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Notes on Current and Recent Events

NOTES ON CURRENT AND RECENT EVENTS.

ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE.

The Field of the Prison Physician.—The professional activities of the prison physician who lives up to his opportunities are widely diversified and are everywhere replete with human interest. Besides being practiced in general and internal medicine and a skilled general operating surgeon, the prison physician acts as institution health officer, as sanitarian and dietitian. He practices preventive medicine daily and is the recognized authority on body hygiene and physical exercise for his clientele. In his operating room he treats daily the cases of the aurist, rhinologist, laryngologist and opthalmologist, and is no stranger to the work of the dentist and chiropodist. In his laboratory he is the pathologist, bacteriologist, microscopist and serologist, there checking up his operating room findings as syphilographer and genito-urinary specialist, and he has, of course, expert knowledge of the technic of the Wasserman reaction and the administration of Salvarsan.

When improvements in operating room and laboratory equipment and up-to-date hospital supplies and apparatus are needed the institution physician is the first to recognize these needs and arrange for their supply. Or, if the hospital staff should need additional general or special medical, surgical or nursing skill the physician takes the initiative in securing or training such. So, he is an interested and active hospital organizer and administrator, and when new hospital room is needed he is the medical consultant on hospital construction.

With this mere mention of some of the forms of professional activity to the material and physical needs of prisoners, let us consider that part of the physician's field which extends to the prisoner's mental life, the psychic welfare of the patient. The most important and exalted usefulness of the prison physician lies in the exercise of those of his professional functions which relate to the mentality of his patients. The physician's first duty to prisoners in point of sequence is to secure physical health and comfort; but the insuring of that desideratum is only preparatory and secondary in importance to mental welfare endeavor. Now that medical science and enlightened administrative effectiveness have combined to render the prisoner's physical and material environment one of health and comfort, the time is ripe for the development of the clinical psychological examination of prisoners, for the prosecution of laboratry research work drawn from full, accurate, permanent and systematic case records made at individual interviews and examinations. Most valuable contributions to our criminological and psychiatrical knowledge cannot fail to result from the studies of prison physicians, scientifically conducted with individual prisoners. Legitimate conclusions and recommendations based on a sufficiently large collection of reliable, permanent clinical data are of pre-eminent scientific and practical importance.

The individual interview and psychic examination provide an excellent opportunity for real uplift work,—for teaching the individual prisoner the supremacy of mind over matter. The prisoner who leaves a penal institution with a well-formed plan written out by himself of how he will spend his spare time evenings and holidays for a period of years in acquiring special skill in some definite occupation is fortified for his coming struggle with temptation to a far greater degree than if he had only the usual vague idea that he would this time "make good." The prisoner who understands from his prison physician that there are three steps to be taken, consciously or unconsciously, by every man who reforms, viz., (1) to wish to do well, (2) to make a plan by which he may do well, and (3) to determine to live by his plan for five years, more or less, is better prepared to succeed than if these steps had not been taught him. If the prisoner has been convinced that nearly all his fellow prisoners *wish* to do better, but that only those among them realize their wish who make a good plan and then work it out with a man's determination, he may be suffi-

ciently inspired to realize his wish for success. If a prisoner has been taught that reformation can hardly take place in a reformatory because of shelter from temptation, but that the reformatory is a very good place in which to *prepare* for reformation by making plans therefor, like the general in his tent on the eve of battle, the newness of the viewpoint or the personal interest manifest by the physician, or the inspiration of his personality, may rouse a real ambition and resolution in the prisoner's mind which shall be sufficient, where there is no vital, inherent defect to determine the making of a self-made man.

Some prisoners need to have the difficulties of reformation pointed out to them. Others need to use more wit and judgment in planning. Still others, not defectives, lack practice and ability in clarity of thinking, self-application, the use of will-power or self-control or in other mental functions, and none but the prison physician can know so well of these handicaps of individual prisoners, and none but he is in so good a position to advise the prisoner and his friends, since he alone has commanding knowledge, after a study of his subject, of the essential elements in the prisoner's problem of mental rehabilitation.

The prison hospital staff which does not furnish a psychiatrist's skill, either in the person of the prison physician or otherwise, can hardly take pride in its completeness. An alienist's skill is obviously needed in every prison where there are malingerers to be detected, cases of insanity to be recognized, or any attempt made to classify inmates on the basis of mental capacity and efficiency. The prison physician who is himself an alienist has an essential armamentarium of resourceful experience with which to test the capabilities, detect the psychopathic departures, and influence the opinions of his subjects.

A directly philanthropic and educative influence may be exerted on the minds and lives of his patients by the prison physician who writes or prepares for circulation among them, either as loan or gift, copies of one or more brochures on such subjects as body hygiene, mental hygiene, sex hygiene and venereal diseases. No class in the community, perhaps, is in more need of correct teaching and illuminating information on matters of sex-hygiene than our prisoners, both from the viewpoint of social welfare and benefit to the prisoner himself. The depths of ignorance and diversity of misconception regarding sex matters found current among prisoners is startling. They and the social class to which most of them belong are, perhaps, the most efficient agencies in operation for spreading specific diseases. And clearly the prison physician is the only source of information available for this class.

There is a sharp contrast between the attitude of the family physician toward the mentality and morality of his patient who is not a prisoner and the attitude of the prison physician toward the mental activities of his prisoner patient. The general practitioner has seldom to "heal a mind diseased." The prison physician, on the other hand, finds his highest usefulness in the exercise of his functions of alienist and psychologist. It is the cure of an abnormal or malfunctioning mind that is needed for the prisoner, and in the matter and manner of his psychopathic and psychotherapeutic treatment lies the basis for one of the highest hopes of restoration. It is indeed a worthy work to remove the physical obstacles to reformation by the skillful practice of medicine and surgery; but at best that procedure is indirect and contributory. The activities of the prison physician are by no means limited to the exercise of these functions. It is essentially within his province to influence directly the mental processes of his patients; to exert the potent influence of mind upon mind; to deal with ethical values, with motives, emotions, impulses, suspicions, eroticisms, overvalued ideas, erroneous conceptions, with weaknesses of will and with wills misdirected and untrained. He may not work miracles with cases of retarded mental development, but he may recognize and classify such, and in more promising cases may teach that reason is a better guide than impulse; may explain away some prejudiced conception or damaging sophistry, or otherwise dispel a mental shadow that has darkened a life. Psychotherapy is surely an essential part of the physician's province, and no class in the community is so sadly in need of psychoanalytic and psychotherapeutic treatment as our prison population; furthermore, no class will react more responsively to such treatment when it is well adapted.

In the domain of research some very pertinent questions await a medical

answer; such questions as relate to the degree of responsibility of individual prisoners and classes of prisoners; questions requiring an expert's opinion for day-to-day use by the administration and disciplinarian; as well as questions of academic importance contributory to the general mooted problems of the moral and legal responsibility of various degrees of mental defectiveness. Many other problems clamor for scientific medical study: problems relating to methods of education of normal prisoners and of abnormal prisoners; questions relating to methods of controlling the increase of constitutional defectiveness in coming generations; questions relating to the influence on criminality of transmissible traits and diseases. These and other questions, such as those relating to the causes of criminality, intimately concern the clientele of the prison physician and the public as well. Such problems can be solved only by scientifically trained students having sociological, psychological and medical knowledge and skill. The prison physician is logically the man to undertake these studies and to answer these questions. A wealth of clinical material awaits him in our reformatories and prisons where classification on a scientific basis is urgently needed, and where individual psychological work counts in tangible benefits to the individual, to the state and society as in no other department of medical activity. The psychic handicaps of prisoners are largely remediable theoretically, and it is a fact that many a young prisoner needs only to be taught in a receptive moment how to make plans for a creditable future, and how he may train his will to execute those plans, to bring within his reach a happy and successful life. The prison physician's opportunity to act in the capacity of clinical crimionlogist in this almost untouched field of scientific and practical endeavor is patent. Almost every writer on eugenics, euthenics or delinquency in any of their branches deplores the lack of accurate statistics, reliable information, real constructive research work in these fields.

Some prison physicians have foreseen this transition period in which we now are and have pointed out before this association and elsewhere some of the very problems for which we now earnestly seek men and methods for a solution. The gratitude and hearty support of thoughtful people, and the unthinking as well, are due those mell-trained and skillful pioneer investigators, whether trained in medicine or not, who are already attacking these problems and teaching us how to study and how to treat our prisoners scientifically. The need for specially trained investigators is great, and the rewards of every conscientious student whose privilege it is to conduct or be connected with a criminological clinic cannot fail to be commensurate with the greatness of the opportunity and the importance of this virgin field.

Psychiatry has emerged in a generation and attained the dignity of a well-systematized and recognized medical specialty, and now that investigators are aroused and active, and pioneer criminological laboratories are already being organized in the prisons and courts of some of our great cities, it is not too much to expect that the development of criminology as a specialty and science will progress rapidly. The prison physician with laboratory facilities his for the asking, and clinical material going to waste for want of study, has his opportunity before him. Thomas Carlisle has said: "Blessed is he who has found his work. Let him ask no other blessedness."

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Resident Physician, Massachusetts Reformatory, Concord; First Vice-President, Prison Physician Section, American Prison Association.

Address Before the Prison Association at St. Paul, Oct. 8, 1914.

COURTS—LAWS.

Shall Silence of Defendant Be Subject of Comment?—Following is a copy of a letter from the chairman to the members of the Committee on Courts of Criminal Procedure in New York City:

"43 Cedar Street, New York, January 26, 1915.

"Dear Sirs: I am in receipt of a copy of the Fourth Report of the Law Reform Committee of the Association of the Bar of the City of New York, dated December 11, 1914, signed by George Battle, chairman, and other members of that committee, which has been forwarded to me by Secretary Myers of the New York County Lawyers' Association, with a request that the Committee on Legislation and that of the Courts of Criminal Procedure confer with each other concerning the report. It is therefore officially before our committee, and I hope each member thereof will carefully consider it.

"I am not informed whether any or all of the members of the bar association committee have had much experience in criminal practice; I know that our committee does include many gentlemen of large experience therein, and it would be a matter of great satisfaction to me as a member of the committee and its chairman, if they would each carefully look into this report and give their opinion of the measures therein proposed.

"Notwithstanding the names of good lawyers attached to this report, I have ventured to doubt the wisdom of some of its recommendations. Recommendation I of this report, being No. 60 of that committee, is to the effect that in a criminal case the jury may consider the defendant's failure to testify in his own behalf, and the judge may so charge the jury. This recommendation immediately becomes suspicious to me when I find that the newspapers favor it. Reflection fails to convince me of its value.

"To begin with, I think it is axiomatic in our profession that the judicial power should not even entertain a charge of crime against any one, much less put him to the expense, danger and humiliation of publicly defending such a charge without sufficient direct positive and affirmative proof against him to justify a conviction if unanswered. On no other basis is civilized society possible. It follows, therefore, that in every criminal case, whether prosecuted by indictment, information or otherwise, the state has begun by alleging that it has some evidence sufficient if uncontradicted to justify a conviction. Only upon this basis can the government in a civilized community justify the forcible arrest and public trial of any citizen. This true and scientific theory is commonly expressed by the formula that every man is presumed to be innocent. And not only can no person be charged or convicted on mere suspicion, but no number of suspicions piled one on another can justify such a charge or conviction.

"Now it is perfectly clear that the failure of an accused to answer his accusers while it may under certain circumstances create or strengthen a *suspicion* against him is not *evidence* of the truth of the charge. Why then should it be judicially received as such? If the real evidence for the prosecution does not convict, the defendant should not be required to answer. If it does in fact make a case against him he should be called upon to defend himself by the production of such legal evidence as he may be able and willing to furnish. If he chooses to confine his defense to the production of documents or disinterested witnesses how can *that choice* be scientifically stated as evidence bearing on the fact in controversy?

"It is said that in the ordinary affairs of life silence is confession. This is not true as a general proposition. In thousands of instances innocent people are daily silent under calumny. We have instances in social life, in those of unanswered criticisms upon the judges of our courts; and others, including the timid, the proud, the indifferent. Silence is evidence of guilt or liability only in cases where the party is properly called upon to answer. But the very question here is whether a defendant should be so called upon in a criminal case.

"That a jury is likely to construe the silence of an accused against him is well known. This natural suspicion the accused and his counsel must reckon with. But the proposed bill goes farther; it seeks to have the court charge the jury to the effect that they may consider this silence as *proof* of the fact in controversy, which is absurd. And it may be mischievous. Suppose a case where delicate family matters or sexual relations are involved. I can well understand how a man of honor falsely charged might hesitate under certain circumstances to testify in his own behalf. Such instances have found their place in history as well as fiction.

"The errors involved in the theory of this bill are two: *First*, that silence of a defendant in a judicial proceeding is or ought to be proof of another fact. That is to say, that a falsity may become true because not specifically denied. *Second*, that the silence of the defendant on the trial is not sufficiently reckoned against him in the minds of the jury, even when qualified by the warning of the judge that it is not evidence bearing on the fact in controversy.

"Recommendation II of this report (61 of the committee) is to permit the adoption of a blanket or joint indictment:

> When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, *or*

for two or more acts or transactions of the same class of crimes or offenses.

"I regard the last part of this amendment as above italicized as of doubtful utility. Why should a defendant be required to defend two charges at once because they happen to be capable of being placed in the same class, whatever that may mean?

"I was present at the last meeting of the New York Bar Association when this report was adopted; the attendance was small, less than one-twelfth of the membership; the hour was late and the report was adopted absolutely without discussion.

"I am aware that our committee contains lawyers of experience, particularly in criminal cases, much beyond my own, and I therefore offer these suggestions merely for what they are worth and in order, if possible, to obtain the opinion of all the members of the committee on these important matters.

"Yours sincerely,

"ALFRED B. CRUICKSHANK, Chairman."

An Argument for the Public Defender.—*Introduction.*—It has been said that this is the "era of the Great Sob, and the time of sentimental reformers who weep over and wage fierce warfare against imaginary wrongs"; that the "withers of the public have been wrung with the wails and the woes of the *wicked*"; and that the advocates of the public defender are sentimental reformers, "amiable but misguided."

Criminal Law Codes are:

1. Of Criminal Procedure.
2. Of Penal Law.

Codes of Criminal Procedure are for the benefit of all, guilty, as well as innocent. But they are primarily established for the protection of innocent persons. Ferri says they are for *galantuomini.*"

Penal Codes lay down the punishments to be measured out for those who have been *convicted.*

The public defender has nothing to do with the Penal Code. His office comes within the Code of Criminal Procedure.

Under our law, moreover, a man is presumed to be innocent. Though this presumption is not carried out in practice, yet it is theoretically laid down by our law.

The advocates of the public defender, as advocates of the public defender, then, do not agitate anything for or against the *criminal,* but agitate for a change in the procedure according to which an *accused person* is to be brought to trial and tried.

Definition.—A public defender means an officer appointed, or elected, as the district attorney is, and charged by government with the duty of defending prisoners.

The immediate demand is for a public officer to defend those unable to pay for private counsel. The ultimate demand is the abolition of all inequality in this regard, between the poor and the rich, and the institution of a public defender who will be in duty bound to defend all; and who will be the only recognized counsel for the defense. The administration of justice is a constituent function of the State. (Woodrow Wilson, "The State"). The time will come when, just as there has been an evolution from the private warfare of the past to the semi-civilized administration of justice of the present, the private Bar will be abolished, as the private physician is almost abolished in England today, due to the National Insurance Act. The profession will not be injured; it will be elevated, and benefited. But even if it would be injured, the community interests are primary.

Qualification and Explanation.—Theoretically, then, we ought to have a public defender everywhere. Practically, we ask for such an office only under certain conditions, and in certain circumstances, namely, where the population is large and heterogeneous, and where there is a large number of poor, ignorant, and helpless persons. The State Legislature should lay down general propositions, and each unit in the State (what this unit is must be determined) should be given the right to choose whether it will or will not have a public defender.

ARGUMENT FOR THE PUBLIC DEFENDER

Historical and Preliminary.—The reform is not a revolution. It is evolutionary.

1. *Witnesses.* (a) In the history of English law there were at first no witnesses for the defendant in a criminal case. The jurors were the only witnesses, and they were accusers. (b) Before the reign of William and Mary, 1688, a prisoner could call no witness in his behalf. (c) In the time of Queen Anne, the situation had changed: witnesses could be so called. (d) Finally, in 1808, the defendant took the stand on his own behalf for the first time.

2. *Counsel.* (a) In the beginning, no counsel was allowed to a prisoner. (b) In 1688, counsel was allowed a prisoner in capital cases. (c) Later, in felony cases. (d) In 1836, a bill was passed allowing counsel to prisoners in all cases.

3. *District Attorneys.* (a) Crime was at first committed in private war; and the punishment of crime was private vengeance. (b) Then the State laid down the rules of the fight; but still allowed private warfare. It acted only as referee, or umpire. (c) On the Continent there developed early, public prosecutions. Private prosecutions were abrogated. The State recognized its duty in administering justice, and in preventing turmoil, constant disorder, and eternal feuds. (d) In England, State prosecutions developed, but only at the instance of private persons. Stephen, in his History of the Criminal Law in England, writing in 1881, says that prosecutions were still private. (e) The history of the District Attorney in America is interesting, but confused. Here we do not allow private prosecutions: a private person who has been made the victim of crime, is only a complainant, but it is within the district attorney's discretion to prosecute or not to prosecute. In other words, the power of prosecution is entirely the opposite to that in England: it is completely public. No "civil party" exists as on the Continent. American States seem to have recognized the important function of the administration of justice, and to have placed it where it belongs—in the hands of the State. If prosecution is a feature of the administration of justice, why is not defense?

4. *Socialization.*—The public defender movement is in line with and is part of the great movements of socialization that have been sweeping over Europe for the past seventy-five years, and over America for the past twenty.

Argument—A. General.—The public defender should be established immediately in places having the following characteristics. It should be established at once, also, in all other places upon grounds already advanced, and to be advanced in the course of the discussion; but the pressing necessity is:

1. Where there is a large population.
2. Where there is a heterogeneous population.
3. Where the population is, in general, or in large numbers, poor, ignorant, and helpless.

Corollaries of points 1, 2 and 3:

4. Where there is a great number of criminal cases.
5. Where the tone of the criminal bar is low.

grand jury is a rubber stamp for the district attorney.

6. Where jurymen are not intelligent, and not independent.

All these qualities need not concur. But where they do, the necessity for a public defender is urgent.

Argument—B. Specific.—I. Private Lawyers in General.—Private advocacy leads to the following:

1. Unscrupulous defenses are apt to be set up. Appeal is made, in proof, to general experience, newspaper reports, and the opinions of Appellate Courts. Where rich men are involved the scandal is infamous, and oft recurring. An Attorney paid by an individual is likely to recognize him, rather than truth and justice, as master. A public defender paid by the State would not be likely to indulge in such proceedings in behalf of an individual; nor in behalf of the State, since the State is impersonal, and the law will direct him to set up a fair defense; and no inducement, except on rare occasions, will lead him to fabricate a defense.

2. Perjury is likely to be suborned by attorneys. It is also likely to be committed by clients with the consent, or connivance of counsel. A public defender would have no temptations, or very, very few of them.

3. There is delay in bringing some cases to trial: because, (a) of the juggling of the calendar by the district attorney, and the helpless condition

of the prisoner whose attorney will not interest himself to demand an immediate trial, as the rich can do through their attorneys. The public defender would have no reason for allowing the delay; and, because, (b) of the fact that attorneys who are waiting for fees from clients will not care to try their cases before payment. If the client is in jail he waits there; if he is on bail he enjoys freedom longer than he would if a public defender were in office.

4. There is delay during the trial of a case. Obstructionist tactics are resorted to. This would not be true in the case of the public defender. Such tactics are not so common in England where the tone of the bar is higher than it is in our large cities, and where the judges have more power, and wield that power, and are more imbued with the traditions, and the dignity of the profession of the law.

5. Private lawyers are not likely, and actually in many cases, do not give advice to plead guilty, when the interests of the client demand such a plea. This is because the trial of a case is more remunerative. This would not happen, except, in those very rare cases, when the public defender wanted to come into the spotlight upon some extraordinary occasion.

6. *II.—Assigned Counsel.*—Assigned counsel are, in large cities, usually those who are: (a) political henchmen, recommended to the judge by political leaders, in celebrated cases for purposes of publicity; or in murder cases for the fee paid by the county. In New York County the fee is $500; (b) men who are about the court. These lawyers are given assignments which are in all cases except murder, without pay.

(a^1) In small places proper care will be given to these assigned cases by counsel, for, (L) Counsel are watched by their neighbors; they wish their neighbors' good opinion; (B) they have fewer cases, and so more time for the proper preparation of their cases. (b^1) In large places proper care will not be given to these cases, for (L) the individual is lost in the crowd, (B) the corps spirit of the Bar is low; (y) cousel has very little, if any, personal or professional interest, since (1) he is not watched in the scramble; (2) he is occupied to such an extent that he cannot give the necessary time to proper preparation of the assigned cases.

These cases are not distributed by the bench over the whole profession. but are concentrated and piled on the shoulders of the few criminal law practitioners. Some of these lawyers come into court and see their clients for the first time on trial day, and hear their stories then and there.

7. Counsel recommend (a) in many cases pleas of guilty to get rid of the bother and the burden of going to trial. There is no pay, be it remembered. (b) When there is a fee promised, counsel postpone, and delay trial till they are paid.

8. The Criminal Courts Committee of the New York County Lawyers' Association sent letters of inquiry to the district attorneys and the judges of the several counties of the State of New York. The district attorneys and the judges report that assigned counsel are (a) young and (b) inexperienced.

In large centers of population the charge is not that they are young and inexperienced; but that they are (a) incompetent, though they practice in the criminal courts day in and day out: (b) that they are neglectful of their clients' interests, and (c) that they have no time to prepare their assigned cases.

The bench admit that experienced and able members of the bar are not assigned. Why not? Is the tone of the bench as high as it ought to be? Why not obligate lawyers in any of many ways to do this small service to the community which gives them great privileges? This meets the argument of the bench, who uphold, almost unanimously, the present system, that counsel are almost invariably regardful of their duties, and that no miscarriages of justice take place in the courts. Is this probable?

In the rare cases when assigned counsel are competent, they have no such means of gathering evidence as the district attorney has; for (a) they cannot be expected to disburse moneys in furtherance of justice to their client; (b) they have not the power, (c) the dignity of office the district attorney has; nor (d) is respect paid them as to the district attorney.

A public defender would be as able, as honest and as diligent as the district attorney is now.

C. Miscellaneous (9, 10, 11), *and Main* (12) *Argument.*

9. Poor men have no appeals, because of the prohibitive cost.

10. Rich men have almost all the appeals. These they would not get if they were poor; or if they had no private attorney, but had to depend on the discretion of a public defender to bring an appeal, just as a poor man would. An approximation to equality before the law would be brought about.

11. In some cases an ambitious and unconscientious prosecutor (a) gives out grand jury proceedings for the purpose of influencing the public in general, and in particular the prospective petty jury; (b) endeavors to influence the public mind by making statements to the newspapers against a prisoner; (c) presents a biased view of the facts to a grand jury, and the grand jury almost invariably indicts, since, not only in such cases as these, but in almost all cases (a) the Charles S. Lobingier, Judge of U. S. Court, Shanghai.

The district attorney thus puts a prisoner at a great disadvantage. His tremendous power is directed against the weak force of the individual. In such cases the power of the public defender would counteract and neutralize the damage the district attorney might otherwise do.

12. In all other cases, as well as in the one mentioned above, the present system is *side heavy*.

The district attorney has all the great power of the county; all the money, the detectives, the process servers, the majesty and the awe connected with the public office representing the state; the respect and awe of the jury, and the aid of the bench. The individual is usually poor, ignorant and helpless. Even the rich are at a disadvantage.

Effects of the Institution of a Public Defender on the Law of Criminal Procedure.

Intelligent laymen and many lawyers wish to see:

1. The presumption of innocence abolished.
2. A two-thirds majority of a petty jury sufficient for conviction.
3. That sham of a rule, that no inference is to be drawn against a prisoner who does not take the stand, abolished.
4. Appeals allowed the state from supposedly unjust acquittals.
5. The rules of evidence abolished, and free proof to reign.

Stephen, in his History, says that the presumption of innocence came into use because the state recognized its powerfulness and the individual's weakness, and out of its generosity makes him a concession, which is a safeguard. There is no presumption of innocence in England in the times when the state is weak and unstable. This theory does not seem to be sound. The true theory is, perhaps, not that the state was generous, but that the state was *forced* to give up some of its power; the individual wrested the safeguard from it. Whatever the theory, the *fact* is that the presumption of innocence is important only when the state is strong and the individual weak. When both the state and the individual are on the same plane there is no more excuse for it.

A public defender would counterbalance the powerfulness of the district attorney. There would be no need, then, for this presumption.

Points 2, 3, 4 and 5 have such a strong hold on the intellects and the imaginations of men, albeit in some cases, the hold is not clearly reasoned, and the causes not analyzed, because the individual is jealous and fearful of the power of the state, and wants to retain these safeguards to protect his weakness and strengthen it. Take point 5, for example. The rules of evidence appeared when the state had become extremely strong and stable—the beginning of the Nineteenth Century. That century saw their great efflorescence.

Those who are working for these five reforms should note that they might be considered dangerous under present conditions. But there could be no objection to them after the institution of a public defender. *Cessant ratio cessat lex.* There being no longer any fear that the individual would be at a disadvantage in the face of the state, since the public defender would have the authority and the power and majesty of the state, these reforms would not be opposed.

R. F.

Adult Probation Law in Illinois.—A committee of the Civic Federation of Chicago proposes certain amendments to the Adult Probation Law. The italics below designate the proposed changes in the present law.

A Bill for an Act to amend Sections 2, 3, 4, 7, 9, 12, and 13 of an Act entitled "An Act providing for a system of probation, for the appointment and

compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses and legalizing their ultimate discharge without punishment."—Aproved June 10, 1911. In force July 1, 1911.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That Sections ..... of an Act entitled "An Act providing for a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment," approved June 10, 1911, in force July 1, 1911, be and the same are hereby amended so as to read as follows:

SEC. 2. *Any defendant who has never previously been convicted of a crime, who has entered a plea of guilty or been found guilty by the verdict of a jury or the finding of a court of a violation of a municipal ordinance, where the offense is also a violation in whole or in part of a statute, a misdemeanor or a crime, except murder, manslaughter, kidnapping, incest, rape or arson, may, after entry of judgment and nothing remains to be done by the court except to pronounce sentence, request the judge to be admitted to probation according to the provisions of this Act.*

SEC. 3. *Before granting or releasing any defendant on probation, the court shall require the probation officer to investigate the case of such defendant as accurately and as fully as diligence will enable, to ascertain: (a) the personal characteristics, habits, associations and previous conduct of such person; (b) the names, relationship, ages and conditions of those dependent upon him for support and education, and (c) such other and further facts as may aid the court as well in determining the propriety of probation as in fixing the conditions thereof.*

Orders granting or refusing release on probation shall be entered of record. Application for release on probation may, in the discretion of the court, be granted if it shall appear, to the satisfaction of the court, both that there is reasonable ground to expect that the defendant may be reformed and that the interests of society shall be subserved. If such application is granted, the Judge granting the same shall thereupon enter an order continuing the cause for a period not exceeding six months in cases of violation of municipal ordinances where the offense is also a violation, in whole or in part, of a statute and not exceeding one year in the case of other offenses enumerated in Section 2 of this Act, and shall by such order fix and specify the terms and conditions of the probation of such defendant as herein provided. A cause continued pursuant to the provisions of this Act shall be deemed subject to the jurisdiction of the court in which it is pending, or any judge thereof, for the full period of its continuance, during which time orders may be entered with respect to the conditions of probation, or final sentence imposed without the formal setting aside of such order of continuance.

SEC. 4. Release on probation shall be upon the following conditions:

(1) That the probationer shall not, during the term of his probation, violate any criminal law of the State of Illinois, or any ordinance of any municipality of said *State as limited by Section 2 of this Act.*

(2) That if convicted of a felony or misdemeanor, he shall not, during the term of his probation, leave the State without the consent of the court which granted his application for probation.

(3) That he shall make a report once a month, *or as often as the court shall direct,* of his whereabouts, conduct and employment, and furnish such other information relating to the conditions of his probation, as may from time to time be required by rule or order of court, to the probation officer under whose charge he has been placed, and shall appear in person before the court at such time as the court may direct or the rule of court provide.

(4) That he shall enter into a bond or recognizance in such sum as the court may direct, with or without sureties, to perform the conditions imposed, which shall run to the People of the State of Illinois and may be sued on by any person thereunto authorized by the court for the use of the parties in interest as the same may appear.

And the court may impose any one or more of the following conditions:

(1) That he shall make restitution, *or reparation,* in whole or in part, immediately or within the period of probation, to the person or persons injured or defrauded.

(2) That he shall make contribution from his earnings for the support of those dependent upon him, subject to the supervision of the court.

(3) *That he shall pay any fine assessed against him, as well as the costs of the proceeding, in such installments as the court may direct, during the continuance of the probation.*

SEC. 7. Upon the termination of the probation period, the probation officer shall report to the court the conduct of the probationer during the period of his probation, and the court may thereupon discharge the probationer from further supervision, or *extend the probation period not to exceed six months in cases of violation of a municipal ordinance where the offense is also a violation, in whole or in part, of a statute, and not to exceed one year in other offenses.* When a probationer is discharged upon the expiration of the probation period, or upon its earlier termination by order of the court, entry of the discharge shall be made in the records of the court, and the probationer shall be entitled to a certified copy thereof.

SEC. 9. The circuit court of each of the several counties in this State may appoint a probation officer to act as such for and throughout the county in which he shall be appointed. The circuit court of any county may appoint such number of additional probation officers for such county as the court may deem to be necessary or advisable; Provided, the number of probation officers to be appointed for any county shall in no event exceed one for every fifty thousand inhabitants for such county, the school census preceding any appointment to be the basis for the determination of the number of inhabitants of such county. * * * Any circuit court, in any county in which there are five or more probation officers, may also, in its discretion, appoint a chief probation officer in addition to the number of probation officers herein provided for. Said probation officers shall be of good character, shall possess such other qualifications as may be provided by rules to be adopted by such courts respectively, and may by such rules each be required to give bond in a sum not exceeding five thousand ($5,000.00) dollars, conditioned for the

faithful discharge of the duties of such probation officer, and otherwise as provided by said rules such bond to be with such sureties as may be approved by the court. Said probation officers shall serve as such from the date of their appointment, shall be subject to the orders of the courts appointing them, and shall be removable in the discretion thereof by an order duly entered of record. Said circuit court may adopt general rules not inconsistent with the provisions of this Act, and promotive of its letter and spirit, providing, among other things, for the qualifications of probation officers, their duties, and such other matters as may seem expedient. In any city in this State having a population of fifty thousand or less inhabitants, as shown by the preceding school census, in which city there has been or may hereafter be established a municipal or city court, such municipal or city court may appoint one probation officer for such municipal or city court, in which case the number of probation officers to which any county is entitled, as above provided, shall be reduced by the number of municipal or city courts in said county established for cities having a population of fifty thousand or less inhabitants. The remaining probation officers to which any county may be entitled as aforesaid shall be equally apportioned between the county and the several cities, if any therein that severally have a population of more than fifty thousand inhabitants. Such probation officers so apportioned to such county shall be appointed by the circuit court of said county, and such probation officers so apportioned to such cities shall be appointed by the municipal or city courts in said several cities. The judges of the circuit court of any county and of the municipal or city court therein established for cities having a population of more than fifty thousand inhabitants, shall meet as a unit body at such times as they deem proper, and at any such meeting may appoint a chief probation officer, to act as such over all the probation officers appointed by any of said courts. Said judges may, at any such meeting, adopt general rules not inconsistent with the provisions of this Act, but promotive of its letter and spirit, and transact such other business concerning the subject-matter of this Act as to said judges may seem proper. Said judges may, at any such meeting, appoint a committee of such number of them as they may determine to exercise the ministerial powers of said entire body of judges and the powers of appointment and removal of the chief probation officer, such committee to report to the entire body of judges at such time as may be required by rules or by specific order.

SEC. 12. The duties of probation officers shall be:

(1) *To investigate as required by Section 3 the case of any person who has invoked the provisions of this Act. Full opportunity shall be afforded a probation officer to confer with the person under investigation when such person is in custody.*

(2) *To notify the court of any previous conviction for crime or previous probation of any defendant invoking the provisions of this Act.*

(3) *All reports and notifications required in this Act to be made by probation officers shall be in writing and shall be filed by the clerk in the respective cases.*

(4) To preserve complete and accurate records of cases investigated, including a description of the person investigated, the action of the court with respect to his case and his probation, the subsequent history of such person if he becomes a probationer during the continuance of his probation, which

records shall be open to inspection by any judge or by any probation officer pursuant to order of court, but shall not be a public record, and its contents shall not be divulged otherwise than as above provided, except upon order of court.

(5) To take charge of and watch over all persons placed on probation under such regulations and for such terms as may be prescribed by the court, and giving to such probationer full instructions as to the terms of his release upon probation and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

(6) *When any person on probation removes from the county where his offense was committed, it shall be the duty of the officer under whose care he was first placed to report the facts to the probation officer in the county to which the probationer has removed; and it shall thereupon become the duty of such probation officer to take charge of and watch over said probationer the same as if the case originated in that county; and for that purpose he shall have the same power and authority over said probationer as if he had been originally placed in said officer's charge; and such officer shall be required to report in writing, once a month, the results of his supervision to the probation officer in whose charge he was originally placed by the court.*

(7) To perform such other duties as are provided for in this Act or by rules of court, and such incidental duties as may be implied from those expressly required.

SEC. 13. It shall be the duty of the chief probation officer, appointed as provided in this Act, to supervise and control the work of all subordinate probation officers under his jurisdiction and control as herein provided, subject to such rules and regulations as may be adopted by the court or judges as herein provided, and to supervise the conduct of probationers to such extent as the court or said judges, and the rules herein provided for, may direct.

Any chief probation officer shall have authority to suspend any probation officer under his supervision for a period of not exceeding thirty days, but may not discharge, and it shall be the duty of such chief probation officer promptly to file charges against any probation officer so suspended by him with the court or judges appointing such probation officer, and said court or judges shall thereupon investigate said charges and may hear evidence, and shall act thereon as the interests of justice and the good of the probation service may require.

The records concerning probationers shall be kept in one office under the supervision of the chief probation officer, to whom all such probation officers must report. It shall be the duty of the board of county commissioners or supervisors of each county in this State in which probation officers may be appointed under the provisions of this Act, to furnish suitable rooms and accommodations, equipment and supplies for said probation officers and clerical assistants in that jurisdiction, and for the keeping of the records, equipment and supplies of the office. The number of clerical assistants shall be determined by the circuit court, *and shall be appointed by said chief probation officer.* Salaries of said clerical assistants shall be fixed by the board of county commissioners or supervisors.

Section 9 above would have the effect of more than doubling the number of adult probation officers in Chicago and Cook County.

R. H. G.

De Luca on Authority of Military Commissions in Time of Peace.—An article, by Frances De Luca, entitled *"L'Essenza del ricorso in Carrazione e il capoverso dell' Art.* 500 *del nuovo codice di procedura penale,"* in *"Il Progresso del Diritto Criminale"* (July-August, 1914), contains a strange acceptance of the American theory of government. "The Court of Cassation is instituted to maintain the exact observation of the law" (Art. 122, C. G. A.). It has, therefore, power to inquire into the constitutionality of the court below. De Luca, prior to the new code, held that this gave it jurisdiction to set aside judgments of military courts, sitting in times of peace ("Il progresso, etc.," Vol. II [1910] pp. 231-239) and the new code of penal procedure of 27 February, 1913 (Arts. 136, 500) has been drawn to remove all doubt of the correctness of his contention. Not satisfied with this, however, he now writes, following the English theory, "in fact, it cannot be denied that according to our laws (military and civil) no power is given—even to Parliament, subordinate, as it is, to the supreme fundamental law of the State—to form extraordinary commissions or courts in times of peace" (p. 216). Then adopting the American system, he desires the Court of Cassation to be given power to set aside judgments of the Senate sitting as a high court of justice, which he calls one of "the institutions of the past, left in our and other judiciary systems as antiquated and as fossilized." It is refreshing, after all we have heard of the recall of judges, to find our system of a supreme judiciary advocated from a source, not common but civil; not English or Germanic, but Roman. J. L.

Gaetano Leto on the Conflict of Civil and Criminal Law in Cases Relating to Marriage.—Gaetano Lato has a long article in *"Il Progresso Del Diritto Criminale"* (May, June, July, Aug., 1914) in which he takes up the question of the conflict of civil and criminal law. For many civil matters must be decided in a criminal trial. There are many systems; the criminal judge must decide all civil matters, arising in a criminal suit; he must certify them all to the civil court; he must decide all incidental civil questions; or else that he may certify them.

He takes up civil questions of *status marriage,* a civil matter, which may affect bigamy, adultery, fornication, and incest. If the penal court decides this question incidentally one way and subsequently, a civil court decides it, as the principal question the other way, what can be worse? But, if the jurisdictions are to be separate, and the judges differently qualified, the criminal judge's decision cannot be given weight in the civil courts. The criminal judge must know all facts necessary to the case, but he need not decide them. If the defense to a charge of bigamy is no prior marriage, the criminal court, of natural competence, convicts or acquits the accused, his decision as far as the marriage is concerned simply stands that the celebration was or was not proved. He in no wise has taken upon himself civil jurisdiction. As the Romans well knew *"cognitio"* is not *"judiciarii."* The judge of the probate court, *"de haereditate cognoscit, universam incidentem quaestionem quae in judicium devocatur, examinare, quoniam non de ca, sed de haereditate pronunciat."* The criminal court must know the facts, and, if the only way that he can know them is by a judgment by a court of competent jurisdiction, he should certify an issue, and the judgment thereon should be pleaded as a defense. It is evidence, of the fact. The district attorney can bring a civil suit in order to prepare his criminal prosecution. In fact, if the marriage appears to be but a relative nullity (where annulment is required to avoid, as where it is celebrated by an official without jurisdiction), it is the duty of the criminal court to certify an issue. In other words, Prof. Leto would have the criminal court certify all questions of public or private law to a judge of competent jurisdiction, when there is any doubt as to the facts.

In the courts in America, this question does not rise; men are convicted of bigamy and the legality of the first marriage is passed upon by quarter sessions. The question is not of the importance that it enjoys in Italy, because our civil judges do criminal work, but still it is of importance, for a man who has served a term for bigamy may have his marriage annulled as invalid in a subsequent civil court. In Pennsylvania, a statutory anomaly exists in that the innocent party to a bigamous union, declared as bigamous by the criminal court, cannot remarry, without obtaining a decree of annulment! In the latter proceedings, the record of the criminal court would be evidence of the prior marrigae, and

yet after this, the first wife might be refused a share in the estate under the intestate laws!

Prof. Leto's theory would contain the correct and logical principal—the criminal court should seek judicial determination of all facts, not in its province—but it should not do so by certifying an issue or by any method tending to delay. A defense, based upon the existence or non-existence of a status, the interpretation of a contract, or any claim, which might form the basis of a civil suit, should be heard and finally determined, at the trial of the criminal action, by the court sitting as a civil tribunal. J. L.

PENOLOGY.

Prison Bills in New York.—The following is a prospectus of bills relating to the prison system that will be introduced in the legislature of the state of New York within the present session:

I. Abolishing the Commission on New Prisons and authorizing and directing the Commission on Prison Reform, with the approval of the Superintendent of Prisons;

(1) To select and purchase a site of not less than 1000 acres tor a new prison to take the place of Sing Sing, the same to consist of farm and wood land situated within 75 miles of New York City, and to invite and approve plans for a new prison on the cottage plan and to begin the work of construction thereof;

(2) To select and purchase farm land in the vicinity of Auburn and to invite and approve plans for buildings to be erected thereon for the custody and employment of prisoners in Auburn Prison and to begin the work of construction thereof;

(3) To invite and approve plans for additional buildings to be erected on the State Farm at Valatie for the accommodation of women committed to the State Prison for Women at Auburn and to supervise the construction thereof;

(4) To invite and approve plans for buildings for the custody of male and female criminal defectives respectively on the prison site at Wakefield, and to begin the construction thereof;

(5) To invite and approve plans for the construction of buildings on the tract of 800 acres recently acquired by the State for a Farm Colony for Tramps and Vagrants, as and for a free farm colony for discharged and paroled convicts.

II. Providing for the institution at Sing Sing Prison of a Prison Medical Board of three physicians of standing, one of whom shall be an alienist, with proper equipment and expert assistance, to examine into the physical and mental condition of all persons committed to the prison and to report their findings to the Superintendent of Prisons, and providing, further, that all persons hereafter sentenced to imprisonment in a State Prison shall first be committed to Sing Sing for detention until such examination shall have been approved by the Superintendent.

III. Providing that all convicts in any State Prison found to be mentally defective, either by the State Commission for Mental Defectives or by the Prison Medical Board, shall be transferred to and placed in the custody of the Prison Medical Board at Sing Sing Prison for such special care and treatment as they may require, until proper provision has been made for them elsewhere by the State

IV. Providing that the Governor be authorized to appoint local Boards of Pardon and Parole in connection with each of the State Prisons and Reformatories, consisting of five citizens to serve without pay, for the purpose of investigating all applications for pardon or parole and of reporting thereon to the Superintendent of Prisons.

V. Amending the Penal Law so as to require all judges, sentencing convicts to confinement in a State Prison to impose an indeterminate sentence, without maximum or minimum limit.

VI. Reorganizing the State Board of Parole—the Board to consist of five members, at least two of whom shall be lawyers of proved capacity, to pass finally on all applications for parole in the State Prisons.

VII. Providing for the abolition of capital punishment and fixing imprisonment for life as the extreme penalty for murder in the first degree.

VIII. Providing that all first offenders sentenced to imprisonment in a State Prison for a minimum term of more than a year, shall at the expiration of a year after such sentence become eligible for parole.

IX. Providing for the creation in the office of the Superintendent of Prisons of an employment bureau for paroled and discharged convicts.

X. Providing for the establishment in the office of the Superintendent of Prisons of a Bureau of Criminal Statistics for the State of New York.

Report of the Illinois State Reformatory.—The twelfth biennial report of the managers of the Illinois State Reformatory at Pontiac has just been received. It covers the period ending June 30, 1914. The report contains a great deal of data that should be interesting to the general public. Among other things, we notice that the General Superintendent urges the purchase of additional land for the institution. Two hundred acres of land are now available for farming purposes. He says that the statistics of the institution show that 90 per cent of their boys who are paroled as farm hands, after having been taught the art of farming at the institution, make good farmers and substantial citizens. He recommends, therefore, that at least 300 acres of land, in addition to that now held, be purchased for this purpose. The farm superintendent also urges that this step be taken, and adds that in a short time the products of the farm will be sufficient to supply the institution.

The General Superintendent calls attention to the fact that the Ohio State Farm has recently purchased 1,000 acres for this purpose.

The population of the reformatory has been slowly decreasing for several years, owing to several facts: *First,* boys who are found guilty of crime in the municipal courts of Chicago are no longer sent to the reformatory, but are confined in Cook County institutions. *Second,* the criminal courts of Cook County commit a large percentage of those found guilty to Cook County institutions. *Third,* a large number of boys, formerly committed to the state reformatory, are now sent to the St. Charles School for Boys. *Fourth,* courts are taking advantage of the recent law which gives all courts of record the right to place certain first offenders upon probation.

The superintendent recommends that only boys who are over the age of 16 years should be sent to the state reformatory; that the state laws be so changed as to include all offenders under the age of 16, and that the age limit be raised from 16 to 25 years inclusive. He would admit, therefore, only first offenders who are aged from 21 to 25 years inclusive, and a provision should be made that in case it should become definitely known after commitment to the reformatory that a person had been guilty of previous offenses, or had been previously convicted or served time in any other reformatory or penitentiary, that he be immediately transferred to the state penitentiary.

R. H. G.

Prisoners' Mail.—In Vol. 4, No. 6, March, 1914, beginning page 920 of this Journal, we published a note under the above title, which summarized the provisions in the various states of the Union with reference to mail privileges for convicts. The data there published came from the hand of J. J. Sanders, Parole Clerk of the Arizona State Prison. We have just received a pamphlet under this title, by the same author, which contains some information that we set forth here to supplement the note referred to above. Since that note was published, Mr. Sanders has secured information as follows:

In Arkansas, the inmates of the state prison are allowed an unlimited daily letter mail. They are also allowed the newspapers, periodicals and magazines.

In Delaware, the inmates of the state prison are allowed to write one letter a month. In matters of importance, special permission for additional letters may be obtained from the warden. No daily newspapers are allowed, but the reading of current magazines is permitted.

In Illinois, the inmates of the state prison are divided into three grades. First grade prisons are allowed to write one letter every two weeks, and all inmates are allowed to write one letter each month. They may receive all letters sent to them. One daily newspaper and all current magazines are allowed.

In Louisiana, the inmates of the state prison are allowed the privilege of the daily mail, including the daily papers and current magazines.

In Nebraska, convicts in the state prison are allowed to receive all letters sent to them. They are permitted to write four letters a month, with special privileges in matters of importance. They are allowed also the daily newspapers and current magazines.

In Utah, the inmates of the state prison may write four letters a month. Second grade men are allowed to write but one letter a month. All are permitted to receive daily papers and magazines. R. H. G.

MISCELLANEOUS

Far Eastern American Bar Association.—A meeting to effect the final organization of the Far Eastern American Bar Association was held in the session hall of the United States Court for China on Dec. 7. A movement has been on foot for some time looking toward a permanent association of American lawyers practising throughout the Far East and it is the general belief that Shanghai, on account of its central location, and as the seat of the only United States Court in the Orient, should be its headquarters.

Among those who have given their formal adherence to the movement are: Judge Charles S. Lobingier, Earl B. Rose, T. R. Jernigan, Arthur Bassett, Edgar P. Allen (Tientsin), William S. Fleming, Stirling Fessenden, Joseph N. Wolfson (Manila), James B. Davies, Cecil R. Holcomb, Arthur S. Allen, H. D. Rodger, M. L. Heen, Harry A. Lucker (Tientsin), Richard T. Evans (Tientsin), Ralph A. Frost (Hankow), C. W. Rankin (Soochow).

The Constitution, already signed by most of the above, specifies as the objects of the organization:

> "The better to maintain the dignity, honor and interest of the American legal profession in the Far East, to promote and improve the *morale*, efficiency and solidarity of its members, to enable them to keep in touch with the progress of judicial science and its promoters throughout the world and especially in America, to assist in the due administration of justice the courts in which they practice and to secure the general observance of the American Bar Association's Canons of Legal Ethics which are hereby declared part of the rules of this Association."

Active membership is open to "any American citizen residing in the Far East who has been regularly admitted to practice in the Federal Supreme Court, the United States Court for China, or the highest court of any American state, territory or possession."

The admission fee is fixed at $10, and necessary expenses beyond the amount realized from admission fees are to be met by voluntary assessments voted by the members. The Clerk of the United States Court for China, Mr. Earl B. Rose, is made *ex-officio* Secretary and Treasurer and all those joining before January 1, 1915, are considered charter members.—*The China Press,* Dec. 6, 1914. Chares S. Lobingier, Judge of U. S. Court, Shanghai.

Applied Criminal Law at the University of Rome.—The circular of the *Scoula d'Applicazione Giuridico-Criminale Presso la R. Università di Roma,* announces the beginning of the third year of the school. It contains a review of the past two years' work, stating its incorporation and the receipt of governmental aid, explaining its location (Via Straderari 19) and showing its increase in the number of students from sixty-four during the second year to seventy-two at the beginning of the third. It then contains the address of Professor Enrico Ferri, Director of the school, in full, notes the committee sent to the Congress at Copenhagen, states that the object of the school is the practical teaching of the application of knowledge to criminal legal matters by means not of theoretical lectures but of practical demonstrations. It then contains a list of the courses to be given in its third year. They are of great interest in showing how facts, considered in America as purely theoretical, are given a practical treatment and a practical value by being taught, as they are, through experiment.

1. Filippo Grispigni.—Practical criminal law and the reform of existing law.
2. Josto Satta. Criminal business law and fiscal police.
3. Sante De Sanctis. Principles of psychology and judiciary experimental psychology.
4. Attilio Ascarelli. Demonstrations of medico-legal practice.
5. Augusto Giannelli. Clinic of insane and neuropathic delinquents.
6. Sergio Sergi. General judiciary anthropology.
7. Enrico Ferri e Silvio Longi. The practice of law and penal procedure.

Questions of jurisprudence and doctrinal and practical examination of actual penal cases.

Debates and public speaking.

8. Alfredo Niceforo. (1) The technique of case preparation. (2) Criminal sociology, and judiciary and prison statistics. (3) Anthropology and demography of the poorer classes.
9. Bruno Franchi. Prison and corrective discipline.
10. Salvatore Ottolengri. Physical and psychical study of delinquents.

J. L.

The Coming Conference of Charities in Baltimore—

Announcement has been made from the headquarters' office of the National Conference of Charities and Correction of the preliminary program for its forty-second annual meeting at Baltimore, Maryland, May 12th to 19th. The conference will meet under the presidency of Mrs. John M. Glenn, of New York, the second woman president it has ever had.

The program contains the names of over fifty leading charity workers and penologists, and the President of the conference anticipates that this will be one of the largest gatherings of charity workers in the United States this year, on account of the widespread destitution and the demand for methods of relief and social amelioration that will be adequate for these unprecedented conditions. The conference consists of public officials, residents of social settlements, heads of institutions, penologists, delegates from colleges, universities, churches and women's clubs, and others interested in this field.

One of the most important discussions thus far planned will be opened by Prof. Charles R. Henderson of the University of Chicago, who will present a report on "Outdoor Relief in the United States, with the Consideration of Some of the Lessons to Be Drawn from European Experiences." Dr. Edward T. Devine of Columbia University, who recently has accepted a

deputy commissionership in the Department of Charities of New York City for the supervision of an investigation of private charitable institutions, will discuss "The Policy of Granting State Subsidies to Private Charities." This division of the program, under the chairmanship of George S. Wilson of the Board of Charities of the District of Columbia, will emphasize the increasing magnitude of public charity and the need of effective co-operation of public officials and private agencies.

The treatment of this field will be supplemented by a study of "The Family and the Community," under the chairmanship of Riley M. Little, secretary of the Philadelphia Society for Organizing Charity, and a large group representing the voluntary charity associations of the larger cities. One of the leading papers will be by Miss Mary E. Richmond of the Russell Sage Foundation, on the importance of case work.

Supplementing and summarizing the accounts that have been issued during the year of measures to combat unemployment, Prof. Henry R. Seager in the section on social legislation will treat the causes and remedies of this evil, and other speakers will explain and criticize the work of employment offices. In this division also will occur a treatment of "Shifting of Taxation to Land as a Means of Relieving Congestion and Poverty," by Frederick C. Leubuscher, president of the Lower Rents Society of New York.

There has been an enormous increase in the last few years of charity workers and others generally known as social workers in the United States; both in professional employment and rendering voluntary service. A unique discussion, therefore, is likely to occur under the committee on education for social work, of which Porter R. Lee of the New York School of Philanthropy is chairman. An attempt will be made to define the requirements and standards of this new profession by such speakers as Jeffrey R. Brackett of Boston, Miss Edith Abbott and Dr. Graham Taylor of Chicago, and Prof. Devine of New York.

The field of health and hygiene is comprehended in a series of discussions on health topics, under the chairmanship of Dr. Richard C. Cabot of Boston, and of social hygiene under the chairmanship of Mrs. Martha P. Falconer, superintendent of the State School for Girls at Darling, Pa. Dr. Cabot's program will include an explanation of the newer methods of hospitals in their social service departments and a symposium on the social education of the physician by Joseph Lee of Boston, and Dr. Charles P. Emerson, dean of the medical department of Indiana University, Indianapolis. Mrs. Falconer's program will be addressed to the question, "How Shall We Suppress Prostitution?"; this following previous considerations at the National Conference of the extent of our scientific knowledge of this subject and the proper use of popular educational methods. Dr. Katherine Bement Davis, Commissioner of Correction of New York City, will give "A Survey of Educational Work," and other speakers will treat subjects such as protective league work, prostitution in rural communities, and methods of scientific investigation.

A series of discussions of great significance, from an educational as well as social standpoint, will occur in the division on "Children," under the chairmanship of C. C. Carstens, secretary of the Massachusetts Society for the Prevention of Cruelty to Children, which will include not only the treatment of neglect and dependency among children, but also a consideration of "The Reaction of Children's Case Work in the Development of the Constructive and Preventive Work of a Community." One of the leading discussions in the field of corrections will pertain to the popular question of payment of wages to prisoners. Dr. Irwin H. Neff, superintendent of the Foxborough State Hospital in Massachusetts, and Dr. G. Linthicum of Baltimore will speak on "The Treatment of Inebriety and Its Relation to Crime."

R. H. G.