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Notes on Current and Recent Events

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ANTHROPOLOGY — PSYCHOLOGY — LEGAL-MEDICINE.

Criminal Anthropology in Belgium.—Some months ago the State Department sent in its official mail a letter signed by Arthur MacDonald, the criminologist, to the leading nations of the world. The purpose of this letter was to secure international uniformity in methods of studying criminal, pauper and defective classes, to compare results of different nations and increase co-operation between nations in the detection and prevention of crime.

One of the first nations to reply to this letter is Belgium, whence came the following letter addressed to Mr. Arthur MacDonald, Washington, D. C.:

MINISTRY OF JUSTICE.

Brussels, Aug. 7th, 1914.

Sir: I have read with great interest the brochure which you sent me entitled "Study of Man," where you recommend the establishment of a laboratory to study criminal and abnormal classes under government control. In this important brochure you touch upon questions of undeniable social interest, and the solution which you recommend merits the careful examination of competent authorities.

I am pleased to inform you that your plan of systematic study is carried out to a certain extent in Belgium. We have established at the Forest Prison in Brussels a laboratory of penitentiary anthropology where are recorded and coordinated results of anthropological research from the point of view of the penitentiary upon the prisoners of this and the contiguous prison St. Gillas. In the organization of the laboratory is the chief, Dr. Vervaeck, who studies the normal and pathological constitution of the delinquent and in general all questions relating to criminology in Belgium. He has a complete instrumental equipment for a thorough examination of the prisoners, especially the examination of the nervous system, including a photographic apparatus for purposes of identification and which he can use for certain abnormal cases.

The laboratory has a library of about two hundred volumes on criminal anthropology, psychiatry, penitentiary science and general anthropology, including also an important number of current periodicals. The personnel, besides the medical director, consists of an assistant physician and two clerks.

Without doubt there remains much to be done in order to carry out the extensive plan which you have outlined in your brochure. It is a question of time and money. But you will see that it is not indifferent to the success of your ideas that a Government has recognized in principle the utility of anthropological studies upon criminals conducted under official patronage.

I have the honor, sir, to assure you of my highest consideration.

(Signed) H. CARTON DE WIART, The Minister of Justice.

The Claim of Unconsciousness in Tort and Murder Cases.—It is possible for a person to perform apparently purposeful movements and retain thereof no memory. The usual cause for this peculiar psychic state is either a severe blow upon the head, alcohol or some other drug, epilepsy, sleep (somnambulism) or insanity. In tort and murder cases the claim of this variety of unconscious-

ness is a matter of everyday occurrence, apart from any of the usual causes. At least five hundred such claims have come under the writer's notice.

Dr. Dercum said that in a very large number of criminals he has examined, this claim of loss of memory has been a very common subterfuge. The fact is that those who really are insane never make such a claim. This is a point of great importance. The prisoner will very frequently remember everything in his previous life up to the time of the murder or other crime; then he claims to forget all about the occurrence in question and the lapse of memory is claimed for a variable period of time subsequently. He will commonly adhere to this position tenaciously.

Dr. J. W. Putnam regarded the question of unconsciousness during time of trial as well recognized, but the unconsciousness that exists after crime and after a person is arrested has recently been brought to his attention by a case in the Erie county jail. There was a prisoner there caught as a burglar who had done very successful work, was arrested and then lapsed into a state of unconsciousness, which he persisted in for 16 days, and during that time he lay an inert mass without any attempt at voluntary motion. He contradicted a good many of the classic statements concerning hysteria, namely that a paralyzed arm, if held over the face, would fall to the side and not strike the face. The arm would invariably fall striking his face. The vomiting would gush so that the vomit would fall back into the face. The contents of bladder and rectum were voided into his clothing so that he contradicted all statements. The reflexes were all normal. Faradism caused contraction of all muscles. He made no voluntary effort of any kind. No opportunity was given to see his pupils. He was fed regularly and at the end of 16 days he gave up the contest. After he came to, and asked for his food, he was questioned as to how he was able to endure the various tests. He said that the electric test and pinpricks were not so hard to bear because the pain in his stomach for want of food was so much greater. The sticking of pins into him he did not mind at all, although he felt them. When asked why he went so long without food, he stated he had read in the newspapers of a woman in London who got out of jail because she refused food and he thought maybe he would be able to do likewise.

Dr. D. J. McCarthy thought it is proper to be skeptical about statements of amnesia. Amnesia without damage to the brain may occur. A boy 14 or 15 years of age, whom he knew, attacked his father and choked him to death. There was no criminal prosecution against the boy, it being reported that he was totally unconscious and knew nothing about the attack. This boy four or five years later developed epilepsy. In court the experts often go too far. They may not know whether the prisoner remembers events occurring during the period of amnesia or not.

Dr. Potts said some years ago a very interesting case came under his observation, in which, however, the question of criminal prosecution did not enter. A man who had been an epileptic for years, was taken off a train outside of Philadelphia, after he had had an epileptic convulsion and was taken to the University Hospital, from which he was later removed to the psychopathic ward of the Philadelphia Hospital. When admitted he had a number of interesting mental symptoms, but the interesting point in this connection is that for several days he assisted about the wards, performed normal and logical actions, after which he one day inquired where he was and

apparently had no recollection of anything that had occurred after being seized with the convulsion on the train. He was an educated man, a graduate of the University of Michigan, and had no reason to malinger. In fact he was only too anxious to leave the hospital when he discovered where he was. A full report of the case will be found in the Philadelphia General Hospital Reports, 1908, Vol. VII, p. 97.

Dr. Knapp thought that Dr. McCarthy has indicated the essential point that we can never absolutely disprove these amnesias in the criminal. Dr. Knapp is very skeptical about accepting such amnesias when reported, but there is certainly a possibility that the mental shock of realizing that the crime has been committed may cause a period of amnesia. In one case which Dr. Walton has mentioned and which Dr. Knapp examined for the defense, he came to the conclusion that the man was not insane, but on the day he committed the deed he had taken considerable alcohol, and he may have had alcoholic amnesia. It seems to Dr. Knapp perfectly possible, especially in traumatic cases, that there may be a certain amount of amnesia. If the patients do not absolutely lose consciousness they become dazed, faint and have a very slight memory of what occurred. He recalled a case where a lady was thrown from a horse and broke her skull. He was called to see her shortly after the accident. At that time she was in a dazed and confused state, and did not respond to questions asked her. A day or two after he had seen her, her attending physician, who was very competent, said her mentality had cleared quite well. Dr. Knapp saw her again, when she complained of practically nothing but a little headache, and felt a little weak. Although in bed she felt all right. She was laughing, talking; wanting to get up. She said she did not remember Dr. Knapp's first visit, but she talked in a perfectly natural manner. Some time afterwards Dr. Knapp was talking with her physician, who told him that she had got entirely well, and had remained well ever since, except that there was some loss of smell, but she had absolutely no recollection of ever having seen Dr. Knapp. She was perfectly clear at the time she did see him, and was alert. This is a case Dr. Walton probably would look upon with great skepticism, but there was absolutely no reason for believing that there was any incorrectness in her statement.

Dr. Fisher said we have to consider the question of a motive in all these cases. Epilepsy should not be held as an excuse if between the times of attacks the mentality is normal. If an epileptic commits an act, with a motive, little weight should be given to the fact that he is an epileptic.

Dr. Walton, in closing, said he quite agreed with Dr. McCarthy that amnesia is possible in legal, as well as in extra legal practice. Nor should we hesitate to allow it in a given case simply because the genuine cases are in the minority. We should always remember, however, that we are only giving an opinion, not stating facts, just as we are only giving an opinion when we express skepticism regarding other cases.

G. L. WALTON, M. D.,

In *Journal of Nervous and Mental Disease,* Sept. 1914, 581-583.

The First Meeting of the Italian Society of Anthropology, Sociology, and Criminal Law.—In *La Scuola Positiva* for May, 1914, the first article is by Enrico Ferri. In it, he reviews the first meeting of the Italian Society of Anthropology, Sociology, and Criminal Law.

He broached the idea in conjunction with the teachers in the School of

Applied Juridical and Criminal Sciences, in May, 1913. The work of this new society is in line with the work of the International Union of Penal Law, and its object is to collect, co-ordinate, and reinforce the work of those of positive school tendencies in the study of the problems of criminality and of penal justice. The most distinguished magistrates, biologists, and psychiatrists of Italy, professors of criminal law, lawyers, wardens of penitentiaries and asylums,—in short, over two hundred students of the subject responded to the appeal to take part in the first meeting. The highest officials of the government, presidents of medico-legal societies, and representatives of bar associations, and of judges' associations also accepted the invitation. Professor Gilmore of the University of Wisconsin went from America to represent the American Institute of Criminal Law and Criminology. The persons present represented theory and practice, which is a characteristic of the new society, that has for its object the study of criminality as a social and natural phenomenon, and an object of juridical theory and legislative rule, of judicial and administrative provisions.

The International Union of Penal Law, as its founders, Prinz, Von Hamel, and Von Liszt, acknowledge in their letters of adherence to this congress, derives its initiation from the positive criminal school. And so it happens that we have now in Europe and in America an atmosphere decidedly favorable to our ideas which thirty years ago seemed not to be susceptible to practical application and refractory to juridical systematization. The Italian society comes in good time to supplement the work of the International Union in a gradual but progressive realization of its theoretical and practical conclusions in the reform of every branch of penal justice, from the technical functions of the judicial police to the fundamental principles of the penal code, from the judicial arrangement to procedural forms and prison management.

The congress was noted for two characteristics: the first, the application of the data of criminology to the penal and criminal procedure laws; the second, the affirmation of the biologic value of certain somatic characters which are found in criminals and of which very recent pathology, with the assistance of biologic chemistry and the studies on internal intoxications, gives not only the genetic explanation but also, and above all, the causal value, in relation to the abnormal volition of the criminal. R. F.

Prof. Tamburini on Individual Liberty and Insane Asylums.—In *La Scuola Positiva* for May, 1914, the first installment of the report of Augusto Tamburini, professor of psychiatry in the Royal University in Rome, is given, the subject being "The Guarantees of the Individual and of the Family in Indeterminate Segregation within Prison Institutions and Hospitals for the Criminal Insane, and in Insane Asylums."

1. *Insane Asylums.* Great care should be taken that individual liberty is not taken away lightly. First, an order of the magistrate for provisional commitment should be necessary. Then a sentence of a higher court upon motion of the attorney-general, should authorize the admission of the subject to the asylum, where he must remain for an indeterminate time, that is, until the superintendent shall ask the higher court to order his release. But it is necessary that a medical certificate given by an expert in psychiatry be presented to the magistrate. This certificate should supply information upon two points: the mental alienation of the subject and his dangerousness. In addition to the medical certificate it should be necessary to have affidavits

from witnesses who depose as to the specific facts which show the dangerousness of the individual. There should also be in the hospitals an observation ward.

Treatment. Treatment should be humane, and whipping be absolutely prohibited.

Discharge. The law should prescribe three (3) modes of discharge. (a) *Discharge after cure.* Discharge should not take place except upon the order of the chief judge upon the request of the superintendent of the asylum or of the family. (b). *Discharge after improvement.* When the patient has improved to such an extent that it is no longer necessary for him to remain in the hospital but may receive treatment at home, the superintendent may give him over to his family and advise the attorney-general of his action. (c). *Discharge made under false pretenses.* There is, finally, the case in which the family wishes directly to assume the care and custody of the patient and requests that he be given to them, even though the superintendent does not believe that he is in condition to be released. In this case, because the patient may be induced, for instance, to sign deeds, it is provided that the discharge be allowed only by the higher court, after the attorney-general has been heard.

For the discharged indigent insane, there should be aid and employment societies.

One of the great guarantees for families and for society should be supervision of these hospitals which should be exercised by means of inspections made by those technically competent. These inspections should control not only the hygienic and technical conditions of the institution but also all that pertains to the treatment of the patient.

It will be seen that in order that all these provisions be executed, the superintendent must have conscience and science. R. F.

COURTS — LAWS.

The New Chinese Criminal Code.—A brief description of the new Chinese Criminal Code which went into effect March 30, 1912, is contributed by Dr. Josef Kohler to the *Archiv für Strafrecht,* Band 61, Heft 1, under the title, *"Altes und neues chinesisches Strafgesetzbuch."* The new code, says Dr. Kohler, shows the influence of the newer Japanese law and of German legal ideas as well, but alongside many modern provisions persists much of the old Chinese criminal law which had prevailed for such a long period of time. The old family or clan jurisdiction is largely altered and in the case of the more serious crimes the family is no longer punished for the offense of the member as was the case in the old Chinese law. The methods of punishment are modern. The peculiar death penalty called cutting into a thousand pieces is naturally discarded and of the two normal methods of execution of the old law, strangling and beheading, strangling is retained as being the lighter. Exile, so frequently employed in the old law, has been largely superseded by imprisonment, formerly practically unknown. Corporal punishment also is discarded and money fines are now much in use. The principles of conditional liberation and suspension of sentence with a term of probation have been recognized by the code. The modern system of probation takes on a special Chinese character by making the family responsible for the released prisoner.

Peculiarly Chinese is the importance accorded to the confession which not only mitigates guilt but may even save from punishment altogether. This is a

fundamental idea in the old law and was incorporated into it from the teachings of Confucius. Likewise the failure to show respect for parents and paternal ancestors is especially punishable. This of course is in accord with the ideas which go back even beyond the time of Confucius. Entirely Chinese is the constituting assistance or instigation to suicide a crime. Very severe penalties are provided with reference to the opium traffic. While retaining so much of the old ideas as not to constitute too radical a change, it is yet remarkable how many of the modern western ideas have been assimilated. E. L.

Law Sociology and Law Practice Classes.—The training of the lawyer so that he may best fulfil his obligation of service to his clients and to the public is the subject of an open letter addressed by R. S. Gray, instructor in practice at the Y. M. C. A. Law School, San Francisco, to Jesse W. Lilienthal, president of the Bar Association of San Francisco, and Beverly L. Hodghead, president of the Commonwealth Club of California, in which Mr. Gray advocates the establishment of a class for the study of "Law Sociology" under the auspices of the Bar Association, with the co-operation of the Commonwealth Club.

In this letter Mr. Gray outlines a "fundamental plan," to which plan Mr. Lilienthal has given his hearty approval, and promised to present it to the Board of Governors of the Bar Association for action.

Subsequently Mr. Gray addressed a second open letter to Messrs. Lilienthal and Hodghead, in which he suggested the utilization of the instrumentalities of the Bar Association and its membership in "legal aid" work in a manner similar to that recently adopted at Los Angeles, and also advocated the establishment at once of a practice class to be conducted by lawyers for lawyers and students, under the auspices of the Bar Association of San Francisco, "to supply, as far as practicable, the deficiencies, largely unavoidable under the present conditions, in preparation for actual professional work of the lawyer in the office and courtroom."

Mr. Gray's "fundamental plan" for a class in "Law Sociology," as described in his first open letter, provides:

First—"The scope of the study (while necessarily limited by circumstances in its operation) shall be broad enough to include any judicial operation with reference to a rule of action, but considered always from the point of view of the general welfare.

Second—"The guiding principle in the pursuit of such study shall be to develop the power and disposition of the individual to work with others for the general welfare in the judicial operation of rules of action.

Third—"Some method and means for such study shall be determined, provided and controlled by the Bar Association of San Francisco, with the co-operation of the Commonwealth Club of California.

Fourth—"Any member of either the Bar Association of San Francisco or the Commonwealth Club of California, and any other person approved by a joint committee of those organizations shall be eligible to join in such study through such method and means, but especial effort shall be made to enlist in such study members of the legal profession and those preparing for that profession and the co-operation with them in such study of the general public, and the assistance of all the governmental instrumentalities of the Commonwealth."

The suggestion of Mr. Gray for the establishment by the Bar Association of a Law Practice Class is somewhat along the lines of "visualized teaching," so

successfully introduced by him into the work of the Y. M. C. A. Law Practice Class. The first course of that class, in office and the simpler forms of court work, has been completed and will not be again taken up, at least for the present, as the class is preparing to go forward with the second course, which deals with appellate practice.

A tentative method of operation for a Bar Association Law Practice Class was outlined by Mr. Gray in an address before the faculty and students of the Y. M. C. A. Law School at the opening of the fall semester. Mr. Gray's topic was "After Graduation—What?" He said:

"The scholastic graduate is loaded down with equipment and the world demands efficiency with only one alternative, humiliating defeat.

"The tendency of the schools of law has been to give their students so many things that they cannot even remember their names.

"The world demands of the graduate, 'What work can you, better than others, do?'

"Success depends upon the concrete answer to that demand. What is the work to which the graduate of the law school is dedicated? Ascertaining and making plain the truth which should prevent or control a controversy.

"Where the law is uncertain there is no law. Where the high priest and votaries of the law are unable to ascertain, with a fair degree of celerity and sureness, and through the fog of controversy, the truth that is vital, and make that truth plain, there is judicial anarchy.

"Practice in ascertaining that truth in consultation with client and antagonist and witness independent of legal proceedings, to foresee the controversies likely to arise, and make plain the truth to client and antagonist and court and jury, is the one vital thing which the schools of law do not really undertake to give. It can be given and in abundance, but only by the bar associations cooperating with the schools of law and the general community, first in study work made to conform to actual practice, and second in actual practice in greatly needed sociological work.

"To the law graduate I have only one specific piece of advice, and that is to try and get the bar association with which you are affiliated or hope to affiliate, to organize law practice work and if, for any reason, you cannot bring that about, organize a junior bar association with at least five members and, if possible, one of whom has had general experience in actual office and court work. Such group of five, whether working under the auspices of an established bar association or not, affords an opportunity for work as follows:

"Two clients with their attorneys and a judge. Such attorneys and clients enacting before such group, consultations between client and attorney; attorneys conferring with each other in an effort to secure further information and also to bring about settlement failing which the attorneys proceed to carry the controversy through the proper forms of court proceedings of various kinds; all affording practice in office and court work closely approximating actual conditions.

"The assistance of able and experienced members of the bar can be procured to any needful extent, but the work needs to be mainly done by the group itself, and even the tyro, as well as the partially trained and also the experienced, should share in the work of such judge, and if several groups are formed, such interchange of work becomes more easy and valuable, and it should be carried on at a place where fairly complete library facilities are directly available.

PUBLIC DEFENDER ENLISTS BAR ASSOCIATION

"Ultimately real office and court work in actual cases meeting sociological necessities will surely arise and, if conducted under proper supervision and with proper assistance from a large and able bar association, will prove invaluable to all concerned."—From the *Recorder,* San Francisco, Sept. 5, 1914.

R. H. G.

Los Angeles Public Defender Enlists Bar Association for Legal Aid to Poor.—Los Angeles has a public defender, with one deputy and five assistants, whose duty is particularly to defend poor persons charged with crime, and also to prosecute "actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts. He shall, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed."

The demands of poor people upon the public defender, many of which, while meritorious, are out of his jurisdiction, are so numerous that Mr. Walton J. Wood, who fills that office, called upon the Los Angeles Bar Association to endorse and recommend certain attorneys to whom he might refer persons soliciting legal services of a character beyond his authority to render, because of the limitations of the county charter.

Describes Plan of Procedure.

In a letter to a well-known San Francisco attorney, the public defender thus describes his plan of procedure:

"At my request the secretary of the Bar Association, under authorization of the trustees of the association, addressed to all of the members a communication telling them of the need for co-operation with my office in matters in which I was not instructed by law to appear as attorney. To all of these communications was attached a slip for each member willing to co-operate to sign and return. About forty attorneys signified their willingness to take cases referred to them by the public defender. While most of these are young attorneys, some are leaders of the bar and signed their return card solely for the purpose of helping in the movement.

"Before sending the list to me the trustees of the Bar Association looked into the records of each of the attorneys so that none should be recommended who were not considered reliable.

"I at once addressed a communication to each of these attorneys explaining the nature of our work and what assistance they would be able to give us.

"We are adopting the method of sending the persons calling upon us for assistance (whom our office is not authorized by law to represent) to the members on this list of attorneys in arbitrary rotation. The list is arranged alphabetically and a record is kept of each applicant recommended, as well as the name of the attorney to whom recommendation is made. The applicant for assistance is provided with a printed slip bearing the name of the attorney recommended and a statement of the conditions under which the services are rendered. There is attached to this paper a slip for the attorney receiving the applicant to sign and return to our office. While we have just started this plan I believe it will work out successfully. In this way the attorneys who are willing to accept these cases will be able to receive them and we will be able

to take care of all of the applicants who apply to us for assistance whether we are instructed to help them under the county charter or not. I believe that the lawyers in every large city should co-operate to take care of the legal affairs of the poor in some systematic way the same as we are using in Los Angeles."

In his letter to these volunteer assistants, the public defender, after quoting the provision of the Los Angeles county charter quoted above says:

"It is clear that under this charter provision we are not authorized to file suits for divorce. It is also clear that this charter provision calls upon us to enforce demands that are reducible to money judgments in proper cases. This does not include the ejection of tenants on behalf of landlords. In fact it would not appear that a free attorney should be provided for a landlord in ejecting tenants. These two classes of cases are the most common which we will have to refer to lawyers outside of this office. Now and then small estates are to be settled and sometimes the amounts involved are over one hundred dollars, especially in the cases of actions for personal injuries. Other cases are those in which applicants are defendants in civil actions, there being no evidence of harassing or persecution.

"I am enclosing a copy of the printed form which we are using in handling these matters. These forms are numbered in regular order and each deputy is instructed to take names on the list in alphabetical order, referring each time to the stub in the office to see the name of the lawyer last recommended. The prospective litigant will bring a stamped envelope and a slip of paper to be returned to the public defender's office. I urgently request each attorney receiving one of these cases to detach the slip and mail it to this office, so that we may know that the party who called upon us has in fact called upon the attorney recommended. The conditions under which these parties are being recommended are printed on the back of the slip which is given to each applicant. The deputies in our office are instructed to investigate each case to some extent before recommending an attorney. This will be done for the purpose of avoiding sending litigants who probably have no right of action. This office will not endeavor to determine finally whether or not an action should be brought. We will look into the case sufficiently to determine whether or not there is a probable cause for action. The lawyer who accepts the case must ultimately determine the propriety of bringing action; especially is this true in divorce cases. Some of these are cases in which clearly no fee should be charged, while in other cases it is clear that the attorney would be justified in charging a fee. In most divorce cases the applicant will be able to pay a small fee in monthly installments or will be able to get an order from the court for the husband to pay a fee.

"We believe that the spirit which has induced the members of the bar to offer to assist us will lead them to exercise proper judgment in the charging of fees. Our office will not undertake to determine this point unless it is especially referred to us by the lawyer recommended or unless the applicant shall especially request it. We must remember in this matter, however, that most of these people come to us when they are in financial difficulties and are entitled to services free of charge unless they truly are able to compensate an attorney. While under the law the public defender would be justified in performing only those duties which the charter directs him to perform, I have felt that some means should be taken to assist the large number of people who

ask us for assistance and who urge us to recommend attorneys when we tell them that we are not authorized to represent them. Hitherto we have refrained from making recommendations, for various reasons which will appear to any one who gives the matter consideration."—From the *Recorder,* San Francisco, Sept. 8, 1914.

Recently Enacted Parole Law in Louisiana.—An Act to authorize the Governor and in his absence the Lieutenant Governor, to parole convicts held in the state penitentiary on the recommendation of, and under rules and regulations made and conditions fixed by the Board of Control of the state penitentiary, and to authorize the said Board of Control to make such rules and regulations and to fix such conditions; to limit the eligibility of convicts to parole and to exclude certain convicts from parole; to require the consent of the Board of Pardons as a condition precedent to the parole of convicts serving life terms; and to require that convicts granted parole shall be furnished with certain necessary assistance.—(Senate Bill No. 152. Substitute by Committee on Penitentiary for Senate Bills Nos. 23, 24 and 26. Act 149.)

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That the Board of Control of the state penitentiary shall have power to make and establish rules and regulations, subject to the approval of the Governor, and in his absence, of the Lieutenant Governor, under which convicts who are serving their first sentence for a felony and who have not been convicted of treason, arson, rape, attempt to commit rape or crimes against nature shall be eligible to parole; provided that no convict shall be eligible to parole, unless he is entitled by good conduct to a reduction of sentence under the laws of this state.

Section 2. Be it further enacted, etc., That the Governor, or in his absence, the Lieutenant Governor, shall have authority, upon the recommendation of the Board of Control of the state penitentiary, to issue a parole or permit to go at large to any convict who now is, or hereafter may be, imprisoned in the penitentiary of this state, except as otherwise provided in this act.

Section 3. Be it further enacted, etc., That no parole shall be granted to any convict until he shall have served at least one calendar year of the term for which he was sentenced; and that no parole shall be granted to any convict serving a life sentence until he shall have served at least one-third of the actual time he would have served if classed as eligible for reduction of sentence under the laws of this state, and in case of "life termers," the parole must be approved by the Board of Pardons.

Section 4. Be it further enacted, etc., That every convict, while on parole, shall remain in the legal custody of the Board of Control, and shall be subject at any time to reincarceration for a violation of the law, or of the rule of conduct fixed by the Board of Control and this shall be set forth in the agreement of parole signed by the Board of Control and the prisoner, a copy of which shall be given to the prisoner. Upon the request of the Board of Control, it shall be the duty of the Governor, or in his absence, the Lieutenant Governor, and he is hereby required to issue a written order which shall be a sufficient warrant to all sheriffs, constables, marshals, policemen, and other peace officers of the state, to return to actual custody in the penitentiary any such paroled convict, and it is hereby made the duty of said officers to execute said order the same as in ordinary criminal process. The paroled convict,

who may upon such order of the Governor, or in his absence, the Lieutenant Governor, be returned to the penitentiary shall be retained there according to the term of his original sentence, and in computing the period of his confinement, the time between his release on said parole and his return to the penitentiary shall not be included as part of the term of his sentence.

Section 5. Be it further enacted, etc., That this act shall not be construed in any sense to operate as a discharge of any convict paroled under its provisions, but simply as a permit to any such convict to go without the penitentiary under the conditions and regulations of the parole; and if while at large he shall so behave and conduct himself as to incur his reincarceration, he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he had not been paroled.

Section 6. Be it further enacted, etc., That the documents or papers setting forth the conditions or regulations of parole fixed in the recommendation by the Board of Control, whether or not the parole be granted by the Governor, or in his absence, the Lieutenant Governor, shall be deposited in the office of the Secretary of State, who shall become custodian thereof, and the said documents or papers shall be public records. If the parole be granted by the Governor, or in his absence, the Lieutenant Governor, a copy of the conditions and regulations thereof shall be furnished to the paroled convict.

Section 7. Be it further enacted, etc., That the Board of Control may designate one of its members, or one of its officers, or employees to investigate any complaint of the violations of the conditions or regulations of a parole, and said board shall have full authority to determine whether said conditions or regulations have been violated.

Section 8. Be it further enacted, etc., That it is hereby made the duty of the prisoner so paroled to notify the sheriff of the parish that he has taken up his residence in the said parish, and it shall be the duty of the said sheriff to make reports concerning said prisoner or prisoners as the rules of the Board of Control shall set forth and require.

Section 9. Be it further enacted, etc., That every paroled convict shall, upon being discharged on parole, be furnished with a serviceable suit of clothes, with transportation to such place as he may elect to go within the State of Louisiana, and with Five Dollars ($5.00) in money.

Section 10. Be it further enacted, etc., That nothing in this act shall affect in any way the granting of pardons or commutations by the Board of Pardons, nor in any way affect or abridge the right of commutation now provided by law.

Section 11. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of the act are hereby repealed. (Approved July 8, 1914.)

The above parole law will be in effect on November first. The Board of Control of the state penitentiary has not yet decided as to who will be the first to test the new plan.

The measure passed by the Legislature gives the board almost absolute discretion. The only important difference between the powers of the Pardon Board and its own will be that the pardons are not revocable, while a parole may be canceled if the recipient proves unworthy and incapable of reform.

When the new duty was imposed upon the penitentiary officials they gave

the matter serious study. They wrote to other states that have similar systems in force and selected what they deemed the best points from the data secured. Louisiana conditions differ from most others, in that it possesses a convict population which is 85 per cent negro. However, it devised a set of rules which are now in the hands of Gov. Hall for final approval. His signature and suggestions are daily expected, and then will come the part of the work which is most interesting to the men in the convict camps and their families.

There will be innumerable petitions and all sorts of pressure, but the board anticipates that as soon as its settled policy is known and understood it will be able to give the humanitarian and reformatory plan a fair test upon its merits. A clear distinction will be drawn between clemency and "tickets of leave," and benefit to society attempted without undoing the important work of the criminal courts.

W. O. HART, New Orleans.

Recently Enacted Law for Suspension of Sentence in Louisiana.—An act to provide for the suspension of sentence in misdemeanor convictions and in certain cases of conviction of felony for first offenses, upon the recommendation of the jury and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, cumulating punishment in such cases, and for granting a new trial after suspension and dismissal of the case in certain events after suspension.—House Bill No. 6. Act No. 74.

Section 1. Be it enacted by the General Assembly of Louisiana, That when there is a conviction of any felony in the District Court of this state, except murder, rape, perjury, burglary of a dwelling, robbery, arson, incest, bigamy, abortion, and assault with intent to rape, the court may suspend the sentence when the jury shall find in their verdict that the defendant has never before been convicted of a felony in this state or any other state and shall recommend that the sentence be suspended.

Section 2. Be it further enacted, etc., The court shall permit testimony and submit the question in all felony trials, where there may be a conviction of any crime other than set out in section one hereof, as to the general reputation of the defendant to enable the jury to determine whether to recommend a suspension of sentence and as to whether the defendant has been convicted of a felony, but such testimony shall be submitted only upon the request of the defendant, provided that in all cases sentence may be suspended if the jury recommends it in their verdict. Provided, further, that in such cases, if the sentence be suspended, neither the verdict of conviction nor judgment entered thereon shall become final, except under the conditions and in the manner and at the time provided for by Sec. 4 of this act.

Section 3. Be it further enacted, etc., That when the jury recommends the suspension of sentence, the court may sentence the defendant but suspend same, and the judgment of the court on that subject shall be that sentence of the judgment of conviction shall be suspended during good behavior of the defendant. By the term good behavior in the act is meant that the defendant shall not be convicted of any felony during the time of such suspension.

Section 4. Be it further enacted, etc., That upon the final conviction of the defendant of any other felony, pending the suspension of sentence, the court granting such suspension shall cause the arrest of the defendant if he

is not then in the custody of the court and during a term of the court shall pronounce sentence upon the original judgment of conviction, and shall cumulate the punishment of the first with the punishment of any subsequent conviction or convictions, and in such case no new trial shall be granted in the first conviction.

Section 5. Be it further enacted, etc., That in any case of suspended sentence as provided herein, upon the expiration of the time assessed as punishment, the defendant may make his written and sworn application for a new trial and dismissal of such cases, stating therein that since such former trial and conviction, he has not been convicted of any felony, and that there is not now pending against him any felony charge, which application shall be heard by the court during the first term after it is filed, and if it shall appear to the court upon the hearing of such application, that the defendant has not been convicted of any other felony the court shall enter an order reciting the fact and shall grant the defendant a new trial and shall then dismiss said cause, provided, further, that if the defendant is prevented from disability or other good cause from applying to the court to have the judgment of conviction set aside at the time provided for, he may make such application at the first term when such physical disability or other good cause no longer exists.

After setting aside and dismissal of any judgment of conviction as herein provided for, the fact of such conviction shall not be shown or inquired into for any purpose except where the defendant has again been indicted for a felony and seeks the benefit of this act.

Section 6. Be it further enacted, etc., If at the expiration of the time assessed as punishment, there be pending against the defendant any other charge of felony, the court shall upon the application of the defendant, which shall be in writing and shall state under his oath that he is not guilty of such charge, further suspend the sentence to await the final disposition of such other prosecution.

Section 7. Be it further enacted, etc., That when there is a conviction of a misdemeanor in any court in this state, the judge may suspend sentence if he shall find that the defendant has never before been convicted of any felony or misdemeanor. The court shall permit testimony as to the general reputation of the defendant and as to whether the defendant has been convicted of a misdemeanor or felony but such testimony shall be submitted only upon the request of the defendant. Provided further that if sentence is suspended neither the verdict of conviction nor the judgment entered thereon shall become final except under the conditions and in the manner and at the time provided for by Section 4 of this act.

Section 8. Be it further enacted, etc., That when the judge suspends sentence as provided for in Section 7 the entire proceedings relative thereto shall be the same as set out in previous sections of this act applying the same to misdemeanors.

Section 9. Be it further enacted, etc., That when sentence is suspended the defendant shall be released upon his recognizance in such sum as may be fixed by the court during such suspension. (Approved July 3, 1914.)

W. O. HART.

POLICE—IDENTIFICATION.

Policewomen.—There has lately been a considerable agitation for the appointment of policewomen in England. Articles on the subject have appeared

in several magazines. The Criminal Law Amendment Committee summoned a conference in Caxton Hall, Westminster, on June 19. The same committee and the National Vigilance Association organized deputations which interviewed the Under Secretary of State on the subject on 16th July. Deputations organized by the Women's Industrial Council have asked the London County Council Parks Committee and the First Commissioner of Works to appoint women park-keepers. Lord Henry Bentinck put down an amendment to the Criminal Justice Administration Bill providing for the appointment "in every county borough and in every metropolitan borough of the county of London, and by order of the Secretary of State in any other local authority being also a police authority, two or more women police constables, * * * duly sworn in and given such duties as the chief constables in county boroughs or the chief commissioner of police in London may direct."

This was withdrawn, and Lord Henry proposed to make his clause permissive instead of obligatory, which would have cleared the way for the measures we propose, as indicated below. But parliamentary exigencies intervened, and the matter was dropped to enable the bill to get through quickly.

It was felt by the committee of the Penal Reform League that this movement, in which our country was already rather behind some other countries, was in danger of getting on to a wrong track. There seems to be a danger, namely, of merely obtaining policewomen under the old traditions of the force, police authorities who do not see the need of them being obliged to appoint policewomen against their will—in which case they might very likely appoint the wrong kind, and curtail their usefulness by unwise regulations.

The committee of the Penal Reform League therefore decided to make inquiries as to what had already been done in the way of appointing policewomen, and invited a number of societies in London to send representatives to a joint committee to consider practical steps to secure the appointment of suitable women as police constables. These invitations met with encouraging response, and on 13th July a joint committee met in the board room of the Girls' Friendly Society. Representatives, either provisional or regularly appointed, attended from the following societies:—The Committee of Social Investigation and Reform, Criminal Law Amendment Committee, Girls' Friendly Society, Ladies' National Association, Local Government Advancement Committee, National Union of Women Workers, Society for Promoting the Employment of Women, State Children's Association, Women's Industrial Council, Women's Local Government Society, and the Young Women's Christian Association. Members of the Women's Imperial Health Association and Women's Co-operative Guild also attended. The Women Sanitary Inspectors' Association had appointed two delegates, but unfortunately neither of them were able to attend at the time fixed.

The following resolutions were passed:

I. Resolution passed by a Conference summoned by the Criminal Law Amendment Committee on June 19th, 1914:—"That this meeting is of opinion that there is great need for women police. It therefore urges the appointment of women police constables with powers equal to those of men constables in all county boroughs and the metropolitan boroughs of the county of London." This joint committee of societies interested in the work and welfare of women and children and in penal reform, believing that the employment of policewomen will emphasize the preventive and protective side of police work, supports the above resolution.

II. This committee further urges the advisability of commencing by giving

constabulary powers to women of high reputation, character and experience under the chief constable or other police authority.

III. That the London County Council and the Commissioners of Works be asked to appoint women park-keepers in the open spaces under their control.

Inquiries throughout the country elicited the fact that at least seven chief constables of large towns and three of counties in England, one chief constable in a town and two in counties in Scotland, and one high official in the Royal Irish Constabulary, are in favor of the appointment of women constables. It appears that there are in this country no women constables sworn in with power to arrest.

The plan we advocate, which seemed to be endorsed by the joint committee, is that the authorities who favor the appointment of women constables should be approached by societies or persons of standing and asked to begin by appointing and swearing in specially selected women of experience and standing —perhaps one in each of these selected localities at first—and allowing such women to feel their way and organize their own work under the immediate supervision of the chief constable or other authority, and have a say in the appointment of their own women subordinates as need and opportunity arise. This mode of procedure, we think, would afford the best start to the movement, causing the least possible friction or opposition with the most likelihood of success and efficiency.

As to the power of police authorities to swear in women as constables, this is a matter on which there is some doubt. A useful letter from Sir George Sherston Baker, judge of the County courts of Lincolnshire, appeared in *The Times* of July 29, in which he declares that there is "ample authority" for the appointment of women constables, and continues:—

I say authority, because the numerous statutes which have interlaced the common law of England may have affected the immediate possibility of such appointments without a new Act of Parliament. That is a mere question of careful perusal of the statute-book. But I desire to point out that such authority does exist. In the 28th year of George III (1788) the appointment of a woman overseer was debated in the King's Bench. The court allowed the validity of the appointment. Mr. Justice Ashhurst in giving the judgment of the court said:—"There are many instances where women in offices of a higher nature are held not to be disqualified, as in the case of the office of high chamberlain, high constable, and marshal, and that of a common constable." (2 Term R. 395).

To this I may add that the celebrated Ann Countess of Pembroke, Dorset, and Montgomery had, according to Coke, the office of hereditary sheriff of Westmorland (civil and criminal) and exercised it in person. At the assizes at Appleby she sat with the judges on the bench.

I could cite other instances, but will only add one more—that of Lady Braughton, who, as it appears from Keble's Reports, was in 1684 the keeper of the prison of the Gate House of the Dean and Chapter of Westminster.

Failing the discovery of any statutory obstacle, we suggest that some authority with sufficient courage to take the risk be approached with the name of a suitable lady and requested to swear her in, give her a small office of her own and a free hand to feel her own way and organize her own activities in consultation with her local chief.

There are several pitfalls to be avoided and misconceptions to be cleared up. For instance, there is the physical strength bogey. One of the strongest women (with the kind of strength required) known to the present writer is one of the smallest. We do not want superior physical strength, but superior moral and spiritual strength. A good many women have this; and, as far as we know, it has no relation to their size. Therefore let us hope that there will be no attempt to fix a physical standard.

THE AMBITIOUS POLICEMAN

It has been said that there is no need for policewomen (Scotland Yard has three with warrant cards, and there are one or two more in the provinces) to have power of arrest. They are not strong enough, it is said, and there are always men within call for that purpose if wanted. But presumably the men might be equally within call if the women had power of arrest and were in any difficulty about exercising it. However, we believe that, if the right women are appointed, on the one hand, they will not attempt what is beyond their power, and, on the other, they will be found to have more moral power than many of their male confrères, who are selected on other principles and under the physical force idea.

We have one or two good examples to follow. For instance, there is the appointment of Mrs. Wells in Los Angeles and of Miss Roche in Denver, Colorado. Take the following extract from an article in the *19th Century and After* for June (pp. 1374-1375):

In Denver, Colorado, there has been a woman in the police force since 1912. I was told in 1913 by friends living in the town that she had revolutionized the treatment of the young offender. "The best man on the Denver police force happens to be a woman," said the chief of police. . . . Miss Roche is the daughter of well-to-do parents, a graduate of Vassar College and a post-graduate of Columbia University. After having worked in a settlement in New York she lived in the Italian quarter there, studying the difficulties and temptations of the Italian emigrants. When she first took up the work of policewoman she tried to avoid the necessity for actual arrests. When she made the rounds of the places of amusement she did not say to the managers "Do so and so or I will have you summoned." She talked earnestly to them and spoke of the assaults and seduction that result from the nightly swarming of mere children to such places of amusement. She appealed to their sense of decency and love of family, and her policy turned the managers into active supporters of the law. She made the acquaintance of the leaders of the gangs of young hooligans. She refused to consider them as criminals, and she astonished the police when they found that these young ruffians responded to her appeals to their better nature. There is a story of an energetic policeman who went in the course of his duty to a dance hall. His presence was resented by the young Irishmen present and one of them struck him violently. A fight began and the policeman was getting the worst of it, when suddenly Miss Roche appeared on the scene. She stopped the fight with a few stern words and then escorted the policeman to a place of safety.

Who was the strong person here? Is it not clear that what we want is to appeal to a higher kind of force than that measured by physical standards?

Perhaps the chief misconception that we have to avoid is the notion that in this movement all we want is to have a few constables of the feminine gender. We do not merely ask for the addition to the police force of some women, or for the substitution of a few policewomen for a few policemen. We look for more than that. It is true that we ask for policewomen because, if women must be arrested, we think they should be arrested by women, not by men; because we believe that policewomen would in many ways be helpful to women and children and even to men. But we have hopes beyond all this; and we should not care so much for this movement if we did not see in it the promise of a new spirit in police methods, and, when the leaven has had time to work, of the transformation of our whole police department and of the public demands on it.—*Bulletin of the Penal Reform League,* London, July, 1914. R. H. G.

The Ambitious Policeman.—After a policeman has been on the force for about five years, and during that time has mastered all the details and routine of police work he yearns for promotion. When a "chump copper" he

brings to the attention of the court many trifling cases which after being heard by the court a nominal fine is imposed or an appeal is taken by the parties from the court's finding. Upon appeal the case is *"nolle prossed"* by the prosecuting attorney as too trifling to take up the time of the court, or because the evidence is not strong enough to convict. He thinks that "quantity" instead of "quality" counts toward advancement in the police business. He begins to study and learn the principles of his profession. He must master the fine points of the detective art, and reach the summit of every "chump copper's" ambition, to get a place at police headquarters, "down town." It is important that he should know and learn the methods and habits of criminals; know the operation of the criminal mind; take a Bertillon measurement; understand finger prints; the laws governing extradition and arrest; what constitutes good evidence before a court. When he has mastered these essential details he is a fairly well-trained man in police work, and he knows that in detective work only the trained man succeeds. It is necessary that he should know the extradition laws and divorce legislation of the different states of the United States and foreign nations. He must learn how to write a police "circular," describe in an intelligent manner the personal appearance, habits, and peculiarities of any fugitive from justice in order that the police in a neighboring city can act intelligently on the information contained in the "circular," "make" the man and turn him over to the parties asking for his apprehension. A "harness-copper" will never put another "harness-copper" (an officer in uniform) "wise" to the many fine points of the police business; he has to find that knowledge out himself because each and every policeman is a candidate for promotion and no one cares to give an adversary an advantage over himself. There is now a correspondence school for the training of the "chump copper"; it is conducted by lawyers and criminal law specialists, and for a stipulated fee the ambitious copper can get this necessary education and training for his promotion and advancement. The number of young and inexperienced police appointed cause an abnormal swelling of court and criminal statistics; their errors of judgment and mistakes are overlooked by statisticians who seek other causes for the increase of crime but who overlook this vital reason why the court calendars are choked with trifling and petty offences against the law.

JOSEPH MATTHEW SULLIVAN, Boston, Mass.

MISCELLANEOUS.

State Commission on Defectives in the State of New York.—Like the menace of fire in waste, danger lurks in the community that fails to care for its feeble-minded. Gov. Glynn has appointed a commission, headed by Mr. Robert W. Hebberd, and including specialists like Dr. Charles L. Dana and Dr. Max G. Schlapp, to inquire into and report to the next legislature ways of averting this danger to the state.

Whether they are cared for by agencies that can decrease the hazard and add to their welfare, or whether they are let loose on society, as now, the 30,000 defectives in this state will be an expense. They are incompetent, they cannot support themselves. Sooner or later they are coerced to evil practices that lead to perversion and crime. In the end the intelligent care of these unfortunates will be found the more economical.—*N. Y. Times.*

Such a commission might well include in its work an inquiry into the relation between venereal disease and feeble-mindedness. That such a relation

exists is generally believed but accurate statistical data and well-grounded general conclusions from scientifically ascertained facts are needed.—*American Social Hygiene Bulletin,* September, 1914. R. H. G.

The Annual Meeting of the Social Hygiene Association.—For the annual meeting of the American Social Hygiene Association, Inc., in New York City, October 9-10, 1914, the following program was presented:

October 9th, 10:00 a. m. Annual business meeting in the association's library, 105 West 40th street, open to members only.

2:30 p. m. Open meeting in the Assembly Hall of the Metropolitan Life Insurance Company's building, 4th avenue and 23d street.

Mrs. Martha P. Falconer, chairman, Committee on Social Hygiene of the National Conference of Charities and Correction, presiding.

Dr. Katharine B. Davis, commissioner of correction, New York City. "Departments of Correction and the Social Hygiene Movement."

Dr. Lee K. Frankel, sixth vice-president, Metropolitan Life Insurance Company. "The Interest of Life Insurance Companies in Social Hygiene."

Mr. Frank L. Brown, general secretary, World's Sunday School Association. "The Church and its Organization, and Social Hygiene."

Dr. Luther H. Gulick, president, Camp Fire Girls of America. "Boys' and Girls' Organizations and Social Hygiene."

Discussion by Mr. James E. West, chief scout executive, Boy Scouts of America.

8:30 p. m. Open meeting at the same place.

Dr. Edward L. Keyes, Jr., president of the Society of Sanitary and Moral Prophylaxis, presiding. "Social Hygiene Activities in 1914."

A speaker yet to be chosen will present a paper on "Medicine and the Social Hygiene Movement."

President G. Stanley Hall, Clark University, Worcester, Mass., "Education and the Social Hygiene Movement."

Mr. Abraham Flexner, assistant secretary, General Education Board, "Legal and Administrative Phases of the Social Hygiene Problem."

October 10th, 11:00 a. m. In the association's library, conference of persons actively interested in social hygiene work.

A visit to the venereal disease clinic of the department of health, New York City, has been arranged for physicians and other interested persons for 11 a. m., October 10th.

The open sessions were all under the joint auspices of the association and the Society of Sanitary and Moral Prophylaxis.—*American Social Hygiene Association Bulletin,* September, 1914. R. H. G.

The Fortieth Annual Report of the Chief City Magistrate of New York.—The report of Chief City Magistrate William McAdoo of New York for the year ending December 31, 1913, is the most valuable official contribution to the literature of police administration in America that has been published during the last twelve months. The problems confronting the administrative and the judicial police authorities in all American cities are the same in kind though varying in degree and the reforms which Justice McAdoo recommends are worthy of careful consideration by all who are interested in the efficient administration of the police power and the criminal law in American cities.

The magistrates should be given power to dispose of all cases of misde-

meanor brought before them. In many cases they are limited at present to a preliminary investigation and must hold the prisoner for trial at a subsequent date before a higher criminal court, if the evidence warrants it. This procedure is a glaring economic waste in the administration of the criminal law. It wastes the time of the policeman and of the complainant, it affords the criminal an opportunity to buy off or to bully the complainant and it imposes several weeks or months of imprisonment upon many innocent men who must go to jail pending their arraignment in the higher criminal court, if they cannot provide bail.

During the last year the powers of city magistrates have been enlarged by statute and clarified by judicial decisions. They may now remand for sentence after conviction, may issue a summons and a warrant returnable in any part of the city, and were given greatly enlarged powers in the enforcement of the laws with reference to prostitution, disorderly conduct and rowdyism.

To relieve the congestion in the various magistrates' courts Justice McAdoo recommends the establishment of a Departmental Magistrate's court in which all cases for the infraction of the ordinances relating to health, safety, tenement houses, truancy, fire prevention, child labor and similar regulations in which the complaint is made by a city department acting through its corps of inspectors may be tried with a minimum of inconvenience to the defendant, without loss of time on the part of the city employes and without congesting the calendars of the regular courts. Similar courts have been established in Germany and have accomplished the results mentioned above.

A fourteen story prison and court house for women is now being built in New York. After this building has been completed all female prisoners, with the exception of intoxicated women, will be taken at once to this building and will be spared the ordeal of arraignment in a police station and in an ordinary magistrate's court. Women will under the proposed system of administration of this prison, which will be under the jurisdiction of Dr. Katherine Bement Davis, be given the most humane treatment accorded to women offenders in any city of the world.

Sections of the report are also devoted to the functions of the probation officers and the finger print experts of the courts, to the enforcement of the law in the night court for women and to the activities of the central office and the subordinate employes of the courts.

The annual report of Justice McAdoo contains so much material of distinct practical value to administrative and judicial police officials that every police officer and police justice should read it carefully, for his own benefit and the benefit of the community which he is serving.

LEONARD FELIX FULD, New York City.