before the tests are given. Also medical men recognize the fact that certain children of faulty heredity may be apparently normal intellectually yet, that at certain periods in their lives, especially puberty, defects begin to show. Eventually that child may suffer a complete mental breakdown with developmental insanity. Thus it would seem that a child with a bad nervous heredity should not be judged normal, even though he pass the Binet tests perfectly till after puberty.

Also we have that peculiar and little understood individual, the moral imbecile. He too may be intellectually normal according to test but grossly different from his social associates or even other members of the same family. His defect may be one of environment but he certainly is abnormal and should not be judged solely by a single standard.

Jurists and the public are likely to use the standard of actual life as a means of diagnosis. The question with them is not one of technical questions and answers but does the child really make good as a normal member of society? Or, does he compare favorably with others in his social strata? If so he is considered normal.

I suppose in this matter as with every other touching human life, there is bound to be some difference of opinion, but the divergence at present is far too much for progress to be made toward the final solution of the question. Concessions will have to be made on all sides. Psychologists, in my mind, will never convince the general public that their point of view, scientific as it may be, is entirely sufficient. On the other hand, physicians and jurists must take cognizance of the fact that some definite system of tests is necessary to get at approximate results, while both psychologists and physicians must concede that the actual test of conduct is of extreme value and not to be left out of consideration.

This would lead us to the conclusion that to make a diagnosis of feeble-mindedness which will pass current with the public in order that legislators may have definite statistics when considering appropriations for institutions for this class of humanity and in order that funds may be wisely spent for the protection of the individual and society in general, our definition must be broad enough to cover the case in all its phases and time enough must be allowed to give a tentative diagnosis a good tryout under the most favorable conditions.

To this end I would suggest that no child of the "moron" group be considered feeble-minded until he have a thorough physical examination by a competent physician accustomed to such work, and have all defects remedied. Within six months or a year psychological tests should be given by one experienced in that line. Following this the child, if a border line case, should be placed in a good home or proper institution where he could live under the proper environment for a period of at least one year, where observations could be made concerning his ability to exercise self control. Also no child should be finally judged feeble-minded till after the period of puberty.

After all this has been done and the child fails to come up to the requirements and is plainly not fit to ever become a normal member of society, then and only then should the stamp of feeble-minded be placed upon him.

This would all take time but would be fair to the boy and afford reasonably accurate grounds for a diagnosis. When once made such a diagnosis should be considered permanent.

This would mean that to solve the problem adequately, the state must have the right to study and make a diagnosis of any given case in question. It would mean that such institutions as Faribault [Minnesota State School for Epileptics and Feeble-Minded] would have to be provided and be in reality detention homes for trying out the child under the best teaching and environment. Also there should be other institutions developed on the colony plan, separate from the former, where those finally judged feeble-minded could be committed for life. These cases would be proper subjects for sterilization.

This program, while long and tedious, is the only way to eliminate error in diagnosis and at the same time strengthen the confidence of the general public in the work that must be done along these lines.

H. D. NEWKIRK, M. D., Director Research Dept.,
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Corrective Work in the Hennepin County Juvenile Court.—The Research Department of the Hennepin County Juvenile Court has been in existence a little more than a year under its present organization. Previous to this, considerable work was done of a similar nature to try out the plan on a large number of children in order to get some idea of the necessity for such a department. This work showed conclusively that the juvenile delinquent was more defective physically than the average boy and mentally was far inferior. These tests and examinations were all carried on in a most careful manner in order that the results might be of actual value for further plans. It was found that 87 per cent of all cases were defective excluding minor defects; of those in court once only, 82 per cent were defective, while 90 per cent of repeaters were defective. The psychologist reported 40 per cent retarded mentally at least three years. The Binet and other similar tests were used and comparisons made with average school children.

These facts led the Juvenile Protective League, an organization interested in child welfare, to undertake the work as carried on now, for a term of years or until the county should see fit to make the department a regular branch of court work.

The department consists of a director, who is examining and operating surgeon, a psychologist, who makes mental examinations in detail, and a nurse, who is a social service expert. The physician makes complete physical examinations of all cases whose parents do not object—and they seldom do—gives the boys straight talks on the subject of personal morals and attends to all medical and surgical work with the exception of special eye and ear cases, these being handled by specialists in these lines. The psychologist makes complete mental tests giving special attention to repeaters. The nurse assists in the medical examination, attends court to get acquainted with the parents, visits the homes instructing the parents in matters of sanitation and hygiene and keeps in continual touch with the boys.

The regular examinations are carried on in a private room in the court-

house, no one being present but physician, nurse and boy. The physical examination is very complete, the school record, moral and sociologic phases carefully investigated and complete notes kept. Our aim is to get exact data sufficient to form a mental picture of each boy and often it takes days to finish any given case. The director then makes notes of all physical defects, estimates their general bearing on the delinquency in point and delinquency in general, the relation of conditions of environment to delinquency, and gives his opinion relating to proper treatment. These notes are at the disposal of the judge.

After the routine examination work, if the child has been found to have physical defects, remedial in nature, the nurse gets the consent of the parents for treatment and this is seldom refused. In fact, it is often the case that parents ask for like services for some other member of the family. The child is then taken to a private hospital, treated or operated as the need may be and cared for in the best possible manner till recovered. All this is done gratis to the people. In this way the hearty co-operation of the parents is secured. Defects are remedied regardless of the bearing they may appear to have on the special delinquency for our object is to make a new boy as far as possible that he may have a fair and equal chance to compete with his fellows.

If a child is plainly feeble-minded according to the record of the psychologist, his physical defects are remedied in so far as it may be possible but he is committed to the state school for the feeble-minded where he can be cared for and have a chance to develop to the best of his ability yet not be a menace to society.

The great value of such a department in connection with a juvenile court is two-fold. Primarily it is for the remedial benefit of the child. The old idea of retribution has been left far in the background. The main purpose to-day is to take the boy as he comes to us, making his apparent misfortune in being brought into court his real good fortune. Many a boy has been changed from an anemic, weazened mouth breather, dulled by forces over which he had no control, till he became a listless laggard and truant, to a bright, energetic, active, normal child. That there is a relation between a sound body and a sound mind no one can deny. Just what the relation is and how the various physical defects have a bearing on the subject of mentality and delinquency we hope to be able to speak with some certainty at the end of a period of about five years when we, as well as others, shall have examined thousands of children, remedied their defects and observed the results.

We do not claim that physical defects are a prime cause of delinquency as many have been led to believe, but we do think that indirectly there is some relationship and it is unfair for the state to attempt to handle any case without first making a complete examination. Also we claim that every child is entitled to as sound a body as it is possible to give him and it is simply good business on the part of the state at least to see that this much is done for him so he may have a chance to become the best kind of citizen. Also it is good business for the state to care permanently for its feeble-minded in a humane way instead of inflicting punishment time after time and allowing them to despoil society in the interval.

The second object of our work is the scientific side. If it be true that

retardation in school caused by physical defect is a real cause of delinquency, then the state should pay vastly more attention to physical examination of all school children and adequate facilities should be provided for remedying all kinds of defects. If, however, it can be definitely proven that actual feeble-mindedness is at the bottom of a large percentage of crime then instead of prisons and jails, the state should spend its funds very largely for detention homes, farm colonies and institutions of like nature where these can be kept employed and contented yet segregated for life. In this way progress could be made, money saved and society benefited.

It is too soon to say just how much value such a department will have but it has been plainly demonstrated by our results so far that great benefit has resulted along physical lines, morals have been improved and the actual percentage of repeaters has been lessened.

H. D. NEWKIRK, M. D.

The Relation Between Insanity and Crime.[1]—In approaching these important topics, we are possessed at once with the thought that insanity and crime are closely connected, or very intimately related to one another. If we regard insanity, we recognize conditions that refuse to acknowledge the restraints of law; if we turn to criminology, we are confronted with the problem of *L'Uomo Delinquente,* of Lombroso, the moral imbecile, and the criminal paranoiac. We know that the great majority of the insane in our hospitals are either actual *de facto* offenders, or they are restrained of their liberty to prevent them from committing grave offenses against law and order, and consequently criminal *in esse* or *in posse.* On the other hand it has been affirmed that from thirty to thirty-five per cent of the inmates of prisons are mentally defective or insane. A study of the antecedents of criminals also exhibits this intimate relation existing between mental disorder and crime. Very few criminals have had healthy parents, and statistics show that a large proportion have an insane, epileptic, or otherwise neurotic heredity.

[1] This paper was read at the Third Annual meeting of the Pennsylvania Branch of the American Institute of Criminal Law and Criminology, April 11, 1913.

This is the most strenuously promulgated doctrine of the new science of eugenics. A degenerate or tainted stock like the Jukes family will give successive generations of insane, feeble-minded, epileptic, and criminal descendants indiscriminately.

So close is this relation between crime and mental unsoundness that an eminent jurist has gone so far as to express the opinion that every criminal is insane.

The question was recently asked of me by a gentleman prominent in our state government, "Why do you doctors find so many murderers insane?" My answer was, "Because, possibly, of the fact that more insane than normal men commit murder. We must admit that a perfectly sane man is much less likely to commit crime than one who is insane."

But as my remarks were to be made chiefly from the medical standpoint, let us now take up the term insanity for brief consideration.

In the first place, I find that I must criticize adversely the word itself. Insanity really, as we all know, has no definite meaning, and therefore

properly speaking it has no place whatever in scientific medicine. It is not the name of any disease, it is not a diagnosis, it is not even a symptom, in fact it is an expression having various and diverse meanings, and signifies nothing definitely.

Insanity, is a popular, not a scientific term. Everyone who uses the word, in his own mind, doubtless attaches some vague conception to it; but no two persons use it with precisely the same meaning. This is well illustrated by the authors of medical works. Each one rejects the definition given by others, and tries to substitute one of his own, which to others is equally unsatisfactory.

We know, in fact, that the word never had any fixed, definite literary or scientific application. Even in the classic period the noun "insania" meant various things; it was applied to mere extravagance or luxury, to an attack of anger or sudden fury, to overfondness or infatuation, as well as to sickness of the mind, or madness.

The adverb "insane" merely meant excess, as in the familiar precept of *Plautus Bonam est pauxilulum amare, insane non bonum est,* which embodies medical doctrine of such excellent quality as to excuse its present repetition.

The utmost that can be granted to insanity in the way of significance is that it implies the idea, in a general way, of unsoundness, or disorder affecting the mind. Stating it in other words we may say that "insanity is a negative state, and comprises various mental conditions in which the hypothesis of sanity is not tenable."

The word "insanity" if employed by alienists at all, is only used in a generic sense as a comprehensive term, which includes all forms of mental disease or disorder of whatever degree or description. It is not applied, however, to forms of mental defect—idiocy, imbecility, or feeble-mindedness—which are grouped under the general title of "Amentia." Mental unsoundness, therefore, is composed of two groups, the Insane and Aments. This distinction is clearly shown in a recent report of a Commission on the Segregation, Care and Treatment of the Feeble-Minded and Epileptic of Pennsylvania.

As a matter of fact, feeble-mindedness has just as intimate relations to crime as insanity has. The laws with regard to the feeble-minded, or ament class, are very imperfect and inadequate. Many imbeciles commit offenses against the laws, and when brought up for trial the fact of their lack of responsibility is recognized, but by what must be regarded from the medical standpoint as a legal fiction, they are pronounced insane and are generally committed to our over-crowded hospitals for the insane where they occupy beds that are needed for the insane. There is an imperative need in this state for adequate provision for the delinquent and dependent feeble-minded. They constitute a special class who are easily influenced by others to commit crimes, and society should take steps for its self-protection, by segregating them in special communities or in agricultural colonies where they may be made self-supporting, at least in a large degree.

The present Legislature has been asked to appoint a commission to take into consideration this whole question of dependency and delinquency in Pennsylvania, and if this is done many of the problems arising from

insanity and crime, will doubtless receive careful consideration, and useful legislation may be recommended.

FRANK WOODBURY, M. D.
Secretary of the Committee on Lunacy of the Board of Public Charities of Pennsylvania, Philadelphia.

COURTS—LAWS.

Selecting Jurors.—One of the crying needs of the hour in criminal jurisprudence is an improved and practical method of selecting jurors from the mass of the voters of the county. The old methods are time worn and obsolete, and ought to be generally improved, and improvements that might be made would work material benefit in the interest of law enforcement and good order.

In a few of the states property qualifications are required which, in the judgment of the writer, should never be allowed. But nevertheless, the fact remains, that there are many persons who are permitted, by the laws, to vote at elections who are not qualified either in character or intellect to serve the best interests of the public in the jury box. It frequently happens, under the present system in vogue in Iowa, and some of the other states, that a greater or less percentage of the members of the jury are men whose character and intelligence render them entirely unfit for the services to be performed. The man of experience in the business of the courts is able to testify that many of the miscarriages of justice of which the public complains, are not due to the judges, but to the juries primarily, and result from this very fact, that incompetent, unfit men are drawn for jury duty.

The method of selecting jurors in the state of Iowa is flagrantly open to the objection, that it makes no discrimination whatever as to the character and intelligence in the legal requirements as to competency for jury service. The only restrictions in the state of Iowa are that the juror shall be a legal voter in the county where drawn, and shall be able to read and write in the English language. The number of men who can fill that qualification, and are yet inherently unfit for the task is very much greater than the average observer would think, and the problem that confronts the public today is by what method this evil shall be remedied. In order correctly to understand the situation it is necessary to state the method of selecting jurors in Iowa. It is as follows: At each general election the judges of election in each voting precinct are required to return to the county auditor, along with the election returns, a list of persons equal in number to one-tenth of the population of the precinct. These names of persons so returned in a county containing a population of 50,000 would be 5,000 names. When these names are received by the auditor, they are written, each name upon a separate ballot, and so folded that they cannot be read without opening the ballot. The judges of the District Court, before each term of court opens, direct the numbers of jurors to be drawn from this list. These ballots are placed in a sealed box and are drawn by the clerk, auditor and recorder, in such a way that no one knows who is being drawn until the ballot is opened. The jurors when so drawn are summoned into court, and those who are not excused for good reason are required to serve during the term. This system, it is plainly evident, is nothing more nor

less than drawing citizens from the body of the county by a blind lottery, and the result is frequently such that the service is far below in character what is necessary for the well being of society. Under the laws of this state, any person who will be seriously financially injured by requiring him to remain and serve as a juror is excused. The result is that too many of the better class of jurors are eliminated, and the remainder performs the services required of jurors, which is of the highest importance to the public, and to individual litigants, whose causes must be determined by this class of men selected in this blind, inconsiderate manner. The remedy to be accomplished in modification of jury laws must have in view the demand of the public for integrity and intelligence in the jury box. The citizen has no inherent right to perform jury service. The public has an all important right to demand honest and intelligent action by the juries.

The method that has been adopted most generally (in 22 states in the Union), is as follows: The judges of the court select three, five or seven intelligent citizens of the county who have no causes of action for trial at the next ensuing term of court. These men are called a jury commission. They are summoned without the public being given any notice as to their identity. When in court they are duly instructed and sworn, and locked in a room in charge of a sworn bailiff, furnished with the poll lists of the county, and from this list they select men for jurors for the ensuing term of court. They are directed to select men of high character and of good intelligence for the service. They are sworn, amongst other things, to select no man for religious or political reasons, but to select with sole reference to qualifications for the duty to be performed. This system has proven highly satisfactory in the states where it has been adopted. It does not fill the jury box with men who are placed there for the purpose of supplying men with an occupation to prevent them becoming charges upon the public charity. It prevents the packing of juries by organized predatory interests. It eliminates from the service the illiterate, the criminal, and malicious individual who uses his position in the jury box for improper purposes. The writer of this article, from experience under both systems, is firmly convinced that the commission system of selecting jurors is the remedy that ought to be adopted wherever this evil exists.

W. H. McHENRY. Judge of District Court, Des Moines, Ia.

Compensation for Imprisonment of Innocent Persons in Wisconsin.—Below is the copy of the law enacted in the present session of the Senate and Assembly of the State of Wisconsin, providing compensation for the imprisonment of innocent persons and making an appropriation. The law may be found in chapter 189 of the laws of 1913, section 3203a, State of Wisconsin.

It will be remembered that in the issue of this JOURNAL for January, 1913, we published an extensive article by Mr. Edwin Borchard of the Law Library of Congress, relating to European methods of compensating persons who are erroneously convicted. In the same issue we published an editorial by Dean John H. Wigmore of the Northwestern University Law School, relating to the same subject. Mr. Borchard subsequently prepared a bill providing for such compensation, and through Senator Sutherland introduced it in the Senate of the United States. Mr. Borchard wrote to us on May 22nd, stating that the status of the Federal Bill is at present some-

what uncertain. It did not become a law within the regular session of Congress and Senator Sutherland will introduce it again within the extra session and desires to call hearings on it before adjournment. After the hearings he proposed to make a statement on the floor concerning the bill. The department of justice is now engaged in running through the records for cases to which this bill might have been applied had it been on the statute books during the last several years. Mr. Borchard will endeavor to arrange for hearings on the bill in the House at about the same time with the senator's aid. Those members of the judiciary committee whom he has seen are all favorably inclined toward the bill.

The Wisconsin law follows:

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is added to the statutes a new section to read: Section 3203a. 1. The governor and the members of the state board of control are hereby constituted a board to be known as the board for the relief of persons who have served terms of imprisonment upon conviction for an offense or crime against the state of which they are innocent. The secretary of the state board of control shall be the secretary of the board hereby created.

2. Any person who hereafter shall have served a term of imprisonment under conviction for a crime or offense against the state, of which crime or offense he claims to have been innocent, or any person who shall have been pardoned by the governor on the ground of innocence and whose term of imprisonment shall thereby have been decreased, may petition the board constituted in this section for the allowance from the state of compensation for such wrongful imprisonment.

3. Such board shall hold a hearing on such petition and shall cause evidence of the character hereinafter mentioned to be produced before it. After hearing the evidence, the board shall make a finding that it is clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he suffered imprisonment, or that it is not clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he was imprisoned. Upon the hearing before the board the record of the trial in which the conviction was had may be presented to the board for the purpose of enabling the board to understand the situation, but the finding of the board shall be based only on such evidence or circumstances as have been discovered or have arisen since the trial and conviction of the petitioner of the crime or offense for which he claims to have suffered wrongful imprisonment.

4. If the board shall find that the petitioner was innocent of the crime or offense for which he has suffered imprisonment, and that he did not by his act or failure to act contribute to bring about the conviction and imprisonment for which he seeks compensation, the board shall proceed to find the amount which will compensate the petitioner for his wrongful imprisonment. Such board may award a compensation to the petitioner so found innocent of not to exceed five thousand dollars in any case, and at a rate of compensation not greater than fifteen hundred dollars per year for the imprisonment so unjustly suffered. If the board shall find that the amount they may be able to award will not be an adequate compensation

to the petitioner they shall report an amount to the legislature which they shall deem to be adequate and shall recommend the appropriation by the legislature to the petitioner of the amount in excess of the amount they may have awarded.

5. The board shall keep a full and complete record of its proceedings in each case and of all the evidence produced before them. The findings and the award of the board shall be subject to review on an appeal, by the circuit court for Dane county, but the appeal shall be subject to the same limitations as apply to the findings and awards made by the board.

6. The award shall be certified by the board to the secretary of state, and upon being audited by him shall be paid out of the state treasury.

7. There is appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to carry out the provisions of this section.

Section 2. This act shall take effect and be in force from and after its passage and publication.

This Act may be found in Chapter 189, Laws of 1913, Wisconsin.

R. H. G.

Recent Indiana Legislation Reviewed.—The Indiana general assembly of 1913 enacted a large number of laws of special interest to readers of the JOURNAL. One of the most important of these laws provides for the establishment of a state penal farm. It is to be known as the Indiana State Farm and is intended for the care and confinement of male prisoners over sixteen years of age, convicted of any violation of law formerly punished by jail or workhouse sentence. If the sentence is for sixty days or less, sentence to the state farm is optional. It is provided that the site shall be chosen by a commission with a view to furnishing employment for the inmates in various forms of industry, such as farming, fruit growing, stock raising, brick making and the preparation of road and paving material. To quote the words of the legislative penal farm commission this institution is meant to be "the best method of relieving the state from the disgrace of the present county jail system of confining prisoners indefinitely in idleness at the expense of the taxpayers."

By Senate Bill No. 13, approved March 15, punishment by hanging is abolished and electrocution is substituted. By Senate Bill No. 203, approved March 5, it is provided that boards of county commissioners may arrange with the managers of the state prison and reformatory to secure prisoners for work on public highways, whenever there is no labor within the institutions named at which they can be employed. The enactment of this bill was opposed by the state board of charities. By Senate Bill No. 251, approved March 15, the juvenile court law of 1903 was amended to make it clear that courts in counties other than Marion should have the powers of the juvenile court of Marion county. The act also extends the jurisdiction of the juvenile court to girls until they have completed their eighteenth year instead of their seventeenth as now.

Senate Bill No. 308, approved March 15, amends the present law relating to proceedings in case a defendant is acquitted on the ground of insanity, part of which was recently declared unconstitutional. It enacts that the defense of insanity must be pleaded specially in writing. If found not guilty but insane, the defendant if male shall be committed to the

Indiana Colony for the Insane, and if female, to the Indiana institution where the female insane are confined. In order to avoid technical decisions on the pleadings it is enacted by Senate Bill 486 "that hereafter in all pleadings papers or writings which are filed in or before any court in any civil or criminal case * * * all recitals therein and all statements contained in any participial expression or following the words 'having' or 'being' shall be considered and held to be allegations of fact, whenever necessary to the sufficiency thereof," etc.

Other bills relate to shortening the time for appeals, the appearance of prosecuting attorneys in undefined divorce suits, licensing of detectives, the legislative reference bureau, etc. An abstract of the provisions of some of the more important laws, as given in the Indianapolis News for April 4, is given below:

Death Penalty—Electrocution.—Senate Bill 13 (Chapter 315), approved March 15, amends Sections 310 and 314 of the criminal code (Burns, 1908, Sections 2196 and 2200, in relation to the infliction of the death penalty. For the provision in Section 2196 that death shall be inflicted "by hanging by the neck until the person is dead" is substituted the provision that it shall be inflicted "in every case by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of such convict until such convict is dead." And for the provision in Section 2200 that the execution shall take place "within an inclosure to be erected or arranged for that purpose" is substituted the requirement that it shall be "in a room arranged for that purpose"; and it is made the "duty of the warden and board of trustees of such prison to provide the necessary room and appliances to carry out the electrocution, as provided in this act."

There is no emergency clause.

Pleading—Allegations Sufficient.—Senate Bill 486 (Chapter 322), approved March 15, enacts "that hereafter in all pleadings, papers or writings which are filed in or before any court in any civil or criminal case, or in any proceedings * * * all recitals therein and all statements contained in any participial expression or following the words 'having' or 'being' shall be considered and held to be allegations of fact, whenever necessary to the sufficiency thereof, and all conclusions stated therein shall be considered and held to be the allegation of all the facts required to sustain said conclusion, when the same is necessary to the sufficiency of such pleading, paper or writing." As against such conclusions, a motion may be filed to require the party to state the facts necessary to sustain it, but if no such motion is made and ruled upon, all objections on account thereof are waived.

There is no emergency clause.

Courts—Juvenile Court.—Senate Bill 251 (Chapter 325), approved March 15, amends Sections 1 and 3 of the juvenile court bill, as amended in 1907 (Burns, 1908, Sections 1630, 1632). Section 1 (1630) is amended so as to increase the salary of the judge of the juvenile court of Indianapolis from $2,500 to $4,000 a year, and a proviso is inserted that in other counties than Marion "the circuit court and the judge thereof shall have and possess all the powers and duties conferred on the juvenile court and the judge thereof by this act and shall have the exclusive jurisdiction in all matters relating to children, including juvenile delinquents, truants, neglected and dependent children, children petitioned for by the board of children's guardians, and in all cases wherein the custody of children is in question." The juvenile court, as so constituted, "may sit in chambers and hold its session irrespective of the terms of the circuit court." The tenure of juvenile court judges now in office is not to be affected.

Section 3 (1632) is amended so as to provide that the jurisdiction of the juvenile court shall extend to girls until they have completed their eighteenth year instead of their seventeenth. It is provided that when com-

plaint is made against a boy or girl and certified to the juvenile court, and has been investigated "if said cause is not dismissed a summons shall be issued by the clerk requiring the person or persons having custody or control of the child, or with whom the child may be, to appear with the child at a place and time, which shall be stated in the summons; said summons shall also contain a notice requiring such person or persons to show cause, if any, why such child should not be made a public ward or a ward of the court," and the parent may also be notified unless he is present in court or is a nonresident of the country, or can not be found. At the option of the court a warrant may be issued to bring the child into court. If such summons and notice shall have been served upon the parent or guardian, no further notice shall be required of any order made by the court for committing the child to a public institution.

There is no emergency clause.

Health—Reports of Births, Deaths, Diseases.—Senate Bill 279 (Chapter 239), approved March 14, amends three sections of the act of 1907, for collecting records of deaths, births, marriages, etc. (Burns, 1908, Sections 7607 and 7596.) Section 1 (7607) is made to apply to "all other persons who are now permitted or entitled to treat disease or deformity, or practice obstetrics in the state," as well as to physicians and midwives. When deaths and infectious diseases are reported "a certificate of death shall be filed and the burial or removal permit issued prior to any disposition of the body." Reports of deaths outside of cities and towns are to be made to the health officer "nearest to the place where the death occurs."

"Upon the reporting of any death occurring outside of cities and incorporated towns, to the nearest health officer, other than the county health commissioner of the county wherein said death occurred, said certificate of death shall be sent immediately, for record, by said health officer to the county health commissioner of the county wherein said death occurred."

Persons performing marriages are required to report them within three days after their occurrence, to the clerk of the circuit court of the county "wherein the marriage license was issued," instead of where the marriage occurred.

The penalty for failing to make reports or for failing to furnish information on which to base a report, is extended to any physician or midwife who shall knowingly make a false report of death, birth or disease, and any householder who shall furnish false information for the purpose of an incorrect certificate or report.

Section 2 (7596) is amended so as to require that the state board of health "shall upon request furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this act, and such copy of the record of a birth or death, when properly certified by the secretary of said board to be a true copy thereof, shall be prima facie evidence in all courts and places, of the facts therein stated."

A new section, purporting to amend the former repealing section, makes it the duty of any person having charge of hospitals, poor asylums and other public or private places of resort for treatment of disease, confinement or to which persons are committed by law, "to make and keep on file a record of all personal and statistical particulars relative to the inmates of such institutions, as may be required by the state board of health," under penalty of a fine of from $5 to $50.

This act is not to affect the act of 1911 to prevent infant blindness.

There is no emergency clause.

Criminal Law—Appeal Bonds.—Senate Bill 161 (Chapter 225), approved March 14, amends Section 3 of acts of 1911, relating to the stay of execution by giving bail on appeal in criminal cases, so as to require that the bond given for that purpose shall be conditioned, not only that an appeal will be perfected, but also that it will be perfected "within the time fixed by an order of the court try said cause, not to exceed 180 days from the date of judgment."

There is no emergency clause.

Criminal Law—Expenses of Prosecuting Attorneys.—Senate Bill 48 (Chapter 5), approved February 12, provides that the expenses necessarily incurred by any prosecuting attorney in traveling to attend the taking of any deposition in connection with any criminal action in which he appears as such prosecuting attorney shall be paid from the county treasury, after being allowed by the court, on consideration of an itemized statement of such expenses, duly verified, to be filed with the clerk of the court. Expenses so paid in cases from another county on change of venue are to be collected from the other county as other costs in such cases are collected.

There is no emergency clause.

Criminal Law—Insane Defendant.—Senate Bill 308 (Chapter 298), approved March 15, repeals Section 200 of the Criminal Code (Burns, 1908, Section 2071), and Section 16½ of acts of 1909, Page 207, relating to proceedings in case a defendant is acquitted on the ground of insanity.

It enacts that the defense of insanity must be pleaded specially in writing, and at the trial, evidence may be introduced to prove the defendant's "present sanity or insanity." If a defendant, pleading insanity as a defense, is found not guilty, the jury shall also be required to find whether he committed the act charged, and, if so, whether he was sane or insane at the time he committed it, and "whether not guilty because he was insane at that time."

If the court or jury trying the cause find the defendant not guilty on the ground of insanity, the court shall find as to his sanity at the time of the trial, and if it shall find that he is then insane, the court shall order the defendant, if a male person, to be committed to the Indiana colony for the insane, and if a female person, to be committed to the Indiana institution where the female insane are confined. The same order may be made if "the defendant is sane at the time of the trial, but the recurrence of such an attack of insanity is highly probable." The person must be confined therein six months, after which he may apply to the court from which he was committed, for an order for his discharge. "A second or subsequent application for discharge shall not be made within two years from the time of any previous application.

The court may cause an examination of any such defendant by two competent disinterested physicians, who may testify at the hearing, and other evidence may be introduced to prove the defendant's sanity or insanity. If the court finds that the defendant "has not sufficient comprehension to understand the proceedings and make his defense," the defendant shall immediately be committed as an insane person; but, "if the court shall find that the defendant has comprehension sufficient to understand the nature of the criminal action against him and the proceedings thereon and to make his defense, the trial shall not be delayed or continued on the ground of the alleged insanity of the defendant." If a defendant so committed before trial shall again become sane, he or she may be returned to the custody of the sheriff, and "placed upon trial for the criminal offense, the same as if no delay or postponement had occurred by reason of defendant's insanity."

There is no emergency clause.

Prisons—Physician for Criminal Insane.—Section Bill 5 (Chapter 4), approved February 12, 1913, amends Acts 1911, Page 189, which put the hospital for criminal insane under the care of the physician of the state prison, is amended to read as follows:

"There shall be a physician in charge of the Indiana hospital for insane criminals who has had at least three years' practical experience as a physician, and who is regularly licensed to practice his profession in the state of Indiana."

An emergency is declared and the act took effect on its approval.

Prisons—Penal Farm.—House Bill 471 (Chapter 236), approved March 14, provides for a new correctional institution for male prisoners, to be known as the Indiana state farm. The commission of four persons, appointed by the Governor, is to be appointed to choose the site of the

institution, and shall purchase not less than five hundred acres of land in a body, in the name of the state. The Governor shall then appoint a board of trustees of four members, not more than two of whom shall belong to the same political party, who shall serve without compensation, except their expenses. They shall act under the law of 1907 for the management of the state benevolent and penal institutions. Necessary buildings are to be erected and equipped, and when ready for use "persons having more than sixty days to serve may be transferred to the state farm from any jail or workhouse in the state, on order of the Governor." Prisoners having mechanical ability may also be sent from the state prison and the Indiana reformatory by arrangement between the trustees of the different institutions, subject to control by the Governor. After proclamation by the Governor declaring the state farm ready to receive prisoners, "it shall be the duty of all judges of circuit, superior, criminal and city courts to commit thereto, so far as the capacity of the institution will permit," all convicts above the age of commitment to the Indiana Boys' school, convicted of offenses, "the punishment for which now consists of imprisonment in any county jail or workhouse." Persons unable to pay fines imposed on them may be committed to this farm instead of a jail or workhouse. The counties from which prisoners come shall pay the cost of their transportation. Prisoners at this institution shall be employed in work on or about the buildings and farm, and in growing produce and supplies for use, thereon, and in other state institutions; in preparing road material and in making brick, tile, paving and other materials for use by the state and municipalities.

Sixty thousand dollars is appropriated, of which $5,000 shall be available for taking an option on the farm. Twenty thousand dollars additional is appropriated to be available June 1, 1914, and another $10,000 for stock and equipping the farm, and $200 a year for maintaining each prisoner.

There is no emergency clause.

Prisons—Parole of Boys from Boys' School.—Senate Bill 455 (Chapter 305), approved March 15, enacts "that in all cases where an infant is committed to the instruction and discipline of the Indiana Boys' school, the age of the infant at the time when he is actually sent to such institution, shall be given and considered," instead of his age at the time of the offense committed. And the board of control is authorized, in its discretion, to discharge from that institution any boy who shall have attained the age of eighteen years.

There is no emergency clause.

Prisons—Work on Highways.—Senate Bill 203 (Chapter 83), approved March 5, authorizes the inmates of the state prison at Michigan City and the reformatory at Jeffersonville to be employed at work on the public highways, "whenever there is no labor within the walls of such institutions at which they can be employed," and to confine them at places to be designated by the prison officials, under rules to be adopted by such officials, when not so at work in such places. Agreements for payment by counties, townships or any highway commission for such work may be entered into with the prison board, and the officers of such county or township may purchase necessary material for work on any highway. The prison officials "are given power to purchase out of the maintenance fund of such institutions the necessary tools, apparatus, appliances and movable places of confinement for such inmates while so engaged," and to engage an expert superintendent."

There is no emergency clause.

Legislative Reference Bureau.—Senate Bill 428 (Chapter 255), approved March 14, establishes a bureau of legislative and administrative information for the purpose of gathering, digesting and indexing material for the use of the legislature and public officers, boards, commissions and institutions, and to provide for the preparation and drafting of legislative bills. A board of control, consisting of the Governor, state librarian, presidents of Indiana university and Purdue university, and one additional member appointed by the Governor, shall appoint a director of the bureau, whose

salary and term of office shall be fixed by the board, and who shall be subject to removal for cause, by the board. With the approval of the board, the director shall employ assistants, investigators and draftsmen, and fix their compensation. The bureau shall gather information, arrange and index materials for use by the general assembly, boards and commissions, and assist in preparing and drafting legislative bills. It may also collect material on municipal laws and administration, and furnish them to municipal officers, and may co-operate with any state educational institution in any manner approved by the board. Copies of all public documents published by the state are to be furnished to the bureau, and the digests and collections of material made by it are to be published by the state. The bureau is to have offices at the statehouse and co-operate with the state library, taking therefrom the files, indexes, material and equipment of the legislative reference department. The sum of $13,500 is reappropriated, and an additional sum of $2,500 is appropriated to the bureau, to be available April 1.

The act creating a legislative reference department is repealed.

No emergency is declared, but "this act shall take effect April 1, 1912."

Fraud—False Financial Statement.—Senate Bill 88 (Chapter 11), approved February 12, makes it a crime, punishable by imprisonment in the state prison not more than five, nor less than one year, and a fine of not more than $5,000 nor less than $100, knowingly to obtain credit, money or property by means of a false statement, in writing, respecting the financial condition or means or ability to pay, of the offender, himself or of any other person, firm or corporation in which he is interested or for whom he is acting. Making use of a false statement made by others, or falsely representing that a statement previously made is still true, and thereby obtaining money, property or credit, is punished the same as using for that purpose a false statement made by the offender. The act covers the use of such a false statement, in writing, "for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of credit, the discount of an account receivable or the making, acceptance, discount, sale or indorsement of a bill of exchange or promissory note," for the benefit of himself or another.

An emergency was declared and the act took effect the day it was approved.

Divorces—Fees of Prosecuting Attorney.—Senate Bill 176 (Chapter 64), approved March 3, reads in exactly the language of Acts 1901, Page 336, as amended in 1903 (Burns 1908, Sections 1074-1076), providing for an appearance by the prosecuting attorney and the payment of a fee to him in case any divorce suit remains undefended. The title of the act, however, is changed to "An act to regulate the granting of divorces; prescribing the duties of the prosecuting attorney in relation thereto; providing compensation therefor, and declaring an emergency," instead of limiting the act to Marion county, as was done by the title of the act of 1901. This act is of general application throughout the state.

It declares an emergency and took effect the day it was passed.

Detectives' Licenses.—Senate Bill 288 (Chapter 246), approved March 14, provides for licensing and regulating the business of private detectives and detective agencies. A license must first be obtained from the secretary of state before any one "shall engage in the business for hire or reward, of furnishing or supplying information as to the personal character of any person or firm, or as to the character or kind of the business and occupation of any person, firm or corporation," and before he shall own or conduct a business or agency for such purposes, except as to financial rating. Unlawfully conducting any such business, except as to financial ratings, shall subject the person so doing or the responsible head of the offending firm, association or corporation, to a fine of from $100 to $1,000, to which may be added imprisonment in jail for from one to six months.

Applications for licenses shall be made to the secretary of state in writing, accompanied by an indorsement of the approval of not less than

five responsible citizens who are freeholders of the applicant's county and who shall acknowledge the application. If a corporation makes such application, the president and secretary shall verify it. The secretary of state must be satisfied that the application is correct, and by "such further inquiry and investigation as he shall deem proper of the good character, competency and dignity of such applicant," and shall thereupon issue licenses on payment of fees of $100 for an individual, or $150 for a partnership or corporation, taking a bond of the applicant in the sum of $2,000 for a person or $3,000 for a partnership or corporation. Licenses shall be tor five years, but revocable at all times by the secretary of state for cause shown. Badges at $2 each must be obtained from the secretary of state for every employe of such licensed person, firm or corporation, except office employes and persons under eighteen years old, and a strict account shall be kept of all persons at any time using such badge. The act is not to apply to municipal detectives lawfully employed on the police force, or as sheriff's deputies by any county, city, town or village, when appointed or elected by due authority of law, nor to private detectives employed by any police force.

An emergency is declared and the act took effect the day it was approved. C. G. V.

New Legislation in Indiana.—We have below a summary prepared by Mr. A. W. Butler of Indianapolis which supplements the above:

The General Assembly of 1913 enacted a number of laws of special interest to social workers.

Under new laws affecting the state institutions—

Girls will be committed to the Indiana Girls' School until twenty years of age instead of twenty-one;

A fine not exceeding $500 or six months in the county jail or workhouse, or both, will be imposed on any person convicted of causing, aiding, encouraging or influencing a ward of the Indiana Girls' School to violate her parole or any law or ordinance;

The method by which the institutions may acquire real estate or land occupied as an alley, street or public highway is defined;

The bonds required of treasurers is reduced from $50,000 to $25,000 and the cost of the bond will be paid from the maintenance fund;

Members of the Soldiers' Home who receive United States pensions will be permitted to retain more of their pensions than has been the case heretofore.

The appropriation bills carry liberal increases for maintenance of the state institutions, including the Robert W. Long Hospital in process of construction, also a grand total of $786,860.50 for new buildings and permanent improvements. Some of the larger items entering into this total are, for the Northern Hospital for Insane, $45,000 for two wings to the dining hall; for the Eastern Hospital for the Insane, $20,000 for equipping the recently purchased colony farm; for the Southern Hospital for the Insane, $20,000 for power house alterations; for the Village for Epileptics, $84,000 for new cottages for males and $32,799 for water and sewage systems; for the School for Feeble-Minded Youth, $20,000 additional for new hospital, the former hospital fund of $60,000 being re-appropriated; for the State Prison, $51,066 for binder twine machinery and water plant repairs; for the Indiana Girls' School, $40,000 for a new cottage; for the Indiana Boys' School, $33,000 for a new cottage and $32,000 for a new school house.

The interests of the county charities were not overlooked by the Gen-

eral Assembly. An excellent law regarding county poor asylums increases the superintendent's term of office from two years to four years and prohibits the appointment of any relative of the commissioners as superintendent or of any relative of the superintendent, except his wife, as an employe. The commissioners are required to visit and inspect the asylum at least once every three months and spread on their records a report of the condition and needs of the institution, signed by each member of the board. Everything necessary to the equipment and maintenance of the institution and the necessary help must hereafter be furnished by the county. It has been the custom in many counties for the superintendent to furnish certain farm implements, vehicles, live stock, etc., and to pay the employes out of his own salary. This law is an advance step in poor asylum administration, much of the credit for which is due the newly organized state association of poor asylum superintendents.

One of the new laws permits any county in the state to establish a general hospital with a training school for nurses, a ward for the detention and examination of the insane, a department for the care and treatment of prisoners suffering from tuberculosis and a veterinary laboratory. Another law of similar import permits any county, or any two or more counties acting together, to establish and maintain a tuberculosis hospital. Still another county institution is authorized; a detention home for insane, epileptic and feeble-minded persons pending their hearing or admission to a county or state institution. This act applies to Marion County only.

The new tenement law is broader, stronger and more specific than that of 1909. It covers tenement houses, also rows of single houses which have a common use of certain conveniences, and applies to all incorporated cities, while the 1909 law applied to tenement, lodging and apartment houses and affected Indianapolis, Evansville and Fort Wayne only. The requirements of the new law cover much the same ground, with the addition of a certain amount of protection against fire. It provides for light and ventilation, requiring one window to each room and the necessary vacant space upon the lot to insure the admission of light and air. It sets a minimum standard for dimensions of rooms and halls, provides against overcrowding, requires water, sanitary disposal of waste and necessary repairs. It permits, with regulations, the use of basements as dwellings. This was prohibited under the law of 1909. It allows a yard of less depth in case of an alley at the rear and also makes less strict provision for courts than was required by the former law. The provisions of the new act are the minimum requirements necessary to maintain health, safety and decency. It is to be enforced by the city building inspector or where there is no inspector, by the board of health; in the absence of either an inspector or board of health, by the mayor. The Indiana Housing Association, of which Mrs. Albion Fellows Bacon of Evansville is secretary, urges social workers to support and encourage these officials in the enforcement of the law. It also invites correspondence in regard to housing committees, the formation of which it recommends as branches of the state organization.

Important enactments affecting the welfare of children were passed. There are amendments to the juvenile court law of 1903 which clear up whatever uncertainty may have existed heretofore as to the existence of a juvenile court in any county except Marion, as well as to the method of

procedure in bringing children into court. This act and an amendment to the dependent children law of 1897 fixes a uniform rate of not to exceed thirty-five cents per day for the maintenance of children made public wards. Under a supplemental section to the dependent children act the Board of State Charities is authorized to maintain a detention home for the temporary care of normal children and to receive and use any gift or bequest for this purpose.

There is a new law on compulsory school attendance, one of the important features of which is that children from fourteen to sixteen years of age if not actually and regularly employed during school hours must be in school. Attendance officers are empowered to enter any place wherein children are employed, for the purpose of determining whether the law is being violated. Township trustees are asked to note Section 9 of this new law. If parents or guardians are unable to furnish necessary books and clothing to enable their children to attend school, the school corporation provides them and is later reimbursed by the township trustee from the poor fund. The school corporation must furnish the trustee with such data as will enable him to make the reports required by the law governing the relief of the poor.

A stringent law in regard to cigarettes was passed. It prohibits the selling, buying, receiving or using of cigarettes, cigarette papers, cigarette wrappers and other substitutes therefor by any person under the age of twenty-one. The penalty is a fine not exceeding $100 or imprisonment in the county jail not exceeding three months, or both.

The vocational education law is perhaps the most far reaching social reform law of the session. It provides for a broadening of the educational system to meet the vocational needs of all children. It will eventually create a new type of school with courses fitted to all people whatever their work may be. Briefly, the law requires elementary instruction in industries, domestic science and agriculture in the grades, and encourages by state aid the establishment of special schools or departments for children over fourteen and evening schools for those over seventeen years of age. It is intended that no academic requirements shall be necessary but that all youth may take the courses if they can profit by the instruction given.

The family desertion and non-support law is strengthened; the public playground law is extended to all incorporated cities; a tax of not to exceed five cents on each $100 is authorized for the maintenance of public bath houses and swimming pools in cities of the second, third and fourth classes; the free use of school houses for non-partisan gatherings for civic, social and recreational purposes is sanctioned; a fine in any sum not exceeding $1,000 at the discretion of the court is added to the existing sentence of two to twenty-one years in the State Prison for the crime of rape; the divorce law is so amended as to provide that no trial shall be held within sixty days of the filing of the suit; greater restrictions are placed about the business of petty money lenders and the sale of cocaine and other harmful drugs.

Two commissions are created: one to study the subject of workmen's compensation, the other the hours of labor of working women, both to report their findings and recommendations to the legislature of 1915. Each commission will have $2,000.00 for expenses.

In addition to the above there are a number of laws affecting the public health in which social workers will be interested. One of these provides for filtration plants in cities which draw their domestic water supply from running streams whenever the State Board of Health finds that the water supply is not up to standard purity and wholesomeness. Another requires the cleansing of milk cans after use by customers before they are returned to owners. Another codifies the laws pertaining to the practice of dentistry. There is an amendment to the present registration law which provides for more complete vital statistics, also an amendment to the sanitary school house law looking to more healthful surroundings and better ventilation. An item in the specific appropriation bill gives to the State Board of Health $2,500 to publish and distribute a book of information to first mothers on the proper care of babies. A new law of special importance to the consumer who buys in small quantities requires that food and other household supplies must be sold hereafter according to standard weight or measure rather than by the piece, box, basket, etc. Desired information concerning the new health measures can be obtained by addressing the State Board of Health.

A. W. BUTLER, Indianapolis.

District Attorneys' Convention in California.—We have just received from Mr. Arthur Keetch, Deputy District Attorney of Los Angeles County, California, and secretary-treasurer of the District Attorneys' Association of California, the minutes of the third annual convention of that association. It is a source of gratification to the Institute of Criminal Law and Criminology that the following resolution, offered by District Attorney Hynes, was unanimously adopted: "Be it resolved by the District Attorneys' Association and Convention, assembled at Los Angeles, January 14 and 15, 1913, that the American Institute of Criminal Law and Criminology, receive the approbation of the District Attorneys' Association of California for the scientific investigation which it is conducting into the causes of crime, and that this Association express willingness to co-operate toward securing justice to the criminal and protection to society; that the Secretary of this Association be instructed to forward a copy of this resolution to Eugene A. Gilmore of the University of Wisconsin Law School at Madison, Wisconsin, and that the American Institute be invited to forward to the Secretary of this Association such literature as it publishes from time to time bearing on crime and criminology, and the same to be called to the attention of the Resolution Committee of this Association."

That the Parole Law of California is doing good service for the state is indicated by State Parole Officer S. H. Whyte, who addressed the convention on the "Success of the State Parole Law."

After referring to the reception of the prisoners at the State Prison, the instructions given him by the Warden as to what will be required of him, the rules and regulations of the prison, etc., Mr. Whyte said:

"By a strict adherence to the rules a prisoner is entitled, after serving one-half of his time, with credits, with consent of the Warden, to apply to the State Board of Prison Directors for Parole. He is granted a personal hearing, and the merits of his case carefully viewed.

"There are on parole today from Folsom 175 men, and from San Quentin 397 men, a total of 570 men, which represents 15.4 per cent of the prison population of our state.

"While we have 18 per cent of violations principally caused by parole men drinking, we only have 2 per cent of our parole men returned to prison for crime in the state. The exact figures show that 36 per cent of men who serve their entire sentence in prison, and discharged, are returned to prison for crime.

"One great trouble we have, is to convince the prejudiced public of the value of our system in dealing with those who have been sentenced. Too many are prone to believe that serving a sentence in a State Penitentiary fundamentally changes the nature of a man, and that a man with whom they have previously been associated on terms of friendship, immediately upon his confinement, loses all attributes of humanity and is forever after a thing apart, a beast to be dreaded, and that the treatment due a man is henceforth withheld from the prisoner. Experience has shown that this is a grievous error, and this attitude on the part of people has evoked great harm, and no doubt has contributed more than a little to the cause of violation."

Mr. Whyte further said that the earnings for the month of November, 1912, of the paroled men from San Quentin amounted to $15,585.68, and from Folsom for the same month to $11,880.30, being a total of $27,465.98. The total earnings of the paroled men since the passage of the Parole Bill in 1893 amounts to $222,548.11 from San Quentin, and $72,297.76 from Folsom, or a total of $294,845.87. The actual saving to the state through the Parole System amounts to $210,510.00. Or, in other words, during the year 1912, with 179 men paroled from Folsom, there was a saving on maintenance and transportation of $75,430.50; and from San Quentin, with 245 men paroled, a saving of $135,079.56.

R. H. G.

Sterilization Authorized in Michigan.—To authorize the sterilization of mentally defective persons maintained wholly or in part by public expense in public institutions of this state, and to provide a penalty for the unauthorized use of the operations provided for.

The People of the State of Michigan enact:

Section 1. Authority is given to the management of any institution maintained wholly or in part by public expense, in whose custody may be held individuals who are mentally defective or insane, to render incapable of procreation, by vasectomy or salpinectomy or any improvement of said surgical operation as is least dangerous to life and will best accomplish the purpose, any person who is mentally defective or insane and is cared for wholly or in part by public expense.

Sec. 2. The boards of the aforesaid institutions and the physicians or surgeons in charge of each of said institutions, shall for each of their respective institutions constitute a board, the duty of which shall be to examine such inmates of said institutions as are reported to them by the warden or medical superintendent to be persons by whom procreation would be inadvisable. Such board shall receive the report of insanity experts hereinafter mentioned, examine the physical and mental condition of such persons and their record and family history so far as the same can be ascertained and if in the judgment of a majority of said board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substan-

tially improved thereby, then said board shall direct a competent physician or surgeon with such other assistants as may be necessary, to perform the operation of vasectomy or salpinectomy or any other operation or improvement on vasectomy or salpinectomy recognized by the medical profession, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the board making such examination, and the institution physician or surgeon shall receive no extra compensation therefor.

Sec. 3. Authority is given to the board of managers to cause such operation to be performed, to hire expert physicians to examine and report on the condition of the subject and to perform the operation with such other assistants as may be necessary: Provided, before said operation is ordered there shall first be secured from two physicians having qualifications prescribed by law for examiners in insanity, a written statement or report that such operation is desirable in the interests of the patient or the good of the community: And Provided further, That these physicians shall be allowed for their services the compensation fixed by statutes for the examination and certification of an insane person. The several sums necessary to carry out the provisions of this act shall be certified to be correct by the respective boards and shall be paid out of the general fund of the state upon the warrant of the auditor general.

Sec. 4. In relation to each individual person sterilized under the provisions of this act, the board of control of the institution in which said person is an inmate shall file with the state board of public health of Michigan, a written record setting forth the name, age, sex, nationality, type or class of mental defectiveness of said person, the nature of the operation performed, the subsequent mental and physical conditions as affected by said operation: Provided, That said records shall not be for public inspection but may be open to inspection of the members of the board of control of the aforesaid institutions and of the members of the immediate family of the person operated upon.

Sec. 5. Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in section one of this act, for the purpose of destroying the power to procreate the human species, or any persons who shall knowingly permit either of such operations to be performed upon such person, unless the same shall be a medical necessity, shall be fined not more than one thousand dollars or imprisoned in the state prison not more than five years, or both in the discretion of the court before whom the said persons were so convicted.

The above bill has become law. R. H. G.

PENOLOGY.

Women Prisoners in Italy.—Italian criminology and penology are theoretically very advanced, but in practice they present a different aspect. The detailed prison statistics for 1910 published recently by Allessandro Doria, the head of the prison administration, show, for instance, 2,300 boys and 130 girls between the ages of 9 and 14 in jails and prisons. Minors under 18 form 9.65 per cent of the whole prison administration. The report gives an opportunity to compare the governmental care of men,

minors, and women prisoners. Together with an article by Rossana in the *Nuova Antologia* and my own observations I shall describe conditions in the penitentiaries for women. One of them is under absolute control of the government, the prisoners work there under the supervision of governmental officers, and the treatment is so humane that it is considered the worst punishment to be sent to any of the other institutions. In spite of it, the government does not spend much money for its women prisoners. If we compare two institutions, one for minors and one for women, we find that in spite of a nearly equal number of inmates, it is spent thus:

	Minors.	Women.
Food	$5,900	$5,700
Coal and Gas	1,400	870
Medicine	380	750
Hygiene	760	350
Clothing repair	2,800	1,000
Furniture repair	550	240
School Books	140	13
Writing Material	310	57

The average daily cost of a minor is less than 20 cents, for a woman less than 15 cents.

In all the prisons for men we find regular schools, circulating libraries, occasional entertainments. Illiteracy is decreasing among the inmates, but only very few of the women are given the opportunity to learn to read and write.

The statistics of the sick show that a sick man has a better chance to recover, that fewer die and that disease is more easily detected in men than in women. Inmates suffered from

	Tuberculosis	Epilepsy	Insanity
Men	2.62%	0.31%	1.72%
Women	1.39%	0.09%	0.50%

The men are granted special privileges when their conduct is satisfactory; the women were allowed to buy books in a few instances and not a single woman was allowed to burn her light overtime nor given an opportunity of additional rest nor outing. The explanation of this curious phenomenon is that the penitentiaries for women, excepting the one at Trani, are run under the lease system. The women convicts are leased out to some religious order. Under the Sister Superior and her sisters the sentence is carried out according to the regulations of the penal code, while the government makes only a slight effort to control the treatment, the nourishment and the exploitation of the women. The director, who at the same time is in charge of the jail and local prison, must unfortunately rely to a large extent upon the reports of the Sister Superior.

The penitentiaries are old convents, adapted for the purposes. Three of them have lately gone out of existence. The one in Messina was destroyed with nearly all the 300 inmates and the sisters during the earthquake, the one in Turin had to make room for the growing city, the one at Florence was condemned on account of its unsanitary condition.

The prisons are large industrial plants with an arbitrary, all powerful director and task master at the head, namely, the Sister Superior. Some compensation is allowed to the workers, after they have worked without

any remuneration during six months, which is considered their apprenticeship. The prisoners must be in good standing. But as the profits of the enterprise to the order are curtailed by a high remuneration for the work, it is in the interest of the nuns to pay as little as possible. In men's institutions the council of discipline decides on the amount of compensation and on the grading of the men. No such guarantees are found here. The men, the director, the physician and the chaplain are no judges of woman's finery, which to a large extent is produced at the institutions by highly skilled workers. The women are worked long hours; their pay is pitifully small. The reason for reducing the grading of a prisoner, is not submitted by the Sister Superior to the director. As everything depends upon the good will of the sisters, abject servility, submission, and hypocrisy naturally abound in these places. The sisters have no illusion about it.

The Italian law demands that people serving life sentences must spend the first seven years in solitary confinement. After that they work in the shops, but are secluded at night. Other prisoners serve six months and one-sixth of the rest of the sentence in isolation.

Prisoners receive every day, excepting on three holidays, the same menu:

Pasta, 4.2 ounces, or rice 4 ounces.
Herbs, 4 ounces, or green vegetables 4 ounces.
Lard or oil, 18 grains.
Salt, 15.4 grains.
Onion flavor.
Bread, twenty ounces.

Only prisoners in good standing are allowed to buy extras; lifers may spend three cents a day, all others from 5 to 7 cents. When the bell announces the meal, all prisoners working in the shops, deposit their work, get in file and while descending to the refectory, recite prayers. A wooden spoon, a bowl with soup, bread and a pitcher of water are on the rough table; benches without backs serve as seats. After the meal is over, they recite another prayer, and on the way out wash their spoons and bowls in a tub filled with hot water. The water is not changed and gets horribly filthy in a short time.

The sick should be on a different diet, but as the sisters have to pay for the costs of the infirmary, not much is generally wasted on it. All depends upon the humanitarian spirit of the Sister Superior.

On entering the institution, each woman is equipped in the following manner:

A dress of wool which must last 3 years.
Two cotton dresses which must last 2 years.
Two aprons which must last 1 year.
Two head dresses which must last 1 year.
Three pairs of stockings which must last 6 months.
Three cotton shirts which must last 6 months.
Two cotton jackets which must last 18 months.
Six handkerchiefs.
Two towels, which must last 1 year.
One pair of shoes, which must last 1 year.

A comb, brush, wooden spoon, porringer, a quart and a half pint measure, an iron bed and a straw mattress, two sheets to last 4 years, one quilt to last 10 years, a pillow and a woolen cover to last 10 years, one wash basin, a chamber pot and a chair complete the list of articles furnished.

Women with children are not found in the penitentiaries, though one sees plenty of them in the jails and prisons. They are generally confined in jail, and if condemned not for a long term, they are allowed to keep their child. Certain privileges are conceded to them in such a case. So many children are yearly born in jails or behind bars that the government seriously thinks of establishing a special institution for them.

A dead inmate is visited by all the prisoners before the post mortem takes place. She is buried in a pauper's grave, her savings pay for the costs of it. If she has no savings, the expenses are charged to the municipality.

The lack of every effort to raise the intellectual and moral standard of the inmates is one of the most remarkable failings. The influence of the priests who celebrate occasional mass and explain holy scripture, is absolutely nil. The nun's chief activity besides supervising and watching the inmates lies in reciting prayers, in which the inmates have to join.

Rossano asks what can be done to improve conditions in the penal institutions for women. His remedy is very simple. He suggests that the same rules which have been so successful in the prisons for men should be adopted in the penitentiaries for women. This would mean an immense improvement. Above all, it is necessary to do away with the exploitation and the supervision of the women by irresponsible sisters, whose ideas of crime and punishment still belong to the middle ages.

Italian penology has been quite successful in individualizing punishment to some extent and in greatly reducing the number of incorrigibles. Allessandro Doria is willing to introduce the necessary reforms, if an enlightened parliament is willing to vote the needed credit for it.

V. v. B.

Annual Conference of the National Probation Association—The National Probation Association, instead of meeting as usual with the National Conference of Charities and Correction, will meet this year at Buffalo from August 26th to 28th in conjunction with the International Congress on School Hygiene. Members of the probation association will be permitted to attend the sessions of the congress. There will be a special symposium on probation and juvenile court work in Seattle during the week of the National Conference of Charities, which meets there on July 5th to 12th, inclusive. Those attending the Buffalo meetings and the Seattle meetings can avail themselves of the reduced railroad rates granted to the Congress on School Hygiene and the National Conference of Charities, respectively.

A. W. T.

POLICE—IDENTIFICATION.

Finger Prints.—The finger print system as an absolutely sure means of identification has within the last five years been substituted for the anthropometrical method of Bertillon in the service of criminal identification in Germany, England and Italy. All other European governments still use the Bertillon system, although most of them take finger prints besides. In the

above named three countries only international criminals are measured for identification purposes. The Bertillon system has the one great advantage that it is applied all over Europe without any modification; the same classification facilitates the discovery of a criminal whose records are on file. But anthropometrical measurements are not unchangeable; those taken before the twenty-first year cannot be relied upon since the body grows until after that time, some measurements taken at an advanced age differ again from those registered during manhood, because at that time the body begins to shrink.

Finger prints on the other hand are classified in different ways, but from the time a child is born until the tissues are destroyed after death by decomposition, the patterns remain the same. It requires minute attention with a lens properly to classify the finger prints. This work is never left to one man, but at least two, independent of each other, examine the proofs submitted to them and in turn submit their findings in a sealed envelope to a third expert, who scrutinizes the cards himself. In case of disagreement the cards are returned for a revised classification. This is done whenever a new card has to be placed among the records and every time a police administration sends a card to headquarters to ascertain whether the person has already a criminal record. Rome, London and Berlin have at their bureau of identification not only a complete collection of all finger prints of criminals, prostitutes and gipsies taken in their respective countries, but keep also on file the exchange cards of international criminals sent from foreign police departments. After having classified the finger print it requires less than two minutes, on an average, to pick out the card in the files if there is any.

When Italy was confronted with the problem of substituting the finger print system for the anthropometrical method, she sent Dr. Gasti, the head of the identification bureau of Rome, to study the methods of different European governments. As a practical result of his investigation, Gasti submitted to his government a new, simplified method of classification, which was adopted, and which, with the aid of this handbook, I shall explain in the following. The inner surface of the hand is covered by papillary ridges which show a variety of never changing patterns. To take finger prints, a polished slab, printer's ink and paper is needed. To classify them, a magnifying glass is required.

The bulb of the perfectly clean finger is placed on the slab covered with a thin layer of typographical ink. The finger is slightly rolled and then placed on the card of identification. The same rolling movement gives the impression of the whole pattern on the paper. In Gasti's system the left hand assumes greater importance than the right. For he contends that if a hand is mutilated, it is generally the right hand, which, moreover, is sometimes very callous owing to the occupation of its owner. It may happen that the officer by mistake places the finger of the right hand in the squares destined for the left, therefore as a measure of control, impressions of the four fingers of each hand, taken together, are added to the individual finger prints.

By looking over finger prints with a magnifying glass the layman may easily distinguish three different kinds of patterns. Ridges are at the base

of the bulb more or less horizontal, "start from one side, rise, describe an arch and descend on the other side."

Ridges between these two systems form various patterns.

Ridges running together into a triangle, form a so-called delta.

The middle of a pattern is called the core.

Gasti classifies the finger prints according to 1 the number of systems composing the patterns, 2 to the number and the direction of ridges of the third system and the relation of the deltas to the core, 3 to the number of deltas and their reciprocal relation.

He distinguishes the following symbols: O is put down where the finger print cannot be classified. 1 Patterns with a single arch, or an ulnar loop with one ridge between the delta and the core. Ulnar loops open towards the little finger. Only 5% of all patterns are arches, and ulnar loops with one ridge are extremely rare. 2 Radial loops, opening towards the thumb with any number of ridges between the delta and the core. 3 Ulnar loops with not more than 10 ridges between the delta and the core. 4 Ulnar loops with 10 to 15 ridges between the delta and the core. 5 Ulnar loops with more than 15 ridges between delta and core. 6 Whorls, i. e., spiral, circular or concentrical patterns with two deltas. The lower ridge of the left delta ends more than two ridges above the right delta. 7 Whorls in which the lower end of the left delta ends more than two ridges below the right delta. 8 Whorls in which the left delta either meets the ridge of the right delta, or ends not more than two ridges above or below it. 9 Patterns with two cores and two deltas or two loops, often forming an S.

The index finger shows a greater variety of patterns than any of the other, and in most cases the criminal leaves an impression of it at the scene of the crime. Criminals know the danger of it and consequently have begun to work with gloves. The number of symbols of the left index, the thumb and the ring finger, i. e., three figures, indicate the series to which the finger prints belong, the same fingers of the right hand show the section, while the 4 figures of the left middle and little and the right middle and little finger show the number of the section where the card is to be found or has to be filed. Where it is not possible to count exactly the number of ridges between the core and the delta, the finger print may be classified under 4 or 5 or 6. It must therefore be classified three times. In case of a missing finger an interrogation point replaces the symbol. As it is possible that the missing link might have had any of the ten symbols, the same classification must be made ten times. All cards are placed in filing cabinets according to their numerical order. Each group is preceded by a colored card indicating the number of the series. It is customary to have on the identification card thus filed away two photographs of the person and some information about his personality. More complete records contain the cards filed away under the alphabetical index. Separate files are kept for men and women. It is possible to classify still further if necessity demands it. The Italian system is much more simple than the systems which follow absolutely, or in a modified form, the English system of the late Mr. Henry of Scotland Yard.

Chicago has adopted such a simplified system. But, contrary to the European practice, where always, as I have pointed out, several men are

classifying and looking up finger prints, one man alone is here responsible for the whole service. If he is out of town, not a single man exists in the whole bureau of identification who could be relied upon for taking finger prints at the office or for identifying those which are sent in from outside. The bureau is, in my opinion, inadequately housed. Of course, it is said they are only in temporary quarters, but nobody can say how long they will be used. No third class city in Europe would be satisfied with such a place. It makes the whole service so much more difficult. The photographic apparatus for taking the two photographs according to Bertillon is absolutely antiquated. A larger force and more means are absolutely necessary. The adoption of the simplified Italian method of classification would also benefit the service. V. v. B.

A Plea for a New Legislature to Make and Enforce Laws Against Vice. —[Mr. Weil, of Pittsburg, one of the best known attorneys of western Pennsylvania, is known outside of his profession as the militant president of the Pittsburg Voters' League, the organization which exposed the graft scandals of three years ago, sent councilmen and bankers to jail and brought new and invigorating spirit into Pittsburg municipal life. Last year the Voters' League successfully brought charges against the head of the Department of Public Safety, and provoked a situation which led to the creation of the Pittsburg Morals Commission, a semi-official body without governmental authority, and the cleaning-up of the big numbered district.

It is on the basis of this experience that Mr. Weil reaches the conclusions here set forth. He was a witness before the Wagner commission which has recommended legislation now pending in New York (with every prospect of passage) that will create a separate public welfare department, largely divorce it from the city administration and entrust its commissioners, appointed by the mayor, with powers with respect to vice somewhat similar to those held by the Board of Health with respect to sanitary conditions.—Ed.]

"The police, a body of men selected primarily to preserve order, protect life, prevent crime, apprehend the criminal, and perform other administrative duties—men perhaps wholly unfitted as a body for anything else—have been expected to solve, by legislation, problems which have confounded the wisest from the time whereof the memory of man runneth not to the contrary.

"That the police have failed could not be otherwise.

"That they have aggravated the evil was to be expected.

"That ultimately legislation must be placed in competent, qualified hands, must be apparent.

"That it will require the greatest minds, the best thought, the highest statesmanship, and almost a divine perception, to apprehend and deal with those complex, involved, intricate questions having to do with the passions of men and the strongest laws of nature, urging defiance of human laws, seems to be axiomatic.

"Nevertheless, on the subject of vice as generally understood in our cities, the police are expected not only to administer the laws, but to make them; not only to enforce enactments, but to frame them. And herein lies, in my judgment, the root of the evil in present-day conditions which has brought our police into disrepute.

"All countries, from the most despotic to the most liberal, from the most conservative to the most radical, have left this question of the social evil to the police, and have not dared, through their legislative bodies, to

thoroughly consider and pass laws to eradicate it. Such meager legislation as has been passed has been ignored in the congested centers of population, and generally such legislation has not been supported by the public sentiment of those communities. Legislation has been generally of a merely prohibitive character, ignoring existing conditions, together with the army of human beings living upon vice, for whom some provision must be made.

"Even if the legislatures could be induced to take up this question and pass general laws, it would necessarily follow that such laws in their generality must look to the future, rather than to the present, and existing conditions would have to be left to some other authority.

"In every large city there are thousands engaged in prostitution. They can neither be exterminated by the fiat of law nor reformed by the passage of proclamations. Public morals, like private morals, can be improved only gradually. It is not so much the theoretical question of to be or not to be, but the practical situation summed up in such phrases as: It is—it will for a time remain. The future—what is it to be?

"Would it not be wise to ask the legislature to pass a law requiring every city to appoint a body of men to draft, and from time to time revise, a code of laws to regulate, suppress, exterminate, and generally to deal with, this problem of prostitution? To it must be given authority. It must be vested with legislative power. It should have its own employes—call it a morals police force, if you will—to carry into effect the rules, regulations and laws passed by this commission. That men could be obtained to act upon such a commission, public-spirited, representative students of social questions, I fully believe. No one would accept a place on such a board who was not interested in the welfare of his community. The responsibilities would be fearful; the criticism would be severe. No one without a blameless life would dare to act. Whether or not ultimately the regular police force could be used by such a commission would be a question of policy. At any rate, for the present, I believe it would be unwise.

"Such a commission would collect data of inestimable value, data that was reliable, and of which there is now none worth while. Such a commission would doubtless make mistake after mistake, perhaps would depart from all its preconceived notions at the start. Nevertheless, it is reasonable to assume that step by step it would gradually and slowly work out a solution. Looking the country over, we see that voluntary organizations have accomplished temporary good, but their effort has never been persistent, continuous, permanent, authoritative, legal.

"The adoption of the plan suggested would take out of the hands of those wholly unfitted for so great an undertaking this momentous question, and place it in the hands of others who we would have the right to assume would ultimately be found to deal with it, so far as human intelligence, study, observation and experiment can enable and qualify men to deal with it.

"Another and a greatly to be desired result would also be accomplished. It would remove from the police that which today contaminates the organization, so that in every city they have been brought under a suspicion unfortunately too frequently deserved, an opprobrium too justly applied.

"The casting of this burden upon the police, more than any other cause, sows the seed of corruption, furnishes the opportunity for profit, brings

into alliance the law officers and the law breakers, disgraces the police force, and keeps off of it many men who would otherwise be glad to serve their communities in a position that should command the respect and consideration of the people.

"This police burden has in turn been the biggest rock upon which self-government has capsized in our American cities."—A. LEO WEIL, Attorney, Pittsburg.

From *The Survey*, May 3, 1913.

STATISTICS.

Prussian Prison Statistics.—*Blätter für Gefangniskunde*, vol. 74, series 1 and 2, gives the following statistics for the penal institutions under the Prussian Ministry of Justice for the years 1910 and 1911.

The daily average population in these prisons was 31,095 in 1910 and 30,166 in 1911. Adding the number of convicts in the prisons controlled by the Prussian Ministry of the Interior, as well as the penitentiary inmates gives a daily average for all institutions of 52,251 for the year 1910 and of 51,549 for 1911. This is equal to a ratio of 128 per 100,000 of the general population.

The total number of inmates in the prisons under the Ministry of Justice was: In 1908, 476,667; 1909, 459,429; 1910, 438,096; 1911, 427,573.

The average number of young convicts was: In 1908, 581; 1909, 469; 1910, 419; 1911, 385.

The constant diminution in these numbers is largely attributed to the increase of cases in which sentence was suspended as shown in the following tabular statement:

Year.	Total persons granted suspension of sentence.	Young offenders.
1908	14,533	10,359
1909	16,051	11,119
1910	17,013	12,029
1911	18,668	12,931

The ordinary prison industries are more and more being replaced by the employment of convicts in agricultural pursuits of various kinds, building dikes, etc.

In accounting for the causes of deaths among prisoners during the two years in question, one comes upon the rather startling fact that in 1910 no less than 44 per cent were due to suicide, while in 1911 the same percentage was 39.7.

The system of paroling prisoners appears to be coming into more general use. In 1910 there were paroled 394 prisoners and 411 in 1911. Permits to be at liberty were recalled in a very few cases.

Prussia has a veritable network of societies for the aid of discharged prisoners, there being no less than 459 in 1910. It is interesting to note that in 321 of these societies officials of the Ministry of Justice acted as chairmen. JOHN KOREN, Boston.