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Notes on Current and Recent Events

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ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE.

The Differential Diagnosis of Crime.[1]—This subject should be discussed from its dual relation to society and to the courts.

The mere failure of the individual to so regulate his conduct as to conform to the provisions of the law is not a crime. Indeed, the willful violation of the law is not a sufficient definition of actual crime, for a crime is often committed and yet no statutory law violated. Therefore, we must consider the matter from some other standpoint, namely: its relation to social ethics. Let us interpret crime as the willful consideration of one's own selfish desires without regard to the rights of society as expressed in ethics. The countless thousands of mentally weak of varying degrees of abnormality, who are incapable of understanding and measuring up to the dictum of society, are not criminals, but defectives—subjects for treatment or custodial care. It is from the reactions of these last named that crime must be differentiated. Its origin is found in two general causes, namely: exogenous, or environmental conditions, and endogenous, or conditions within the individual. This brings us to the consideration of the insanities. First, and especially, those presenting somatic factors of traumatic origin. We have the partial mental disturbances immediately succeeding the injuries; the various psychoses; the serious perversions of character; and epilepsy. We have in some cases the infective, or toxic disturbances more or less lasting in their effects. And, again, we have the organic insanities, often times so closely resembling the normal as to baffle the trained alienist. There are also the different degrees of mental arrest, idiocy, imbecility; and feeble-mindedness; and it is with these latter three cases that we deal most frequently. Too often do we find society and the courts interpreting each of these different degrees of mental defectiveness as crime. The imbecile or feeble-minded man or boy (in physical years of age only) fails to understand his obligation to the order of society, and because of his failure to obey such mandate, he is arrested, tried, sentenced and committed to some prison or reformatory where he is found to be just as much out of tune with the organized situation which obtains there as he was in the larger sphere. Consequently, he is again misunderstood and diagnosed as willful—exercising a free will in the line of evil—a thing impossible! In the very nature of his own non-development, he sees and understands things from an abnormal view-point, being, of course, contentious because he is honest in his belief that he is right. And now what happens to the boy? He is likely to become a hopeless pervert—at least the mental arrest becomes so firmly fixed that all possible chance for improvement is entirely destroyed, if, in fact, any such possibility ever existed. Not only this, but there was a chance for some advance along lines of habit-training, which, too, is lost because of the continual failure to classify correctly the conditions. It is needless to go on with specific cases. We have but to analyze the individual make-up of our penal or reformatory population to find an alarming percentage

[1]Extracted from an address before the American Prison Association at Baltimore, Nov. 13, 1912.

of imbecility, feeble-mindedness, epilepsy, insanity—all the various sub-normalities of the human mind. What good can we hope to accomplish in these cases where the mentality measures so low that the individual is unable to appreciate the simplest social obligation? And these hopeless mental dwarfs are to be found in every institution.

Why are we continuing to do these irrational and inhuman things? Because, first: society fails to interpret correctly the condition of these weaker members, such failure being expressed in the sentence of its courts committing them to some penal institution. Secondly, the institution to which they are committed fails to understand and treat them properly.

So, the question presents itself: What must be done in these cases of mental derelicts? First, their reactions should be differentiated from real crime. How? By an examination at the hands of the psychologist and alienist. When? At the time of the investigating court trial. The trial court should be furnished the necessary scientific assistance to secure an accurate and positive diagnosis and classification and on such findings the accused should be committed to such an institution as is best suited to the needs of the case. This does not mean that no person of sub-normal mentality who has transgressed the established order of society should be committed to a penal or corrective institution; but it does mean that no one should be so committed if his central nervous system is conspicuously undeveloped, or impossible of development. Indeed, a goodly percentage of our neurological defectives should be committed to our reformatories where their ailments should be scientifically diagnosed, and where intelligent mental and physical classification and treatment are given. This is a program that should commend itself to the serious consideration of every earnest thinker.

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Antolisei on the Causal Relation Between the Criminal and His Act.—*Il Progresso del Diritto Criminale* has recently published serially Francesco Antolisei's *La questione del rapporto di causalita nel diritto penale.* His title is accurately descriptive of his article for he gives us the question, but not the answer. He outlines the several solutions of the problems and finds them all poor save two, Nasea's and von Buris', which he shows are clearly incomplete. He promises, however, to publish his solution in the near future. It is needed; for on the subject of the causal relation of the criminal to his act there is little clear scientific knowledge. There are two dangers to be avoided in the treatment of the subject. The first is—(but before all else—Antolisei calls our attention to the fact that he is dealing with causality within the purview of criminal law, and that it is a juridical, not philosophical problem, with which he must deal according to a practical, positive method)—that of introducing solidities and metaphysical abstractions, which will confuse simple cases, which are by far the more numerous, in lieu of giving us general rules to follow as a help in difficulties; and the second danger is that of confusing cause and intent. Without the latter there may be no criminal liability; but with a causal bond between the agent and the crime there can be no imputability. The act is not his; the subjective element in the action comes from someone else. This need of distinction is supreme. But in complicated cases, the distinction is lost to mind and A is held not to be the cause of B's death because he did not intend it. It

is for such cases as these that a clear treatise on causality in criminal law is needed. Antolisei's article shows this, as its author intended it to do. But, while the subject is a serious one, it has not received the attention it deserves from the public at large, who find that their instinct in placing the blame is generally so much better than the often ludicrous results derived from the systems, that a scientific treatment of the subject is regarded as impossible, and it is relegated to the realm of the metaphysician.

Antolisei takes up first the different Italian theories. Impallomeni in *Il Codice Penale Italiano* states that the cause of an event is the sum of the conditions of its originative process. This is palpably wrong, for it does not distinguish between cause and condition—an important distinction in criminal law. In other words, if the cause is the sum of the conditions precedent, man can never be the cause of any crime, for in every crime some natural conditions enter. Now, while it may seem folly to argue thus to many *practical* men, we humbly submit that it is such loose definitions as Impallomeni's which prevent science giving us accurate definitions which will help us in cases too difficult for our so-called *instinct.*

Fiocca states that the cause is the initial action. Faranda that it is the act, which begins and completes the result. These definitions do not seem to throw any light on the subject at all. Tucclini's theory of the determinant cause, accepted by the Italian *Corte Suprema* and in Italian legislation, is hardly better. A determinant cause is the *causa causans.* And the subsequent definitions given are of no avail for the practical laying down of rules for the solution of our problem. They have generally fallen back on Impallomeni.

Then Mosca's theory, which distinguishes voluntary acts from circumstances and events, making the forms alone causal. So far so good. This is one of the theories of which Antolisei approves. But, it is incomplete. For if A brings X, where B is shooting, and B shoots him, is A or B the cause of X's death? Could either A or B plead that he did not do it?

Stoppato has originated another theory, which, however, is identical with the German theory of adequate cause. It has been followed by Longhi and Manzini. He distinguished cause from condition, which allows the causal action and from occasion, which is a more or less favorable concomitant circumstance. He furthermore makes causality a relation of production; this is denied by many logicians, among whom is Stuart Mill, who looks upon it as only a relation of constant succession. The result of Stoppato's viewpoint is that there must be a relation of proportion between cause and effect. If the effect is out of proportion with its apparent cause, the effect cannot be imputed to the agent of the cause. Manzini *Tratteto di dirritto penale* (Turin, 1908, Vol. II, p. 9) upholds this conclusion, while Longhi, in *Tensi Veneto* (1900, p. 181), extends it to include results which a reasonable man should have foreseen. This shows at once one vice of the theory; its confusion of cause and intent. But Stoppato's doctrine is the same because of its element of proportionality as the German doctrine of adequate cause. This must be distinguished from the German theories. The theories of the *conditio sine qua non,* championed by Bari in his *Ueber Causalitat und deren Verantwortung* is the same as that of Mosca. It is not satisfactory. Its premise, that all antecendants contribute in the same measure to the result, has not been proved. But, apart from this it leads to

ludicrous legal results. Like Mosca's theory, it is incomplete. It cannot be accepted without correction. Applying its terms, if A assaults X, so that he misses a train, and taking another is killed in a wreck, A's act being a *conditio* without which X would be alive, A would be the cause of X's death (not a murderer), and yet it seems contrary to reason to make A plead no intent in a trial for murder. Von Buri confuses cause and condition. In this, Mosca's theory seems best.

Opposing this theory, in which Von Buri confuses cause and condition, Binding in *Die Normen und ihre Uebertretung,* advances a theory of overbalance: *Theorie der Ubergewicht.* He would cancel conditions *pro* and *contra* and count those which will not cancel as the cause of the result. Birkmeyer elaborates Binding's theory. He looks upon the most efficient circumstance as the cause. The objection to this elaboration is that we have no criterion to test the relative efficiency of antecedents. But apart from this, Binding's underlying theory can be disregarded because the struggle of conditions *pro* and *con* has no objective existence. An event takes place because the causal chain leading to it is complete. In that chain, no cancellation has taken place.

Hohler, Horn, and Mayer in their theory of efficient cause distinguish cause from condition, making cause active and condition passive. This is juridically impractical, for if A, *animo occidendi,* puts X in such a position that he is killed by B, who has no intent to hurt anyone, A is a murderer, and yet by Kohler's theory, B is the cause of death.

And, now we come again to the theory of adequate cause, of which we spoke in relation with Stoppato's theory of the proportionality of cause and effect. Under this heading (Sec. XIV), Antolisei takes up the question of the knowledge to be attributed to the agent at the time of the act. Is the judge to consider his actual knowledge, knowledge within his power, or the knowledge of the average man? But, the vice of the theory lies as we have said in its confusion of intent with cause. A may be the cause of a man's death with no intent to injure him. In all criminal prosecution, the first thing to be determined is who was the empirical cause of the event. The question of adequate cause deals not with causality but with intent.

Thus Antolisei ends his article with a summary of the theories of causality. He dismissed all of them save those of Mosca and von Buri as inadequate. These he thinks are incomplete. He adds:

"The problem of the causal relation in criminal law still lacks a satisfactory conclusion. Our own views on the subject, we will reserve for a subsequent publication. In this, we have given a full exposition of the state of the controversy."

The subject, as I have said, is a serious one and deserves serious attention and scientific, positive and juridical treatment. Antolisei proves this by his exposition of the existing theories. Suppose A, whose assault on X, caused under the Buri theory, the latter's death, had intended to murder him, suppose he could be convicted of assault and battery with intent to kill, would any prosecuting attorney ask for a verdict of guilty of murder? And yet can anyone tell me why he was not the cause of X's death as von Buri would consider him?

J. L.

COURTS—LAWS.

Indemnity to Persons Erroneously Convicted in California.—The following law follows closely that proposed by the undersigned in this Journal, Vol. III, No. 5, p. 792 ff.:

An act to provide indemnity to persons erroneously convicted of felonies in the State of California. Chapter 165 of the Laws of California, 1913.

The people of the State of California do enact as follows:

Section 1. Any person who, having been convicted of any crime against the State of California amounting to a felony, and having been imprisoned therefor in a state prison of this state shall hereafter, on a retrial of the case, or on reversal on appeal of the final judgment of conviction, be acquitted or discharged for the reason that the crime with which he was charged was either not committed at all, or, if committed, was not committed by him, or who shall hereafter be granted a pardon by the governor of this state for either of the foregoing reasons, or who, being innocent of the crime with which he was charged for either of the foregoing reasons, shall have served the term for which he was imprisoned, may, under the conditions hereinafter provided, present a claim against the state to the state board of control for the pecuniary injury sustained by him through such erroneous conviction and imprisonment.

Sec. 2. Such claim, accompanied by a statement of facts constituting the claim, verified in the manner provided for the verification of complaints in civil actions, must be presented by the claimant to the board of control within a period of six months after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, and at least four months prior to the next meeting of the legislature of this state; and no claim not so presented shall be considered by the board of control.

Sec. 3. Upon presentation of any such claim, the board of control shall fix a time and place for the hearing of the claim, and shall mail notice thereof to the claimant and to the attorney general of this state at least fifteen days prior to the time fixed for such hearing.

Sec. 4. On such hearing the claimant shall introduce evidence in support of the claim, and the attorney general may introduce evidence in opposition thereto. The claimant must prove the facts set forth in the statement constituting the claim, including the fact the crime with which he was charged was either not committed at all, or, if committed, was not committed by him, the fact that he did not by any act or omission on his part, either intentionally or negligently, contribute to the bringing about of his arrest or conviction for the crime with which he was charged, and the pecuniary injury sustained by him through his erroneous conviction and imprisonment.

Sec. 5. If the board of control shall be satisfied from the evidence that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his arrest or conviction, and that the claimant has sustained pecuniary injury through his erroneous conviction and imprisonment, it shall, with the sanction of the governor of this state, report the facts of the case and its conclusions to the next legislature of this state, with a recommendation that an appropriation be made by the legislature for the purpose of indemnifying

the claimant for such pecuniary injury; but the amount of appropriation, so recommended shall not exceed in any case, the sum of five thousand dollars ($5,000).

Sec. 6. The board of control shall make up its report and recommendation and shall give to the controller of this state a statement showing its recommendations for appropriations under the provisions of this act, as provided by the law in cases of other claimants against this state for which no appropriations have been made.

Sec. 7. The board of control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act. (Passed May 12, 1913.)

EDWIN M. BORCHARD, Law Librarian of Congress.

The Present Status of Bills to Indemnify the Victims of Errors of Criminal Justice.—The Federal Bill introduced in the Senate of the United States by Senator Sutherland (see this Journal, Vol. III, No. 5, p. 792) is now in the Committee on Judiciary, and action upon it is promised at the next regular session. In the meantime, Senator Sutherland has requested, through the State department, information relating to the expression of such statutes in European countries. Such information has been received and is now in my hands. It will be filed with the Judiciary Committee. The bill, since it had not been passed at the end of the last Congress, must be reintroduced in the next regular session.

A similar bill has become a law in Wisconsin (see this Journal, Vol. IV, No. 2, p. 285). A bill has been introduced in Massachusetts. It is quoted in full in the present issue. Action is promised also in New York. Editorial mention of the subject has appeared in the leading metropolitan papers of the East and Chicago; periodicals like The Survey, and others interested in the social legislation, have taken editorial notice of the matter. It is very desirable that the Institute of Criminal Law and Criminology, and the appropriate committee of the American Bar Association, should take the matter up and recommend it If this should occur an impetus will be given to the legislation which is always certain to secure its favorable reception in national and state legislatures and its ultimate passage.

Since the above was set up a law has been enacted in California which follows closely the terms of the Federal Bill referred to above. See above.—[Ed.]

EDWIN M. BORCHARD, Law Librarian of Congress.

Remedial Legislation Required in Louisiana.—The biennnial report of the Board of Control of the State Penitentiary at Baton Rouge, Louisiana, covering the calendar years 1910 and 1911, has just been received. One of the greatest obstacles to be overcome in handling a penal institution is to guard against indiscretion and unbridled zeal on the part of those whose intentions are good. Large discretion must be allowed in penal management to those who are entrusted with the execution of the laws. The present commutation laws in Louisiana are exceedingly lenient in their application. To write into them more liberal terms than they now include would endanger the fundamental principles upon which direct reform laws are based, namely, uniform and just punishment to all evil doers commensurate with the crime committed in the spirit of malice, but to deter others and to reform the offender. The lack of uniformity of

sentences by the courts throughout the state for crimes of the same grade and nature forms one of the greatest barriers in administering the penal institution of the state along the lines suggested by humane principles. The effect of wide variation in sentences for like offenses tends to create a spirit of rebellion among the prisoners and to sow the seeds of anarchy. Reformation is thereby seriously hampered. Often the one who is committed for a maximum term of years is more responsive to prison rules and regulations than the one who receives the minimum sentence for a like crime. The ends of justice are thus not met.

"It is apparent," says the report, "that there should be some remedial legislation on this subject; some statute drawn on broad lines, and based on that fundamental principle of self-help and self-effort on the part of the prisoner himself, for, without this determination and honest effort on his part, all other assistance would avail but little. Believing, as we do, that there should be more uniformity of sentences for similar offenses and that even the equal opportunity for reform should be given to all prisoners, it would seem that the indeterminate sentence idea comes nearer to meeting the requirements and holds out the most practical solution in working out the reform sought. Under the operations of such laws, even justice and equal opportunities are offered and every man placed upon the same footing, and individual personal effort carries its own reward to be bestowed at such time, after the expiration of his mimimum sentence, as his conduct, deportment and efficiency or service will warrant."

R. H. G.

The Indeterminate Sentence Law of Maine.—The following law was created during the last session of the State Legislature in Maine (Chapter 60).

AN ACT to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentences, and for the expense attending the same.

SECTION 1. That when any person shall be convicted of crime the punishment for which prescribed by law, may be imprisonment in the state prison at Thomaston, or the State School for Boys at South Portland, the court imposing sentence, shall not fix a definite term of imprisonment in said state prison, and may not fix a definite term in said State School for Boys, but shall or may fix a minimum term of imprisonment which shall not be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases except as herein provided and shall be stated by the judge in passing sentence. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty in the case at bar not exceeding the maximum penalty provided by law. Every person confined in the state prison on the date of the passage of this act under sentence for a definite term for a felony, unless the term be for life, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the governor and advisory board in the matter of paroles and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences under the provisions of this act. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows. The definite term for which each person is sentenced shall be the maximum limit of his term and if the definite term for which the person is sentenced is two years or less the minimum limit of his term shall be one year. If the definite term for which the person is sentenced is more than two years, one-half of the definite term of his sentence shall be the minimum limit of his

term. He shall before or at the time of passing such sentence ascertain by examination of such prisoner on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained tending to indicate briefly the causes of the criminal character, or conduct of such prisoner, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.

SECTION 2. The maximum term of imprisonment shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum term of imprisonment fixed by the court shall not exceed one-half of the maximum term of imprisonment fixed by statute. Provided, that where the law prescribing the punishment for the offense of which the prisoner stands convicted, fixes the minimum term of imprisonment, then the minimum term fixed by law shall be the minimum term of imprisonment.

SECTION 3. The provisions of this act shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life. Provided, that in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentences shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

SECTION 4. Whenever a person shall be convicted of a crime and sentenced to imprisonment pursuant to the provisions of this act, the clerk of the court shall make and forward to the warden or superintendent of the institution to which the convict is sentenced, and also to the governor, a record containing a copy of the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding at the trial, prosecuting attorney and sheriff, and the names and postoffice addresses of the jurors and the witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case and a reference to the statute under which the sentence was imposed. One copy of the said record shall be delivered to the warden or superintendent at the time the prisoner is received into the institution and one copy shall be forwarded to the governor within ten days thereafter. In each case in which he shall perform the duties required by this act, the clerk of the court shall be entitled to such compensation as shall be certified to be just by the presiding judge at the trial, not to exceed three dollars for any one case, which shall be paid by the county in which the trial is had as part of the expenses of such trial.

SECTION 5. The governor shall appoint a committee of three from the executive council to act as an advisory board in the matter of paroles. The three members of the executive council constituting the advisory board in the matter of paroles shall have authority and power to hire a secretary who shall be clerk of said advisory board in the matter of paroles. He shall be sworn to keep a true copy of the records of said board and to the faithful and impartial performance of his duties. The governor and executive council shall have authority to fix the compensation of said clerk. The three members of the executive council acting as the advisory board in the matter of paroles shall receive for their services five dollars per day for each day enployed in the work of said board and necessary expenses.

SECTION 6. Authority to grant parole under the provisions of this act is

hereby conferred exclusively upon the governor in all cases of manslaughter, actual forcible rape, for offenses by public officers in violation of their duties as such officers, and to all persons convicted and serving sentence for conspiracy to defraud public municipalities, or the bribing of or attempting to bribe, public officers. In all other cases such authority is hereby conferred upon the advisory board in the matter of paroles. The governor and the advisory board in the matter of paroles, acting jointly, shall have authority to adopt such rules as may by them, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure. Provided, prisoners, under the provisions of this act, shall be eligible to parole only after the expiration of their minimum term of imprisonment, and prisoners who have been twice previously convicted of a felony shall not be eligible to parole.

SECTION 7. Application shall be made to the governor, or to the advisory board in the matter of paroles upon uniform blanks prescribed by the governor and the advisory board in the matter of paroles to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent when requested by a prisoner whose minimum term of imprisonment has expired and is eligible to parole, to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the governor or to the advisory board in the matter of paroles with his recommendation endorsed thereon. Upon receipt of such application and recommendation, the governor or the advisory board in the matter of paroles, shall make such investigation in the matter as they may deem advisable and necessary, and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosures of the prison. The prisoner so paroled, while at large by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison. Provided, that whenever the prisoner so paroled shall have been committed to or confined in any such prison or reformatory from a county other than the county in which the prison or reformatory in which he has been last confined is situated. it shall be made a condition of his parole that he shall not live or remain in the county in which the prison or reformatory in which he was last confined is situated, without the express consent of the officers or board granting such parole, which consent may be granted or revoked by such officer or board, for cause shown at any time before such convict is finally discharged.

SECTION 8. No prisoner shall be released on parole until the governor or advisory board in the matter of paroles shall have satisfactory evidence that arrangements have been made for such honorable and useful employment of the prisoner as he is capable of performing, and some responsible person (not a relative) shall agree to act as his "first friend and adviser," who shall execute an agreement to employ the prisoner, or use his best efforts to secure suitable employment for him. Said "first friend and adviser" may, in the discretion of the governor or the advisory board in the matter of paroles, be required to furnish a bond, or other satisfactory security to the governor for the faithful performance of his obligation as such "first friend and adviser." All moneys collected upon such bond or security shall be turned over to the state treasurer and credited by him to the general fund of the state.

SECTION 9. Every such prisoner, while on parole, shall remain in the legal custody and control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent, and full power to retake and return any such paroled prisoner to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, whose written order shall be a sufficient warrant authorizing all officers named therein to return such paroled prisoner to actual custody in the prison from which he was permitted to go at large. When the warden or superintendent shall return to prison any paroled prisoner, he shall at once report the fact, and his reasons therefor, to the advisory board in the matter of paroles and his action shall stand approved unless reversed by a majority vote of said board, but no prisoner shall be returned twice for the same offense.

SECTION 10. A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the warden or superintendent shall, after the issuance of such warrant, be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served.

SECTION 11. Any prisoner committing a crime while at large upon parole or conditional release and being convicted and sentenced therefor shall serve the second sentence to commence from the date of the termination of the first sentence after the sentence is served or annulled.

SECTION 12. At the time of granting parole to any prisoner either by the governor or the advisory board in the matter of paroles they shall each respectively determine the length of time the prisoner shall remain on parole, which shall not be more than four years in any case. After any prisoner has faithfully performed all the obligations of his parole for the period of time fixed, and has regularly made his monthly reports as required by the rules providing for his parole, he shall be deemed to have fully served his entire sentence, and shall then receive a certificate of final discharge from the warden or superintendent in whose custody he is. A duplicate copy of such final discharge shall at once be sent to the secretary of the advisory board in the matter of paroles who shall file the same in the office of the governor.

SECTION 13. On the first day of each month, each paroled prisoner shall make a written report to the warden of the prison, or superintendent of the institution from which he was released, showing his conduct during the current month, his employment, earnings and expenditures, his probable postoffice address and place of employment for the coming month, and the warden or superintendent in charge of each institution of this state named in section one of this act, shall, not later than the fifteenth day of each month, tabulate and report to the advisory board in the matter of paroles, in writing, the information thus received, and he shall communicate to the advisory board in the matter of paroles immediately all violations and infractions of the rules governing such paroled prisoners. In their annual report to the governor, the advisory board in the matter of paroles shall include a summary of the paroles and releases under this act, the names of all persons who have violated their paroles, the nature

of such violations, together with such information concerning the operations under the law as may be deemed to be of public interest.

SECTION 14. There shall be kept in the prison or institution named in section one of this act, by the warden or superintendent thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this act. A summary of such record shall be filed with the advisory board in the matters of paroles, to be by said board compiled and included in the annual report of the advisory board, when report shall be submitted in writing to the governor on or before the first day of December in the year nineteen hundred and thirteen, and on or before December first of each year thereafter, and said report shall be accompanied by such recommendations as the board may see fit to make.

SECTION 15. The secretary of the advisory board in the matter of paroles is hereby authorized to provide all blanks required for the proper execution of the provisions of this act after the forms for such blanks have been approved by the governor and the advisory board in the matter of paroles.

SECTION 16. Whenever any prisoner is released upon parole he shall receive from the state, clothing not exceeding ten dollars in cost and a non-transferable ticket at his own expense to the county where his "first friend" resides. The warden may, in his discretion, at the risk of the state, advance to any paroled prisoner the cost of a ticket as above provided and expenses not to exceed two dollars, and failure on the part of the paroled prisoner to return the money so advanced within sixty days may be declared a violation of parole warranting the return of the violator to prison.

SECTION 17. Whenever the parole of any prisoner shall be ordered by the advisory board in the matter of paroles or the governor, the clerk of said board shall at once notify the sheriff of the county or the chief of police of the city to which he is paroled of the issuance of such parole, naming the county where convicted, the crime for which convicted, the name and address of the "first friend," and the length of time which said prisoner shall be required to report before receiving final discharge.

SECTION 18. Any sheriff, chief of police, or probation officer, shall upon the request of the governor or the advisory board in the matter of paroles, act as "first friend" and adviser for paroled prisoners while on parole from any prison or reformatory in the state, and shall, upon the approval of the secretary of the advisory board in the matter of paroles, be paid from the general fund of the state not otherwise appropriated, one dollar per month for each paroled prisoner for such service. Whenever the term of office of any such officer, acting as "first friend," shall expire while any such parole is in force, the duties of such "first friend" shall be assumed by the successor in office of such officer.

SECTION 19. Nothing in this act shall be construed to interfere or impair the power of the governor to grant pardons or commutations of sentence nor shall anything herein contained be construed to interfere with the rights of any person who may be serving out a term of imprisonment in any penal institution in this state by virtue of a sentence imposed under the law heretofore or now in force.

SECTION 20. All laws, acts or parts of acts in conflict with the provisions of this act are hereby repealed.—(Approved March 14, 1913.)

W. E. WALZ, Dean of the College of Law, University of Maine, Bangor.

PENOLOGY.

The Administration of a Probation Office.[1]—In the science of mechanics, it is found that the momentum of a body is determined by the product of its mass and velocity and if there is an increase in either of these, the momentum shows a corresponding increase. Making a similar equation in discussing the problems of administration, it might be said that these problems are determined by the number of people involved and the work given them to do.

An efficient administration is much more difficult to bring about and also vastly more important when 150 people having ten different things to do are concerned, than it is when there are a smaller number of people with fewer functions. The Juvenile Court of Cook County has more officers than any other Juvenile Court, and at least as many activities as any other. It is the purpose of this paper to state the number of people connected with the Juvenile Court of Cook County, Illinois, their activities and the system of organization and reporting which has been established to bring about efficient service.

The following persons are connected with the Court:

1 Judge
1 Assistant Judge
76 Probation Officers
46 Police Officers
12 Stenographers and Typists
4 Clerks
1 Attorney
1 Nurse
1 Physician
2 Interpreters
11 Circuit Court Clerks
1 Bailiff.

157 Total.

The duties of the Probation Officers are to investigate all complaints which are received in regard to dependent and delinquent boys under seventeen and of girls under eighteen years of age; to act as friendly visitors to all the wards of the Court who are placed on probation; to investigate the homes of those who apply for relief under the "Funds to Parents" amendment to the Juvenile Court Law and to supervise the families to which pensions are granted. These functions are many and varied. It is foolish to suppose that an officer who can satisfactorily investigate a family which has applied for a pension can also deal with a delinquent boy 16 years of age, or with the more difficult case of a delinquent girl. There can be no dispute to the statement that the efficiency of a probation force is greatly increased by assigning the officers to work to which they are especially fitted, rather than to all kinds of work in a certain territory. And even if all the officers of a force were found to be equally efficient in every branch of work, it still would promote efficiency to give each person one kind of work rather than many, so that each one might specialize along one line.

On this basis, the Juvenile Court of Cook County is divided into five de-

[1]A paper read at the National Probation Conference, Buffalo, August, 1913.

partments, each with its head. These are: The Funds to Parents Department; The Complaint Department; The Delinquent Girls Department; The Delinquent Boys Department and The Dependent Children's Department.

The County Probation Officers are placed in these different departments according to their fitness. All are in The Complaint Department except the officers working with Funds to Parents cases. Investigations in a majority of cases are given to the same officer to whom the case will be put on probation if that is done. When a case is heard in court, the judge has the written report before him and the proper witnesses are at hand so that the investigating officer need not appear as a prosecuting witness in the trial.

Special officers are sent out on urgent or especially complex cases received in the Complaint Department.

The cases of delinquent girls are heard before a woman assistant to the judge. The women probation officers who are most fitted to deal with delinquent girls because of their previous training and their personality, are assigned to work in this department, which is becoming highly specialized; which is doing fine work and which is less understood than any other branch of the work of the Juvenile Court. The officers working with these girls are not given as many cases as the officers in the other departments so that they can keep in close touch with their wards, and as soon as it is evident that the probation system is not satisfactory in any instance, the girl is again taken into custody and the case re-heard.

The other departments are also becoming more efficient because of the specialization. As the problems of the administration of the "Funds to Parents Law" are to be discussed at another time in this conference, they will not be touched on here.

In the cases of delinquent boys of working age, the problems of administration have to do with the boy's life outside of the home, rather than within. How can amusement be made stimulating rather than degrading and the employment regular and profitable rather than the casual kind that leads to the land of the saloon and the "flop?" The amusement can not be cared for without the closest co-operation with the police department and the State's Attorney's office to repress the evil influences of such places of amusement as the saloon, the unregulated pool room, the dance hall and the street. The officers must also work hand in hand with the churches, settlements, public schools and all other agencies, which are attempting to meet the social need of the boy in a constructive way.

Likewise the probation system will never succeed with the delinquent boy unless there is a direct and official relationship between the court and employers' associations. How many delinquent boys have work in places where the employer knows nothing of their past history? Such a situation is neither fair to the boy, the employer nor to the community. It is right to hide the boy's shame from his fellow employes, but not from his employer. This situation will not be properly handled until every boy can be placed with an employer who will see to it that he is dealt with in a knowing and sympathetic way by people who not only want to see him make good, but expect him to make good.

Co-operation with social, charitable and religious organizations is important in all cases but it is especially so in dealing with dependent families. In the records of nearly every dependent family in the files of the Juvenile Court, it

is found that some other agency has a knowledge of the case. Because of this, the registration department, established by the United Charities, is of inestimable value in showing to the court the previous history of a family and thus enabling the probation officer to plan better and more usefully. A probation officer who will not co-operate is well nigh useless to the children placed in his or her care. This refers especially to those who deal with dependents.

The 46 police officers who are assigned to juvenile work are detailed to represent different institutions for dependent and delinquent children in the court, to make investigations for these institutions, to follow up paroled cases and do whatever else is needed with institutional cases. Others are assigned to the several police stations of the city to receive the complaints which come to the police and to follow them up. These officers also attend the hearings of the Municipal Court to take charge of any juvenile cases which may be brought to the attention of the court. Reports on every case handled are made to the police sergeant who is detailed to supervise the juvenile officers and whose office is with those of the probation officers.

Higher efficiency is produced not only by specialization, but by a close, intelligent supervision, because of the number of cases handled by the officers—2276 new cases in court in the last six months and a similar number settled without the filing of a petition—it is impossible for one person to intelligently supervise the officers. Therefore, the head of each department is given final and entire authority over the officers of the department and is held accountable for the efficiency of their work, the Chief Probation Officer, however, reserving to himself, to the Assistant Chief Probation Officer and the Police Sergeant, the right to authorize and approve certain actions. No dependent petition can be filed by a probation officer without the approval of the Assistant Chief and the Attorney; no delinquent petition can be filed by a probation officer without the approval of the Chief and the Attorney; no petition of any kind can be filed by a police officer without the approval of the Sergeant and the Attorney; no case can be opened in the Court of Domestic Relations or any other court, without the approval of the Chief, and no child can be released from probation without consultation with, and the consent of the Chief Probation Officer.

It is absolutely necessary in every force of any size, to place in the hands of every officer a written bulletin stating exactly and simply what the duties of each position are and who has authority in every matter which may arise.

The heads of the departments supervise the Assistant Probation Officers under them by frequent conferences, by a little work in the field in company with the officers and by reading every report handed in.

Concerning reports. A case never comes to the attention of the court until it is serious in some one's opinion and in many a dependent case the whole future of a child is involved. The value of careful and accurate and frequent reports can not be overestimated.

There are a few things in the system of reporting in the Cook County Juvenile Court to which I beg your attention.

More than one-half of the cases brought to the attention of the complaint department are handled without a court hearing and the same is true of those reported to the police. Both probation and police officers are asked to report as carefully on these as on probation cases, and a separate file of index cards is kept to show all cases which are settled out of court, by whom they were

handled and where the record may be found. This covers the Funds to Parents Department as well as the Complaint and Police Department.

When a complaint is made to the Juvenile Court, it denotes a serious situation in some one's opinion. When a child is put on probation, it is important that the officer should establish friendly relationship with the home as soon as possible. Because of these facts, it is essential that the initial visits both on complaint and probation cases be made without delay. The officers are, therefore, given two days from the time they receive a complaint or a new probation case to make the first report. The frequency of subsequent visits is left to the judgment of the officer under the advice of the head of the department, but all cases must be visited at least once a month and every visit must be reported. Besides the reports on visits, a face card called "Environment and Family History Blank" is filled. This shows the facts in regard to each family which are not subject to frequent change.

If the supervision of the Assistant Probation Officers is to be made of any value, it is important to work out a satisfactory system of reporting and to enforce it.

All that has been referred to thus far has had to do with the detail of organization and reporting. Matters of policy are determined by the judge of the Juvenile Court, Merritt W. Pinckney. To him is due the credit for two great steps in advance in the last six months. First, the establishment of the branch court for the hearing of the cases of delinquent girls before a woman judge, with a woman stenographer and women officers, and second, the amendments to the "Funds to Parents Act," which were passed by the last legislature and which have made that act definite, constructive and workable. So long as the policy of the Juvenile Court of Cook County, Illinois, is determined by Judge Merritt W. Pinckney and his assistant, Miss Mary M. Bartelme, that policy will be determined by the qualities of constructive justice and far-sighted mercy which are possessed by both.

JOEL D. HUNTER, Chief Probation Officer, Cook Co., Ill., Chicago.

Probation in Sweden.—The Protection Society ("Skyddsvärnet" in Swedish) was formed in Stockholm in 1910, for the purpose of reclaiming and reforming persons released under suspended sentence. The society, which came into being through the efforts of Judge Harald Salomon, who had made a personal investigation of the probation system in the United States, is granted a subvention from both the state and the city, and is under the patronage of the Crown Prince of Sweden. The society publishes a periodical, and one of the articles appearing in this publication has recently been translated by Judge Salomon into English and put in pamphlet form. After setting forth some of the principles for which the society stands, Judge Salomon gives the following account of its methods of operation:

"In Swedish legislation this need has to a certain degree been expressed. In the law concerning the education of dependent and delinquent children dated June 13th, 1902, for instance, there are stipulations concerning the appointment of 'kretsombud,' a sort of probation officer, assistance thus being requested of zealous men and women for the fight against juvenile criminality. Furthermore, in the Act re Conditional Release of June 22nd, 1906, there is a stipulation that in the place of a sheriff's officer, magistrate, or public prosecutor, some other suitable person may instead be appointed as supervisor of a prisoner re-

leased from a penal institution, this person having to superintend the conduct of the released prisoner as circumstances demand, and to attempt to encourage anything that may lead to the man's being reclaimed. In this case the assistance of the private citizen is requested in the important work of reclaiming released prisoners.

"On the other hand, here in Sweden we possess no special stipulations re probation as regards those whose sentences are suspended. This defect, as also the need of an investigation of the personal circumstances of the offender previous to being brought before the court for sentence, has received the attention of private individuals, and when the Protection Society (Skyddsvärnet) was formed in 1910, it included in its programme investigation of the cases for suspended sentences and the supervision of those liberated under such sentence, and, so far as it has been possible, the Society has tried to organize work in these departments and interest persons in various ranks of life. In this sphere of action in combating criminality the assistance of private individuals has been appealed to, and at present their response has led to the formation of a small group of volunteers, who are willing, without any pecuniary reward, to assist the Protection Society in carrying out the work in question.

"The work of investigation undertaken by the Society has as yet chiefly concerned such offenders under arrest who have voluntarily pleaded guilty, and by law can be the receivers of suspended sentence, e. g., as a rule, first offenders who are not guilty of more desperate crimes.[1] The work is mostly carried on in the following manner: The examination by the police being at an end and the police report ready for delivery to the court before which the prisoner is to be brought, information thereof is given to the Governor of the Jail; at the same time a copy of the report being forwarded to me. The Governor of the Jail then sends to the arrested person in the cell two copies of a form set up by the Protection Society, with the intimation that the person under arrest is to fill up and sign both copies.[2] In this form there are queries respecting the circumstances under which he has been living and working, and opportunity given for a detailed account of his person and family, &c., &c. Furthermore, he is encouraged to state the reason for and circumstances concerning the offense, and to give the name, address, and if possible the telephone call number of those persons who know most concerning his life and circumstances, and to note down what he may have to add with regard to his life's history and family relations. The form closes with a declaration on the part of the culprit that he is willing, should suspended sentence result, to place himself under the friendly supervision of the Protection Society for the time being until other commands reach him, and to follow the directions of the Society which may be given with a view to his probation. When these forms are filled up, I interview the culprit at the Jail, going through the forms and filling in matter if necessary. At the close of this interview a card is handed the prisoner, where among other things it is urged that should his sentence be suspended he should call on me some Thursday at the office of the Protection Society in order to consult with me respecting his prospects. Should he have a home in Stockholm, I call there in order to obtain a personal knowledge of the surroundings in which he has

[1]Applies only to such offenders as come before the criminal courts, e. g., those of 15 years and upwards.

[2]One is for the Court, the other is kept at the office of the Society.

lived. The information afforded me in the home is later on controlled by other statements given by his employer, landlord, &c., &c., and, when it is a question of soldiers, by their superior officer, while as regards juvenile offenders, their schoolmaster, or teachers of religion are appealed to. Should the home be in the country, by wiring or by telephoning to the Rector of the parish, the Bailiff, or other reliable person, I try to obtain the necessary information to the best of my ability. The result of my investigation is then recorded in writing and the report placed at the disposal of the court.

"The probation work has consisted in my seeing those under suspended sentences that choose to attend on Thursdays at the office of the Society, their relations, or other persons interested in the work, besides which, either I myself or some representative of the Society duly appointed as supervisor, visit the home of those under sentence. Those calling on me at the office receive probation cards, containing among other matter the name and address of the person appointed as their superior, as also certain 'Rules and Regulations' which they are advised to observe."

The pamphlet also contains some very interesting case histories, a specimen report of an isvestigation made concerning a defendant, and copies of certain forms used in the work. A. W. T.

Rules of the Advisory Board in the Matter of Paroles in Maine.—1. The board will meet monthly at the Maine State Prison at Thomaston for the purpose of considering applications for paroles and at such other times and places as may be deemed necessary. Unless otherwise arranged the meetings at the State Prison will be held on the first Thursday of the month.

2. At each monthly meeting the board will consider the applications for parole of all prisoners whose minimum terms expire during the month following that in which the meeting is held.

3. At all meetings, the board will reconsider the applications of all prisoners except those that were considered at one of the two preceding meetings.

4. The application for parole must be made by the prisoner himself. Under the law the board is prohibited from considering any other form of application or petition. Parole application blanks will be furnished by the warden and such prisoners as may be unable to prepare their applications will be given necessary assistance.

5. In considering the application for parole of a prisoner, the board will take into account the prison conduct of the applicant, his criminal record, and also his habits and methods of life before conviction; his domestic relations, his prospects of employment, and his ability and apparent desire to lead a correct life and maintain himself by honest labor, if paroled.

6. Any prisoner who fails to comply with the terms of his parole will, if apprehended, be returned to the prison to serve the balance of his maximum term. If he cannot be found at once, he will be declared delinquent, and whenever apprehended, be thereafter imprisoned in said prison for a period equal to the unexpired maximum term of his sentence at the time such delinquency is declared, unless sooner paroled or discharged by the board.

7. Each application will be considered in the order in which it is received, except in extraordinary cases when the board may order that an exception be made to the rule. Application for parole from those serving indeterminate

sentences will not be received or considered by the board until the applicant has served his full minimum term.

8. An application which has once been denied shall not be again considered within six months from date of denial. A request for the re-opening of any case which has once been denied will be placed on the list in the order in which the request is received and filed the same as a new application.

9. In all cases where an application for parole or pardon is accompanied with reports from the warden of violations of the prison rules, such reports may be considered sufficient grounds for denying the application.

10. The board may impose upon the convict ordered paroled such special conditions as may be deemed advisable, and non-compliance with such special conditions shall constitute a violation of parole for which the convict may be returned to the institution from which he was paroled.

11. When a paroled prisoner violates the conditions of his parole and is returned to prison the board will investigate the case and if the action of the warden is sustained, they shall also determine at the same time at what future date the prisoner shall be eligible to have a new parole application considered.

12. The employment of an attorney in connection with the application of a prisoner for a parole will not be permitted unless the prior consent of the board is obtained for exceptional reasons. All cases will be given equal consideration and action will be taken as promptly as possible. All communications pertaining to any application for parole should be addressed to the secretary of the board at Augusta.

W. E. WALZ, Dean of the College of Law, University of Maine, Bangor.

General Rules Governing Convicts on Parole in Maine.—A paroled convict shall, upon his release, report immediately to his first friend in person, unless otherwise directed by the board.

Near relatives of applicants will not be accepted as first friend and adviser.

Every convict on parole shall make a written report to the warden on the last day of each month, for the current month, which report shall show:

(a) General conduct during the month;
(b) Name of employer;
(c) Nature of occupation or business;
(d) Number of days worked during month;
(e) Number of days lost during month;
(f) Reason for lost time;
(g) Amount earned during month;
(h) Amount expended during month;
(i) Present post-office address;
(j) Probable post-office address for coming month;
(k) Probable place of employment for coming month.

This report shall be signed by the paroled convict and certified to by his first friend. Blanks for making these reports will be furnished by the warden. The first friend must satisfy himself from personal knowledge, inquiry or correspondence before signing the monthly report that the conduct of the paroled prisoner has been satisfactory. If any reason exists why the convict cannot forward his monthly report, such as the absence or illness of the first friend, he shall promptly notify the warden by letter or otherwise of the reasons for

the delay. Failure to make the monthly report promptly will constitute sufficient cause for recommitting to prison a paroled convict.

In case of death, removal from the state, refusal to continue to act, or resignation of the first friend and adviser of any paroled convict, said convict shall immediately notify the warden and file a written petition with him for the appointment of another suitable person to act as his first friend and adviser, which petition shall be forwarded to the advisory board in the matter of paroles, with the recommendation of the warden attached thereto.

Willful failure to reply promptly to letters of inquiry from the board or the warden may be considered a sufficient reason for recommitting to prison a paroled convict.

A paroled convict shall not, during the term of his parole, visit saloons, partake of intoxicating liquors of any nature, or associate with persons of evil repute, but shall, in all respects, conduct himself honestly, avoid evil associations, and, in general, pursue the course of an upright, law-abiding citizen.

A convict while on parole shall not leave the state except upon a written permit issued by the governor or the advisory board in the matter of paroles. Should he do so he will be treated in all respects as an escaped convict, and when recaptured will be returned to prison and may be required to serve out the unexpired term of his maximum sentence.

These rules are subject to change, repeal, amendment and addition as may be found necessary or expedient from time to time.

W. E. WALZ.

POLICE.

A Prison Association Secretary on Some Fundamental Needs.—The following is an address delivered before the recent Southern Sociological Congress. It touches fundamental problems sensibly.—[Ed.]

"The new conscience is asserting itself. The bad man has lost his terrors. Men no longer turn from him in fear and horror. He presents a problem that must be faced. Science is addressing itself to the task with results startling in the light of older conceptions. In all this forward movement the bottom round must necessarily be the most fundamental. It is the police court that gets those who first go wrong. It is, therefore, the police court which has an opportunity to check careers of crime by doing the right thing at the right time.

"As at present administered a police court is good for but two things—cash revenues and convict labor. Its justice is measured by a yard-stick rule—$60.00 or thirty days. The ordinary police court may be likened to a quack doctor dispensing a dose, as distinguished from a treatment. And the dose is not even administered, but inflicted, regardless of the offender's condition or circumstances. Go into a police court in one of our large Southern cities and you will sometimes see as many as one hundred and fifty cases tried a day. The judge has no time for the individual case. He has in most instances only the arresting officers to look to for assistance and this man is usually interested solely in the establishment of his case. The result is that justice is made to stoop to the conception of it possessed by the man on the beat. There is probably not a city in the South where the police do not make needless arrests. Every police court is crowded with those who must undergo needless suffering,

the wives and children of the accused, a man whose only fault may have been an unintentional wrong. And what good does it do?

"Perhaps irredeemably hardened by the injustice of it all, the narrow cell, the degraded cell mate, they fling back their mute defiance by again transgressing man's law, which they have come to despise. As long as we refuse to separate the crime from the man, so long as we punish the crime without taking thought of the man being punished, so long will our courts debase, rather than uplift and their sentence be a certificate of merit prized by the man who no longer cares.

"Petty offenses so crowd the police court docket that the police have no time to run down the dangerous crook, and rid the city of his peril. The wily blind tiger, the artful manipulator of the jimmy, and the crafty gambler get away with it, while the unschooled get caught. Our punishment doesn't prevent; it merely makes wise. Under such conditions the professional bondsman, the sedulous shyster, the unabashed blackmailer find abundant victims and easy money. The whole system is a mad juggernaut by which those prosper who of all persons ought to suffer.

"What effect has such a state of affairs on the police. Unable to stem the tide they center their whole strength periodically upon particular classes of offenders—now it is the automobile speeder, now the crap shooter, the pistol toter, the unlicensed huckster and peddler, now the prostitute, and then the vagrant, and so on *ad infinitum*. Hopeless of ever reducing crime, and without aspiration they become mere man-hunters. They never dream of saving; their sole object is to pile up a record of arrests, convictions and paid fines.

"If this be the case, the logic of the situation immediately points to the policeman as the target for reform. It is the blue-coat who must be inspired to take higher ground. It is he who in learning his duties as guardian of the peace must interpret them in the individual integrity of every man with whom he comes in contact. It has often puzzled me why the State should expect so little of the policeman, when his real function takes equal rank with the ministry itself.

"Any solution of the problem presented by municipal misdemeanants must come out of a more effectively organized police court. Such a court depends on the individual fitness of the police officers. The first requisite for an effective police force is freedom from political domination. The individual must have but one master—the public; must serve but one interest—the public's. How can a community expect adherence to duty from a political henchman? He acknowledges but one master—the man who put him on the city's pay-roll.

"But this is not that phase of the subject I came here to stress. To change older political systems may be necessary, if they exist at the expense of efficiency. It takes time to accomplish this, and we need not wait to better conditions. The first requisite is accurate knowledge of the facts out of which the problems arise. This is to be secured by the discovery of primal causes, and the close study of the effect present methods may have on individual offenders. The public won't stand for snap judgments and criticisms; and nostrums, however plausible, when not backed by facts, are resented. We reformers are usually right, but right almost always too soon. We can double our efficiency if we let the other fellow discover for himself what we may already know. Why

not install a system, worked by the police department through its own officers, which will bring to light the desired information? Two things will thus be gained—the willing co-operation of the police in remedying the evils discovered and a readjustment of view-point of the policeman towards his duties.

"The system to which I turn for relief from present conditions is simple enough. It consists of a record card for each person arrested, giving the name and address of the accused, the charge, the officer, the place of arrest, the disposition of the case by the court, the accused's employment record, his marital condition, number of children, time in city, and the underlying cause for his crime or offense. This record is compiled from data gathered by the arresting officer and the receiving officer at the station. When the arrest is made the policeman puts down the name of the accused, the place of arrest and a concise statement of the circumstances of the arrest. This is sent in with the accused. The desk sergeant or precinct captain, as the case may be, further examines the accused, making a record of the additional items. The same card is used no matter how many subsequent charges are brought against the individual. This at the outset emphasizes the man as the problem. We must stop dealing with the case and begin dealing with the individual. Make an end of legal formalism—reach the man.

"In addition to this record card, the proposed system requires two other factors—discretion in the examining officer to dismiss frivolous cases and those not involving spite or intentional wrong on the part of the accused, and probation officers under the control of the examining officer for the purpose of investigating cases before trial, and under the control of the court for supervising those placed under their care by the police magistrate. The trouble with the usual probation system is that it is not part and parcel of the police force, but separate from it, and therefore an object of contempt and ridicule by the police. Unless it is a recognized adjunct of the department, the man on the beat will never acquire the spirit of the probation officer, the very thing he ought to have, and which the whole program here outlined is intended to instill. As was previously emphasized, the man on the beat is the target for reform, and whatever is done, if it does not educate him to conceive of his duties as upon a higher plane of usefulness and service, very little headway will have been made. In order to insure this, probation officers must not only be considered as the co-workers of the police, but in using the discretionary powers vested in the man at the desk, the arresting officer ought to know what has been done, and the reasons for doing it. The case ought not to be dismissed as frivolous or the occasion merely for admonition and warning, without such a course coming to the knowledge of the man who made the arrest. This system is the leaven, and the leaven belongs in the loaf and not separate from it.

"Some time ago there was a scarcity of labor in Atlanta. A great hue and cry was raised in the papers. Pressure was brought to bear on the police to enforce the ordinance forbidding idling and loitering. As a result Decatur street was swept from start to finish and a great herd were driven into the station for vagrancy. They were slammed through the police court, fines were imposed by the wholesale, and like the rain, fell on the just and unjust. No record of employment was taken, no investigations were made. They were caught in the drag net and shared the same fate. Negroes who had been working steadily were sent to the stockade. Their employers were not notified and

had no opportunity to testify. One of the men caught was a white man named Jenkins. He had been in the city only three days—came here to find work, and intended as soon as located to write for his wife and four children to follow. Jenkins had been unemployed for a long time and looked seedy enough, I grant you. If the proposed card system had been in vogue, the desk sergeant would have learned of his family, where they were, and how long he had been in the city. Jenkins should have been released without trial and referred to the probation officer for a job. As it was, he was locked up and sent to the work-house. It is not denied that an idle mind is the devil's work-shop and vagrancy ought not to be tolerated. But a system which is blind to the causes of an individual's idleness is really manufacturing criminals out of those who may merely be unfortunate, the victims of sickness or disease, perhaps an unhappy home or drink. By producing a condition of utter despair in a man who already thinks he has lost out, the police court is committing a greater crime than the one sought to be punished. And the blotter will exhibit a more serious charge when he is returned for a second offense.

"It is the cause and motive which differentiates offenders and not the crime. Hard luck does not constitute an offense, and yet it may constitute a violation of a city ordinance. Take the case of the man who has lost his nerve through drink. What good does the work-house do him? Or the man mentally incapacitated by worrying over a family discord, or the man weakened by sickness or disease. The court ought to know of such conditions. When the examining officer with the help of a probation officer, is prepared to assist the court, means are at hand to meet each of these situations. Every one of these cases presents an opportunity for the probationary treatment. Take the matter of drunkenness. Let the probation officer under the direction of the receiving officer ascertain the cause of the man's intemperance—whether due to conviviality, discouragement, illness or fatigue. Such a man ought not to be fined or sent to the work-house. He needs the assistance of a friend.

"Very often it happens, however, that idling and loitering, and drunkenness are but the mild manifestations of criminal traits. For instance, there is a man in my town who has been arrested this year on eight separate charges. He continually violates the blind tiger ordinance, has repeatedly been bound over for grave offenses and is thoroughly depraved. What is best to be done in a case of this sort? My only suggestion is an ordinance giving the police court magistrate power to double the term for every subsequent offense, without privilege of paying a fine.

"Not only does this record system distinguish the sheep from the goats, it has further advantages. Its various items will bring light to bear on almost every phase of municipal control. Take for example the item giving the place when arrests were made. Suppose we had a large enough map of the city of Nashville to block it out in detail. Every time an arrest was made in a dwelling a dot would denote the place. Keep this up for a year. You would find that the dots would mass around particular centers—which would show one of four things, that the locality had not a sufficiently large detail of police, or that the police were inefficient. It might show that the neighborhood was insufficiently lighted. Scotland Yard sets the ratial value of a street light and a policeman at as one to eight, a proportion not overestimated. Analysis may show that the residents of the neighborhood had no respectable means of recreation, the only

diversions offered being the cheap dance hall, vaudeville, from which transition to the bar and nearby dive is very easy. In that event it clearly is up to the city to tear down the buildings and clean a space for a recreation center. Take Atlanta for example: Hundreds of arrests are made in a very limited area in and around Decatur street. The section mentioned is the negro playground. Saturday afternoon and night the colored population crowd the sidewalks so as to render them almost impassable. There are thirty-seven negro beer saloons, there are four blood and thunder places, and twenty odd houses of ill fame—all within five or six blocks. That is absolutely all the city offers the colored people by way of recreation. I dare say such conditions are not the rule only here. On Collins street, the police tell me, it is as much as a man's life is worth to go through there at night. If an arc lamp is worth eight policemen, a well supervised park is worth fifty. The United Cigar Stores choose locations for their stores by counting the number of people passing a particular site. A city ought to distribute its police according to the location of vice centers, arriving at this location by the number of arrests made in a given locality. Statistics thus gathered by the police may point out other needs in the city's administration. By making the man the case, recidivism can be checked because his record card will bring to light underlying causes and the operation of the police magistrate's sentence upon that cause. If he comes back it may be concluded that the effect of this sentence was not beneficial. In that way reform need not go groping about in darkness and suffer a set-back because of a mis-step. The facts will be on hand. Official statistics can be adduced to show the necessity for an inebriate farm, more play grounds, a cure for those addicted to the drug habit, an indeterminate sentence, greater discretionary powers vested in the police magistrate, more manual training in the schools, or an institution to confine the confirmed prostitute. The result of the system is knowledge. When that is attained reforms will plead their own cause, and the police, who now glory in the terror they can inspire, will learn to choose the better part, the redeemed manhood and womanhood of those they now terrorize. When that happens, the blue-coat will in verity be "the finest," a tower of strength, whose strength is spent to make others strong."

PHILIP WELTNER,
General Secretary of the Prison Association of Georgia, Atlanta.

MISCELLANEOUS.

Illinois Conference of Charities and Correction.—The growing interest in problems of research and social service was well indicated in the annual Illinois Conference of Charities and Correction, held at Rockford, October 11-14. For eighteen years this organization has been a free forum for the discussion of preventive and corrective problems. It is held under the fostering care of the state, the expense being met by the State Charities Commission, and the officers and committees are composed of active social workers in the state service and in voluntary agencies.

Formerly the conference awakened very little interest in the state or in the community which had invited its annual gatherings. Greater response has been shown in the past three years, however, and this was pronounced by many the best conference ever held. It may be helpful to other states to give three or four factors which contributed to this result. In the first place, the committees were at work throughout the year. F. Emory Lyon, who was elected president at the last meeting, had told the conference he believed active work should be continuous. Accordingly, the Executive

Committee was called together early in January, and the program outlined. The secretary, Mr. A. L. Bowen, proceeded in his efforts to secure the best speakers from all parts of the country. The program shows that one or more of the experts in each line of social service was provided and present at each of the sessions. Among these may be mentioned Dr. Lightner Witmer, Dr. Hastings H. Hart, Dr. Katherine B. Davis, Owen R. Lovejoy, Dr. Arthur Holmes, Dr. Graham Taylor and Dr. John Webster Melody, together with Governor Dunne.

This array of "talent" was offered to the public of Rockford in an attractively designed program, and interspersed with the very best music any community could offer, coupled with the high degree of intelligent interest in the community, resulted in large audiences, and much enthusiasm at all the sessions. Lively discussion was awakened at the last session by a debate on the question: "Should Sex Hygiene Be Taught in the Schools?"

Altogether, the meeting seemed much like a national conference, with the secretary and president of that body as speakers. Or, better still, one felt that the civic community had gathered for counsel, since the chief executive was ably supported by a full representation of his board of administration, the State Charities Commission, and the State Civil Service Commission. Few platitudes were indulged in, and all speakers showed a disposition to deal with vital issues of prevention and correction.

In its growing strength the conference proposes to become more and more a missionary body. In response to an urgent call from La Salle, Illinois, saying "We need you,'" the next meeting will be held in that Cherry mine region of factories and farms, where poverty and plenty dwell in close proximity. Dr. Emil G. Hirsch was chosen president, and will lead his host of social workers to the mount of greater achievement during the coming year.

EMORY F. LYON, Supt. Central Howard Association, Chicago.

The Buffalo Conferences on Education of Special Classes and Probation.—The Tenth Annual Conference on the education of Backward, Truant, Delinquent and Dependent children, and the Fifth Annual Conference of the National Probation Association were held in Buffalo, N. Y., August 25th, 27th and 28th.

The annual meetings of these two organizations have heretofore been held in conjunction with the National Conference of Charities and Corrections, usually just preceding the meetings of the last named body. This year a sufficient number of the members of the two bodies were not able to make the long trip to Seattle to meet with the larger body, and it was decided to hold the annual conference in Buffalo. As a result of this arrangement the attendance was not so large as usual. Many of those who formerly attended the National Conference of Charities and Correction, and one or both of the others, this year went to Seattle to the former. While the meetings were smaller, it gave greater opportunity for open and free discussion, with a chance for all present who cared to participate. With many of the country's recognized authorities on the subjects under discussion present, the meetings were declared by all as most interesting and profitable. The interests of these

two bodies are in the main identical, as may be illustrated by the fact that the Honorable George S. Addams, Judge of the Juvenile Court of Cleveland, President of last year's National Probation Association, was this year president of the other conference. The problems of one are so similar to those of the other that it has been customary to hold a number of joint sessions for a discussion of mutual problems. The National Probation Association has to do with juveniles, both delinquent and dependent, and delinquent adults, and the other conference deals exclusively with juveniles, both delinquent and dependent, with particular attention to the care of them in institutions for correction or care, and their supervision after being released.

The program of both conferences reflect the present day attitude in matters relating to better systems of education. A general acceptance of the importance of identification and classification of the mental defective and the possibility of the extension of education in matters of sex hygiene to the juvenile delinquent.

The failure of the present school's curriculum to interest and hold the child in school and to furnish him with a training that fits him for every day life, and the resultant effects upon delinquency were pointed out. Plans for courses of study which have been in successful operation for a number of years, involving practical problems that touch his every day life were offered. These courses included vocational training that would be highly beneficial to him in life, and at the same time be sufficiently attractive to keep the boy or girl in school. By careful arrangement, what is commonly known as the purely academic features of his education, are not neglected. Much of value has been learned from the experiences of industrial schools of a custodial or correctional character in the courses of training, provided for their inmates, practically all of whom must earn their own living.

The truant problem was held to be one for solution by the school authorities rather than the Juvenile Court, except perhaps, in the case of the truant, who is semi-delinquent. The Compulsory Department of the Board of Education should be able to handle the majority of its cases out of court.

The problem of the mental defective has received much attention in the meetings of these two conferences the past two years, as it has in the discussions of the National Conferences of Charities and Corrections and the American Prison Congress. It is coming to be generally recognized that a large number of our delinquents are defective, and must be treated as such. Conservative estimate has placed the number higher than most were willing to accept at first, but is not willing to accept the figures of some that practically all are mentally deficient. How to detect the defective delinquent brought up the question of method. In the matter of diagnosis, few psychologists used the same methods, consequently they get widely varying results. A standardized system of tests, so far as possible, was strongly urged. Various means of extinction, eugenics, sterilization and segregation were suggested. A program for the care of the feeble minded as at present contemplated in New Jersey, provides for the purchase of unimproved land at a low price, and by employing the higher grades of the feeble minded, properly supervised in the process of clearing and improving, making the land valuable for cultivation, and making possible its sale at a profit. This profit to be devoted to the maintenance of those employed. The profits are not expected to entirely off-

set the expenses, but to aid materially. By conducting numerous small colonies in various sections of the state, using inexpensive, movable houses that may be moved from one colony to another, the expense will be reduced to a minimum. The beneficient result of the outdoor life upon the patient is not to be overlooked. This plan is novel and will be watched with interest by all interested in the care of defectives. The need for intelligent instruction in sex hygiene was agreed to be especially desirable for delinquent girls.

It was the general opinion that the Mothers' Pension Act had justified itself is evidenced by the action of twenty states in passing laws granting some sort of relief to mothers of dependent children. There still is much diversity of opinion regarding those the relief should be extended to, and the administration of the same. Most everyone is willing to admit that only the ground plan has been laid, and that much is to be done in working out methods.

The advisability of extension of probation to adults convicted of felonies has proven itself highly successful, as was proven by the figures for Erie County, N. Y., which includes Buffalo. Forty-five per cent of all cases coming before the court were placed on probation. Of these, eighty-eight per cent were convicted of felonies and seventy-three per cent of all placed on probation were discharged with improvement. The excellent financial result in the saving to the families and the county have so impressed the county, that a new building is to be erected and devoted to the use of the probation department. The next meeting of both organizations will be held next year in Memphis in conjunction with the National Conference of Charities and Correction.

HARRY HILL,
Assistant Chief Probation Officer, Cook Co., Ill.

National Criminal Tendencies.—*Law Times* recently published the following interesting statement:

"A Paris contemporary has been instructing its readers upon the specialties of the various foreign delinquents who come before the criminal courts in the French capital. English and Americans, we read, generally have to answer charges of picking pockets. Russians and Spaniards are swindlers. Turks have to answer acts of violence, and Belgians fraud and forgery. The Italian is generally charged with unlawful wounding; the Arab with offenses against decency. The Hungarian is noted for mendacity and the white-slave traffic. The German specialty is usury or trade cheating."

R. H. G.

Vindicating the Law.—Recently we received an enquiry for information concerning the treatment of the Newark, Ohio, lynchers in 1910. The following appeared in the *Chicago Tribune* for January 4, 1912. It answers the query and may be of interest to others: "It is said, with some justice, that the knowledge of what has been done to punish the lynchers of Carl Etherington, in Newark, Ohio, July 10, 1910, will never be spread as widely as was the knowledge of the crime. People will remember what lynchers did in Newark without knowing what law in Newark did to the lynchers.

"For that reason there is the more cause for recording that the trials, recently brought to an end, resulted in thirty convictions, one for murder in the second degree, thirteen for manslaughter, seven for riot and nine for assault and battery. If some of the sentences seem inadequate it must be remembered that in mob misrule there are varying degrees of guilt, and that Newark and

Ohio have handled their lynchers more severely than has any other American community in which law has been outraged."

In this connection I wish to call attention to a statistical statement with reference to the lynchings which have occurred during the year 1911, as published in the Chicago *Record-Herald* under date of January 1, 1912:

"Only thirty-five lynchings, known to be such beyond doubt, occurred in the United States in 1911. This, of course, was thirty-five too many, but in previous years the number has been much larger, forty-seven having been recorded in 1910 and fifty-seven in 1909.

"The *Record-Herald,* in attempting to keep statistics in this matter, is conservative; it does not class as lynchings cases of plain murder, or cases of attempted lynching. A lynching, properly speaking, is a forestalling of justice by a mob. Some writers on this subject made a count far too large by including many cases properly to be classed otherwise.

"The record is bad enough as it is on the most careful record, and the appeal to lynch law is due in almost every instance to distrust of legal proceedings with the implied moral that to abolish lynchings criminal law must be made swifter and more certain in its working.

"In the thirty-five lynchings the victims of all but one were negroes, according to news dispatches, and the one doubtful case probably was that of a negro. Alleged crimes against women or girls account for eleven cases and murder of white men for eighteen. In six cases the cause was not specified.

"Again, as in the records of former years, the greatest provocative of lynchings seems to be murder or attempted murder of white men rather than sex crimes. Race hatred and race intolerance accounts for many of the cases, for it may fairly be presumed that a white man accused of the murder of another white man would have been given a fair trial.

"By states the record is as follows:

	1910.	1911.		1910.	1911.
Georgia	11	9	Pennsylvania	0	1
Florida	8	6	Louisiana	2	0
Oklahoma	0	6	Tennessee	2	0
Kentucky	0	5	Mississippi	1	0
Arkansas	8	2	Ohio	1	0
Missouri	3	2	North Carolina	1	0
Alabama	3	2		—	—
Texas	4	1	Total	47	35
South Carolina	3	1			

"The decrease in lynchings in southern states probably was due largely to the efforts that have been made by governors and prominent citizens in the last few years to wipe out the disgrace of the annual record of such deeds. Many of the governors have acted promptly and energetically to prevent lynchings, with the declared policy of giving the law free opportunity for the punishment of all alleged offenders, white or black.

"The atrocious lynching in Coatesville, Pa., where a wounded negro was carried from a hospital on a stretcher and burned to death, was an expression of race feeling as fierce and as passionate as any ever exhibited south of

Mason and Dixon's line. It was followed also by the acquittal of the men accused of the lynching, because, apparently, of race feeling on the part of the jurymen."

Compare this Journal, Vol. IV, No. 1, p. 130, for lynching statistics of 1912.

R. H. G.

Theology and Crime.—There is something radically wrong about our traditional system of education, that leaves so many minds in a state to be easily influenced criminally; and also something very wrong about our whole theory of punishment in that it does not lessen crime. A studious inquiry into the history of all discoveries, inventions, social institutions, political regulations, etc., shows that it has taken our entire race thousands of years to think out the problems before us, many of which are still in the active process of change from error to knowledge, and in view of the vast amount of suffering and wrong-doing still going on in the world, it is self-evident that perfection has not yet been reached in any field, and that everything must still be kept open for dispassionate inquiry and re-adjustment.

One of the theories that has come down from the remote past, the history of which is well known as a part of race-psychology, is that there is an essential relationship between theological belief and moral behavoir, and so persistent has this theory been, that nearly all parents and teachers still continue to make a strong factor of theology in all their efforts to impress good behavoir and moral action upon the lives of children.

Of all subjects this is the one in relation to which there should, in the interest of human conservation, be a most calm, kindly and impartial arraignment of facts and statistics, for we can only judge of the efficiency of a system by the results obtained, and everyone truly interested in humanity's progress should be ready to face the facts and figures and be guided by them unflinchingly. The matter is exceedingly important for many are convinced that theology, instead of preventing misconduct through fear as in former times, has the effect of confusing the mind from childhood up, and destroying the power of self-guidance through "cause to effect reasoning." As all children must one day pass from the control of their parents and teachers and thereafter become directors of their own lives, the needful thing is to conserve their brains as thinking machines by constantly thinking of tangible things in their true proportion—the only mental exercise that will develop the judgment and discrimination required to avoid the follies and pitfalls of life which are practical realities, not spiritual or esoteric.

A review of the mental training of a few of those recently convicted of serious crime shows: Beattie the wife murderer to have had careful religious training; Rev. Richeson trained from boyhood in theology, preaching it up to the very day of the crime he later confessed; the McNamara brothers carefully trained in their church, and the four condemned young murderers of Chicago all reared in theological belief; suggest that the system so strenuously demanded for moral education may not be "panning out." Supernaturalism being evidently no deterrent of crime, the serious question arises is it a crime stimulant, does it prepare the way for criminality? Should statistics prove that crimes are the most largely committed by those whose minds were wrecked in childhood by those who poisoned them with theology, will it not be the duty of the govern-

ment to conserve its citizenship and take children from such parents and teachers and give them secular educations? For obviously no one should be permitted to muddle and confuse the minds of minors, destroy their sense of proportion by wrong thinking and forever blight their moral stamina. People who are not taught to trust their own reasoning, cannot be blamed for not using their reason for guidance.

In view of the growing number of educators who declare that all theology confuses the mind and is no aid to moral training, that the mind grows like the body in the direction of the exercise it gets, that what children require is simply to grow up in an environment that will daily bring their best and noblest qualities into action as a part of life; makes this subject one of vast importance to be verified one way or the other without delay by marshaling the data and statistics involved and placing the findings in the hands of every thinking man and woman in the United States.

The writer of the above should distinguish religion and theology.—[Eds.]

World-wide War on Vice.—We have received enquiry concerning the plan of the order of B'nai B'rith. The following may be of interest to many.—[Eds.]

The international order of B'nai B'rith at its recent convention held in Europe instituted a world-wide campaign against the white slave traffic and is informing organizations in different countries engaged in similar work of the action taken by the order, with a view of securing their co-operation. The plan of procedure includes the following policies: to enlist the press of the entire world in aiding the fight against the trade in girls and women; to organize special committees in the cities on the border and at harbors; to appoint well qualified agents to be their executives for supervision and control; to distribute warnings against the traders by printed circulars and notices; to unite women's organizations for preventing the traffic; to send itinerant speakers to all lands; to teach adolescent youth the dangers of the social vice; to establish in every country an information bureau which shall be responsible and effective; to organize in the greater cities agencies for the protection of women and girls who are traveling; and for the purpose of carrying out this work, to establish central bureaus of the order in Berlin, for Europe, and in Chicago for America. With special reference to the situation in the Orient, it was decided to investigate the laws and ordinances of Turkey for the purpose of securing the prevention of the white slave traffic by the punishment of the white slave traders; to investigate the traffic, the forms under which it is conducted, the customs to which it is related, the people who are engaged in it and the extent to which it is carried on; to advise with regard to the ways and means of fighting it in different localities; to provide for the supervision of boat and railway traffic; to make provision for girls and women rescued from the traffic and to secure agents to carry out these plans.

Chicago Committee Against Vice.—The Committee of Fifteen has been chartered by the legislature of Illinois "to aid the public authorities in the enforcement of all laws against pandering and to take measures calculated to suppress the white slave traffic." It has some of the strongest men of Chicago in its membership and devotes its work exclusively to prosecution. In its first annual report, record is made of sixty-three convictions, resulting in jail sen-

tences aggregating over forty-one years of imprisonment. Forty-seven girls were returned to their parents and thirteen more were sent to institutions after being rescued from disorderly houses. The report points its warnings against the dangers to girls in amusement parks and skating rinks, dance halls and wine rooms, nickel theaters and hotels, and in offers of marriage, by telling instances from the life stories of girls thus misled.

The American Vigilance Association has headquarters at 105 West Monroe street, Chicago, with Clifford G. Roe as superintendent and counsel, and George J. Kneeland, who conducted the investigation for the Chicago Vice Commission, as superintendent of the department of investigation. His services are in demand in many towns and cities which are inquiring into their local conditions. The association announces a new edition of the Chicago Vice Commission Report, applications for which may be made to the Chicago office.

R. H. G.

The Law of Criminal Libel.—By John King, M. A., K. C. Carswell Co., Limited, Toronto, 1912, pp. XXIII + 400.

This book forms a notable addition to the already considerable legal literature of our Canadian neighbors. It is a comprehensive and scholarly treatise on libel considered as a criminal offense, embracing (a) the substantive law and (b) the procedure and practice in prosecutions by criminal information and indictment both at common law and under the Canadian Criminal Code. Four years ago, the author considered the law of libel, viewed from the standpoint of tort, in his work, "The Law of Defamation in Canada." The present volume is intended as a supplement—the author wisely recognizing that a liberal and reasonably thorough treatment of libel, in its two-fold character as a tort and as a crime, could not be embraced, to best advantage, within the limits and compass of a single volume of ordinary size. Evidently Mr. King may properly be enrolled amongst the growing number of modern law writers who do not feel that a *sine qua non* to legal orthodoxy is an attempt to cover anything and everything—and then a bit more—"in only one volume."

For obvious reasons, special prominence is given to the judgments of Canadian courts and the opinions, especially the more recent, of Canadian judges. The English decisions, however, far from being neglected, are constantly referred to, and, in the main, very adequately digested. Moreover, the citations are invariably carried down to date. The references to American decisions are comparatively infrequent. This is very natural. Canadian decisions, where not *sui generis,* usually reflect the learning and the theory of the English courts. The treatise should prove of marked value to Canadian practitioners. To those American lawyers who believe that our criminal jurisprudence and procedure could borrow to advantage many of the principles and practices of our English and Canadian cousins, we also cheerfully commend Mr. King's treatise.

I. MAURICE WORMSER, Fordham University.

A Policewoman for Strasburg.—The magazine, *Seeking and Saving,* published by the Reformatory and Refuge Union of London, prints the following note concerning the first policewoman in Germany:

"The Berlin correspondent of the Standard gives the following particulars of the duties of what we believe to be the first policewoman in Europe. Stras-

burg is to have the honor of initiating this service; her salary is to come from the funds of a private Association—the Local Committee of Public Morals—and partly from the State Exchequer. The duties of this woman assistant of the Police Force concern the supervision of women theives and unfortunates; but this is a mere beginning. She is to have a special office where she may receive reports on the irregular morals of servant girls and shop assistants, whom she is then to visit in order to convey words of warning, as well as sympathetic counsel to the weaker victims of temptation. By the co-operation of the Public Morals Committee she is also empowered to find suitable employment for these women.

"Another of her duties will be the interrogation of first offenders who, by the provisions of a special decree, will not be led before the police court. She may also be called upon by the mothers of headstrong girls to report on their doings. But police work in the strict sense of the term is not the greater part of her duties. Provided with a fund of a few hundred pounds, the new assistant is to be something of a police court missionary, something of a guardian angel to all the women who come within her ken as being out of harmony with the law.

"She is to be empowered to handle the earnings of all the younger women who come under her supervision, and she is advised to place one-third in the savings bank, to give one-third to the parents, and to leave the remaining third with her protegee. Her signature will also obtain for her protegees clothing and other articles at cost price. Furthermore, she will have the control of the girls' hotels.

"The post is not to come into being until October 1st, and the city authorities are now anxiously advertising for some one to fill it. The particulars show that the appointment is to be given a trial for one year before being made a permanency. It is significant that the advertisements make a direct appeal to the supporters of the suffrage movement. Here, it says, in effect, is an opportunity for the suffragists to come forward to do real work; and successful accomplishment here, through the support of the movement, it adds, would do much to remove opposition to their aims and endeavors."

Since the appointment of the policewoman in Strasburg, several cities in America have secured similar appointments. Among them are Boston, Chicago, and Los Angeles. A. W. T.

The Biological Principles of Evolution.—This book, by Rene Worms, of Paris, presents the sciences of Biology and Sociology in their relation to each other. The author considers Comte's classification of the sciences into mathematics, astronomy, physics, chemistry, biology and sociology, and his hypothesis of the reduction of the sciences, as an awkward handling of the subject. He admits Spencer's classification into the inorganic, the organic and the superorganic as valid, but denies the irreducibility of the superorganic to the organic. Although sociology is more complex—the behavior of cells being simpler than the behavior of human individuals—a similarity of description is evident. Sociology becomes a further biology. The theory of the "organiciste," however, is not a necessary postulate of this work.

Comte distinguished two parts in sociology, dynamic and static. The latter is but a convenient abstraction which, to have any real meaning, must be

viewed in the light of historical process. When, however, we attempt further to subdivide the science the usefulness of the classification disappears.

The fundamental principles of biology are the basis for a description of social evolution. Static as well as dynamic sociology depends upon biology, especially upon the laws of adaptation, heredity and selection. In this respect the evolutionary system of Darwin suffices as the skeleton of the science of sociology.

Adaptation of structure and function in society constitutes social evolution. The cause of such evolution is the personal desire to adapt one's self most perfectly to one's environment and best to utilize conditions to one's own profit. The result is to establish a new equilibrium between the individual and his media, which is not absolute but provisional. All social trend may be defined as adaptation. The two characteristics of adaptation are process and interaction. There exists no stability in nature, least of all in society. No adaptation endures indefinitely and each old adjustment is an obstacle to some new one. On the other hand the individual is both modified by and modifies his media.

The author then discusses the aims, the means and the results of adaptation. We recognize three kinds of media: The cosmic, the organic and the strictly social. The limits of the social media vary with civilization and with the age and condition of the individual. The theory of recapitulation applies to sociology as well as to biology, for as the social relations of the individual increase in complexity during his development so the relations of the group become more extensive and varied along with its development.

The theory of Lamarck applies to sociology, i. e., the different parts are developed through use until the whole becomes greatly modified. The process also is accumulative through many generations. Adaptation may be divided into three parts: the organism reacts to every excitation of the media, habit is formed by the recurrence of the same reaction, and this habit is made *permanent* by being transferred through inheritance to the next generation. The nervous system is the seat of most adaptation and intelligence is the highest function of the nervous system. As with the individual so with society, for to acquire knowledge of the laws governing society is to adapt the race to its environment. Ethnic variation as adaptation to new conditions is frequently noted. Such variation is more social than individual. The group further adapts itself *inter se* and to its surroundings by the development of laws, language and institutions. Just as the life of the individual comprises stages of growth, virility and decline, so with that of the group. Its degree of growth and activity depends upon waste and repair and when waste predominates, dissolution follows. A social group is limited in size by a law of efficiency, as is a protozoan. When a living cell grows to a size too great for economy it divides, and so does society. The small society, which is a group within a group, may sometimes suffer at the hands of its fellows the death penalty which it imposes on its own aged, sick, or criminal members. In biology we say that although the present generation must die, yet the race is continuous, the germplasm is immortal. May not a dying society solace itself with a like thought? Certainly this is true, for if it has been fit it will survive in its offspring, its colony, its daughter group. Its mores are its germplasm.

Hereditary constitutes an opposing factor to adaptation as well as an aid. Racial characters—mental and physical—are relatively permanent. The author

accepts the Lamarckian view of heredity, which obviously suits better his biological-sociological parallel.

The general value of this book lies in the careful formulation of the parallelism between biology and sociology. Dr. Worms has made the book of interest not only to the student of these sciences but to the casual reader as well by his wealth of illustration and his clarity of style.

The Problem of Combating Suicide.—(Prof. Dr. Guilio Q. Batlaglini, *Schwizerische, Zeitsch. für Strafr.*, 24th year, No. 2.) The problem of this article is, Can the criminal law act effectively against a person who attempts suicide or one who aids in the attempt or has previous knowledge of it?

The practice of confiscating property to deter was abandoned because ineffective and obviously unjust to the relatives of the suicide. Fining or imprisonment of would-be suicides would have practically the same effect. The attempt in England and America to make attempted suicide a misdemeanor has been ineffective. The Italian law does not attempt to punish suicide or the attempt to suicide, but holds guilty the one who aids or has previous knowledge without an attempt to prevent.

The threat to punish can have no deterrent effect on the suicide, because he is planning to get beyond the state's power to punish, consequently it is not an act for legal consideration. It is rather a question for morals or social ethics. The writer argues for the right of the individual to departure from a given habitation by suicide as well as by migration. A country cannot well compel a man to stay in it. Consequently no legal reaction should follow the act of suicide or the suicidal attempt.

On the other hand, the legal attitude ought to be one of attempting to relieve conditions leading to suicide as far as possible. Among such opportunities for preventive action the writer mentions the suppression of the suggestive details in the press reports of suicides. There is no longer any question in regard to the power of suggestion over the mind already half disposed to self destruction. Such repression has been advocated by private bodies in several countries. The legal prevention of the sale of poisons, except on the order of a physician, accomplishes little on account of the wide commercial use of poison in the form of insecticides, etc. The prohibition of the sale of dangerous weapons accomplishes little as long as men work with dangerous tools. Society cannot well prohibit the sale of rope or the building of two-story houses or prevent the use of illuminating gas. The thousand and one opportunities offered by the country itself and the forms of industry make suicide easy to the man who has determined to die. The state can only prevent to the extent of relieving itself from the charge of negligence. Education could do much and the state might help materially in affording abundant opportunities for healthful recreation and social diversion. The suppression of suggestive literature would certainly be a legitimate field for state action.

PHILIP A. PARSONS, Syracuse University.