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Notes and Abstracts

NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—LEGAL-MEDICINE

The Prostitute in Jail.—The vigorous efforts of the past two or three years for the abatement of the so-called venereal diseases have given most wonderful results as the returns of our army both here and abroad have shown. The United States has almost unanimously accepted one plan of action even now that the war is over, and during the period of active training the Federal Statutes governed a zone about each camp and cantonment. These statutes were of a stringent character, and prostitution and the business of prostitution were kept at a most inactive level.

In Porto Rico a camp was organized for the training of 12,000 men for the world conflict. Former experience had taught that the possibilities for venereal disease infections among the drafted men from the interior coming in contact with the vice of the seaport towns would result in many infections. The attorney general of Porto Rico, Mr. Howard L. Kern, made a most splendid effort to follow the plan laid down by the Federal authorities for the suppression of prostitution and the liquor traffic for the protection of the men in uniform.

The confinement of a large number of prostitutes through the activities of the judges and district attorneys of Porto Rico made medical examinations possible. At the hospital jail of Ponce, 43 women among the 332 confined, or more than 12 per cent, has infectious syphilitic lesions. The lesions had all been neglected and none of the patients had had any treatment prior to admission.

The routine blood Wassermann test was done on all patients. The number of four plus Wassermann tests on women without lesions was 119. The percentage of women who were without lesions but had four plus Wassermann tests was 42. This indicates that this number at least were in the latent tertiary stage or the stage of potential active syphilis. The syphilitic index was 50 per cent, since 165 of the 332 women were positive clinically and serologically.

On routine blood examination of all patients, we found 62 with four plus positive Wassermann reaction in the San Juan institution.

At Arecibo 70 per cent gave four plus Wassermann reactions.

In the three jails the true index of syphilitic infection among the women was 62 per cent.

By a special study made to answer the question "At what age is the prostitute most dangerous?" we determined that 139 of the 721 girls were under 17 years of age; 42 per cent of this group had three or four plus Wassermann reactions. Fifteen per cent of these young girls had active, infectious syphilitic manifestations, such as chancre, mucous patch, or condylomata lata.

The age period from 18 to 22 gave us 388 prostitutes or 48 per cent of the total studied. Of these 388, 193 or about 50 per cent were strongly Wassermann positive; and 11 per cent had active genital lesions of syphilis.

One hundred and forty-seven girls fell into the next age period, 23-27, of

whom 45 per cent were serologically positive, and 11 per cent had dangerous syphilitic manifestations.

Only 64 women were in the age group 28-32, and 43 per cent of these had three or four plus Wassermann reactions but only four per cent were with active lesions.

Beyond 32 the number of women became much smaller, and the percentage of positive Wassermann reactions became much lower, while none showed any active infectious manifestations of syphilis. Briefly stated:

33-37: 36 women, 38 per cent Wassermann positive; 38-42: 12 women, 33 per cent Wassermann positive; 42-56: 5 women, 20 per cent Wassermann positive.

These old women were not engaged in the active prostitute life, as might readily be supposed, but were either maintaining houses of ill-repute, or acting as servants and lookouts for the younger girls.

In the series studied, we had 422 whites, 304 mulattos, and 65 negresses. Even with such disparity in numbers, the percentage of Wassermann positive cases was constant, about 47 for each color.

In the ratio of active syphilitic lesions, however, there was a marked difference. The whites gave 10 per cent, the mulattos 13 per cent, and the negresses only 3 per cent with infectious syphilitic manifestations.

While the women arrested and sentenced because of the war activity of the insular officials were in the jails, every effort was made to render them noninfectious in regard to their venereal diseases and to improve their general health which was very bad. The district jails at Arecibo, San Juan, Ponce, and Mayaguez were entirely reorganized for the reception of women only and modern hospital services were inaugurated in charge of competent physicians. In addition, the commanding officer of the United States Base Hospital at San Juan inspected the hospitals and the commissioner of health of Porto Rico was active and provided a specialist to work at the Arecibo Hospital Jail. The venereal officer of Camp Las Casas was deeply interested and took an active part in the diagnosis and treatment of the women affected with venereal disease and diseases of the skin. The field director of the American Red Cross for Porto Rico and the Virgin Islands was alive to the question of the relation of the health of the soldier and the freedom of transmissible diseases in the public women, and he furnished, through the headquarters of the organization, arsenobenzol (606) and transportation for the officer to administer the drug. More than 1,400 intravenous injections were given to the syphilitic patients and more than 5,000 injections of mercury. The blood Wassermann was repeated after the courses of active treatment were completed in those instances where the patient was still under our care, and in almost half the cases the Wassermann was changed from four plus positive to negative. In 12 per cent more, the Wassermann was reduced, but in the remainder the Wassermann was not affected. We gave the most intensive treatment possible, and followed up each course of salvarsan with the necessary mercury to a degree that we are certain that cures were permanent in most cases in which the Wassermann was reduced. Probably if we could have had the patients under observation sufficiently long to repeat the course, more cures would have been effected. As it was, no case left the institution in an infectious state. Dr. Yordan, writing of the jail at Ponce, typifies all the jails:

"The women received in six months what they could not receive outside in two years. One of the reasons for this was that we had control of every case and they reported for injections every day, which would be impossible in private practice. The physician in private practice is confronted with the fact that he cannot make a patient continue treatment persistently. We have been able to push the treatments to the utmost and we get better results than in private practice. We would not have so many chronic invalids in society had they received the intensive antisyphilitic treatment these women are getting. Not a woman here could have afforded to receive in private practice the treatment she has received while in this institution.

"We know that we have saved many from death that is directly traceable to syphilis; we hope to have removed many more from the road to chronic invalidism; and we have, furthermore, diminished the chances of having these women give birth to syphilitic children. We received women from communities where they were disseminating infectious and contagious diseases, and when released they are noncontagious and nininfectious, and many of them permanently cured.

"The patients have all gained in weight, have better complexions, and their general condition is better than when they were admitted. This is due to (*a*) a change in living conditions, (*b*) the absence of alcohol, (*c*) the absence of cigar smoking, (*d*) the medical treatment that was directed to their general condition as well as to their local troubles. They have received the best and most modern treatment for their venereal afflictions and the results have been gratifying."

The cases of gonorrhea were most valiantly treated. Discharges ceased after different periods of medication. In many cases examination after treatment failed to reveal the causative diploccoccus of Neisser, but we are not so optimistic as to believe that we effected complete cures in all of the chronic cases.

Two cases of an heretofore unrecognized disease in Porto Rico were diagnosed among the inmates of the hospital jails. Ulcerating granuloma of the pudenda is the name of this disease, and it is infectious and almost incurable. One of the patients had this disease seven years, during all of which time she carried on her life as an active prostitute. We did our utmost to cure these patients, using the medication found efficacious by the South American authorities, tartar emetic. Unfortunately, the cure takes years rather than months, and we had to release the girls before rendering them harmless. One of the patients was transferred to the Municipal Hospital at Arecibo and the other advised to apply for admission to the Quarantine Hospital at San Juan.

That the main source of infection is the prostitute, and that with her isolation new cases of syphilis among the men of the community and from these to the women and children cease, was definitely proven in Porto Rico. The repressive measures made it difficult for the prostitute to ply her trade.

After six months in camp, during which time the number of enlisted men rose from 250 to 12,000, only 20 new cases of venereal diseases were acquired, of which four were syphilitic infections. We are very proud of this low number among a population so recently under military control.

The beneficial effects of the intensive treatment administered to these women has an everlasting effect. Even, as is not improbable, many return

to the life from which they were taken to jail, it may be some time before they are reinfected. In the women treated for syphilis, we consider that about half so far advanced in the cure that reinfection may be possible. In the other fifty per cent of the cases, we are not so optimistic, and these women are considered to be in the latent tertiary stage. The amount of medication administered to them during their enforced hospitalization should, however, prevent any infectious lesions for a long time.

On the other hand, many of the girls, rid of the disease which may have prevented them from returning to a more decent mode of living, will not now be hindered by this cause, and will revert to domesticity without being a danger to all their associates.

The expense of such an undertaking seems large when first considered, but the end results warrant even greater expenditures of money. For each woman rendered noninfectious, a number of men are probably prevented from receiving an infection which takes years to cure and which they may pass to others. While the prostitute is in jail she should be treated with the most modern methods and drugs at our command, that in addition to the penal routine, she have her health restored.

References

Kern: Special Report of the Attorney General of Porto Rico to the Governor of Porto Rico. San Juan, P. R., Feb. 1, 1919.

Vedder: Syphilis and Public Health. 1918.

Goodman: The Syphilitic Prostitute. Bulletin of Porto Rican Medical Association, September, 1919.

———: Genital Defects and Venereal Diseases Among the Porto Rican Troops. *J. A. M. A.*, lxxii, 907, 1919. (March 29, 1919.)

———: The Porto Rican Experiment. Social Hygiene, v, 185, 1919. (April, 1919.)

Payne: The Vice Problem in Porto Rico. Social Hygiene, v, 240, 1919. (April, 1919.)

Goodman: Experiences with Neodiarsenol. *Medical Record,* April 19, 1919.

———: The Intensive Treatment of Women with Arsenobenzol. *A. J. of Syphilis,* iii, 448, 1919. (July, 1919.)

———: The Intensive Treatment of Women with Neodiarsenor. *A. J. of Syphilis,* October, 1919, iii, 661.

Ruiz Soler: Annual Report of the Board of Health of Porto Rico, San Juan, P. R., 1918, also Government Printing Office, Washington, D. C.

Goodman: Skin Diseases Among the Porto Rican Draft Troops. *New Orleans Medical and Surgical Journal,* December, 1919.

———: Ulcerating Granuloma of the Pudenda. *Arch. of Derm.,* February, 1920.

———: Prostitution and Community Syphilis. *American Journal of Public Health,* July, 1919.

———: Syphilis Among the Porto Rican Draft Troops. *Urological and Cutaneous Review,* xxiii, 567, 1919. (November, 1919.)

—From Herman Goodman, M. D., Yew York City; formerly Venereal Disease Officer, Camp Las Casas, Porto Rico. *Medical Record,* N. Y., March 20, 1920.

The Syphilitic Prostitute.—Dr. Herman Goodman reported in the Boletin de la Asociacion Medica de Puerto Rico a special study made to answer the question, "At what age is the prostitute most dangerous?" He determined that 139 of the 791 girls were under 17 years of age; 42 per cent of this group

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COURTS—LAWS

The Public Defender.—Society owes a duty to the "under dog." Its obligation is becoming more apparent in the various phases of human endeavor. In the wake of the great world crisis through which we have been passing, class and financial distinctions are disappearing. The masses of the people everywhere are clamoring for social and economic justice. One of the signs of unrest is the rapidly growing movement for a "square deal" in the courts. In this connection, the establishment of the office of public defender is being persistently urged. Throughout the United States and England, the demand for elemental justice is developing with an ever-increasing force. The public defense of indigents accused of crime is a necessary counterpart of public prosecution. A duty devolves upon the state to shield the innocent as well as to punish the guilty. Does the state at present discharge this obligation? Does it protect the weak as well as the strong? Are the scales of justice evenly balanced? If we answer these questions in the negative—and we must—the need for a change is readily seen.

If our so-called "presumption of innocence" and "equality before the law" are to be effective, the state must defend as well as prosecute accused persons, particularly those who are unable to protect themselves. Society as a whole does not presume the accused innocent—it presumes him guilty. All classes of accused persons, whether rich or poor, must be given equal opportunities, equal resources and equal rights. The ascertainment of the truth is the primary consideration in the trial of a case. Any plan which tends towards that result merits the serious thought of our citizens. The trial of an issue involving human life or liberty must cease to be an unequal contest between the powerful state on the one hand and a weak and helpless defendant on the other. A "battle of wits" between opposing counsel for partisan advantage is not the true conception of a criminal trial.

The district attorney is said to be a quasi-judicial officer. His main function, however, is to *prosecute* and not to defend. It is impossible for him adequately to perform a double function—even though he conscientiously attempted to do so. If he could adequately protect the rights of the accused, there would be no necessity for the latter to have other counsel. The popular impression that many defendants are *persecuted* rather than prosecuted is not without merit. There are fair-minded prosecutors with a keen sense of justice. Unfortunately, too many are dominated by the desire to "make a record." It is well known that district attorneys are prone to boast of the number of convictions obtained by them, rather than to glory in the fact that they found innocent men and set them free. To them, accusation is often equivalent to proof. The average prosecutor scents guilt—not innocence. The superior advantage which he has over defendant's counsel cannot be denied. The great force of the state is behind him. He is all-powerful, awe-inspiriting, resourceful and relentless. The law reports abound with decisions in which appellate courts have reversed convictions and granted new trials on account of the improprieties, prejudice or misconduct of district attorneys. Judges, too, have frequently been scored for their unfair conduct of criminal trials.

The office of public defender will substitute competent, experienced, powerful and high-class official counsel in the place of indifferent, uncompensated and ofttimes conscienceless "assigned counsel." There is ample distinguished authority for the statement that the present system of "assigned counsel" is inadequate. A defendant possessing financial means may select his own counsel and vigorously combat the powerful agencies of the prosecution. The indigent defendant has no freedom of selection but is compelled to take such counsel as the court assigns to him. Counsel must accept the assignment and, except in capital cases, without remuneration. Our whole system of assigned counsel is fundamentally wrong from every standpoint. It is as unfair to counsel as it is to the accused. If it is logical for the state to pay counsel for the defense of one whose life is at stake, why is it not equally logical to compensate counsel in a case where one's liberty is involved? Accused persons are entitled to a real defense—not a perfunctory one. In order to vitalize the "presumption of innocence," the state must accord the defendant a fair trial. Even the "crook" is entitled to that—despite a criminal record.

Miscarriages of justice are bound to occur through indifferent or incompetent service rendered by assigned counsel. Although some lawyers appointed to defend indigents are experienced and conscientious, many of them do not reflect any credit upon their profession. Successful lawyers find civil practice more alluring and profitable. Is the average pauper prisoner really defended? It is constantly asserted that defendants are often induced to plead guilty by counsel who desire to escape the burden and responsibility of a trial or that they are lukewarm in their defense. Should not this condition be speedily remedied?

It is not the function of a public defender to defeat justice by securing the acquittal of a guilty defendant any more than it is the function of the district attorney to convict an innocent man. It should be the duty of both officials to work harmoniously, with the sole purpose of bringing out the facts

and the law in a given case, and to strive for the highest ideals in the administration of justice. The public defender would afford the innocent a real defense, would secure for him a speedier trial and would stand as his champion—armed with sufficient resources and power to protect his rights. He would also properly advise the guilty and be instrumental in saving him from over-punishment.

The public defender proposal is fundamentally sound from a humane, practical and economic standpoint. It is not novel, radical nor revolutionary. It is sanctioned by historical precedent in European countries and present day efficiency in many American communities, notably in Los Angeles, Omaha, Pittsburgh, New Haven, Bridgeport and Hartford. The working out of the plan in other cities is now being watched with great interest.

An experiment is now being tried out in New York County by private individuals, philanthropically inclined, to remedy conditions in the criminal courts by furnishing high class counsel to indigent defendants. This plan will not solve the problem. It is at best a temporary expedient—a makeshift. Private charity will not avail as a substitute for justice. Justice—not charity—is the universal need.

The case of Charles F. Stielow, convicted of murder and recently pardoned by the Governor of New York, is a striking instance of the need for a public defender. This case with its many ramifications, extraordinary revelations, confessions made and repudiated, motions for new trials, stays of execution and appeals to the governor, presents a startling illustration of legal "red tape" and technicalities. Stielow was helpless against the juggernaut of prosecution. His long imprisonment and torture seriously challenges the efficiency of the administration of justice. The "Stielow case" has completely shattered the argument so persistently urged by opponents of the public defender that our present system precludes the possibility of wrongful convictions. It proved conclusively that an innocent man can be sentenced to death, despite the so-called legal "safeguards" which apparently surround him. His ultimate vindication and freedom, through executive clemency, saved the state from the stain of judicial murder.

Unfortunately, the law makes no provision by which those whom it wrongs, like Stielow, may be compensated. Not only should the state jealously guard the fundamental rights of accused persons, but it should go further and indemnify those who are the victims of legal injustice.

The successful conduct of the office in Los Angeles and other American cities is a complete answer to the objections which have been urged. The favorable comment of judges, lawyers and those in touch with the criminal courts in those communities, is significant. The trend of public opinion is indicated by the efforts of legislators throughout the country to create the office of public defender. Nothing can stop the onward sweep of the movement. Not only in the state courts, but in the military courts, the "square deal" idea is fast taking root. The recent published criticisms of trials by army courts-martial and the helplessness of accused soldiers indicate the need for a reorganization of those tribunals. Defense is a right—not a privilege. A denial of the right of impartial hearing tends to public scandal and the undermining of the principles upon which our government is founded.

The American sense of "fair play" will in time demand the adoption

generally of the public defender idea. It means greater respect for the law and increased confidence in the criminal courts. The democracy of justice is essential to the march of human progress. The public defender is a national necessity.—Mayer C. Goldman, member of the New York City Bar, author of "The Public Defender."

The Public Defender: A Constructive Social Experiment.—Social justice demands legal justice, and be it noted that social justice in the twentieth century is pushing towards its end on a more intelligent and scientific basis than formerly. It therefore seeks remedies based more on scientific inquiry and thorough experimentation and less on theory. These requirements apply with equal propriety to all effort to put the machinery of legal justice in harmony with economic justice. The provision of proper counsel for the defense in criminal cases is one of the twentieth century demands of both social and legal justice, the answer to which needs peculiarly to be settled by inquiry and experiment rather than by theory. That some better provision must be made than exists at present is generally testified by judges, district attorneys and others who observe our criminal courts in various relations, but as to the form of provision there is much variety of opinion. In Los Angeles, for instance, we have the public defender named by the county board of supervisors, and in Connecticut he is named by the judges of the Superior Court. In New York he is named by a committee of citizens. In the first two instances the office is a public one; in the last it is a private office under the direction of a citizen's committee. There is evidently no agreement yet as to the proper source of appointment and the ultimate choice between these various methods is yet to be determined.

In New York the appointment of a public defender was carefully considered by committees of the bar association and the county lawyers' association respectively. The work of the public defender was approved as desirable, but it was the almost unanimous judgment that it could best be done by private counsel employed by a citizens' committee. The Voluntary Defenders' Committee was therefore formed, including men and women who had touched the problem of the public defender in various intimate relations and it was decided to undertake the work for three years as an experiment, giving special attention to the lessons derived therefrom in relation to the continuance of the work and its future character. This attitude of open-minded inquiry has kept the movement from many mistakes. Such, for instance, would have been the passage of a bill before the New York state legislature urged by well-meaning but inexperienced advocates of the public defender. The bill created the office of public defender with a salary equal to that of the district attorney and a staff of assistants nearly, if not quite, equalling the staff of the district attorney. The three years' experience of public defender in New York has made it clear that no such office with numerous assistants is needed. During the past three years the public defender of New York has had but one assistant, and yet he has been able to handle approximately half of all the assigned felony cases, that is, half of the most serious cases which would have been assigned to the public defender if such an official position had been created. The public defender in Los Angeles County has but four assistants on the criminal side, while the staff

of the district attorney is more than double that of the public defender. Yet the former is able comfortably to handle all his cases though he himself also supervises the civil side of his work while the district attorney gives his whole time to criminal cases.

The public defender in Los Angeles stated to the writer that he himself believed it to be undesirable that he should receive a salary equal to that of the district attorney. The public defender in New York receives a salary half as great as that of the district attorney and the same as that of a first assistant district attorney. This amount was fixed because it was believed the public defender should have a salary equal to that of the men whom he was meeting daily in court, and because it seemed this amount was needed to enable a man of proper ability to undertake the work.

Further, acting on experience rather than theory and after valuable conference with lawyers of the bar association and the county lawyers' association, a step forward has been taken for the next three years in uniting the Vountary Defenders' Committee with the Legal Aid Society. What will be the ultimate character and form of the work will be decided on the same sound basis. The work may ultimately become a feature of the state or city government, or it may remain a philanthropic enterprise, but we trust the decision will be determined by wise consideration of the needs and actual experience, not by theoretical pre-judgment. The present writer has no prejudice against an official public defender, but he has had extensive experience in the good results obtained by using private philanthropy to try out the character of work to be done where the need of the service for the public was believed necessary. It may be found that only public service will meet the need. It may be found that existing machinery of government slightly adjusted will suffice. It may be found that all, and more than the theorists claimed, is needed, but the experiment undertaken with the flexibility of private action settles the matter beyond a reasonable doubt, and the public thus duly informed and rightly guided can usually be trusted to "do the right thing."—James Bronson Reynolds, Chairman of the Executive Committee of the Voluntary Defender's Committee, New York City.

New Swedish Legislation Concerning Illegitimate Children.—Provisions in the Swedish law of 1734 concerning children born out of wedlock, or, as they are called, illegitimate children, are very brief. Such children do not have the right of inheritance except after their legitimate children, but should at least have the minimum of sustenance from father and mother until they could shift for themselves. On the other hand, concerning the will of such children, it is the same as other children. The care and guardianship of illegitimate children rests with the mother, but she could in a legitimate way claim support from the father. Another class of children that were born out of wedlock were looked upon as legitimate children, and as a result of this they received the inheritance from their parents as legitimate children. This was the case if the parents were engaged or in case of rape. If the parents, after the birth of the child became engaged, or were married, the child received the same rights as that of a legitimate child.

The child's right, when inheritance from the mother was in question, was previously improved. In 1866 a law was passed concerning illegitimate chil-

dren that were entered in the church book at the mother's request; they were given the right of inheritance, the same as her legitimate children, with the exception that they could not fall heir to any property that could only legally become the inheritance of her legitimate children. Through the due processes of law of 1905 illegitimate children were given the same privilege as legitimate children when the question of inheritance of the mother's property was concerned.

On June 14, 1917, a law was passed concerning illegitimate children that made entirely new provisions concerning the rights of such children. This law includes all children who are not, because of birth or following legitimacy, to be considered legitimate children. But in certain conditions certain rules are valid concerning children that were conceived during betrothal, or whose parents, after the child was conceived, became betrothed to one another.

The child bears the mother's name. If the mother is married, or a divorced wife, the child bears the mother's maiden name. At the same time it is conceded that the father, to whom the woman is married, as her husband, should give the child his name. The child's guardian must be taken into consideration, especially the mother, if the child is a minor, or the child itself if it has reached its eighteenth year. When the question of children born during betrothal is concerned, the guardian of the child is to be considered, if the child is a minor, but if the child is not a minor the guardian has no right to decide unless the child consents. The care of the child, by which we understand the right and duty to raise the child, rests, in the first place, upon the mother. She is also the child's guardian, in which capacity she represents the child, and acts as executrix for any property it possesses. By an understanding between the parents the father can assume the mother's responsibility. If such a change is to be made, it must be wrought through the courts, who will not sanction this unless the father is capable for the position. If the mother is not capable of assuming this responsibility, or if the mother dies, the courts must choose another guardian, and automatically she assumes the responsibility of the child. The father may be chosen as the guardian, but he has no priority right. That parent who has not been given the guardianship of the child assumes the right to visit the child and accompany it unless certain conditions deem him unfit for such privileges.

When the question of supporting the child is considered certain provisions are made which guarantee the child better conditions than it had heretofore. The main clause states that the child shall enjoy such privileges and enjoyments as the parents' conditions deem reasonable. The child's rights are no longer as heretofore limited to include only that which inevitably must be demanded. The economic, as well as the social conditions, of both parents shall constitute the standard by which the amount of the support shall be judged. The length of time during which this support shall be continued shall be judged according to different conditions. The support of the child must continue in every case until the child has reached the age of 15. Generally it shall cease when the child has reached its eighteenth birthday. The time limit can be lengthened above the regular time, providing the child's talents and conditions in general, especially the economic conditions of the parents, can provide, and if the child ought to have advanced education.

The cost for the support of the child shall fall on both of the parents as

far as they are able. Their ability to earn money as well as any property they might have must be taken into consideration, also the time necessary to take care of the child by the mother. In the light of this fact, as well as other conditions, the rule implies that the father in general must assume the greater part of the cost of the support of the child. Many times he must assume the whole responsibility. The parent who assumes the care of the child, the rule implies the mother, must directly look out for the child, and thus relieves herself of the cost of the support of the child. The other parent shall assume the financial responsibility.

If the child, after it has become full grown, because of physical conditions, or if unable to support itself, the parents, in the proportion that they are able, must give the child reasonable support. The child is responsible to the parents in the same degree.

The father is obliged, in proportion to his and the mother's need, to contribute to her support for six weeks before confinement and six weeks after. The time limit can be extended from four months before to nine months after confinement. The money should be paid monthly and in advance.

Under the old laws it was the custom for the parents to agree between themselves as to the amount the father should pay. The amount agreed upon was very low; especially was this the case when the amount was paid once for all time.

Legislation has been passed: any agreement as to the amount of support paid to relieve one's self of future payment of support shall not be valid, unless by written agreement and signed by two witnesses, also sanctioned by the child's caretaker, or one appointed by him.

If the agreement includes that a certain amount shall be paid once for all time, this amount shall be turned over to the child's caretaker, whose duty it is to secure an insurance for the child in the Bureau of National Insurance. As to the question of the right of inheritance, the new law has retained the same rules that were in force previously. The child therefore has the right of inheritance from the mother and her relations, and inherits from them as a legitimate child. The child, on the other hand, does not have the right of inheritance from the father or his kinsmen. In opposition to what was valid heretofore, the father or his kinsmen can neither inherit from the child. If the child is born during betrothal it has the right of inheritance from the father, and the father after the child, even as a legitimate child.

In order that the interest of the child may be well looked after, for every child born out of wedlock there is a caretaker whose duty it is to aid the mother with advice and enlightenment, also to see that the child receives its right and just dues. Especially shall it be his (or her) duty to see that immediate measures are taken for the determination of the child's ancestry and for the guaranty of the support of the child, and to aid in taking care of supporting the child. The woman should report her pregnant condition to the caretaker before confinement; the caretaker will then immediately appoint some one to care for her. As soon as the caretaker is notified of the child's birth the authorities should be notified. The caretaker can be either a man or a woman.

The paternity of the child can be established by acknowledgment to the priest that has charge of the church book, or to a notary public, or by such agreement concerning the responsibility of support mentioned before. Such an

agreement implies permanent liability to support. If no conclusions are reached the case may be voiced in the courts of justice. Such legal proceedings can commence ever before the birth of the child. In connection with the conclusion as to who is the father, the following legislation has been passed: If it can be proved that the defendant has had sexual intercourse with the mother in such time that the child could have been conceived at that time, he shall be considered the father of the child, unless it can be proved that the child could not have been conceived at that time because of impotency on the part of the defendant, or pregnancy on the part of the mother. Objections because the mother has had sexual intercourse with some one else at the time the child was conceived are not permitted; because of the great difficulty in proving that sexual intercourse has actually taken place an oath was required. According to the old legislation in such cases, the defendant was compelled by oath to swear that he had not had sexual intercourse with the mother at the time. Now legislation requires that the mother, in such cases, must by oath affirm, or the defendant by oath deny, that sexual intercourse actually took place at the time the child was conceived. The decision shall be rendered in favor of the one according to the conditions of the case whose oath can most safely be relied upon.

Through two measures passed at the same time the law concerning illegitimate children was passed, provisions have been made guaranteeing support.

The one of these laws gives the one entitled to support the right to win a guarantee of the amount due her from the salary, pension, or insurance of the man liable for her support. On behalf of the one entitled to support the deputy shall draw up guarantees. It includes that the one who is liable to support must pay to the deputy through salary, pension or insurance the amount equal to the amount of the support due the claimant. In case that the salary, etc., is not sufficient for the support of the one entitled to it and his family as well the deputy must pay this amount and through securities secure it from the man who must pay the support. This law is not limited to illegitimate children, but includes children, adopted children, parents, adopted parents, or divorced wives, of two persons as well as guarantee by the one liable for support.

Another law forbids the leaving of the country of the man liable for support of children, or adopted children, until they are fifteen years of age. He will be allowed to leave the country only on the condition that he leave bonds or the amount sufficient for the support of the child until it is fifteen years of age. If any suspicion that he will leave arises, he is served with a notice from the deputy; one is also sent to the police department, whose duty it is to hinder him from leaving.. In case of such suspicion, or if he has already left, he is subject to a fine covering the amount for the support. Passenger agents or any agents who have knowledge of the condition and aid him in leaving the country (the agent himself) must be responsible for the support of the child.—(The author of the above note, Hjalmar Westring (born 1857), is one of Sweden's foremost and most famous law authorities, president of the Svea Supreme Court (one of the three higher courts to which one may turn after the common courts have passed judgment). He had been consulting state's attorney before this in the year 1901, and chief of the civil department from 1902-1905, besides director in the Law School, the institution which criticises and expresses itself concerning all changes of laws being made at the legislative assemblies, from 1909-1917. For a number of years he has been also the editor of the much used and well

known "Sweden's Laws.") Translated from the original by Mr. Oscar Gustafson of Northwestern University.

Bail Bonds and Forfeitures in Chicago.—At the meeting of the Executive Committee of the Chicago Crime Commission, held March 11, 1920, the Committee on Courts (Robert H. Hunter, chairman) submitted a report in which was discussed, among other matters, its investigation concerning bail bonds in the criminal court. With reference to bonds, the report of the committee is, in part, as follows:

"Since November 1, 1919, the Committee on Courts has devoted much time and attention to an investigation concerning bail bonds in the Criminal Court, bond forfeitures and related matters. It is gratifying to report that there has developed since the time it began its investigation a most pronounced activity on the part of officials having to do with the acceptance, forfeiture and collection of bail bonds in criminal cases. Action has been taken by the Criminal Court, State's Attorney and Attorney-General to bring about a better condition, and this, coupled with the publicity given the matter by the daily newspapers, will go far toward correcting an evil which has been one of the principal encouragements to criminals of this community.

"The Chief Justice of the Criminal Court has directed the attention of a grand jury to the bond situation, the Attorney-General is giving the matter attention with a view to prosecutions, while the State's Attorney has devised a plan which we hope will go far toward mitigating the condition prevalent under a law which does not make a bond a lien on real estate.

"Since February 1st, Maclay Hoyne, State's Attorney, has been requiring bondsmen to sign an agreement not to sell, transfer or encumber the property scheduled as security on bonds and is filing the agreement for record with the Recorder of Deeds of Cook County. Just what the legal effect of this is to be has not been determined, but it will at least have a tendency to make bondsmen more careful. Whether the filing for record of the agreement will cloud the title of the property is as yet a mooted question, but it will have a tendency to make easier the successful prosecution of a conspiracy charge in the event that the property designated in the agreement is transferred for the purpose of avoiding payment of judgments against bondsmen.

"The committee caused to be investigated the scire facias record for 1919, showing 426 bond forfeitures in the Criminal Court during that year, amounting to $1,448,900.00. Of these, 105 were set aside without payment of costs and 60 were set aside on payment of costs, leaving 261 cases in which the criminals were at large. On these cases scire facias judgments were obtained in 86 instances and suits started in 69, leaving 106 cases in which no action had been taken since the forfeiture. This was the record as of January 1, 1920.

"The record of bail forfeitures from January 1, 1919, to December 31, 1919, in the Criminal Court is as follows:

		Total Amount
Bonds forfeited	426	$1,448,900
Forfeitures set aside on payment of costs, 1919	60	166,800
Forfeitures set aside on payment of costs, January, 1920	9	27,000
		$ 193,800

Forfeitures set aside without payment of costs, 1919.....	105	$ 440,100
Forfeitures set aside without payment of costs, Jan., 1920..	3	6,000
		$ 446,100
Forfeitures—scire facias judgments secured, 1919.....	86	$ 289,100
Forfeitures—scire facias suits started 1919.....	69	211,700
Forfeitures—scire facias suits started January, 1920.....	74	241,400
Forfeitures—No action taken, December 31, 1919.....	106	341,200
Forfeitures—No action taken February 1, 1920.....	20	66,800

"Subsequent to the publishing of some of our figures in the Commission's Bulletin No. 10, under date of January 19, 1920, a great activity was shown by the authorities, and the figures as of February 1, 1920, indicate definite action on the part of the State's Attorney's office and the disposition in some form of all but twenty cases.

"It is the belief of the Committee that its published figures with regard to Louis Bernstein and Louis H. Levy had a bearing on the activities of officials and the grand jury with respect to professional bondsmen and fake bonds. They have also caused almost a complete cessation of the practice of releasing forfeiture judgments by the County Board except in cases provided by the statute where the defendant has been apprehended and produced in court or given into the custody of the sheriff.

"In January and February, 1920, a total of $664,500.00 in bonds was forfeited in the Criminal Court alone on 153 bonds. Disposition of these forfeitures was as follows, as of March 1, 1920:

Forfeitures set aside on payment of costs.....	21	$ 62,000
Forfeitures set aside without payment of costs.....	28	142,000
Scire facias suits started—writs issued.....	88	388,000
Forfeitures not disposed of.....	16	72,500
		$664,500

"This table shows sixteen cases not disposed of on March 1, 1920. On March 6, 1920, an inspection of the records showed that out of the sixteen cases only seven cases remained in which no action had been taken—a marked improvement over the showing on January 1, 1920, when the docket showed 106 cases on which no action had been taken.

"Of course, the committee realizes that this work has just begun, that the present flurry will not cure the evil and that constant observation, continued investigation and a close scrutiny of all the activities on the part of those responsible for the proper protection of the public in these matters will be required before the ring of professional bondsmen is broken and a system perfected which will make the giving of a bond in criminal cases something more than a farce."—From Bulletin No. 11 of the Chicago Crime Commission.

The Organization of Justice in Soviet Russia—Original article by Enrico Ferri in *La Scuola Positiva* for January, 1920.—The traditional principle expounded by Montesquieu that the powers of the state should be divided into three branches, viz.: legislative, executive, and judicial, is not applied by the Soviet Republic.

Beginning with the fourteenth century the bourgeois element, finding itself entirely out of tune with feudal institutions, effected a series of revolutions, culminating very decisively with the French Revolution in 1789.

Now, at the beginning of the twentieth century, the judicial power in the bourgeois democracies has become the champion of the exclusive interests of the dominant party or power. This is the lesson of history—every revolution ends with the consolidation of this or that statu quo, hence the law of sociology that "every progress attained becomes an obstacle to future progress."

It can readily be understood that in Soviet Russia it is necessary to have judges who can translate faithfully the popular legal conscience and who do not interpret the law itself, but the law of the masses themselves.

The bourgeois revolution in France produced the same result, and in place of the laws and the judges who decided in divers ways according to the aristocratic, ecclesiastical or popular caste of the litigants, it substituted equality of law for all.

It must be understood, however, that the "popular conscience" alone cannot suffice for penal justice. There is technical knowledge—technical because it relates to the personal causes and social conditions which affect the crime; it is necessary to know how to recognize delinquents and whether they are curable or incurable, because the majority of delinquents, when not treated like beasts as they are now, have the power to become useful again to the community.

The real problem is for the economic organization, as well as the judicial organization, to see which institutions are dry leaves to be cut from the tree of social life, and which are still vital and can be adapted to the new regime.—George F. Deiser, Philadelphia.

Legislation re Care of Misdemeanants in New York.—The following bill gives discretionary power to the courts in New York State to commit second offender misdemeanants to the New York State Reformatory at Elmira. Elmira has been open heretofore only to felons. In 1912 legislation was passed for the establishment of a New York State Reformatory for Misdemeanants. This, of course, commits New York State to the reformatory treatment of misdemeanants. However, such reformatory exists only on paper.

Elmira has had a low population for several years and it has been our aim to make use of the splendid opportunities at Elmira for the benefit of the young misdemeanants, thereby saving them from the demoralizing effects of the county jails and penitentiaries.

The fact that misdemeanants are now being sentenced to the Elmira Reformatory on an indeterminate sentence with a maximum of three years, brings New York State abreast with other states such as New Jersey, Massachusetts, Illinois, Michigan, Connecticut and Iowa. New York State has long ago, in two of its women's reformatories, the Western House of Refuge and the Reformatory at Bedford, permitted the admission of misdemeanants and felons to both institutions. Elmira has been practically the only state reformatory restricting its admissions to those committing a felony.

In New York City since 1905 there has been a special reformatory for misdemeanants, but this, of course, took care of only New York City misdemeanants. The opening of Elmira to misdemeanants will not interfere with the New York City Reformatory commitments in so much as the law is discretionary and applies to second offenders.

Attention is called to Section 307B of the enclosed bill, which gives power to the Board of Managers within a period of sixty days to reject prisoners committed who, in the opinion of the members of the Board of Managers, would not be benefited by the training at the reformatory.

To amend the penal law and the prison law, in relation to sentences to reformatories and to permit the sentence of misdemeanants thereto.—(Introduced in Senate (N. Y.), March 24, 1920, by Mr. Lowman by request of the Prison Association of New York—read twice and ordered printed, and when printed to be committed to the Committee on Codes.)

Section 1. Section two thousand one hundred and eighty-five of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

§ 2185. Sentence of males between sixteen and thirty years of age. A male between the ages of sixteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison, *or a male between such ages convicted of a misdemeanor who has formerly been convicted of a misdemeanor* may, in the discretion of the trial court, be sentenced to imprisonment in the New York state reformatory at Elmira, to be there confined under the provisions of law relating to that reformatory. *The commitment of a misdemeanant pursuant to this section shall certify that defendant has been previously convicted of a misdemeanor.*

§ 2. Section three hundred and seven of chapter forty-seven of the laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of the consolidated laws," is hereby amended to read as follows:

§ 307. Sentence to reformatories. Any person who shall be convicted of an offense punishable by imprisonment in either of said reformatories, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this article, and not otherwise. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the state board of managers, as authorized by this article; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, *except that in the case of persons convicted of misdemeanors the term of imprisonment shall be for a period not to exceed three years.*

§ 3. Such chapter is amended by inserting in article eleven thereof three new sections, to be sections three hundred and seven-a, three hundred and seven-b and three hundred and seven-c, to read respectively as follows:

§ 307-a. Persons in reformatories convicted of misdemeanors. Any person convicted of a misdemeanor and confined in a reformatory shall be confined under the same conditions as a person convicted of a felony and confined therein, and shall be entitled to the same clothing, donation and railroad transportation on discharge. The state shall pay all expenses of transportation to and confinement of such person in the reformatory.

§ 307-b. Return of inmates improperly committed. Whenever it shall appear to the satisfaction of the state board of managers of reformatories that any person committed thereto is not of proper age to be so committed, or is not properly committed, or is insane or mentally or physically incapable of

being materially benefited by the discipline of the reformatories, such board of managers shall cause the return of such person to the county from which he was so committed. Such person shall be so returned in the custody of one of the persons employed by the said board of managers to convey to the said institutions prisoners committed thereto, who shall deliver him into the custody of the sheriff of the county from which he was committed. The sheriff shall take such prisoner before the court making the commitment, or some other court having equal jurisdiction in such county, to be resentenced by such court for the offense for which he was committed to such reformatories, and to be dealt with in all respects as though he had not been so committed. Such person shall not, however, be so returned to the county from which he was committed after the expiration of sixty days subsequent to his admission to the reformatories, unless such prior return or transfer be dangerous to the life or health of such person. The cost and expense of the return of such person necessarily incurred and paid by such board of managers shall be charged against the county from which such person was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 307-c. Persons not to be committed when reformatories overcrowded. If at any time there shall be as many inmates in the reformatories as can be properly cared for therein, the board of managers may direct the superintendent of reformatories to proceed as hereinafter provided. If subsequent to such direction and before the revocation thereof a person be committed to the said reformatories and the superintendent of such reformatories be so notified in accordance with the law, such superintendent shall advise the committing court that there are as many inmates in the reformatories as can be properly cared for therein. The committing court may thereupon resentence such person for the offense for which he was sentenced, to any other institution in accordance with the law.

§ 4. This act shall take effect immediately.

(See Chap. 848, Laws of 1920.)

—From E. R. Cass, Asst. Gen. Sec'y of the Prison Association of New York.

Explanation.—Matter in *italics is new law.*

PAROLE—PROBATION

Probation in Federal Courts.—"After a number of years of effort Congress has before it a measure, known as the Lonergan bill, extending to the judges of the United States courts the right to grant probation and suspended sentences in the cases of youthful and first offenders.

"As in the state courts, many persons are convicted of petty offenses who should not be sent to prison, but who should, after conviction or plea of guilty, be released in the care of an officer of the court so that they may work out their own salvation and become good citizens, escaping thereby the stigma of convict.

"Unfortunately this right is denied to the judges of the federal courts, although in practically every state in the Union the right to grant probation and suspended sentence is conferred upon the judges of the nisi prius courts and is continually exercised by them to the benefit of the individuals and of the community at large.

"Parole, which is permitted under the federal statutes, is not satisfactory, particularly in the case of first offenders and youths who are convicted of crime, as before parole can be granted the offender must have served at least one-third of his prison term.

"The inutility of this system must be apparent, because to redeem a man he must be kept out of jail, and that is the purpose of the probation law, which is designed to halt the potential criminal at the outset of his career by giving him a chance to 'make good' under the supervision of a duly appointed official specially qualified to handle such cases.

"The inadvisability of sending such offenders to prison is obvious. Prison is the high school of criminals. Mere contact with men who have spent their lives in breaking the law will as surely make a criminal out of the man who is sent to prison for the first time as it is certain that the sun will rise to-morrow.

"The government that sends first offenders to prison is almost as criminal as they will be at the expiration of their term. Prison is punitive; probation is corrective; and it is correction that is important. Society cannot afford to maintain a large prison population, not alone because of the expense, but because it makes drones out of what otherwise might be made into producing units.

"It is to be hoped that the Lonergan bill will be passed and the judges of the federal courts accorded the same right with regard to first offenders as is accorded under the state law to the judges of the Superior Courts of this state. Many of the convictions in the federal courts are for petty thefts from post-offices, for the violation of federal statutes of one kind or another, or the fraudulent use of the mails.

"Where the amount is small and the offender young, or it is a first offense, it is far better that the youth be given an opportunity to work out his offense and restore the value of the stolen property to the owner or the government than that he be sent to prison to associate with criminals and come out a social liability instead of having the opportunity to become a social asset.

"According to the federal court records, 42,188 offenders were tried during 1919. Of those convicted 76 per cent were first offenders; more than 56 per cent under thirty and more than eleven per cent under twenty years of age. Surely it is a good social investment to at least attempt to prevent these men from becoming habitual criminals and as such a charge upon society.

"Society is coming to the conclusion that it is as criminal to make criminals by sending savable men to prison as it is for men to become habitual offenders. No community can afford to maintain a large number of persons in the idleness of prison life, particularly when the cost of watching them on probation is far less than what it costs to maintain them in prison, if one looks only at the taxpayers' side of it.

"Probation pays; it has paid in San Francisco in the number of men who have been saved from a criminal career and given an opportunity to 'make good.' In the ten years that adult probation has been in effect in this city, out of the 6,025 persons placed on probation, only 266, or 4½ per cent, have violated the terms of their probation.

"The cost of maintenance of the Adult Probation Department during

1919 was $18,060. During the same period 1,156 persons were released on probation, so that the cost to the taxpayers of the probationers, at work for themselves and their families, was 4½ cents per day or $15.67½ per year each. These same persons, if they had been committed to prison, would have cost the taxpayers 76 cents per day or $276 per year each. The answer is obvious.

"Probation means man-saving; it has proven itself in practice in the states and should be extended to the federal courts."—*The Recorder,* San Francisco, May 29, 1920.

PENOLOGY

The Pennsylvania Penal System.—Mr. Albert Votaw, Secretary of the Pennsylvania Prison Society, has recently completed a survey of the penal institutions of his state. The following is abstracted from his report as published in the *Journal of Prison Discipline and Philanthropy* for May, 1920:

Special Legislation

"From time to time, beginning about 1830 and continuing to 1868, the General Assembly passed special acts for the management, respectively, of several of the prisons in the larger counties. These counties are Allegheny, Berks, Chester, Dauphin, Delaware, Lancaster, Lehigh, Luzerne, Montgomery, Northampton, Northumberland, Philadelphia and Schuylkill. There may be special legislation affecting minor points in some other counties. Some of those acts presented rather elaborate schemes for prison management. Some features are taken from the statute of 1829 regulating the management of the Eastern Penitentiary. The sheriffs or wardens are to reside within the prison limits and are not to be absent over night unless officially permitted by the Board. This regulation has been modified by a recent statute. The prisoners are to be placed in 'separate and solitary confinement at labor,' a provision wholly unobserved except at the Philadelphia Convict Prison, and even here the labor condition is not fulfilled. 'Discreet and reputable citizens' are to constitute the Board of Inspectors. They must make weekly rounds among the prisons, unaccompanied by the warden, except by their request, and are to take note of all complaints. In at least two counties the inspectors are to be elected by popular vote. Once weekly the inspectors are to check off the prisoners from an authoritative list. Matrons are to be appointed to care for the female prisoners. The warden may visit the women's quarters, but must do so in the company of the matron. It is explicitly stated that the women prisoners are to be 'given such instruction as may tend to their reformation and to render them useful members of society.' The minuteness of directions included in these lengthy statutes is a source of embarrassment. The provisions of the present Constitution, in effect since 1874, forbid such special legislation, but the special legislation in effect prior to 1874 remains in force.

"We are convinced that it is desirable to aim at greater uniformity in the management of our penal institutions. It would be unwise to include in the Constitution a comprehensive scheme of penal management, which, however efficient at the present time, would probably need in a few years to be materially modified in order to keep pace with the progressive spirit of the age.

"We have, therefore, submitted to the commission now engaged in the task of preparing a tentative draft of proposed changes to the Constitution, the desirability of including a similar article relating to *Penal Affairs.*

Penal System

"Section 1. The General Assembly shall provide for the maintenance and support of a humane and efficient penal system in accordance with modern scientific principles of penology, such system to include adequate provision for suspension of sentence, the indeterminate sentence and release on probation and parole of convicted offenders, as may be determind by law. It shall also provide that all persons convicted of crime or delinquency who shall be committed to penal, correctional or reformatory institutions shall be employed in useful labor and shall receive such treatment and instruction as shall tend to effect their moral reformation and qualify them to become useful citizens of the Commonwealth.

"Section 2. The General Assembly shall create such administrative and supervisory department or departments or such other agencies as may be necessary to carry into effect the provisions of this article.

"If such article is adopted, it will pave the way for the establishment of some general system whereby more care and supervision may be given to the efficient management of all our prisons. The principles of reformation and employment will be recognized as being inherent in any scheme for the treatment of offenders. The commission had already proposed that the fee system should be abolished so far as county officials are concerned, hence we did not include the revocation of fees for boarding prisoners in our proposition."

Annual Report of the New Jersey State Prison.—The Report of the New Jersey State Prison for 1919 is unique when compared with the usual run of prison literature. A large part of the pamphlet is made up of the psychologist's report. Examination by psychological methods was begun in this prison in February, 1919. A total of 839 prisoners had been examined by the army group intelligence test Alpha prior to July 1, 1919. This is the group test used for the examination of illiterate army recruits. The author shows a graph showing the distribution of 6,541 white draft recruits of the summer draft at Camp Dix, New Jersey. A distribution of letter grade scores of this draft is identical with the distribution of one and a half million recruits in the army as a whole. A curve is, therefore, representative not only of the State of New Jersey, but also of the army as a whole. The Beta subjects (illiterate recruits of this draft) are represented on the same graph. This makes possible the direct comparison of army mentality with the New Jersey prison mentality.

The following facts are evident from an inspection of the table and curves:

1. Forty-one per cent of the prisoners obtain scores below 15. This indicates a degree of literacy below that of the third school grade and constitutes failure in this examination. A very small number of these failures are due to unwillingness to take the examination seriously, but individual examination and questioning indicate that this number is very small. This percentage of practical illiteracy is 3.6 per cent greater than in the army recruits with whom the prisoners are compared.

2. The average score is 25 points. This average score is 15 points below the average of recruits in the army, but, as will subsequently be shown, is much influenced by disproportionate numbers of negroes and foreigners in the prison, who tend to obtain very low scores in any mental examination.

3. A small percentage of prisoners (7 per cent) obtain scores equivalent to those of typical army officers (above 105 points) as compared with 13 per cent of recruits.

4. Comparing the prison scores as a whole with the army scores as a whole, disregarding the excessive number of negroes and low-grade foreigners, we observe that the lowest 50 per cent of prisoners equal the lowest 40 per cent of draft recruits, while the highest 10 per cent of prisoners do not exceed the highest 25 per cent of draft recruits; that is to say, the prison population as a whole is somewhat inferior in intelligence to the army population as a whole, if we disregard the heavy proportion of negroes and low-grade foreigners in the prison. This army curve includes no negroes, while the prison curve includes about 25 per cent negroes, who tend to score below whites in this examination.

It is altogether impossible in a brief abstract to do justice to this report as a whole. Dr. Doll makes in the whole report a close analysis of crime conditions as he found them in the study of the population of the New Jersey prison.—R. H. G.

Preventive Work in the Los Angeles, California, Public Schools.—We have at hand the first annual report of the Division of Psychology in the Los Angeles' Public School system. This relates to work in ungraded rooms. Dr. A. H. Sutherland, the psychologist in charge of the work, is making a great contribution in that city to what promises to be a successful carrying out of a plan for the prevention of delinquency and other social maladjustments. It appears to many of us that the logical place to do this preventive work is the public schools.

Educational Treatment of Defectives.—This is the subject of an interesting contribution by Alice M. Nash and S. D. Porteus in the Training School Bulletin for November, 1919. It is one of a large number of important publications from the Department of Research in the Training School at Vineland, New Jersey. A summary of the findings of the research follows:

1. In a great many cases the special class fails either because it is not fitting the defective for any occupation or because he does not follow in after life the occupation for which he has been trained.

2. Children vary just as much in their capacities for manual training as they do in scholastic abilities. In the great majority of instances special classes are not paying attention to this fact. Teaching a defective some scraps of woodwork or basketry is not helping very much to solve the question of his ultimate self-support.

3. There are indirect advantages of special class work with defectives, the main one being that the regular grades may do better when the feeble-minded are eliminated.

4. The purpose of this paper is to put down Vineland's educational experience. Its plan is to take each subject in turn and to attempt to justify its position in the curriculum either of the special school or special class.

5. An important point is the right selection of children for training in the various departments. For scholastic training the Binet tests give the best basis of classification. For industrial abilities the Porteus tests give the best indications.

6. Some labor-saving rules that have been evolved from our experience are:

(1) Children two years or less mentally (average Binet-Porteus age) are excluded from kindergarten because they are found to make no permanent gain.

(2) Children of seven years or less, Binet age, make no use of reading, whether for pleasure or profit. Children with I. Q.'s below 50 should not be given instruction in ordinary school subjects at all.

(3) As regards number work, defectives mentally less than 9 years per Binet, unless displaying special aptitude, should be given only the most elementary work. Operations involving the use of pen and paper are utterly useless for defectives. They either do not use or do not understand such operations.

7. Needlework is one of the most practical occupations for defectives because it suits the middle as well as the higher grades, the equipment is cheap, there is ample demand for workers, and, finally, it must eventually contribute, if not to self-support, at least to self-help. The best work is not always done by those grading highest per Binet.

8. Woodwork is one of the most attractive of occupations for defectives, but its value is seriously limited by the fact that the trades which it leads to are too highly skilled for the defective to achieve competency in them. A few with special aptitudes may find scope here, but for the majority it must remain hobby work.

9. Domestic training has great value because it has range enough for all kinds of defective ability and it presents to the higher grades a means of livelihood. Within an institution it is essential to have well-trained workers.

10. Basketry is one of the poorest means of training, because it is slow and unprofitable and has no future as regards the child. It is much in favor because children's work may provide an attractive exhibit, and it is, to certain children, a pleasurable occupation. The defective who can and does earn his living thereby is very rare.

11. School gardening on a practical scale is not possible in the city school systems, where most of the special classes are. It is fine work for children, but suffers from the fact that farm labor, to which it leads, is very often drudgery from which the high-grade defective quickly escapes to take up easier and better paid work as a factory hand.

University Courses in Criminology.—Five courses in Criminology will offered by the School of Jurisprudence of the University of California during the Summer Session. The courses may all be taken together, or one or more may be elected. While all these courses may be carried on simultaneously a general University regulation limits to six units the credit that will be allowed for work done in any one Summer Session. Courses 113A and 113C are intended to cover a portion of an elementary course in Criminology offering to lawyers, physicians, medical students, nurses, teachers, probation officers, social service workers, police officers, officials in public institutions, and others interested in the serious study of crime and its prevention, an opportunity to become acquainted with the work of modern criminology. The subject will be covered for the most part by lectures and demonstrations. The prescribed reading will not be large in amount.

Courses 113B and 113D are primarily intended for those who are engaged or expect to be engaged in work which involves the care of criminals and other delinquents. Special attention will be given to advanced work for students qualified by training or experience.

113A. *Medical and Psychological Aspect.*

Jau Don Ball, M. D., Lecturer in Psychiatry and Criminology in the Summer Session of the University of California.

Practical discussion of medical and psychological problems as related to criminology: Nervous and mental disorders, feeble-mindedness, heredity, diseases, juvenile and adult criminals, organization of departments for the study of criminals. Lectures and assigned readings.

This course will include:

(*a*) General Discussion.
1. Historical.
2. Modern Conception of Crime.
3. Idealistic Tendencies and Practical and Economic Outlook.

(*b*) Special Topics.
1. Legal.
   a. Medico-Legal.
   b. Medico-Psychological-Legal.
2. Psychiatrical.
   a. Description of mental diseases, including feeble-mindedness.
   b. Prison Psychoses.
   c. Methods of Examination and Treatment, including prophylactic criminology.
3. Psychological.
   a. Mental Intelligence Tests demonstrated (individual, group, and trade tests).
   b. Social Psychology (principal instincts of man, studies of personalities with special reference to traits of intelligence and character, and discussion of traits of intelligence and character and criminal traits).
4. Heredity.
   a. General discussion.
   b. Application to criminology.
5. Studies in Environment.
   a. Home or parental control.
   b. Development and school history.
   c. Vocational history and reaction.
   d. Amusements and comrades.
6. Special Studies of Crime and Delinquency.
   a. Juvenile delinquency.
   b. Adult delinquency.
7. Clinical Aspects.
   a. Complete outline for examination, including description of reports, methods of making reports.
   b. Demonstration of medical, psychiatrical and psychological examinations.

c. Visits to state prisons, hospitals for the insane and feeble-minded and juvenile detention homes.

8. Discussion of special types of individuals ('queer guys,' 'eccentrics,' 'disturbers,' 'querulous persons,' 'unreliable and unstable fellows,' 'misfits,' the 'irritable,' 'sullen,' 'socially disgruntled,' 'unsociable,' 'negative,' 'conscientious,' 'litigious,' 'bear-a-grudge,' 'peculiar,' 'glad-hand,' 'gossipy,' 'roving,' 'restless,' 'malicious,' 'lying,' 'swindling,' 'sex pervert,' 'false accusator,' 'morbid impulse,' 'abnormal suggestible,' and 'mental twist' types).
9. Discussion from a psychiatric point of view of murder, arson, assaults, forgery, swindling, bad check passing; testamentary capacity, capacity to contract; social, political, and industrial unrest.

113B. *Practical and Intensive Course in Criminology.* Dr. Ball.

This course will include special studies in psychiatry, neurology and mental intelligence tests. Students will be required to make examinations of patients, render reports and study case histories. The object of this course is to equip the student so that he will be enabled to examine satisfactorily delinquents from a medico-psychological standpoint and to interpret rationally the results and render an intelligent and comprehensive report. Industrial psychiatry, mental hygiene of industry, methods outlined for determining the fitness of a person for his job; school psychiatry; method of making a medical psychiatric and sociological survey of a school.

References:

Healey's Individual Delinquent.
McDougal's Social Psychology.
Hocking's Human Nature and Its Remaking.
White, Outlines of Psychiatry.
Healy, Honesty.
Healy, Pathological Lying, Accusation and Swindling.
Conklin, Heredity and Environment.
Marshall, Syphilology and Venereal Diseases.
Tead, Instincts in Industry.
Parmalee, Criminology.
Goddard, Feeble-mindedness.
Jaffray, The Prison and the Prisoner (Symposium).
White, Principles of Mental Hygiene.
Hurd, Institution Care of the Insane in the United States.
Mercier, Criminal Responsibility.
Terman, The Measurement of Intelligence.
American Journal of Insanity.
American Journal of Criminal Law and Criminology.
Journal of Mental Hygiene.
Sharp, Education for Character.
Tredgold, Feeble-mindedness.
Grasset, The Semi-Insane.

Among the Special Lecturers will be:

Lewis F. Byington, former District Attorney of San Francisco.
Lincoln S. Church, Judge of the Superior Court of Alameda County.
R. Clifford Durant, President of the Chevrolet Co. of California.
Dr. Norbert J. Gottbrath, Director of Research, California Branch Institute of Criminal Law and Criminology.
Dr. Arthur A. O'Neill, City Physician of San Francisco.
Arthur I. Ritter, Lecturer on Mental Deficiency, Stanford University.
O. F. Snedigar, Juvenile Probation Officer, Alameda County.
Dr. A. L. Stanley, Physician, State Prison, San Quentin.

113c. *The Investigation of Crime.*

Edward Oscar Heinrich, B. S., Consulting Expert in Criminal Investigations; Examiner of Questioned Documents, San Francisco.
August Vollmer, Chief of Police of the City of Berkeley.

Modes and procedure in use in the best criminal and legal practice for the detection, preservation and ultimate presentation in court of facts essential to the solution of a criminal problem, and the identification and apprehension of criminals. Forgeries and other questioned documents, crime agencies, police systems, criminals, methods of operation. Lectures, exhibits, photographs, stereopticon views. Two units.

This course will include:

(*a*) Police Systems.
  1. European.
  2. American.
(*b*) Systems of Identification.
  1. Bertillon, and modus operandi.
  2. Finger prints.
(*c*) Criminal Methods.
  1. Crimes and criminals.
  2. Attacks upon the individual.
  3. Attacks upon property.
(*d*) Crime Agencies and Criminal Weapons.
  1. Chemical agencies.
    a. Poisons and habit-forming drugs.
    b. Explosives and combustibles.
  2. Mechanical agencies.
    a. Tools and other aids.
    b. Weapons and firearms.
(*e*) Criminal Investigation.
  1. Physical clues and evidence.
  2. Documentary clues and evidence.
  3. Spots and stains.
  4. The microscope, its possibilities and uses.
  5. The camera, its possibilities and uses.
(*f*) Questioned Documents.
  1. Handwriting.
  2. Typewriting.
  3. Writing material.
  4. Secret codes and sympathetic inks.

5. Illustrated lectures on solution of selected cases, including a lecture on signature forgeries; a lecture on the development of writing and writing materials with special application to problems in disputed handwriting; a lecture on check-raising, alterations, interlineations, etc.; a lecture on anonymous letters; a lecture on "Typewriter Identification and Examination of Seals and Other Printed Matter."

113D. *Field and Laboratory Methods in Criminal Investigations.* Edward Oscar Heinrich, August Vollmer.

Practical training in the finger-print system of identification, in the use of the microscope and in the use of the camera. Lectures, laboratory and field work. This course includes evidentiary or identification value of textile fabrics, trades dusts, finger-nail deposits, stains and smears, outdoor and indoor work with the camera, photography of colored objects; field searches for physical clues and evidence, selected cases. Two units.

Open only to students actively interested in investigational work.

113G. *Intensive Course in Psychiatry from an Individual, Social and Industrial Point of View.* Dr. Ball.

Course includes a careful review of methods of examinations, personality studies, and at least three weeks' resident study in an institution for the insane or feeble-minded, or in a penal institution. Each student will be assigned a special problem involving psychiatry. Open to not more than seven students of special qualification. Credit to be arranged.

MISCELLANEOUS

Dr. Oliver at the Maryland University Law School.—At the Law School of the University of Maryland, in Baltimore, Dr. John R. Oliver, the medical officer to the Supreme Bench and associate editor of this JOURNAL, is giving a brief course of six lectures to the members of the junior class on subjects connected with medical jurisprudence and criminology. These lectures are part of the regular course in criminal law and have been made possible by the courtesy of Mr. Eugene O'Dunn, the professor of criminal law at the University of Maryland. Although of necessity touching only on a few points in the wide field of criminology, they are nevertheless a step forward in the right direction, and are creating an interest for the problems of modern criminology in the minds of the coming generation of Maryland's judges and jurists.—R. H. G.

New York City Civil Service Examination for Patrolmen (Nov. 22, 1917).—

MEMORY TEST

Look for Helen Johnson, 14 years old; red hair; 4 feet 10 inches tall, weighs about 100 pounds; kidnapped or strayed from home in Greenpoint. When last seen wore gingham dress and blue coat. She is a mental defective.

ARITHMETIC

1. As a result of the last census it was found that there were 729,684 persons living in Bronx County, 928,674 in Queens County, 62,975 in Rockland County, 59,268 in Putnam County, 962,896 in Westchester County, 72,926 in Dutchess County, 896,724 in Albany County, 246,081 in Richmond County. What is the entire population of all the counties mentioned?

2. In 1915 a certain plant required 826,942 pounds of rubber to turn out a certain amount of work. In 1916, 9,102,311 pounds or rubber were required. How many more pounds were required in 1916?

3. It cost a large drygoods concern $46,725 a day to pay its various employes. What will it cost for a year, counting 304 working days during which the people are employed?

4. The daily deliveries of a large milk concern amounted to 1,304,804 quarts. If 3,167 customers were served, what was the average number of quarts served daily to each customer?

GOVERNMENT AND ELEMENTARY DUTIES

1. Give a brief account of the duties of
   (a) Attendance officer.
   (b) Fire marshal.
   (c) Court attendant.
   (d) Prison keeper.
2. State where licenses or permits are obtained for
   (a) Selling kerosene.
   (b) Carrying a revolver.
   (c) Dealing in milk.
   (d) Keeping a garage.
3. Name the courts in which persons charged with the following offenses are tried:
   (a) Burglary.
   (b) Violation of the traffic regulations.
   (c) Throwing garbage in the street.
   (d) Evading the United States Draft Law.
4. Explain what you would do as policeman in each of the following cases:
   (a) You find a child of six astray on your post.
   (b) You discover an unconscious man stretched on the sidewalk.
   (c) After midnight you see a light in a private residence reported to the police station as unoccupied.
   (d) You observe several United States Navy men drinking in a saloon.
5. Define briefly each of the following offenses:
   (a) Blackmail.
   (b) Arson.
   (c) Perjury.
   (d) Forgery.

Dilatory Features of Statistics Concerning Homicide and Capital Criminals ('L'attendabilita del serie statische relative all' omicidio esairente di sangue).—Professor Alfonso Sermonti in *La Scuola Positiva* analyzes the various features of procedure in capital cases from the time of the accusation

to judgment. The article is largely critical and is more or less polemic in character. It deals with the technic to be observed the moment knowledge has come to the authorities of a capital crime.

When a crime has been committed the first thing to be done is to investigate it, to describe the elements which compel one to believe there has been a violation of law. The next step is to give a legal valuation and account of the crime, and to catalogue it as one or another sort of crime, to hunt for the criminal, to examine all exterior circumstances, the psychological conditions of the criminal, the punishment which shall be measured out, and finally, to determine the criminal's penal responsibility.

In the first catagory belong the data relative to the accusation. In the second catagory belong the data relating to the various decrees entered in each phase of the process.

It is clear that if all of the facts of the crime are known it is possible to mould the accusation with the actual facts at once. But if the surroundings of the crime lead to diverse conclusions, if a mere ocular inspection is not sufficient, it is clear then that the data relating to the accusation lead to no certain judgment until one or the other series of facts has been verified.

Take, for example, the case of actual homicide. The accuser has seen a person dead with marks of violence. First of all, what are the cases in which a death by violence does not represent a consummated murder. Immediately one would say suicide or accident. Immediately we say suicides and accidents are rare compared with murder. In the great majority of cases there can be no doubt when we have the circumstances and the witnesses. The difficulty is, however, that there may have been no eye witnesses, or that the circumstantial testimony is not simple or certain, but merely indicates in some subtle way the nature of the deed, but when the medical examination has been completed and the facts are gathered together the result is rarely in doubt. Now, if we think that some homicide might turn out to be a suicide or accident, or vice versa, that some suicide or accident might turn out to be a homicide, if we think that these two errors tend to equalize each other, it must be concluded that the difference between an accusation of a homicide and a homicide actually committed is from this point of view very slight; in other words, in the majority of cases the legal process will verify the accusation.

The conclusion of the author is that while the verification of the data produced on an accusation of homicide will, in the majority of cases, result in the discovery and conviction of the author of the murder, the problem must not be considered as one merely of method, but as a psychological problem. It is possible, of course, to have conclusions more or less logical and satisfying, but rigorous demonstrations are out of the question.—George F. Deiser.

Court Martial Records of the Confederacy.—It is well known that all archives of the Confederate States, so far as they can be found, have been gathered and preserved by the Government of the United States in Washington. The keen interest excited during the great war in matters of military justice and trials by courts-martial has renewed interest in all that pertains to courts-martial. Inquiry has, therefore, been made as to the archives of the Confederacy so far as they relate to courts-martial. It is found that the remains

are very meager. About eleven books are at hand, but no files or papers of the cases tried, no testimony, pleadings, decisions at length, etc.

For convenience in filing and reference in the Archives Division of the War Department each of these books has been labeled as chapter one, with volume numbers added, from 194 to 201 each, inclusive, and three index volumes besides these.

Volume 194 is a "Record," containing, in alphabetical order, a list of court-martial trials in the Confederate army from early (April) 1861 to fall of 1862, with date of trial, name of soldier and his oragnization, and a brief statement of his sentence. Only incidentally is the nature of the charge disclosed. The sentences are usually light, and sometimes fantastic in nature, measured by present-day practices. In volume 195 are 3,114 cases entered in chronological order, not alphabetically, running from November, 1862, to July, 1863. Numerous sentences to death appear. A companion volume indexes volume 195 by letters of the alphabet, but no farther than the first letter. All names beginning with A are entered promiscuously under A, etc.

"Liber C" is the original entry on volume 196. The cases are numbered 1 to 2,468 in 1863, begin with 1 and run to 1,821 in 1864. The book holds cases from July, 1863, to February, 1864, entered chronologically, with simple details as in volume 194. A separate volume indexes these cases by first letter. All the foregoing volumes are leather bound, and written quite legibly in longhand.

Cases from 1 to 3,445, running chronologically from February 29, 1864, to April 1, 1865, bound in cloth, comprise volume 197. The last case entered is that of a private, who was tried by a military court March 28, 1865, with three others, and all ordered shot for desertion. The sentence was approved March 31.

Volume 198 runs from March 11, 1864, to April 1, 1865, cases numbered 1 to 4,394, chronologically. A separate index by first letter applies to this, too. Volume 199 contains various opinions of the judges advocate general and rulings at length for thirty-eight pages, as well as various indorsements on cases. Then follows alphabetical entry of cases in the years 1861 to 1864, with date, name, oragnization and "decision of court." To all this there is a separate index. Volume 200 contains only 28 pages entered, from January to March, 1865, outlining cases submitted to the Secretary of War. Vol. 201 is an alphabetical list of endorsements, opinions, etc., from March to December, 1864.

It is doubtful whether from these volumes much can be gathered of value in the consideration of matters of courts-martial. A few opinions of matters of constitutionality and of points of law are given. These may have worth in comparisons today. Some notion may be gathered of the extent of desertion, but generally the data is too meager to enable one to determine what offense was charged.—J. C. Ruppenthal, Major, Judge Advocate, U. S. Army, 125 State, War and Navy Building, Washington, D. C.