

1918

## Notes and Abstracts

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Notes and Abstracts, 8 J. Am. Inst. Crim. L. & Criminology 766 (May 1917 to March 1918)

This Note is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—LEGAL—MEDICINE.

**A Social Study of Mental Defectives in New Castle County, Delaware.—**  
"No State has as yet made adequate provision for mental defectives. In considering how best to meet the need for increased care and protection it is coming to be recognized that the problem is a complex one which can not be solved by any one measure. The adequacy of the care and protection which can be given a mentally defective individual in his own home depends upon the economic circumstances and character of the family. Furthermore, mental defectives vary as to the kind of care and training and the amount of supervision needed. Public provision for the care and protection of mental defectives is urgently needed for two classes:

1. "Those who are delinquent, degenerate, or uncontrollable and thus constitute a menace to the home, school, and community.

2. "Those who are deprived of normal home life or whose families can not give them the necessary care and protection.

"The Children's Bureau undertook an investigation in New Castle County, Del., for the purpose of securing social data in regard to the conditions under which mental defectives live, the problems involved in the lack of proper facilities for their care, and the extent of the need for public supervision and institutional provision. The Children's Bureau made no examinations of mentality, but used as a basis for social investigations the results of mental examinations made available by the Public Health Service and diagnoses by other physicians competent to determine mentality. The investigation was begun in the fall of 1915, and the field work was completed in July, 1916.

"The only provision in Delaware for the care and training of mental defectives is the State fund for the maintenance of 14 Delaware children in the Pennsylvania Training School for Feeble-minded Children at Elwyn, Pa. An effort is being made to secure more adequate provision in the State.

"The population of Delaware according to the estimates of the Bureau of the Census for July 1, 1916,<sup>1</sup> was 213,380. New Castle County, the northern of the three counties of the State, had an estimated population of 131,670. The population of this county has increased very materially since 1910, owing to the unusual industrial conditions of the past two years. The county includes Wilmington, the only large city in the State, which, according to the census estimates for 1916, had a population of 94,265. There are a number of small towns in the county, the largest of them having a population of about 4,000. Seventy-four per cent of the population in 1910 was urban (living in cities of 2,500 or more). Part of the county is practically suburban to Wilmington or to Pennsylvania cities.

"The population of New Castle County, as well as of the State as a whole, is chiefly native white. In this county, according to the 1910 census, 74.2 per cent of the population were native white, 13.1 per cent were foreign-born white, and 12.7 per cent were colored. Within the last two or three years the popula-

<sup>1</sup>Bureau of the Census Bulletin No. 133, p. 15.

tion of the county has become more heterogeneous through an influx of foreign laborers.

"New Castle County has large industrial establishments. Manufacturing is carried on in the smaller towns as well as in Wilmington. Agriculture, especially dairying, is an important occupation. Conditions in this county are very different from those prevailing in the southern part of the State, where the population is almost entirely rural and the raising of fruits and vegetables is the principal industry.

"In preparation for an intensive study of individual defectives a rapid survey was made of social agencies and institutions and general social conditions of the State. Information was secured in regard to existing resources for dealing with the problems of defect, dependency, and delinquency, including utilization of facilities of other States.

"A list of supposed mental defectives in New Castle County was secured through the co-operation of all institutions in the State having inmates who came from this county, social agencies of all kinds, public and parochial schools, county and State officials, workers dealing with problematic children, and private individuals in all parts of the county having special knowledge of conditions. Only persons in the county at the time of the investigation and those who were temporarily away from home but whose families lived in the county were included in the study. Inmates of institutions in New Castle County admitted from outside the county were not included.

"In order to determine which of the individuals reported were definitely defective, diagnoses were secured for as many of the cases as possible. The mental examinations of school children in New Castle County made by the United States Public Health Service materially aided in this.<sup>2</sup> These examinations covered all children in the schools of New Castle County outside of Wilmington and a selected list of Wilmington school children. A considerable number of mental defectives studied were or had been formerly inmates of the Delaware Hospital for the Insane, or had been under observation of hospitals and clinics in neighboring States and therefore had received adequate diagnosis. An additional number of cases had had physical and mental examinations by local physicians. Some cases were of such low-grade mentality that they could be classified as feeble-minded without mental examinations.

"Inmates of institutions for juvenile delinquents examined and found feeble-minded were included. It was impossible to present adequate data concerning inmates of institutions for dependents, since no mental examinations had been made. From the latter institutions, therefore, only a few cases which had been examined previously or which were unquestionably feeble-minded were included as positive cases. The recent provision for examination of delinquent children and of such dependent children as come before the Wilmington juvenile court will undoubtedly in time be extended to include all children of doubtful mentality in the care of agencies and institutions.

"The list of possible mental defectives secured from all sources was analyzed into three groups of cases:

1. "Positive cases of mental defect.
2. "Questionable cases.

<sup>2</sup>U. S. Public Health Service, Public Health Reports, vol. 31, No. 46, Nov. 17, 1916. Mental Status of Rural School Children, pp. 3174 ff.

3. "Cases dropped because probably not feeble-minded. Among these cases were 15 epileptics excluded from the positive or questionable cases because there was no evidence of mental deterioration.

"Positive cases' included those diagnosed as mentally defective by competent authority and those of so low a grade of mentality as not to require examination.

"Questionable cases,' or cases of probable mental defect, included those of doubtful mentality who were not given mental examinations and those for whom positive diagnoses could have been made only after more prolonged observation than it was possible for the examining physician to give.

"Individuals adjudged mentally defective through diagnoses or because they appeared to be obvious cases were followed further. Information was secured by means of investigation of home conditions supplemented by school records and by data secured from agencies and institutions and from individuals having particular knowledge of the cases studied. The points covered included economic status and character of the family; physical conditions and developmental history; personal characteristics; school history and attainments; occupational history and economic efficiency; social reactions, including delinquencies and other antisocial tendencies; and ability of the family to care for and safeguard the defective individual. Social data less extensive than those secured for the positive cases were obtained for cases of questionable mentality."

#### SUMMARY.

"A total of 175, or 82.5 per cent, of the cases studied were in need of public supervision or institutional care. Ninety-five of these were at large in the community in immediate need of special care and protection, 68 were in institutions not designed for their care, and 12 were provided for only temporarily in an institution for the feeble-minded.

"A study of individual cases of mental defectives reveals in a striking way the coincidence of mental defect and poverty, abnormal home conditions, neglect, and dependency. A majority of the mental defectives were found in an environment making normal standards of living impossible.

"Eighty-three, or 39 per cent of the total number, were living under adverse home conditions—extreme poverty, alcoholism, immorality, or entire lack of home protection. An additional 68, or 32 per cent, were in institutions not adapted to their needs, making a total of 71 per cent living under conditions where adequate care and protection were impossible or provided for only temporarily in institutions designed to care for other classes.

"That society must provide special protection for mental defectives is strongly indicated by the fact that 98 of the total number studied had delinquency records or were immoral or difficult to control. Seventy-nine of these were living under adverse conditions or in institutions not adapted to their needs, while 7 were in an institution for the feeble-minded, and 12 were living in good homes.

"The problem of those requiring special care and training because of subnormal mentality is not limited to the 212 positive cases of mental defect included in this study. The 361 individuals classified as of questionable mentality undoubtedly included a number who were actually mentally defective. All of them presented problems of retardation or abnormality. More than

one-third of the questionable cases for whom information as to individual characteristics was secured were known to be delinquent or uncontrollable. A total of two-thirds of those for whom detailed data were obtained were in homes where proper care and safeguarding were impossible, or had already developed antisocial tendencies.

"Delaware has an unusual opportunity to work out a well-rounded program of adequate provision for all classes of mental defectives. It is a small State, and, having no established system of care, is free to utilize to the fullest extent the experience of other States.

"Any program for adequate provision for mental defectives must have as its central feature institutional provision. The data gathered in this investigation furnish evidence as to the imperative need for institutional care and training for defective individuals who can not be given proper care, training, and protection in the community and for those who are a menace to the community by reason of delinquent tendencies. A large number of cases need permanent custodial care. But institutional care alone can not meet the whole problem of provision for mental defectives. The institution should serve as the focus for the various activities necessary for the proper care of the feeble-minded.

"Facilities for mental examination and diagnosis available to all sections of the State are essential and might be provided by a system of clinics held in various parts of the State at regular intervals by the institution psychiatrist, in co-operation with the schools and other existing agencies. The need for mental examinations is indicated by the fact that more than 1,100 persons in New Castle County were reported to the investigators as possibly feeble-minded. Facilities for mental examinations are particularly needed for proper treatment of delinquent and dependent children. They are requisite also for classification of children in the schools.

"An essential part of the improvement of the school system of Delaware is special provision for retarded children, taking into account the reason for their backwardness—bad physical condition, lack of opportunity, or actual mental defect. The State educational authorities have repeatedly called attention to the seriousness of the problem of retardation in the schools and the necessity for more adequate compulsory education laws and better school equipment. In towns where the school system is large enough to make it practicable special classes should be developed which would provide industrial training and other instruction adapted to the needs of those mentally defective children who can safely remain in the community and would make it unnecessary to remove them to an institution for training.

"The place of the special class in the program of public care for defective children has been demonstrated by the experience of a number of cities where such classes have for several years been part of the public-school system. Dr. George L. Wallace, superintendent of the Wrentham State School for the Feeble-minded, in a recent address,<sup>3</sup> said:

"With the extension of this movement for special classes, until every school system of any size has a sufficient number to accommodate all children

<sup>3</sup>Annual Conference of Massachusetts Society for Mental Hygiene, Boston, Mass., Dec. 13-15, 1916. "The type of feeble-minded who can be cared for in the community." Published in *Ungraded*, vol. 2, No. 5 (February, 1917), p. 105, and, in part, in *Mental Hygiene*, vol. 1, No. 2 (April, 1917), p. 291.

with mental defect, it would seem that the larger number of children with ordinary mental defect could be safely protected and educated in the community.'

"It is coming to be recognized that the expense to the State of institutional provision can be much reduced and greater justice done to individuals by a system of parole of certain classes of mental defectives who have been trained in an institution and by supervision through an out-patient department of those defectives who can be given proper care and training in the community. Such out-patient work could be carried on in co-operation with the schools and other agencies coming in contact with the problem. This method of parole and supervision in the community of certain types of mental defectives is being advocated by some of those most experienced in the care of the feeble-minded. Mr. Alexander Johnson speaks of the importance of the practical movement for the after-care of certain classes of the feeble-minded who have been trained in the school.<sup>4</sup> Dr. Wallace, in the eighth annual report<sup>5</sup> of the Wrentham State School, says:

"Boys and girls whose mental and moral defectiveness is not extreme, who have profited by a period of institutional education and care, who have perhaps been tided over a few critical years of their life—these we are reasonably hopeful may do fairly well in the community provided we carry institutional provision to them in the form of a good visitor, while also having them report to the institution at certain periods. I believe this is one method whereby a school for the feeble-minded can extend its work and bring a larger number of feeble-minded under supervision than can be maintained within the institution grounds.'

"The possibility of caring for mental defectives in the community is brought out in the recent report of the Indiana committee on mental defectives, which speaks of the 'value and far-reaching importance of community care.'<sup>6</sup> The need for supervision in the community was emphasized at the last annual conference of the Massachusetts Society for Mental Hygiene. Dr. Walter E. Fernald, in an address on 'What is now practicable in the way of protection, education, supervision, and segregation of the feeble-minded,'<sup>7</sup> said:

"There is now needed something between permanent segregation and no care. We may be able to distinguish between those who can go out into the community and those who must stay in an institution. \* \* \* The ideal should be segregation for those who need it and supervision in the community for those suitable for community life.'

"Defective individuals are found in all ranks of society and under all varieties of conditions; they become community problems when they develop antisocial tendencies or when they are without proper care or control because of poverty or detrimental home conditions. Without a system of mental examinations and supervision in the community the higher grade mental defectives are not usually recognized as such until they have become socially troublesome. A comprehensive program, including mental examinations, special

<sup>4</sup>"The feeble-minded," *The Survey*, vol. 37, p. 361 (Dec. 30, 1916).

<sup>5</sup>Wrentham (Mass.) State School, Eighth Annual Report, for the year ending Nov. 30, 1914, p. 15.

<sup>6</sup>Mental Defectives in Indiana. Report of Committee on Mental Defectives, Indianapolis, Ind., Nov. 10, 1916, p. 6.

<sup>7</sup>Annual Conference of Massachusetts Society for Mental Hygiene, Boston, Mass., Dec. 13-15, 1916. Paper as yet unpublished.

classes, and supervision in the community, as well as institutional provision, would result in the greatest benefit to the defective individual and to the community and would reduce the social burden of delinquency and degeneracy."—*Emma O. Lundberg*, From U. S. Dept. of Labor, Children's Bureau, Publication No. 24.

#### COURTS—LAWS.

**Support of Destitute Families of Prisoners in Pennsylvania.**—An Act authorizing cities of the first class to make appropriations for the support of destitute families of persons sentenced to imprisonment, and providing a system of control and administration for the distribution thereof.

Section 1. Be it enacted, &c., That cities of the first class may appropriate moneys for the maintenance and care of destitute families of persons sentenced in such city to imprisonment, whose families are, and were at the time of the conviction of such person, domiciled within such cities of the first class.

Section 2. The councils of such cities of the first class shall designate a department of the city government to have the control and disbursement of any such appropriation, and may provide such employees, and fix their salaries, as may be necessary to carry this act into effect.

Section 3. The family of any person, sentenced in such city to imprisonment, which is in destitute circumstances, may apply for assistance to the department having the disbursement of the appropriation. Upon the receipt of any such application, the persons in charge of this work shall investigate the facts of the case, taking into account the number of dependents in each case, and shall either refuse or allow such assistance as may be considered necessary.

Section 4. In all cases where assistance is allowed to any family, the same shall be paid by the city treasurer, upon the warrant of the department having the control of such appropriation, countersigned by the comptroller.

Section 5. In all cases where assistance is allowed to any destitute family, the person making such allowance shall take into consideration any moneys which may come into the possession of such family under the provisions of an act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred and twelve), entitled "An act to abolish the contract system in the prisons and reformatory institutions of the State of Pennsylvania, and to regulate the wages of the inmates;" and of an act, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Law, six hundred and fifty-six), entitled "An act providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth, and making an appropriation therefor;" and of an act, approved the fourth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred and twelve), entitled "An act authorizing and regulating the employment of convicts and prisoners on the public highways." (Passed by the Legislature and signed by the Governor of Pennsylvania, session of 1917).—*E. R. Keedy*, University of Pennsylvania.

**Support of Child Born Out of Wedlock in Pennsylvania.**—An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock, whether such child shall have been begotten or shall have been born within or without this Commonwealth; providing punishment there-

for, and empowering the court to make an order for support, and to enforce the same. And declaring persons making false statements, in certain cases, guilty of perjury.

Section 1. Be it enacted, &c., That any parent who shall wilfully neglect or refuse to contribute reasonably to the support and maintenance of a child born out of wedlock shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500), or imprisonment not exceeding six months, or both, with or without hard labor, in the discretion of the court.

Section 2. Proceedings under this act may be instituted upon complaint made, under oath or affirmation, by the parent of such child.

Section 3. This act shall apply whether such child shall have been begotten or shall have been born within or without this Commonwealth.

Section 4. Before the trial, with the consent of the defendant indorsed on the bill of indictment, as now provided by law, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the fine herein provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability and earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court, from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for such time and to such person as the court may direct; and the court shall have the power to suspend the sentence herein provided, and release the defendant from custody on probation, in manner provided by "An act for relief of wives and children deserted by their husbands and fathers within this Commonwealth," approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-seven, and the supplements thereto; provided that the defendant has entered into a recognizance in such sum, with or without surety, as the court shall direct, for compliance with such order.

Section 5. Whenever a parent is paying for the support of a child, under an order of court made in any other proceeding, civil, criminal, or quasi-criminal, said parent shall not be subject to proceedings for support for the same child under this act: Provided, however, That if said parent, as defendant in such other proceedings, has failed to obey such order of court, said parent shall be subject to all the provisions of this act.

Section 6. Any person who shall, at any stage of the proceedings under this act, knowingly make false statements as to who is the parent of a child, shall be guilty of the crime of perjury. (Passed by the Legislature and signed by the Governor of Pennsylvania, session of 1917.)—*E. R. Keady*.

**Law Regulating the Use of Drugs in Pennsylvania.**—An Act for the protection of the public health by regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of certain drugs, and keeping records thereof; by regulating the use of drugs in the treatment of the drug habit; by providing for the revocation and suspension of licenses of physicians, dentists, veterinarians, pharmacists, druggists, and registered nurses for certain causes, and by providing for the enforcement of this act, and penalties.

Section 1. Be it enacted, &c., That, except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include—(a)



opium; or (b) coca leaves; or (c) any compound or derivative of opium or coca leaves; or (d) any substance or preparation containing opium or coca leaves; or (e) any substance or preparation containing any compound or derivative of opium or coca leaves.

Section 2. The word "drug" shall not be construed to include—(1) preparations and remedies and compounds which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them, in one fluid ounce, if the same is liquid; or, if a solid or semi-solid, in one avoirdupois ounce; (2) liniments, ointments, or other preparations, prepared and dispensed in good faith for external use only; providing such liniments, ointments, and preparations do not contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any synthetic substitute for cocaine or eucaine or their salts; (3) decocainized coca leaves, or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine:

Provided, however, That no preparations, remedies or compounds containing any opium, or coca leaves, or any compound or derivative thereof, in any quantity whatsoever, may be sold, dispensed, distributed, or given away to, or for the use of, any known habitual user of drugs, except in pursuance of a prescription of a duly licensed physician or dentist.

Section 3. The word "person," as used in this act, shall be construed to include an individual, a co-partnership, or an association. Masculine words include the feminine or neuter. The singular includes the plural. The word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug.

Section 4. No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs. This section does not apply, in the regular course of their business, profession, employment, occupation, or duties, to—(a) manufacturers of drugs; (b) persons engaged in the wholesale drug trade; (c) importers or exporters of drugs; (d) registered pharmacists actually engaged as retail druggists; (e) bona fide owners of pharmacies or drug stores; (f) licensed physicians; (g) licensed dentists; (h) licensed veterinarians; (i) persons in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township of this Commonwealth, and having such drugs in their possession by reason of their official duties; (j) warehousemen, or common carriers, engaged, bona fide, in handling or transporting drugs; (k) persons regularly in charge of drugs in dispensaries, hospitals, asylums, sanatoriums, poor-houses, jails, penitentiaries, or public institutions; (l) nurses under the supervision of a physician; (m) persons in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (n) captains, or proper officers, of ships upon which no regular physician is employed, for the actual medical needs of the officers and crews of their own ship only; (o) persons having said drugs in their possession for their own personal use only, provided that they have obtained the same in good faith, for their own use, from a duly licensed physician or dentist, or in pursuance of a prescription given them by a duly licensed physician or dentist; (p) persons

having said drugs in their possession for the use of an animal belonging to them, provided that they have obtained the same in good faith, from a duly licensed veterinarian, for the use of such animal, or in pursuance of a prescription given by a duly licensed veterinarian; (q) persons in the bona fide employ of any of the persons above enumerated.

Section 5. No person shall use, take, or administer to his person, or cause to be administered to his person, or administer to any other person, or cause to be administered to any other person, any of the aforesaid drugs; except under the advice and direction, and with the consent, of a regularly practicing and duly licensed physician or dentist.

Section 6. No manufacturer, producer, importer, exporter or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away, any of said drugs, except to—(a) a duly licensed physician; (b) a duly licensed pharmacist; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a manufacturer of drugs; (f) a person engaged in the wholesale drug trade and regularly selling drugs; (g) an exporter of drugs; (h) a bona fide hospital, dispensary, asylum, or sanatorium; (i) a public institution; (j) a bona fide owner of a pharmacy or drug store; (k) a person in a foreign country; (l) a person in charge of a laboratory where such drugs are used for the purpose of scientific and medical research only; (m) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (n) a person in the employ of the United States, of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No manufacturer, producer, importer, or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drug is sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities.

Section 7. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute,

or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

Section 8. No physician or dentist shall sell, dispense, administer, distribute, give, or prescribe any of said drugs to any person known to such physician or dentist to be an habitual user of any of said drugs, unless said drug is prescribed, administered, dispensed, or given for the cure or treatment of some malady other than the drug habit: Provided, however, That if any physician desires to undertake, in good faith, the cure of the habit of taking or using opium or any of its derivatives, in any form, such physician may prescribe or dispense opium or its derivatives to a patient, provided such opium or its derivatives are prescribed and dispensed in good faith, for the purpose of curing such patient of such habit, and not merely for the purpose of satisfying a craving for the drug. In every such case the physician shall himself make a physical examination of the patient, and shall report, in writing, to the proper officer of the board of health of the city, borough, town, or township in which he resides, or to the State Department of Health, where there is no local board of health, the name and address of such patient, together with his diagnosis of the case and the amount and nature of the drug prescribed or dispensed in the first treatment. When the patient leaves his care such physician shall report, in writing, to said officer of the board of health, or to the State Department of Health, the result of his said treatment.

Any person divulging any information contained in any such report, except for the purpose of enforcing this act, or to a physician who may, in the opinion of the chief of the board of health or of the Commissioner of Health, be entitled to such information for the purpose of enabling him to comply with the provisions of this act, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

Section 9. No physician, dentist, or veterinarian shall administer, dispense, give away, deliver, or prescribe any of said drugs, except after a physical examination of the person or animal for whom said drugs are intended; said examination to be made at the time said prescription is issued, or at the time said drug is administered, dispensed, given away, or delivered by said physician, dentist, or veterinarian. No veterinarian shall sell, dispense, distribute, give, or prescribe any drug for the use of a human being.

Section 10. Every physician, dentist, and veterinarian shall keep a record of all said drugs administered, dispensed, or distributed by him, showing the amount administered, dispensed, or distributed, the date, the name and address of the patient; and, in the case of a veterinarian, the name and address of the owner of the animal to whom such drugs are dispensed or distributed; such record shall be kept for two years from the date of administering, dispensing, or distributing such drug, and shall be opened for inspection by the proper authorities. No record need be kept of any drug administered in an emergency case.

Section 11. This act shall not be construed to apply to the treatment of habitual users of drugs in public hospitals, sanatoriums, poorhouses, prisons, or public institutions.

Section 12. Any person who shall violate, or fail to comply with, any of the provisions of this act, except as provided in the last paragraph of section eight, shall be guilty of a misdemeanor; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court. If the violation is by a corporation, co-partnership, or association, the officers and directors of such corporation, or the members of such co-partnership or association, their agents and employees, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

Section 13. In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act in any complaint, information, or indictment. The burden of proving any exemption under this act shall be upon the defendant.

Section 14. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be either revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing, upon proof that the licensee is addicted to the use of any of said drugs, after giving such licensee reasonable notice and opportunity to be heard.

Section 15. Whenever any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse is convicted, in a court having jurisdiction, of any violation of this act, the license of such physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing classes, after giving such licensee reasonable notice and opportunity to be heard.

The term "license," as used in sections fourteen and fifteen of this act, shall be construed to include all licenses heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse, whether said license was issued by the officers or boards at present having power to issue the same, or whether granted under previous authority.

The term "officers or boards," as used in sections fourteen and fifteen of this act, shall be construed to designate such officers or boards as have power to issue licenses to physicians, dentists, veterinarians, pharmacists, druggists, or registered nurses at the time the power to revoke or suspend the license is exercised.

Section 16. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania; and for that purpose the Commissioner of Health is hereby authorized to establish, in the Department of Health, a bureau or division for such purpose, and to employ such assistants, stenographers, inspectors, clerks, and other employees as, in his opinion, may be necessary, and to fix their compensation. For the purpose of enforcing the provisions of this act the Commissioner of Health, and his assistants, either in said bureau or division, or any other bureau or division of his department, shall have the right to examine, at any time, any or all of the

records required by this act to be kept; and the Commissioner of Health may further require persons dealing in, buying, selling, handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities in this Commonwealth from enforcing the provisions of this act.

Section 17. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved—The 11th day of July, A. D. 1917. (Act of General Assembly, No. 282).

**Sale and Distribution of Narcotic Drugs in Massachusetts.**—Section 1.. It shall be unlawful for any person, firm or corporation to sell, furnish, give away or deliver coca leaves or any cocaine or any alpha or beta eucaïne or any synthetic substitute for them, or any salts, compound or derivative thereof, except decocainized coca leaves and preparations thereof, or any opium, morphine, heroin, codeine or any preparation thereof, or any salt, compound or derivative of the same, except upon the written order of a manufacturer or jobber in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, physician, dentist, veterinarian, registered under the laws of the State in which he resides, or an incorporated hospital, college or scientific institution through its superintendent or official in immediate charge, or upon the written prescription of a physician, dentist or veterinarian, registered under the laws of the State in which he resides, bearing the date when signed, his office address, the registry number given him under public acts two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, the legal signature of the physician, dentist or veterinarian giving it, the name and address of the patient for whom prescribed, which prescription, when filled, shall show the date of filling and shall be retained on file by the druggist filling it for a period of at least two years. The prescription shall not again be filled, nor shall a copy of the same be made, except for the purpose of record by the druggist filling the same, and it shall at all times be open to inspection by the officers of the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said department and boards, and by the police authorities and police officers of cities and towns: Provided, however, that the provisions of this act shall not apply to prescriptions nor to the sale, distribution, giving away or dispensing or possession of preparations or remedies, if such prescriptions, preparations and remedies do not contain more than two grains of opium or more than one quarter of a grain of morphine, or more than one-eighth of a grain or heroin or more than one grain or codeine, or any salt, compound or derivative of any of them in one fluid ounce, or, if a solid or semi-solid preparation, in the avoirdupois ounce; nor to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts or alpha or beta eucaïne or any of their salts or derivatives, or any synthetic substitute for them; provided, that such preparations, remedies or prescriptions are sold, distributed, given away or dispensed or in possession in good faith as medicines and not for the purpose of evading the provisions of this act; and provided, further, that the possession of any of

the drugs mentioned in this act, except prescriptions and preparations or remedies especially exempted in this section, by any one not being a manufacturer or jobber of drugs, or wholesale druggist, registered pharmacist actively engaged in business as such, or a physician, dentist or veterinarian, registered under the laws of the State in which he resides, or superintendent or official in charge of an incorporated hospital, college or scientific institution shall be presumptive evidence that such possession was a violation of this act. The provisions of this section shall not apply to persons having in their possession any of the above mentioned articles by virtue of a legal prescription therefor, nor shall the provisions of this act apply to decocainized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

Section 2. It shall be unlawful for any practitioner of veterinary medicine or surgery to prescribe any of the drugs mentioned in section one of this act for the use of a human being, and it shall be unlawful for any physician or dentist to prescribe, sell, give away or deliver any coca leaves or any cocaine or any alpha or beta eucaine or any compound, derivative or synthetic substitute for them, or opium, morphine, heroin, codeine or any preparation thereof, or any salt, compound or derivative of said substances to any person known to such physician or dentist to be an habitual user of those drugs, except when the drug is obviously needed for therapeutic purposes.

Section 3. The provisions of this act shall not be construed to prevent any lawfully authorized practitioner of medicine, dentistry, or veterinary medicine from prescribing, administering, dispensing or distributing any of the drugs mentioned in this act that may be indicated for any patient under his care: Provided, that such prescribing, administering, dispensing, or distributing is not for the purpose of evading the provisions of this act; and provided, further, that every physician, dentist or veterinarian shall, within twenty-four hours after such administering, dispensing or distributing, make a record in a book kept by him solely for that purpose of the date, the name and address of the patient to whom administered, dispensed or distributed, and the quantity and kind of such drug administered, dispensed or distributed, and provided, further, that such record shall not be required where the physician, dentist or veterinarian administers, dispenses or distributes any of the drugs mentioned in this act to a patient on whom he personally attends. Each page of the book shall be ruled and kept in substantially the following form:

Name of Physician or Dentist (sign in full on each page).

Date.

NAME OF PERSON TO WHOM

DISPENSED.

Address.

Drugs

dispensed.

Amount

dispensed.

Provided, however, that any form of record approved or required by the Commissioner of Internal Revenue under and by virtue of public acts two hundred and twenty-three of the sixty-third congress, approved December

seventeenth, nineteen hundred and fourteen, shall be deemed a sufficient record to comply with the requirements of this act. This record shall be at all times open to inspection by the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns.

Section 4. Any manufacturer or jobber of drugs, and any wholesale druggist and any registered pharmacist actively engaged in business as such, any physician, dentist or veterinarian registered under the laws of the State in which he resides may sell coca leaves, cocaine or any alpha or beta eucaine or any synthetic substitute for them or any preparation containing the same, or any salts, compound or derivative thereof, or any opium, morphine, codeine, heroin or any preparation thereof, or any salt or compound or derivative of such substances, to any manufacturer or jobber in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, or physician, dentist or veterinarian registered under the laws of the State in which he resides, or to any incorporated hospital, college or scientific institution, but such substances or preparations, excepting such preparations as are included within the exemptions set forth in section one, shall be sold only upon the written order of an incorporated hospital, college or scientific institution, duly signed by its superintendent or official in immediate charge, or upon a written order duly signed by such manufacturer or jobbers in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, or physician, dentist or veterinarian registered under the laws of the State in which he resides, which order shall state the article or articles ordered, the quantity ordered and the date. The said orders shall be kept on file in the laboratory, warehouse, pharmacy or store in which they are filled by the proprietor thereof or his successors for a period of not less than two years after the date of delivery, and shall be at all times open to inspection by the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns.

Section 5. Any manufacturer or jobber in drugs and any wholesale druggist and any registered pharmacist actively engaged in business as such, physician, dentist or veterinarian registered under the laws of the State in which he resides, and any incorporated hospital, college or scientific institution through its superintendent or official in immediate charge that shall give an order for any of the aforesaid drugs in accordance herewith shall preserve a duplicate thereof for a period of two years after the date of giving the same, which shall at all times be open to inspection by the State Department of Health, members of the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns. The order now or hereafter required by the regulations of the Commissioner of Internal Revenue under and by virtue of public acts number two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, shall be deemed to be sufficient order to comply with this and the preceding section.

Section 6. Any person who, for the purpose of evading or assisting in the

evasion of any provision of this act shall falsely represent that he is a physician, dentist or veterinarian, or that he is a manufacturer or jobber in drugs or wholesale druggist or pharmacist actively engaged in business as such, or that he is superintendent or official in immediate charge of an incorporated hospital, college or scientific institution, or a person registered under public act two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, or who, not being an authorized physician, dentist or veterinarian, makes or alters a prescription for any of the substances above mentioned shall be deemed guilty of a violation of this act.

Section 7. The possession of a federal certificate issued under and by virtue of public act number two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen by any person shall be prima facie evidence of an intent to sell, furnish, give away or deliver any of the drugs enumerated in this act.

Section 8. Nothing in this act shall apply to common carriers engaged in transporting the aforesaid drugs or to any employee, acting within the scope of his employment, of any person who shall lawfully be in possession, for the purpose of delivery, or any of the drugs mentioned in this act, or to any person who shall deliver any such drug which has been prescribed or dispensed by a physician, dentist or veterinarian registered under the laws of the State in which he resides who has been employed to prescribe for the particular patient receiving such drug, or to a nurse under the supervision of a physician, dentist or veterinarian having possession or control by virtue of his employment or occupation and not on his own account, or to the possession of any of the aforesaid drugs which have been prescribed in good faith by a physician, dentist or veterinarian, or to any United States, State, county municipal, district, territorial or insular officer or official who has possession of any of said drugs by reason of his official duties, or who, as an officer or duly appointed agent of any incorporated society for the suppression of vice, has the same in his possession for the purpose of assisting in the prosecution of violations of this act.

Section 9. The provisions of this act, except those sections which require the ordering of the above enumerated drugs on an official order blank and the keeping of the same on file, and the keeping of the record relative thereto, shall apply to cannabis indica and cannabis sativa, except that the same shall not apply to prescriptions, preparations or remedies which do not contain more than one half grain of extract of cannabis indica or more than one half grain or extract of cannabis sativa in one fluid ounce, or if a solid or semi-solid preparation in the avoirdupois ounce, nor to liniments, ointments or other preparations containing cannabis indica and cannabis sativa, which are prepared for external use only.

Section 10. The repeal of any law by this act shall not affect any action, suit or prosecution pending at the time of the repeal for an offense committed, or for the recovery of a penalty, or forfeiture incurred, under any of the laws repealed.

Section 11. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the house of correction or jail for a term not exceeding one year, or by both such fine and imprisonment.



Section 12. Chapters six hundred and ninety-four and seven hundred and eighty-eight of the acts of the year nineteen hundred and fourteen, and sections two to six, inclusive, of chapter three hundred and eighty-seven of the acts of the year nineteen hundred and ten, are hereby repealed.

Approved April 20, 1915. (Chap. 187, page 4.)

**Grand Jury Resolution Relating to Narcotic Drugs.**—Whereas, The Grand Jurors, United States of America, for the Southern District of New York, upon their sworn oaths have impartially caused to be found during their September, 1917, Term, an unlimited number of indictments against an army of defendants for flagrant violations of an Act of Congress approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations; and consummated within the jurisdiction of the Southern District of New York; and

Whereas, It has come to the official attention, observation and knowledge of the Grand Jurors, United States of America, Southern District of New York, that notwithstanding the stringent provisions of this Act of Congress as aforesaid and its strict enforcement by the United States Internal Revenue and other agents of the United States, it was amazing, revolting and shocking to hear the testimony under oath of the various witnesses before the Grand jurors, in particular the addicts, as to with what ease they purchased and obtained such narcotic drugs as heroin, morphia, cocaine, and opium, from divers persons who illegally traffic and peddle the sale of these various narcotic drugs as aforesaid, and how certain physicians in the daily course of their professional practice personally, promiscuously write prescriptions for these addicts under guise of correctional medical treatment and radical cure, calling for the compounding of various narcotic drugs aggregating excessive doses, which said prescriptions these said addicts take to certain drug stores within the jurisdiction of the Southern District of New York for compounding and delivery to these said addicts, at fabulous and prohibitive prices; and

Whereas, These certain proprietors of drug stores are in league with these certain physicians under a partnership arrangement with a legally drawn contract whereby a scale of prices and profits accrue to these certain physicians based upon the amount of quantity of the narcotic drug so indicated on prescriptions; and

Whereas, This enormous, criminal trafficking in narcotic drugs in the City and County of New York within the jurisdiction of the Southern District of New York by confirmed addicts, convicted felons, unscrupulous persons, physicians, druggists and others is most revolting, shocking and disgraceful, a menace to the human race, and beyond the control of the Act of Congress approved December 17, 1914, and specially enacted to prevent and guard against such conditions.

Now, Therefore, Be It Resolved, That the Grand Jurors, United States of America, for the Southern District of New York, September, 1917, Term, now in session, after careful and mature consideration and due deliberation, by a unanimous vote of its body, a full quorum being present, mindful of its duties and powers, respectfully suggest and recommend the following:

That the entire output of the production and manufacture by all manufacturing and pharmaceutical chemists and other chemical manufacturers of opium or coca leaves, their salts, derivatives or preparations, etc., should be

in absolute and direct control of the United States Government, that chemists and Internal Revenue Inspectors should be assigned to the various manufacturing chemical plants throughout the United States, its Territories and Possessions, that the output of the manufactured product should be shipped to various Government warehouses, zones being established therefor throughout the United States, that the Government should officially control the price, the quantities shipped to the various wholesale druggists, jobbers, dealers, retailers and pharmacies,—all these, and all manufacturing plants, to be bonded and licensed,—and that the Government should control the exportation from and importation into the United States.

The Grand Jurors, United States of America, Southern District of New York, do hereby request the co-operation of the United States Attorney for the Southern District of New York in taking up with the United States Department of Justice the subject matter, so as to cause a bill to be prepared for submission to Congress seeking the immediate enactment of broad and suitable statutes that will eliminate this evil.

Be It Further Resolved, That a copy of this Resolution be filed with the Honorable Court for the records of the Court, and a copy likewise be transmitted to the Attorney General and the United States Attorney for the Southern District of New York. (See p. —). *Albert J. Weber*, Foreman, Grand Jury, United States of America, Southern District of New York. Old Post Office Bldg., New York City.

**Reaching the Adult Responsible for the Delinquent and Neglected Child.**—I assume that every critical reader will agree with me that an overwhelming percentage of the cases that come to the juvenile courts of the country can be traced, either directly or indirectly, to some adult. And the problem that has always been confronting probation officers and juvenile court workers is to reach and correct that adult, and through him the child.

Adult contributors may be divided into the following classes: (1) Those who maliciously and deliberately train a child in delinquency and then enjoy the financial fruits of their work; (2) those who contribute through their own carelessness and indifference, allowing the child to take the easiest way, which is generally the wrong one; and (3) those who through their zealousness and anxiety force their child into ways which end in delinquency.

Under the first class might be placed the prostitute who teaches a girl to learn her own trade, the thief who schools the youth in pocketbook snatching, shop-lifting, etc., and the burglar who instructs his pupils in the general arts of safe-robbing and house-breaking. While an adequate "contributory delinquent" law would reach all classes, it is the only way that this particular class can be reached and it is to be regretted that there are such laws in so few juvenile courts. And I might say that from my personal experience it is one of the hardest sections to get written into a juvenile court law. For some unknown reason it seems almost impossible to convince law makers that it is possible for an adult deliberately to go about making a delinquent of a child by using it for criminal practices.

In the second class, those who contribute through carelessness and indifference, we meet an entirely different proposition. Most of these cases come from the poorer and more shiftless class, making a jail sentence or a heavy fine (which a contributory law would inflict) almost an impossibility for in most cases such a disposition would not get to the root of the trouble, but at the

same time would leave the rest of the family (generally a large one) in destitute circumstances, necessitating the assistance of the state. I think that one of the greatest parts of probation work is for the officer to instill in the heads of such families a proper sense of duty to their children and the state. This oftentimes is a long, tedious process and in a great many cases can never be done. But when it is accomplished, it can be pointed to with pride and a satisfaction of knowing that another family has been pulled through a crisis and is still together. There are times when it looks as if all of the work is to go for nothing and we must admit failure. Very often at this time the taking of one or more of the children out of the home, either permanently or temporarily, has just the proper effect and causes an awakening and readjustment in the family scheme of living which enables us to place the children back in the home after a reasonable length of time and be sure that they will be supervised properly. This works very well where the parent cares for the child, but as is often the case, they would gladly relinquish their responsibility to someone else; it sometimes has a salutary effect to make them pay for the support of the child in some institution or some boarding house. We have tried this in the District of Columbia in cases where the parents could afford to pay and have found that after a time they are willing to take the children back home and properly care for them, even though it is under compulsion. Fortunately we can enforce this kind of an order by sending the parent to the workhouse under the non-support act, should he fail to pay as ordered. An objection might be made to locking the parent up, but as the children, in such cases, have already been taken out of the home, it is not working any hardship on the family.

By far the hardest class to work with are the children that come from good homes where there is ample income and good influence, but where the parents, because of their desire to have the child go the right way, are too rigid in their discipline, and do not put sufficient trust in the child or, they trust *absolutely* in the child, believing that it can do no wrong, and enforce no discipline whatever. Either very often leads to deception on the part of the child and ultimately to delinquency. The work for the probation officer in such cases is much harder than in the second class because we have a much more intelligent and sometimes resentful parent to deal with. I think it is much easier to convince a parent that they have been too lenient in their discipline than that they have been too strict. But if the officer can win the respect and the confidence of the parent and can make him see that he is really interested, very often the parent is willing to take suggestions and straighten out the trouble.

To sum up briefly, the two most effective ways of reaching the adult responsible for the delinquent and neglected child is either through an adequate contributory law, carrying a fine or imprisonment or both, or by persuasion and probably force of various kinds on the part of the probation officer. The degree of success will depend upon the "drasticness" of the contributory law and the persuasive powers of the officer.—*B. Howard Clark*, Chief Probation Officer, Washington, D. C.

#### PENOLOGY.

Joseph Matthew Sullivan, Boston, Massachusetts.

**Irish Prison Conditions.**—The inquest into the death of Thomas Ashe was concluded by the return of a verdict which has stirred Ireland profoundly. The judgment of the jury, as printed in the *Weekly Freeman* and the *Irish Weekly Independent*, reads:

"We find that the deceased, Thos. Ashe, according to the medical evidence of Prof. McWeeney, Sir Arthur Chance, and Sir Thomas Myles, died of heart failure and congestion of the lungs on the 25th Sept., and that it was caused by the punishment of taking away from his cell the bed, bedding, and boots and left to lie on the cold floor for fifty hours, and then subjected to forcible feeding in his weak condition after a hunger strike of five or six days. We censure the Castle authorities for not acting more promptly, especially when the grave condition of the deceased and other prisoners was brought under their notice on the previous Saturday by the Lord Mayor and Sir John Irwin.

"That the hunger strike was adopted against the inhuman punishment inflicted and as a protest against their being treated as criminals and demanding to be treated as political prisoners in the first division.

"We condemn forcible or mechanical feeding as an inhuman and dangerous operation, and it should be discontinued.

"That the assistant doctor called in, having no previous practice in such operations, administered unskilfully forcible feeding.

"That the taking away of the deceased's bed, bedding and boots was an unfeeling and barbarous act, and we censure the Deputy-Governor for violating the prison rules and inflicting punishment which he had no power to do; but we infer he was acting under instructions from the Prisons Board at the Castle, which refused to give evidence and documents asked for."

Shortly after the publication of this verdict Mr. Duke, the Chief Secretary, was interpellated in the House of Commons, but as he refused to answer a pertinent question, the process was short and unsatisfactory. Incidents of this kind and numerous arrests of Irishmen on trivial charges have given an impetus to Sinn Fein. De Valera is as active as ever. He is attended by throngs of people who apparently look to him for relief from untoward conditions.—(America.)

Herein lies one of the strongest arguments, imaginable against the "classification of prisoners." In Great Britain prisoners are sentenced to imprisonment in the first and second division; the first division carries with it imprisonment without hard labor; the second division includes hard labor. Political prisoners object to their being treated as common felons, hence hunger strikes, etc. I have never been able to find out on what grounds a judge determines that a prisoner shall serve in the first or second division. He makes favorites at the outset; this destroys all discipline in any prison, and makes the lot of prison officials unbearable and discipline a hollow mockery. Passing sentence is a judicial act which does not end with the mere record of the sentence on the court docket, and handing a "mittimus" to the committing official to transport the prisoner to the place of confinement. The prisons contain the mistakes of courts, police, lawyers, etc., just as the cemetery contains the blunders and mistakes of the medical fraternity. In like manner the asylums contain the mistakes, blunders, erroneous findings, and incorrect conclusions of the alienists. Of course imprisonment without labor means idleness; idleness breeds discontent and trouble; the courts seem to forget that much of the troubles of humanity originate many years preceding sentence, and then they expect prison officials to make saints out of rascals, and reform humanity where the church, home, and police have failed. American prison reformers who are always seeing perfections in foreign prisons, and laxity and imperfections at home will do well to pause and consider the above. In my foreign

travels I never saw such great perfection as our reformers at home seemed to have found in their foreign travels; prisons are blamed at times when the fault is in human nature with all its imperfections; the prison will continue to exist so long as wolfish ignorance preys upon its helpless neighbor; we must bear in mind that the human race contains beasts just as wild as lions and tigers which are to be found in the jungles of Africa. Incompetency and ignorance are the causes of many of our human errors; ignorance intrusted with power causes many abuses; but the prisons will bear a satisfactory scrutiny and comparison with most of our schoolhouses; in fact many of the prison problems of today can be traced back to the schoolhouse where the unrestrained, undisciplined youth was not corrected at the proper time but was allowed to run riot until he got beyond all legitimate control.—*Joseph Matthew Sullivan*, Boston, Massachusetts.

POLICE.

**Annual Report of St. Louis Police Department.**—The Annual Report of the St. Louis Police Department for 1917 is devoted to the presentation of routine police statistics and personnel data, which is of little value to students, executives or the general public.

The St. Louis Department has a Bureau of Efficiency consisting of two captains, a lieutenant and a patrolman, assigned monthly by the Chief of Police, which exercises the functions of a civil service commission in conducting examinations for appointment and promotion, which has charge of the service instruction and the service records of the members of the uniformed force and which investigates all complaints against police officers, acting as a court-martial in the case of minor offenses and preferring charges for trial before the police board in more serious cases.

The Department also publishes a weekly *Police Journal* which is devoted not only to the publication of formal orders and newly enacted statutes and ordinances but also to other material tending to increase the working efficiency or the personal welfare of the members of the police force.

LEONHARD FELIX FULD, *New York City*.

**Legal Training for Police Officers.**—"Case and Comment," the Lawyer's Magazine, calls attention in a recent number [Volume XXIV, No. 5, page 387, October, 1917] to the need for the legal training of police officers. After mentioning the efforts recently made by Harvard, Columbia, Northwestern University and the University of California to meet this need, it says that this legal training cannot be given to policemen by police officials whose knowledge of the law is almost wholly empirical, nor can it be given to them best by college professors whose knowledge of police work is wholly theoretical.

This instruction should be given to them by men of broad university culture and special training in law and in political science. It should be given to them by men who have had in addition, practical experience in police work. It should be given to them without fee, charge or expense to any police officer, since the benefit to the service resulting from this legal training of police officers will be immeasurably greater than the incidental benefit to the police officer in enabling him to secure promotion and finally, if practicable, this training should be given to police officers without expense to the city.

All of these conditions can be successfully met by encouraging able, well-educated, ambitious, young police magistrates to undertake this source of instruction of policemen in addition to the routine duties of a magistrate. In most cities the official duties of a police magistrate do not occupy his whole time

and in those cities in which police magistrates are required to sit all day they alternate a cycle of days of service on the bench with a cycle of days of rest from their judicial duties. These men are admirably suited by education and by experience to undertake this important educational work.

LEONHARD FELIX FULD.

**Annual Report of New York Police Department.**—The annual report of the New York Police Department for the year 1916, in the section devoted to the discussion of current police problems, devotes considerable space to the discussion of police problems arising from war conditions, to the establishment of a merit system for the members of the uniformed force, to the establishment of the Auxiliary Home Defense League, the extension and development of the curriculum of the training school and the police campaign for the reduction of street accidents and juvenile delinquency. Excellent half-tone illustrations add to the value of this section of the report for the general reader.

For the professional reader the statistical tables to which more than one hundred pages of the report are devoted possess special interest. The statistics of arrests are presented under a decimal system of crime classification which has been elaborately developed in the interests of clarity of presentation and which should be adopted by all police departments with a view to securing uniformity of statistical presentation and a common ground for comparison. Graphs, percentages, comparisons with the preceding year and elaborate analyses are added when needed for adequacy of presentation.

Of the new activities undertaken by the police during this year, of which special mention should be made, the principal ones are the systematic aid given to released convicts, the establishment of a departmental psychopathic laboratory, the organization of a police chorus, Christmas trees in station houses for the children of the poor and the extension of the juvenile police.

**The Law of Illegal Public Speaking.**—One of the most difficult police problems in urban communities, arising from the war, is the differentiation between the freedom of speech and its licentiousness which the police may lawfully curb in their efforts to suppress seditious gatherings and utterances. In a pamphlet of sixteen pages Magistrate Frederick B. House of New York has prepared for the use of magistrates and police officers in New York City a clear exposition of the present law on this subject, with an adequate citation of the principal decisions.

This pamphlet is deserving of the most careful study by all peace officers and by the judicial officers charged with the duty of maintaining the peace in American cities during the present international emergency.

**Pennsylvania Commission on Penal Code.**—Governor Brumbaugh of the State of Pennsylvania, has just appointed a commission of five to revise the penal code of the State of Pennsylvania, composed of the following persons:

Chairman, Edward M. Abbott of Philadelphia, secretary of the American Institute, and chairman of a similar committee of the State Bar Association of Pennsylvania; secretary, Wm. E. Mikell of Philadelphia, dean of the law school of the University of Pennsylvania; George C. Bradshaw, Pittsburgh, Pa., Clarence D. Coughlin, Wilkesbarre, and Lex N. Mitchell, Punxsutawny.

The duty of this Commission is to recommend to the legislature of 1919 changes in the existing criminal laws and to codify the law in so far as it is possible.—R. H. G.