Journal of Criminal Law and Criminology

Volume 9 | Issue 1 Article 9

1918

Notes and Abstracts

NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—MEDICO-LEGAL

Skech of Proposals by the Illinois State Board of Commissioners of Public Welfare, looking towards a comprehensive program for recodification of the laws of the State on Public Welfare. The Civil Administrative Code of Illinois contains the following outline of the powers and duties of the Board of Commissioners of Public Welfare:

Section 8, Article 1.

"To consider and study the entire field; to advise the executive officers of the department upon their request; to recommend, on its own initiative, policies and practices, which recommendations the executive officers of the department shall duly consider, and to give advice or make recommendations to the Governor and the General Assembly when so requested or on its own initiative."

Pursuant to this, the Department of Public Welfare has requested this Board to prepare a comprehensive program of welfare work throughout the state, looking towards an extensive revision of the statutes on numerous subjects. This at once opens the practical question whether any specific subjects which might be presented are not so inter-related with the whole that an intensive study of the entire code will be involved and therefore whether we should not, as the law specifies, *"study and give advice"* as requested or on our own initiative, *"over the whole field,"* whether anything short of a comprehensive study of all the inter-related subjects of public welfare would not result in merely general and perfunctory recommendations such as sometimes characterize non-executive boards charged with functions only of investigation and advice.

The Department of Public Welfare with its director, assistant director, alienist, criminologist and superintendents of pardons and paroles, prisons and charities is perhaps in a stronger position for effective work than similar boards in most of the other states; but is handicapped by rudimentary laws, many of which, notably those on insanity and mental responsibility, were laid down in the dark ages of public welfare seventy years ago and therefore are not responsive to the public conscience of the present day, not responsive to established principles of sociology on a wide range of subjects. Among these are three which at the outset call for a broad consideration of an entire administrative code, as it pertains to public welfare.

1. Revision of Court Procedure.
2. Industrialization of Public Institutions.
3. Farm Colonies.

1. *Court Procedure:* The correlation of crime and disease, hitherto little appreciated, gives rise to a pressing need for constructive legislation on criminal court procedure, a subject in which medicine, through the psychopahic laboratory, is pointing the way to the legislator. Under the old procedure a so-called criminal insane person who has committeed an act of violence, is subjected to observation of weeks or months by some officer, who then guesses at his degree of responsibility and at the relative danger or safety of permitting him to be at large. One prisoner, who is mentally normal and otherwise qualified for parole, is detained for years because no scientific facts are available on which he can be released. Another, perchance, a paranoiac homicide, a subject of dementia praecox, or a mental defective, and therefore dangerous not only now, but as

long as he may live, is paroled because no scientific facts are available on which he can be detained. Today a trained expert frequently can apply scientific tests to a psychopathic subject, which in two hours will tell him accurately more than possibly could be learned by the older methods in the life time of the individual. I am sure that the expert member of our Board, Dr. Norbury, will say that those who drafted criminal laws seventy years ago would be about as much at home in the face of modern psychopathic science as primitive man, driven from his raft, would be in the engine room of a dreadnought.

Let us illustrate by a case or two: Recently a man, born twenty years ago, wanted chocolate creams and obtained 50 cents worth of them by throwing a brickbat through a hundred-dollar plate glass window. He was sent to prison for a year and when released was found on psychopathic test to be mentally not twenty, but eight years old. Another boy of eighteen years was driving a horse diagonally across the street contrary to police regulations. He made some offensive remark to the officer, who attempted to stop him; whereupon the officer attacked him with his billy, beat him up and dragged him before a judge, who promptly gave him a year in prison for resisting an officer in the discharge of his duty: this boy, on psychopathic test, was rated mentally seven years old, and on that basis, instead of being a criminal, was a mental defective who had shown extraordinary initiative in having driven a horse at all.

I adapt some of the following from a paper read by Judge Harry Olson before the New York State Bar Association in 1917. Under antiquated laws our courts are making little or no distinction between the mentally irresponsible and the mentally responsible, between the criminal or normal or nearly normal mentality and the irresponsible law breaker. Consider the appalling record of assassinations and attempted homicides by the feeble-minded, paranoiacs, subjects of dementia praecox, and other insane individuals. The law, without much discrimination, provides for punishment, for vindication, rather than restraint for the protection of society.

In the fierce competition of modern life these people fail and their instincts, unrestrained by normal resistance, impose penalties on them which were intended for the normal. They rather should be subjects for diagnosis in the psychopathic clinic and for our consideration and care. They should be segregated and restrained; they are not fit subjects for the gallows or the prison. The farm colony, to be mentioned later, offers the one solution for the treatment of many of the mentally abnormal who get into our courts. In such colonies the human by-product can be utilized to its own advantage; even as the material by-product is utilized in the industrial and commercial world. These unfortunate people, instead of growing up to be destroyers of society, should be identified at the earliest possible moment and given, in early years, the only training which possibly can help them. Especially those of higher intelligence, who, in childhood, are difficult to recognize except by the expert, should be sorted out in our schools and special methods of training applied to them either in farm colonies or in other suitable environment.

At one time in England 165 crimes were punishable by hanging.

Now the opposite extreme from the standpoint of the community is even more deadly, for in giving to the mentally unsound license to commit crimes and reproduce their kind, it results in the destruction of society. Medical science has advanced; the law in America has lagged behind. Sweden regulated judicial

procedure with relation to persons of doubtful sanity in 1826. Why should the State of Illinois wait until 1926?

The rediscovery of Mendel's law has forced the alienist and the psychologist to recognize the indelible factor of heredity in juvenile and adult delinquency. We do not fail to make a just and liberal estimate of the recognized value of social environment, but in this case of the incurable psychopathic individual, subject of dementia praecox, paranoia or feeble-mindedness, it is clear that we cannot continue to leave the biological facts out of account. In his own interest and in the interest of society we must cease to allow him unlimited license in arson, murder and rape. Bad heredity may create bad environment at once, but ages of bad environment may not create bad heredity. The neurosis of the congenitally defective being permanent, these people should be restrained from procreation and from deeds of violence.

Some will urge that in order to care for these cases our institutions must be multiplied many fold, but this only clinches the argument: the greater the number at large the greater the immediate peril to society; the greater the remote peril to the race. The number of the mentally unsound may be ever so great, and yet, under a system of scientific industrialization, they may be able to relieve the state of much of the burden incident to their care. Others will urge that psychopathic tests are fallacious, that presidents of colleges, statesmen, professors, generals and admirals sometimes cannot meet them, that sometimes even they register a mentality of only ten or twelve years. This may be owing to the fault of the psychopathic expert or may be a demonstration of the accuracy of the tests. The following case is one in which the tests were not faulty: A young physician, who had had a few years of training in one of the great psychopathic clinics of Europe, passing through England visited a physician of deserved international reputation, who invited him to examine a psychopathic case. On the conclusion of the usual tests he said:

"This boy is utterly irresponsible; he is very prone to commit acts of violence and should be segregated."

The neurotic mother almost swooned. Whereupon the physician put his sympathetic hand on her shoulder and said:

"My dear, this boy will do nothing of the kind. Our young friend here is fresh from the laboratory and charged with the enthusiasm of youth."

At eleven o'clock that night our enthusiastic "young friend" was awakened in his hotel by the physician, who said:

"That boy cut his throat at two o'clock tonight. I want to apologize and I want to know something more about this modern psychopathic development." The conversation continued until four o'clock in the morning.

The laws in Illinois in some respects, notably those which have designated the state alienist, state criminologist, superintendent of prisons and other heads of departments already are possibly in advance of the laws of any other state, but the statutes on insanity and mental responsibility under which these departments have to work were laid down as above stated in 1848 and even with some occasional changes are now, in the opinion of experts, obsolete and especially so in their failure to square themselves with our present knowledge and with the public conscience on the correlation of crime and disease. In some of the more advanced countries of Europe, the laws of which we might study with profit, it is demanded by statutory enactment that all public welfare laws be

systematically reviewed, and, as required by changing conditions, recodified every ten years. During the seventy years which have passed since our laws on mental responsibility were framed, perhaps the public welfare of Illinois might have profited by such a provision.

Illinois pays for its charitable institutions 28.1 per cent of the total expenditure of the state; for the neurotic and insane group, 21.8 per cent. In addition to this, the cost of arrests and the maintenance of penal institutions in Illinois in one year, exclusive of court expenditures, is $12,000,000. Can there be a more striking example of economic waste, *especially since it is believed that many of our institutions might be made nearly or quite self-supporting?*

The ideas herein expressed are not new to medical and legal experts who are familiar with criminal and insane court procedure and have observed the absurdities of our present antiquated system by which, for example, a defective adult, who mentally is perhaps twelve years old, is sent to the gallows in consequence of court procedure which makes no discrimination between him and the counterfeiter or accomplished bank burglar of superior intellectual endowment.

2. *Industrialization:* Occupation for the inmates of our public welfare institutions embraces not only prison labor, but also work as a physical, moral and mental necessity for every inmate, of every institution, who is able to work. Consider what would be, for example, the civilizing influence of green houses at the Geneva State Training School for Girls, where these girls could conduct a business, profitable to themselves and to the state, in cultivating flowers for the market.

Considerable progress already has been made in our institutions toward efficient industrialization, but what has been done is relatively only a beginning. The experience of other states and countries gives sound reasons for the conclusion that adequate, scientific industrialization of our penal, reformatory and charitable institutions would pay interest on any necessary additional equipment even to the extent of some millions of dollars and then leave a surplus, which, together with our present appropriations, would give funds sufficient to carry our welfare service up to a level that could set a standard for the nation. But the financial gain is not the most essential consideration. The hope of the criminal and insane lies in the greatest of all curative measures, in occupation. Much enforced idleness which prevails in many of our prisons, reformatories, asylums and other charity institutions is not only demoralizing and destructive to the inmates, but involves an economic waste which would destroy any legitimate industry. A properly industrialized prison, instead of making drafts on the state, has shown itself able to accumulate a circulating capital sufficient to finance the whole institution. A portion of such proceeds might be devoted to the support of the convict's family to restitution for thefts or damage to the property of those whom he may have injured. A convict who earns the means and makes such restitution thereby goes far toward proving his fitness for pardon or parole. Unfortunately under the present laws our institutions are not permitted to accumulate a circulating capital for their own use; surplus earnings must pass to the treasury of the state; all this should be changed.

3. *Farm Colonies:* Farm colonies, with suitable facilities for shop work, in the judgment of those who have made an intensive study of the subject and have had practical experience in the courts and in public welfare institutions, will be the logical corollary to scientific industrialization and suitable court pro-

cedure. These colonies will have to be educational and as such will differ among themselves according to the needs of the abnormal as widely as ordinary educational institutions differ according to the needs of the normal. One colony, let us say, would be adjusted to the needs of the harmless feeble-minded; another would serve psychopathic individuals who are prone to deeds of violence; another would be suitable for young law breakers, who, being mentally normal or nearly normal, need favorable environment for reform; another, such as we have already at Dixon, for epileptics. Such scientific classification would put an end to the herding together, to the disgrace of a civilized state and with untold injury to themselves, of heterogeneous masses of psychopathic delinquents with normal criminals. In such association the weaker-minded makes a hero, almost a god, of the stronger-minded criminal, whose willing pupil he becomes. Our penal institutions are intended to be reformatory; they are said often to be schools of crime.

Once established in working order, farm colonies would be accepted as a matter of course. Many families having psychopathic members would welcome the opportunity to place them where they could earn their own support, receive some education, and not be subject to the ridicule of their fellows, where they would be out of harm's way, harm to themselves and to others. I have been interested recently in a dementia praecox lad, twenty years old, of homicidal tendencies, who was placed by the court in such a colony in California, where he improved so much in a few weeks that he was sent home. The capacity of the place was limited and it was necessary to make room for others. Both the boy and his family were reluctant to have him taken out of "the school." Once understood, these colonies would be in demand like schools for normal people. Doubtless also private farm colonies like private asylums would arise to meet the demand of psychopathic subjects whose families shrink from public institutions.

It is true that all these changes are somewhat formidable, both in point of view and in point of practice; that they will necessitate considerable outlay for psychopathic laboratories and clinics, for the education of experts to conduct them, and for the education of police, attendants, wardens and judges, who, without special training, will not be competent. A judge in a criminal court, whatever else he may be, should be a criminologist. It is time to take active measures to reduce the reproduction and ravages of a dangerous group from an active, formidable, increasing liability to a relatively safe, decreasing liability.

The signs are that there is an oncoming wave in criminal court procedure which will roll over us unless we go with it, which will require every law-breaker to pass under the judgment both of the jurist and the pathologist. This will insure sympathetic treatment of the mentally abnormal delinquent, and what also is important, it will open the way to treatment and reform of the so-called normal criminal, a reform which the forces of retributive justice have failed to accomplish.

Whatever we do we must proceed with caution and conservation, but we can decide now whether we shall plan the most "comprehensive program" with an outlook upon the entire subject; so that whether we now do little or much, however long the task may be, our results shall square themselves with that program, so that in our progress toward completion no part of the work will have to be undone. In a survey of all public welfare laws many subjects of

importance will have to be considered. I specially have presented three which seem urgent: Court procedure, occupation and farm colonies.

It is believed that sufficient preliminary work has been done, that sufficient knowledge already is available to justify the attempt to bring the statutes of Illinois into harmony with our present knowledge of the relations of crime and disease. It may be possible to formulate or cause to be formulated legislative propositions which will arrest the attention of the General Assembly of 1919. The ground is scarcely broken. Will Illinois lead the way?—E. C. Dudley, M. D., President of the Illinois Board of Commissioners of Public Welfare, in the *Institution Quarterly,* Springfield, Ill., March, 1918.

Comparison of the Physical Condition of Prisoners on Admission and Discharge.—Following are the conclusions of Dr. Frank L. Heacox, physician at the State Prison, Auburn, N. Y. from an article under the above title in the *New York Medical Journal* for January 5, 1918:

1. The prisoners received from other penal institutions are in better condition at time of admission to this prison than those received from the courts and other outside sources.

2. The majority of prisoners are in better physical condition when discharged from this prison than they were when admitted.

3. This improvement is too small to meet the requirements of modern penal and medical standards.

4. The medical department is only a little more than barely able to take care of the illnesses and injuries that arise in the institution.

5. The medical staff, consisting only of two, is already overworked.

6. The improvement in the health of prisoners may be greatly increased by the following means: sanitary housing conditions; properly balanced diet; adequate medical staff.—R. H. G.

Psychological Elements in Law Making.—"It is most fashionable to decry the admission of emotion to any part in the making or administration of the law; to exalt the cold, clear light of reason as the sole permissible guide of the lawmaker and the judge. A former president of the American Bar Association in the course of a recent criticism of legislative tendencies said: The trouble with much of our legislation is that the legislator has mistaken emotion for wisdom. The idea is one which holds an honored place in the well-known Kultur and has received at least one extensive exposition (The Perils of Emotionalism, by Fritz Berolzheimer, published in the Modern Legal Philosophy Series). It needs, however, but small knowledge of psychology to discern that it is one alien to American ideals. No reform ever found its birth in the realm of intellect. The love of freedom, the love of justice, sympathy for suffering, what are these but emotions which for generations have pressed mankind onward to discover means by which they might be effectuated? Intellectual subtlety created the fellow servant doctrine and assumption of risk, and a national instinct of justice at last revolted from them. Emotion rose in arms at the horrors of slavery and beat down the cold intellectual portrayal of its economic advantages. Personal virtues are merely emotions made permanent. A selfish man feeling a momentary burst of generosity calls it an emotion. When that feeling becomes habitual he becomes a generous man. The teaching that pity is weakness bore fruit in the rape of Belgium. The lesson is not

without its value for us. The moment that we as a nation begin to act on the belief that we should be guided by purely intellectual considerations, putting aside as weak and visionary emotion and sentiment, we shall set our feet on the path that leads to some deed of enduring infamy."—From *Law Notes,* March, 1918.

Narcotic Addiction Serious Problem for the Government.—I do not hesitate to make the unequivocal and positive statement that the gigantic narcotic drug evil is a dangerous menace to human civilization, greater than alcoholism, and is sapping at the very lives and welfare of our American citizens, for this fact has been demonstrated clearly to me for many years as foreman of grand jurors, United States of America, southern district of New York, and likewise as foreman of the New York County grand jury.

In both of those capacities I have investigated an army of witnesses and defendants suffering from narcotic addiction, and as foreman of the federal grand jurors I drafted resolutions which were adopted and filed in the United States District Court by order of the justice presiding at that term.

These resolutions call upon the United States attorney for the southern district of New York to take up with the Department of Justice the subject so as to cause a bill to be prepared for submission to Congress seeking the enactment of broad and suitable statutes that will eliminate this evil in so far as this can be done by statutory enactment, regulating and controlling the supply of narcotics from its source and in its distribution.

The resolutions recite that the entire output of the production and manufacture of opiates by all manufacturing and pharmaceutical chemists and all other manufacturers of products of opium or coca leaves, their salts, their derivatives or preparations, etc., shall be in absolute and direct control of the United States Government, and that chemists and internal revenue officers shall be assigned to all these plants throughout the United States, its territories and possessions; that the output of the manufactured product should be shipped to various government warhouses, zones being established therefor throughout the United States; that the government officially shall control the price and the quantities of narcotic drugs shipped to the various wholesale druggists, jobbers, dealers, retailers and pharmacists; that all these and all manufacturing plants shall be bonded and licensed, and that the government shall supervise and control exclusively all import and export shipments.

It has been shocking to hear these unfortunate and suffering addicts testify as to the ease with which they purchased opium, morphia, heroin and cocaine from persons dealing, peddling or otherwise trafficking in these drugs upon the streets or in places known to them and their customers and slaves. This is a condition which obtains at the present time. This traffic is carried on by some of our worst criminals and has associated with it abominable activity in the recruiting of the youth of our city as future customers.

It was also shocking to hear how certain physicians unscrupulously and illegally engage in the supply and sale of these narcotic drugs, and how they promiscuously write prescriptions for these narcotic addicts under guise of correctional medical treatment and promised medical cure, which prescriptions the addicts take to certain druggists for compounding at fabulous prices.

I have found that between the criminal traffic and street peddling and the physicians of the type I have described an addict with the necessary funds can

purchase all the narcotic drugs he wants, and it is exceedingly easy for those who know how to go about getting them. I have officially investigated the matter and found that the illegitimate supply is greater than ever known in the history of the underworld.

It was pathetic to listen to some witnesses, both men and women, who, in good faith and in hope of a radical cure, had gone to certain physicians and were given spurious and worthless cures and treatments. These physicians were really exploiting the helpless narcotic addicts, commercializing their terrible misery without giving them any relief.

I caused the indictment of several of these physicians and dishonest druggists and they are serving their sentences.

My personal experience for many years as foreman of the United States grand jury, and also previously as an associate member of that body, has convinced me that the United States Public Health Service at Washington must be a factor in any law that is to be enacted for safeguarding the future lives of the addicts. I suggested to the Department of Justice that the United States Public Health Service should take steps to initiate an exhaustive study and investigation of the prevailing universal condition of narcotic drug addiction, and the present methods and manners of treating this calamity, and provide intelligent and humane care for the handling of the victims and encourage lay and medical education concerning narcotic drug addiction.

Most important would be an official and exhaustive medical investigation by the combined powers of the Public Health and Internal Revenue Services of all so-called "treatments" and "cures," their intrinsic therapeutic value to be absolutely established and determined upon their scientific merits and not upon what those associated with them advertise.

As foreman I discussed officially with several of the United States District Court justices the control of these violations of narcotic drug laws. I said we must proceed simultaneously on two lines: First, to control illegal and criminal distribution, whether the illegitimate distribution is through the underworld street peddler or through the medium of dishonest members of the medical and pharmaceutical professions; second, for the sake of compassion and the practical handling of the problem of disease and sickness in the addict, to obtain humane and skillful medical care and treatment by honest physicians, reliable institutions or other reputable means.

I have made a study of narcotic drug addiction for many years past by visiting and consulting with the greatest medical authorities and visiting their clinics in Jena, Heidelberg, Freiburg, Munich, Vienna, Berlin, Paris, London and in this country. I also have consulted the greatest pharmaceutical and chemical authorities and manufacturers in Germany and England.

I am therefore in a position to interpret evidence adduced before me as foreman of the United States grand jury and to express my convictions on the strength of my own research work, reinforced with the practical research of others. My own life work and training and practical experience has been that of chemical engineering and experimentation, especially in the lines of organic chemical combustion products.

It has been established beyond a doubt that narcotic addiction is a disease, but many physicians do not understand the proper treatment of such patients. That is a well known fact. The quicker they realize it and exercise their brains

in the final determination of what is the exact pathology of this disease and what are the salient principles upon which clinical treatment can be practically and in genuine faith worked out, the quicker will the narcotic problem be under control.

They should master the pathology, clinical symptoms and therapeutics of addiction and have a finer understanding and conception of physiological and pharmaceutical chemistry, and when prescribing opium or morphine, or any of its alkaloids, derivatives or preparations, be able to appreciate how they act on the human system and what they are capable of doing.

We have now reached a certain stage in this gigantic problem and are halted by lack of medical information. Physicians must try to identify and isolate whatever material in the body causes the frightful suffering of the disease. English, Continental and American research authorities whom I consulted characterized it as a "phenomenon" in the human system. Alkaloidal and physiological chemistry, combined with careful and serious clinical study, will be the dominant factor that will ultimately determine the character of this phenomenon and its results.

It is very apparent that there seems to be a lack of sufficient number of medical authorities who have been trained so that that they are competent to investigate this problem.

At the request of Senator George H. Whitney, chairman of the Joint Legislative Committee of New York State now investigating the matter of narcotic drug addition, I called attention to the very serious situation our boys in the American army would be forced to meet in the necessary administration of opiates at the front. It has been determined that a considerable proportion of those already wounded on the battle fields have had this condition unavoidably developed in them. We shall not be fulfilling our national duty to them if our activity and that of our scientific professions is not directed toward saving them now from narcotic slaughter, which is slow, agonizing torture and never ending misery of mind and body, compared with which a heroic death from the fire of shrapnel on the battlefields is infinitely more merciful, and we must find out the best way to help and save them.

We are awakening to the fact that ignorance has been the real cause of our narcotic drug problem. All the evidence or real value now coming out in the Whitney joint legislative committee investigations from people who are in a position to speak with real disinteresed authority is showing to the world that we have handled the narcotic addicts like people of low tastes, weak wills, criminal and other tendencies, and that we have thought them to be such, while in reality these addicts have been persons sick and suffering great bodily torment, and that what they need most is medical and scientific consideration. We cannot any longer delude ourselves as to what drug addiction really is; camouflage of obsolete ideas is as foolish and dangerous in medical treatment as it is now shown to be in the general methods of procedure we have in the past adopted toward the narcotic addict.

New York City. ALBERT J. WEBER.

COURTS—LAWS

Report of Committee on Vagrancy to the Ohio Branch Council of National Defence.—In conformity with your request of June 22, 1917, we herewith submit our report and recommendation for a plan whereby the service

of persons convicted of vagrancy can be utilized in productive work, as well as some suggestions upon related matters.

In developing a workable program for the treatment of persons convicted of vagrancy, we are confronted with legal restrictions which render the problem rather difficult—so much so that we cannot make the recommendations as extensive and intensive as might be done under other circumstances. If the State of Ohio were under martial law, we would be unhampered; but we are in a status of peace and under civil law so far as our own affairs are concerned.

The only safe legal assumption that we can take is that a person cannot be classed as a vagrant until some court has so declared. There doubtless exists in our state large numbers of persons who are loiterers without any known means of support who would find it difficult to convince a court that they should not be classified and punished as vagrants.

A vagrant under our General Code is given a general definition in Section 13409 as "A male person able to perform manual labor who has not made reasonable effort to procure employment or has refused labor at reasonable prices." The section further provides a maximum penalty of fifty dollars.

Section 3664, a part of the municipal code, among other things permits municipalities to pass an ordinance for the punishment of vagrants and common street beggars. The definition of vagrant is doubtless left for statement in the terms of the ordinance. The following section (3665) permits the fixing of a more severe punishment than is found in the general law referred to above (Section 13409).

There is a permissible scale of imprisonment:

First offense, not more than thirty days;
Second offense, not more than ninety days;
Third offense, not more than six months;
Fourth or greater offense, not more than one year.

To the above may be added a fine of not more than fifty dollars.

There is an interesting plan of cumulative sentence set forth in Section 13741, which is not used to any great extent. This section provides that any person who is convicted and sentenced for the fourth or greater time for violation of state laws or of municipal ordinances shall be considered an "habitual offender" and, if such statement is properly set forth at his trial, he may be sentenced to a workhouse for a term of one to three years. Subsequent sections provide for parole of such prisoners and for proper supervision while upon parole. Section 4131 relates to the same matter but restricts the offenses to those committed within Ohio.

In connection with the treatment of the so-called vagrant there is an attempt made in Section 13408 to define tramp, who upon conviction may be sentenced to the penitentiary for from one to three years. This section has so many limitations that it cannot be made to apply to the person commonly known as a tramp unless he acts in some of the definite ways set forth therein.

Assuming that by use of general state law, or by means of a suitable municipal ordinance, vagrants have been arrested and convicted, we confront the main question submitted to this committee: "How can they be utilized in productive work?" Many of our communities have no workhouses and no contract has been made with existing workhouses which have a limited capacity, and some of them are not engaged in very productive work. The alternative

in such cases is commitment to a municipal or a county jail, where there is usually no productive labor of any kind provided. Convictions under such circumstances are an added expense and nothing of benefit is accomplished. This situation causes the practice in many communities of remitting the fines or suspending the sentence on condition that the offender immediately "moves on."

The workhouses are confronted with the limitations of Section 41 of Article II of the constitution of Ohio which restricts the labor activities of such institutions. The local market for manufactured articles is so small and the outside objections offered so many that very little work is done within the walls that may be considered productive.

There is a strong tendency to change to farm colonies, but this requires the consent of the voters to secure the necessary funds which have been denied in several instances. It is obvious that all prisoners on a farm colony cannot be used in purely agricultural activities. Unless quarries and paving brick plants are possible on such farms, no very profitable result will follow.

By a combination of farming, crushing stone and making brick the correction farm colony owned by the District of Columbia at Occoquan, Virginia, has offered an abundance of profitable labor for hundreds of offenders in all seasons of the year. A similar development of the state farm for misdemeanants near Greencastle, Indiana, has shown the feasibility of centralized state control in places where diversified employment can be provided.

Centralized state control in Ohio would require additional legislation, but this committee is of the opinion that such control is necessary before the vagrant and tramp, as well as other misdemeanants, can be successfully handled in productive labor.

Under existing laws, nevertheless, the case is not hopeless. Sections 7500 to 7514, as found on page 656 of Vol. 106, Ohio Laws, provided a definite plan for the use of prisoners in jails and other penal institutions in the preparation of road building materials and in the performance of labor in the building and repair of streets and roads. The State Highway Commissioner, county commissioners and city officials are given very definite authority in these sections. Furthermore, cities having workhouses are empowered by Section 2227-4 to use prisoners for public work outside of such institutions. Selected prisoners are now being assigned in some cities to do work in parks, on streets and upon other public lands and within public buildings. In other instances groups under light guard have been engaged in street grading, etc.

While this report may seem to emphasize imprisonment as a means of disciplining the work shirker, yet we must emphasize the increased application of the parole law; provided there is a willingness to expend some money for paid supervisors of paroled men. Attention might be given to the development of a staff of volunteer parole officers, as is done very effectively in some localities.

Furthermore there is abundant opportunity to develop and apply the principles of the suspended sentence, or probation, as set forth in Section 13706 to 13715, especially in the case of resident vagrants or loafers.

The probation law has been given an interesting application in Youngstown, Ohio, where there has been a marked shortage of common labor. Through the Chamber of Commerce arrangements were made with the railway companies to use convicted persons in freight houses to truck freight. The Police Judge approved the plan and has been providing groups of men

under suspended sentences for these freight stations. He made it a condition of the suspended sentence that they receive wages, and that they room and board at buildings provided by a social service agency, where they could be kept under supervision and observation. The wages of the men paid all expenses. The results of such an arrangement have been:

1. It provided needed employes.
2. It removed from streets and public places a number of known loafers or vagrants.
3. It saved expense of commitment to a workhouse in another city.
4. Wages more than sufficient to pay expenses for care of men; surplus given to dependent families.
5. Bums are not inclined to "hobo" to Youngstown.
6. Normal employment under almost normal conditions.
8. Some men received a new impulse to work after full release from conditions of probation.

Doubtless other forms of group employment could be developed in other cities where the court, the business interests and the social agencies will get together on an agreed plan.

In this connection it seems proper to call attention to practices in some communities which have a tendency to encourage vagrancy, especially of the itinerant type.

1. In many cities it is a common practice to afford lodging in city jails and station houses to all applicants, often with the kindly injunction the next morning to "move on."

2. Lodging houses under private management are often not sufficiently exacting in their methods. As long as the applicant has the price of a bed no other test for admission is applied. The applicant may beg the money on the street, get his lodging at a nominal cost, and thus vagrancy is encouraged. Wherever possible the conditions of service should include some form of light labor, as well as an insistent subjection to personal cleanliness. This discourages the inveterate vagrant. Municipalities should by ordinance provide for strict regulation and inspection by health departments of all establishments known as lodging houses.

3. Riding on a freight train is a favorite means of transportation for the transient vagrant. This practice causes a great annoyance to railroad officials, and it is claimed that much loss to railroad property is a result of this practice. Police authorities should aid railroad policemen to abate the practice, but again the city does not care to incur the expense of convicting a non-resident and he is cheerfully allowed to "move on."

It is very obvious that many phases of vagrancy can be handled successfully only as a state problem, and the convicted offenders cared for in state controlled institutions, but this is not possible under existing laws. We even venture the opinion that all petty offenders should be under state control in state institutions with definite forms of productive labor, as from this larger army of petty offenders come many of the smaller group of felons who only at the height of their criminal careers are given over to the custody and care of the state with a belated hope that they may be reformed.

The Ohio Branch Council of National Defense has been calling upon various state departments for assistance and service in securing special information.

It has been suggested to this committee that we needed more definite data concerning the degree and extent of vagrancy and that such information should be secured at an early date through some special census. We believe that the best and most immediate results can be secured by commanding officials and boards in touch with local institutions and officials to secure by special investigations and reports such obtainable data as may be desired from time to time.

Recommendations

We, therefore, offer the following suggestions for immediate action:

1. That municipal officials be urged to enforce rigidly the provisions of Section 13409 in case there is no special ordinance as authorized by Section 3664, and that township officials enforce the former section.

2. That municipalities which do not have an ordinance embracing the maximum provisions of Section 3665 be requested to pass such an ordinance at an early date.

3. That the attention of police judges and prosecutors be called to the habitual offender act (Section 13741), as many chronic vagrants will be found in this class.

4. That, while vigorous prosecution for vagrancy is encouraged, the municipal courts be urged to use the probation principles of the suspended sentence law and that city councils be requested to provide adequate funds for needed probation officers as required by Section 13712, so that commercial and civic organizations will be encouraged to organize plans for the group employment of convicted vagrants and loiterers under strict supervision.

5. That authorities in charge of workhouses develop a plan for intensive and intelligent use of parole system.

6. That mayors be urged to have entire police department co-operate with the state employment agency of their respective districts, to ascertain whether a suspected vagrant was really willing to work when opportunity to do so is offered.

7. That police departments submit monthly reports to the Ohio Branch Council of National Defense as to the number of arrests for vagrancy and their disposition.

8. That the larger cities designate one or more plain clothes men as mendicancy officers, whose names should be listed with Council of Defense so as to afford a convenient exchange for special cases.

9. That vagrants of a chronic type who probably would not respond to local care and who are guilty of some of the specific offenses designated in Section 13408, be indicted and prosecuted as tramps; attention of city and county authorities should be called to this section.

10. That no convicted vagrant be allowed or ordered to "move on" except when it is reasonably certain that such action is warranted by the fact that he will have definite employment at a certain destination. Such cases should always be referred to the proper district employment bureau. Vagrancy must be vigorously prosecuted wherever found by local government unit, if the state as a whole will to any degree meet the problem.

11. That the Ohio Branch Council of National Defense from time to time utilize the service of the Ohio Board of State Charities, which by law has authority to investigate all public correctional and benevolent institutions and to demand reports from certain officials to secure information concerning the

extent of the parole and probation systems, the extent of the application of work tests for the recipients of public relief as set forth in Section 3493, the extent of the use of county and city prisoners on street, road or other public work, and the extent that public officials may by carrying on other permitted activities by convicted persons; also to study the means whereby greater activities in these lines may be obtained; and also to encourage and urge their fullest possible use.

Proposed Legislation

For legislative action we recommend the following:

1. Strengthening of Section 13408 and 13409 relating to tramps and vagrants.

2. Passage of law relating to idleness and vagrancy during war, similar to act passed in West Virginia, May 19, 1917. (See this number, p. 0000.)

3. The Governor is requested to appoint a special advisory commission, similar to the Prison Commission appointed in 1913, or to designate some existing Board, Commission or Agency, to study the entire workhouse and misdemeanor problem and to prepare a plan for legislative action.

Appended to this report will be found the text of a number of the sections of the General Code referred to in this report. There is also appended a suggested ordinance, prepared by the Attorney General, for adoption by municipal councils, in accordance with Section 3664 and 3665. (Text of law not printed.) (See this number, p. 000.)

Respectfully submitted, H. H. Shirer, Chairman; W. A. Greenlund, James L. Fieser, J. M. Hanson, D. Frank Garland. (From Ohio Bulletin of Charities and Correction, Dec., 1917.)

Suggested Ordinance Relative to Begging, Etc.—

Be it Ordained by the Council of the City of....., State of Ohio:

SECTION 1. That any person who, within the corporate limits of the city of....., State of Ohio, wanders about from place to place or begs in the streets or public places or lives without labor or visible means of support, or acts in a suspicious manner and is unable to give a reasonable account of himself, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed $50.00 and costs of prosecution.

SEC. 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed....., 1917

....

Clerk President

West Virginia Law Relative to Idleness and Vagrancy.—

An Act to prevent idleness and vagrancy in West Virginia during the continuance of the war in which the United States is now engaged.

Be it Enacted by the Legislature of West Virginia:

SECTION 1. It is hereby declared to be the duty of every able-bodied male resident of this state, between the ages of sixteen and sixty years, to habitually and regularly engage in some lawful, useful and recognized business, profession, occupation or employment whereby he may produce or earn sufficient to support himself and those legally dependent upon him.

SEC. 2. From the time this act becomes effective, and thenceforward until six months after the termination of the present war between the United States

and the Imperial German government, any able-bodied male resident of this state between the ages of sixteen and sixty, except bona fide students during school term, who shall fail or refuse to regularly and steadily engage for at least thirty-six hours per week in some lawful and recognized business, profession, occupation or employment, whereby he may contribute to the support of himself and those legally dependent upon him, shall be held to be a vagrant within the meaning and effect of this act, and shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars for each offense, and as a part of such sentence and punishment such offender shall be by the trial court ordered to work not exceeding sixty days upon the public roads or streets, or upon some other public work being done by and in the county in which such person shall be convicted, or by any municipality therein. One-half of the fair value of any such labor so performed under such sentence, shall be paid by the county or municipality receiving the same toward the support of any persons legally dependent upon such vagrant, but if there shall be no such legal dependents, then payment shall be made on account of any labor performed under such judgment. Any labor so required by a judgment of conviction hereunder shall be rendered in all respects as is now provided by law in case of other prisoners in jail.

Prosecutions for vagrancy hereunder shall be instituted and conducted as other criminal prosecutions, and in no case shall the possession by the accused of money property or income sufficient to support himself and those legally dependent upon him to be a defense to any prosecution under this act. In no case shall the claim by the accused of inability to obtain work or employment be a defense to a prosecution hereunder, unless it shall be proved that the accused promptly notified the proper representative of the State Council of Defense of his inability to obtain employment and requested that work or employment be found for him, and that such employment was not furnished.

SEC. 3. All justices of the peace, mayors and police judges within the state are hereby given jurisdiction to try and punish all offenders under this act, or such prosecution as may be by indictment. Each week or portion thereof that such resident shall continue as a vagrant hereunder shall constitute a separate offense, and no appeal shall be allowed from any judgment of conviction for vagrancy, unless the accused shall give bond, with penalty and security to be fixed and approved by the court granting the appeal, conditioned not to violate this act during the pendency of such appeal. Any judgment for the performance of labor hereunder may be suspended by the court pronouncing the same, upon the execution by the person convicted of a bond, with the penalty and security approved by the court, conditioned to comply with the provisions of this act for one year from the date of such bond.

A violation of the condition of such last mentioned bond shall entitle the state to recover the amount of the penalty thereof, and in addition thereto the convicted person shall be re-arrested and required to serve the sentence formerly pronounced against him.

SEC. 4. For the purpose of this act any male person found in this state shall be deemed a resident, and in any prosecution hereunder, proof that the accused habitually loiters in idleness in streets, roads, depots, pool rooms, hotels, stores or other public place, or that he is habitually intoxicated, or is addicted to the use of narcotic drugs, or is a professional gambler, or, being

able bodied is supported in whole or in part by the labor of any woman or child, shall be prima facie evidence of vagrancy.

SEC. 5. All acts and parts of acts in conflict with this act, or any part hereof, are hereby repealed.—Passed May 19, 1917; effective June 19, 1917. (From Ohio Bulletin of Charities and Correction, Dec., 1917.)

Mother's Pensions in America.—In the midst of the greatest crises in American history, on the day in June last, when ten million citizens of the United States were registering for compulsory military service in the war, the attention of the entire nation was diverted to the search for a kidnapped baby.

The baby son of a Springfield, Missouri, banker had been carried off into the Ozark mountains and was being held for ransom. A thousand mountaineers were assembling to go out on the trail.

And yet little Lloyd Keet, the kidnapped baby, drew as much attention as the registration itself. In the news columns of the press his story shared equally with the accounts of the registration. Editorial writers devoted part of their columns to his case. It was a national sensation.

All of which merely shows how fundamentally and passionately all men believe in the sanctity of the child's right to its mother. A basic human instinct is outraged by the crime of the kidnapper. The law recognizes this and punishes that crime with the most drastic severity.

And yet the law itself has been for years guilty of kidnapping children. For no crime at all but because of the misfortune of poverty, mothers have been legally bereft of their little ones. Children have been kidnapped by the State, shut up, often practically incommunicado, in huge prison-like institutions. Not because their parents failed in love or duty. It was simply because they were poor.

But thirty American states have now redeemed themselves from this crime of violating a fundamental human instinct. They have established a Mothers' Pension system. Instead of paying an institution to care for the children of poverty-stricken parents, they now pay the mother herself to care for the children.

The phenomenal rapidity with which the Mother's Pension system spread over the country, once it had been outlined, is explained by the fact that it appeals to one of the deepest of human emotions, to the same instinct in men that made the case of the kidnapped Lloyd Keet rival in the news an event of world-wide importance.

In 1911 the first Mothers' Pension law was born. Previous to that time our American states had been saving children from poverty at home by sending them to charitable institutions.

The mothers' pension system is not merely a relief measure. It is a utilitarian system for the benefit not only of the individual directly concerned, but of society, just exactly as the public school is. In New York the law provides that the mother who receives a pension shall be told at the time that it is not a charity but a legal pension.

The result is that the degrading influence of receiving charity does not enter into the case. And the dignity and nobility of motherhood is preserved. The woman with her family about her remains a useful, honored member of society.

And the child likewise is directly benefited. The happiness of home life, its freedom for individual development is his. In the institution where, but for the mothers' pension system he would have been sent, growth, individuality and happiness are all stunted. It would seem unnecessary to argue this point were it not for the fact that society has in the past been so ruthless in breaking up the homes of the poor. Society treats almost as an axiom, when it discusses social systems, the sanctity of family life. The home is considered a foundation stone of our whole civilization. And yet in action, society has been continually guilty of violating the home, wherever poverty entered into the problem.

And this old system of relieving poverty-stricken homes by breaking them up was not even economical. New York City last year paid three and a half million dollars and individuals contributed an equal amount, to institutions for the care of 22,000 children. In the mothers' pension states last year ten million dollars was paid to mothers for the care of 100,000 children. It cost the State, in other words, 300 dollars a year to support a child in an institution and only 100 dollars a year to help the mother support her child at home.

More than 1,000 children in New York City will this year be taken out of institutions and restored to their mothers. Trial of the system in thirty States has proved it to be economical, humane and easily administered. In the larger cities it cost 5 per cent for the administration of the system, while is cost 76 per cent to administer charity.

Child poverty, producing defectives, delinquents, criminals and incompetents of all kinds, is one of the most wasteful evils in the community. Last year 800,000,000 dollars were collected from ratepayers to support institutions for dependents and criminals. The public schools themselves did not receive so much of the ratepayers' funds. By attacking child poverty with a rational systen of mothers' pensions we go right to the source of one of the causes of the defective and criminal element in the community. Figures prepared by juvenile court officials in Chicago show nearly a hundred per cent efficiency for Mothers' Pensions as a preventive of juvenile dependency and delinquency.

A good mother is the best guardian of her children. Experience is that she very rarely abuses her trust, under the pension system; less than once in a hundred cases, statistics of the scheme show. The widow with children under 14 who needs a pension goes before the juvenile court, and, proving her need, claims her State pay for State service. She is now as much a servant of the State as a judge or a general. She must devote herself to her State work and do no other. Once a month she reports to the juvenile court. Inspectors, male and female, visit her, to see how she is getting on. If she is abusing her trust, she loses both her pension and her children.

Money paid for mothers' pensions returns to the public in the reduced cost of hospitals, police courts, jails and asylums. The system is a parallel to the public school system, and more than that, is necessary to it. It is folly to spend vast sums for public schools and try to educate in them children who are not properly fed, clothed and cared for at home. Child poverty is one of the greatest tragedies of the day, and the mothers' pension system destroys it.

Within ten years there will be no child poverty. No State will permit its children to go hungry or poorly clothed, and no State will tear children from their own mothers and turn them over to soulless institutions. No reform in history has swept over the land as fast as the mothers' pension system. In

the space of the last six years three-fifths of the United States embraced the scheme. It took the public school system ages to develop—by comparison.

Since I have been in England scores of audiences have thrilled and risen to their feet and applauded when I told my experiences in the workings of mothers' pensions. And I knew that though I stood there before them I was practically forgotten. Their tribute was not to any lecturer, but to motherhood. I had touched the deepest chord in their beings.

You have but to point out to people the facts—of which most of them are ignorant—the facts of how the State in the past has been breaking up families for the crime of poverty, and then the possibility of preserving the family by a just, sane, efficient and economical system of mothers' pensions, and you get instant and overwhelming appreciation.

Mothers' pensions are coming throughout the world, not because any one or two men go about preaching the merits of it, but because, once the idea is liberated, it grows and spreads of itself and soon has won over the whole community by the simple sanity and humanity of its fundamental principles.—Judge Henry Neal in *Juvenile Court Record,* Chicago, October, 1917.

Selection of Judges by the Bar.—"The question of the extent to which the nomination of candidates for judicial office should be controlled by the bar continues to be much agitated. In contrast to the views of Mr. Shelton heretofore commented on (*Law Notes,* July, 1917, p. 63), attention may be called to a recent open letter of Mr. Justice Hamer of the Nebraska Supreme Court, who said in part:

" 'Everyone knows that while the judges of the Supreme Court are honest and intend to do right, and that as a whole the result reached is generally the proper result, yet every lawyer of wide experience knows that on nearly every supreme bench there is, or may be, or has been, some judge with peculiar predilections, or unexplainable prejudices. Maybe he is nearly always in favor of breaking the will that is contested, maybe he is nearly always for the city or town that is sued, maybe he is nearly always against the railroad company in a personal injury case, and also against the packing house and against the contractor and builder and the manufacturing plant in all such cases, maybe he is nearly always in favor of the defendant in a criminal case, maybe he is nearly always for the insurance company when it is sued, or for the church or the lodge that is sued, and maybe he is for the big bank as against the little one, and maybe he is for any bank as against its customer.

" 'These are only illustrations. Whatever the peculiarity of this particular judge may be, the men who obtain his nomination and election have probably secured a bonanza in their business, if his peculiar leaning is in their direction. Therefore, when the lawyers recommend anyone, it is a pertinent question as to what particular line of the law business they are in. They are likely to know the predilections of many judges or their prejudices or tendencies, and they may succeed in making money out of the peculiar habit of thought of the judges instead of out of the merits of the cases tried. Even one judge on the court having strong prejudices in any direction is dangerous to the safe and orderly administration of justice. Most lawyers of money-making tendencies are likely to lean strongly in favor of the judge whose peculiar views enables them to make money.'

"To this it may be answered that for every lawyer who favors a candidate because of his known predilections there will be another who opposes him for

the same reason. The adherence of a representative majority of the bar can never be obtained on any such narrow grounds. Over and above the entire argument pro and con stands out the salient fact that if the selection of the heads of any other purely technical service, college professors for instance, was made in a manner comparable to the popular choice of judicial candidates ruinous consequences would speedily be apparent."—From *Law Notes,* March, 1918.

Causes of Increasing Juvenile Delinquency.—Mr. Cecil Leeson, an English expert on social welfare work, is reported as having said recently, referring to conditions in Great Britain:

"The reasons for the general increase are that there has been an abnormal demand for boy labor; abnormally high wages have been paid small boys suddenly released from school discipline to go to work; the police force has been diminished; street lighting has been restricted; enforcement of the school attendance laws has been relaxed; thousands of children have been turned out of school by the use of school buildings for military purposes; and home discipline has been slackened, while at the same time club, settlement and church work, evening classes, and all general welfare work have been interrupted, with the natural result that children have been running wild."

Following this diagnosis of the cause of augmented delinquency Mr. Leeson said:

"These are some of the things we must avoid here in the United States. England has found her promiscuous breaking down of labor laws at the start of war did not pay. Her child workers are reported as 'drawing on their strength,' and the government reports that 'munition workers in general have been allowed to reach a state of reduced efficiency and lowered health, which might have been avoided without reduction of output by attention to the details of daily and weekly rest.' We must profit by the experience of other belligerent countries. We must not allow our school system or our child-protective laws to be broken down. We must continue to the very last moment our clubs, settlements and other welfare organizations so that the little children of America, our future citizens, whose lives we should conserve now more than ever, may be the last to feel the stress of war."

The matter is one worthy of close consideration by the legal profession, whose members are leaders not only in the legislative halls but in the affairs of the average community.

Report of the Agent for Aiding Discharged Prisoners in Massachusetts.—

To the Director of Prisons:

The number of released male prisoners aided from Dec. 1, 1916, to Nov. 30, 1917, was 2,054.

Two hundred twenty-three men who had been inmates of the State Prison were assisted as follows:

Railroad fares to homes or places of employment	$ 184.63
Board and lodgings	1,804.50
Clothing	457.67
Tools	103.80
Miscellaneous	7.50
Total	$2,558.10

Eight hundred and ninety-six men from the Massachusetts Reformatory and 400 from the Prison Camp and Hospital were aided as follows:

Railroad fares to homes or places of employment	$1,930.31
Board and lodgings	2,807.83
Clothing	704.48
Tools	58.60
Miscellaneous	9.62
Total	$5,510.84

The amount expended in aiding the men from the Prison Camp and Hospital was $1,365.29.

During the same period 535 released prisoners from the jails and houses of correction were assisted from the funds of the Massachusetts Society for Aiding Discharged Prisoners, at an expense of $1,843.92.

To keep expenditures within the limits of the appropriation has been difficult. The extension of prison-camp work has led to the transfer of more men than usual from the jails and houses of correction into the custody of the State. These men are employed at useful work out of doors, where they do as well as laborers that are paid daily wages.

Upon their release they naturally expect help. If they go immediately to a place of employment, they must pay a week's board in advance, and in some cases need clothing or tools. With our limited appropriation it has been impossible to do much for them. This is a disappointment to the men and is embarrassing to the agent, whom they look upon as the State's representative in their cases.

For two or three years past the Legislature has reduced the appropriation for aiding discharged prisoners, notwithstanding that Revised Laws, chapter 225, sections 136 and 137, allow the expenditure of $11,000 to aid prisoners released from the State Prison and Massachusetts Reformatory, and to help discharged female prisoners.

Since the passage of this general law the State has built the Prison Camp and Hospital at West Rutland, from which 400 prisoners were released during the year. To the hospital section of this institution, all consumptive prisoners in the Commonwealth must be sent for treatment; many well men are removed to the camp section for work upon the land and highways.

Up to the present time no addition to the appropriation has been made for this institution, but rather a reduction of $1,000 was made from the general appropriation last year. It is needless, perhaps, to mention that board, clothing and all other purchasable commodities are higher now than in the memory of man.

The policy of helping prisoners upon their release has, since 1845, been the established custom of Massachusetts. To put these men in the way of self-support is the truest economy for the State, and this should not be jeopardized for the little that it may cost to do so. To carry on the work properly I would urge that an appropriation of $12,000 for aiding prisoners be granted for the coming year.

This matter is not urged for the purpose of increasing expenditures, but that sufficient funds may be available to meet necessities. In the event that the amount asked for be not needed, it will remain in the treasury.—George E. Cornwall, Agent, Dec. 1, 1917.

Room 24, State House, Boston, Dec. 1, 1917.

Success of Parole in Cook County, Illinois.—Applicants to the Central Howard Association of Chicago during January and February, 1918, were limited to eighty-four in number, due apparently to abundance of work, and the ability of the released prisoners to secure their own work. Nevertheless, financial assistance was required in one hundred and seventy-one instances in all, and five hundred and forty-one interviews with applicants were made.

Sensational statements of the press as to prevelance of crime due to the parole law have been answered by facts. Our records for the past year show that seventy-six per cent if our paroled men have made good, and but few have actually returned to crime. Notwithstanding the January Grand Jury recommended the repeal of the parole law, the facts are that out of one thousand and thirty-four men indicted, in December and January, only nine were under parole.—F. Emory Lyon, Sup't. Central Howard, Chicago.

PENOLOGY

Provision for Discriminatory Treatment of Women, Boys and Men in Penal and Reformatory Institutions in Kansas.—The "Digest of Laws establishing Reformatories for Women" by Helen Worthington Rogers in this Journal for Nov., 1917, mentions Kansas as one of the states that has created state reformatories subsequent to January, 1917 up to which time the digest was prepared. This law is found in Chapter 298, Kansas laws, 1917. It took effect April 5, 1917. It is a very far-reaching act, and revolutionizes the treatment of delinquent women utterly in Kansas. This act establishes "The State Industrial Farm for Women" and places it under the State Board of Administration which handles, in a degree through a "state manager," all penal, reformative, educational, benevolent and corrective institutions in the state. The state is empowered to buy no less than 160 acres for this farm. The Board may construct buildings, but no dormitory, sleeping apartment or living room may house more than twenty-five inmates, exclusive of officials. The superintendent of the farm must be a woman. Section five has the remarkable provision that "every female person, above the age of 18 years, who shall be convicted of any offense against the criminal laws of this state, punishable by imprisonment, shall be sentenced to the State Industrial Farm for Women, but the court in imposing such sentence shall not fix the limit or duration of such sentence. The term of imprisonment of any person so convicted and sentenced shall be terminated by the State Board of Administration, as authorized by this act, but such imprisonment shall not exceed the maximum term provided by law for which the person was convicted." A further limitation is that if the woman is under 25 years of age and a first offender, the board may parole her; otherwise she shall stay at least the minimum time fixed by law, and in case of murder, she shall stay the full time unless the governor intervenes. If the woman be pregnant or nursing a child, such child may remain with its mother two years and the Board may permit it to remain longer. The sweeping effect of this law is to end the old travesty of sending women to the several jails of the state. Each county has, at least in theory, a jail and there are 105 counties. As the Board of Administration has not so far been able to select a farm, the state uses a farm at the state penitentiary, but without its walls, where indeed the women prisoners of the penitentiary, only 13 in all, have been kept in a farm cottage for several years, with not a hint to the casual

visitor or passerby that the place is other than a well kept farm with a number of women employes.

The law contemplates that in some way there shall be a classification of inmates. The provision for building prescribes that they shall be so constructed as to admit of a classification of persons committed thereto. A record is required to be kept of many facts as to each woman, including "such other facts pertaining to her early social influences, habits and former life and character as will aid in determining her natural tendencies and the best plan of treatment." "Every person sentenced shall be credited for good personal demeanor and diligence in labor and study and for results accomplished, and to be charged for dereliction, negligence and offenses." Each inmate's standing shall be made known to her as often as once a month. Each may converse with members of the Board once a month if she wishes. Provision is made for the employment of the women in the manufacture of goods and utensils, and in light forms of agriculture such as truck-gardening, chicken-raising, and dairying, but not to the exclusion of raising cereals and grasses.

Paroles are encouraged, and absolute releases may be granted by the Board when it seems that the inmate will be of good behavior. Each inmate shall be granted under uniform rules, not over three cents a day while in the second grade, nor over five cents in the third grade, so as to enable her to pay her expenses when discharged until she is able to secure employment, and first wages, and this may be paid her in bulk or in installments. In assigning inmates to occupations, cottages and dormitories, the superintendent shall make a careful classification according to physical, mental and moral conditions, "in order that the groups of individuals may be mutually helpful in reformation." Appropriation was made of $50,000 for buildings and $5,000 for the salaries the first year.

In 1885, the state of Kansas entered upon a policy of discrimination between youthful and older men convicted of crime. In that year an Industrial Reformatory was established for male persons between 16 and 25 years, convicted of crime for the first time. In 1889, an Industrial School for Girls was established for girls who were convicted or were incorrigible or delinquent and under the age of 16 years. But after that nothing was done by the legislature to discriminate among delinquents over the age of 16 years if female, until this act of 1917. The results of this want of policy were two-fold: Hundreds of girls and women were every year incarcerated in the county and city jails over the state, in nearly all cases for misdemeanors. The other result was that prosecutions of younger women were reluctantly made and acquittals were frequent.—J. C. Ruppenthal, District Judge, Russell, Kans.

Lynching Statistics.—During the days of slavery negroes were sometimes summarily executed. From 1830 to 1840, from records kept by the Liberator, an anti-slavery paper, it appears that the law was generally allowed to take its course, both in cases of murder and rape by negroes. According to the files of the Liberator three slaves and one free negro were legally executed for rape, and two slaves legally executed for attempted rape. Near Mobile, Alabama, in May, 1835, two negroes were burned to death for the murder of two children. On April 28, 1836, a negro was burned to death at St. Louis for the killing of a deputy sheriff. From 1850 to 1860, according to the records of the Liberator, there appears to have been more of a tendency for the people to take the law

in their own hands. Out of 46 negroes put to death for the murder of owners and overseers, 20 were legally executed and 26 were summarily executed. Nine of these were burned at the stake. For the crime of rape on white women 3 negroes were legally executed, and 4 were burned at the stake.

According to statistics obtained from the files of the New York Times, for the three years, 1871-1873, there were 75 lynchings, 41 white, 32 negroes, one Malay, and 1 Indian. Records show that in 1882 there were 114 persons lynched in the United States; in 1883, 134; in 1884, 211.

Table of Lynchings, 1885-1915.

	White	Negro	Total		White	Negro	Total
1885	106	78	184	1902	10	86	96
1886	67	71	138	1903	18	86	104
1887	42	80	122	1904	4	83	87
1888	47	95	142	1905	5	61	66
1889	81	95	176	1906	8	64	72
1890	37	90	127	1907	3	60	63
1891	71	121	192	1908	7	93	100
1892	100	155	255	1909	14	73	87
1893	46	154	200	1910	9	65	74
1894	56	134	190	1911	8	63	71
1895	59	112	171	1912	4	60	64
1896	51	80	131	1913	1	51	52
1897	44	122	166	1914	3	49	52
1898	25	102	127	1915	13	54	67
1899	23	84	107				
1900	8	107	115	Totals	998	2,735	3,733
1901	28	107	135				

From 80 to 90 per cent of the lynchings are in the South. Less than one-fourth of the lynchings of negroes are due to assaults upon women. The largest number of lynchings are for the crime of murder. Only 11, 10 negroes and 1 white, of those put to death in 1915, or 15 per cent of the total, were charged with rape. Other offenses and number lynched in 1915 were: murder, 16 (4 whites and 12 negroes); killing officers of the law, 9 (3 whites and 6 negroes); wounding officers of the law, 3; clubbing an officer of the law, a family of 4 (father, son, and two daughters); poisoning mules, 3; stealing hogs, 2 (white); disregarding warnings of night raiders, 2 (white); insulting women, 3; entering women's rooms, 2; stealing meat, 1; burglary, 2; robbery, 1; stealing cotton, 1; charged with stealing a cow, 1; furnishing ammunition to a man resisting arrest, 2; beating wife and child, 1 (white); charged with being accessory to the burning of a barn, 1. (From Negro Year Book, 1917.)

There is another side to the lynching of negroes for killing and wounding officers of the law; in the southern states ignorant, vicious, and illiterate white officers take an intense delight in bragging about the number of "niggers" they kill in the course of their careers. An officer of the law who is unable to restrain his temper is an unfit guardian of the peace of the community; the poor, old darkey is pounced upon and severely beaten (many times unjustly), and in many cases innocently, and the dark blot of the above record is an everlasting reproach to the administration of justice in our southern states. The colored

man is intensely loyal; truly American in every fiber; he dynamites no buildings; he is his own worst enemy.

JOSEPH MATTHEW SULLIVAN, *Boston, Mass.*

The Treatment of Crime.—The School of Philanthropy in New York City calls special attention to a new and timely lecture course on The Treatment of Crime, to be given on Saturday mornings from 9 to 11, beginning September 29, 1917. This course, including thirty lectures of two hours each and additional special lectures, will present the main facts and theories in the public treatment of delinquency and crime. It will be divided into two general parts: Crime and Punishment, given during the first semester, from September 29, 1917, to January 26, 1918; and The Administration of Criminal Justice, given during the second semester, from February 9 to May 18. In each semester the course will fall into three divisions.

CRIME AND PUNISHMENT—FIRST SEMESTER.

1. *Aims and Methods of Punishment.* Study of the Problem. George W. Kirchwey, former Warden of Sing Sing Prison.
   September 29, October 6, 13, 20, 27.
2. *Penal Legislation.* The indeterminate sentence, parole, probation, etc. Ralph W. Gifford, Professor of Law, Columbia University.
   November 3, 10, 17, 24, December 8.
3. *Prison Administration.* History, traditional methods, labor, architecture, honor system, self-government, supervision, prison associations, etc. Orlando F. Lewis, General Secretary, Prison Association of New York.
   December 15, 22, January 12, 19, 26.

ADMINISTRATION OF CRIMINAL JUSTICE—SECOND SEMESTER.

1. *Detection of Crime.* Police and detective systems, theory and practice of police administration. Raymond B. Fosdick, Assistant Director, Bureau of Social Hygiene.
   February 9, 16, 23, March 2, 9.
2. *Presentation for Crime.* Indictment, information, etc. Professor William E. Mikell, Dean of the Faculty of Law, University of Pennsylvania.
   March 16, 23, April 6, 13.
3. *Judicial Procedure in Criminal Cases.* Courts, jurisdiction, trials, jury, evidence, etc. Edwin R. Keedy, Professor of Law, University of Pennsylvania.
   April 20, 27, May 4, 11, 18.

Supplementing the above, there will be a series of lectures, open to the public without charge. Some of the topics follow:

The Threshold of the Prison—A Clearing House for Convicts. Dr. Thomas W. Salmon, Medical Director, National Committee for Mental Hygiene.

The Mind of the Criminal. Dr. Bernard Glueck, Psychiatrist in Sing Sing Prison.

Industrial Education in Prisons. L. A. Wilson, Director Industrial Educational Survey, City of New York.

Prison Dietary. Dr. Emily C. Seaman, Cornell Medical School.

The Suspended Sentence. Hon. William H. Wadhams, Judge, Court of General Sessions, New York City.

Probation. Homer Folks, former President, New York State Probation Commission.

The Detective System. Raymond C. Schindler of National Detective Agency.

Identification of Criminals. Joseph A. Faurot, Inspector, Detective Bureau, New York City.

Criminal Statistics. John Koren, United States Commissioner of Prisons.

Prostitution and the Courts. Maude E. Miner, Secretary, New York Probation and Protective Association.

The Children's Court. Hon. Franklin C. Hoyt, Chief Justice, New York Children's Court.

The Magistrate's Court. Hon. William McAdoo, Chief Magistrate, New York City.

Desirable Reforms in Criminal Administration. James Bronson Reynolds, former Assistant District Attorney, New York County.

This course is included in the regular curriculum of the School of Philanthropy for 1917-1918. In view of its practical value, the course is open to those working with delinquents on payment of a fee of ten dollars for each semester. Such students are auditors, are not required to pass an entrance examination, and are not candidates for a diploma.

The courses as above outlined will be particularly valuable to managers and officers of institutions and private charitable organizations, parole and probation officers, investigators, and others whose work is with delinquents.

Program of the Fifth Annual Meeting of the Illinois State Probation Association (Chicago, Feb. 28).—

An Interesting Experiment in Probation
Mrs. W. E. Symonds, Galesburg

Downstate Probation Problems
Miss Annie Hinrichsen, Springfield

The Trend of Events
Mr. Charles H. Thorne, Director of the Department of Public Welfare, Springfield

Juvenile Court and Child Welfare in Illinois
Wilfred S. Reynolds, Superintendent of the Illinois Children's Home and Aid Society

Consolidation of Offices in a Small County
William C. DeWolf, County Judge of Boone County
(a) How Consolidation Works Out
Mr. Jesse F. Hanna, Belvidere
(b) Consolidation in McLean County
Mrs. Nannie M. Dunkin, Bloomington

Adult Probation
Judge John W. Houston, Chief of Adult Probation Department of Cook County

Utilizing Paid and Volunteer Probation Officers in Vermilion County
Lawrence T. Allen, County Judge

Mooseheart
Mr. Mathew P. Adams, Superintendent of Mooseheart

The Reformatory Power of Punishment
Rev. John Webster Melody, D. D.