

1914

## Notes on Current and Recent Events

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## NOTES ON CURRENT AND RECENT EVENTS.

### ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE.

**Inquiry into Criminal Superstitions.**—At the request of Dr. Hellwig, we insert the following. Some of our readers may be sufficiently interested to co-operate in the investigation. [Eds.]

For some years, during which I have been investigating criminal superstitions, I have enjoyed the constant and willing callaboration of many helpers belonging to all classes and callings; and, without your valuable aid, neither the numerous papers I have published in journals devoted to folk-lore and the study of criminals, nor even my little general book on crime and superstition (*Verbrechen und Aberglaube*; "*Aus Natur und Geisteswelt*," vol. 212; Leipzig, B. G. Teubner, 1908; price one mark) could have been written. My previous success encourages me to hope that, in seeking to interest a wider circle by distributing the following questions, I shall draw attention to a subject, which is not only attractive in itself, but has also a practical application, and induce a greater number of correspondents to communicate to me what they know about it and about other superstitions. Every contribution, no matter how short, is of value, and will be published with grateful acknowledgment of the source. When necessary I shall be glad to make a small honorary payment as compensation for expenses incurred, etc. Special importance is attached to the exactness and accuracy of the details communicated.

#### *Questions.*

1. What do you know about faith in witches?
2. Are ghosts and spectres supposed to exist?
3. What do you know about amulets, especially letters which profess to come from heaven?
4. Do people think that they can hold communication with spirits by means of special apparatus (planchette, etc.)?
5. Are certain illnesses regarded as the result of demoniacal possession?
6. Does a belief in so-called "changelings" occur?
7. Are mentally diseased persons considered to be possessed?
8. Do people credit the existence of vampires (blood-suckers)?
9. Are shepherds, executioners, etc., supposed to be able to cure disease?
10. Who else is reckoned a "sympathy-doctor"?
11. Is the "sympathy-doctor" forbidden to demand money?
12. Must he also receive no presents?
13. What are the characteristics of "sympathy-cures"?
14. Must some of the means of healing be stolen or begged?
15. Is blood considered an efficacious medicine?
16. Especially the blood of a man who has been executed?
17. Is there a belief in hidden treasure?
18. How can it be recovered?
19. What superstitions are current about the Devil?
20. Do cases of exorcism of the Devil occur?
21. What do gamblers do to ensure luck?
22. What do you know about love-spells?

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23. What amulets are worn?
24. Are books of magic found—manuscript or printed—for example, "The Spiritual Guardian" (*Die geistliche Schildwacht*), "The sixth and seventh books of Moses," *das Romanusbüchlein*.
25. Are "thieves' candles," thorn-apple seeds, rabbits' paws, and other criminal talismans used?
26. Do criminals intentionally leave something behind at the place where they have committed a crime, with the idea that it protects them from discovery?
27. Especially a finger-print in blood, or fæces?
28. Is this called "The Watchman," "The Guardian," "The Sentinel," or something similar?
29. Are any magic means employed to obtain success in a lawsuit?
30. What is the popular attitude in regard to oaths and perjury?
31. Is it considered wrong for a pregnant woman to take an oath?
32. Is perjury supposed to be punished by God?
33. Are any methods known by which consequences of perjury can be avoided?
34. Can you give any information about fortune-tellers?
35. Is fortune-telling practiced by means of inherited keys or sieves, by magic mirrors, or by any other methods?
36. What injury are fortune-tellers assumed to be able to inflict?
37. Do people use their help to discover or punish thieves?
38. Do criminals believe that they are protected by God or the saints?
39. Do they pray?
40. Do they carry religious amulets about them?
41. Is there a report that Gypsies steal children?
42. Are the Jews accused of committing ceremonial murders in their ritual?
43. Is it considered possible to kill people by means of curses, "death-prayers," or other special methods?
44. Are there certain days upon which stealing is prohibited, or certain things which must not be stolen?
45. Are pregnant women forbidden to steal?
46. Are red-haired persons, or persons with other bodily peculiarities, supposed to become criminals?

To all who send me material I will send in return one or other of my articles. To those whose information is specially copious I will give, in addition, a copy of my little book mentioned above. Many who have no information of their own to send, have only to make inquiries among their acquaintances, when they will certainly learn facts which will be of value in this connection.

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**Sterilization: Mr. Boston Criticized.**—The discussion of sterilization in a recent number of the *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*, by Mr. Boston, seems far from satisfactory from the biological point of view. It evinces more of the contentiousness of a barrister than the critical analysis of a judicial mind. He is perfectly justified in suggesting that the ster-

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ilization laws have originated more among sociologists and amateur reformers than among scientific students of biology. His reference to telegomy is unfortunate because it is one of the exploded theories of unscientific breeders; and he seems to have rather overworked his references to "undesirable citizens."

In spite of some of Davenport's records, there is practically no evidence that criminality is heritable. If it be not heritable, sterilization of criminals cannot be considered properly as a eugenic procedure. Authority, therefore, for the sterilization of criminals must be sought in criminal law rather than under police power, for its action and effect must be upon the person of the criminal, and in no other way does it tend to prevent civic harm.

There is no question whatever that many physical characteristics are transmitted from parent to child and there is evidence, also, that even mental qualities may be thus transmitted. For various reasons, unnecessary here to explain, our knowledge of human heredity must be largely derived, not from the study of man himself, but of other forms of life. The greatest discovery in heredity, and at the same time, the strongest proof of the heritability of characters, is found in Mendel's Law of Dominance.

When parents show an opposing pair of characters, only the dominant character is manifest in the first generation of progeny. That the character carrying element is present though unexpressed, is shown in the next generation when one quarter of the progeny exhibit the recessive character, and breed true. It must be remembered that this law applies to opposing pairs of characters, and not to variations of degree. Mr. Boston refers to Galton's Law of Regression, according to which there is a constant tendency for the children of either tall or short parents to approach nearer the average for the tribe or race, than is shown by the parents. This law simply refers to variations in the same quality. Mentality may show difference in character or difference in degree. In Darbishire's experiments in Mendelism he bred the ordinary albino mouse with a cream colored dancing mouse from Japan. Both of the parents were tame, but the first generations of hybrids not only showed the grey color of the ordinary household pest, but this generation was exceedingly wild, so that several were lost by jumping out of the cage, before he realized the danger. The next generation exhibited the division according to color and according to the "dancing" characteristics, in compliance with Mendel's Law, and tameness also reappeared. This shows the heritability of the mental character of tameness in the mouse. The writer has collected considerable evidence tending to show even the heritability of acquired mentality in human beings.

We should hardly expect criminality as such to be heritable. Moral standards vary with different ages and among different peoples. There is hardly a crime according to our present standards, which in the past has not had the sanction of accepted custom. Our standards depend upon education; that means environment. The conduct of a person with regard to the moral standards would be a matter of degree ordinarily, rather than of distinct character. We are not surprised, therefore, that critical analysis of criminal records fails to show a transmission by heredity of criminality *per se*. It is true that criminality may depend upon a lack of mental development, and the mental character, or lack of character, is heritable. With that character of deficient men-

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tality, the environmental influence of poverty and criminal associations is very likely to produce criminality in the offspring. But it must be distinctly remembered that this criminality is not an inherited factor, but a secondary result of other conditions.

There is no question whatever as to the fact that certain mental defectiveness is transmissible by heredity. These defectives are always, sooner or later, public charges. It is this class of unfortunates who fill many of our public institutions and require great expenditures of money by the state. Under the police power of the state, that power which exerts itself for the preservation of the state, it is very proper that organized society should use such measures as seem best fitted to guard against this increasing expenditure. It seems, therefore, that the sterilization of imbeciles, and similar mental defectives may be properly defended under police power when performed with sufficient safeguard. It very likely is true that the statutes confer too much authority upon mere physicians or surgeons. There should be some means of assuring a judicial decision by those educated in the science of heredity and its application to neurological cases. Because authority for the sterilization of criminals must depend upon its penal effect in criminal law, while sterilization of mental defectives should be under police power, and for its effect in preventing the occurrence of defective progeny, sterilization laws should never combine these two classes of cases under one statute.

HENRY B. HEMENWAY, M. D., Evanston, Ill.

**The Problem of the Criminal Insane from the Viewpoint of the Physician.**—The following is an address delivered by Dr. Frank Robertson before the Society of Medical Jurisprudence in New York City, on November 10. It is published here and in the *Medical Times* simultaneously.

"The revolution in the social conception of the nature of insanity, due to the teachings of medical science, and the recognition that it is a disease, and not a demoniacal possession, resulted in an enlightened public opinion, which demanded a more humane and scientific method of caring for the criminal insane of this state. It crystallized into legislative enactments in the year 1855, and resulted in the establishment of a separate institution for this class, which was opened in Auburn, N. Y., in 1859. This institution was subsequently removed to Fishkill Landing, and is now known as the Matteawan State Hospital. In the year 1900 another hospital was opened at Dannemora, and an attempt was made to establish a classification which would separate the felons from the others, Matteawan receiving those committed on order of courts of criminal jurisdiction, persons convicted of petty crimes or misdemeanors—not felons—becoming insane while undergoing sentence, and patients from other state hospitals exhibiting criminal tendencies.

"Section 20 of the penal code of the State of New York reads as follows: 'An act done by a person who is an idiot, imbecile, lunatic, or insane, is not a crime. A person cannot be tried, sentenced to any punishment, or punished for a crime when he is in a state of idiocy, imbecility, lunacy, or insanity, so as to be incapable of understanding the proceeding or making his defense.'

Sec. 21. "A person is not excused from criminal liability as an idiot, imbecile, lunatic, or insane person, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason as either not to know the nature and quality of the act he was doing, or not

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to know that the act was wrong.' In this latter section we see the attempt made to determine to whom the act shall grant immunity from punishment.

"To the alienist it appears most unfortunate that the law still clings to the old and almost obsolete definition of insanity, formulated in 1843 in the McNaughton case. It is well known to physicians that have examined the insane that there is a large group, particularly in that form of insanity known as paranoia, having a distinct knowledge of the nature of an act committed, and whether such act be wrong. It is particularly in these cases that the 'knowledge of right and wrong' does not agree with the present-day knowledge of mental irresponsibility as understood from close observation of the insane.

"The writer has had several conversations with persons who, beyond shadow of a doubt, were insane, who have said practically this: 'I could commit any crime, even the capital crime of murder, and I should not be punished for it, as I am insane and am in an institution for the insane, and so am not responsible for what I do. *I have been locked up here because of my irresponsibility.*' While these patients were actually insane, they appeared to be perfectly rational in conversing upon most subjects. A layman, at least, would not discover their insanity, unless some subject closely related to their delusional field were touched upon. There is no doubt that these men had sufficient mental capacity to understand the nature and quality of the acts they were discussing as well as ability to appreciate that the acts were wrong.

The question would have been, had they committed a criminal act, whether they had the power of will or freedom of choice to choose between committing or not committing the act. And at this point, to my mind, lies the defect in the legal definition or conception of insanity as it stands. If, as the result of disease, there is an impairment of the power of selection, or choice, or will, in the committing of acts, and the influence of some frenzy or over indulgence in stimulants or drugs is satisfactorily excluded, it would seem to be a suitable question for the jury to determine.

I cannot put the case more aptly than has Mr. Robt. H. Gault in his preface to Tardes "Penal Philosophy," in which he says, "Thus, as long as moral responsibility, the so-called crux of penal philosophy, has its basis in freedom of choice, and as long as we and our experts are inclined toward the scientific deterministic attitude—and as our knowledge grows, we are finding ourselves subject to more and more complex systems of natural and inexorable laws—the concept of responsibility will become progressively attenuated. \* \* \* We are, with the steady increase in the extent of general education and opportunity, slowly elevating the level of individual responsibility."

As crime shows its sociological side so insanity shows its psychological attributes. Whether crime is a sociological, biological or physical condition is still in process of settlement and the followers of each school advance good arguments. However, we must not lose sight of the fact that contemporaneously with the advance in civilization and the more general diffusion of knowledge, society is exacting a greater individual responsibility; and this holds good not only in considering the subject of penology, but is constantly exerting an influence upon experts in mental diseases as they consider the attainments and characteristics of individuals charged with crime.

Not only is it more generally understood by the public that there is a relation between crime and insanity, but as never before an awakened public con-

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science phenomenally sensitive, is demanding punishment for the criminal, and protection to the community from the insane criminal.

"Writers estimate the association between insanity and crime at from 1½ to 10 per cent of the whole number of criminals, insanity being five times more frequent among criminals than others. It is much more frequent among occasional than habitual criminals, still I believe that the habitual criminals would prove to be more inferior as a class, and that more cases of constitutional inferiority and feeble-mindedness would be found among them upon careful examination. As to sex, the relation does not seem to be materially changed. Some claim that women under the influence of insanity are more prone to commit serious crimes than are men under the same conditions. The greater number of criminal insane are found between the ages of twenty-five and forty; imprisonment unquestionably increases the tendency to attacks of insanity among those of unstable mental poise, because of the solitude and the change in their mode of life.

"Though the insane should not be held responsible for their acts, they should be held answerable for them. Therefore, when such acts show a criminal tendency they should be placed in an institution for the criminal insane, where they may be kept until it shall be deemed safe for them to be at liberty. Several serious crimes have been attempted in recent years by persons having previously been convicted of offenses and incarcerated in penal institutions, whose subsequent examination manifested marked symptoms of insanity.

"The fact that these men had been released upon completion of their previous imprisonment only emphasizes the importance of carefully examining all inmates of penal institutions, and transferring those mentally affected to hospitals adapted to the care of such cases. This method not only secures the attention which the prisoner needs, but it insures his being kept there under supervision until it is safe for the public for him to be allowed his liberty, regardless of the period of the sentence his crime entailed.

"There is still another purpose well served by the detention of this class, in that it provides custodial care, and deprives them of the privilege of procreation. And here it seems fitting for me to call your attention to one of the most important facts which general research and the recent specific study of the families of delinquent defectives has brought to light. Remembering that a large percentage of the criminal insane are afflicted with a varying degree of feeble-mindedness, epilepsy, insanity, and criminality in their antecedents, you will readily understand how important this relationship is when I inform you that the report presented to the last meeting of the American Medico-Psychological Association by its special committee on applied eugenics among other things stated that the consensus of opinion from scientific thinkers on eugenics teaches that the feeble-minded are the result of inherited defect.

"That improvement may be confidently predicted in many, but restoration in none.

"That whether defect be recessive or congenital, the trail of feeble-mindedness is transmitted with certainty.

"That the rate of increase by propagation is more rapid than in normal people, and that the defective class is a self-perpetuating body.

"That the feeble-minded female is about three times as likely to mate as the male."

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"The number of the criminal insane will tend to increase proportionately faster than the criminal population, for the following reasons:

"Recognition of mental disease in persons charged with crime, due to more careful analysis of the population of prisoners and examination of those before the courts, by physicians skilled in detecting mental disorders.

"Better institutional care; hence the duration of inmates' lives appreciably lengthened.

"By aliens—immigration.

"Unfavorable character of the forms of insanity which chiefly afflict the criminal insane.

"Constant accessions to the ranks of the criminal insane from the great number of feeble-minded.

"The first four of the above reasons are well covered and supported in the annual report of the Dannemora State Hospital for the year 1912, in which Dr. North, the superintendent, states:

"The most noticeable difference, when the diagnoses are compared with those of previous years, is the larger number of cases of dementia precox received during the last fiscal year, constituting about 36 per cent of the total admissions. This is an increase of about 6 per cent over the previous year, and an 11 per cent increase over the average for the past five years. As this form of insanity rarely terminates in recovery, it accounts, to some degree, for the lower discharge rate for the year and the consequent increased gain in population. Sing Sing Prison and the Elmira Reformatory send larger numbers, due chiefly to the fact that these institutions receive a larger proportion of first offenders direct from the courts, many being aliens, very ignorant, unstable, and constitutionally inferior, who, having been recently subjected to the ordeal of trial and conviction, show signs of insanity soon after admission to the prison or reformatory. In fact, not a few who have passed through the courts without their sanity having been questioned prove to have been insane before conviction.

"In the matter of the release of the insane from the hospitals the greatest care is necessary. One frequently hears the opinion expressed that many sane persons are detained in the institutions, yet in my experience I have never known of such a case. It is true that cases are sometimes discharged upon writs of *habeas corpus* by the judges, and against the advice of the physicians under whose care they have been, but a judge and jury are not fitting instruments for the diagnosis of disease. Personally, I do not believe that any patient of a hospital for the criminal insane should be discharged unconditionally. On the contrary, I believe that there should be guardian societies formed for the express purpose of watching over discharged patients to see that they are placed in proper environment and that their situation be such that there shall be no incentive to return to crime. These societies of guardians could render invaluable service by assisting and supporting them at critical times, perhaps thus preventing recurrence of an attack of insanity.

"The after-care societies of the state hospital system have been of great service to those patients, and there is no reason why the same measures should not be applied to this class of mental invalids. I feel that at first all releases should be conditional and limited as to time, that the patient should be actually placed upon parole in the custody of some responsible person who would take



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the trouble to inform himself at frequent intervals as to the condition, mode of life, and general well being of the patient, and finally recommended to the judge release or further treatment in the institution, as the case seemed to warrant. If at present there is no provision in law for such a proceeding, proper legislation should be at once secured to put it into effect.

"I believe that my recapitulation may appropriately take the form of a proposition, as follows:

"Because the criminal insane are victims of disease and need special treatment and care, they should be sequestered in a separate institution.

"That criminality should be the basis of classification.

"That the insane who have committed capital crimes should be kept in custody for very long periods.

"That all insane criminals should be kept in custody until recovery is confirmed, without regard to the length of time this may require."

"There is another great body of dependents, who, while often not exactly insane, within the meaning of the law, are irresponsible by reason of their defectiveness, and are actual or potential criminals.

"I may also add that there is a very great need for new legislation looking to the recognition and commitment to special institutions of the class best described as defective delinquents, or defectives with criminal tendencies.

"I have prepared this paper in the hope that, whatever its imperfections, new interest may be awakened and new converts made to the more rational methods for the treatment of the criminal insane."

FRANK W. ROBERTSON, M. D., New York City.

### COURTS—LAWS.

**Crippling a Legal Experiment.**—Under the new charter adopted by Los Angeles County earlier in the year, the office of Public Defender was created. The duty of this official will be to defend those accused of crime who are too poor to hire competent counsel. It was apparently the intention of the framers of this charter provision and of the majority of the electorate who voted for it, that the Public Defender should be a county officer whose position should be on a parity with that of the District Attorney and whose power should be equal in most respects to that of the District Attorney.

In the news columns of *The Recorder*, November 11, 1913, appears a despatch from Los Angeles giving the gist of the ordinance under which the new office is created. It will be noted that whereas the District Attorney receives \$6,000 per annum, the Public Defender is to receive but \$2,750. This amount is less by \$2,250 than the chief deputy of the District Attorney is paid and less by \$900 than any of six other deputy District Attorneys receive. The Public Defender is to be provided with one assistant, who need not be an attorney, who will receive the munificent salary of \$125 per month, and a stenographer who is granted \$100 per month.

The District Attorney's office force consist of 47 persons, who receive all the way from \$416.66 down to \$50 per month and include deputies, assistants, detectives, clerks, messengers, stenographers, process servers and motorcycle policemen.

Contrast the two officers! In any considerable legal contest, what earthly chance has the Public Defender to vindicate the usefulness of his office against

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that of the District Attorney? The creation of the office of Public Defender may or may not have been wise. But here is the very acme of folly. To create an office for which many progressive members of the bar believe there is urgent need, and then to so cripple it by providing a salary which no first-class attorney could afford to accept, and to provide such assistance as any lawyer, with any practice at all, would scorn to have in his own office.

In order to be effective, the Public Defender should have at least half the assistance and half the money which is expended on the office of District Attorney. As a matter of fact, practically all the criminal class are without means. The Public Defender will be called upon to defend this very class more than any other. The business of the District Attorney is to prosecute criminals. The volume of business in a big county like that of Los Angeles is tremendous. What chance will the Public Defender have under the ordinance now pending in that county, to either prove or disprove the value of his office to the community? As an experiment it is damned before it is undertaken. And this will be a source of disappointment, even to those who viewed the creation of that office with skepticism.

Regarding the action of the supervisors of Los Angeles, it is very apparent that they have not intended that the Public Defender should be given a fair trial. That they have deliberately set about defeating the intention of the electorate is obvious. To discredit the new office they cripple it so it could not possibly succeed. Whether the people will permit their will to be thus thwarted remains to be seen. They use the recall very handily in Los Angeles.—From *The Recorder*, Los Angeles, Nov. 11, 1913.

R. S. GRAY, San Francisco.

**Annual Report of the City Court of Indianapolis, Indiana, 1912.**—In 1907 the legislature enacted a law which gave to the Circuit and Criminal Courts the power to suspend sentences and withhold judgment in the case of persons convicted under circumstances for which the defendants were only in part responsible. Under this act the probation system was authorized and the following plan put into practice:

In a case where the magistrate observed that the delinquency of the accused was due to evil associates, judgment was withheld and the defendant put on probation for a certain fixed period. During the probation time the court demanded periodic reports by the paroled person concerning his conduct.

Payment of fines on the installment plan is another feature of this court work. Working on the assumption that the efficiency of the court is measureable not by the mulct money collected by the court, but rather by the human lives helped to the right path, this court has allowed convicted persons to pay their fines in small installments. Of a total of 1,211 persons fined by the court, 739 paid these fines in full, while only 69 failed to live up to their agreement with the court. By this innovation the arrested person does not lose his employment nor his family its bread winner, as so often happens under the old court procedure, the family is saved from the disgrace of having its head in prison, and the man himself does not lose his self respect.

Where property has been stolen or damaged, this court insists upon restitution, full and complete, before the final disposition of the case. Under this

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plan, more than \$5,000 restitution money has been turned over to the rightful persons.

A special plan has been put into effect for the cure of inebriates brought into court. First, in less serious cases, the signing of a pledge in open court is exacted of the accused. He is then paroled for a specified period. It was found that 90 per cent of the cases of inebriates observed the pledge faithfully. Second, in cases of need of special treatment, the person is either at the expense of his relatives sent to a private sanitarium, or in cases where the defendant is unable to pay at once, arrangements are made for the payment of the money into the Probation Department in weekly installments. Severe cases of alcoholism are sent to the Marion County Workhouse, where they come under the charge of Superintendent O'Connor and Dr. Sullivan.

In instances where the character of the offense discloses a physical or mental defect, arrangements are always made for medical treatment.

Perhaps in nothing else is the modern social spirit so clearly manifest as in the innovation made by this court in regard to its treatment of women offenders. The legislature of 1911 enacted a law providing for the appointment of a "court matron" in cities of the first and second class. A part of her duties involves investigating the character and life history of the girls and women awaiting trial, with supervision over these women and girls when not actually in custody, until final disposition of their cases. The most important work of this department has been the aiding of women living in houses of prostitution. Twenty-three of these persons have as a result of the court's work, given up their life of shame and are now engaged in decent occupations.

In all these beneficent innovations the aim has been "Progress in the administration of justice by securing good results from apparent misfortunes and the uplifting of humanity wherever possible."

A. P. DRUCKER, Juvenile Protective Association, Chicago.

**Annual Report of Division Number Two of the Municipal Court, Kansas City, Missouri.**—From the Fiscal Year April 15th, 1912, to April 21st, 1913. Ewing C. Bland, judge.

As stated in the introduction, the purposes of this report "are to inform the public of the things already done in this court and to stimulate a more general public interest in the work now inaugurated and to be accomplished." The pamphlet reviews work already done and recommends new laws in the light of past experiences.

In addition to its regular duties this court also has jurisdiction over domestic relations, for the consideration of which cases two days and one night every week are set apart. One day weekly is likewise given over to the session of court as a Morals Court. Saturday night it is in session till midnight, adjudicating all cases of persons who cannot furnish bail; also cases of a domestic nature where the husband works and cannot afford to lose a day to appear in court. The judge opens court every morning at 8:30 except Sundays and holidays, and even on holidays there is a session for the service of those unable to give bail.

Among meritorious features of court practice here may be mentioned the payment of fine by installment. The opinion of the court being that imprisonment for inability to pay a fine is "in effect, imprisonment for debt," Judge

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Bland allows the defendant to pay in his fine in small installments, often as low as 50 cents a week.

Neither in domestic cases is the husband or father sent to jail for non-support "until the case becomes hopeless." If a man is found guilty, the court ascertains his earning capacity and the needs of the wife and family. Then if the accused is out of work employment is found for him, and the judge fixes the amount he has to pay for the maintenance of his family. The order of the court is then enforced by the assessment of a fine, and the defendant is paroled on condition that he complies with the ruling of the court.

Another feature of this court that deserves mention is the special investigation given such cases through the provision of the Welfare Board, every case being inquired into by an investigator furnished by this board before the case comes up for trial.

*The Morals Court.* From experience and observation the judge has become convinced that the plan of fining immoral women is absolutely valueless toward future reform. The more she is fined, the more she has to "hustle" to repay the money laid out for her by the cadet. The court therefore undertook to recommend that a law be passed which should enable the magistrate to send a second offender of this type to prison for a long period, deeming this the only way that offenses of this nature can be stopped.

These and other similar measures, largely and chiefly instituted by Judge Bland, deserve wide promulgation and emulation. It is work of this kind which will reconstitute the functions of the criminal courts and reclaim the vast amount of humanity ruthlessly wasted heretofore.

A. P. DRUCKER, Juvenile Protective Association, Chicago.

**Simplification of Criminal Procedure.**—"Commendable, indeed, is the work of some good citizen who has endowed the Legal Research Bureau in a crusade for the reformation of judicial procedure. In following out the plans of the bureau, professors from various law schools, and experts in criminal procedure have taken upon themselves numerous reforms in this branch. The first meeting has been held; and at this meeting the question of simplifying the present forms of indictment was discussed. Dean Harlan F. Stone, of the Columbia University Law School, presided. Among those present were Presiding Justice George L. Ingraham and Justice Victor J. Dowling, of the Appellate Division, First Department; Justice Eugene A. Philbin, of the Supreme Court, First District; Judge-elect Charles C. Nott, Jr., of General Sessions; Assistant District Attorney Frank Moss, former Assistant District Attorney Howard S. Gans, Professor Edwin R. Keedy, of the Northwestern University Law School, Abraham Benedict, of 37 Wall street, and representatives of the New York County Lawyers' Association, the City Club and the Association of the Bar.

"The form of indictment favored was much shorter than the form generally in use, and recited merely that John Doe, the defendant, did commit the crime of murder, or arson, as the case might be. The reason for this simplified form given was that the defendant, having before him all the details embodied in the present technical indictment, finds it easy to appeal and obtain reversals of decisions because of technical errors. As a substitute for the specific information which the indictment now furnishes, a bill of particulars was suggested. The bill of particulars would thus be a secondary document which could not be

## PRISONER CHARGES INHUMANITY

changed or amended without invalidating the indictment itself.

"In connection with the discussion of this subject, we call attention to section 276 of the New York Code of Criminal Procedure. Although the provisions of this section may not have been observed, it is to be noted that since 1881 the state has had a statute providing for the short form. Referring to this section, Mr. Justice Laughlin in the case of *People v. Seldner* (62 App. Div. 357), said that it 'was intended to simplify rather than amplify the technical requirements of indictments,' and in an earlier case (*People v. Everest*, 51 Hun. 19, 24), the court remarked that the 'form and method of framing an indictment, as prescribed by the statute, is worthy of commendation for its simplicity and ready comprehension by all persons who have a reasonable degree of intelligence.' Despite the fact that the simplified form authorized by section 276 may not have been used, nevertheless, it has been provided and proves that more than thirty years ago the state attempted to rid the indictment of its technicalities and useless verbiage.

"It will doubtless be several months before the bureau has formulated its conclusions, after an exhaustive investigation in various parts of the country. At that time it is hoped to submit to the Committee on Judicial Reform plans for changes in criminal procedure which are obviously necessary."—From *Bench and Bar*, November, 1913. R. H. G.

**Sterilization Void in New Jersey.**—The Supreme Court of the State of New Jersey on November 18th, set aside the act of 1911 providing for the sterilization of epileptics, feeble minded, criminals and other defectives. A test case was instituted in court, before the law was carried into effect. The Supreme Court holds that the law denies to the classes so selected the equal protection of the laws. The decision applies only to that portion of the law that applies to the epileptics. The State Charities Commission requests that the case be carried to the Court of Errors and Appeals, and this will be done. See this issue, *Judicial Decisions*, etc., for full text of the decision.

R. H. G.

**Prisoner Charges Inhumanity in Jail.**—Charges of a sensational character are contained in a petition for a writ of *habeas corpus* filed in *forma pauperis* yesterday afternoon in the United States District Court by Charles Harrison, a resident of the Parish of Tangipahoa, La., who is now awaiting trial in the Amite City jail on a charge of shooting at a dwelling house and shooting at it with intent to kill.

The strangest part of the lengthy document filed in the name of Woodrow Wilson, president of the United States, on the relation of Charles Harrison, is the fact that the petitioner does not ask to be released from custody, nor to have his case tried on its merits, nor to grant him any relief except such relief as will prevent his being punished with cruel and unusual punishment in advance of a trial of the charges with which he is being charged.

Relator avers that unless the Federal Court will seize jurisdiction of his case and will order the production of his body before it, to determine whether or not he is being inhumanely and shockingly treated, the solemn guarantee of protection, as contained in the Constitution of the United States may as well be expunged therefrom.

Relator claims that he is sick and ill and confined to his bed in the jail-

## CONVICTS ON ROAD CONSTRUCTION

house at Amite, due to vices and defects in said jail, and is deprived of the services of a physician, unless he is willing to pay for such services. That his case was fixed for trial in October, 1913, and while being conveyed to the courthouse, he fell from the third story of the jail and was seriously injured. That notwithstanding his injuries he was carried on a stretcher to the courtroom and would have been forced to trial, but for the interference of the coroner of the parish, who declared that the trial could not be prosecuted without menace to the life of relator.

Relator further states that notwithstanding the report of the coroner, he was picked up by two men under directions of the court, and carried back to the jail where he was allowed to remain without medical care or medicine of any kind. He alleges that he was placed upon a bunk, filthy in the extreme, with insufficient covering, crawling with vermin, evil smelling and generally abominable.

That relator has been confined in the same bed and room since that date; that prior to the time of his incarceration, he was a strong and able-bodied man, while at the present time he is an invalid, weak and sickly, not able to care for himself or his person and suffering from the effects of said filthy and dirty condition of said jail. He further alleges that the filthy and loathsome condition of said jail is common knowledge; that such condition is held up by all parishes in this state as a reproach against the Parish of Tangipahoa, and such condition has been ordered remedied by the state board of health without avail.

Upon considering the petition, Judge Foster issued an order commanding the officials of the parish to show cause before the District Court on Wednesday, Nov. 19, 1913, at 11 o'clock a. m., why a writ of *habeas corpus* should not issue herein as prayed for, and according to law.

W. O. HART, New Orleans.

## PENOLOGY.

**The Use of Games in the French Prison at Forest.**—In the *Archivo di Antropologia Criminale*, Fasc. II, Vol. XXXIV, it is reported that the inmates of the French prison of Forest are on Sundays allowed to get Froebel games, look at pictures, and to design, color and sketch in their cells. The prisoners welcomed this innovation with great enthusiasm. It greatly improved the prison discipline, for only honor men were allowed this privilege. It might be astonishing that all classes of prisoners, mentally alert and educated, as well as others were delighted to play like children. I suppose the reason for it is, that they for once could do something in prison out of their free will; do something constructive without having the driving guard behind them. Where the prison population is partly illiterate, as in the United States, books are not of great use, but it might be well to allow more generally games and collections of pictures.

V. v. B.

**Convicts are Placed on Road Construction.**—Thirteen states passed laws during the present year allowing the use of convicts in the construction and repair of highways, according to a compilation by Dr. E. Stagg Whitin, assistant in social legislation in Columbia University and chairman of the executive committee of the national committee of prison labor. They are Arkansas, Delaware, Florida, Illinois, Indiana, Kansas, Maine, New Jersey, North Dakota,

## PALM AND SOLE PRINTS

Pennsylvania, Vermont, West Virginia, and Wisconsin. As many other states had previously passed similar legislation, but few of the forty-eight states have not seen the wisdom of using prisoners to build and maintain public roads.

West Virginia and Iowa are the two states whose laws regarding the working of convicts on highways stand out most prominently. So anxious was the governor of the former to secure an effective law that he came to New York, and, with the assistance of representatives of the national committee on prison labor, of the road department of Columbia University, and of the Legislative Drafting Bureau, worked out bills making compulsory the employment of convicts on the roads.

The West Virginia law authorizes the county courts to make appropriations out of road funds for convicts' work; it states that the court shall sentence any male person over 16 to road-work instead of the county jail; persons charged with misdemeanors, unable to furnish bail shall work on the roads, and if acquitted when tried, shall be paid 50 cents a day for each day's work they perform; justices of the peace shall sentence to work on the roads persons convicted of crime whom otherwise they would send to the county jail.

Another feature of the West Virginia law is the establishment of a state road bureau to supervise any plans proposed by a county for using prison labor in road-building. The plans approved, the county shall apply to the board of control for the number of prisoners required, and shall state the length of time they shall be needed. The board shall, so far as possible, give equal service to each of the counties, and shall determine which prisoners may be assigned to such work. The warden is to provide suitable and movable quarters, which shall be built, where possible, by convict labor. The convicts shall remain under direct control of the warden, their work, however, being under the supervision of the road bureau.

In Iowa the board of control of the state institutions, with the advice of the warden of any penal institution, may permit able-bodied male prisoners to work on the roads. The law specifically states such labor shall not be leased to contractors. A prisoner opposed to such work, or whose character and disposition make it probable that he would attempt escape or be unruly, is not to be worked on the highways. Although the prisoners are under the jurisdiction of the warden while building or repairing roads, their work is supervised by the state highway commissioner. Prisoners employed on the highways of Iowa receive such part of their earnings, above the cost of their keep, as the board deems equitable, the earnings either being funded or given to their dependent families.

Before Iowa passed her present prison labor laws, George W. Cosson, attorney general of Iowa, and a member of the national committee on prison labor, made a thorough investigation of the prisons of his own and other states, and strongly denounced the contract system, under which the prisoners were employed up to that time. Mr. Cosson drew up the road bill, and is of the opinion it will do much to drive the contract system out of the state.

R. H. G.

### POLICE—IDENTIFICATION.

**Palm and Sole Prints.**—The use of finger prints as a means of identification has developed to such an extent that interest in the study of palm

and sole impressions is increasing. In an article entitled "Racial Differences in Palm and Sole Configurations" in the *American Anthropologist* for April-June, 1913, H. H. Wilder describes a study of the palm and sole prints of 100 Liberian natives, collected by Prof. Frederick Starr in 1912. These were compared with the prints of 100 white individuals of the United States. Prof. Wilder finds in the Liberian prints a typical negro formula or pattern which he had also previously recognized in the prints of American negroes. This typical negro formula was found in 52 per cent of the Liberian prints and in but 10 per cent of the white hands with which they were compared. Moreover, Prof. Wilder recognized a typical formula occurring in 63 per cent of the white hands and in but 8 per cent of the negro hands, which he calls provisionally the "white formula." There is more variation in the white hands, those used in the comparison exhibiting 44 different formulae, while the negro hands showed but 16; although the white prints used had been selected from a larger collection of 200 in all. Other differences appear and Prof. Wilder concludes that these represent fundamental morphological differences to some extent but also physiological ones due to differences in the use of the hands in the two races. As the racial differences only appear by the comparison of large numbers of prints there seems to be at present no practical application for the difference noted. It is noteworthy that so far no differences between the sexes have been observed as to palm and sole markings. E. L.

**The Service of Genealogy in Identification.**—H. Gross's *Archiv*, Volume 53, contains a contribution of special interest to criminalologists. H. F. Macco's paper on the service genealogy and heraldry can render in the identification of international swindlers, of people found dead and of stolen goods in Europe, deserves serious attention in this country. The United States are overrun by adventurers who profit by the reverence which not a few Americans will show to high sounding titles, and as a result the daily papers are full of the tales of victims of such rascals. It is astonishing how easily the same class of swindlers wins the confidence of European shopkeepers, and an entrance into exclusive society circles, though the means to identify them are at hand. The different *almanachs de Gotha*, the army and navy lists, address books of different cities are to be found in every city. For places like Berlin, London, Paris, I even would suggest a private bureau of information, where shopkeepers could at once get all possible information about prospective customers who are embarrassed when asked to pay cash. A similar bureau exists at Monte Carlo. It keeps track of people who had to be assisted by the bank, after they had lost considerable sums at the roulette tables. If they ever turn up again, they are refused admission, if they do give their own name.

Different excellent works of heraldry enable an investigator to find quickly the family name of an unidentified person on whom some coat of arms has been discovered. A good wax impression or a good description render the same service, if sent to a collector of coats of arms. Stolen goods which have a coat of arms-engraved upon them, are identified in the same way. V. v. B.

**A Police Employment Bureau.**—Mr. William I. Day, of Oakland, Cal., in a recent address, outlined a plan for a police employment bureau. The following is extracted from his address:

"The plan is to have the police system in each city organize a municipal



## POLICE EMPLOYMENT BUREAU

employment bureau, with a special department fully equipped, under trained official workers, and every policeman and peace officer to be constituted a public employment agent. Should the work get too heavy on his beat for a policeman to handle it the extent of his beat could be reduced or an assistant appointed to help look after matters on that particular beat.

"It should be each policeman's duty to know of every vacancy in every factory, foundry, machine shop or building on his beat and also the health, occupation and condition of each person on his beat who has employment or needs employment. This would mean an acquaintance with and interest in all on his beat.

"Should a contractor inform a policeman that he will need six carpenters or four plasterers on the next Tuesday morning the policeman could either find them on his beat or in some other beat through the central police employment bureau. This, of course, could be systemized to a science. In the more congested business districts, two or more policemen could be detailed to each beat so that between them they could do their police duty and attend to the employment business as well.

"This would to a great degree put the unemployed in touch with employers and eliminate the lazy idle, and those who avoid work rather than seek for it. The unfair and sometimes criminal methods of private employment bureaus would in this way be avoided by the unemployed who have no money for employment bureau fees or are suspicious of being exploited by dishonest agencies.

"In the proposition for the police department to conduct on scientific principles a municipal employment bureau it would be so systemized that should a foundry man want four moulders for the next Monday morning he could notify the patrolman on that beat and the patrolman would know at once whether he had one or more moulders. If he had none or not enough he would consult with the patrolman on the beat adjoining his and failing there to get the adequate supply, the matter could be taken up with the central office where the complete registration of all unemployed would be used to get the men, always supplying the positions with men who live nearest the job. Through daily reports to headquarters by each patrolman the central office could keep a daily registration corrected up to date of every family in the city, together with the size and health of the family and condition and character of the head of the family and others who were at a workable age and size.

"The physicians on the beat will gladly give the policeman much information as to a family's needs, size and character, thus enabling the city through its employment bureau to exercise a paternal interest in all its citizens and be of great service to both those who need help and those who need employment.

"By assisting the unemployed to find honorable employment the city will, through the police department, be able to take a deeper and closer interest in the welfare of its citizens and by helpful assistance of this kind keep them from crime that they claim poverty and unemployment forced them to commit.

"It will assist the industrious man, detect the lazy man and give the city an accurate knowledge of the good and bad habits of all its citizens and in this way keep honest men from committing crimes and dealing intelligently with those who need disciplining for laziness and dishonesty."

The state industrial farm as a complete solution to the complex prison problem was strongly advocated by Captain Day as the best method of prison reform that has so far been under consideration.

R. H. G.

## NEW YORK PROBATION CONFERENCE

### PROBATION-PAROLE.

**Annual New York Probation Conference.**—The state conference this year was held in Buffalo, and in attendance and interest was pronounced the best in the history of the conference. The meetings in the beautiful assembly room of the Hotel Statler were well attended and more than fifty probation officers from all parts of New York State were in attendance.

In the three regular sessions and the luncheons, the chief problems of the probation officer were discussed. The first address was given by Homer Folks, president of the State Probation Commission, who stands today as perhaps the leading authority in the country on the care of the delinquent and neglected child. Mr. Folks reviewed the progress of probation work during the past year in the state, touching upon the following important events: the passage of a model children's court act for Ontario County, one of New York's rural counties; the appointment of twenty new probation officers under civil service in New York City, and the organization of probation work in the magistrates' courts, and the final placing of the position of county probation officer in the competitive class. The bearing of the state-wide movement for prison reform upon probation work was discussed. In this connection, Mr. Folks said, "Everywhere throughout the state there is a determination that newer and more humane methods must be used in dealing with those who have come under the law. Everything that makes us realize more clearly and more definitely the inherent, inevitable shortcomings of imprisonment, lends additional impetus and momentum to the line of work in which we are engaged." Mr. Folks then went on to emphasize the importance of thorough, careful work. "We have won our case," he said, "so far as the general acceptance of the merits of the principle of probation is concerned and our task, more difficult than the earlier one, is that of being worthy of the confidence that the community is placing in us and being sure that our work when the limelight of critical analysis is turned upon it, as it surely will be, will not be found wanting as the prisons have been."

The peculiar problems and difficulties of applying probation in the case of women offenders was discussed by Miss Frances E. Leitch, probation officer in the Court of Special Sessions, Brooklyn. These special difficulties were pointed out as the habit of some judges to be too lenient with women offenders, a certain distrust of the woman probation officer, now, however, happily almost overcome, and the great difficulty of getting results with certain types of women offenders, especially drunkards and prostitutes. Good, thorough probation work, however, was urged. "Our failures," said Miss Leitch, "are in many instances only cases in which victory has been deferred. The best work of the probation officer may never appear on the record, but it will not be forgotten, and the judges under whom she serves and the community in which she works will learn in spite of herself somewhat of the value of her efforts and will honor her accordingly."

City Judge Noonan of Buffalo dwelt upon the important work now being performed in his court through placing adult males on probation to pay on the instalment plan, fines and restitution and provide weekly payments for the support of their families. The Buffalo court serves as a great collection agency, annually saving many hundreds of men from prison and providing for the support of several thousand dependent women and children each year. This kind

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of probation work is not alone of great practical value to the families of offenders and to the community, but also provides a wonderful means of bringing reformatory influences to bear upon the offenders themselves.

Mrs. Jane B. Armstrong, president of the board of managers of the Western House of Refuge at Albion, laid stress on the problem of the woman inebriate. The question aroused much discussion among the delegates, and the seemingly unanimous conclusion was arrived at that probation in such cases is usually a failure and that nothing less than care in an institution for an extended period could repair the disordered nervous system and restore the body and mind to their normal state. The need that New York should provide such an institution for its women as it has taken steps to do for its men was emphasized.

The meeting then turned its attention to the peculiar problems of juvenile delinquency. Chief Probation Officer Shea of Syracuse gave a very interesting account of his experiences with boys. He showed how the boy's "gang," which now in all our large cities serves as a school of vice and crime, can be utilized by the skilful probation officer for the building up of a spirit of co-operative effort and for developing character.

On Tuesday morning the important question of the employment of children and its relation to the work of probation officers was discussed. Dr. E. N. Clopper of the National Child Labor Committee laid much emphasis on the injurious and unsuitable employments in our cities which are now open and which very nearly monopolize the employment of boys under sixteen. He urged the need of protection from these injurious employments and of co-operation between probation officers and labor inspectors. In the discussion which followed the suggestion was made that rigid child labor laws might go too far and that some proper provision for the exercise of discretion in the administration of such laws was needed.

One of the most interesting and fruitful discussions centered around the questions of the co-operation of probation officers with other agencies. Chief Probation Officer Cooley of the Erie County Court presented a stirring appeal for more systematic co-operation. He brought out the truth that the probation officer alone can seldom bring about reformation; that his most important task is always to gather together the forces of the community to that end. "Probation work is a fight," he said, "a battle of the forces for good versus the forces for evil. The probation officer is the general in command of the forces for good. The intelligence, the completeness, the energy with which he marshals and arrays the forces for uplift against the allied evils which would drag down, will determine his success and ability." He applied to probation work Emerson's truism, "In proportion to its relatedness is it strong."

At a well attended luncheon on the same day, great emphasis was placed upon the need that Buffalo strengthen and reinforce its probation work. Buffalo has been a pioneer in many things. It had the first separate juvenile court in the state and the first domestic relations court in the country. The problems have outgrown the present force of probation officers, but when one realizes that there are today fourteen publicly paid probation officers in Buffalo it is seen that few cities indeed can claim an adequate number of officers to carry on the tremendous important work of probation in their courts.

At the last session of the conference, the investigative work of probation

## JUVENILE OFFENDERS IN CANADA

officers was thoroughly dealt with by County Judge Stephens of Rochester and by Mr. Wiley, chief probation officer in the city court of Buffalo. Judge Stephens, who administers efficiently the juvenile court of Monroe County, described his work with boys and urged upon the probation officers present the importance of not expecting great results with little effort. Only by patient, intelligent work in each case can any real results be obtained. There followed a general discussion of the chief daily problems of probation officers in which very many took part.

These annual conferences of probation officers are made possible through the New York Probation Commission, which every year makes all arrangements and pays all the expenses of the meetings. They are considered a legitimate and important part of the work of the state commission to the end of securing more and better probation work in the state by bringing together all those who are actively engaged in the work for an interchange of ideas and opinions. They have proved of great value and it is intended to continue them from year to year under the same auspices. Other states might well follow the example of New York and establish similar annual probation conferences.

CHARLES L. CHUTE, Secretary, New York State Probation Commission.

**Juvenile Offenders in Canada.**—At the meeting of the American Prison Association in 1911, Mr. William Grant gave a valuable analysis of Canadian legislation in respect to delinquent and neglected children and youth. The legislation of the dominion relating to juvenile delinquents is found in 7-8 Edward VII, Chap. 40, "An Act Respecting Juvenile Delinquents (1908)." This act aims to separate youthful offenders from ordinary criminals, and to give them a special kind of treatment. Juvenile delinquents are children who violate the criminal code. This act provides for probation officers and courts for persons under sixteen years of age. Such cases are to be tried before the Juvenile Court. The young person may be indicted for his offense, if over fourteen years of age, but this is in the discretion of the court. Pending trial, the child cannot be confined in a jail, but must be placed in a detention home or other separate place. Release on probation is provided for, and the parents may be required to educate and train the child under the direction of the court. Adults who contribute to delinquency may be disciplined by the court. "This act is to be liberally construed, to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which may be given by its parents, and that, as far as practicable, every juvenile delinquent shall be treated not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance." The analogies with similar laws of the United States are evident.

The provisions for neglected and dependent, as distinguished from delinquent children, on the other hand, are found in the legislation of the different provinces, and are not the subject of dominion laws. The policy in Ontario and other provinces is to place children under the care of a superintendent for the whole province. This superintendent, under the law and under the authority of the court, may care for children in aid societies, institutions, or in foster homes. Ontario has long had an admirable work for children. One of the most recent acts is that of the province of Alberta. Through the kindness of Mr. R. B. Chadwick, Edmonton, we are able to furnish the following partic-

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ulars about their method of caring for neglected children. Mr. Chadwick says: "You will note that under the provisions of the Alberta act, municipalities of 10,000 population and over are required by law to provide and maintain a shelter or detention home, and that these municipalities are compelled by law to provide and pay an officer under our act. This relieves the Children's Aid Society of raising funds by a system of begging."

The Children's Protection Act of Alberta was introduced in the Provincial Legislature Assembly by the attorney general of the Province of Alberta in 1908. The act as then introduced was modeled along the lines of the Children's Protection Act of Ontario. When the act was put into actual practice in Alberta it was found that there were many weaknesses, consequently the whole act was reconstructed, the objectionable features eliminated and new sections added to provide for the peculiar conditions which have to be met in a new country. Under the Ontario act and under the act as used in the Province of Saskatchewan, the Children's Aid Societies, which are organized under the Children's Protection Act, are required to raise funds for their needs through the medium of philanthropy and public subscriptions. This seemed wrong at the start, and steps were taken to have the Children's Protection Act in Alberta constructed in such a way that it would not be necessary for private individuals to be appealed to for the keeping up of an institution which rightfully belongs to a municipality or to the province.

In the Province of Alberta children's shelters are in operation in Lethbridge, Calgary and Edmonton, with one under construction at Medicine Hat. These have all been erected by the municipalities in which they are situated. Children of unorganized districts, that is, children living outside of municipalities which have been required to build shelters, are sent to these shelters on an order of the court, if they are neglected children under the meaning of the Children's Protection Act. When children from outside points are sent to a shelter, the obligation of their keep rests upon the provincial government, and the municipality in which the shelter is situated is reimbursed for the keep of the child on a basis which is large enough to pay for the expense and trouble of receiving and caring for the child. The attitude of the government is most generous to the work for neglected children.

The following definition taken from the Children's Protection Act of Alberta, as to what a neglected child really is, may prove of interest:

"Neglected child" shall mean a child who is found begging, receiving alms, thieving in a public place, sleeping at night in the open air, wandering about at late hours, associating or dwelling with a thief, drunkard or vagrant, or a child who by reason of the neglect, drunkenness or other vice of its parents, is growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life; or who is found in a house of ill-fame, or known to associate or be in the company of a reputed prostitute; or who is a habitual vagrant; or an orphan and destitute; or deserted by its parents; or whose only parent is undergoing imprisonment for crime; or who by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of its parents or either of them is in peril of loss of life, health or morality; or in respect to whom its parents or only parent have or has been convicted of an offense against this act, or under the criminal code; or whose home by reason of neglect, cruelty or depravity, is an unfit place for

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such child, and 'neglected children' shall mean two or more of such children."

The section of this act which tells how and by whom a child may be apprehended, reads as follows:

"The chief constable or a sergeant of police in any municipality, or any commissioned or non-commissioned officer of the Royal North-West Mounted Police, or any officer of a children's aid society, duly authorized thereto by a district judge, or the superintendent, may apprehend without warrant and bring before the judge a neglected child."

After a child has been apprehended it is placed in the nearest children's shelter, where it is classified. Physical defects are looked for and remedied, minor operations, such as for adenoids and nasal obstructions and eye defects are carried on in the institutions. Major operations requiring longer treatment and more care are sent to the hospitals to be looked after.

After a child has been in a shelter long enough to demonstrate its fitness to be placed in a good home, it is sent to foster parents under an agreement which is signed by the superintendent of neglected children jointly with the foster parents. The agreement requires that the child shall be provided with education, clothing, religious training, good home influences and all necessities of life. In some six hundred cases dealt with in the past year, it has only been necessary to remove one child from a foster home. It has been found that in the majority of cases the foster parents are willing to do better than the agreement, and to treat the children entrusted to their care with every kindness and consideration.

The children placed in foster homes are inspected regularly and reports forwarded to the superintendent of neglected children. The inspector holds the power to remove a child at once if in his opinion its condition warrants such action. Fortunately the percentage of failures is very small, and, in all probability, most of the failures are due to temperamental make-up, and as a rule the children who are unhappy in one home, are perfectly happy in another, it being simply a matter of getting the home and the child adjusted.

Roman Catholic children are required by law to be placed in Roman Catholic homes; Protestant children in Protestant homes. This frequently gives rise to one of the most difficult problems which the department of neglected children has to deal, as the temperament of the child of a necessity has to be considered, and it is not always possible to find a home into which a child would naturally fit and at the same time take into consideration the religious leaning of its parents, without sometimes a long search and a very trying wait for the child.

The problem of the neglected child in the Province of Alberta is similar in many respects to the same problem in other parts of America. Economic reasons, cruelty and neglect are the great factors contributing to the reasons for neglected children.

The immense foreign immigration which is coming into the country, the fact that the younger people learn the language before the parents and have avenues of doubtful pleasure and employment thrown open to them, are not among the least of the reasons of child neglect and abandonment in the Province of Alberta.

The department of neglected children comes under the administration of the Hon. C. R. Mitchell, the attorney general for the province.

CHARLES R. HENDERSON, University of Chicago.

## MONEY COST OF CRIME

**Manual for Probation Officers.**—The New York State Probation Commission has just completed the publication of a manual for probation officers, and announces at this time that it is ready for distribution. This book is the first of its kind ever issued in this or any country, so far as known, and—it is believed by the commission—will be invaluable to persons interested in probation work.

It has been prepared after a careful and comprehensive study and takes up in detail the use of probation, the appointment, duties, powers and methods of probation officers. The several laws on probation have been methodically analyzed and explained, and whenever a provision has been found to be difficult of interpretation it has been discussed in detail. Discussion of the methods of probation forms an important chapter of the manual, and will, it is hoped, go a great way toward standardizing the methods of dealing with cases on probation. Another chapter is devoted to a full explanation of all forms furnished by the State Probation Commission for the use of probation officers throughout the state, and is accompanied by a cut of each form.

The manual also carries seven appendices which include a full set of all probation laws of New York State; statistical tables showing the growth in the use of probation in the state during the past five years; a dissertation on the system of criminal and children's courts in the state, and an illustrative history of a probation case.

JOHN D. LYNN,

2nd Asst. Secy. State Probation Commission, Albany, N. Y.

### STATISTICS.

**The Money Cost of Crime.**—The following item from the Los Angeles *Daily Times* for September 22, 1913, throws an interesting light upon one phase of the tremendous waste, due to crime, which Governor Foss so ably presented in his address before the American Prison Association at Indianapolis on Oct. 13, 1913.

Harry C. Hammond, an employee of the State Printing Office here, has been at work for seven years completing from official figures the cost of crime in the entire country. His figures for California he gave out today.

According to his tables, which are the most complete in the country outside of the Census Bureau and are more nearly up to date than the Federal figures, crime last year cost California \$37,153,471. Hammond takes the view that the total cost of crime direct and indirect, is not far from twice that amount.

The figures show expense as follows:

|   |                |
|---|----------------|
| Judicial . . . . .  | \$ 454,713.91  |
| Attorney-General . . . . .  | 46,128.54      |
| Board of Charities, etc. . . . .  | 8,914.97       |
| State Institutions . . . . .  | 401,941.81     |
| Arrests outside State . . . . .   | 13,219.30      |
| Transportation of prisoners . . . . .                                   | 47,414.38      |
| Fees and fines . . . . .  | 49,884.15      |
| Receipts State institutions . . . . .                                   | 688,235.18     |
| Loss of wages of 3,042 men in prisons, one year at \$2 per day. . . . . | 1,904,292.00   |
| Miscellaneous . . . . .   | 95,666.06      |
| Total . . . . .   | \$3,710,410.30 |

## SOME CAUSES OF CRIME

The counties pay for judges, juries, sheriffs, district attorneys and other legal machinery, the County Hospital, 50 per cent of the cost of which is charged to crime and prisoners, \$16,821,907.

The larger cities make up the total given for the State. The Los Angeles and San Francisco figures follow:

### City of Los Angeles expenses:

|   |                       |
|---|-----------------------|
| City Attorney . . . . .                   | \$ 38,487.87          |
| City Clerk (70 per cent) . . . . .        | 19,884.98             |
| Police Courts . . . . .                   | 27,671.74             |
| Prosecuting Attorney . . . . .            | 20,519.78             |
| Charities and corrections . . . . .       | 43,556.93             |
| Fees and fines . . . . .                  | 374,243.51            |
| Protection of life and property . . . . . | 874,541.23            |
| Miscellaneous . . . . .                   | 40,786.32             |
| <b>Total . . . . .</b>                    | <b>\$1,439,692.36</b> |

### City and county of San Francisco expenses:

|  |                       |
|--|-----------------------|
| Judicial . . . . .                                   | \$ 420,411.90         |
| Sheriffs and deputies . . . . .                      | 191,716.39            |
| County Jail . . . . .                                | 59,151.42             |
| Police Department . . . . .                          | 1,659,746.44          |
| District Attorney . . . . .                          | 60,718.50             |
| Coroner's office . . . . .                           | 12,660.53             |
| Various watchmen . . . . .                           | 31,154.50             |
| Hall of Justice . . . . .                            | 336,246.18            |
| Minors in institutions . . . . .                     | 215,117.02            |
| Maintenance public buildings (30 per cent) . . . . . | 30,142.32             |
| Fees and fines . . . . .                             | 337,133.18            |
| County Clerk (70 per cent) . . . . .                 | 79,666.50             |
| City Attorney . . . . .                              | 41,535.84             |
| Detention Home . . . . .                             | 40,126.29             |
| Board of Health (50 per cent) . . . . .              | 63,673.48             |
| City and County Hospital (50 per cent) . . . . .     | 146,760.10            |
| Charities and corrections . . . . .                  | 729,653.50            |
| Miscellaneous . . . . .                              | 3,345,488.52          |
| <b>Total . . . . .</b>                               | <b>\$7,801,102.61</b> |

R. H. G.

**Some Causes of Crime.**—[The following is the substance of an address before the Alabama Sociological Congress at Birmingham, April 22-24, 1913. Eds.] In Hampton's Magazine, Wm. A. Pinkerton recently said that: "Within certain limits, every human being is a potential criminal, and that every criminal is potentially an honest man." If this be true, how important that we look to the proximate "certain limits" that make for the development or non-development of these potentialities.

Since now-a-days we are engaging in the quest for preventatives rather than punishments and cures, it will not be out of place for the chairman to



## SOME CAUSES OF CRIME

open a section of the Sociological Congress with a word on the Psychology of Crime.

There must be but one standard of administration in civilized government. *It must be uniform.* If such is our administration, all men will then come more quickly to *regard the law as their law*, and will appeal to the law with greater confidence and not so readily join the lawless class by avenging wrong. Whatever of prejudice the competition of race or color stirs, whatever of inequality or opportunity there may be, this will not so incite to crime as will a color or race standard of administration by the courts. In exact proportion as the laws are uniformly administered, there is developed the spirit of confidence among all classes, the governing and the governed; in exact proportion as there may be an administration of *favoritism*, there will spring up a distrust among all classes, the governed and the governing. An administration of *favoritism, and of partiality* to a class or race, will breed distrust and stir to positive violation of the law. It must be poor consolation to the ignorant, the foreign-born, the Indian, the Oriental or the Negro to be told, or even to know, that the law has punished only the *guilty* of his class or race, if he also knows that the guilty of the class fortunate by reason of wealth, learning or race, are not so punished *for like crime*.

If I were asked to give two chief causes of crime, out of an experience of ten years as a trial judge, I should answer, "ignorance and drunkenness." Yet this is difficult to prove.

Of drunkenness as a cause, two examples will suffice. Contrast the decrease in crime in Alabama for the "dry" year of 1908 with the "wet" year 1907. In the cities of seventeen counties with 201,900 population, in 1907 there were 6,637 arrests for drunks, and 1908 there was a decrease of 5,131. The arrests for all offenses for 1907 were 24,345, and in 1908 there was a decrease of 11,742. For example, in Tennessee in the year 1905-6 the prison record showed 1,350 prisoners committed. The "wet" counties, with a population of 601,622, furnished 851, or one for every 707 of population; the other eighty-four counties, with a population of 1,418,993, furnished 499, or one for every 2,844 of their population.

No argument is necessary to prove the effect of strong drink on the ignorant and those not having learned the lesson of self-control.

To trace the relation of illiteracy to crime is most difficult. I will give you several reasons tending to show this relation.

In the first place, the tendency of illiteracy to crime is shown in that the agricultural population is represented in prison chiefly by major offenders, and that urban people have lowest percentage of major offenders. Is it not then significant that four times the percentage of literacy among the whites, and twice the rate of literacy for the negroes, is found to exist in the urban districts? Do we not in this see that the movement of life is from the individual to the social; that mutual consideration of rights in the broad sense is the true education?

This tendency is further shown from the fact that there is more illiteracy among major offenders, in which class of criminals there is a more brutal disregard of the rights of fellow men.

This tendency is further shown in the large proportion of prisoners from the southern states, where are large percentages of illiteracy (South Central

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43.1 and South Atlantic 43.6). Of such southern prisoners, a large percentage is composed of negroes, and the illiteracy among the negroes is four times that of the whites.

Is not illiteracy and its relation to crime further shown by the fact that the negro prisoners are more youthful than the white prisoners; 71.1 of the negroes were under thirty years of age when committed, as against 39.9 per cent of the total number of white prisoners. Did not the whites have a better opportunity by reason of early education and did not the negro fall into crime before opportunity or experience had acquainted him with the danger incident thereto?

Is not the same tendency illustrated by the occupation of prisoners? One-half (50.1 per cent) are from the laboring and servant class, 23.7 per cent from those engaged in manufacturing and 17.2 per cent from the persons engaged in agriculture, transportation and other out-door pursuits. It is thus observed that as capacity is magnified in skilled hands and as thought has elevated to the higher class of occupations, the criminal tendency was diminished.

A remarkable general relation of crime to illiteracy is shown in the division of the Southern States, of Louisiana, Georgia, Alabama, Mississippi and South Carolina on the one hand, and Virginia, North Carolina, Tennessee and Arkansas on the other. This comparison is based on the table of illiterates in the country districts to the prisoners confined for homicide on June 30, 1900, which shows an almost uniform increase in the percentage of convictions corresponding to the illiteracy.

|                      | Percentage of<br>homicide con-<br>victions to pop-<br>ulation. | Negro per-<br>centage of<br>population. | Negro per-<br>centage of<br>homicide<br>convictions. | Percentage<br>of illiterate<br>negroes. |
|----------------------|--|---|--|---|
| Louisiana .....      | .0363  | .476                                    | .0173  | .611                                    |
| Georgia .....        | .0334  | .467                                    | .0156  | .524                                    |
| Alabama .....        | .0321  | .452                                    | .0145  | .574                                    |
| Mississippi .....    | .0268  | .585                                    | .0157  | .491                                    |
| South Carolina ..... | .0240  | .584                                    | .0137  | .528                                    |
| Arkansas .....       | .0144  | .280                                    | .0040  | .430                                    |
| Virginia .....       | .0135  | .356                                    | .0048  | .446                                    |
| North Carolina ..... | .0131  | .330                                    | .0043  | .476                                    |
| Tennessee .....      | .0177  | .238                                    | .0042  | .416                                    |

In the second place, the relation of illiteracy to crime is shown in the higher *percentage of prisoners who do not own property*, and in the large percentage of home owners in those geographic divisions having lowest proportion of prisoners. Is not then the frugality of today a large part of the wise history of tomorrow? Does not the fixing of the *habitat* contribute to the responsibility of administration, Are not constitutions, statutes and decisions the customs and usages proved to be true in terms of time and space? Are not time and space, as Emerson defines them, "inverse measures of the force of the soul?"

In the third place, as tending to show the relation of illiteracy to crime, it is of moment that the proportion of single prisoners is more than twice as large as that of the married. This is true of each element of the population, except Indians and foreign-born. Here is a basis of uniformity—the cry of

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the unborn for life. The relation of sex-control and civilization is fundamental. What is "control" but literacy of community-life and home-life? What is marriage but the answer of the cry of the unborn millions for moral growth in home-life?

In the time permitted me to speak, I can do no more than announce some conclusions, reached after much consideration.

If I may tabulate ultimate causes, I would say:

First, variations in the enforcement of the law are not so much due to climate, race, density of population, illiteracy, form of government, length of governmental experience, as to a *varying leniency in the spirit of its administration*.

Second, that this *toleration for crime* is the result of an *impatient desire for individual power born of unlimited opportunities*.

Third, beneath it all is a *moral unrest*; an adjustment in individual conceptions of, and cravings for, absolute truth, not yet so fixed in the aggregate of individual souls as to become the ideals of a people.

By way of practical application, let each trial court answer for itself the following questions:

1st. Is the law impartially enforced as to all men?

2nd. If not, does not the failure to so enforce it tend to cause the average citizen to regard the law, not as *his law*, but as the rule of the bosses or politicians of the state or nation of which he has not yet become in the truest sense a part?

3rd. Does not this distrust embolden the individual, in his quest for *power*, to demand as rights more than reserved for *him* in constitution or statute?

4th. Is there just cause for the ignorant, the average negro, the Indian, or the foreigner, to still associate the law with slavery and to regard the court as a place where *punishment* is meted out to the unfortunate, rather than as the place where *justice* is dispensed? Would not general conditions be better if these classes of our citizenship could not only know, *but feel*, that the law of the land is *their law*, made and enforced for *their better protection*, and not primarily for *their punishment*?

5th. As to the enforcement of the law, are we properly imposing punishment by resorting to a system which sells the convict to the open bidder in the open market for about the same wage paid the average white teacher in the public schools or twice that paid to the negro teacher? Was it ever intended that punishment should be for revenue? Is not the object of punishment the reform of prisoners, the protection to community and the deterring of criminals? *That administration which more nearly accomplishes these three purposes commands respect of all classes.*

If our methods of punishment are *mercenary and not uniform*, they will make, *either in fact or in spirit*, the members of a club, society, sect, class or race, "*harborers*" of its *criminal members*. It tends to give to such classes the "*fugitive feeling*" lest they be caught in the meshes of the law, and not the "*feeling of security*" under the protection of the law. Dickens taught this in poor little Jo's cry to the big policeman's orders, "I'm always a *moving on*. Oh my eye! *where am I to move to?*" Is this the deep cry of many men, women and children in every section of the United States? If so, it should not be.

## MAINTAINING THE POOR IN HAMBURG

6th. Without undue criticism of the courts, I will inquire if the Exchequer Rule, "that an error of ruling created *per se* for the excepting party a right to a new trial," has not done much to shake the confidence of the common people in the integrity of judicial procedure? Would not the liberties of the people be better subserved if appellate courts would adopt the orthodox English Rule that an *erroneous admission or rejection of evidence was not sufficient ground for setting aside the verdict and ordering a new trial, unless, upon all the evidence it appeared to the judges that the truth had not thereby been reached?* This would contribute to the taking of a broad view for the whole truth of the matter, and not carry jurists and lawyers to the "Quest of Error."

WILLIAM HOLCOMBE THOMAS, Birmingham, Ala.

Cost of Maintaining the Poor in Hamburg.—In the *Archiv für Soziale Hygiene*, volume VII, number 2, we find an exceedingly interesting paper by Ludwig Jens of Hamburg. In it he undertakes to show by official statistics and records how much Hamburg spent in 1906 for the maintenance of people, unable to provide for themselves. Hamburg is a sovereign city republic with an area of 160 square miles, and in 1906 had 890,000 inhabitants. The figures for this year were taken because no complete statistical information could be secured for later years. I do not agree with the writer's classification of inferior elements in society, especially, for instance, with his including expenses of the imperial insurance legislation, that for labor exchanges and for improving the housing conditions. If his contentions were right most of the expenses of an ordinary city budget could also be included, for instance for water works and the disposal of sewerage, as well-to-do people are always able to secure the necessary services of others to provide them with water and remove the waste.

The paper is, to my knowledge, the first comprehensive effort to determine the burden, carried by a community for morally, physically and mentally defective elements. It ought to stimulate research along similar lines in the United States, where one frequently sees rather phantastical estimates of the expenses for defective people.

The author claims that his figures are below the actual outlay, though he admits that 12% of the cases relieved by the public poor board do not fall in the defective class. It is not possible to ascertain how much is spent in these cases. Important organizations, like the salvation army, absolutely refuse any information and the state cannot force them to divulge it.

Moreover, it is not possible to ascertain the amount given by private citizens for relieving individual cases. The figures given by the author are accepted as reliable.

The expenses of the imperial compulsory insurance were:

|  |             |
|--|-------------|
| Sick funds for 528,000 insured and in 218,788 cases..... | \$3,250,000 |
| Accident for 119,725 insured .....                       | 224,000     |
| Invalidity .....   | 563,000     |

Total, about .....\$4,000,000

A comparison of the figures published by the public poor relief in 1885 and in 1911, i. e., before and after the insurance legislation was inaugurated, shows that in spite of the astonishing growth of Hamburg's working population, the

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number of relieved working people had considerably decreased. Thus the insurance legislation has fulfilled what its sponsors had predicted.

Hamburg paid in 1906 \$256,000 for school purposes. Subnormal children constituted 1.29% of the population of school age. It can be only estimated how large an outlay was required for their care. Not more than 20 mentally defective children are placed in one classroom, therefore the number of teachers and rooms required is in proportion considerably larger than that for normal children. It might be assumed that subnormals required an expense of .....

|                                      |           |
|--------------------------------------|-----------|
| .....                                | \$ 77,000 |
| The education of blind children..... | 4,000     |
| The education of deaf mutes.....     | 8,400     |
| The education of stammerers.....     | 1,300     |
| For reformatories .....              | 18,000    |

Total .....\$108,700

The orphan administration cares for dependent children, who have either lost both parents, or are born to illegitimate mothers, unable to support their offspring. Its budget was \$201,000. The public poor relief assists those whom physical, moral or mental disability, or the lack of professional training prevents from procuring for themselves or their families a very low minimum of comfort. Its balance sheet shows receipts of \$248,000. Its expenses:

|   |           |
|---|-----------|
| Administration .....                      | \$ 92,000 |
| Out door relief .....                     | 548,000   |
| Of this sum there was given in money..... | 494,000   |
| In kind .....                             | 16,000    |
| For cases of sickness .....               | 30,000    |
| For funeral expenses .....                | 1,400     |
| Transportation to other cities .....      | 6,600     |
| In door relief .....                      | 652,000   |

This was spent as follows:

|  |         |
|--|---------|
| To relieve cases of sickness .....   | 166,000 |
| To relieve cases of insanity .....   | 146,000 |
| To relieve cases of mental and physical disability.....                          | 340,000 |
| For care of children .....   | 29,000  |
| To other communities for expenses incurred in the care of Hamburg citizens ..... | 24,000  |

The state contributed altogether .....\$1,047,000

It might be interesting to show the variety of the out-door cases:

|                                     | Per Cent |
|-------------------------------------|----------|
| Sickness . . . . .                  | 18.35    |
| Accident . . . . .                  | 0.79     |
| Mental and physical disability..... | 3.97     |
| Death . . . . .                     | 8.18     |
| Unemployment . . . . .              | 3.75     |
| Insufficient wages . . . . .        | 27.51    |
| More than 6 children .....          | 0.46     |
| Imprisonment . . . . .              | 0.97     |
| Institutional care . . . . .        | 1.53     |

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|                            |       |
|----------------------------|-------|
| Military service . . . . . | 0.14  |
| Drink . . . . .            | 2.07  |
| Old age . . . . .          | 25.67 |
| Desertion . . . . .        | 6.46  |
| All other causes . . . . . | 0.15  |

Total . . . . .100.

The writer admits that not every person obliged to seek public poor relief, belongs in the class of inferior citizens.

Prisons and jails, which in the great majority of cases, care for morally and to a large extent also partly mentally defective persons, required an outlay of \$200,000.

*Hospitals.* Inmates of prisons and those cared for by the public poor relief and the orphan administration are generally taken to a city hospital, when seriously sick. The authorities pay for the hospitalisation of the people, but the amount is not high enough to cover the cost of maintenance and treatment, so that the city has to make up the resulting deficit by a contribution of \$560,000.

The care of insane poor requires \$272,000.

In none of these items appears the value of the capital, invested in buildings and real estate. The total of what Hamburg paid in 1906 was \$2,400,000.

*Private Charitable Agencies.*—The charitable directory of Hamburg shows that practicably the same conditions prevail there which are found elsewhere. There is a great variety of charitable societies with an often absolutely insufficient capital or income. Many foundations date back to the 15th century, when organized society ignored its responsibility to care for destitute and sick people. It is not possible to estimate the value of the grounds and buildings used for charitable purposes. The capital of all the societies which issued reports is more than \$19,000,000. Their expenses were about \$1,450,000, much of which came from membership dues, donations and collections.

Some societies render exceedingly valuable social service, for instance the loan societies, those for labor exchanges, colonies for the unemployed, convalescents and school children. To recapitulate:

|  |             |
|--|-------------|
| The city contributes approximately . . . . . | \$2,500,000 |
| Imperial insurance . . . . .                 | 4,000,000   |
| Private charity . . . . .                    | 1,450,000   |

Total . . . . . \$7,900,000

This sum is higher than the proceeds of the income tax collected in Hamburg.

How many of these non self-supporting people are natively weak, and how many are the product of environment, could not be answered by the writer. The statistics allow us to establish only the number of mentally and physically defectives living in the community. The state has taken preventive action in two very significant ways. As it was found that many husbands among the lower classes desert their families or become loafers because the wife has no training in housekeeping, especially in cooking, the school board has introduced instruction in domestic science. Delinquent husbands who refuse to support their families, have been successfully dealt with by menacing them with a commitment to the workhouse. Professional training and care in the selection

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of a profession, a better organization of the labor exchange, the increase in the number of people cared for by the imperial insurance legislation since 1912, and the general approval of segregating mental defectives in institutions will undoubtedly decrease the number of defectives in the future. Institutional care will also be provided for moral degenerates, as is suggested by criminologists and sociologists.

V. v. B.

**What Happens to "Lifers" in Wisconsin.**—According to Warden Woodward of the Wisconsin State Prison:

Thirty per cent of the "lifers" are pardoned after an average service of nine years.

Fifteen per cent are released by the courts; average incarceration 4 years.

Six per cent are paroled; average incarceration 27 years.

Five per cent have their sentence commuted.

Eleven per cent go insane.

Two per cent commit suicide.

Two per cent escape and are never caught.

Twenty-nine per cent die of natural causes in prison; average incarceration 12 years.

Of 311 "lifers" who have been committed to the Waupun State Prison, the records of 222 have been closed. Eighty-nine, including three women, are still inmates. The oldest lifer in the prison at the present time is W— M—, of Oconto, Wis., sentenced October 25, 1872. He will have spent 42 years in the prison next week. Under a law passed at the 1907 session of the Wisconsin legislature, life prisoners are paroled for good behavior after serving upwards of 30 years. One man sentenced at the close of the civil war, has just obtained his freedom. Fourteen have been paroled after serving an average of 27 years. Not one has violated his parole. Warden Woodward advocates indeterminate sentences with a general parole law. Much of the progress in obtaining good behavior at the institution is attributed by the warden to the inauguration of the extension course given by the University of Wisconsin for the training and education of prisoners. From *The Delinquent*, Nov., 1913.

R. H. G.

## MISCELLANEOUS.

**The Social Value of the Montessori System.**—"The poor are to have an ideal house which shall be their own. In quarters where poverty and vice ruled, a work of moral redemption is going on. The soul of the people is being set free from the torpor of vice, from the shadows of ignorance. The little children, too, have a 'house' of their own."—Maria Montessori, inaugural address.

Much has been written and spoken about the Montessori system of teaching. Every phase of its pedagogical value has been expounded and commended and criticized by those interested in modern education. Strangely enough, however, with all the comment and criticism, which the advent of this new system has aroused, very little has been said of its marked social value in the training of neglected, defective, and delinquent children. For it cannot be gainsaid that, irrespective of whether the great Italian educator's method be original or not, whether its claim upon the attention of the world would be a permanent one

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or a mere passing fad, on its pedagogical side, its true, abiding value lies in the vital social message which it brings to all in whom the social conscience is awake.

As a matter of fact it was as a work of social redemption that Madame Montessori's achievement first attracted the attention of thoughtful men, in her successful efforts with the few idiot and sub-normal children under her care. And more than any other, the social aspect of the Montessori "House of Childhood" holds out valuable suggestions to the American social worker. What she has done among the children of the poor and the delinquent in large Italian towns can, with a few modifications, be achieved in our American cities as well.

In reviewing Madame Montessori's work it is impossible to omit mention of the organization under whose auspices and direction she first instituted her aptly named House of Childhood, namely, the Roman Association of Good Building. Rome, like other large cities of Europe and America, has its wretched slums, with ugly, filthy streets and crowded tenements, where the children of the poor grow up "amid the poisonous shadows which envelop overcrowded humanity;" here they mature those seeds of crime and lawlessness which shall bring suffering to others and undoing to themselves as the years go on. Like a sinister triumvirate, crime, immorality, and disease rule the slums of the Italian capital. Indeed there are quarters of the Eternal City which with their dark alleys, their wretched dwellings and more wretched inhabitants are dangerous to pass through even in the daytime.

For years the social crusader and the philanthropist stood perplexed, facing this awful problem of the slums. They witnessed the steady growth of crime in these places. They beheld the joyless life of the poor human plants which had long since ceased struggling toward the light. For years they pondered the problem of how to clean up these districts and save the Italian towns from the infection of these plague-spots. Especially were they solicitous for the rescue of the younger generation from surroundings so degrading that their description in Madame Montessori's address rivals anything of like nature in the famous *Jungle*. It was the old story over again. After many trials and discouragements these workers came to the conclusion that crime is bred in filthy surroundings and that immorality and squalor are seldom far apart. Therefore to prevent the growth of criminality, the living conditions and the home must first be improved, and as the first step in effecting this, *the slum must go*. The vile tenements, vermin-infested, without plumbing, with dark rooms, rickety staircases and dilapidated courts must be torn down and in their stead there must be erected simple but comfortable, model homes.

In order to accomplish this, the Association of Good Building was organized. The object of this association was to acquire the land on which the old tenement houses stood, to raze these, and replace them with sanitary, roomy tenements, whose apartments should be rented to the poor at very reasonable rates. This work the association undertook, under the wise direction of Signor Edoardo Talamo. The organization first took over the notorious quarter of San Lorenzo, where today it owns fifty-eight houses, comprising a ground space of some 30,000 square metres and containing over 1,600 small apartments. Little by little it acquired more land and rebuilt more tenements, until today it owns between four and five hundred such apartment houses in the poorest dis-



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tricts of various sections of Rome, all rented to people who formerly lived in what we stolidly refer to as "the slums."

It did not take long, however, for the directors of the Good Building Association to see that to improve the moral tone of a neighborhood it was not enough merely to give the people sanitary homes. The process of degradation had gone on too long. Shiftlessness and untidiness and worse became inmates of the "model" homes. It was all too clear that something more than a new home was needed to keep these people from their old ways and habits. Accustomed from childhood to filth and squalor, they knew not even how to take care of the goodly dwellings rented them. Cleanliness, moreover, is but a way station on the road to godliness, and these people had not even reached the way station. What was necessary, the association saw, was some means of teaching their tenants the arts of good housekeeping, cleanly, healthful cooking, the care and fostering of the children; but above all, the training of these little ones to a better, more virtuous life than the parents had known. How might this be accomplished without seeming to dictate to the tenants or intrude upon them in their homes? How should they be taught something, the lack of which they did not even feel?

While these questions were agitating the minds of the directors of the association, the fame of Madame Montessori as a great educator of defective children was being spread. It occurred to the able head of the organization, Signor Talamo, that Madame Montessori was the only one to solve the problem. The children of the slum are semi-delinquents, which, according to Lombroso, is another name for mentally defectives or subnormals. What Madame Montessori had accomplished with her imbecile and defective children, therefore, she would also compass with these children of the poor. But more than that would she achieve. For here again it should be verified that "a little child shall lead them," and through the children should be wrought the salvation of their parents. The kindergarten teacher, more than any one else, is a social worker. Her interests with the very young children, those nearest the mother's heart, open to her the door of the home and give her the confidence of the parents. She is often consulted in regard to physical, mental, and moral condition and treatment of the child, more than any one else. This would especially be the case in the instance of Madame Montessori. As a physician, she would naturally have the confidence of the parents in matters pertaining to the physical care of the child, and thence the transition to more important domains would be easy.

Here, then, was the solution of the vexed questions. Not only could Madame Montessori save the poor from the degradation of their past lives, but she could, with teaching and advice, lead them to get the best advantage out of their new surroundings and create for them manifold opportunities for social uplift.

According to plans formulated by Signor Talamo, there was set aside in each tenement a large room for the little ones between the ages of three and seven years, to be used as a schoolroom. He then invited Madame Montessori to take charge of these "Children's Houses" and instruct the children in accordance with her method of teaching the defectives. She gladly accepted this new mission, the more as it gave her an opportunity to exemplify her system in its best application—as a means of social betterment.

For it is true that the Montessori system, more than any other, is adapted

to the poor and dependent. All its teaching and activity is directly applicable to the every-day life of the children. Stress is laid first and foremost upon the two great tenets of social efficiency—self-help and service. Not only are the little ones taught to take care of themselves, but they learn to be helpful to others. Muscular and sensory development have been the ground work of every previous educational system; but never have they been effected through such practical activities as those which we see these little ones engaged in—fastening their garments, lacing their tiny shoes, plaiting their hair, sweeping and dusting the room, putting playthings neatly away, setting the table and deftly serving the school repast to the other children. They are trained in helpfulness and courtesy toward one another. Plants and animal pets committed to their care and protection instil in them the duty of kindliness and the sense of responsibility. In short, every feat of little hands and minds has been thought out by this great woman, with an eye to “the socialized home of the future, living, provident, kindly; educator and comforter.”

Perhaps the distinguishing feature of the Montessori method is the peculiar system of discipline in these schools. As it is not so much the acquiring of knowledge that is sought in the Montessori schools as the developing and training of character, the discipline is based upon the perfect freedom of the children to do what they please and when they please. Through freedom the children are taught self-control and respect for others. It is brought home to them that liberty is not license and freedom not abandonment. For there are two rules observed which keep the little ones within bounds: First, no one may deface or spoil anything. Secondly, no one may use his or her freedom to do aught that would hurt others. In practice, therefore, the apparent freedom of the Montessori schoolroom resolves itself into either doing the work of the day or not doing it. Either playing or not. A child may practice the exercise of the day, sleep, read, or be idle—as he chooses. The teacher remains in the background, helping only where her help is asked, but ever observing and studying the children. And still no child is ever found idle, owing, first of all to the general spirit of industriousness in the schools, and secondly, to the attractiveness of the exercises and the materials. Everything is done in playful mood, and happiness is the atmosphere of the room. Thus the children all unconsciously grow, develop, and learn the great lesson of how to live. Past achievement impels endeavor to achieve new skill and so the desire for activity is engendered not by an extraneous compelling force, but from within. The child learns the joys of achievement; he becomes self-reliant; he tastes the sweetness of helping others; he learns the duty of service and usefulness. He learns to work and play without injuring or disturbing his neighbor. In the concluding words of Madame Montessori, “Directed by an intelligent teacher, who watches over their physical development as well as over their intellectual and moral progress, the children \* \* \* arrive at a splendid physical development, and in addition to this, there unfolds within them, in all its perfection, the soul, which distinguishes the human being.”

A. P. DRUCKER, Juvenile Protective Association, Chicago.

**Dr. Glueck Returns to the Government Hospital for the Insane.**—Dr. Bernard Glueck, who was formerly associated with the Criminal Department of the Government Hospital for the Insane at Washington, but more recently with the Public Health Service at Ellis Island, returned to the Government

## CHILD LABOR DAY

Hospital on December first. He has assumed the duties of Senior Assistant Physician and is in charge of the Department for the Criminal Insane. Here all the insane from the federal prisons, and from the District of Columbia, are brought together, in all about 150 in number. There is also a division of this department that accommodates minors committed by the Juvenile Courts in the district and who have been declared mentally defective. The whole situation offers an unusual opportunity for the study of individual criminals and Dr. Glueck is admirably qualified to perform such a service. He will be remembered as the author of a contribution to this Journal, Vol. III, No. 2, p. 220, entitled "A Contribution to a Catamnestic Study of the Juvenile Offender;" many reviews and criticisms of his authorship have been published in this Journal also.

R. H. G.

**Child Labor Day.**—The first social Sunday in each New Year is Child Labor Day. A committee representing three national organizations has prepared a calendar of social Sundays and it retains as Child Labor Day the fourth Sunday in January, which has been set apart for seven years past by the National Child Labor Committee and which falls this year on January 25th.

About two million children under 16 are at work and a 14-year limit in all common gainful occupations is not yet an established fact in any state. Even for factory work it is not universal, although such progress has been made since the formation of the National Child Labor Committee in 1904 that the rank and file of states today have advanced beyond the standard of the most progressive ten years ago. But in many states canneries are exempt from limitations of hours; and a few have also no age limit for cannery work. Street trades are now recognized as demanding regulation, but no state includes them all in a 14-year limit and the public seems unaware that they ought to be classed with the extra-hazardous occupations closed to all under 18 years. Agricultural work has been included in certain provisions of the child labor law in Tennessee and New York, but there is no other official recognition of the wrong involved in including children in the gangs of temporary workers commonly employed on certain farms.

The committee appeals for a wider interest in the children who work, a more urgent demand for good child labor laws and a better following up and enforcement of such laws as do exist. A pamphlet of general facts about child labor and a special leaflet on street trading has just been prepared for any clergyman or teacher who wishes to observe child labor day or for others who are interested in the subject. A card addressed to the National Child Labor Committee, 105 East 22nd street, New York, will bring them to you free of charge.

R. H. G.

**Index to Session Laws of New York.**—Mr. Frederick E. Wadhams, commissioner for the preparation of an index to the Session Laws and Statutes of New York, from 1778 down to date, is calling upon all persons who have ideas upon the subject of a complete index to the statute laws of a state, to give him the benefit of their ideas. Some of our experts in criminal law may wish to make some suggestions to Mr. Wadhams.

R. H. G.